

CHAPTER 10

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## CHAPTER 10

### FARM LABOR VEHICLE REQUIREMENTS

1. INTRODUCTION. This chapter, comprised of excerpts from the California Vehicle Code (VC), Title 13 California Code of Regulations (13 CCR), and Education Code (EC), covers requirements that relate to the operation of farm labor vehicles (FLV). All drivers desiring a special certificate to drive an FLV must review the material on the pages that follow.

2. FARM LABOR VEHICLE SAFETY REGULATIONS - 31401 VC. The following section is quoted from Assembly Bill 555, Chapter 556, September 28, 1999:

31401. (a) The department shall adopt regulations designed to promote the safe operation of farm labor vehicles described in Section 322, including, but not limited to, vehicular design, equipment, passenger safety, and seating.

(b) The department shall inspect every farm labor vehicle described in Section 322 at least once annually to ascertain whether its construction, design, and equipment comply with all provisions of law. No person shall drive any farm labor vehicle described in Section 322 unless there is displayed therein a certificate issued by the department stating that on a stated day, which shall be within 13 months of the date of operation, an authorized employee of the department inspected the vehicle and found on the date of inspection the vehicle complied with applicable regulations relating to construction, design, and equipment. The commissioner shall provide by rule or regulation for the issuance and display of distinctive inspection certificates.

(c) The department may inspect any vehicle subject to these regulations in maintenance facilities, terminals, labor camps, or other private property of the vehicle owner or the farm labor contractor to insure compliance with the provisions of this code and regulations adopted pursuant to this section.

(d) The owner of any farm labor vehicle or any farm labor contractor, as defined in Section 1682 of the Labor Code, who rents a farm labor vehicle or who otherwise uses a farm labor vehicle to transport individuals is responsible for the inspection required under subdivision (b).

(e) An owner of any farm labor vehicle or any farm labor contractor who operates a farm labor vehicle under the circumstances described in subdivision (d) may not operate that vehicle unless the vehicle has a current certificate described in subdivision (b).

(f) It is unlawful to violate any provision of these regulations or this section.

3. REQUEST FOR INSPECTION. This section is quoted from Assembly Bill 1165, Chapter 557, September 28, 1999.

31401.5 (a) The department shall develop, by regulation, specifications for a display sticker that shall be clearly displayed on every farm labor vehicle. This display sticker shall list the inspection certification date pursuant to this section and the "800" telephone reporting system required by Section 2429.

(b) The regulations of the department shall require every owner or operator of a farm labor vehicle to request the scheduling of the inspection required under subdivision (b) of Section 31401 as follows:

(1) The owner or operator of a farm labor vehicle that has a current inspection certificate pursuant to Section 31401 shall make the request for inspection not later than four weeks prior to the expiration date of the certificate.

(2) The owner or operator of a farm labor vehicle required to have its initial inspection shall make the request for inspection not later than three business days prior to the requested date.

(c) In no event shall the owner or operator of a farm labor vehicle allow the operation of a farm labor vehicle without the proper certification requirements specified under Section 31401.

4. OPERATION OF UNSAFE FARM LABOR VEHICLE - 31402 VC. The following section is quoted from the VC:

31402. No person shall operate any farm labor vehicle, described in Section 322, except to take the vehicle unladen to a repair shop, after notice by the department to the owner that the vehicle is in an unsafe condition or is not equipped as required by this code, or any regulations adopted thereunder, until the vehicle and its equipment have been made to conform with the requirements of this code, or any regulations adopted thereunder, and approved by the department.

(Ch. 676, Stats. 1980. Effective January 1, 1981.)

5. MECHANIC CERTIFICATION OF FARM LABOR VEHICLE - 31403 VC. The following section is quoted from the VC:

31403. A farm labor vehicle known to an owner, farm labor contractor, or driver, to be unsafe, or not equipped as required by this code, or any regulations adopted thereunder, shall not be used for transporting any passengers until it is examined and repaired or equipped as required by this code, or any regulations adopted thereunder, and certified by a competent mechanic to be safe and lawfully equipped.  
(Ch. 1447, Stats. 1974. Effective September 26, 1974.)

6. SEATBELT REQUIREMENT IN FARM LABOR VEHICLES. This section is quoted from Assembly Bill 1165, Chapter 557, September 28, 1999.

