

# **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

## **NOTICE OF PROPOSED REGULATORY ACTION**

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5  
AMEND ARTICLE 3, SECTIONS 1212.5, 1218,  
ARTICLE 7.5, SECTION 1239 AND ARTICLE 8, SECTION 1264,  
AND ADD ARTICLE 6, SECTIONS 1231.3

### **MODIFIED LIMOUSINE BUS INSPECTION CONSISTENCY – WITH FEES (CHP-R-2017-14)**

The Commissioner of the California Highway Patrol (CHP) finds that the adoption of these regulations is necessary to carry out the duties of the CHP. Section 34501 of the California Vehicle Code (CVC) requires the Department to adopt reasonable regulations that, in the judgement of the Department, are designed to promote the safe operation of vehicles described in Section 34500 CVC. Section 34500.4 CVC requires the CHP to adopt emergency regulations in order to implement an annual modified limousine terminal inspection, adopt a fee which will offset the cost of the inspection program to the CHP, to be collected by the California Public Utilities Commission, and adopt regulations consistent with the established annual bus terminal inspection program required by Section 34501 CVC.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

In 2013, at least two limousines transporting passengers on a for-hire, pre-arranged basis, were engulfed by fire during the passenger transportation process, causing the loss of life and injury to passengers. As a result, Senate Bill (SB) 109, (Corbett, Chapter 752, Statutes of 2013) and SB 611 (Hill, Chapter 860, Statutes of 2014) were enacted to address the absence of regulations for modified limousine drivers and modified limousine operators. Under these earlier bills, the equipment requirements would have gone into effect on January 1, 2017; however, SB 812 (Hill, 2016) extended the date for the equipment retrofit for existing modified limousines out to January 1, 2018.

These regulations are critical to the protection of public and passenger transportation safety. Currently, modified limousines are largely unregulated relative to equipment requirements. The regulations will clarify new requirements that will protect users of these vehicles from catastrophic incidents like those that occurred in 2013. These requirements include installation of a signaling device and replacement of cracked or broken glass within the passenger compartment of a modified limousine. These standards will meet a critical public safety need by ensuring a signaling device is installed for use by passengers in order to gain the attention of the driver given an emergency situation and by ensuring the removal and replacement of broken or cracked glass that may constitute an immediate safety hazard.

This rulemaking is initiated in order to fulfill statutory requirements contained in Section 34500.4 CVC. The rulemaking will adopt drivers' hours-of-service requirements applicable to

drivers of modified limousines, establish the applicability of the Commercial Vehicle Safety Alliance North American Standard Out-of-Service criteria, establish an annual modified limousine terminal inspection fee which will offset the cost of the inspection program to the CHP, establish annual modified limousine terminal inspection requirements consistent with the existing annual bus terminal inspection program, and include definition amendments in support of the aforementioned requirements. After conducting an evaluation, the CHP has determined these regulations concerning modified limousine terminal inspections are appropriate and required by Section 34500.4 CVC. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

### **ANTICIPATED BENEFITS OF PROPOSED REGULATION**

This proposed regulatory action will continue to provide a nonmonetary benefit to the protection and safety of public health, employees, and safety to the environment by ensuring the safest modified limousines are operated on public roadways, thereby contributing to the safety of the motoring public. Items listed in the regulations serve to encourage motor carriers of modified limousines to adhere to safety requirements.

### **PUBLIC COMMENTS**

Any interested person may submit written comments on this proposed action via facsimile at (916) 322-3154, by electronic mail to [cvsregs@chp.ca.gov](mailto:cvsregs@chp.ca.gov), or by writing to:

California Highway Patrol  
Commercial Vehicle Section  
Attention: Officer Joseph Mosinski  
P.O. Box 942898  
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 PM, on January 15, 2018.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

### **AVAILABILITY OF INFORMATION**

The CHP has available for public review, an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP either at the above address, by facsimile to (916) 322-3154, or by calling the CHP, CVS, 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 the event the requestor's information is incomplete or illegible.

The rulemaking file is available for inspection at CHP, CVS, 601 North 7th Street, Sacramento,

CA 95811. Interested parties are advised to call for an appointment. All documents regarding the proposed action are available through the CHP's Web site at:  
<https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>.

Any person desiring to obtain a copy of the adopted text and final statement of reasons may request them at the above noted address. Copies will also be posted on the CHP's Web site.

### **CONTACT PERSON**

Any inquiries concerning the written materials pertaining to the proposed regulations or questions regarding the content of the proposed regulations, should be directed to Officer Joseph Mosinski or Mr. Cullen Sisskind, CHP, CVS, at (916) 843-3400.

