DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

PROPOSED TEXT

TITLE 13, CALIFORNIA CODE OF REGULATIONS
DIVISION 2, CHAPTER 6.5, AMEND ARTICLE 3. GENERAL DRIVING REQUIREMENTS,
SECTIONS 1201, 1212, AND 1212.5

DRIVERS' HOURS-OF-SERVICE
(CHP-R-2015-01)

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~~.

TITLE 13, CALIFORNIA CODE OF REGULATIONS
DIVISION 2, DEPARTMENT OF THE CALIFORNIA HIGHWAY PATROL
CHAPTER 6.5. MOTOR CARRIER SAFETY
ARTICLE 3. GENERAL DRIVING REQUIREMENTS,
SECTIONS 1201, 1212, AND 1212.5 ARE AMENDED TO READ:

§ 1201 Definitions.

The following terms are defined for purposes of this chapter:

(a) Adverse driving conditions. Snow, sleet, fog, other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun.

(b) Bus. Every motor vehicle defined in Vehicle Code Sections 233, and 545(k), and every school bus, school pupil activity bus, youth bus, and farm labor bus. Bus "type" is determined as follows:

(1) Type 1. Designed for carrying more than 16 passengers and the driver.

(2) Type 2. Designed for carrying not more than 16 passengers and the driver; or manufactured on or after April 1, 1977, having a manufacturer's gross vehicle weight rating of 10,000 or less, and designed for carrying not more than 20 passengers and the driver.

(c) Chassis. Motor vehicle chassis as defined in Society of Automotive Engineers (SAE) Standard J687c, June 1972.

(d) Co-driver. A driver teamed with another driver for the purpose of alternating driving duties during a trip. While one drives, the other ordinarily rests in a sleeper berth. Both driver and co-driver maintain separate driver's records of duty status pursuant to Section 1213 of this title.

(e) Commercial Motor Vehicle. Any vehicle or combination of vehicles as defined in Vehicle Code Section 15210(b)(1).

(f) Commissioner. Commissioner of the Department of the California Highway Patrol.

(g) Department. Department of the California Highway Patrol.

(h) Drive or Operate. These terms include all time spent at the driving controls of a motor vehicle in operation.

(i) Driver. Any person, including the owner-driver, who drives any motor vehicle subject to this chapter, and any person, whether driving for compensation or not, who is under the direct control of and drives for a motor carrier.

(j) Driver-salesperson. Any employee who is employed solely as such by a private carrier of property by motor vehicle, who is engaged both in selling goods, services, or the use of goods, and in delivering by commercial motor vehicle the goods sold or provided or upon which the services are performed, who does so entirely within a radius of 100 miles of the point at which the driver reports for duty, who devotes not more than 50 percent of his/her hours on duty to

driving time. The term "selling goods" for purposes of this section shall include in all cases solicitation or obtaining of reorders or new accounts, and may also include other selling or merchandising activities designed to retain the customer or to increase the sale of goods or services, in addition to solicitation or obtaining of reorders or new accounts.

(k) Driving Time. Means all time spent at the driving controls of a commercial motor vehicle in operation.

(l) Eight Consecutive Days. The period of 8 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

(m) FMVSS. Federal Motor Vehicle Safety Standard(s) in effect at the time the vehicle or component is manufactured.

(n) GPPV - General Public Paratransit Vehicle. Any motor vehicle specified in Vehicle Code Section 336.

(o) Interstate Driver. Interstate driver means the driver of a vehicle engaged in interstate commerce as defined in 49 Code of Federal Regulations, Section 390.5, as those regulations now exist or are hereafter amended.

(p) Intrastate Driver. Intrastate driver means a driver engaged in trade, traffic, or transportation not described in the term "interstate driver."

(q) Manufacturer of the Chassis. The original manufacturer of the chassis or the manufacturer of any integral type of school bus.

(r) Modified Limousine. Any vehicle as defined in Vehicle Code Section 378(b).

(1) For the purpose of this chapter, the phrase "in any amount sufficient to accommodate additional passengers," contained in Vehicle Code Section 378(b), has the following meaning: the overall wheelbase of the vehicle measured from the vertical centerline of the foremost axle to

the vertical centerline of the rearmost axle exceeds the original equipment manufacturer's published wheelbase dimension for the base model and year of the vehicle by 13 inches or more, or when installed seating positions are increased by one or more.