31405. (a) On or before May 1, 2000, every farm labor vehicle issued an inspection certificate under Section 31401 between October 1, 1998, and October 1, 1999, shall be equipped at each passenger position with a Type 1 or Type 2 seatbelt assembly, conforming to the specifications set forth in Section 571.209 of Title 49 of the Code of Federal Regulations, that is anchored to the vehicle in a manner that conforms to the specifications of Section 571.210 of Title 49 of the Code of Federal Regulations.

(b) On or after October 1, 1999, the department may not issue an initial inspection certificate under Section 31401 to any vehicle that is not equipped with a seatbelt assembly at each passenger position, as described in subdivision (a).

(c) The owner of a farm labor vehicle shall maintain all seatbelt assemblies and seatbelt assembly anchorages required under this section in good working order for the use of passengers.

(d) No person may operate a farm labor vehicle on a highway unless that person and all passengers are properly restrained by a seatbelt assembly that conforms to this section.

(e) The department shall adopt regulations to implement this section.

7. MANDATORY SEAT BELT LAW. This section is quoted from Assembly Bill 1165, Chapter 557, September 28, 1999.

27315. (a) The Legislature finds that a mandatory seatbelt law will contribute to reducing highway deaths and injuries by encouraging greater usage of existing manual seatbelts, that automatic crash protection systems which require no action by vehicle occupants offer the best hope of reducing deaths and injuries, and that encouraging the use of manual safety belts is only a partial remedy for addressing this major cause of death and injury. The Legislature declares that the enactment of this section is intended to be compatible with support for federal safety standards requiring automatic crash protection systems and should not be used in

any manner to rescind federal requirements for installation of automatic restraints in new cars.

(b) This section shall be known and may be cited as the Motor Vehicle Safety Act.

(c) (1) As used in this section, "motor vehicle" means any passenger vehicle or any motortruck or truck tractor, but does not include a motorcycle.

(2) Until May 1, 2000, for purposes of this section, a "motor vehicle" also means any farm labor vehicle that was first issued an inspection certificate under Section 31401 on or after October 1, 1999.

(3) On and after May 1, 2000, for purposes of this section, a "motor vehicle" also means any farm labor vehicle, regardless of date of certification under Section 31401.

(d) (1) No person shall operate a motor vehicle on a highway unless that person and all passengers 16 years of age or over are properly restrained by a safety belt. This paragraph does not apply to the operator of a taxicab, as defined in Section 27908, when the taxicab is driven on a city street and is engaged in the transportation of a fare-paying passenger. The safety belt requirement established by this paragraph is the minimum safety standard applicable to employees being transported in a motor vehicle. This paragraph does not preempt any more stringent or restrictive standards imposed by the Labor Code or any other state or federal regulation regarding the transportation of employees in a motor vehicle.

(2) The operator of a limousine for hire or the operator of an authorized emergency vehicle, as defined in subdivision (a) of Section 165, shall not operate the limousine for hire or authorized emergency vehicle unless the operator and any passengers four years of age or over and weighing 40 pounds or more, in the front seat are properly restrained by a safety belt.

(3) The operator of a taxicab shall not operate the taxicab unless any passengers four years of age or over and weighing 40 pounds or more, in the front seat are properly restrained by a safety belt.

(e) No person 16 years of age or over shall be a passenger in a motor vehicle on a highway unless that person is properly restrained by a safety belt. This subdivision does not apply to a passenger in a sleeper berth, as defined in subdivision (v) of Section 1201 of Title 13 of the California Code of Regulations. (f) Every owner of a motor vehicle, including every owner or operator of a taxicab, as defined in Section 27908, or a limousine for hire, operated on a highway shall maintain safety belts in good working order for the use of occupants of the vehicle. The safety belts shall conform to motor vehicle safety standards established by the United States Department of Transportation. This subdivision does not, however, require installation or maintenance of safety belts where not required by the laws of the United States applicable to the vehicle at the time of its initial sale.

(g) This section does not apply to a passenger or operator with a physically

disabling condition or medical condition which would prevent appropriate restraint in a safety belt, if the condition is duly certified by a licensed physician and surgeon or by a licensed chiropractor who shall state the nature of the condition, as well as the reason the restraint is inappropriate. This section also does not apply to a public employee, when in an authorized emergency vehicle as defined in paragraph (1) of subdivision (b) of Section 165, or to any passenger in any seat behind the front seat of an authorized emergency vehicle as defined in paragraph (1) of subdivision (b) of Section 165 operated by the public employee, unless required by the agency employing the public employee.

