What does the Motor Carrier Safety Improvement Act of 1996 require motor carriers to do?

Effective September 29, 1996, the Motor Carrier Safety Improvement Act of 1996 requires "Motor Carriers of Property," as defined in California Vehicle Code (CVC) Section 34601, to obtain a Motor Carrier Permit (MCP) from the Department of Motor Vehicles (DMV), instead of obtaining operating authority or private carrier registration from the Public Utilities Commission (PUC).

How are the requirements of the MCP enforced?

Section 34623 CVC states the Department of the California Highway Patrol (CHP) has exclusive jurisdiction for the regulation of safety of operation of motor carriers of property. The DMV will take appropriate action upon the CHP's recommendation including, the suspension or revocation of a permit, for violations related to highway safety. The DMV will also take appropriate action independently, including the suspension or revocation of a permit, for violations such as insurance lapses or failure by the carrier to provide required information. The CHP will actively enforce provisions of the MCP.

Are there any new vehicle markings which must be displayed as a result of the MCP?

Effective January 1, 1998, motor carriers of property who are required to obtain an MCP must display their carrier identification (CA) number on their vehicles, in the manner prescribed by Section 34507.5 CVC. The CA number, which is issued by the CHP, is utilized by the DMV as the MCP number. Motor carriers of property who lawfully display a United States Department of Transportation (USDOT), PUC, or Cal-T number (which now applies to household goods carriers only) do not have to display their CA number, but still must have one.

What is a “Motor Carrier of Property?”

As defined in Section 34601 CVC, a motor carrier of property is “…any person who operates any commercial motor vehicle…”

What is a “commercial motor vehicle?”

For purposes of the MCP, the California definition is found in Section 34601 CVC:

(c)(1) As used in this division, except as provided in paragraph (2), a “commercial motor vehicle” means any self-propelled vehicle listed in subdivisions (a), (b), (f), (g), and (k) of Section 34500, any motor truck of two or more axles that is more than 10,000 pounds gross vehicle weight rating, and any other motor vehicle used to transport property for compensation.

(2) As used in this division, "commercial motor vehicle" does not include any of the following:

(A) Vehicles identified in subdivision (f) of Section 34500, if the gross vehicle weight rating of the towing vehicle is 10,000 pounds or less.

(B) Vehicles identified in subdivision (g) of Section 34500, if the hazardous material transportation does not require the display of placards under Section 27903, a license under Section 32000.5, or a hazardous waste transporter registration under Section 25163 of the Health and Safety Code, and the vehicle is not operated in commercial use.

(C) Vehicles operated by a household goods carrier, as defined in Section 5109 of the Public Utilities Code, under the household goods carrier permit pursuant to Section 5137 of that code.

(D) Vehicles operated by a household goods carrier to transport used office, store, and institution furniture and fixtures under its household goods carrier permit pursuant to Section 5137 of the Public Utilities Code.

(E) Pickup trucks as defined in Section 471, if the conditions in subparagraphs (A) and (B) are also met.

(F) Two-axle daily rental trucks with a gross vehicle weight rating of less than 26,001 pounds, when operated in noncommercial use.

(G) Vehicles never operated in commercial use, including motor trucks or two-axle truck tractors, with a gross vehicle weight rating of less than 26,001 pounds, when operated singly, or, when used to tow a camp trailer, trailer coach, fifth-wheel travel trailer, trailer designed to transport watercraft, or a utility trailer, never operated in commercial use. Vehicle combinations described in this subparagraph are not subject to Section 27900, 34501.12, or 34507.5.
NOTE: These definitions are for MCP purposes only, not for vehicle registration or any other purpose. There are three groups identified in Section 34601(c)(1) CVC quoted above: (1) Certain vehicles listed in 34500 CVC; (2) Motortrucks over 10,000 pounds gross vehicle weight rating (GVWR); and (3) any other motor vehicle used to transport property for compensation. Pickup trucks as defined in Section 471 CVC are subject to MCP requirements when operated in commercial use.

What vehicle types are listed in the first group listed in 34500(a), (b), (f), (g), and (k) CVC?

