

CHAPTER 1

GENERAL PROVISIONS

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CHAPTER 1

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GENERAL PROVISIONS

1. INTRODUCTION. This chapter, comprised of excerpts from the California Vehicle Code (VC) and Title 13, California Code of Regulations (13 CCR), provides general information related to school buses, school pupil activity buses, youth buses, general public paratransit vehicles, and farm labor vehicles. Transportation personnel involved in the operation of these vehicles should be familiar with the material contained in this chapter.

2. REGULATION OF SPECIFIED VEHICLES - 34500 VC. The following section is quoted from the VC:

34500. The department shall regulate the safe operation of the following vehicles:

(a) Motortrucks of three or more axles which are more than 10,000 pounds gross vehicle weight rating.

(b) Truck tractors.

(c) Buses, school buses, school pupil activity buses, youth buses, and general public paratransit vehicles.

(d) Trailers and semitrailers designed or used for the transportation of more than 10 persons, and the towing motor vehicle.

(e) Trailers and semitrailers, pole or pipe dollies, auxiliary dollies, and logging dollies used in combination with vehicles listed in subdivision (a), (b), (c), or (d). This subdivision does not include camp trailers, trailer coaches, and utility trailers.

(f) Any combination of a motortruck and any vehicle or vehicles set forth in subdivision (e) that exceeds 40 feet in length when coupled together.

(g) Any truck, or any combination of a truck and any other vehicle, transporting hazardous materials.

(h) Manufactured homes which, when moved upon the highway, are required to be moved under a permit as specified in Section 35780 or 35790.

(i) A park trailer, as described in subdivision (b) of Section 18010 of the Health and Safety Code, which, when moved upon a highway, is required to be moved under a permit pursuant to Section 35780.

(j) Any other motortruck not specified in subdivisions (a) to (h), inclusive, or subdivision (k), that is regulated by the Public Utilities Commission or the

Interstate Commerce Commission, but only for matters relating to hours of service and logbooks of drivers.

(k) Any commercial motor vehicle with a gross vehicle weight rating of 26,001 or more pounds or any commercial motor vehicle of any gross vehicle weight rating towing any vehicle described in subdivision (e) with a gross vehicle weight rating of more than 10,000 pounds, except combinations including camp trailers, trailer coaches, or utility trailers. For purposes of the subdivision, the term "commercial motor vehicle" has the same meaning defined in subdivision (b) of Section 15210 VC.

(Ch. 566 Amended Stats 2000.)

3. REGULATIONS PROMOTING SAFE OPERATION OF VEHICLES; ADVISORY COMMITTEE; INSPECTION OF VEHICLES AND RECORDS - 34501 VC. The following section is quoted from the VC:

34501. (a) (1) The department shall adopt reasonable rules and regulations which, in the judgment of the department, are designed to promote the safe operation of vehicles described in Section 34500, regarding, but not limited to, controlled substances and alcohol testing of drivers by motor carriers, hours of service of drivers, equipment, fuel containers, fueling operations, inspection, maintenance, recordkeeping, accident reports, and drawbridges. The rules and regulations shall not, however, be applicable to school buses, which shall be subject to rules and regulations adopted pursuant to Section 34501.5.

The rules and regulations shall exempt local law enforcement agencies, within a single county, engaged in the transportation of inmates or prisoners when those agencies maintain other motor vehicle operations records which furnish hours of service information on drivers which are in substantial compliance with the rules and regulations. This exemption does not apply to any local law enforcement agency engaged in the transportation of inmates or prisoners outside the county in which the agency is located, if that agency would otherwise be required, by existing law, to maintain driving logs.

(2) The department may adopt rules and regulations relating to commercial vehicle safety inspection and out-of-service criteria. In adopting the rules and regulations, the Commissioner may consider the commercial vehicle safety inspection and out-of-service criteria adopted by organizations such as the Commercial Vehicle Safety Alliance, other intergovernmental safety groups, or the United States Department of Transportation. The Commissioner may provide departmental representatives to that alliance or other organizations for the purpose of promoting the continued improvement and refinement of compatible nationwide commercial vehicle safety inspection and out-of-service criteria.

