

INFORMATION BULLETIN



February 5, 2019

DRIVER LICENSE REQUIREMENTS FOR TOWING HORSE OR STOCK TRAILERS

This Information Bulletin (IB) provides clarification regarding the operation of specified horse and stock trailers, and other vehicles which are subject to the requirement of holding a Class A commercial driver license (CDL) or a restricted Class A driver license (DL). Questions have arisen as to the applicability for a California licensed driver, who operates a vehicle when towing horse or stock trailers with a gross vehicle weight rating (GVWR) or a gross vehicle weight (GVW) of more than 10,000 pounds, to meet the requirement of obtaining or holding a Class A CDL.

The following California Vehicle Code (CVC) sections classify DL and CDL requirements for California residents when towing horse or stock trailers in excess of 10,000 pounds GVWR or GVW.

Class A CDL: Section 12804.9(b)(1)(A) CVC allows the operation of a combination of vehicles when the vehicle being towed has a GVWR or GVW of more than 10,000 pounds. Most horse, stock, and other trailers may be operated using this class of license.

Class A Restricted (noncommercial) DL: Section 12804.12(a) CVC allows the operation of combinations of vehicles with a **restricted** Class A DL, also known as a noncommercial Class A DL, when towing a **trailer coach** exceeding 10,000 pounds GVWR, and a **fifth-wheel travel trailer** exceeding 15,000 pounds GVWR, when the towing of the trailer is not for compensation (**not for-hire or commercial use**). This DL is **not applicable** to horse and stock trailers. Additionally, Section 12804.14(a) CVC allows the operation of combinations of vehicles with a **restricted** Class A DL when towing a livestock trailer exceeding 10,000 pounds, but **not exceeding 15,000 pounds** GVWR or GVW, if **all of the following conditions are met:** the vehicle is controlled and operated by a **farmer**; the vehicle is used to transport livestock **to or from a farm**; the vehicle is not used in the operations of a common or contract carrier (**not for-hire or commercial use**); and the vehicle is used **within 150 miles of the person's farm**. This DL is **not applicable for recreational use**.

Class C DL: Section 12804.9(b)(3)(F)(ii) CVC allows the operation of combinations of vehicles with an endorsement (shown as a restriction 41) when towing a **trailer coach** exceeding 10,000 pounds GVWR, and a **fifth-wheel travel trailer** **not** exceeding 15,000



pounds GVWR, when the towing of the trailer is not for compensation (**not for-hire or commercial use**). This endorsed (restricted) DL is **not applicable** to horse and stock trailers. Additionally, Section 12804.9(b)(3)(G) CVC allows the operation of vehicles, weighing less than 26,000 pounds in combination, by **farmers or ranchers**, including their employees, or instructors credentialed in agriculture as part of an instructional program **exclusively** in the conduct of **not for-hire agricultural** operations, with a Class C DL. This DL is **not applicable for recreational use**.

Operators of horse or stock trailer combinations with a trailer over 10,000 pounds GVWR or GVW used in a recreational capacity do not meet the provisions of Sections 12804.9(b)(3)(G), 12804.9(b)(3)(F)(ii), or 12804.14(a) CVC, and **will be required to hold a valid Class A CDL**. A restricted (noncommercial) Class A or Class C DL will not be sufficient.

The Department of Motor Vehicles considers a horse or stock trailer originally equipped with, or with the later addition of, a "living quarters" configuration as a property-carrying vehicle. The addition of "living quarters" does not permanently alter that vehicle for human habitation. A "living quarters" configuration is secondary and incidental to the primary function of a vehicle which is designed for transporting property, in this case — animals. These "**living quarters**" trailers **do not qualify as a travel trailer for the purpose of driver's licensing requirements** or trailer registration.

Horse trailers and stock trailers are usually configured with a bumper pull or a gooseneck hitch, which utilize a ball-type connection and, therefore, are **not included** in the definition of a fifth-wheel travel trailer (Section 324 CVC). Conversions to a fifth-wheel type configuration may not alter these trailers to meet the design criteria for a "recreational vehicle" or a travel trailer under Section 18010 of the California Health and Safety Code. Therefore, using a restricted Class A DL to operate noncommercial "living quarters" horse or stock trailer combination vehicles, as provided by Section 12804.12(a) CVC, does not apply, even after a fifth-wheel conversion kit is fitted.

A trailer coach (Section 635 CVC) is **designed for human habitation or human occupancy for industrial, professional, or commercial purposes**, for carrying property on its own structure. These trailers are not considered recreational and require a Class A CDL when the GVWR or GVW exceeds 10,000 pounds.

Information widely available from Internet sources and, anecdotally, from out-of-state drivers, who are allowed to drive these specified combinations with "regular" noncommercial DLs issued by a state other than California, has resulted in confusion and misunderstanding. Nonresident drivers may be able to operate these combination vehicles legally under their home state and federal law. Federal law allows states to set their own standards for noncommercial DL requirements and exempts them from CDL requirements contained in Title 49, Code of Federal Regulations (CFR), Part 383.



The CFR allows individual states to regulate resident DL requirements more strictly than the federal requirements, at the state's discretion. **California has chosen to exercise this option for horse and stock trailers, as well as for recreational trailers.** In these cases, out-of-state drivers are allowed to operate certain vehicle combinations, weighing 26,000 pounds or less, in California with a noncommercial DL due to reciprocity agreements or DL compacts between states. In contrast, resident California DL holders are required to meet more stringent requirements under state statute.

The Federal Motor Carrier Safety Administration (FMCSA) has provided additional specific information related to the interstate operation of both commercial and nonbusiness transportation of horses on the FMCSA Web site. The FMCSA provides exceptions to certain federal regulations for nonbusiness use of these vehicle combinations; however, it should be noted that the information refers to interstate operations and the California Highway Patrol will enforce state CDL requirements for California residents regardless of operation in an interstate capacity.

Using these types of vehicle combinations for any commercial purpose, such as having sponsorship or other use for the furtherance of a commercial enterprise or business (with exceptions for **exclusive** agricultural use), or for use in a for-hire capacity, may cause these vehicles to be subject to commercial regulations at any time. It is imperative for enforcement officials to conduct thorough and comprehensive field interviews to determine the status of these carriers.

Additional questions involving medical exam certificates; specific vehicle configurations; scale or roadside inspection requirements; log books (hours-of-service and electronic logging devices); for-hire and private carrier information related to motor carrier of property permits; and display of California carrier assigned (CA) or Department of Transportation (DOT) numbers and company name or trademark may be addressed on a case-by-case basis.

Questions regarding the contents of this IB should be directed to Commercial Vehicle Section, at (916) 843-3400.

OFFICE OF THE COMMISSIONER

OPI: 062