

CHAPTER 2
PROGRAM ADMINISTRATION
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CHAPTER 2

PROGRAM ADMINISTRATION

1. PURPOSE. The purpose of this chapter is to outline Freeway Service Patrol (FSP) administrative responsibilities.

2. FREEWAY SERVICE PATROL TOW TRUCK DRIVER CERTIFICATION.

Pursuant to Section 12520 of the California Vehicle Code (CVC), all FSP tow truck drivers and/or employers are required to possess a valid California driver license (CDL) of an appropriate class for the vehicle driven, and a temporary tow truck driver certificate issued by the California Highway Patrol (CHP), or a permanent tow truck driver certificate issued by the California Department of Motor Vehicles (DMV). Certification includes the following:

- a. Driver history check.
- b. Criminal history check.
- c. CHP 234F, Tow Operator/Driver Information.
- d. Regional/local program application forms.
- e. Medical certificate.
- f. Freeway Service Patrol training.
- g. DL 64, California Tow Truck Driver Certificate.

3. TOW TRUCK DRIVER CERTIFICATION PROCEDURES.

a. Driver History Check. The Area FSP coordinator shall verify, through the use of the automated records system, the applicant for a tow truck driver certificate and/or employer has a valid CDL Class C (minimum).

(1) A copy shall be kept in the FSP driver/applicant file and a copy shall be sent to Research and Planning Section (RPS) as part of the FSP driver's application package.

b. Criminal History Check. Pursuant to Section 2432.3 CVC, all applicants for an original DL 64 shall be fingerprinted; those prints are to be submitted to the California Department of Justice (DOJ), and/or the Federal Bureau of Investigations

(FBI) for the purpose of determining whether the applicant has been convicted for violations of any crime specified in Section 13377 (a)(1) through (a)(4) CVC.

(1) Live Scan Fingerprinting. The electronic Live Scan fingerprinting process is the only method the DOJ accepts for conducting criminal history background checks (state and/or FBI).

(a) Applicants shall complete a BCII 8016, Request for Live Scan Service. This form is available in PDF on the Attorney General's Web site at <http://ag.ca.gov/fingerprints/agencies.php>. (Refer to General Order [GO] 32.1, Live Scan Terminals, Annexes B-D, for Live Scan instructions.)

(b) If Live Scan fingerprinting is performed at other than one of the Department's Live Scan terminals, a Live Scan processing fee may be required in addition to the \$50 application fee. Applicants shall give the processing fee directly to the Live Scan service provider, unless other arrangements have been made.

(c) The Area FSP coordinator shall send an e-mail message to RPS with a list of applicants who have been Live Scanned, including the Live Scan date, applicant's full name, and driver license number.

(2) Live Scan Results. The DOJ sends tow truck driver certificate applicant Live Scan results to RPS. Live Scan results shall be forwarded via mail to the requesting FSP program.

(3) No Longer Interested Notification. The DOJ requires agencies requesting criminal history to notify DOJ when the requesting agency is no longer interested in receiving subsequent arrest information. (Refer to GO 32.1.)

(a) If an applicant, for whatever reason, does not complete the application process, or is disqualified from participation in the FSP program, the Area FSP coordinator shall notify the headquarters FSP manager that they are no longer interested in receiving subsequent arrest information.

(b) Prior to sending the no longer interested notification to DOJ, the headquarters FSP manager shall verify the applicant does not work for another FSP program.

c. CHP 234F, Tow Operator/Driver Information. The Area FSP coordinator shall ensure all tow truck driver applicants complete a CHP 234F. This form is available in PDF.

(1) All completed CHP 234Fs shall be reviewed to determine if the applicant initially meets the criteria for the FSP program prior to allowing the applicant to continue with the application process.

(2) A copy of the CHP 234F shall be kept in the FSP driver/applicant file.

d. Regional/Local Program Application Forms. If the regional/local transportation agency FSP contract requires additional application forms, these forms must also be reviewed by the Area FSP coordinator to determine if the applicant initially meets the criteria for the FSP program prior to allowing the applicant to proceed with the application process. These forms shall be retained as specified by the regional/local transportation agency contract.

e. Medical Certificate. The Area FSP coordinators shall verify, through visual examination, that the specific tow truck driver has a valid MCSA-5876, Medical Examiner's Certificate, and a MCSA-5875, Medical Examination Report Form. (Refer to Highway Patrol Manual [HPM] 82.6, Commercial Enforcement Manual, Chapter 7, Driver Requirements.)

f. Freeway Service Patrol Training. Pursuant to Section 2436.5 CVC, Area FSP coordinators shall provide training for all tow truck drivers and their employers who are involved in FSP operations. Applicants for a DL 64 shall attend an FSP training course. (Refer to Chapter 4, Training Program, of this manual.)

g. DL 64, California Tow Truck Driver Certificate. The Area FSP coordinator shall coordinate the processing of the following prior to issuing a temporary DL 64.