(3) The Commissioner shall appoint a committee of 15 members, consisting of representatives of industry subject to the regulations to be

adopted pursuant to this section, to act in an advisory capacity to the department, and the department shall cooperate and confer with the advisory committee so appointed. The Commissioner shall appoint a separate committee to advise the department on rules and regulations concerning wheelchair lifts for installation and use on buses, consisting of persons who use the wheelchair lifts, representatives of transit districts, representatives of designers or manufacturers of wheelchairs and wheelchair lifts, and representatives of the Department of Transportation.

(4) The department may inspect any vehicles in maintenance facilities or terminals, as well as any records relating to the dispatch of vehicles or drivers, and the pay of drivers, to assure compliance with this code and regulations adopted pursuant to this section.

(b) The department, using the definitions adopted pursuant to Section 2402.7, shall adopt regulations for the transportation of hazardous materials in this state, except the transportation of materials which are subject to other provisions of this code, that the department determines are reasonably necessary to ensure the safety of persons and property using the highways. The regulations may include provisions governing the filling, marking, packing, labeling, and assembly of, and containers that may be used for, hazardous materials shipments, and the manner by which the shipper attests that the shipments are correctly identified and in proper conditions for transport.

(c) At least once every 13 months, the department shall inspect every maintenance facility or terminal of any person who at any time operates any bus. If the bus operation includes more than 100 buses, the inspection shall be without prior notice.

(d) The shall adopt and enforce regulations which will make the public or private users of any bus aware of the operator's last safety rating.

(e) It is unlawful and constitutes a misdemeanor for any person to operate any bus without the inspection specified in subdivision (c) having been conducted.

(f) The department may adopt regulations restricting or prohibiting the movement of any vehicle from a maintenance facility or terminal if the vehicle is found in violation of this code or regulations adopted pursuant to this section.

(Ch. 380 Stats 1998.)

4. DRIVING COMMERCIAL VEHICLES UNDER THE INFLUENCE OF ALCOHOL; ORDERING VEHICLE OUT OF SERVICE - 34501.15 VC. The following section is quoted from the VC:

34501.15 (a) The regulations adopted pursuant to Section 34501 shall require that any driver of a commercial motor vehicle, as defined in Section 15210, be ordered out of service for 24 hours if the driver is found to have 0.01 percent or more, by weight, of alcohol in his or her blood.

(b) This section shall become operative on January 1, 1992, and shall remain operative until the director determines that federal regulations adopted pursuant to the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. Sec. 2701 et seq.) contained in that act and Section 391.15 of Title 49 of the Code of Federal Regulations do not require the state to order the operator of a commercial vehicle out of service for 24 hours when the operator has a measurable concentration of alcohol in his or her blood.

(c) The director shall submit a notice of the determination under subdivision (b) to the Secretary of State, and this section shall be repealed upon the receipt of that notice.

(Ch. 1114, Stats. 1989. Operative on notice of the Secretary of State.)

5. INFORMATION FOR EMPLOYEES - 34501.16 VC. The following section is quoted from the VC:

34501.16. (a) Every employer of a commercial driver shall provide information to that employee at the time of hiring and to all employed commercial drivers annually, concerning all of the following:

(1) The prohibition against driving a commercial motor vehicle with over 0.04 percent or more, by weight, alcohol in his or her blood on and after January 1, 1992.

(2) The requirement to be placed out of service for 24 hours if the person's blood-alcohol concentration is tested to be 0.01 percent or more, by weight, on and after January 1, 1992.

(b) The Department of Motor Vehicles shall include the information prescribed in subdivision (a), together with information concerning the alcohol concentration in a person's blood resulting from consumption of alcoholic beverages, in each publication of the commercial driver's handbook published after January 1, 1990.

