

CHAPTER 5
HAZARDOUS MATERIALS TRANSPORTATION
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CHAPTER 5

HAZARDOUS MATERIALS TRANSPORTATION

1. MATERIALS REQUIRING A LICENSE.

- a. Placarded Loads. A Hazardous Materials Transportation License (HMTL) is required pursuant to Section 32000.5(a) of the California Vehicle Code (CVC) for any motor carrier (as defined in Section 408 CVC), who directs the transportation of any amount of hazardous materials for which the display of placards is required pursuant to Section 27903 CVC.
- b. Transportation for a Fee. An HMTL is also required for any motor carrier who directs the transportation of more than 500 pounds gross weight of a hazardous material, for a fee, which would require placards pursuant to Section 27903 CVC, if shipped in greater amounts in the same manner.

2. EXCEPTIONS.

- a. Hazardous Waste Transporters. A person transporting only hazardous waste, as defined in Section 25115 or Section 25117 of the Health and Safety Code (HSC) and who is registered as required by Section 25163 HSC or exempt from that registration, is not required to be licensed.
- b. Government Entities. Federal, state, and local government entities are exempt from the HMTL requirements pursuant to Title 13 of the California Code of Regulations (CCR), Section 1160.4(g)(4).
- c. Implements of Husbandry. Implements of husbandry are exempt from HMTL requirements pursuant to Section 32000.5(c) CVC.
- d. Fireworks. Transportation of fireworks classified as Division 1.3 or 1.4 explosives are also exempt, provided the fireworks are transported under a license issued by the State Fire Marshal (SFM) pursuant to Division 11 of the HSC. Transporters of fireworks operating under this exemption must carry a copy of the SFM license in the vehicle and present it to any peace officer upon demand.

3. TRANSFER OF LICENSE AUTHORITY.

- a. Exceptions. Licenses are non-transferable and valid only for the carrier named on the license pursuant to Section 2503 CVC, except for the following special circumstances:

(1) Carriers transporting hazardous materials under the terms of a lease agreement, including trip leases, may do so under the prime carrier's license. The prime carrier must direct the transportation by maintaining control of the leased carrier's operation (i.e., hours-of-service, drug and alcohol program, vehicle maintenance).

(2) A carrier operating under a Biennial Inspection of Terminals (BIT) assumption meeting the requirements of Section 34501.12(a)(2) CVC, may also operate under the assuming carrier's HMTL.

b. Sub-Hauling. A motor carrier otherwise transporting hazardous materials under a sub-haul agreement would require their own license.

4. APPLICATION.

a. Forms. Carriers applying for an HMTL are required to complete all of the following forms:

(1) CHP 361M, Application For Hazardous Materials Transportation License.

(2) CHP 362, Motor Carrier Profile. Required with an initial license; or when applicant information differs from current carrier information on file in the Department's Management Information System of Terminal Evaluation Records.

(3) The applicable forms are available for download on the Internet at: <http://www.chp.ca.gov/publications/index.html>.

b. Courtesy Renewal Application. Courtesy renewal applications shall be mailed by Commercial Vehicle Section (CVS) to licensees 90 days prior to the expiration of the current license. The renewal application with fee should be submitted to CVS approximately 30 days prior to expiration of the current license.

c. License Fees. Pursuant to Sections 2502 and 2503 CVC, the annual HMTL fees are as follows:

Initial License	\$100.00
Renewal	\$ 75.00
Duplicate License	\$ 5.00
Late Renewal	\$100.00

d. Late Renewal. Pursuant to Section 2501 CVC, applications received after the license expiration date or incomplete applications not corrected prior to the license expiration date, are considered late renewals and the \$100.00 late renewal cost will apply. Any license not renewed within 30 days after the expiration of the license cannot be renewed. The applicant must comply with the requirements for obtaining an initial license.

e. Replacement License. An amended application or an application for a replacement license due to a name or address change, not involving a change of ownership, may be provided at no cost for the remainder of the unexpired term of the license.

f. Instructions. Instructions for completing the initial CHP 361M are outlined in the CHP 361E, How to Obtain a Hazardous Materials Transportation License. Renewal instructions are outlined in the CHP 361G, License Renewal Notice - Hazardous Materials Transportation License. Motor carriers are to complete the application and return it with the appropriate fee to the address on the form. All checks and/or money orders should be made payable to the "California Highway Patrol."

g. Temporary License. Carriers who have paid the appropriate license fee may use either of the following as a temporary license pursuant to Title 13 CCR, Section 1160.4(g), for not more than 60 days when carried in the vehicle:

(1) A copy of the carrier's completed application for a license and a copy of the check or money order made payable to the "California Highway Patrol," indicating payment of the appropriate fee.

