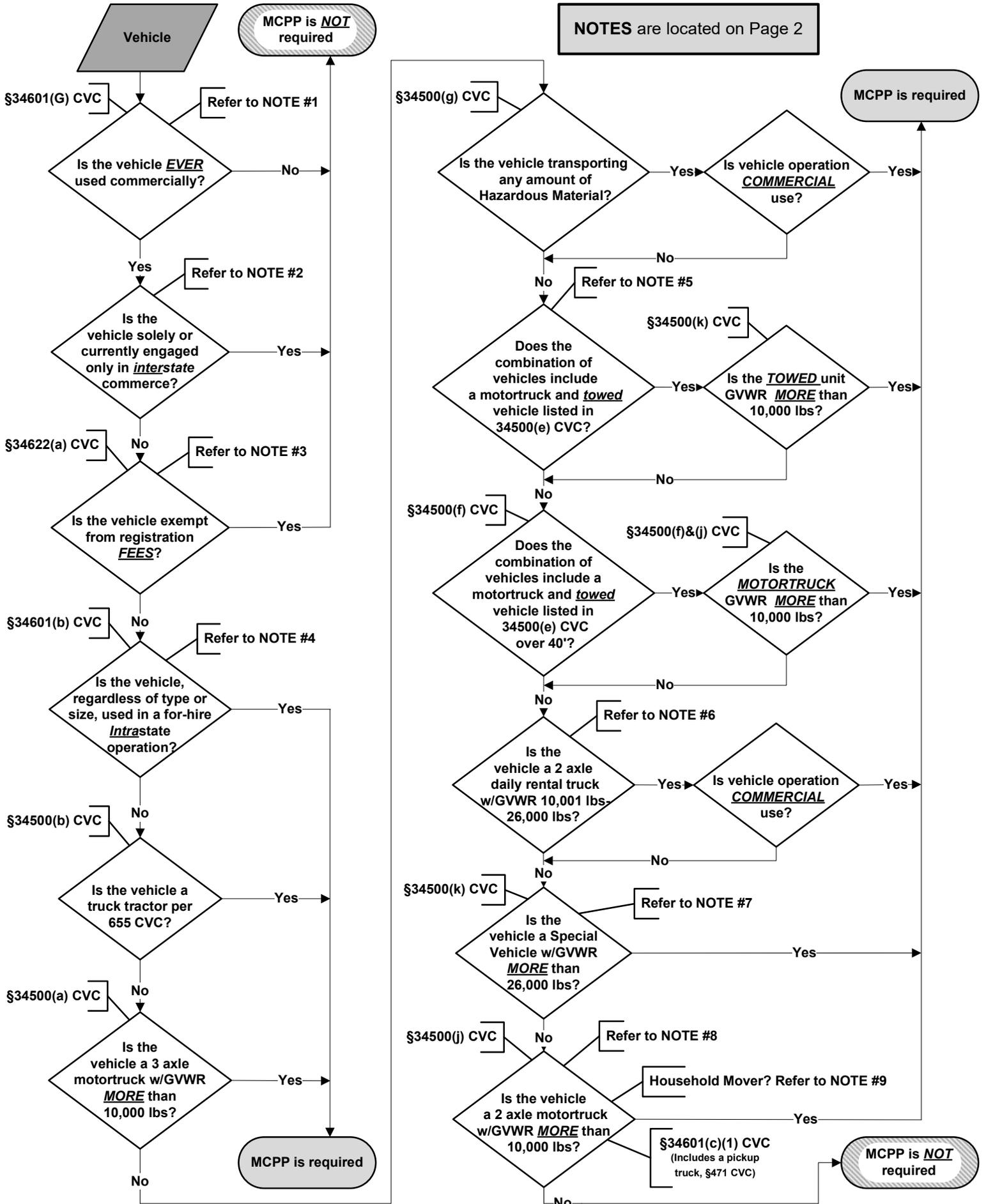


Motor Carrier of Property Permit (MCP) Flowchart Guide (Section 34601 CVC)

Laws change periodically. Please consult the appropriate California Vehicle Code (CVC) section before enforcement.



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NOTES

Unless solely or currently engaged in interstate commerce, motor carriers of property defined in Section 34601(a) CVC, operating commercial motor vehicles defined in Section 34601(c)(1) CVC are required to possess an MCP to operate their vehicles upon a highway. **No transportation of property need be articulated to enforce the MCP requirement.**

NOTE #1 – Section 34601(c)(2)(G) CVC excludes all vehicles **NEVER** operated in commercial use from the definition of a commercial motor vehicle for MCP purposes.

NOTE #2 – An interstate motor carrier of property (MCP) is not subject to the MCP requirement. Section 7232(g)(1) of the California Revenue and Taxation Code excludes an MCP from fees associated with the MCP while engaged solely in interstate or foreign transportation of property.