(c) This section shall remain operative until the director determines that federal regulations adopted pursuant to the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. Sec. 2701 et seq.) do not require the state to implement the prohibitions and requirements in paragraphs (1) and (2) of subdivision (a).

(d) The director shall submit a notice of the determination under subdivision (c) to the Secretary of State, and this section shall be repealed upon the receipt of that notice.

(Ch. 1114, Stats. 1989. Operative on notice of the Secretary of State.)

6. VIOLATIONS: MISDEMEANORS - 34506 VC. The following section is quoted from the VC:

34506. It is a misdemeanor to fail to comply with any rule or regulation adopted by the Department of the California Highway Patrol pursuant to Section 34501, 34501.5, 34508, or 34513 regarding any of the following:

(a) Hours of service of drivers.

(b) Hazardous material transportation.

(c) School bus construction, design, color, equipment, maintenance, or operation.

(d) Youth bus equipment, maintenance, or operation.

(e) Tour bus equipment, maintenance, or operation.

(f) Equipment, maintenance, or operation of any vehicle described in subdivision (a), (b), (c), (d), (e), (f), or (g) of Section 34500.

(g) Equipment, maintenance, or operation of any school pupil activity bus.

(Ch. 928, Stats. 1991. Effective October 14, 1991.)

7. VIOLATIONS: INFRACTIONS - 34506.3 VC. The following section is quoted from the VC:

34506.3. Except as otherwise provided in this division, it is an infraction to fail to comply with any rule or regulation adopted by the department pursuant to this division.

(Ch. 298, Stats. 1991. Effective January 1, 1992.)

8. MOTOR CARRIER IDENTIFICATION NUMBER - 34507.5 VC. The following section is quoted from the VC:

34507.5. (a) Every motor carrier, as defined in Section 408, and every motor carrier of property, and for-hire motor carrier of property, as defined in Section 34601, shall obtain a carrier identification number from the department. Application for a carrier identification number shall be on forms furnished by the department. Information provided in connection with applications for carrier identification numbers shall be updated by motor carriers upon request from the department.

(b) The carrier identification number assigned to the motor carrier under whose operating authority or motor carrier permit the vehicle or combination of vehicles is

being operated shall be displayed on both sides of each vehicle, or on both sides of at least one motor vehicle in each combination of the following vehicles while engaged in intrastate commerce:

(1) Each vehicle set forth in Section 34500.

(2) Any motortruck of two or more axles that is more than 10,000 pounds gross vehicle weight rating.

(3) Any other motortruck or motor vehicle used to transport property for compensation.

(c) A vehicle or combination of vehicles listed in subdivision (b) that is operated under a rental agreement with a term of not more than 30 calendar days shall meet all of the following requirements:

(1) Have displayed on both sides of each vehicle or on both sides of one of the vehicles in each combination of vehicles the name or trademark of the lessor.

(2) Have displayed on both sides of each vehicle or on both sides of one of the vehicles in each combination of vehicles any of the following numbers issued to the lessor:

(A) The carrier identification number issued by the United States Department of Transportation.

(B) A valid operating authority number.

(C) A valid motor carrier of property number.

(3) (A) Have in the vehicle or combination of vehicles a copy of the rental agreement entered into by the lessor and the vehicle operator.

(B) The rental agreement shall be available for inspection immediately upon the request of any authorized employee of the department or any regularly employed and salaried police officer or deputy sheriff, or any reserve police officer or reserve deputy sheriff listed under Section 830.6 of the Penal Code.

(C) If the rented vehicle or combination of vehicles is operated in conjunction with a commercial enterprise, the rental agreement shall include the operator's carrier identification number or motor carrier of property permit number.

(d) A vehicle or combination of vehicles that is in compliance with Section 390.21 of Title 49 of the Code of Federal Regulations shall be deemed to be in compliance with subdivision (c).

