

Who is a "motor carrier" for purposes of California Highway Patrol (CHP) regulation?

According to Vehicle Code (VC) Section 408, a motor carrier is the registered owner, lessee, licensee, or bailee of any vehicle set forth in Section 34500 VC, who operates or directs the operation of any such vehicle on either a for-hire or not-for-hire basis. Section 34500 VC lists the following vehicles and combinations of vehicles:

- (a) Motortrucks of three or more axles which are more than 10,000 pounds gross vehicle weight rating.*
- (b) Truck tractors.*
- (c) Buses, schoolbuses, school pupil activity buses, youth buses, and general public paratransit vehicles.**
- (d) Trailers and semitrailers designed or used for the transportation of more than 10 persons, and the towing motor vehicle.*
- (e) Trailers and semitrailers, pole or pipe dollies, auxiliary dollies, and logging dollies used in combination with vehicles listed in subdivision (a), (b), (c), or (d). This subdivision does not include camp trailers, trailer coaches, and utility trailers.*
- (f) Any combination of a motortruck and any vehicle or vehicles set forth in subdivision (e) that exceeds 40 feet in length when coupled together.*
- (g) Any truck, or any combination of a truck and any other vehicle, transporting hazardous materials.*
- (h) Manufactured homes which, when moved upon the highway, are required to be moved under a permit as specified in Section 35780 or 35790.*
- (i) A park trailer, as described in subdivision (b) of Section 18010 of the Health and Safety Code, which, when moved upon a highway, is required to be moved under a permit pursuant to Section 35780.*
- (j) Any other motortruck not specified in subdivisions (a) to (h), inclusive, or subdivision (k), that is regulated by the Public Utilities Commission or the Interstate Commerce Commission, but only for matters relating to hours of service and logbooks of drivers.*
- (k) Any commercial motor vehicle with a gross vehicle weight rating of 26,001 or more pounds or any commercial motor vehicle of any gross vehicle weight rating towing any vehicle described in subdivision (e) with a gross vehicle weight rating of more than 10,000 pounds, except combinations including camp trailers, trailer coaches, or utility trailers.*

What is the legal definition of a bus?

The California definition is found in Vehicle Code Section 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, except a vanpool vehicle.*
- (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 a nonprofit organization or group, is also a bus.*
- (c) This section does not alter the definition of a schoolbus, school pupil activity bus, general public paratransit vehicle, farm labor vehicle, or youth bus.*
- (d) A vanpool vehicle is not a bus.*

I have a van with a lot of seat space in it. I do not transport passengers commercially. Is my vehicle subject to the CHP safety regulations?

Only if it meets the definition of a bus by being designed, used, or maintained for carrying more than 15 persons, including the driver (total of 16 or more). When either a sixteenth seat or a sixteenth person is present in the vehicle, it is a bus.

Incidentally, the word "van" has no legal meaning in the Vehicle Code, except as implied by the definition of a vanpool vehicle. We use the word "van" in this discussion in the sense that most people use it: a generally box-shaped vehicle that is designed or used primarily to transport passengers. In other circumstances, however, the word "van" can mean a closed cargo vehicle such as a delivery truck or trailer.

What if I use my 12-passenger van to shuttle my motel customers to and from the airport and car rental businesses?

That vehicle is a bus, because it is used for compensation or profit. Even though you transport your customers as a courtesy and do not charge a separate fee for their rides, you are transporting passengers in the furtherance of a business. The cost of doing so is part of your business overhead, and is presumably built into the prices for lodging charged to all customers. The same would apply to a shuttle van operated by a car rental business.

For purposes of the bus definition, what is a nonprofit organization or group?

Any organization not organized as a business, such as but not limited to churches, free clinics, senior centers, and scouting groups. Government entities such as police agencies, road departments, fire departments, public colleges and universities, and public schools are not nonprofit organizations, nor do they provide transportation for compensation, so they are treated as private individuals for this definition. A transit system does offer transportation for compensation, and therefore its vehicles used in revenue service are buses when they have seating capacity for more than ten passengers. School buses are a special class of vehicle with a separate definition, and this discussion does not apply to them.

My motel passenger van used to have seats for twelve counting the driver, but I took out a three-passenger bench seat to make room for carrying more luggage in back. Is my van still a bus?

The law is silent on this matter, so for many years the CHP has interpreted Section 233 VC in favor of the vehicle owner or driver. If you have removed a three-passenger seat from your 12-passenger van, it is now a 9-passenger vehicle that, as currently configured, no longer meets the definition of a bus. The CHP does not interpret Section 233 VC to mean "once a bus, always a bus."