(2) Specific indicia may be utilized by California Highway Patrol, California Public Utilities Commission, or other law enforcement agency personnel to make a determination whether a vehicle meets the definition referenced in Section (r). Specific indicia includes, but is not limited to, a review of the passenger seating capacity label, required to be displayed by Federal Motor Vehicle Safety Standard (FMVSS) 110. In the event the required label is missing or illegible, the display of a manufacturer label, required by the FMVSS indicating the vehicle was manufactured in two or more stages which includes the designated seating capacity, is the definitive indicator.

(3) In the event any or all required labels are missing or rendered illegible, articulable proof the vehicle may, in any manner, accommodate more passengers than the base model of the vehicle as advertised by the original equipment manufacturer, shall substantiate a determination the vehicle has been modified or extended to increase length in an amount sufficient to accommodate additional passengers. This articulable proof may include, but not be limited to, a determination made based on the number of installed seating positions or the installation of seat belts or shoulder restraints.

(s) Motor Carrier or Carrier. The registered owner, lessee, licensee, school district superintendent, or bailee of any vehicle who operates or directs the operations of any such vehicle on either a for-hire or not-for-hire basis. The terms “motor carrier” and “carrier” may be used interchangeably in this chapter.

(t) Multiple Stops. All stops made in any one village, town, or city may be computed as one.

(u) On-duty Time. All time from the time a driver begins to work, or is required to be in readiness to work, until the time the driver is relieved from work and all responsibility for performing work. On-duty time shall include:

(1) All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;

(2) All time inspecting, servicing, or conditioning any vehicle;

(3) All "driving time," as defined in this section;

(4) All time~~, other than driving time,~~ in or upon any motor vehicle, ~~except~~ other than:

(i) Time spent resting in or upon a parked vehicle, except for vehicles subject to the requirements of Vehicle Code Section 31614;

(ii) ~~t~~Time spent resting in a sleeper berth, as defined by the term "sleeper berth" in this section; or

(iii) Up to two hours riding in the passenger seat of a property-carrying vehicle moving on the highway immediately before or after a period of at least eight consecutive hours in the sleeper berth;

(5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;

(6) All time spent complying with driver requirements relating to accidents;

(7) All time repairing, obtaining assistance, or remaining in attendance in or about a disabled vehicle;

(8) All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing required by 49 Code of Federal Regulations Part 382, when directed by a motor carrier;

(9) Performing any other work in the capacity of, or in the employ or service of, a common, contract or private motor carrier; and

(10) Performing any compensated work for any nonmotor carrier entity.

(v) PAB - Pupil Activity Bus. For the purpose of this Chapter, any motor vehicle specified in Vehicle Code Section 545(k).

(w) Pupil Transportation. The transportation of any pupil enrolled in a public or private school at or below the twelfth-grade level to or from school in a school bus, to or from a school activity in a school bus, PAB, or SPAB, from a school to a nonschool-related activity within 25 miles of the school in a youth bus, or the transportation of any student enrolled in a community college to or from the community college or a college activity, in a vehicle designated as a school bus by resolution of the governing board pursuant to Vehicle Code Section 545(g), and certified by the department.

(x) SPAB -School Pupil Activity Bus. Any motor vehicle specified in Vehicle Code Section 546.

(y) School District Superintendent. This term or a similar phrase includes county superintendent of schools and the equivalent official of a private or public school that does not have a school district superintendent.

(z) Seven Consecutive Days. The period of 7 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

(aa) Sleeper Berth. A berth conforming to the requirements of Section 1265.

(bb) Supporting Documents. Supporting documents are the records of a motor carrier which are maintained in the ordinary course of business which may be used to verify the information recorded on drivers' records of duty status. Examples are: bills of lading, carrier pros, freight bills, dispatch records, driver call-in records, gate record receipts, weight/scale tickets, fuel receipts, fuel billing statements, toll receipts, international registration plan receipts, international fuel tax agreement receipts, trip permits, port of entry receipts, cash advance receipts, delivery receipts, lumper receipts, interchange and inspection reports, lessor settlement sheets, over/short and damage reports, agricultural inspection reports, Commercial Vehicle Safety Alliance reports, accident reports, telephone billing statements, credit card receipts, driver fax reports, on-board computer reports, border crossing reports, custom declarations, traffic citations, overweight/oversize reports and citations, and/or other documents directly related to the motor carrier's operation, which are retained by the motor carrier in connection with the operation of its transportation business. Supporting documents may include other documents which the motor carrier maintains and which can be used to verify information on drivers' records of duty status.

(cc) Trailer-bus. A trailer or semi-trailer designed or used for the transportation of more than 10 persons.

(dd) Truck. All motortrucks and truck tractors specified in Vehicle Code Section 34500.