These subdivisions of Section 34500 CVC list the following vehicles and combinations of vehicles:
(a) Motortrucks of three or more axles that are more than 10,000 pounds gross vehicle weight rating.
(b) Truck tractors.
(c) Buses, school buses, school pupil activity buses, youth buses, farm labor vehicles, modified limousines, 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), (d), or (j). This subdivision does not include camp trailers, trailer coaches, and utility trailers.
(f) A combination of a motortruck and a vehicle or vehicles set forth in subdivision (e) that exceeds 40 feet in length when coupled together.
(g) A vehicle, or a combination of vehicles, transporting hazardous materials.
(h) Manufactured homes that, when moved upon the highway, are required to be moved pursuant to a permit as specified in Section 35780 or 35790.
(i) A park trailer, as described in Section 18009.3 of the Health and Safety Code, that, when moved upon a highway, is required to be moved pursuant to 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 Department of Motor Vehicles, the Public Utilities Commission, or the United States Secretary of Transportation.
(k) A commercial motor vehicle with a gross vehicle weight rating of 26,001 or more pounds or a commercial motor vehicle of any gross vehicle weight rating towing a 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. For purposes of this subdivision, the term “commercial motor vehicle” has the meaning defined in subdivision (b) of Section 15210.

What if I rent a commercial motor vehicle? Do I have to display my company name and CA number on that vehicle?

Persons operating vehicles that are rented for 30 days or less may continue to display the lessor’s name and valid identification number, as long as the rental agreement remains in the vehicle and shows a valid CA number. However, using a rented commercial motor vehicle to engage in a private or for-hire business in California still requires that the operating carrier (lessee) obtain a CA number, and depending upon the circumstances (interstate or intrastate), still requires either an valid operating authority or MCP. During CHP enforcement contacts, the officer will check the validity of the numbers displayed with the appropriate agency and will ascertain whether the operating carrier has a valid MCP, if required. A valid USDOT, PUC, Cal-T, or CA number and company name is required to be displayed after 30 days per Sections 27900 and 34507.5(c) CVC.

My pickup truck exceeds 10,000 pounds GVWR. Am I required to obtain an MCP even though I use my truck solely for personal use?

No. Persons operating pickup trucks (11,500 pounds GVWR or less) or two-axle daily rental trucks (26,000 pounds GVWR or less) in non-commercial use, are not subject to the MCP. The California definition for pickup truck is found in Section 471 CVC:

A “pickup truck” is a motortruck with a manufacturer's GVWR of less than 11,500 pounds, an unladen weight of less than 8,001 pounds, and which is equipped with an open box-type bed not exceeding 9 feet in length. “Pickup truck” does not include a motor vehicle otherwise meeting the above definition, that is equipped with a bed-mounted storage compartment unit commonly called a “utility body.”
My construction company owns a pickup truck (less than 10,000 pounds GVWR) that is operated in combination with a trailer creating an overall length of 45 feet. Am I required to obtain an MCP?

The operator of a truck and trailer combination described in Section 34500(f) CVC (exceeding 40 feet in length) is required to obtain an MCP. However, Section 34507.5(e) CVC specifically excludes vehicle combinations, operated by a private carrier, from the requirements to obtain or display a CA number when the GVWR of the towing vehicle is 11,500 pounds or less. Despite this exception, a person who operates any vehicle subject to the MCP Program will still need to obtain a CA number because the DMV uses this number to validate the MCP.

I am an owner-operator and I transport my own property within California only. Do I need to enroll in the DMV's Employer Pull Notice Program?

Private or for-hire owner-operators who are required to obtain an MCP are not required to enroll in the DMV's Employer Pull Notice Program (EPN). Instead, the DMV will monitor the driving record of all owner-operators and will notify the CHP in the event of a license suspension or revocation.

**NOTE:** An owner-operator is defined in Section 34624 CVC as any person who:
1. Holds a commercial class A, class B, or class C driver license;
2. Owns, leases, or otherwise operates not more than one power unit and not more than three towed vehicles;
3. Is required to obtain an MCP.

“Person,” in this case, means “individual,” not a corporation or other business entity, since only an individual can hold a driver license.

What is the difference between the MCP and the Basic Inspection of Terminals (BIT) Program?

The BIT Program is a performance-based inspection selection system. Terminals selected for inspection are based on the California Performance Safety Score (CPSS). The CPSS is derived from the Federal Motor Carrier Safety Administration (FMCSA) Safety Measurement System (SMS) Behavior Analysis and Safety Improvement Category (BASIC) percentiles, and has nothing to do with the MCP administered by the DMV. There are many motor carriers of property who are subject to the MCP requirements, but not subject to the BIT Program due to the types of vehicles they operate. Also, there are many motor carriers who are subject to the BIT Program but not subject to the MCP requirements, such as carriers who engage solely in interstate commerce (must still register their interstate authority with the state), household goods carriers (still subject to PUC permit requirements), and state or local government agencies. Many commercial vehicle operators are subject to both programs.

