

**State of California  
Office of Administrative Law**

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

**Regulatory Action:**

**Title 13, California Code of Regulations**

**Adopt sections: 1267.1**

**Amend sections: 1201, 1217, 1232, 1242,  
1268, 1269**

**Repeal sections:**

**NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION**

**Government Code Sections 11346.1 and  
11349.6**

**OAL Matter Number: 2017-0719-06**

**OAL Matter Type: Emergency (E)**

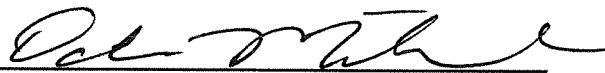
---

In this emergency rulemaking action, the Department of the California Highway Patrol adopts requirements to implement Senate Bill 109 (Chapter 752 of 2013), SB 611 (Chapter 860 of 2014), AB 863 (Chapter 480 of 2015), and SB 812 (Chapter 711 of 2016) regarding the location, size, marking, latching, maintenance, inspection, and operability requirements for push-out window exits and passenger doors and fire extinguishers in modified limousines.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 7/31/2017 and will expire on 1/30/2018. The Certificate of Compliance for this action is due no later than 1/29/2018.

Date: July 31, 2017



Dale P. Mentink  
Senior Attorney

For: Debra M. Cornez  
Director

Original: Joe Farrow  
Copy: Joseph Mosinski

# EMERGENCY

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATION SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <b>2017-0719-06E</b>
------------------	---------------------------------	--------------------------	--

For use by Office of Administrative Law (OAL) only

JUL 19 P 3 05

OFFICE OF ADMINISTRATIVE LAW

**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California

JUL 31 2017

3:06 PM

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY  
~~California State Transportation Agency~~ Department of the California Highway Patrol

AGENCY FILE NUMBER (if any)  
CHP-R-2017-10

### 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)
<b>OAL USE ONLY</b> <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE

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

1a. SUBJECT OF REGULATION(S) Modified Limousine Safety	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) <del>CHP-R-2017-10</del>
---	--

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)						
<table border="1"> <tr> <td><b>SECTION(S) AFFECTED</b> (List all section number(s) individually. Attach additional sheet if needed.)</td> <td>ADOPT 1267.1</td> </tr> <tr> <td></td> <td>AMEND 1201, 1217, 1232, 1242, 1268, and 1269</td> </tr> <tr> <td>TITLE(S) 13</td> <td>REPEAL</td> </tr> </table>	<b>SECTION(S) AFFECTED</b> (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 1267.1		AMEND 1201, 1217, 1232, 1242, 1268, and 1269	TITLE(S) 13	REPEAL
<b>SECTION(S) AFFECTED</b> (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 1267.1					
	AMEND 1201, 1217, 1232, 1242, 1268, and 1269					
TITLE(S) 13	REPEAL					

3. TYPE OF FILING
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input checked="" 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 type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" 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 checked="" type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____

7. CONTACT PERSON Joseph Mosinski	TELEPHONE NUMBER (916) 843-3400	FAX NUMBER (Optional) (916) 322-3154	E-MAIL ADDRESS (Optional) cvsregs@chp.ca.gov
--------------------------------------	------------------------------------	---	---

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 <i>E. L. Falat</i>	DATE 07-18-17
TYPED NAME AND TITLE OF SIGNATORY E. L. Falat, Chief	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 31 2017

Office of Administrative Law

# DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

## EMERGENCY TEXT

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5  
AMEND ARTICLE 1, SECTION 1201; ARTICLE 3, SECTION 1217;  
ARTICLE 6, SECTION 1232; AND, ARTICLE 8, SECTIONS 1242, 1268, AND 1269  
ADD ARTICLE 8, 1267.1

## MODIFIED LIMOUSINE SAFETY (CHP-R-2017-10)

*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, Chapter 6.5. Motor Carrier Safety

#### Article 1. Definitions and General Provisions

##### § 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 lb 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 CFR, 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) 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 vehicle passenger seating capacity, is the definitive indicator.

(2) 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.

~~(s)~~(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 time spent resting in a sleeper berth as defined by the term "sleeper berth" in this section;

(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 CFR 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.

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

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

~~(dd)~~(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.

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

~~(ff)~~(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.

~~(gg)~~(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.

### **Article 3. General Driving Requirements**

#### **§1217. Transportation of Passengers.**

No driver shall drive a vehicle transporting passengers in violation of the following provisions:

(a) Seating Capacity. Except as provided in subsection (e), the number of passengers (excluding infants in arms) shall not exceed the number of safe and adequate seating spaces, or for school buses, school pupil activity buses, youth buses, and farm labor vehicles, the number of passengers specified by the seating capacity rating set forth in the departmental Vehicle Inspection Approval Certificate.

(b) Weight. No more passengers shall be transported than the number whose weight, in addition to the weight of any property transported, can be carried without exceeding the manufacturer's maximum gross vehicle weight rating or the combined maximum rating of the tires supporting each axle.