(2) A copy of the carrier's completed application for a license and a telegraphic money order receipt, or copy thereof, made payable to the "California Highway Patrol," indicating payment of the appropriate fee.

h. Application Categories. Due to differing requirements for transporters of Division 1.1, 1.2, 1.3, or 1.6 explosives, poison inhalation hazard materials in bulk packages, and highway route controlled quantities of radioactive materials (i.e., routing, safe stopping places, equipment inspection), the CHP 361M and CHP 360H, Hazardous Materials Transportation License, have three categories. These are categories used by the Department to maintain carrier inspection controls. These categories are not operating authorities. Any duly licensed motor carrier may transport hazardous materials subject to specialized requirements under the single HMTL, provided they comply with the specialized requirements. The categories are as follows:

(1) HMX - Explosives subject to Division 14, CVC.

(a) Commercial Vehicle Section will make available to each carrier applying for an initial license indicating transportation in this category, the Highway Patrol Handbook (HPH) 84.3, Explosive Materials Shipments: Routes, Safe Stopping Places and Safe Parking Places.

(2) HMPIH - Poison inhalation hazard material in bulk packages subject to Division 14.3, CVC.

(a) Commercial Vehicle Section will make available, a copy of HPH 84.5, Inhalation Hazard Shipments: Routes and Stopping Places, to each carrier applying for an initial license indicating transportation in this category.

(3) HRCQ - Highway route controlled quantity HRCQ radioactive materials subject to Division 14.5, CVC.

(a) Commercial Vehicle Section will make available, a copy of the HRCQ route map to each carrier applying for an initial license indicating transportation in this category.

Revisions to the applicable handbooks and route maps will be made available to current licensees in each category, as the publications are updated.

i. Appraisal Inspection. All carriers which are required to obtain an HMTL, and who have terminals in California, are also required to comply with the provisions of Section 34501.12 CVC, BIT program requirements. This program requires carriers to apply for, and receive biennial inspections.

(1) Inspections of licensed California based carriers, who are subject to special routing requirements, shall be conducted by motor carrier safety unit personnel. This inspection shall be conducted annually, in accordance with the priorities set forth in Highway Patrol Manual (HPM) 84.1, Motor Carrier Safety Operations, Chapter 1, Policy.

(2) For licensees not subject to special routing requirements, one inspection shall be conducted during the license term. Personnel resources permitting, this inspection shall be conducted in accordance with the priorities set forth in HPM 84.1, Chapter 1.

(3) Applications from carriers without terminals in California are reviewed by CVS.

5. ENFORCEMENT.

a. General. When an HMTL violation is detected, personnel shall take the most appropriate enforcement action pursuant to this manual and HPM 100.68, Traffic Enforcement Policy Manual. Enforcement documents shall be prepared in accordance with HPM 100.9, Enforcement Documents Manual.

(1) Enforcement personnel shall verify that placards are required pursuant to Section 27903 CVC before citing a carrier displaying placards for no HMTL. Placards may be permissively displayed pursuant to Title 49 of the Code of Federal Regulations, Section 172.502(c), to aid emergency responders in the event of an incident.

(a) If it can be determined that a carrier does not hold a valid HMTL issued by the Department as required, appropriate enforcement action shall be taken pursuant to Section 32002(b) CVC.

(b) If it is determined that the carrier holds a valid HMTL as required but a copy of the license is not available in the vehicle or presented for inspection upon demand, appropriate enforcement action shall be taken pursuant to Section 32002(a) CVC, referencing Title 13 CCR, Section 1160.4(g)(2).

b. Field Complaints. Hazardous materials licensing and transportation violations which jeopardize public or environmental safety, or which would hinder prompt action by emergency responders, shall be documented on a CHP 356, Motor Carrier Safety Operations Complaint Against Motor Carrier, and forwarded to the appropriate Division Chief for further investigation. Complaints against out-of-state carriers shall be forwarded to CVS for coordination with the appropriate allied agency.

c. Imminent Danger. When a carrier's overall hazardous materials transportation practices present an imminent and catastrophic danger to the public, immediate and appropriate action shall be taken as outlined in Chapter 8, Denial and Administrative Disciplinary Action, of this manual. Administrative action including suspension of an intrastate carrier's Motor Carrier of Property Permit should be considered.

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