To benefit from this CHP interpretation, the vehicle that was once a bus must be modified in a way that persuades the CHP that the owner or driver will not transport the number of persons that would cause the vehicle to be classified as a bus. Mere removal of seat belts, for example, will not satisfy this test. Complete removal of enough seating positions to reduce the seating capacity of the vehicle to ten persons or fewer, counting the driver, (or fifteen persons or fewer, if applicable) is necessary. When seating for the eleventh (or sixteenth) person is present, the CHP will consider the vehicle a bus. The CHP will also accept modifications such as the permanent installation of mid-seat armrests, or other modifications that effectively reduce the occupancy of a bench seat.

Many small buses have seats which are readily removable without tools. This interpretation should not be construed to mean that the vehicle must be modified in such a way that the seat attachment hardware must be disabled to prevent reinstallation of the seats and return of the vehicle to its original status as a bus. All the CHP is looking for is evidence that the occupants of the vehicle cannot readily convert the vehicle back into a bus while enroute. The CHP will not accept an owner's or driver's promise not to carry more than ten (or fifteen) persons in the vehicle as sufficient grounds to view the vehicle as other than a bus. The CHP will treat the vehicle as either a passenger vehicle or a bus, depending on the seating capacity of the vehicle at the time it is observed operating on the highway.

How is passenger capacity determined? The formula used by motor vehicle manufacturers is detailed in Federal Motor Vehicle Safety Standards, and is too lengthy for this type of discussion. As a rule of thumb, in one of the full-sized passenger vans produced by such manufacturers as Ford, General Motors, and Chrysler, there are three sizes of seats. In a 15-passenger van, there is a 4-passenger seat in the very back of the van, against the back doors. It is nearly the full width of the interior of the van. The next three bench seats ahead of the back seat are typically 3-passenger seats that allow a narrow aisle along the right side of the vehicle for access to the back seat. Finally, the driver's seat and the right front seat are designed for one person each.

A typical full-sized 12-passenger model has two 3-passenger seats, and a 4-passenger seat located somewhat forward of where it would be in a 15-passenger model (allowing cargo area behind the 4-passenger seat), and the two front seats. By selecting the optimum combination of seats, one can modify the capacity of what would normally be a small bus in such a way that ten persons, counting the driver, can ride properly seated, and the vehicle will not be a bus by CHP interpretation. Using standard factory seats in a 15-passenger van, this optimum non-bus capacity is usually achieved by removing the right front seat and the 4-passenger seat. Most owners prefer to keep the right front seat, however, and therefore choose to further reduce the capacity of the vehicle to a total of 9, 8, or 7 persons by removing an additional bench seat instead of the right front seat.

The reason that the CHP chooses to interpret the statute in this manner is that sometimes the owners of vehicles which were originally manufactured as trucks or passenger vehicles (not buses) will modify those vehicles to transport more than 10 persons, or more than 15 in some cases. The CHP believes that such vehicles, and their drivers, should be required to meet whatever safety requirements apply to buses and their drivers, not just those that apply to automobiles or trucks. In order to justify regulating such vehicles as buses, the CHP believes it is only fair that the reverse situation also be allowed; that is, allowing a bus to be converted to any non-bus vehicle, reducing the applicable legal requirements accordingly. Therefore, if a vehicle that was not originally designed to be a bus is modified to have seating for more than 15 persons (or 10 persons in the case of a business or nonprofit organization), the CHP will now consider that vehicle to be a bus. Also, if a vehicle which is not equipped with seating for 15 or more persons (10 in some cases) is used to carry more than 10 (or 15) persons counting the driver, that vehicle now meets the definition of a bus, by CHP interpretation, by reason of its use as a bus.

Where do vanpool vehicles fit into this discussion?

Vanpool vehicles are vehicles designed for more than 10 but not more than 15 persons including the driver, and which are maintained for the nonprofit work-related transportation of adults, for the purpose of ridesharing. If a 10- to 15-passenger vehicle is used in compliance with all legal requirements that apply to vanpool vehicles, it is not a bus. Vanpool vehicles and their drivers have special requirements to meet in addition to those required of drivers of ordinary passenger vehicles. Therefore, a person cannot simply declare his or her 15-passenger van to be a vanpool vehicle in order to circumvent legal requirements pertaining to buses and bus drivers.

What about the CHP's inspection program known as the "BIT Program"? Do I have to participate in that?

Not if the only regulated vehicles you operate are buses. The Biennial Inspection of Terminals (BIT) Program is strictly a truck-related program. Bus operations are subject to mandatory yearly inspection by the CHP under their own programs.

I use my van as a bus, and I will comply with all legal requirements. Do I have to get a CA number from the CHP, and display it on both sides of my bus?