Refer to Information Bulletin “Motor Carrier of Property Permit Requirements for Interstate Motor Carriers” published on 06/26/2020, on Page 3 of this Flowchart Guide.

NOTE #3 – Includes vehicles described in Sections 5004 and 5011 CVC, and vehicles operated by manufacturers, remanufacturers, transporters, distributors, or dealers when in compliance with their respective requirements for a registration exemption.

Includes an MCP demonstrating a vehicle while displaying a dealer license plate in compliance with all conditions indicated in Section 11715(a) CVC. Although, exempt from the MCP requirement this MCP must be in compliance with Sections 27900 and 34507.5 CVC.

NOTE #4 – An MCP is operating for-hire when transporting other persons’ property for compensation. A private carrier transports their own property, including the delivery of the carrier’s product (even if a fee is charged for such delivery).

NOTE #5 – Vehicles defined in Section 34500(e) CVC include: trailers, semitrailers, pole or pipe dollies, auxiliary dollies, and logging dollies.

NOTE #6 – Unless operating solely or currently only in interstate commerce, rental companies operating their own motortrucks, such as fueling, maintenance, or any other use upon a highway is commercial use requiring an MCP.

NOTE #7 – Special vehicle includes: truck mounted cranes, drilling or boring rigs, boom trucks, and cement pumping trucks (vehicles not defined as motortrucks in Section 410 CVC). Refer to Information Bulletin “Motor Carrier of Property (MCP) Permit – Specialized Vehicles” published on 12/27/2005, on Page 4 of this Flowchart Guide.

NOTE #8 – A pickup truck is a motortruck. As written, Section 34601(c)(2)(E) CVC exempts pickup trucks from the definition of a commercial motor vehicle for MCP purposes **only under the following condition:**

The pickup truck has a GVWR of 10,000 lbs. or less, is in combination with a vehicle identified in subdivision (e) of Section 34500 CVC, and the combination is over 40' in length,

and:

The combination consisting of the pickup truck and vehicle in subdivision (e) of Section 34500 CVC over 40' in length is transporting hazardous material in a quantity that does not require the display of placards, a hazardous materials license under Section 32000.5 CVC, or hazardous waste transporter registration under Section 25163 of the California Health and Safety Code,

and:

The combination is not operated COMMERCIALY.

As demonstrated, any pickup truck with a GVWR of 10,001 lbs. or more used commercially is subject to the MCP requirement. Additionally, a pickup truck, regardless of the GVWR, in combination with a vehicle identified in subdivision (e) of Section 34500 CVC, where the **towed** vehicle has a GVWR of 10,001 lbs. or more, is defined in Section 34500(k) CVC and subject to the MCP requirement.

NOTE #9 – Section 34601(c)(2)(C) and (D) CVC exclude household goods carriers regulated by the California Public Utilities Commission (PUC) from the definition of a commercial motor vehicle for MCP purposes. However, this statute does not reflect a change occurring in July 2018 when household goods carriers were redefined as household movers and are now regulated under the California Business and Professions Code. The term household goods carrier and Section 5137 PUC no longer exist. Therefore, vehicles operated by household movers are defined as commercial motor vehicles for MCP purposes and statutorily required to comply with MCP requirements.

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STATE OF CALIFORNIA - DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INFORMATION BULLETIN



June 26, 2020

MOTOR CARRIER OF PROPERTY PERMIT REQUIREMENTS FOR INTERSTATE MOTOR CARRIERS

To promote consistent enforcement of Motor Carrier of Property Permit (MCP) requirements, this Information Bulletin (IB) provides clarification for motor carriers of property engaged in both *interstate* and *intrastate* commerce. The following definitions apply:

- **Interstate** commerce is trade, traffic, or transportation involving the crossing of a state boundary. Either the vehicle or cargo must cross a state boundary, or there must be the intent to cross a state boundary to be considered an interstate carrier.
- **Intrastate** commerce is trade, traffic, or transportation within a single state.

A motor carrier of property is considered to be engaged in *interstate* commerce immediately upon dispatch to transport interstate freight, or when the driver's intended route involves crossing state lines or national boundaries, whether the vehicle is loaded or empty. Additionally, a motor carrier of property engaged in *interstate* commerce remains in *interstate* commerce until transporting property in *intrastate* commerce. Once transporting property in *intrastate* commerce, the MCP requirement remains until the motor carrier of property is dispatched for an operation meeting the definition of *interstate* commerce.

A motor carrier of property, as defined in Section 34601(a) of the California Vehicle Code (CVC), engaged solely in *interstate* commerce is exempt from the MCP requirement described in Section 34620 CVC. This exemption applies to a motor carrier of property based in California (CA), as well as other states, Canada, and Mexico.



