

Date of Hearing: April 18, 2016

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 1960 (Lackey) – As Amended March 18, 2016

SUBJECT: Vehicles: Basic Inspection of Terminals program

SUMMARY: Excludes an agricultural vehicle, as defined, from the Basic Inspection of Terminals (BIT) program conducted by the California Highway Patrol (CHP). Specifically, **this bill:**

- 1) Defines an “agricultural vehicle” as a vehicle or combination of vehicles with a gross combination weight rating or a gross vehicle weight rating (GVWR) of 26,000 pounds or less that is: operated by a farmer, employee of a farmer, or instructor credentialed in agriculture as part of an instructional program at the high school, community college, or university level; used exclusively in the conduct of agricultural operations; not used in the capacity of a for-hire carrier or for compensation; and where the towing vehicle has a GVWR of 16,000 pounds or less.
- 2) Exempts an agricultural vehicle from the BIT program.

EXISTING LAW:

- 1) Requires CHP to regulate the safe operation of specified vehicles, including, but not limited to, the following: motortrucks of three or more axles with a GVWR over 10,000 pounds; truck tractors; trailers and semitrailers, pole or pipe dollies, auxiliary dollies, and logging dollies used in combination with specified vehicles not including camp trailers, trailer coaches, and utility trailers; a combination of a motortruck and a specified vehicle or vehicles that exceeds 40 feet in length when coupled together; a vehicle, or a combination of vehicles, transporting hazardous materials; any other motortruck that is regulated by the Department of Motor Vehicles, Public Utilities Commission, or United States Secretary of Transportation, but only for matters relating to hours of service and logbooks of drivers; and, a commercial motor vehicle with a GVWR over 26,000 pounds or a commercial motor vehicle of any GVWR towing a trailer with a GVWR over 10,000 pounds, except combinations including camp trailers, trailer coaches, or utility trailers.
- 2) Prohibits a motor carrier from operating any of the above specified types of vehicles without identifying to CHP all terminals in the state where those vehicles may be inspected.
- 3) Requires motor carriers to make vehicles and records available for inspection by CHP. If a motor carrier fails to provide vehicles and records, an unsatisfactory terminal rating is required to be issued by CHP.
- 4) Provides that the inspection of vehicles at a terminal be based on a representative sample of a terminal fleet size according to a specified schedule.
- 5) Requires CHP to place an inspection priority on motor carrier terminals that have never been previously inspected, as well as vehicles transporting hazardous materials. Provides that

non-priority terminals are not required to be inspected less than six years since their last inspection.

FISCAL EFFECT: Unknown

COMMENTS: The BIT program was implemented to ensure the safe operation of commercial vehicles by a motor carrier through the inspection of those vehicles at motor carrier terminals. In 2013, AB 529 (Lowenthal), Chapter 500, Statutes of 2013, revised the BIT program to establish a performance-based model for inspections, moving away from motor carrier terminal inspections occurring once every 25 months to a model where ongoing compliant motor carriers may be inspected only once every six years. Non-compliant carriers would be targeted for additional inspections to ensure compliance. In switching to this performance-based system, more classifications of commercial motor vehicles were brought into the jurisdiction of BIT inspections, which both increased the number of vehicles inspected for safety by CHP and spread the cost for operating the program over a greater number of vehicles. Implementation of the revised BIT program began January 1, 2016, and fees required under the BIT program start at \$130 per terminal annually for the smallest fleet sizes.

This bill would exempt certain agriculture-related vehicles from being inspected under the BIT program. According to the author, BIT inspections of vehicle and vehicle combinations, including commonly-used pickup trucks and trailers used by farmers and ranchers in their commercial enterprises and as their personal vehicles, are time-consuming and a minor violation could lead to further enforcement which may restrict an individual from operating a vehicle critical to his or her farming or ranching functions. The author states, "Although the BIT program may be appropriate for California's for-hire semi-truck fleet, regulating small family farmers and ranchers using pickups to haul tractors, equipment or a handful of cows is simply unnecessary." This bill would exempt vehicles and vehicle combinations operated by a farmer used solely or agricultural purposes that is not used for-hire, as long as the gross combined weight rating of the combination does not exceed 26,000 pounds and the towing vehicle has a GVWR of less than 16,000 pounds.

While the vehicle defined as agricultural vehicles by this bill would be exempt from BIT inspections, they would still be required to comply with numerous other commercial vehicle regulations, including motor carrier permit requirements, commercial driver's license requirements, traveling through roadway inspection areas or scales, maintaining logbooks and tracking hours of service of operators, and paying weight fees.

Committee concerns: Although the exemption proposed by this bill relates only to agricultural vehicles, it is unclear what the safety impact of that exemption would be. If the specified vehicles are not inspected under the BIT program, the ability for non-compliance with safety and other standards is reduced. However, the vehicles will still be subject to those standards, including motor carrier permit and commercial driver's license requirements, and if a vehicle or carrier is found to be in violation outside of an inspection, they would still be subject to the appropriate penalties. Just because a vehicle does not fall under BIT, it is not exempted from all other safety and reporting requirements.

The exemption proposed by this bill includes combinations of vehicles used for agricultural operations with a gross combined weight rating of less than 26,000 pounds, as long as the towing vehicle has a GVWR of less than 16,000 pounds. This could potentially lead to light pickup

trucks towing trailers over 10,000 pounds, without being subject to at least periodic inspection. While use of these combinations may, as the author states, be limited to incidental and not for-hire use by small agricultural outfits, this bill would not prevent larger agricultural operators from using these combinations over long ranges on highways where other motorists would be exposed to these uninspected and potentially unsafe vehicles. This bill would do nothing to distinguish vehicle combinations on the road operated by farmers from those operated by any other occupation, making it unclear how CHP or other law enforcement agencies would be able to determine what vehicles are subject to inspection and what vehicles are not.

Related legislation: AB 996 (Bigelow), exempts onion hauling trucks from vehicle registration. This bill is awaiting a hearing in the Senate Transportation and Housing Committee.

Previous legislation: AB 529 (Lowenthal), Chapter 500, Statutes of 2013, revised the BIT program to include additional vehicles and establish a performance-based model for inspections.

REGISTERED SUPPORT / OPPOSITION:

Support

California Cattlemen's Association (Sponsor)
Association of California Egg Farmers
California Association of Wine Grape Growers
California Farm Bureau Federation
California Grain & Feed Association
California Poultry Federation
Family Winemakers of California
Western Growers Association

Opposition

California Teamsters Public Affairs Council
Western States Trucking Association

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