



California Highway Patrol

Commercial Vehicle Section



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OVERVIEW OF CPUC
RULES AND REGULATIONS
OF FOR-HIRE
PASSENGER CARRIERS

Presented by
Transportation Enforcement Section (TES)
September 26, 2013

TES Goals

- Ensure passenger carriers provide the traveling public with safe and reliable service
- Ensure that passenger carriers operate under a valid license issued by the Commission, and maintain evidence of adequate insurance protection
- Coordinate enforcement activities on passenger carriers with other law enforcement and regulatory agencies

Types of passenger carriers

- Transportation Charter-Party Carriers (TCP) charters the vehicle on a prearranged basis for the exclusive use of an individual or group. Charges are based on mileage or time of use or a combination of both. Level of charges is not regulated by PUC. **Waybills are required.**
- Passenger Stage Corporation (PSC) provides transportation service to the general public between points on an individual fare basis. Most PSC operates either a scheduled fixed route service (such as Greyhound), or an on-call, door-to-door (share-the-ride) airport shuttle-type service (Super Shuttle). PSC file tariffs setting forth their fares, the level of which is subject to Commission's oversight. **Waybills not required.**

Waybill requirements

Who is required to have a waybill?

Class A Charter party carriers.

- Conducting any type of transportation including sightseeing trips.
- Vehicles of any size including charter buses.

Class B Charter party carriers.

- Party buses, sedans, for any purpose and any seating capacity .

P- Permit holders.

- Charter party carriers using vehicles under 15-passenger seating capacity.

When is a driver required to possess a waybill?

Airport only?

Waybill requirements

Driver shall show waybill to any PUC or airport enforcement officer, or any official of city, county, or city & county authorized to inspect waybills [*PUC Section 5371.4(h)*]. The Waybill shall show:

1. Carrier Name and TCP number.
2. Vehicle License plate number.
3. Driver's name.
4. Name & address of person requesting or arranging the charter.
5. Time & date charter was arranged.
6. How charter was arranged [phone or written contract]
7. Number of persons in charter
8. Name of 1 passenger or traveling party
9. Origin and Destination

Waybill requirements

- **How must a waybill be presented?**

- At present

- It must be in written form

- Beginning January 1, 2014

- AB 838 states that waybills can be presented by electronic means or hardcopy.

How long must you keep a copy of all waybills as a part of your business records?

Three years

Renewal of Operating Authority

- An operating authority is good for three years from the date issuance or previous renewal.
- Notice of Impending Renewal is sent to carriers, by mail, 90 days from the date of expiration.
- Why is it important to respond immediately?
 - Each carrier shall be responsible for filing renewal applications at least three months prior to the expiration date of the certificate or permit. **GO 157 D 3.05**
- What goes on during these 90 days?
- ?????

Sample TCP authority

PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA
CLASS P CHARTER-PARTY PERMIT

FILE NO. TCP0001111 - P

RIDE A LIMO XPRESS
505 VAN NESS AVENUE
SAN FRANCISCO CA 94102-3214

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TERMINAL: 505 VAN NESS AVENUE SAN FRANCISCO CA 94102-3214

The above-named Carrier, having made written application to the Public Utilities Commission of the State of California for a permit to operate as a CHARTER-PARTY CARRIER OF PASSENGERS, pursuant to Sections 5351 through 5420 of the Public Utilities Code, is granted this permit authorizing the transportation of passengers by motor vehicle over the public highways of the State of California as a CHARTER-PARTY CARRIER OF PASSENGERS, as defined in said Code, subject to the following conditions:

- (1) This permit is issued pursuant to Public Utilities Code Section 5384(b), and is limited to the use of vehicles under 15-passenger seating capacity.
- (2) No vehicle or vehicles shall be operated by said Carrier unless adequately covered by a public liability and property damage insurance policy or surety bond as required by Public Utilities Code Section 5382.
- (3) Said Carrier shall comply with all Commission orders, decisions, rules, directions, and requirements governing the operations of said Carrier including General Order Series 115 and 157 and shall remit to the Commission the Transportation Reimbursement Fee required by Public Utilities Code Section 403.
- (4) All vehicles operated under this permit shall comply with the requirements of the Motor Carrier Safety Section of the California Highway Patrol. No vehicle shall be operated unless it is named in the Carrier's most recent equipment list on file with this Commission. Written amendments to the equipment list shall be filed within ten days of the date the vehicle is put into or pulled out of service.
- (5) This permit is subject to amendment, modification, suspension or revocation as provided in the Public Utilities Code and in Commission Resolutions PE-488, PE-501, and TL-18336.
- (6) This permit may not be sold, assigned, leased, or otherwise transferred or encumbered without Commission authorization.
- (7) This permit does not authorize the Carrier to conduct operations on the property of or into any airport unless such operation is authorized by the airport authority involved.
- (8) This permit does not authorize round-trip sightseeing tour service.
- (9) The use of top lights and/or taxi meters in all vehicles operated under this permit is prohibited (D 82-05-069).