- (c) Step Wells. Passengers shall not be permitted in the front step well of any bus while the vehicle is in motion.
- (d) Seat Beside Driver. No more than two pupils shall be allowed to occupy the seating space beside the driver of a Type 2 school bus.
- (e) Standing Passengers. A vehicle shall not be put in motion until all passengers are seated, and all passengers must remain seated while the vehicle is in motion. Standing passengers are permitted only on a bus (except a school bus, SPAB, or youth bus) operated in regularly scheduled passenger stage service or urban and suburban service by a common carrier or publicly-owned transit system, and equipped with grab handles or other means of support for standing passengers, and constructed so that standing room in the aisle is at least 74 in. high.
- (f) Open Doors. While passengers are aboard, a vehicle shall not be put in motion until the doors are closed. The doors shall not be opened until the vehicle is stopped. The doors of a school bus shall be closed while the bus is in motion, whether or not there are passengers in the school bus.
- (g) Emergency Exits. While a passenger is aboard, no bus or modified limousine shall be put in motion with any emergency exit locked or otherwise secured against being opened from the inside. While a passenger is aboard, no bus or modified limousine, equipped with emergency exits that are designed to be opened from the outside, shall be put in motion with such emergency exits locked or otherwise secured against being opened from either the outside or the inside. This paragraph shall not apply to buses operated by or under contract to law enforcement agencies while transporting persons in police custody.
- (h) Interior Lighting. During darkness, the driver shall ensure that the interior lighting is sufficient for passengers to enter and exit safely and whenever otherwise deemed necessary.
- (i) Ejection of Pupils. The driver of a school bus, youth bus, or SPAB shall not eject any school pupil unless the pupil is given into the custody of a parent or any person designated by the parent or school.
- (j) Ejection of Pupils. The driver of a PAB shall not eject any school pupil unless the pupil is given into the custody of a parent or any person designated by the parent.
- (k) Exemptions. The provisions of subsections (c) and (e) shall not apply to persons testing or training a driver, maintenance personnel, a sales or manufacturers' representative, or an adult acting upon a request by a school bus or SPAB driver to supervise or assist a pupil.

Note: Authority ~~and reference~~ cited: Sections 543, 27375, 31401, 34500, 34501, 34501.5 and 34508, Vehicle Code; ~~and Section 38047, Education Code.~~ Reference: Sections 27375, 31401, 34501 and 34501.5, Vehicle Code.

## **Article 6. Carrier Requirements**

### **§ 1232. Vehicle Inspection and Maintenance.**

The following provisions apply to the inspection and maintenance of vehicles subject to this chapter.

- (a) Preventive Maintenance. Motor carriers shall ensure that all vehicles subject to their control, and all required accessories on the vehicles, are regularly and systematically inspected, maintained, and lubricated to ensure they are in safe and proper operating condition. The carriers shall have a means of indicating the types of inspection, maintenance, and lubrication

operations to be performed on each vehicle and the date or mileage when these operations are due. The inspection required by this subsection is more in depth than the daily inspection performed by the driver. Motor carriers shall ensure compliance with this subsection when a vehicle is assigned away from the carrier's regular maintenance facility for periods exceeding normal inspection, maintenance, and lubrication intervals.

(1) Emergency exits. If equipped, push-out windows, roof exits, emergency doors, and emergency exit marking lights shall be inspected at least every 90 days, inspections shall be documented, and inspection documentation shall be retained, in accordance with requirements contained in 49 CFR 396.3 as published December 17, 2008, which are hereby incorporated by this reference.

(b) Periodic Preventive Maintenance Inspection. School bus, SPAB, PAB, and GPPV carriers shall ensure every bus is inspected every 3,000 miles or 45 calendar days, whichever occurs first; or more often if necessary to ensure safe operation. Buses out of service exceeding 45 calendar days need not be inspected at 45-day intervals, provided they are inspected prior to being placed back into service.

This periodic inspection shall at a minimum cover:

- (1) Brake adjustment
- (2) Brake system leaks
- (3) Two-way check valve in dual air systems, alternately draining and recharging primary and secondary air reservoirs
- (4) All tank mounting brackets
- (5) All belts and hoses for wear
- (6) Tires and wheels
- (7) Steering and suspension

(c) Oil or Grease Accumulations. Excessive amounts of grease or oil on the vehicle shall be removed and their cause corrected.

(d) Cleanliness of Buses. Every bus shall be kept clean and free of litter.

(e) Inspector Qualifications. Motor carriers shall ensure that individuals performing inspections, maintenance, repairs or service to the brakes or brake systems of vehicles subject to this chapter are qualified in accordance with 49 CFR 396.25 (published October 1, 2006).

Note: Authority cited: Sections 2807.2, 27375, 31401, 34501 and 34501.5, Vehicle Code.

Reference: Sections 545, 2807.2, 27375, 31401, 34501 and 34501.5, Vehicle Code.

## **Article 8. General Equipment Requirements**

### **§ 1242. Fire Extinguishers.**

Every motor vehicle or combination of vehicles (except those otherwise specified below) shall be equipped with one fully charged fire extinguisher having at least a 4B:C rating.

(a) Approvals. Each fire extinguisher shall have been rated and labeled by one of the following test labs approved by the State Fire Marshal to test and label portable fire extinguishers for sale in California.

- (1) Underwriter's Laboratories, Northbrook, Illinois. All sizes and classifications.