(e) This section does not apply to any of the following vehicles:

(1) Vehicles described in subdivision (f) of Section 34500, which are operated by a private carrier as defined in subdivision (d) of Section 34601, if the gross vehicle weight rating of the towing vehicle is 10,000 pounds or less, or the towing vehicle is a pickup truck, as defined in Section 471. This exception does not apply to vehicle combinations described in subdivision (k) of Section 34500.

(2) Vehicles described in subdivision (g) of Section 34500, which are operated by a private carrier as defined in subdivision (d) of Section 34601, if the hazardous material transportation does not require the display of placards pursuant to Section 27903, a license pursuant to Section 32000.5, or hazardous waste hauler registration pursuant to Section 25163 of the Health and Safety Code.

(3) Historical vehicles, as described in Section 5004, and vehicles that display special identification plates in accordance with Section 5011.

(4) Implements of husbandry as defined in Chapter 1 (commencing with Section 36000) of Division 16.

(5) Vehicles owned or operated by an agency of the federal government.

(6) Pickup trucks, as defined in Section 471, and two-axle daily rental trucks with gross vehicle weight ratings of less than 26,001 pounds, when operated in noncommercial use.

(f) Subdivision (b) does not apply to the following:

(1) Vehicles that display a valid operating authority or identification number assigned by the former Interstate Commerce Commission, or the Federal Highway Administration, of the United States Department of Transportation.

(2) Vehicles that are regulated by, and that display a valid operating authority number issued by, the Public Utilities Commission, including household goods carriers as defined in Section 5109 of the Public Utilities Code.

(3) For-hire motor carriers of passengers.

(g) The display of the carrier identification number shall be in sharp contrast to the background, and shall be of a size, shape, and color that it is readily legible during daylight hours from a distance of 50 feet.

(h) The carrier identification number for companies no longer in business, no longer operating with the same name, or no longer operating under the same operating authority, identification number, or motor carrier permit shall be removed before sale, transfer, or other disposal of any vehicle marked pursuant to this section.

(Ch. 292, Stats. 2003.)

9. GENERAL PROVISIONS - 13 CCR 1202. The following section is quoted from 13 CCR:

1202. The general provisions of this subchapter are as follows:

(a) Inspections by Department. Motor carriers shall afford authorized representatives of the department a reasonable opportunity to enter terminals, maintenance facilities, farm labor camps, or other private property to inspect vehicles and records to determine compliance with this subchapter. Every driver shall permit the inspection of any vehicle or pertinent records for which the driver is responsible or has under his or her control.

(b) Authority of District Boards. The governing board of any school district, county superintendent of schools, or equivalent private school entity or official, may adopt and enforce additional requirements governing the transportation of pupils. Such requirements shall not conflict with any law or state administrative regulation .

(c) Application to Private School Buses. The provisions of this subchapter shall apply equally to private school buses and to private school officials and agencies unless the context clearly indicates that no such application may reasonably be made.

(d) Special Application. Regulations in this title relating to buses and to the transportation of passengers shall also apply to trailer buses.

(e) Exemptions. The Commissioner may grant exemptions from any of the requirements of this subchapter when, in his judgment, requests appear reasonable, or the results intended by these regulations can be accomplished by alternate methods of compliance. However, no exemption will be granted if, in the opinion of the Commissioner, the exemption would compromise the safety requirements of these regulations. In addition, any exemption granted by the Commissioner is nontransferable and may be rescinded at any time for cause.

(1) Application for Exemption. An application for exemption shall be made in writing to the Commissioner, and it shall include the following data:

Reason for requesting an exemption

Alternate method(s) of compliance

Make and model, vehicle identification number, and license number of the vehicle for which the exemption is being requested

The application shall be mailed to:

California Highway Patrol
Enforcement Services Division
Post Office Box 942898
Sacramento, CA 94298-0001

(2) Copy of Exemption. A copy of any exemption granted shall be carried in the vehicle(s) for which it was issued at all times, and shall be presented for inspection upon demand by any authorized representative of the department.