(ee) Twenty-four Hour Period. Any 24-consecutive-hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

(ff) Wheelchair. A specially constructed device on wheels used exclusively to transport a physically handicapped person except infant seat devices, strollers, and gurneys.

(gg) Wheelchair School Bus. Any school bus that has been designed or modified in accordance with Section 1293 of this title to transport pupils confined to wheelchairs.

(hh) Work Period. The duration between the time a driver first reports for duty and the time a driver is completely relieved of all duties and is permitted to go off duty for eight consecutive hours for bus drivers or ten consecutive hours for truck drivers. The terms "work period" and "tour of duty" have the same meaning.

Note: Authority cited: Sections 31401, 34501, 34501.5, 34508 and 34520, Vehicle Code; and Section 39831, Education Code. Reference: Sections 336, 378, 545, 546, 27375, 31401, 34501, 34501.2, 34501.5, 34508 and 34520, Vehicle Code; and Section 39831, Education Code.

§ 1212 Driver Hours of Service.

(a) ***General***. The rules in this section, unless otherwise specified, apply to all intrastate motor carriers and drivers.

(b) ***Adverse driving conditions***.

(1) A driver who encounters adverse driving conditions, as defined in Section 1201, and cannot, because of those conditions, safely complete the run within the maximum driving time permitted by Section 1212.5, may drive and be permitted or required to drive for not more than 2 additional hours in order to complete that run or to reach a place offering safety for vehicle occupants and security for the vehicle and its cargo. However, that driver may not drive or be permitted to drive:

(A) More than 12 hours in the aggregate for bus drivers and 14 hours for truck drivers following eight consecutive hours off duty for bus drivers and ten consecutive hours off duty for truck drivers; or

(B) After the driver has been on duty 15 hours following eight consecutive hours off duty for bus drivers and after the end of the 16th hour after coming on duty for truck drivers.

(2) Emergency conditions. In the event of a traffic accident, medical emergency, or disaster, a driver may complete his/her run without being in violation of the provisions of these regulations, if such run reasonably could have been completed absent the emergency.

(3) Relief Point. Bus drivers (other than school bus and school pupil activity bus drivers) in urban and suburban service may exceed their regulated hours in order to reach a regularly scheduled relief point, providing the additional time does not exceed one hour.

(c) ***Driver-salesperson***. The provisions of Section 1212.5(a)(4) shall not apply to any driver-salesperson whose total driving time does not exceed 40 hours in any period of seven consecutive days.

(d) ***Oilfield operations***.

(1) In the instance of drivers of commercial motor vehicles used exclusively in the transportation of oilfield equipment, including the stringing and picking up of pipe used in pipelines, and servicing of the field operations of the natural gas and oil industry, any period of eight consecutive days may end with the beginning of any off-duty period of 24 or more successive hours.

(2) In the case of specially trained drivers of motor vehicles which are specially constructed to service oil wells, on-duty time shall not include waiting time at a natural gas or oil well site; provided, that all such time shall be fully and accurately accounted for in records to be maintained by the motor carrier. Such records shall be made available upon request of any authorized employee of the department.

(e) ***100 air-mile radius driver.*** A driver is exempt from the requirements of Section 1213 if:

(1) The driver operates within a 100 air-mile radius of the normal work reporting location;

(2) The driver, except a driver salesperson, returns to the work reporting location and is released from work within 12 consecutive hours;

(3) The driver of a school bus, school pupil activity bus, youth bus, or farm labor vehicle returns to the work reporting location and is released from work before the end of the 16th hour after coming on duty;

(4) At least eight consecutive hours off duty for bus drivers and ten consecutive hours off duty for truck drivers, separate each ~~12 hours on duty~~work period, as defined in Section 1201; and

(5) The motor carrier that employs the driver maintains and retains for a period of six months accurate and true time records showing:

(A) The time the driver reports for duty each day;

(B) The total number of hours the driver is on duty each day;

(C) The time the driver is released from duty each day; and

(D) The total time for the preceding seven days in accordance with Section 1213(k)(2) for drivers used for the first time or intermittently.

