

NOTICE PUBLICATION/REGULATION SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2016-0201-02	REGULATORY ACTION NUMBER 2016-0615-06S	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		<p style="text-align: center;">2016 JUN 15 P 4: 07</p> <p style="text-align: center;">OFFICE OF ADMINISTRATIVE LAW</p>	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY CALIFORNIA HIGHWAY PATROL			AGENCY FILE NUMBER (if any)

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUL 25 2016
3:31 PM

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 <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER 2016 07-2	PUBLICATION DATE 2/12/2016

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Motor Carrier Safety Regulations - Consistency with Title 49, CFR	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
	AMEND 1202.1; 1202.2; 1232
TITLE(S) 13	REPEAL
3. TYPE OF FILING	
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<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 Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
<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"/> Other (Specify) _____	<input type="checkbox"/> State Fire Marshal
7. CONTACT PERSON Kristi McNabb	TELEPHONE NUMBER (916) 843-3416
FAX NUMBER (Optional) (916) 322-3154	E-MAIL ADDRESS (Optional) kmcnabb@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 	DATE 6/15/2016
TYPED NAME AND TITLE OF SIGNATORY J. T. Epperson, Assistant Chief	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 25 2016

Office of Administrative Law

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

ADOPTED TEXT

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5
AMEND ARTICLE 1, SECTION 1202.1, 1202.2 AND 1232

**MOTOR CARRIER SAFETY REGULATIONS -
CONSISTENCY WITH TITLE 49, CODE OF FEDERAL REGULATIONS
(CHP-R-14-06)**

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, CHAPTER 6.5
ARTICLE 1, SECTION 1202.1 IS AMENDED TO READ:**

§ 1202.1. Applicability of Federal Regulations.

Carriers, drivers, and vehicles engaged in interstate commerce or in the transportation of hazardous substances or hazardous wastes as defined in 49 CFR 171.8, as ~~(published on~~ October 1, 2006~~14)~~, shall be subject to the following Federal Motor Carrier Safety Regulations contained in Title 49, Code of Federal Regulations, as published on October 1, 2014, which is hereby incorporated by reference:

Section	Subject	Publication Date
385.415	What operational requirements apply to the transportation of a hazardous material for which a permit is required?	October 1, 2006
391.15(b)(2)	Disqualification for loss of Driving Privilege	October 1, 2006
<u>392.9b</u>	<u>Prohibited Transportation</u>	
392.60	Unauthorized Persons Not to Be Transported	October 1, 2006
<u>392.66</u>	<u>Carbon monoxide</u>	
<u>392.67</u>	<u>Heater, flame producing</u>	
<u>392.71</u>	<u>Radar Detectors</u>	
<u>393.77</u>	<u>Heaters</u>	
393.86	Rear Impact Guards and Rear end protection (vehicles	October 1, 2006

	<u>manufactured on or after January 26, 1998)</u>	
393.93	Seats, Seat Belt Assemblies, and Seat Belt Assembly Anchorages	October 1, 2006
396.11	Driver Vehicle Inspection Report(s)	October 1, 2006
396.13	Driver inspection	October 1, 2006
396.17	Periodic Inspection	October 1, 2006
<u>397.7</u>	<u>Parking</u>	
397.17	Tires	October 1, 2006
397.19	Instructions and Documents	October 1, 2006
397.67	Motor carrier responsibility for routing	October 1, 2006

Note: Authority cited: Section 34501, Vehicle Code. Reference: Section 34501, Vehicle Code.

**TITLE 13, CALIFORNIA CODE OF REGULATIONS
DIVISION 2, CHAPTER 6.5
ARTICLE 1, SECTION 1202.2 IS AMENDED TO READ:**

§ 1202.2. Applicability of Federal Regulations.

Carriers, drivers, and vehicles engaged in intrastate commerce shall be subject to the following Federal Motor Carrier Safety Regulations contained in Title 49, Code of Federal Regulations, as published on October 1, 2014:

Section	Subject	Publication Date
385.415	What operational requirements apply to the transportation of a hazardous material for which a permit is required?	October 1, 2006
<u>392.9b</u>	<u>Prohibited Transportation</u>	
<u>392.66</u>	<u>Carbon monoxide</u>	
<u>392.67</u>	<u>Heater, flame producing</u>	
<u>392.71</u>	<u>Radar Detectors</u>	
<u>393.77</u>	<u>Heaters</u>	
393.86	<u>Rear Impact Guards and Rear End Protection (vehicles manufactured on or after July 1, 1997 January 26, 1998)</u>	October 1, 2006
396.11	Driver Vehicle Inspection Reports	October 1, 2006
396.13	Driver Inspection	October 1, 2006
<u>397.7</u>	<u>Parking</u>	
397.17	Tires	October 1, 2006
397.67	Motor Carrier Responsibility for Routing	October 1, 2006

Note: Authority cited: Section 34501, Vehicle Code. Reference: Section 34501, Vehicle Code.

**TITLE 13, CALIFORNIA CODE OF REGULATIONS
DIVISION 2, CHAPTER 6.5
ARTICLE 6, SECTION 1232 IS AMENDED TO READ:**

§ 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.

(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, as published on October 1, 2006~~14~~, which is hereby incorporated by reference.

Note: Authority cited: Sections 2807.2, 31401, 34501 and 34501.5, Vehicle Code. Reference: Sections 545, 2807.2, 31401, 34501 and 34501.5, Vehicle Code.