(3) Blanket Exemptions. The provisions of this subsection do not apply to any blanket exemptions the Commissioner may elect to issue. A blanket exemption is an exemption from a particular provision of this subchapter granted to all vehicles, or vehicles manufactured on or after a specified date, pending a change in these regulations.

(f) Motor Carrier of Property Certificate of Compliance. Any motor carrier of property, as defined in Section 34601 of the Vehicle Code, who contracts or subcontracts with, or otherwise provides transportation services for, another motor carrier of property shall provide to that motor carrier a certificate as set forth in Section 34620(b) of the Vehicle Code. The certificate may be on a form provided by the department, or may be a carrier-provided form containing the following information:

- (1) The name of the contracted motor carrier.
 - (2) The contracted motor carrier's Motor Carrier Permit number and expiration date.
 - (3) The signature of the contracted motor carrier or his or her agent.
 - (4) The printed name, title, and driver's license number of the contracted motor carrier or his or her agent.
 - (5) The date the certificate is signed.
 - (6) The name of the contracting motor carrier.
 - (7) The following statement, inserting the above information as indicated: "I, the undersigned, certify that (*name of contracted carrier*) holds a Motor Carrier Permit, Number (*permit number*), which is valid through (*expiration date*), a copy of which is attached. I further certify that I, or a company officer, will immediately notify users of this company's services if the permit is suspended, revoked, or is otherwise rendered invalid (*signature of contracted motor carrier or agent*) (*date*) (*printed name, title, and driver's license number of contracted motor carrier or agent*)."
 - (g) As used in subsection (f), "contracted motor carrier" means the motor carrier providing the transportation service. The motor carrier for whom the transportation service is provided shall be referred to as the "contracting motor carrier."
- (Register 2000, No. 28)

10. APPLICABILITY OF FEDERAL REGULATIONS - 13 CCR 1202.1. The following section is quoted from 13 CCR:

1202.1. Carriers, drivers, and vehicles engaged in interstate commerce or in the transportation of hazardous substances or hazardous wastes as defined in 49 CFR 171.8 (published October 1, 1997) shall be subject to the following Federal Motor Carrier Safety Regulations contained in Title 49, Code of Federal Regulations:

<i>SECTION</i>	<i>SUBJECT</i>	<i>PUBLICATION DATE</i>
392.16	Use of Seat Belts	October 1, 1997
392.42	Notification of License Revocation	October 1, 1997
392.60	Unauthorized Persons Not to Be Transported	October 1, 1997
393.86	Rear-end Protection	October 1, 1997

393.93	Seats, Seat Belt Assemblies, and Seat Belt Assembly Anchorages	October 1, 1997
396.11	Driver Vehicle Inspection Reports	October 1, 1997
396.13	Driver Inspection	October 1, 1997
396.17	Periodic Inspection	October 1, 1997
396.17	Tires	October 1, 1997
397.19	Instructions and Documents	October 1, 1997
397.67	Motor Carrier Responsibility for Routing	October 1, 1997

11. APPLICABILITY OF FEDERAL REGULATIONS - 13 CCR 1202.2. The following section is quoted from 13 CCR:

1202.2. Carriers, drivers, and vehicles engaged in intrastate commerce shall be subject to the following Federal Motor Carrier Safety Regulations Contained in Title 49, Code of Federal Regulations.

<i>SECTION</i>	<i>SUBJECT</i>	<i>PUBLICATION DATE</i>
393.86	Rear End Protection (vehicles manufactured after July 1, 1997)	October 1, 1997
396.11	Driver Vehicle Inspection Report	October 1, 1997
396.13	Driver Inspection	October 1, 1997
397.17	Tires	October 1, 1997

397.67

Motor Carrier
Responsibility for
Routing

October 1, 1997