

**State of California  
Office of Administrative Law**

**In re:**  
**California Highway Patrol**

**Regulatory Action:**

**Title 13, California Code of Regulations**

**Adopt sections:**

**Amend sections:** 1200, 1234

**Repeal sections:**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2020-0520-01**

**OAL Matter Type: Regular (S)**

The California Highway Patrol proposed this action to amend two regulations to make them consistent with the Federal Motor Carrier Safety Regulations adopted by the U.S. Department of Transportation in Title 49 of the Code of Federal Regulations.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/1/2020.

**Date:** July 1, 2020



Richard L. Smith  
Senior Attorney

**For:** Kenneth J. Pogue  
Director

**Original:** Warren A. Stanley,  
Commissioner

**Copy:** David Kelly

**REGULAR**See instructions on  
revers

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2020-0123-01</b>	REGULATORY ACTION NUMBER <b>2020-0520-015</b>	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

<p>2020 JUN 30 A 10:21</p> <p>OFFICE OF ADMINISTRATIVE LAW</p>	<p>NOTICE</p> <p>REGULATIONS</p>
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**ENDORSED - FILED**in the office of the Secretary of State  
of the State of California

JUL 01 2020

1:46 PM

 AGENCY WITH RULEMAKING AUTHORITY  
**Department of the California Highway Patrol**

 AGENCY FILE NUMBER (If any)  
**CHP-R-2018-01**
**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER <b>2020, 06-2</b>	PUBLICATION DATE <b>2-7-2020</b>

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) <b>Federal Consistency</b>		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
TITLE(S) <b>13</b>		AMEND <b>1200, 1234</b>	
3. TYPE OF FILING		REPEAL	
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))			
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)			
<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____			
<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON <b>Officer Kasonja Pochop</b>		TELEPHONE NUMBER <b>(916) 843-3400</b>	FAX NUMBER (Optional) <b>(916) 322-3154</b> E-MAIL ADDRESS (Optional) <b>CVSRegulations@chp.ca.gov</b>

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

 TYPED NAME AND TITLE OF SIGNATORY  
**C. M. CHILDS, Assistant Chief**
**6/15/20**

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED****JUL 01 2020****Office of Administrative Law**

# DEPARTMENT OF THE CALIFORNIA HIGHWAY PATROL

## Adopted Regulation Text

TITLE 13, CALIFORNIA CODE OF REGULATIONS (13 CCR), DIVISION 2, CHAPTER 6.5,  
AMEND ARTICLE 1, SECTION 1200 AND ARTICLE 6, SECTION 1234.

### FEDERAL CONSISTENCY

#### (CHP-R-2018-01)

*Existing Text:* .....Times New Roman 12 point font.

*Additions:* .....Times New Roman 12 point font with single underline.

*Deletions:* .....~~Times New Roman 12 point font with strikethrough.~~

#### § 1200. Scope.

(a) Applicability. Unless otherwise indicated within a specific section, the provisions of this chapter shall apply to vehicles listed in Vehicle Code Sections 545~~(k)~~(a)(11), 34500 and 34500.1 and their operation.

#### ~~(b) Limited Application.~~

~~(1) Two-axle motor trucks with a gross vehicle weight rating of 26,000 pounds or less transporting hazardous materials in quantities for which placards are required pursuant to Vehicle Code Section 27903 shall be subject to the following Sections of this chapter: 1212, 1212.5, 1213, 1213.1, 1214, 1215, 1229, 1230, 1232, 1234, 1239, and 1256.~~

~~(2) Two-axle motor trucks with a gross vehicle weight rating of 26,000 pounds or less transporting hazardous materials in quantities for which placards are not required shall be subject to the following Sections of this chapter: 1212, 1212.5, 1214, 1215 (except 1215(b)), 1229, 1230, and 1232. Two-axle motor trucks transporting hazardous materials for which a license is required by Vehicle Code Section 32000.5 shall also be subject to Sections 1239 and 1256.~~

~~(3) Section 1213.1 Subsections (e) through (f), shall apply to drivers of commercial motor vehicles as defined in Vehicle Code Section 15210.~~

~~(4) Two-axle motor trucks described in subdivision (j) of Vehicle Code Section 34500 shall be subject only to Sections 1212, 1212.5, 1213, and 1239 (but only for matters relating to hours of service and logbooks of drivers) of this chapter.~~

~~(5) Persons operating vehicles which cause those persons to be subject to the Motor Carriers of Property Act as described in Division 14.85 of the Vehicle Code, but which vehicles are not included in Vehicle Code Section 34500, unless otherwise specified, shall be subject to Articles 6.5 and 7.5 of this chapter.~~

#### ~~(c)~~(b) Exceptions.

(1) This chapter shall not apply to vehicles used primarily off the highway and not required to be registered pursuant to Vehicle Code Section 4000(a).

