

CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 100.93

REVISED MAY 2025

MOTOR CARRIER REGULATION EXEMPTIONS

1. **PURPOSE**. The purpose of this General Order is to provide departmental policy and procedures for requesting an exemption from Title 13 of the California Code of Regulations (CCR), Chapter 6.5, Motor Carrier Safety, and Chapter 7, Cargo Securement Standards. This policy is necessary to ensure compliance with existing laws and to provide consistent evaluation of all exemption requests. An exemption is a directive by the Commissioner that modifies existing enforcement procedures, and is not a circumvention or nullification of existing statutes or regulations. This policy is not applicable to state statutes related to motor carrier safety regulations or cargo securement standards, as an exemption to those statutes may only be granted by the Governor. Additionally, this policy is not applicable to Federal Motor Carrier Safety Regulations (FMCSR) contained in Title 49 of the Code of Federal Regulations (CFR), as those regulations may only be granted an exemption in accordance with the provisions contained within the FMCSR.

2. **POLICY**. The Commissioner shall only consider an exemption from the motor carrier safety regulations or cargo securement standards when the request is in compliance with one of the following:

- a. The regulatory authority granted by Title 13, Section 1202(e) CCR, adopted pursuant to Section 34501 of the California Vehicle Code (CVC), providing authority to the Commissioner to grant limited exemptions to the provisions of Title 13 CCR, Chapter 6.5.
- b. The regulatory authority granted by Title 13, Section 1300(e) CCR, adopted pursuant to Section 34500.3 CVC, providing authority to the Commissioner to grant limited exemptions for cargo securement standards.
- c. A court order or case law permitting or mandating such action.

3. **PROCEDURES**. Exemption requests shall include the following information:

- a. The reason for requesting the exemption.

- b. The alternate method(s) of compliance for the exempted regulation.
- c. When applicable, the make and model, vehicle identification number, and license plate number, including the state of issuance, of the vehicle(s) for which the exemption is being requested.

A request for an exemption from the motor carrier safety regulations or cargo securement standards may be submitted in writing to the Commissioner via e-mail at cvsregulations@chp.ca.gov, or by mail to the following address:

California Highway Patrol
Commercial Vehicle Section
Attention: Regulations Unit
P.O. Box 942898
Sacramento, CA 94298-0001

4. CALIFORNIA REGULATION EXEMPTIONS. An exemption granted from the motor carrier safety regulations or cargo securement standards contained in Title 13 CCR is applicable as follows:

- a. An exemption from the motor carrier safety regulations is applicable to motor carriers and drivers engaged in interstate or intrastate commerce.
- b. An exemption from the cargo securement standards is only applicable to motor carriers and drivers engaged in intrastate commerce.

5. FEDERAL REGULATION EXEMPTIONS. The Federal Motor Carrier Safety Administration (FMCSA) grants automatic relief from specified FMCSRs during an emergency, as defined in Title 49, Section 390.5T CFR, pursuant to Title 49, Section 390.23 CFR. These exemptions are only applicable to motor carriers and drivers operating under conditions described in Title 49, Section 390.23 CFR, and which are engaged in interstate commerce. Motor carriers and drivers engaged in intrastate commerce must comply with all statutory and regulatory requirements. The exemptions granted pursuant to this section are as follows:

- a. Parts 390 through 399 of the FMCSR are not applicable during an emergency declared by the President of the U.S. when providing direct assistance during the emergency period or 30 days from the date of the initial declaration of emergency, whichever is less.
- b. Title 49, Sections 395.3 and 395.5 CFR shall not apply when providing direct assistance during an emergency declared by a state governor, their authorized

representative, or FMCSA during the emergency period or 14 days from the date of the initial declaration of emergency, whichever is less.

c. Parts 390 through 399 of the FMCSR are not applicable when providing residential heating fuel in a geographic area designated in an emergency declaration issued by a state governor. The governor declaring an emergency caused by a shortage of residential heating fuel may extend the 30-day exemption no more than two additional times, for a total of 90 days.

d. Title 49, Sections 395.3 and 395.5 CFR shall not apply when providing direct assistance during a local emergency declared by a federal, state, or local government official having authority to declare an emergency during the emergency period or five days from the date of the initial declaration, whichever is less.

e. Title 49, Section 395.3 CFR shall not apply to tow trucks when providing direct assistance during an emergency when requested by a federal, state, or local police officer. This regulatory relief shall not exceed 24 hours from the time of the initial request for assistance.

6. FEDERAL EXEMPTION EXTENSION. Pursuant to Title 49, Section 390.25 CFR, the FMCSA may extend an exemption granted pursuant to Title 49, Section 390.23 CFR. Any interested party seeking an extension shall send a request to FMCSAdeclaration@dot.gov prior to the expiration of the relief period they are attempting to extend. If FMCSA approves an extension, they will establish new time limits, and may enact new terms and conditions upon those operating under the exemption.

7. FEDERAL EXEMPTION APPLICABILITY. Title 49, Section 381.600 CFR prohibits a state from enforcing any law or regulation that conflicts with, or is inconsistent with, a waiver, exemption, or pilot program authorized by the FMCSR. This prohibition is only applicable to motor carriers and drivers engaged in interstate commerce.

OFFICE OF THE COMMISSIONER

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