

Date of Hearing: April 25, 2022

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 2415 (Lackey) – As Introduced February 17, 2022

SUBJECT: Vehicles: Basic Inspection of Terminals program: agricultural vehicles

SUMMARY: Extends the exemption for agricultural vehicles from the Basic Inspection of Terminals (BIT) program until January 1, 2026.

EXISTING LAW:

- 1) Requires the California Department of Transportation (Caltrans) to regulate the safe operation of motor carriers, including motor trucks, truck tractors, buses, school buses, trailers and semitrailers, vehicles transporting hazardous materials, manufactured homes, a commercial motor vehicle with a gross vehicle weight rating of 26,001 pounds, or a commercial motor vehicle of any gross vehicle weight rating towing a vehicle described in subdivision with a gross vehicle weight rating of more than 10,000 pounds.
- 2) Defines an agricultural vehicle as a vehicle or combination of vehicles with a gross combination weight rating or a gross vehicle weight rating of 26,000 pounds or less if all of the following conditions are met:
 - a) Is operated by a farmer, an employee of a farmer, or an instructor credentialed in agriculture as part of an instructional program in agriculture at the high school, community college, or university level,
 - b) Is used exclusively in the conduct of agricultural operations when operating in commerce,
 - c) Is not used in the capacity of a for-hire carrier or for compensation,
 - d) The towing vehicle has a gross weight rating of 16,000 pounds or less; and,
 - e) Is used solely in intrastate commerce.
- 3) Establishes the BIT Program, which regulates the safe operation of regulated vehicles by motor carriers. BIT requires the California Highway Patrol (CHP) to inspect terminals on a performance-based inspection selection system.
- 4) Requires the CHP to establish rules and regulations for motor carrier selection and inspection of motor carriers at terminals, and conduct inspections in order to regulate compliance with Motor Carrier Safety regulations.
- 5) Requires carriers to ensure each regulated vehicle is inspected at least every 90 days, or more often if necessary to ensure safe operation.
- 6) Defines terminal as any place a motor carrier is regularly garaged, maintained, operated or dispatched, including a private business or residence.

- 7) Requires motor carriers to identify to the CHP, all terminals from which regulated vehicles are operated.
- 8) Requires CHP, in consultation with the Department of Motor Vehicles (DMV), to report to the Governor and the Legislature, on or before January 1, 2022, regarding the impact of excluding an agricultural vehicle from the BIT program, including information about collisions involving excluded vehicles and any traffic safety issues associated with excluded vehicles.

FISCAL EFFECT: Unknown

COMMENTS: The CHP has conducted terminal inspections since 1965 as a tool to determine if motor carriers are complying with Motor Carrier Safety regulations, particularly with regard to the legal requirement to maintain commercial motor vehicles according to a scheduled maintenance (preventive maintenance) program. The CHP's role is to determine whether carriers' selected maintenance schedules are adequate to prevent collisions or mechanical breakdowns involving the vehicles, and all required maintenance and driver records are prepared and retained as required by law.

AB 2706 (Katz) Statutes of 1988 established a Basic Inspection of Terminals (BIT) program, administered by the CHP, requiring commercial trucking fleets to subject their vehicles, maintenance records, and driving records to CHP inspection at specified intervals. AB 529 (Lowenthal), Chapter 500, Statutes of 2013 expanded the BIT program to apply to a broader class of commercial vehicles. The BIT program ensures the safe operation of regulated vehicles by motor carriers. Primarily, the intent of this program is to ensure CHP inspects truck terminals CHP on a performance-based inspection selection system.

Effective January, 1, 2016, the terminal inspection requirements changed from a time-based inspection system to a performance-based inspection selection system. Terminals selected for inspection are based on the California Performance Safety Score (CPSS). The CPSS is derived from the Federal Motor Carrier Safety Administration (FMCSA) Safety Measurement System (SMS) Behavior Analysis and Safety Improvement Category (BASIC) percentiles. Generally, carriers with a BASIC percentile at or above the Federal alert level will have all California terminals selected for inspection. Additionally, the prioritized inspection of terminals includes those never before inspected and those from which hazardous materials are transported.

