

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATION

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5
AMEND ARTICLE 7.5, SECTION 1239

COMMERCIAL VEHICLE SAFETY ALLIANCE, NORTH AMERICAN STANDARD OUT-OF-SERVICE CRITERIA (CHP-R-15-03)

Pursuant to the requirements of Government Code Sections 11347.1 and 11346.8(c) the California Highway Patrol (CHP) is providing notice of changes made to proposed regulation sections 1239 which was first published in the California Regulatory Notice Register, July 3, 2015. These changes are required to be made available to the public for comment for a period of at least 15 days.

Current regulation adopts, by reference, Part I (except the communication requirement and skill certificate requirements) , Part II, Part III, and Part IV of the North American Standard Out-of-Service Criteria (OOSC). The OOSC contains six parts including: Part I, Part II, Part III, Part IV, Strategic Plan, and the Appendix. The California Highway Patrol proposes to adopt the OOSC, in its entirety, with the exception of the skill certificate requirement within Part I. The Strategic Plan contains various statements, including the policy statement, mission statement, vision statement and statement of values. Additionally, program strategic goals outline the purpose and procedures of the program. The Commercial Vehicle Safety Alliance (CVSA) is made up of 38 participating states, including California, as well as members of industry. The CVSA has developed a partnership with the other states and to promote the safe transportation of motor vehicles throughout North America. Therefore, it is necessary to adopt the Strategic Plan to maintain the uniformity of the program.

The Appendix describes the various levels of inspection, the use of decals and the out of service notices. The CVSA provides a detailed procedure for the use and application of decals. The decals aid in identifying vehicles that have been inspected in which, no critical item defects were observed. Conversely, the lack of a decal makes vehicles in need of inspection easily identifiable. An out of service notice is applied to vehicles when a critical item(s) defect constitutes an emanate hazard, and should not be allowed to continue. Inspection bulletins are created when clarification is required on equipment or inspection changes. State partners and industry members meet and confer; the findings are posted and shared through inspection bulletins. Lastly, the 2014 version of the OOSC contained “Inspection Guidance – Frequently Asked Questions”, in the 2015 version of the OOSC, the inspection guidance was expanded, restructured, and renamed Operational Policy 15. Upon review by the Office of Administrative Law, it was determined that the Operational Policy 15 is regulatory in nature and should be included in the incorporation by reference. It is necessary to include the Appendix in the incorporation to maintain uniformity with neighboring states and consistency with federal regulations and interstate operations.

PUBLIC COMMENTS

Any interested person may submit written comments between January 8, 2016, and January 22, 2016. All written comments must be submitted no later than 5:00 PM, on January 22, 2016 and may be submitted via facsimile at (916) 322-3154, by email to cvsregs@chp.ca.gov, or by writing to:

CHP, Enforcement and Planning Division
Commercial Vehicle Section
ATTN: Officer Kristi McNabb
P. O. Box 942898
Sacramento, CA 94298-0001

AVAILABILITY OF INFORMATION

Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 322-3154 or by calling the CHP, Commercial Vehicle Section, at (916) 843-3400. All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the requestors information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, Commercial Vehicle Section, 601 North 7th Street, Sacramento, CA 95811. Interested parties are advised to call for an appointment.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. All documents regarding the proposed action are also available through our website at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations, or questions regarding the substance of the proposed regulations should be directed to Officer Kristi McNabb or Sergeant Tye Meeks (back-up contact), CHP, Commercial Vehicle Section, at (916) 843-3400.