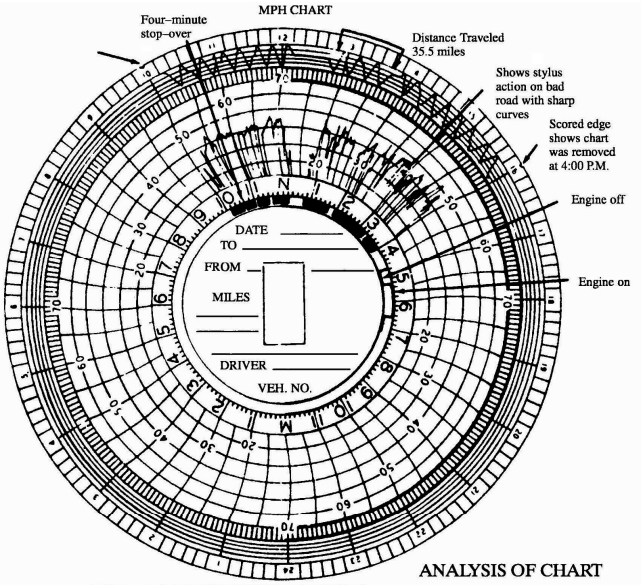
(6) The permanent record produced by a time-recording device such as a "tachograph" (Figure 1) may be used as a driver's record for any tour of duty for an intrastate driver that does not exceed 15 consecutive hours or the 100 air-mile radius, provided the intrastate bus driver does not exceed ten hours and the intrastate truck driver does not exceed 12 hours maximum driving time following eight consecutive hours off duty for bus drivers and ten consecutive hours off duty for truck drivers, and the driver enters:

(A) The time the driver reports for duty each day;

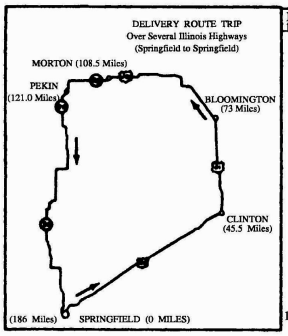
(B) The previous day's time of going off duty; and

(C) The data required by Section 1213(e).

(f) ***Retail store deliveries.*** The provisions of Section 1212.5(a) shall not apply with respect to drivers of commercial motor vehicles engaged solely in making local deliveries from retail stores and/or retail catalog businesses to the ultimate consumer, when driving solely within a 100 air-mile radius of the driver's work-reporting location, during the period from December 10 to December 25, both inclusive, of each year.



ANALYSIS OF CHART



Distance	TIME	PLACE	REMARKS
0	10:00 A.M.	Springfield	Inserted chart
0	10:10	Springfield	Left via Route U. S. 54
12.7	10:35	Highway	Stopped to inspect load (4 minutes)
27.5	11:02	Highway	Delayed 8 minutes by highway construction
33.0	11:22	Railroad Crossing	Safety Stop
45.5	11:35	Clinton	5 minute stop to make pick–up
72.7	12:15 P.M.	Bloomington	Reduced speed in city
73.0	12:20	Bloomington	Made delivery and had lunch
73.0	12:45	Bloomington	Left via Route U. S. 150
91.7	1:20	Highway	Blocked by train (2 minutes)
108.5	1:42	Morton	Made delivery (10 minutes)
121.0	2:15	Pekin	Slowed by traffic
163.2	3:20	Highway	Stopped 3 minutes for tire check
186	4:00	Springfield	Arrived home and removed chart

Figure 1. Tachograph Chart and Analysis

(g) ***Sleeper berths.*** (1) Property-carrying motor vehicles. A driver who is driving a truck or truck tractor that is equipped with a sleeper berth, as defined in Section 1265,

(A) Must, before driving accumulates;

(i) At least ten consecutive hours off duty;

(ii) At least ten consecutive hours of sleeper-berth time;

(iii) A combination of consecutive sleeper-berth and off-duty time amounting to at least ten hours; or

(iv) The equivalent of at least ten consecutive hours off duty if the driver does not comply with paragraph (g)(1)(A)(i), (ii), or (iii) of this section;

(B) May not drive more than 12 hours following one of the ten-hour off-duty periods specified in paragraph (g)(1)(A)(i) through (iv) of this section; and

(C) May not drive after the 16th hour after coming on duty following one of the ten-hour off-duty periods specified in paragraph (g)(1)(A)(i) through (iv) of this section; and

(D) Must exclude from the calculation of the 16-hour limit any sleeper-berth period of at least eight but less than ten consecutive hours.

(2) Specific requirements. The following rules apply in determining compliance with paragraph (g)(1) of this section:

(A) The term "equivalent of at least ten consecutive hours off duty" means a period of:

(i) At least eight but less than ten consecutive hours in a sleeper berth, and

(ii) A separate period of at least two but less than ten consecutive hours either in the sleeper berth or off duty, or any combination thereof.

(B) Calculation of the 12-hour driving limit includes all driving time; compliance must be re-calculated from the end of the first of the two periods used to comply with paragraph (g)(2)(A) of this section.