(h) Notwithstanding subdivision (a) of Section 42001, any violation of subdivision (d), (e), or (f) is an infraction punishable by a fine, including all penalty assessments and court costs imposed on the convicted person, of not more than twenty dollars (\$20) for a first offense, and a fine, including all penalty assessments and court costs imposed on the convicted person, of not more than fifty dollars (\$50) for each subsequent offense. In lieu of the fine and any penalty assessment or court costs, the court, pursuant to Section 42005, may order that a person convicted of a first offense attend a school for traffic violators or a driving school in which the proper use of safety belts is demonstrated.

(i) For any violation of subdivision (d), (e), or (f), in addition to the fines provided for pursuant to subdivision (h) and the penalty assessments provided for pursuant to Section 1464 of the Penal Code, an additional penalty assessment of two dollars (\$2) shall be levied for any first offense, and an additional penalty assessment of five dollars (\$5) shall be levied for any subsequent offense.

All moneys collected pursuant to this subdivision shall be utilized in accordance with Section 1464 of the Penal Code.

(j) In any civil action, a violation of subdivision (d), (e), or (f) or information of a violation of subdivision (h) shall not establish negligence as a matter of law or negligence per se for comparative fault purposes, but negligence may be proven as a fact without regard to the violation.

(k) If the United States Secretary of Transportation fails to adopt safety standards for manual safety belt systems by September 1, 1989, no motor vehicle manufactured after that date for sale or sold in this state shall be registered unless it contains a manual safety belt system which meets the performance standards applicable to automatic crash protection devices adopted by the Secretary of Transportation pursuant to Federal Motor Vehicle Safety Standard No. 208 (49 CFR 571.208) as in effect on January 1, 1985.

(l) Each motor vehicle offered for original sale in this state which has been manufactured on or after September 1, 1989, shall comply with the automatic restraint requirements of Section S4.1.2.1 of Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208), as published in Volume 49 of the Federal Register, No. 138, page 29009. Any automobile manufacturer who sells or delivers a motor vehicle subject to the requirements of this subdivision, and fails to comply with this subdivision, shall be punished by a fine of not more than

five hundred dollars (\$500) for each sale or delivery of a noncomplying motor vehicle.

(m) Compliance with subdivision (k) or (l) by a manufacturer shall be made by self-certification in the same manner as self-certification is accomplished under federal law.

(n) This section does not apply to a person actually engaged in delivery of newspapers to customers along the person's route if the person is properly restrained by a safety belt prior to commencing and subsequent to completing delivery on the route.

(o) This section does not apply to a person actually engaged in collection and delivery activities as a rural delivery carrier for the United States Postal Service if the person is properly restrained by a safety belt prior to stopping at the first box and subsequent to stopping at the last box on the route.

(p) This section does not apply to a driver actually engaged in the collection of solid waste or recyclable materials along that driver's collection route if the driver is properly restrained by a safety belt prior to commencing and subsequent to completing the collection route.

(q) Subdivisions (d), (e), (f), (g), and (h) shall become inoperative immediately upon the date that the United States Secretary of Transportation, or his or her delegate, determines to rescind the portion of the Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208) which requires the installation of automatic restraints in new motor vehicles, except that those subdivisions shall not become inoperative if the secretary's decision to rescind that Standard No. 208 is not based, in any respect, on the enactment or continued operation of those subdivisions.

8. UNLAWFUL OPERATION: FARM LABOR VEHICLE - 31404 VC. The following section is quoted from Assembly Bill 555, Chapter 556, September 8, 1999:

31404. Any person who operates, or any owner or farm labor contractor who knowingly allows the operation of, a farm labor vehicle in violation of subdivision (b) or (d) of Section 31401 or Section 31402 or 31403 is guilty of a misdemeanor. When a person has been convicted of willfully violating those provisions, the person shall, in addition, be fined not less than one thousand dollars (\$1,000) for each violation, and no part of the fine may be suspended. If passengers are in the vehicle at the time of the violation, the person shall, in addition, be fined five hundred dollars (\$500) for each passenger, not to exceed a total of five thousand dollars (\$5,000) for each violation, and no part of this fine may be suspended. As used in this section, the terms "knowingly" and "willfully" have the same meaning as prescribed in Section 7 of the Penal Code.



9. FARM LABOR VEHICLES - 322 VC. The following section is quoted from the VC:

322. A "farm labor vehicle" is any motor vehicle designed, used, or maintained for the transportation of nine or more farmworkers, in addition to the driver, to or from a place of employment or employment-related activities.