(2) A vehicle identified in Vehicle Code Section 34500(g), otherwise not identified in subdivisions (a), (b), (c), (d), (e), (f), (h), (i), (j), and (k) of Vehicle Code Section 34500,

is not subject to the provisions of this chapter, with the exception of Article 7.5, unless one or more of the following conditions exist:

(A) The display of placards is required pursuant to Vehicle Code Section 27903.

(B) A hazardous material transportation license is required pursuant to Vehicle Code Section 32000.5.

(C) A hazardous waste transporter registration is required pursuant to Health and Safety Code Section 25163.

Note: Authority cited: Sections 2402, 31401, 34501, 34501.2, 34501.5, 34501.12, 34508 and 34513, Vehicle Code; and Section 39831, Education Code. Reference: Sections 545, 31401, 34500, 34500.1, 34501, 34501.2, 34501.5, 34508 and 34623, Vehicle Code; and Section 39831, Education Code.

### **§ 1234. Required Records for Motor Carriers.**

The following records are required:

(a) Driver's Record. Motor carriers shall require each driver and each codriver to keep a driver's record pursuant to Section 1213. Motor carriers shall keep the original copies of all drivers' records with any supporting documents, as defined in Section 1201~~(y)~~, for 6 months. Drivers' records of duty status and all supporting documents shall be made available for inspection immediately upon request by an authorized employee of the department. Drivers' records and/or supporting documents not readily available or accessible shall be made available within 3 business days.

(b) Driver's Authorized Vehicles. Motor carriers shall maintain a record of the different types of vehicles and vehicle combinations each driver is capable of driving as specified in Section 1229.

(c) Driver's Records. School bus, SPAB, youth bus, farm labor vehicle, and GPPV carriers shall maintain a record of required documents for each driver they employ. The carrier shall notify each driver of the expiration date of the documents listed in (1) through (4), and the carrier shall ensure each document is renewed prior to expiration. The record shall contain the following data:

(1) Driver's license class, number, restrictions and expiration date.

(2) Driver's certificate restrictions, expiration date, certificate issuance date and driver's date of birth.

(3) Date medical certificate expires.

(4) Expiration date of driver's first aid certificate, license as a physician and surgeon, osteopath, or registered nurse, or certificate as a physician's assistant or emergency medical technician when such certificate or license is used to obtain a waiver of the first aid examination pursuant to Vehicle Code Section 12522.

(5) Date and number of hours of training specified in Education Code Sections 40080-40090 or Vehicle Code Section 12523 since issuance of the driver's current certificate.

(d) Mileage Records. School bus, SPAB, and youth bus carriers shall keep records of the mileage each bus travels during the fiscal year (July 1 through June 30). These records shall be retained for the current fiscal year plus the previous year.

(e) Daily Vehicle Inspection Reports. Motor carriers shall require drivers to submit a documented daily vehicle inspection report pursuant to Section 1215(c). Reports shall be carefully examined, defects likely to affect the safe operation of the motor vehicle or

combination or result in a mechanical breakdown shall be corrected before the vehicle or combination is driven on the highway, and carriers shall retain such reports for at least three months.

(f) Inspection, Maintenance, Lubrication, and Repair Records. Motor carriers shall document each systematic inspection, maintenance, and lubrication, and repair performed for each vehicle under their control. These vehicle records shall be kept at the carrier's maintenance facility or terminal where the vehicle is regularly garaged. Such records shall be retained by the carrier for one year and include at least:

(1) Identification of the vehicle, including make, model, license number, or other means of positive identification

(2) Date or mileage and nature of each inspection, maintenance, lubrication, and repair performed

(3) Date or mileage and nature of each inspection, maintenance, and lubrication to be performed; i.e., the inspection, maintenance, and lubrication intervals

(4) The name of the lessor or contractor furnishing any vehicle

(5) On school bus, SPAB, and GPPV records, the signature of the person performing the inspection

(g) Temporarily Assigned Vehicle. When a vehicle is garaged at other than the carrier's regular maintenance facility for periods exceeding normal intervals for inspection, maintenance, and lubrication, carriers shall ensure the record(s) indicating the date or mileage and nature of these operations to be performed, are kept in the vehicle.

(h) School Bus Accident Reports. School bus carriers shall maintain a report of each accident that occurred on public or private property involving a school bus with pupils aboard. The report shall contain pertinent details of the accident and it shall be retained for 12 months from the date of the accident. If the accident was not investigated by the CHP, the carrier shall forward a copy of the report to the local CHP within five work days of the date of the accident.

(i) Employment Applications. Motor carriers shall retain driver employment applications required by Vehicle Code Section 15230 for the length of the driver's employment plus three years. Employment applications shall be made available for inspection immediately upon request by an authorized employee of the department.

Note: Authority cited: Sections 31401, 34501, 34501.2, 34501.5 and 34508, Vehicle Code; and Section 39831, Education Code. Reference: Sections 545, 546, 15230, 31401, 34501, 34501.2, 34501.5, 34501.12 and 34508, Vehicle Code; and Section 39831, Education Code.