(C) Calculation of the 16-hour limit includes all time except any sleeper-berth period of at least eight but less than ten consecutive hours; compliance must be re-calculated from the end of the first of the two periods used to comply with the requirements of paragraph (g)(2)(A) of this section.

(3) Specially trained driver of a specially constructed oil well servicing commercial motor vehicle at a natural gas or oil well location. A specially trained driver who operates a commercial motor vehicle specially constructed to service natural gas or oil wells that is equipped with a sleeper berth, as defined in Section 1265, or who is off duty at a natural gas or oil well location, may accumulate the equivalent of ten consecutive hours off-duty time by taking a combination of at least ten consecutive hours of off-duty time, sleeper-berth time, or time in other sleeping accommodations at a natural gas or oil well location; or by taking two periods of rest in a sleeper berth, or other sleeping accommodation at a natural gas or oil well location, providing:

(A) Neither rest period is shorter than two hours;

(B) The driving time in the period immediately before and after each rest period, when added together, does not exceed 12 hours;

(C) The driver does not drive after the 16th hour after coming on duty following ten hours off duty, where the 16th hour is calculated:

(i) By excluding any sleeper berth or other sleeping accommodation period of at least two hours which, when added to a subsequent sleeper berth or other sleeping accommodation period, totals at least ten hours, and

(ii) By including all on-duty time, all off-duty time not spent in the sleeper berth or other sleeping accommodations, all such periods of less than two hours, and any period not described in paragraph (g)(2)(A) of this section; and

(D) The driver may not return to driving subject to the normal limits under Section 1212.5 without taking at least ten consecutive hours off duty, at least ten consecutive hours in the sleeper berth or other sleeping accommodations, or a combination of at least ten consecutive hours off duty, sleeper-berth time, or time in other sleeping accommodations.

(4) Passenger-carrying commercial motor vehicles. A bus driver who is driving a bus that is equipped with a sleeper berth, as defined in Section 1265, may accumulate the equivalent of eight consecutive hours of off-duty time by taking a combination of at least eight consecutive hours off-duty and sleeper berth time; or by taking two periods of rest in the sleeper berth, providing:

(A) Neither rest period is shorter than two hours;

(B) The driving time in the period immediately before and after each rest period, when added together, does not exceed ten hours;

(C) The on-duty time in the period immediately before and after each rest period, when added together, does not include any driving time after the 15th hour; and

(D) The driver may not return to driving subject to the normal limits under Section 1212.5 without taking at least eight consecutive hours off duty, at least eight consecutive hours in the sleeper berth, or a combination of at least eight consecutive hours off duty and sleeper berth time.

(h) ***Travel time.*** When a driver at the direction of the motor carrier is traveling, but not driving or assuming any other responsibility to the carrier, such time shall be counted as on-duty time unless the driver is afforded at least eight consecutive hours off duty for bus drivers and ten consecutive hours off duty for truck drivers, when arriving at destination, in which case the driver shall be considered off duty for the entire period.

(i) ***Utility service vehicles.*** An intrastate driver employed by an electrical corporation, as defined in Section 218 of the Public Utilities Code, a gas corporation, as defined in Section 222 of that code, a telephone corporation, as defined in Section 234 of that code, a water corporation, as defined in Section 241 of that code, or a public water district, as defined in Section 20200 of the Water Code~~:~~, is exempt from all hours-of-service regulations and associated recordkeeping while operating a public utility or public water district vehicle.

~~(1) May be permitted or required to drive more than the number of hours specified in Section 1212.5 while operating a public utility or public water district vehicle during the emergency restoration of service and related operations.~~

~~(2) Upon termination of the emergency and release of a driver from duty, the total on-duty hours accumulated by the driver during the most recent eight consecutive days shall be considered reset to zero upon the driver's completion of an off-duty period of 24 or more consecutive hours.~~

(j) ***Fire fighters.*** For drivers of vehicles owned and operated by any forestry or fire department of any public agency or fire department organized as provided in the Health and Safety Code:

(1) Section 1212.5 does not apply while involved in emergency and related operations.

(2) Upon termination of the emergency and release of a driver from duty, the total on-duty hours accumulated by the driver during the most recent eight consecutive days shall be considered reset to zero upon the driver's completion of an off-duty period of 24 or more consecutive hours.

(k) ***Farm products***. (1) A driver when transporting farm products from the field to the first point of processing or packing, shall not drive:

(A) More than 12 hours following eight consecutive hours off duty.