For the purpose of this section, a farmworker is any person engaged in rendering personal services for hire and compensation in connection with the production or harvesting of any farm products.

"Farm labor vehicle" does not include:

(1) Any vehicle carrying only members of the immediate family of the owner or driver thereof.

(2) Any vehicle while being operated under specific authority granted by the State Public Utilities Commission or under specific authority granted to a transit system by an authorized city or county agency.

(Ch. 1068, Stats. 1984. Effective January 1, 1985.)

10. FARM LABOR VEHICLE DRIVER'S CERTIFICATE - 12519 VC. The following section is quoted from the VC:

12519. (a) No person shall operate a farm labor vehicle unless the person has in his or her possession a driver's license for the appropriate class of vehicle to be driven, endorsed for passenger transportation and, when transporting one or more farmworker passengers, a certificate issued by the department to permit the operation of farm labor vehicles.

(b) The applicants shall present evidence that they have successfully completed the driver training course developed by the Department of Education pursuant to Section 40081 of the Education Code, and approved by the Department of Motor Vehicles and the Department of the California Highway Patrol before a permanent certificate will be issued.

(c) The certificate shall be issued only to applicants qualified by examinations prescribed by the Department of Motor Vehicles and the Department of the California Highway Patrol and upon payment of a fee of twelve dollars (\$12) to the Department of the California Highway Patrol. The examinations shall be conducted by the Department of the California Highway Patrol.

(d) A person holding a valid certificate to permit the operation of a farm labor vehicle, issued prior to January 1, 1991, shall not be required to reapply for a certificate to satisfy any additional requirements imposed by the act adding this subdivision until the certificate he or she holds expires or is canceled or revoked.

(Ch. 1360, Stats. 1990. Effective January 1, 1991.)

**11. TRAINING REQUIRED FOR SPECIFIED ENDORSEMENTS OR CERTIFICATES - 40080 EC.** The following section is quoted from the EC:

40080. (a) This article governs the minimum training required for drivers to obtain or renew an endorsement or certificate described in Sections 12517, 12519, or 12804.6 of the Vehicle Code.

(b) As used in this article, "department" means the State Department of Education.

(Stats. 1990, c.65, effective May 1, 1990)

**12. DEVELOPMENT OR APPROVAL OF TRAINING COURSES; INSTRUCTIONAL PERSONNEL - 40081 EC.** The following section is quoted from the EC:

40081. (a) The department shall develop or approve courses for training school pupil activity bus (SPAB), transit bus, school bus, and farm labor vehicle drivers that will provide them with the skills and knowledge necessary to prepare them for certification or endorsement pursuant to Sections 12517, 12519, and 12804.6 of the Vehicle Code. The department shall seek the advice and assistance of the Department of Motor Vehicles and the Department of the California Highway Patrol in developing or approving those courses.

(b) The department shall train or approve the necessary instructional personnel to conduct the driver training courses. For all school bus and school pupil activity bus (SPAB) driver instructor training, the department shall provide for and approve the course outline and lesson plans used in the course. For transit bus and farm labor vehicle driver training, the department shall approve the course outline and lesson plans used in the course.

(c) All courses of study and training activities required by this article shall be approved by the department and given by, or in the presence of, an instructor in possession of a valid school pupil activity bus (SPAB), transit bus, school bus, or farm labor vehicle driver instructor certificate of the appropriate class.

(d) As an alternative to subdivision (a), (b), and (c), instructors who have received a certificate from the Transportation Safety Institute of the United States Department of Transportation indicating that they have completed the Mass Transit Instructor Orientation and Training (Train the Trainer) course may approve courses of instruction and train transit bus drivers in order to meet the requirements for certification pursuant to Section 12804.6 of the Vehicle Code.

(Stats. 1992, c. 1243, effective September 30, 1992.)

13. FARM LABOR VEHICLES; MINIMUM COURSE WORK FOR DRIVER CERTIFICATION INSTRUCTORS - 40084 EC. The following section is quoted from the EC:

40084. An original applicant for a certificate to drive a farm labor vehicle shall have successfully completed a minimum 20-hour course of instruction. The course shall include at least 10 hours of classroom instruction, including, but not limited to all units of the Instructor's Manual for California's Bus Driver's Training Course. All classroom instruction shall be given by, or in the presence of, a state-certified instructor of the appropriate class. The course shall also include at least 10 hours of applicant behind-the-wheel training in all sections of the Instructor's Behind-the-Wheel Guide for California's Bus Driver's Training Course. Applicant behind-the-wheel training shall include driving vehicles comparable to those that will be driven by the applicant to transport farm passengers. All behind-the-wheel training shall be given by a state-certified instructor of the appropriate class or the delegated behind-the-wheel trainer as designated pursuant to education Code Section 40084.5.