The following vehicles are not subject to the BIT Program: Vehicles that display special identification plates; historical vehicles; implements of husbandry; farm vehicles; vehicles used only incidentally on the highway; motor vehicles not designed, used, or maintained primarily for the transportation of property; firefighting apparatus; and vehicles owned or operated by an agency of the federal government.

BIT program for agriculture vehicles: The BIT program was particularly problematic for agricultural producers for several reasons. Trucks and trailers commonly used by farmers and ranchers are also their personal vehicles – and those same vehicles are otherwise exempt from BIT when used solely for personal and recreational purposes. BIT inspections are time-consuming for agricultural producers, and even minor violations could restrict a farmer or rancher from operating a vehicle critical to their operation. Finally, the BIT program discourages

farmers and ranchers from purchasing new vehicles and trailers which would subject those producers to BIT based on the vehicles' weight and configuration, frustrating safety and emission reduction policies which would be advanced by the purchase of such new equipment.

AB 1960 (Lackey), Chapter 748, Statutes of 2016 exempts agricultural vehicles from the BIT program. To assess "the safety impact of this exemption," AB 1960 (Lackey) directed the CHP to "report to the Governor and the Legislature [by January 1, 2022] about the impact of excluding an agricultural vehicle" from BIT, including "information about collisions involving excluded vehicles and any traffic safety issues associated with excluded vehicles" and included a sunset date of January 1, 2023 for the exemption.

CHP's report on the safety of the agricultural exemption has not yet been filed with the Legislature and Governor. Nevertheless, the agricultural exemption to the BIT program is set to sunset on January 1, 2023. This bill extends the BIT exemption for agricultural vehicles until January 1, 2026, giving CHP and the administration more time to complete the safety report, and preventing undue hardship to farmers and ranchers who would be required to submit to time-consuming BIT inspections. As far as the committee is aware, there have been no reported unintended consequences or safety concerns as a result of agricultural vehicles being exempt from the BIT program.

In support, the California Cattlemen's Association (CCA) writes, "AB 2415 would extend the sunset date for the agricultural vehicle exemption from BIT by three years, providing adequate time for CHP to finalize and file its report on the impacts of that exemption and, should the report identify any concerns with the agricultural vehicle exemption, allowing the Legislature, Administration, and other stakeholders (including CCA and Western United Dairies) sufficient time to consider how best to translate the findings of that report into sound public policy."

According to the author, "AB 2415 proposes a three-year extension of the narrowly-tailored exemption for agricultural vehicles from the California Highway Patrol's Basic Inspection of Terminals, or BIT, Program. An agricultural vehicle exempted from the BIT Program is a vehicle solely used in agriculture by a farmer or rancher, operated in a not-for-hire capacity, with a gross vehicle weight rating under 26,000 pounds including a GVRW of the towing vehicle not exceeding 16,000 pounds.

Previous legislation: AB 1960 (Lackey), Chapter 748, Statutes of 2016 excludes an agricultural vehicle, as defined, from the BIT program conducted by the CHP until January 1, 2023.

AB 995 (Bigelow) of 2016 would direct the CHP and the DMV to establish a pilot program exempting certain farm vehicles from vehicle registration requirements, as specified. *This bill was vetoed by the Governor on September 28, 2016.*

AB 529 (Lowenthal), Chapter 500, Statutes of 2013 revises the BIT program as administered by the CHP.

AB 2706 (Katz) Statues of 1988 establishes CHP's biennial truck terminal inspection BIT program.

REGISTERED SUPPORT / OPPOSITION:

Support

California Cattlemen's Association
Western United Dairymen

Opposition

None on file.

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