(B) ~~for~~ For any period after having been on duty 16 hours or more following eight consecutive hours off duty. ~~and shall not drive~~

(C) ~~for~~ For any period after having been on duty for 112 hours in any consecutive eight-day period. ~~, except that a~~

(2) A driver transporting special situation farm products from the field to the first point of processing or packing, or transporting livestock from pasture to pasture, may be ~~permitted,~~ exempted from the eight-day cumulative limit, specified in Sections 1212(k)(1)(C) and 1212.5(a)(4), during one period of not more than 28 consecutive days or a combination of two periods, totaling not more than 28 days in a calendar year~~, to drive for not more than 12 hours during any workday of not more than 16 hours~~.

(3) A driver who thereby ~~exceeds~~utilizes the driving time limits ~~specified in Section 1212.5(a)(4)~~, as provided by this paragraph, shall maintain a driver's record of duty status pursuant to Section 1213.~~and shall keep a duplicate copy in his or her possession when driving a vehicle subject to this chapter. These records shall be presented immediately upon request by an authorized employee of the department, or any police officer or deputy sheriff.~~

~~(2)~~(4) Upon the request of the Director of Food and Agriculture, the ~~c~~Commissioner may, for good cause, temporarily waive the maximum on-duty time limits applicable to any eight-day period when an emergency exists due to inclement weather, natural disaster, or an adverse economic condition that threatens to disrupt the orderly movement of farm products during harvest for the duration of the emergency. For purposes of this paragraph, an emergency does not include a strike or labor dispute.

~~(3)~~(5) For purposes of this ~~subdivision~~chapter, the following terms have the following meanings:

(A) "Farm Products" means every agricultural, horticultural, viticultural, or vegetable product of the soil, honey and beeswax, oilseeds, poultry, livestock, milk, or timber.

(B) "First point of processing or packing" means a location where farm products are dried, canned, extracted, fermented, distilled, frozen, ginned, eviscerated, pasteurized, packed, packaged, bottled, conditioned, or otherwise manufactured, processed, or preserved for distribution in wholesale or resale markets.

(C) "Special situation farm products" means fruit, tomatoes, sugar beets, grains, wine grapes, grape concentrate, cotton, or nuts.

(l) ***Law enforcement.*** Sections 1212.5 and 1213 do not apply to intrastate drivers employed by a law enforcement agency during an emergency or when restoring the public peace.

(m) ***Construction Materials and Equipment.*** In the instance of a driver of a vehicle who is used primarily in the transportation of construction materials and equipment, the total on-duty hours accumulated by the driver during the most recent eight consecutive days shall be considered reset to zero upon the driver's completion of an off-duty period of 24 or more consecutive hours.

(1) Transportation of "construction materials and equipment" means the transportation of construction and pavement materials, construction equipment, and construction maintenance vehicles, by a driver to or from an active construction site (a construction site between mobilization of equipment and materials to the site to the final completion of the construction project), within a 50-mile radius of the normal work reporting location of the driver.

(2) This paragraph does not apply to the transportation of materials found by the Secretary of the United States Department of Transportation to be hazardous under Title 49, United States Code, Section 5103, in an amount requiring placarding under regulations issued in order to carry out that section.

(n) ***Limited Applicability.*** The exceptions provided in subsections (i), (j), ~~and~~ (k), <u>and (p)</u> are not available to the driver of a vehicle transporting hazardous substances or hazardous waste, as those terms are defined in Section 171.8 of Title 49, Code of Federal Regulations, as those regulations exist or are hereafter amended.

(o) ***Commercial Motor Vehicle Transportation to or from a Motion Picture Production site.*** A driver of a commercial motor vehicle providing transportation of property to or from a theatrical or television motion picture production site is exempt from the requirements of Section 1212.5(a)(2) if the driver operates within a 100 air-mile radius of the location where the driver reports to and is released from work, i.e., the normal work-reporting location. With respect to the maximum daily hours of service, such a driver may not drive—

(1) More than 12 hours following 8 consecutive hours off duty;

(2) For any period after having been on duty 15 hours following 8 consecutive hours off duty.

(3) If a driver of a commercial motor vehicle providing transportation of property to or from a theatrical or television motion picture production site operates beyond a 100 air-mile radius of

the normal work-reporting location, the driver is subject to Section 1212.5(a)(2), and paragraphs (o)(1) and (2) of this section do not apply.