You are referring to the California carrier identification numbers issued by the CHP to all motor carriers, for the purpose of computerizing the CHP's records of motor carrier inspections. If your vehicle is a bus, then you are a motor carrier and must obtain a CA number from the CHP. The number is free, but it does not entitle bus operators to do anything such as transport passengers for hire. It is required simply as part of the bus operator's proper identification, along with the name of the person or company who owns or operates the vehicle. See Sections 34507.5 and 34507.6 VC.

Whether you must display your CA number on your bus or not is a separate matter. It depends on whether you already have and are properly displaying an identification number issued by certain other regulatory agencies. If you have an "MC" number issued by the Interstate Commerce Commission, a "DOT" number issued by the United States Department of Transportation, or an appropriate identification number issued by the California Public Utilities Commission, the CHP will accept any of those forms of carrier identification when properly displayed on your bus, without requiring you to also display your assigned CA number. Note, however, that you are not relieved of the responsibility to obtain a CA number.

When display of the CA number is required, it must be displayed on both sides of the bus in characters legible from 50 feet. The size is not specified in law, but as a practical matter if the characters are approximately two inches in height or larger with proportional width, contrast sharply with their background, and are maintained in clearly readable condition, they are acceptable.

What driver's license do I need to drive a bus?

You need a class B driver's license, with a "P" endorsement for the transportation of passengers. When you take your driving test, the Department of Motor Vehicles (DMV) may restrict your license to be valid only for driving certain sizes of buses, or buses with certain equipment such as hydraulic brakes or automatic transmissions. The restrictions, if any, will be based on the size and equipment of the bus you use for your test.

You must also have a valid medical certificate, which you get by passing a physical examination performed by a doctor or other approved medical professional. The form for this certificate and the standards for the physical examination are specified by DMV regulations.

Some kinds of buses may only be driven by drivers who have a special driver certificate in addition to the class B driver's license and the medical certificate. These buses are school buses, school pupil activity buses, youth buses, general public paratransit vehicles, vehicles for the transportation of developmentally disabled persons, and farm labor vehicles.

When driving a bus, do I have to stop at the scales operated by the CHP?

Most of the time, no. However, you should pay special attention to the highway signs posted near the approaches to scale facilities. The CHP does occasionally set aside a few days to conduct inspections of buses at the scales, and signs will be posted on those days. The CHP may also use other locations for this purpose, such as roadside rest stops or parking lots near major tourist attractions.

When conducting these inspections, the CHP makes provision for the welfare of the passengers who may be riding the buses. Locations are chosen where restrooms will be available, and usually there is food available from restaurants, grocery stores, mobile lunch wagons, or vending machines. A CHP officer will step aboard the bus to give instructions to the driver and to explain to the driver and the passengers what is taking place, why it is being done, how long it is expected to take, and what facilities are available to the driver and passengers. Bilingual officers are usually available to speak in the language of tour groups frequently found in the geographic area of the state where the inspection is taking place.

The inspection of a bus is basically the same as an inspection of a truck, except that the CHP uses larger teams of inspectors to speed the process, so that buses found in safe condition and driven by qualified drivers can be on their way as quickly as possible. The bus will be inspected for the condition of its steering, suspension, brakes, lights, wheels and tires, and a few other items.

The driver will be required to produce his or her driver's license, medical card, and log book, as applicable. The driver will also be expected to produce the registration of the bus. At some of the inspections, there will be representatives present from other agencies, such as the Federal Highway Administration, the California Public Utilities Commission, the Department of Motor Vehicles, and others. These representatives are there to assist the CHP in determining compliance with certain legal requirements that apply to bus operators, and the immediate availability of their expertise helps to speed up the inspection process.

The CHP has no interest in disrupting the trips of bus passengers unnecessarily, so the majority of bus inspections conducted by the CHP occur not on the highway, but at the maintenance facilities of the bus operators, where the buses are based. However, except for small fleets, these inspections do not usually include every bus that a company, agency or private organization owns. Therefore, the inspections conducted at the bus maintenance facilities are occasionally supplemented with on-highway inspections, as discussed above. These on-highway inspections have been found to be very worthwhile, as in the early days of this program, some very unsafe buses were ordered out of service before they caused a tragedy. Since the beginning of the on-highway inspection program in the early 1980s, CHP inspectors have seen significant improvement in the general condition of buses inspected under that program. Bus operators are making efforts to be ready for a surprise inspection anywhere, anytime, by ensuring their buses are in good mechanical condition and their drivers are qualified before every trip.

Although a few people view these inspections as an inconvenience, most passengers are pleased to discover that the CHP does actively search for unsafe buses, not just trucks. Those passengers reason that a bus crash would be far more inconvenient (at the very least) than a few minutes spent at a roadside inspection along the way. Prevention of accidents is the ultimate purpose of all of the CHP's inspection programs.