### **ADOPTION OF REGULATIONS**

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or non-substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to CHP's adoption/repeal amendment of resulting regulation.

### **DISCLOSURES REGARDING THE PROPOSED ACTION**

*The CHP has made the following determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: The CHP estimates the annual cost to administer the inspection program to be \$42,089.37. This is based on similar inspection programs conducted by the CHP, including those for: tour buses, school buses, school pupil activity buses, and other buses without operating authority. This estimate takes into account duty hours accumulated during inspection categories such as maintenance program records, driver records, vehicle inspection, scheduling, and travel. Those hours are then factored with inspection personnel's hourly salary rates. The CHP estimates the average cost per modified limousine inspection to be approximately \$97.20. Pursuant to Section 34500.4 CVC, the CHP is required to establish an inspection fee in an amount sufficient to offset the cost to administer the inspection program. The CHP established a fee schedule based on the number of modified limousines operated by the motor carrier. This fee schedule has been determined by the CHP to be the most appropriate fee to meet the statutory requirements and considers the motor carrier's fleet size in the interest of fairness to the modified limousine industry. The modified limousine carrier inspection fee is consistent with the carrier inspection fee currently applicable to property transportation carriers subject to similar inspections. The California Public Utilities Commission (CPUC) provided the CHP a list of modified limousines as of March 9, 2017. The list identified 433 modified limousines subject to the proposed regulations. Utilizing the fee schedule, the CHP estimates the CPUC will collect approximately \$41,397.72 annually in fees directed to offset the cost to administer the inspection program. The remaining cost difference of \$691.65 to administer the inspection program will be absorbed within the CHP's existing budgets and resources with no

increase in spending authority or inspection resources. Section 34500.4 CVC further requires the fee be collected by the CPUC and deposited into the Motor Vehicle Account in the State Transportation Fund. The CHP contacted the CPUC and requested an estimation of the additional cost they may incur through the collection process of the fees. The CPUC estimated their incremental fiscal impact to be minor and absorbable.

Cost to any local agency or school district which must be reimbursed in accordance with Sections 17500 through 17630 Government Code: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or business: The CHP anticipates an annual cost between \$130.00 and \$1,600.00, inclusive, for each motor carrier who operates a modified limousine, to offset the cost to the CHP of the newly required annual modified limousine terminal inspection program. The cost to each motor carrier will vary based on the motor carrier's fleet size and may vary annually if the fleet size increases or decreases. The CHP anticipates the costs for compliance with additional safety regulations will be insignificant.

Statewide adverse economic impact directly affecting business and individuals: Although the proposed action will directly affect businesses statewide, including small businesses, the CHP concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, will not be significant.

Significant effect on housing costs: None.

The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

## **RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT**

The CHP concludes this proposed regulatory action: (1) is unlikely to create additional jobs, nor eliminate any jobs in the State of California; (2) is unlikely to result in the elimination of existing businesses, nor create or expand businesses in the State of California; (3) will continue to provide a nonmonetary benefit to the protection and safety of public health, employees, and the environment. The application of these regulations is a response to existing statute.

## **STUDIES, REPORTS OR DOCUMENTS RELIED UPON**

None.

## **CONSIDERATION OF ALTERNATIVES**

In accordance with Section 11346.5(a)(13) GC, the CHP must determine that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is

proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

## **AUTHORITY AND REFERENCE**

The authority and references for the adopted and amended sections contained in this rulemaking are as follows:

### **Section 1212.5**

Authority cited: Sections 31401, 34500.4, 34501, 34501.5, and 34508, CVC; and Section 39831, Education Code (EC). Reference: Sections 545, 31401, 34003, 34500.4, 34501, 34501.2, 34501.5 and 34508, CVC; and Section 39831, EC.

### **Section 1218**

Authority and reference cited: Sections 34500 and 34500.4 CVC.

### **Section 1231.3**

Authority and reference cited: Sections 34500, 34500.4, and 34501 CVC.

### **Section 1239**

Authority cited: Sections 2402, 2410, 31401, 34500.4, and 34501, CVC.  
Reference: Sections 260, 322, 2402, 2410, 2804, 12500, 12502, 12515(b), 14603, 15210, 15250, 15275, 15278, 23152, 24002, 24004, 24400, 24252, 24600, 24603, 24604, 24952, 27154, 27155, 27465, 27501, 27903, 29001, 29002, 29003, 29004, 31401, 34500, 34500.4, 34501, 34506, 34510, and 34520, CVC. Section 39831, EC.

### **Section 1264**

Authority and reference cited: Sections 31401, 34500.4, 34501, and 34501.5, CVC.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
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