(p) ***Emergency Restoration Exemption*****.** (1) An intrastate governmental driver employed by the State of California, a city, a county, a city and county agency, or any political subdivision thereof may be permitted or required to drive more than the number of hours specified in Section 1212.5 while operating a commercial motor vehicle owned and operated by the State of California, a county, a city, a county and city, or any political subdivision thereof during the emergency restoration of basic essential public services and related operations. For purposes of this paragraph, the phrase "and related operations" includes, but is not limited to, the operation of a commercial motor vehicle from its original terminal location to the scene of emergency restoration of essential public services and the return of the commercial motor vehicle to the original terminal location in order to release the driver from duty.

(2) This exemption applies only to governmental drivers working within a 100 air-mile radius of the normal work reporting location and who begin and end work in the normal work reporting location.

(3) A 72-hour limit for the emergency restoration exemption shall apply.

(4) The 72-hour limit of the emergency restoration exemption may be extended by the Commissioner of the California Highway Patrol upon request through the submission of a letter from the originating authority indicating the specific reason(s) for the extension.

(5) Upon the expiration of the 72-hour exemption limit or the exemption extension letter and release of a driver from duty, the total on-duty hours accumulated by the driver during the most recent eight consecutive days shall be considered reset to zero upon the driver's completion of an off-duty period of 24 or more consecutive hours.

(6) The Governor of the State of California, designated county authority, or designated city authority shall document the nature of the incident requiring emergency restoration of basic essential public services, the duration of the emergency necessitating excessive driving hours, and the name(s) of governmental employees utilizing the exemption. Drivers operating under the exemption shall document record of duty status using the methods prescribed in Section 1213. Copies of the exemption documentation required to be prepared by the authority authorizing the use of this exemption shall accompany the driver(s) hours of service records and shall be considered supporting documentation as defined by Section 1234. Documentation required by this section shall be retained at the principal place of business for a period of not less than two years from the date on which the incident occurred and made available to any authorized employee of the California Highway Patrol.

(7) California governmental entities issuing an emergency restoration declaration and utilizing the 72-hour emergency restoration exemption shall immediately notify the California Highway Patrol Emergency Notification and Tactical Alert Center using the following 24-hour number: (916) 843-4339. The notification shall include the following information: Name(s) of authority requesting the exemption, reason for utilizing the exemption, name(s) of the governmental driver(s) to be included, and alternate method(s) of hours of service compliance.

(8) The Commissioner of the California Highway Patrol reserves the authority to rescind a 72-hour emergency restoration exemption order or any extension of a 72-hour emergency restoration exemption order at discretion for cause.

(9) Emergency Restoration - Definition. For purposes of this section, emergency restoration includes, but is not limited to, mitigation of damage and debris removal to restore basic essential public services as the result of a fire, flood, earthquake, other soil or geologic movement, storm,

natural disaster, act of terrorism, riots, accidents, sabotage, or other occurrence, whether natural or man-made, that interrupts the delivery of essential services, such as electricity, medical care, sewer, water, main roadway traffic, storm drain operation, telecommunications, and telecommunication transmissions, or otherwise immediately threatens human life or public welfare. Emergency restoration does not include regular and scheduled construction, repair, and maintenance of basic essential public services, public works infrastructure, or any highway.

(10) Governmental Driver - Definition. For purposes of this section, a governmental driver includes any person who is a directly compensated, authorized, permanent, full-time, part-time, temporary, seasonal, or limited-term employee of the State of California, a county, a city, a county and city, or any political subdivision thereof during the emergency restoration of basic essential public services and related operations while operating a commercial motor vehicle. A governmental driver does not include a non-governmental employee, a subcontractor, or a private party acting on behalf of or indirectly compensated by the State of California, a county, a city, a county and city, or any political subdivision thereof.

(q) Tow truck operators. (1) The driver of a tow truck, as defined in Vehicle Code Section 615(a), equipped with at least one permanently mounted and operational boom, winch, under-lift device, or other equipment designed, used, or maintained for the purpose of lifting, carrying, securing, or towing a disabled vehicle may not drive or be permitted to drive:

(A) More than 12 hours following at least ten consecutive hours off-duty;

(B) For any period after having been on duty 16 hours following at least ten consecutive hours off-duty; or

(C) After having been on-duty for 80 hours in any consecutive eight days.

(2) This exception is not available to any driver:

(A) Transporting hazardous materials in a quantity requiring the display of placards pursuant to Vehicle Code Section 27903, a Hazardous Materials Transportation License pursuant to Vehicle Code Section 32000.5, or a Hazardous Waste Transporter Registration pursuant to Health and Safety Code Section 25163.

(B) Operating a truck-tractor, any motor truck used to tow any trailer defined in Vehicle Code Section 34500(e), or any other motor vehicle not equipped as described in subdivision (1).