(Stats. 1989, c. 1136, operative July 1, 1990.)

14. BEHIND-THE-WHEEL TRAINING; INSTRUCTORS AND TRAINERS - EC. The following section is quoted from the EC:

40084.5. (a) All behind-the-wheel training required to obtain certificates pursuant to Sections 12517 and 12519 of the Vehicle Code shall be performed by a state-certified instructor or by a delegated behind-the-wheel trainer who has been certified or approved by the department to conduct the required training.

(b) A delegated behind-the-wheel trainer is a person selected to assist a state-certified instructor in the behind-the-wheel training of drivers. Selected persons shall be trained by state-certified instructors and approved by the department prior to conducting any behind-the-wheel training. The minimum standards for the selection of a delegated behind-the-wheel trainer are as follows:

(1) One year experience as a driver of the appropriate type and size vehicle immediately preceding the date of selection as a delegated behind-the-wheel trainer.

(2) Possession of the appropriate license, certificates, and endorsements needed to drive and train in a particular type and size vehicle.

(3) A high school diploma or general education development equivalent.

(4) A driving record with no chargeable accidents within the past three years immediately preceding the date of selection.

(5) Successful completion of all training in the latest edition of the Instructor's Behind-the-Wheel Training Guide for California's Bus Driver's Training Course given by, and in the presence of, a state-certified instructor of the appropriate class.

(6) Successful completion of a written assessment test on current laws, regulations, and policies given by, and in the presence of, a state-certified instructor of the appropriate class.

(7) Successful completion of a driving test and behind-the-wheel training performance test on all phases of behind-the-wheel and vehicle inspection training. The test shall be given by, and in the presence of, a state-certified instructor of the appropriate class.

(c) A state-certified instructor shall train and document the qualifications and competence of each delegate behind-the-wheel trainer to be utilized in training. All training required by this section shall be documented on the State Department of Education Training Certificate T-01, and signed by a state-certified school pupil activity bus (SPAB), transit bus, school bus, or farm labor vehicle driver instructor of the appropriate class, and by the delegated behind-the-wheel trainer. The signatures shall certify that the instruction was given to, and received by, the delegated behind-the-wheel trainer and that the delegated behind-the-wheel trainer displayed a level of competency necessary to train drivers to drive authorized vehicles in a safe and competent manner. The completed State Department of Education Training Certificate T-01 shall be submitted to the department in Sacramento, along with all other required documents, when requesting approval of a delegated behind-the-wheel trainer.

(d) The department may disapprove the eligibility of a delegated behind-the-wheel trainer for any of the following causes:

(1) The state-certified instructor authorizing the competency of the delegated behind-the-wheel trainer has requested disapproval.

(2) The employer of the delegated behind-the-wheel trainer has requested disapproval.

(3) The delegated behind-the-wheel trainer has voluntarily requested disapproval.

(4) The delegated behind-the-wheel trainer failed to comply with Section 40087.

(5) The delegated behind-the-wheel trainer failed to comply with Section 40084.5.

(6) Delegated behind-the-wheel trainer does not possess a valid driver's license, appropriate endorsements, or special driver's certificate of the appropriate class.

(7) The delegated behind-the-wheel trainer's driver's license or special driver's certificate has been suspended or revoked.

(e) A delegated behind-the-wheel trainer may be limited in behind-the-wheel training as determined by the department.

(Stats. 1994, c. 1220, effective September 30, 1994.)

15. FARM LABOR VEHICLE DRIVERS; RENEWAL TRAINING REQUIREMENTS; FAILURE TO COMPLETE REQUIRED TRAINING - 40086 EC. The following section is quoted from the EC:

40086. Applicants seeking to renew a certificate to drive a farm labor vehicle shall have successfully completed 2 hours of classroom instruction for each 12 months of certificate validity covering, but not limited to, current laws and regulations, accident prevention, and defensive driving. Failure to successfully complete the required training during any 12 month period of certificate validity is cause for the Department of Motor Vehicles to cancel the farm labor vehicle driver license or certificate. All training required in Education Code Section 40089 may be accepted in lieu of the requirements of this section.