(1) Application Fee. Pursuant to Section 2431(b) CVC, tow truck driver applicants shall submit an application for the issuance of a DL 64 and pay a fee equal to the actual costs of a criminal history check and issuance of the DL 64, but not more than \$50.

(a) The current application fee is \$50. This fee is nonrefundable, regardless of the applicant's approval or denial of a temporary certificate.

(b) The application fee shall be transmitted through the weekly transmittal process outlined HPM 11.1, Administrative Procedures Manual, Chapter 4, Miscellaneous Sales - Transmittal of Collections.

(2) Causes for Denial or Revocation.

(a) A history of any of the conviction(s) listed in Section 13377 CVC shall be cause for denial or revocation of the DL 64. (Refer to Chapter 1, Freeway Service Patrol Program, Annex A, of this manual.)

(b) In addition, per Section 2432.3 CVC, the regional/local transportation agency may include additional criminal convictions that disqualify applicants. (Refer to the regional/local transportation agency FSP contract for a list of these disqualifying criminal convictions.)

(3) Issuing a Temporary DL 64.

(a) The Area FSP coordinator shall issue the temporary tow truck driver certificate, page 2 of the DL 64, to successfully trained applicants whose application and criminal history check reveal they have a valid CDL and have not been convicted of any violation(s) listed in Section 13377 CVC, or a supplemental criminal conviction listed in the regional/local FSP contract. Applicants with a conviction as described in Section 13377 CVC, or a supplemental criminal conviction listed in the regional FSP contract, or who do not have a valid CDL shall not be issued a temporary DL 64.

(b) If the DL 64 is not issued, the Area FSP coordinator shall void the DL 64 and keep it with the application file for one year. The headquarters FSP manager shall notify DOJ that the Department is no longer interested in receiving subsequent arrest information for the applicant. (Refer to paragraph 3.b.[3].)

(4) Permanent DL 64. The Area FSP coordinator shall forward DL 64 applications to RPS for processing to DMV. (Refer to paragraph 3.h.)

(a) Research and Planning Section shall forward the DL 64 certificate, driver history check, and Live Scan results to DMV for review.

(b) If the applicant meets all the requirements of a DL 64, DMV will issue a permanent DL 64 which is valid for a maximum five years and shall expire on the same date as that of the applicant's CDL. The DMV will mail the permanent DL 64 to the address listed on the DL 64.

(5) Renewal and Duplicate DL 64. The DL 64 renewals and duplicate requests are processed through the local DMV office. Applicants for DL 64 renewals shall be directed to the local DMV office prior to the expiration of their current DL 64.

h. Submission of Tow Truck Driver Certification Documentation.

(1) The Area FSP coordinator shall forward the following documentation to RPS for final review and processing to DMV.

(a) The DL 64 (permanent DL 64 and DMV copy of the DL 64).

- (b) Two copies of the driver history check.
- (c) Two copies of the Live Scan results.

4. FREEWAY SERVICE PATROL DRIVER/APPLICANT FILE. Each FSP program shall maintain FSP driver/applicant files for each tow truck driver/employer, including copies of certificates, employee records, and training records. Information contained in the files shall include any rejection of applicants by the CHP, regional/local transportation agency, or DMV, and include all supporting documents.

5. FREEWAY SERVICE PATROL DRIVER DATABASE. Research and Planning Section shall maintain a statewide active FSP driver database.

- a. The Area FSP coordinator shall notify RPS when a tow truck driver/employer has left the program, including the reason for leaving, in order to update the database.

6. FREEWAY SERVICE PATROL DRIVER REINSTATEMENT. Freeway Service Patrol drivers may reinstate as follows:

- a. If the duration from when the driver left the program is **90 days or less**, the requirements are:

- (1) A valid DL 64.
- (2) A current MCSA-5876
- (3) A driver history check.
- (4) A new CHP 234F and regional/local program application forms (if required).
- (5) Retraining/proficiency testing (if deemed necessary by the Area FSP coordinator).

- b. If the duration from when the driver left the program is **91 days up to one year**, the requirements are:

- (1) A valid DL 64.
- (2) A current MCSA-5875 and MCSA-5876.
- (3) A driver history check.

- (4) A new CHP 234F and regional/local program application forms (if required).
 - (5) A criminal history check through Live Scan fingerprinting.
 - (6) Retraining/proficiency testing (if deemed necessary by the Area FSP coordinator).
- c. If the duration from when the driver left the program is **one year or more**, the driver is required to complete the FSP driver certification process.
- d. The regional/local FSP program standard operating procedures provide specific information regarding driver reinstatement.