This permit expires October 6, 2009. It may be renewed every three (3) years upon submission and approval of a renewal application. This renewal application should be submitted 90-days prior to the expiration date.

Dated this 6-day of October, 2008

BY 
Director, Consumer Protection and Safety Division

Sub carriers

- **If you contact another charter-party carrier to help you out on a “trip” by using their vehicle and driver:**
- Each carrier must have valid PUC authority (you should check www.cpuc.ca.gov on the day of the trip)
- A written contract between carriers which should contain the carrier’s name, TCP number and services to be provided, is required.

License Status Check

<http://www.cpuc.ca.gov>

- Transportation tab; Passenger Carriers

The screenshot shows a web browser window titled "Transportation Carrier Lookup - Windows Internet Explorer". The address bar displays the URL: http://delaps1.cpuc.ca.gov/pls/public_cpuc/f?p=203:35:774727109:. The page content includes a search form titled "Transportation Carriers Lookup" with a "Submit" button and a "Clear" button. The form has a section for "SEARCH DEFAULTS TO PSG UNLESS SELECTED OTHERWISE" with radio buttons for "Passenger Carrier (PSG)", "Moving Company (MTR)", "Private Carrier (CA)", and "Vessel Carrier (VCC)". Below this are input fields for "Carrier ID", "Carrier Name", "Carrier DBA", and a dropdown menu for "County" set to "SELECT ANY COUNTY". On the right side of the page, there is a "Welcome to Trans" section with a list of instructions: "Please use one of the buttons to locate Transportation Carriers. [Submit] will give you a list of all names (with the letter 'R').", "[Clear] will give you a list of all names (with the letter 'R').", "For help on the search, click on the link that appears to the right of the search box.", "Single Letter Search: Example: Enter a: Carrier Name or County. This will give you a list of all names (with the letter 'R').", and "You can enter one or more letters in the search box." The Windows taskbar at the bottom shows the start button, several application icons, and the system clock displaying "9:45 AM".

Fictitious Names

- **Are you using a business name and you have not notified the PUC? Any and all names used under your authority must be submitted to PUC**
- **There is an easy solution!**
- **Submit a notification letter to our License Section**

Fictitious Names cont.

- **All individuals, partnerships, corporations, LLC's, LLP's, etc., doing business in California and using a fictitious business name [defined by the Business and Professions Code (B&P)] must comply with B&P §17900, et seq. *To register or change a fictitious business name, or DBA, with the CPUC, passenger carriers need only to state the DBA on the application or, subsequently, to provide a letter advising us of the name or change.***
- **Fictitious Business Names must also be filed with the county clerk - B&P §17915.**

Fictitious Names cont.

- **Will the CPUC Accept *Any* DBA?**
- **No. If a fictitious business name would lead a reasonable person to believe that the carrier provides a service which the carrier's CPUC operating authority does not allow it to perform, or which is in conflict with any law.**
- **CPUC may refuse to enter that fictitious business name in its database. In that case, the name will not appear on the CPUC's web site, or upon the carrier's permit or certificate. An example of a fictitious business name we will reject for use by a charter-party carrier is any name containing the word "taxi" or "taxicab". CPUC regulations prohibit charter-party carriers from providing taxicab service, and PU Code Section 5386.5 states, "No charter-party carrier of passengers shall advertise its services, or in any manner represent its services, as being a taxicab or taxi service...."**

Private Carriers

- **Definition**
- **Private Carriers are defined by PUC §4001 as "...a not-for-hire motor carrier, as defined in Section 408 of the Vehicle Code, who transports passengers and is required to obtain a carrier identification number pursuant to Section 34507.5 of the Vehicle Code, but does not include persons providing transportation services specified in subdivision (k) or (l) of Section 5353." Commission General Order 160-A contains rules and regulations requiring Private Carriers, and organizations that provide transportation incidental to operations of a youth camp which are required to register as private carriers pursuant to PUC §5353(n)(2)(A), to file liability insurance with the CPUC, and prescribing limits.**

Private Carriers cont.