(Stats. 1989, c. 1136, operative July 1, 1990.)

16. NOTIFICATION TO CHP OF FAILURE TO COMPLETE REQUIRED TRAINING.

Employers shall notify the local CHP school bus officer/coordinator of a driver(s) in violation of 40086 EC. Upon notification of a first occurrence, the CHP school bus officer/coordinator will inform the employer and the driver that proof of receiving the training must be submitted to the local CHP office within 30 days, from the date of notification. Failure to submit the required proof of training constitutes reason for the officer/coordinator to recommend to the DMV cancellation of the driver's certificate. Upon notification of a subsequent occurrence, the officer/coordinator will immediately recommend cancellation of the driver's certificate. These provisions will not apply to a driver on an extended leave of absence due to illness, or lack of employment as a driver. In those instances, the officer/coordinator will notify the employer that when the driver returns to work proof of receiving the training must be submitted to the local CHP office within 30 days. Failure to submit the required proof constitutes reason for the officer/coordinator to recommend cancellation of the driver's certificate.

17. DOCUMENTATION OF DRIVER TRAINING - 40087 EC. The following section is excerpted from the EC:

40087. (a). . . driver training required by this article shall be properly documented on the State Department of Education Training Certificate T-01, and signed by a state-certified school pupil activity bus (SPAB), transit bus, school bus, or farm labor vehicle driver instructor or the appropriate class, and by the driver or applicant. The signatures certify that the instructions was given to, and received by, the applicant or driver, and that the applicant or driver displayed a level of competency necessary to drive the vehicle in a safe and competent

manner. The applicant or driver shall present the completed State Department of Education Training Certificate T-01, to the examining state agency when applying for an endorsement or certificate, or, for renewal of an endorsement or certificate . .

(Stats. 1990, c. 65, operative July 1, 1990.) (See Annex A)

**18. INSTRUCTOR CERTIFICATION COURSE; APPLICANT QUALIFICATIONS; DURATION OF CERTIFICATES; SUSPENSION, REVOCATION OR CANCELLATION OF INSTRUCTOR CERTIFICATE - 40088 EC.** The following section is quoted from the EC:

40088. (a) An applicant for a school pupil activity bus (SPAB), transit bus, school bus, or farm labor vehicle driver instructor certificate shall successfully complete the appropriate instructor course given or approved by the department.

(b) An applicant for the course shall possess:

(1) A valid driver's license and endorsement valid for driving the vehicles for which the driver instructor rating is sought.

(2) A certificate or endorsement valid for driving the vehicles for which the driver instructor rating is sought.

(3) Five years of experience as a driver in the appropriate vehicle category, or two years experience of that driving experience and three years equivalent experience driving vehicles that require a class A or B driver's license.

(4) A high school diploma or General Education Development (GED) equivalent.

(5) A driving record with no chargeable accidents within the past three years proceeding the date of application for the instructor certificate.

(6) The department may waive any or all of the requirements of this subdivision as it determines is necessary to ensure that there are an adequate number of state-certified instructors in the state.

(c) (1) A state-certified school bus driver instructor of the appropriate class may instruct all applicants for a school bus, school pupil activity bus (SPAB), transit bus, or farm labor vehicle driver's certificate.

(2) A state-certified school pupil activity bus (SPAB) driver instructor of the appropriate class may instruct all applicants for a school pupil activity bus (SPAB), transit bus, or farm labor vehicle driver's certificate, but not a school bus certificate.

(3) A state-certified transit bus instructor of the appropriate class may instruct all applicants for a transit bus or farm labor driver's certificate, but not a school pupil activity bus (SPAB) or a school bus certificate.

(4) A state-certified farm labor vehicle driver instructor may instruct applicants only for a certificate to drive a farm labor vehicle.

(d) A school pupil activity bus (SPAB), transit bus, school bus, or farm labor vehicle driver instructor certificate shall be valid until suspended, revoked, or canceled if it is accompanied by a valid driver's license and a special driver's

certificate or valid driver's license and endorsement of the appropriate class or is limited to classroom or in-service training only.

(e) The department may suspend or revoke a school pupil activity bus (SPAB), transit bus, school bus or farm labor vehicle driver instructor certificate for any of the following causes:

(1) The certificate holder failed to comply with Section 40087.

(2) The certificate holder failed to comply with Section 40084.5.

(3) The certificate holder had committed an act listed in Section 13369 of the Vehicle Code or Section 13370 of that Code.