7. FREEWAY SERVICE PATROL DRIVER/EMPLOYER DISQUALIFICATION.

- a. Subsequent Arrest Notification. The DMV receives all subsequent arrest notifications for FSP drivers/employers issued a DL 64. If DMV receives notification that a holder of a DL 64 has been convicted of a specific crime, pursuant to Section 13377 CVC, DMV will revoke the DL 64 and notify the DL 64 holder and the CHP office listed on the bottom of the DL 64 by mail. The Area FSP coordinator receiving subsequent arrest notifications through DMV shall notify RPS of the action taken.
- b. When information comes to the attention of an Area FSP coordinator that an FSP tow truck driver/employer has been convicted of a specific crime, pursuant to Section 13377 CVC or other supplemental restrictions outlined in the regional/local FSP contract, prohibiting the tow truck driver/employer from working in the program, the Area FSP coordinator shall cause the removal and termination of the tow truck driver from the FSP program. The Area FSP coordinator shall notify RPS of the removal.
- c. No Longer Interested Notification. If DMV revokes the DL 64, DMV will make the no longer interested notification to DOJ. If the Department revokes the DL 64, the headquarters FSP manager shall ensure no longer interested notification is made. (Refer to paragraph 3.b.[3].)

8. FREEWAY SERVICE PATROL FUNDING, MONTHLY BILLING, AND SPECIAL PROJECT CODE REPORTING. The FSP program is funded by the partner agencies: CHP, California Department of Transportation (Caltrans), and regional/local transportation agencies.

a. Monthly Billing. The Area FSP coordinator shall prepare monthly billing memorandums describing reimbursable personnel hours and equipment services billable to the FSP program. The memorandums shall be prepared as follows:

(1) California Department of Transportation Agreement. One memorandum shall be prepared for each month and shall include regular time and, if applicable, overtime reimbursable through the Caltrans FSP agreement (contact the headquarters FSP manager in RPS for the current agreement number).

(a) Regular time shall be reported on a calendar month basis and include the following:

- 1 Name and CHP identification number.
- 2 Rank/classification.
- 3 Number of hours expended.

(b) Overtime shall be reported by Fair Labor Standards Agreement (FLSA) period and include the following:

- 1 The FLSA period.
- 2 Name and CHP identification number.
- 3 Rank/classification.
- 4 Number of overtime hours expended.

(2) Regional/Local Transportation Agency Agreements. Separate memorandums will be used for billing each local transportation agency for reimbursable services.

(a) If the regional/local agreement requires additional reporting documents for invoicing, these additional documents must accompany the billing memorandums. The format for these memorandums shall follow the same format as the Caltrans billing.

(3) California Department of Transportation Freeway Service Patrol Construction Agreement. If overtime is accrued for Caltrans FSP construction projects, a separate memorandum shall be submitted which includes the specific Caltrans task order number (contact the headquarters FSP manager in RPS for the current agreement number). The format for this memorandum shall follow the same format as the Caltrans billing.

(4) The billing memorandums shall be submitted monthly to RPS within ten working days following the completed work period.

b. Research and Planning Section shall be responsible for the review and approval of accounting memorandums submitted by the Divisions for personnel and equipment reimbursable services billing to Caltrans and the regional/local transportation agencies. Following approval, the Division accounting memorandums shall be forwarded monthly to Fiscal Management Section for invoicing.

c. Fiscal Management Section shall be responsible for submitting invoices to Caltrans and regional/local transportation agencies for reimbursable personnel and equipment services.

d. Special Project Codes.

(1) All reimbursable agreements that include overtime should have a special project code (SPC) assigned to facilitate billing and tracking.

(2) Research and Planning Section matches the billing memorandums with the SPC monthly reports to ensure billing accuracy. Any SPC billing corrections shall be made on the commander's monthly overtime summary reports and forwarded to RPS along with the billing memorandums.

(3) The FSP statewide Caltrans agreement SPC is 64.

(4) The FSP statewide Caltrans FSP construction agreement SPC is 189.

(5) Contact the headquarters FSP manager in RPS for the regional/local transportation agency agreement SPCs.

9. MOTORIST SURVEYS. Every month, the Area FSP coordinator shall review the FSP motorist survey forms to determine if the service is at an acceptable level.

10. REGIONAL/LOCAL TRANSPORTATION AGENCY FREEWAY SERVICE PATROL TECHNICAL AND CONTRACTOR MEETINGS. The Area FSP coordinator, in conjunction with Caltrans and the local/regional transportation agency, may establish a regional/local policy and technical committee for development of the FSP program at the local level. The Area FSP coordinator shall represent the Department at these meetings.