- **Other relevant statutes are:**
- **VC 408 defines "motor carrier" as "...the registered owner, lessee, licensee or bailee of any vehicle set forth in Section 34500, who operates or directs the operation of any such vehicle on either a for-hire or not-for-hire basis."**
- **VC 34500(c) includes "Buses" - defined by VC 233:**
 - (a) Except as provided in subdivision (b), a bus is any vehicle, including a trailer bus, designed, used, or maintained for carrying more than 15 persons including the driver.**
 - (b) A vehicle designed, used, or maintained for carrying more than 10 persons, including the driver, which is used to transport persons for compensation or profit, or is used by any nonprofit organization or group is also a bus.**
- **VC 34507.5 states that every motor carrier (VC 408) shall obtain a carrier identification number from the California Highway Patrol.**

Private carriers cont.

- **Q: Are private passenger carriers subject to CHP inspections?**
- **A: Yes. A Private Carrier of Passengers, as defined in PUC 4001, operates a bus as defined in VC 233 and is consequently subject to CHP safety inspections.**
- **Q: Are 15 passenger vans operated by businesses to transport their own employees required to obtain PCR?**
- **A: Typically, No, as long as employees are not charged for the transportation and the business is not a non-profit group. The vehicle does not meet the bus definition (VC 233) and is therefore, not regulated.**

Private carriers cont.

- **Registering as a private carrier of passengers**
- Before you can register with the PUC you must hold a California Identification ("CA") number issued by the California Highway Patrol. You may contact the local CHP Motor Carrier Safety Unit for assistance. Once you are assigned a CA number you may register with the PUC by filing an application with a filing fee of \$35. You may download a registration packet containing an application and other important information. You will also need to arrange through your insurance agent or broker to have a certificate of liability insurance (Form TL-1000) filed in your name.
- **Renewal of Private Carrier Registration**
- This is an annual registration that expires December 31, regardless of when during the year you registered. In October every registered carrier is mailed an invoice for \$30 to renew the registration for the following year.

Vehicles

- **Vehicle/Equipment Statements must be current.**
- **Every vehicle in your fleet must be on file with PUC.**
- **You have 10 days to add, delete, update your vehicles.**
- **PUC will notify CHP of vehicles in your fleet with seating capacity of more than 10.**

Who does not need to have TCP authority? PUC 5353

- a. **Transportation service rendered wholly within the corporate limits of a single city or city and county and licensed or regulated by ordinance.**
- b. **Transportation of students conducted by or under contract with a governing board of any school district entered into pursuant to the Education Code.**
- c. **PSC carriers operate between fixed termini or over a regular route.**
- d. **Transportation of farm workers traveling between farms by owner of the farm and vehicle.**
- e. **Transportation service rendered by a publicly owned transit system.**
- f. **Passenger vehicles carrying passengers on a noncommercial enterprise basis.**
- g. **Taxicab transportation**
- h. **Ridesharing vehicles**
- i. **Vehicles exclusively used for medical transportation including developmentally disabled persons.**
- j. **Transportation solely within the Lake Tahoe Basin – Operator Permit required**
- k. **Rental Car companies**
- l. **Hotel, Motels – vehicles owned by hotel – with no charge to the passenger for transportation between hotel and air, rail or plane or between hotel and entertainment . * This does not allow for round trip sightseeing [5384 (c)].**
- m. **Transportation of hot air balloon ride pass under certain conditions.**
- n. **Transportation incidental to youth camps.**

Who does need a TCP authority to operate?

- **Charter buses**

- **School charters**
- **Home to school routes that ?**
- **Casino runs**
- **Sightseeing tours routes that start and end at a CA airport. Whose trips are to various points in CA. What if one point is outside of CA?**
- **Tour buses**
- **Retirement homes (for-profit)**
- **Shuttles**

Questions?

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