(f) The department shall revoke a school bus, school pupil activity bus (SPAB), transit bus, or farm labor vehicle driver instructor certificate if the certificate holder falsified a State Department of Education Training Certificate T-01, T-02, or T-03.

(g) The department may cancel the driver instructor certificate for any of the following causes:

(1) The certificate holder has voluntarily requested cancellation.

(2) The certificate holder has his or her driving privilege suspended or revoked.

(3) The certificate holder has failed to meet the provisions required for retention of the driver instructor certificate. This includes failure to meet the instructor training requirements prescribed by Section 40089.

(4) The certificate holder does not possess a valid driver's license, endorsement, or special driver's certificate of the appropriate class.

(h) The department shall by regulation adopt an instructor certificate appeals procedure for subdivisions (e), (f), and (g).

(i) The Department of Motor Vehicles or the Department of the California Highway Patrol may disallow the driver training documentation provided pursuant to Section 40087 signed by any driver instructor certified pursuant to Section 40081 if either of those departments finds that the instructor's certificate would have been suspended, revoked, or canceled for any of the reasons designated in subdivision (e), (f), and (g).

(Stats. 1994, c. 1220, effective September 30, 1994.)

**19. MINIMUM HOURS OF INSTRUCTION TO BE CONDUCTED; LIMITATIONS RELATING TO TYPE OF INSTRUCTION; DOCUMENTATION OF INSTRUCTOR TRAINING - 40089 EC.** The following section is quoted from the EC:

40089. (a) A school pupil activity bus (SPAB), transit bus, school bus, or farm labor vehicle driver instructor with no instructional limitations shall conduct at least 20 hours of instruction each 12 months that includes at least 10 hours of behind-the-wheel and 10 hours of classroom training, which need not be given in a single session. A school pupil activity bus (SPAB), transit bus, school bus, or farm labor vehicle driver instructor limited to either classroom or behind-the-wheel training only shall conduct at least 10 hours of instruction each 12 months that includes at least 10 hours of behind-the-wheel or classroom training depending on

the limitation. The training need not be given in a single session. A school pupil activity bus (SPAB), transit bus, school bus, and farm labor vehicle driver instructor limited to in-service training only shall conduct at least 10 hours of in-service training each 12 months. All school pupil activity bus (SPAB), transit bus, school bus, and farm labor vehicle driver instructor training conducted by department staff may be accepted in lieu of the requirements of this subdivision.

(b) A school pupil activity bus (SPAB), transit bus, school bus, or farm labor vehicle driver instructor may be limited to classroom instruction, behind-the-wheel training or in-service training only, and prohibited from recording, documenting, or signing for any training required by this article, as determined by the department.

(c) A school pupil activity bus (SPAB), transit bus, school bus, or farm labor vehicle driver instructor shall be limited to behind-the-wheel instruction in vehicles that the instructor is qualified to drive.

(d) All school pupil activity bus (SPAB), transit bus, school bus, or farm labor vehicle driver instructor training required by subdivision (a) shall be properly documented on a State Department of Education Training Certificate T-01, and signed by the state-certified instructor at the end of each 12-month training period. The signature certifies that the required instruction was conducted during the 12-month training period. Upon renewal of the instructor driver's license, endorsement, or certificate, the completed instructor training record, recorded on the State Department of Education Training Certificate shall be submitted to the department in Sacramento.

(Stats. 1994, c. 1220, effective September 30, 1994.)

20. TRANSPORTATION OF PROPERTY - 13 CCR 1216(e). The following section is excerpted from 13 CCR:

1216. . . . (e) Tools in Farm Labor Vehicles. All cutting tools or tools with sharp edges carried in the passenger compartment of a farm labor vehicle shall be placed in covered containers. All other tools, equipment, or materials carried in the passenger compartment shall be secured to the body of the vehicle. . . .

(Register 82, No. 44)

NOTE: For additional information refer to Chapter 3, paragraph 12.



## 21. EQUIPMENT REQUIREMENTS.

a. Emergency Equipment. An FLV shall be equipped with a fire extinguisher with a minimum 4B:C rating, three emergency reflectors as specified in Vehicle Code 25300, and a readily visible, accessible and plainly marked ten unit first aid kit.