Who do I need to contact regarding the MCP program or other motor carrier safety related programs or requirements?

To apply for a MCP, call the DMV at (916) 657-8153.

Access the MC 706M, Application for Motor Carrier Permit, located on the DMV Web site at www.dmv.ca.gov.

Access the CHP 362, Motor Carrier Profile, located on the CHP Commercial Vehicle Section Web site at www.chp.ca.gov.

For additional information regarding general motor carrier safety requirements, including the BIT Program, call the CHP's Commercial Vehicle Section at (916) 843-3400, or your local CHP Motor Carrier Safety Unit shown on page 5 of this publication.

To obtain a CA number, contact your local CHP Motor Carrier Safety Unit, or if outside California, call CHP's Commercial Records Unit at (916) 843-4150.

**NOTE:** Motor carriers that already have a CA number may not obtain another number.
Are there any exceptions from the requirement to obtain an MCP?

Section 34622 CVC states the MCP does not apply to vehicles exempt from vehicle registration fees. This includes all publicly-owned vehicles (Section 4155 CVC); implements of husbandry and other vehicles described in Division 16 CVC, commencing with Section 36000 CVC; special construction equipment (Section 565 CVC); special mobile equipment (Section 575 CVC); and any other vehicles used primarily off highway and not required to be registered pursuant to Section 4000(a) CVC. Additionally, the CVC excludes pickup trucks (11,500 pounds GVWR or less) and two-axle daily rental trucks (26,000 pounds GVWR or less) when operated in non-commercial use.

I have owner-operators that occasionally transport intrastate freight for me and I have a valid MCP. Can these owner-operators transport freight under my MCP?

The MCP is a safety and insurance regulatory program, not economic regulation. Therefore, there is no provision for one carrier to operate under the identification of another. All motor carriers of property must obtain their own MCP prior to operating intrastate either privately or for another motor carrier of property. Additionally, a motor carrier shall not contract with another motor carrier of property unless that other motor carrier holds a valid MCP. Section 34620(b) CVC requires the contracted motor carrier to provide the contracting motor carrier with a certificate attesting to the possession of a valid MCP. This certificate is to be accompanied by a copy of that permit. The CHP 809, Motor Carrier Certification of Compliance, can be found on the CHP Commercial Vehicle Section Web site at www.chp.ca.gov.

What level of insurance is a tow truck operator required to carry?

A tow truck operator is required to maintain a combined single limit of $750,000 when performing an emergency move at the direction of a peace officer, regardless of the commodity being transported by the towed vehicle. Any subsequent or secondary movement would require the minimum level of insurance commensurate with the commodity being transported in or upon the towed vehicle. "At the direction of a peace officer" includes any request from any police agency. It is not necessary the officer be present at the scene of the emergency, only that the towing operation be initiated at the request of an officer, either directly or through a dispatcher or other police employee.
CHP MOTOR CARRIER SAFETY UNITS

Questions may be directed to any of the Motor Carrier Safety Units listed below.

**Northern Division**
2485 Sonoma Street
Redding, CA 96001
(530) 242-4357
(530) 246-1264 Fax

**Valley Division**
2555 First Avenue
Sacramento, CA 95818
(916) 731-6350
(916) 227-0111 Fax

**Golden Gate Division**
1551 Benicia Road
Vallejo, CA 94591
(707) 917-4400
(707) 649-4766 Fax

**Central Division**
5435 East Olive Avenue
Fresno, CA 93727
(559) 453-3130
(559) 452-1251 Fax

**Southern Division**
437 North Vermont Avenue
Los Angeles, CA 90004
(323) 644-9557
(323) 953-4827 Fax

**Border Division**
9330 Farnham Street
San Diego, CA 92123
(858) 650-3655
(858) 637-7159 Fax

**Coastal Division**
4115 Broad Street, Suite B-10
San Luis Obispo, CA 93401
(805) 549-3261
(805) 541-2871 Fax

**Inland Division**
847 East Brier Drive
San Bernardino, CA 92408
(909) 806-2414
(909) 885-0981 Fax