(3) Use of this exception is at the sole discretion of the employing motor carrier.

(A) Drivers using this exception to drive a commercial motor vehicle in excess of driving limits contained in Section 1212.5 shall complete a driver's record of duty status pursuant to Section 1213 for each 24-hour period while using the exception and for the seven 24-hour periods immediately following the use of the exception.

(4)(A) The employing motor carrier of any driver described in subdivision (1) shall report all incidents to the California Highway Patrol within 15 calendar days. All incidents involving the driver, occurring during any eight consecutive 24-hour periods described in subdivision (3)(A), shall be reported in a manner prescribed by the Department, include legible copies of any report or description of the incident completed by a law enforcement agency, any emergency response personnel, or on behalf of any insurance company, and submitted via electronic mail or United States mail as follows:

cvs@chp.ca.gov

or

California Highway Patrol

Commercial Vehicle Section

Attn: Tow Reporting

P.O. Box 942898

Sacramento, CA 94298-0001

(B) For the purpose of the subsection the term "incident" includes:

(i) Any injury to the driver, any member of the public, any emergency response personnel, or other party at the scene of the driver's duties, directly attributable to any action or inaction of the driver, which results in medical treatment beyond first aid, as defined in Labor Code Section 5401(a).

(ii) Damage to any property caused as a result of any action or inaction of the driver exceeding a retail restoration or replacement cost of $500.

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

§ 1212.5. Maximum Driving and On-Duty Time.

(a) Maximum driving time. Except as provided in Sections 1212(b)(1), 1212(f), 1212(i), 1212(j), 1212(k), ~~and~~ 1212(l), 1212(p), and 1212(q), no motor carrier shall permit or require any driver used by it to drive, nor shall any such driver drive:

(1) Intrastate bus drivers~~,~~ and modified limousine drivers~~, and drivers of tank vehicles with a capacity of more than 500 gallons transporting flammable liquid~~:

(A) More than ten hours following eight consecutive hours off duty~~ for bus and modified limousine drivers and ten consecutive hours off duty for truck drivers~~; or

(B) For any period after having been on duty 15 hours following eight consecutive hours off duty~~ for bus and modified limousine drivers and after the end of the 16th hour after coming on duty following ten consecutive hours off duty for truck drivers~~.

(2) Intrastate Truck Drivers:

(A) More than 12 cumulative hours following ten consecutive hours off duty, except for a driver of a tank vehicle with a capacity of more than 500 gallons transporting flammable liquid, shall not drive for more than ten hours; or

(B) For any period after the end of the 16th hour after coming on duty following ten consecutive hours off duty.

(3) School Bus, School Pupil Activity Bus, Youth Bus and Farm Labor Vehicle Drivers:

(A) More than ten hours within a work period; or

(B) After the end of the 16th hour after coming on duty following eight consecutive hours off duty.

(4) No motor carrier shall permit or require a driver, regardless of the number of motor carriers using the driver's services, to drive nor shall any driver drive, except as provided in Section 1212(k), for any period after having been on duty for 80 hours in any consecutive eight days.

(5) For truck drivers listed in subsections (1) and (2), any period of eight consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours.

(b) Interstate driver. Motor carriers and drivers engaged in interstate commerce and the driver of a vehicle transporting hazardous substances or hazardous waste, as those terms are defined in

Section 171.8 of Title 49, Code of Federal Regulations, shall comply with the federal driver hours-of-service regulations contained in Title 49, Code of Federal Regulations, Part 395, as those regulations now exist or are hereafter amended.

(1) Modified limousine drivers. Modified limousine drivers engaged in interstate transportation shall comply with driver hours-of-service limits contained in Title 49, Code of Federal Regulations, Part 395.5, applicable to drivers of passenger-carrying vehicles, as published August 25, 2005, which are hereby incorporated by this reference.

(c) Referenced regulations. Copies of Title 49, Code of Federal Regulations, can be obtained from:

SUPERINTENDENT OF DOCUMENTS

UNITED STATES GOVERNMENT PRINTING OFFICE

PO BOX 371954

PITTSBURG, PA 15250-7954

(202) 512-1800

Internet purchases: http://www.access.gpo.gov/su_docs/sale.html

NOTE: Authority cited: Sections 31401, 34500.4, 34501, 34501.5 and 34508, Vehicle Code; and Section 39831, Education Code. Reference: Sections 545, 31401, 34003, 34500.4, 34501, 34501.2, 34501.5 and 34508, Vehicle Code; and Section 39831, Education Code.