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The following are examples of *intrastate* commerce:

- A motor carrier transports shoes from a warehouse in Fresno, CA, to a distribution center in Sacramento, CA.
- A motor carrier transports lumber from a sawmill in Burney, CA, to a lumber yard in Stockton, CA. Once the lumber is off-loaded, the motor carrier dispatches the commercial motor vehicle (CMV) to Lodi, CA, to pick up pipe for the purpose of delivering that pipe to Indio, CA.

In the previous examples, the motor carrier of property continues to be subject to the MCP requirement after the load is delivered, until dispatched for an operation meeting the definition of *interstate* commerce.

The following is an example of the change from *intrastate* commerce to *interstate* commerce:

- A motor carrier transports fish from a fish market in Moss Landing, CA, to a grocery store in Marin, CA (*intrastate* commerce, MCP applies). Then, the motor carrier dispatches the CMV to Fairfield, CA, to pick up candy for delivery in Buffalo, New York (*interstate* commerce, MCP no longer applies).

The following are examples of *interstate* commerce:

- A motor carrier transports building supplies from Roseburg, Oregon, to a job site in San Luis Obispo, CA.
- A shipping container, which was shipped from another country or state by vessel, was delivered to the Port of Oakland and is then transported by a motor carrier to Gridley, CA.
- A motor carrier delivers frozen food from Twin Falls, Idaho, to a distribution center in Tracy, CA. Once the frozen food is off-loaded, the motor carrier dispatches the CMV to Orange Cove, CA, to pick up oranges for delivery in Mesa, Arizona.
- A motor carrier transports building supplies from Los Angeles, CA, to Susanville, CA, using a route which includes United States Route 395 through Nevada (NV).

In the previous examples, the motor carrier of property is not subject to the MCP requirement after the load is delivered, until a load is transported in *intrastate*



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The following is an example of the change from *interstate* commerce to *intrastate* commerce:

- A motor carrier transports bottles of soda from a bottler in Reno, NV, to a warehouse in Patterson, CA (*interstate* commerce, no MCP). Then the motor carrier dispatches the CMV to Hilmar, CA, to pick up cheese for delivery in Burbank, CA. The CMV is operating in *interstate* commerce when traveling from Patterson, CA, to Hilmar, CA. The CMV is operating in *intrastate* commerce (MCP applies) once the transportation of the load of cheese has commenced.

The state in which the motor carrier of property is based, or otherwise operated from, has no relevance in determining whether a motor carrier is subject to the requirements of Section 34620(a) CVC. The applicability of the MCP requirement is based on the property's origin and the property's destination, unless the CMV crosses a state boundary during transport.

A motor carrier of property, operating in *interstate* commerce, who wishes to engage in *intrastate* commerce must obtain an MCP from the California Department of Motor Vehicles (DMV). The MCP issued to an *interstate* motor carrier of property by DMV will be nonexpiring and need not be renewed annually. The nonexpiring MCP will remain active if the carrier is in compliance with the Unified Carrier Registration fee requirement.

Questions regarding the contents of this IB may be directed to Commercial Vehicle Section, at (916) 843-3400.

OFFICE OF THE COMMISSIONER

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Motor Carrier of Property Permit (MCP)

Flowchart Guide (Section 34601 CVC)

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DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INFORMATION BULLETIN



December 27, 2005

MOTOR CARRIER OF PROPERTY (MCP) PERMIT – SPECIALIZED VEHICLES

This bulletin clarifies MCP permit requirements for the operation of certain "specialized vehicles." The Department of Motor Vehicles and the California Highway Patrol agree specialized vehicles which are not designed, used, or maintained primarily for the transportation of property, when operated singly, do not meet the definition of "motor truck" contained in California Vehicle Code (VC) Section 410. Therefore, the operation of certain specialized vehicles does not require the operator to obtain an MCP permit.

Specialized vehicles include truck-mounted cranes, drilling or boring rigs, boom trucks, cement pumping trucks, or any other vehicles of this type which are not designed or used to transport property other than tools and equipment necessary for the operation of the specialized equipment. However, transportation of any other property in or upon these vehicles immediately subjects the operator to the requirements of the MCP permit.

This exception does not apply to the transportation of any specialized equipment or machinery as a load upon a motor truck unless that equipment has been permanently attached to the vehicle.

Although the aforementioned vehicles are not considered "motor trucks" for MCP permit requirements, specialized vehicles described in Section 34500(k) are commercial motor vehicles. When used in intrastate operations, vehicles described in Section 34500(k) VC are subject to MCP permit requirements.

Questions concerning the contents of this Information Bulletin may be directed to Commercial Vehicle Section at (916) 445-1865.

Enforcement Services Division

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