

Date of Hearing: April 27, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 995 (Bigelow) – As Amended April 23, 2015

SUBJECT: Farm vehicles: registration exemptions

SUMMARY: Adds onion hauling trucks to the list of farm vehicles that are exempt from Department of Motor Vehicles (DMV) registration requirements, under specified conditions. Specifically, **this bill:**

- 1) Defines "onion hauling truck" as a specialized motor truck that is equipped with a loading conveyor belt and is designed and used exclusively to transport field-manufactured onions to an onion processing facility or onion packing shed.
- 2) Exempts onion hauling trucks from registration with the DMV.
- 3) Requires that the owner of an onion hauling truck not operate the vehicle during the exemption period in any manner other than as an onion hauling truck in order to maintain the exemption from registration.
- 4) Requires the owner of an onion hauling truck do all of the following:
 - a) Register an onion hauling truck with the DMV before operating it as a commercial motor vehicle.
 - b) Apply to DMV for any renewal of the exemption from registration.
- 5) Specifies that an onion hauling truck is subject to all vehicle safety requirements, including equipment standards, driver licensing requirements, maximum driving and on-duty hours provisions, log book requirements, drug and alcohol testing, maintenance of vehicles, and any other driver or vehicle safety standards.
- 6) Requires the driver of an onion hauling truck to have a valid Class A driver's license.

EXISTING LAW:

- 1) Generally requires a motor vehicle operated on any street, road, or highway open to the public to be registered with DMV.
- 2) Defines "implements of husbandry" as vehicles used exclusively in the conduct of agricultural operations and exempts them from registration requirements if they are only incidentally operated on a highway.
- 3) Exempts certain farm vehicles from registration requirements and commercial motor vehicle safety requirements, under specified conditions.
- 4) Specifies that farm vehicles are subject to all equipment and device requirements as if they are registered.

FISCAL EFFECT: Unknown

COMMENTS: Current law, with certain exceptions, requires that motor vehicles operated on highways be registered with DMV. Additionally, existing law requires that commercial vehicles comply with the Motor Carrier Safety Improvement Act of 1996, which generally requires that commercial motor vehicles pay fees that support highway maintenance and enforcement programs, undergo periodic safety inspections conducted by the California Highway Patrol, and participate in operator drug and alcohol testing programs.

Vehicles that are operated on farms and that are only incidentally driven on highways, no more than a mile, are exempt from registration requirements. While use of farm vehicles on highways is generally restricted to protect the safety of the traveling public, existing law also exempts from registration requirements and commercial vehicle safety requirements a number of farm vehicles that are operated on highways beyond the typical one-mile limit. The law provides varying allowances for these vehicles depending on their type. For example, melons trucks are exempt from registration and allowed to travel up to two miles on highways, while trucks carrying livestock feed (silage) are exempt and allowed to travel up to 20 miles on highways.

AB 995 exempts onion hauling trucks, as defined, from registration requirements. These specialized trucks are not operated for compensation and are only used to haul onions during the harvest season to transport onions from fields to packing sheds. If an onion farmer wanted to use the truck for some other purpose, then the truck would have to be registered with DMV in order to be operated on highways. AB 995 additionally requires that these trucks comply with all commercial vehicle safety requirements.

According to Dalena Farms, one of the supporters of AB 995, this bill "would be especially helpful to our operations as we deal with the current historic drought in California. Under current law, we can obtain special equipment plates. However, our operations and the current drought have caused us to lease and farm land further than one mile from our shed, making the special equipment plates less useful."

While one could make a slippery slope argument for providing registration exemptions on a vehicle-by-vehicle basis, the law already provides a number of exemptions for specific farm vehicles, all with their own parameters. Onion farmers are facing drought-related challenges that are forcing them to farm fields that are further apart than in the past, subjecting them to registration expenses for their trucks that they have not had in the past. AB 995 is a reasonable solution to these changing industry conditions, especially since it does not also exempt these vehicles from commercial vehicle safety requirements, ensuring the public safety is maintained.

Proposed amendment: The committee may wish to consider asking the author to amend this bill to specify that unregistered onion hauling trucks may only travel up to 20 miles on highways. This is identical the requirement in current law for trucks carrying silage.

Previous legislation: AB 1908 (Bigelow) of 2014, would have exempted onion hauling trucks from registration and commercial motor vehicle safety requirements. AB 1903 was referred to this committee but was not heard at the request of the author.

AB 1749 (Pan) of 2012, would have exempted vehicles specifically designed for, and used exclusively in an agricultural operation to, carry walnuts to the list of farm vehicles from

registration and commercial motor vehicle safety requirements. AB 1749 was referred to this committee but was not heard at the request of the author.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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