NOTE: For additional information refer to Chapter 3, paragraph 22, Chapter 5, paragraphs 33 and 34, or 13 CCR 1242, 1243, and 1292.

b. Mirrors. Every FLV shall be equipped with two exterior mirrors, one on each side of the vehicles, and so located as to reflect to the driver a view of the highway for distance of at least 200 feet to the rear of such vehicle.

NOTE: For additional information refer to Chapter 5, paragraphs 69, or Section 26709 VC and 13 CCR 1258.

c. Tires. Tires shall not be used with boot or blowout patches or with any of the following defects:

- (1) Unrepaired fabric breaks or damaged cord.
- (2) Bumps, bulges, or knots due to internal separation or damage.
- (3) Cuts that measure more than 1 inch (25 mm) and expose body cord.
- (4) Cracks in valve stem rubber. regrooved, recapped, or retreaded tires shall not be used on the front wheels of a bus. No person shall use on a highway a pneumatic tire on a bus when the tire has less than the following tread depths, four thirty-seconds (4/32) of an inch at all points in all major grooves on a tire on the steering axle and two thirty-seconds (2/32) of an inch at all major grooves on all other tires. The measurements of tread depth shall not be made where tie bars, humps, or fillets are located.

NOTE: For additional information refer to Chapter 5, paragraphs 88 and 93, or Section 27465 VC and 13 CCR 1087.

## 22. PREVENTIVE MAINTENANCE INSPECTION - 2807.2 VC. The following section is quoted from the VC:

28707.2. The Department of the California Highway Patrol shall, by regulation, provide for a preventive maintenance inspection guide for use by operators of tour buses, motor vehicles specified in Sections 2807 and 2807.1, and vehicles described in subdivisions (a), (b), (d), (e), (f), and (g) of Section 34500. The

regulations shall provide that the record of inspection shall be signed by the person making the inspection, and the record of the inspections shall be retained on file by the operator for review and inspection by the Department of the California Highway Patrol.

(Ch. 1586, Stats. 1988. Operative July 1, 1989.)

23. USE OF HEADLAMPS BY FARM LABOR VEHICLES. The following section is quoted from Assembly Bill 555, Chapter 556, September 28, 1999.

31408. No person may operate a farm labor vehicle on a highway unless both headlamps required under Section 24400 are lighted, regardless of the time of day.

**SAMPLE TRAINING CERTIFICATE (T-01)  
ORIGINAL APPLICANT, FARM LABOR VEHICLE**

CALIFORNIA DEPARTMENT OF EDUCATION

Form T-01 (Rev. 8-94)

**Training Certificate**

Check (✓) Driver  Delegated trainer  Instructor  Date training started 7/5/92  
 Check (✓) Whether application is: Original  Renewal  Applicant's birth date 3/7/55  
 Check (✓) Bus type I  II   
 Check (✓) School bus  SPAB  Transit bus  Farm labor  Other  Certificate issuance date \_\_\_\_\_

Applicant's name (Last) (First) (Initial) Driver's license number  
Gonzales, Antonio J. A1234567

Employer County  
United Growers Inc. Monterey

Record of hours of training		Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
1	Classroom							10						10
	In-service training													
	Behind the wheel							10						10
2	Classroom													
	In-service training													
	Behind the wheel													
3	Classroom													
	In-service training													
	Behind the wheel													
4	Classroom													
	In-service training													
	Behind the wheel													
ID# A* _____ ID# B** _____ Driver's signature _____ A* <u>Arena Corazon</u> B** <u>Arena Corazon</u> <u>Antonio J. Gonzales</u>														
ID# A* _____ ID# B** _____ Driver's signature _____ A* _____ B** _____ _____														
ID# A* _____ ID# B** _____ Driver's signature _____ A* _____ B** _____ _____														
ID# A* _____ ID# B** _____ Driver's signature _____ A* _____ B** _____ _____														
													Grand total	20

\*A—Classroom instructor's signature  
 \*\*B—Driving instructor's signature or in-service training instructor's signature

Additional training hours: Classroom  Behind the wheel

**FOR STATE USE ONLY**

(MUST BE COMPLETED IN THE PRESENCE OF THE EXAMINING STATE AGENCY)

Written test: Failed  Failed  Failed  Passed  First-aid test: Failed  Failed  Failed  Passed  Waived   
 Driving test: Failed  Failed  Failed  Passed  Certificate issuance date \_\_\_\_\_  
 Training verification \_\_\_\_\_ (Driver's signature) \_\_\_\_\_  
 Exam verification \_\_\_\_\_ (Examiner's signature) \_\_\_\_\_ (Area)