

**CHAPTER 1**

**POLICY**

**REVISED JUNE 2025**

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**CHAPTER 1**  
**POLICY**

1. ENFORCEMENT POLICY.

a. Enforcement of Registration Requirements. The appropriate enforcement action shall be taken when any vehicle is observed parked or operated upon any highway, or in an off-street public parking facility, which is found to be in violation of the registration provisions of the California Vehicle Code (CVC), or is in violation of any reciprocity agreement, arrangement, or declaration between California and any foreign jurisdiction.

b. Enforcement of Annual Registration Renewal. Enforcement of California registration renewal shall commence the day following expiration. When a vehicle is stopped for any other reason, appropriate registration enforcement action shall be taken; however, an enforcement action shall not be taken solely for failure to display current registration tabs until the beginning of the second month following the month of expiration.

(1) A violation of Section 4000(a)(1) CVC exists if any of the following conditions have not been met within the vehicle's current registration cycle:

(a) Applicable fees and fines have been submitted to the California Department of Motor Vehicles (DMV).

(b) A completed application has been submitted to the DMV.

(c) A smog inspection certificate and proof of vehicle financial responsibility are on file with the DMV, as applicable.

(2) A violation of Section 5204(a) CVC exists if a vehicle does not correctly display current registration tabs. The following shall be considered when taking enforcement action for an observed violation of Section 5204(a) CVC:

(a) A CHP 281, Notice to Correct Violation; or documentation of the violation on a CHP 407F, Driver/Vehicle Examination Report, may be issued for violations of Section 5204 CVC, regardless of a vehicle's registration status.

(b) A CHP 215, Notice to Appear, or a CHP 267, Notice of Parking–Registration Violation, shall not be issued for a vehicle that does not display current registration tabs, when the vehicle's registration status with the DMV is current. A CHP 215 or CHP 267 may be issued when the

vehicle's registration status with the DMV has been checked using available records and is determined not to be current.

c. Apportioned/Prorate Registration Enforcement. Enforcement of apportioned or prorated registration should normally be undertaken by officers who are knowledgeable in apportioned/prorate registration requirements.

d. Apportioned/Prorate Registration Enforcement Grace Periods. Enforcement action shall not be taken for failure to renew apportioned or prorated registration during a grace period established by any International Registration Plan (IRP) member jurisdiction. In accordance with the IRP, member jurisdictions are allowed to establish grace periods during which registrants may operate on expired credentials due to a jurisdiction's inability to provide current credentials (e.g., severe weather, natural disaster, a system problem).

(1) A list of current IRP grace periods and enforcement dates is located in Chapter 6, Foreign Commercial Registration, Annex A, of this manual. A current list is also available on the IRP website, at [www.irponline.org](http://www.irponline.org).

(2) Member jurisdictions normally publish Delay of Enforcement letters, which are transmitted to the IRP and then distributed to each member jurisdiction's registration agency. The letter may encompass every motor carrier (MC) registering commercial motor vehicles (CMV) in a jurisdiction, or may only apply to one specific MC. California honors Delay of Enforcement letters; therefore, enforcement personnel shall honor valid letters. These letters are normally posted on the IRP website. Companies are not required to maintain a copy of a Delay of Enforcement letter in each CMV. Telephonic verification of a letter may be completed by contacting the identified person using the telephone number provided in the letter.

(3) If a company is suspected of intrastate operation only and is in possession of valid apportioned registration, personnel should not issue any enforcement documents to the company. A CHP 216, Arrest – Investigation Report, should be completed depicting the determining factors for which a violation is suspected, including copies of all relative documents. The completed CHP 216 should be forwarded to the Commercial Vehicle Section (CVS).

NOTE: The approved CHP 216 is required prior to the DMV initiating an audit of the company's operations.

(4) If a company is suspected of inappropriately registering their CMVs in another jurisdiction because the address does not meet the definition of an established place of business (refer to Chapter 6 of this manual) (e.g., the address listed on the cab card is a vacant lot) and/or the company is underreporting California mileage, a completed CHP 216 should be forwarded

to CVS. A copy of registration documents, fuel permits, federal registration, or operating authority, etc., should be attached to the report. Personnel should ensure the vehicle identification number (VIN) is correct for auditing purposes.

NOTE: Commercial motor vehicles with out-of-state apportioned license plates, which operate the majority of the time in California but are paying California registration fees, are not required to have California apportioned license plates.

e. Enforcement Action for Expired Partial-Year Registration. Enforcement

action for expired partial-year registration shall be limited to the use of the dismissible-infraction process for the first 20 days following the expiration date of any preceding partial-year registration. If after the first 20 days have passed, the vehicle is still being operated, a non-dismissible citation should be issued for the violation of Section 4000(a)(1) CVC.

f. Rental of Foreign-Registered Passenger Vehicles. The registration of rental passenger vehicles may be allocated based upon revenue earned in each jurisdiction. Properly allocated rental cars may be rented in any member jurisdiction. Section 6702 CVC remains applicable to those rental car companies that do not register their vehicles pursuant to Section 905 of the IRP. Refer to Chapter 6 of this manual for enforcement procedures related to allocation registration.

g. Mounting of License Plates. Section 5200 CVC shall not be interpreted to require license plates (LP) to be mounted on the extreme rear of a vehicle. Any exterior location within the confines of the rear half of the vehicle is acceptable provided it is clearly visible and the requirements of Section 5201 CVC are met.

NOTE: Only one LP is issued to a truck tractor, in which case the LP shall be displayed in accordance with Section 4850.5 CVC.

h. Devices in Lieu of Plates. Section 4853 CVC authorizes the DMV to establish a voluntary pilot program to explore alternatives in lieu of issuing stickers, tabs, LPs, and registration cards. The pilot program is limited to owners of vehicles who have voluntarily chosen to participate in the pilot program.

NOTE: Officers enforcing CVC sections related to stickers, tabs, LPs, and registration cards, may encounter drivers claiming to be enrolled in a DMV alternative registration pilot program. Examples of alternative forms of registration are front LP wraps, mobile device application-based registration cards, or digital LPs. Participants in alternative forms of registration programs are required to have a verification letter from the DMV which outlines the parameters and limitations of the alternative form of registration. In order to verify the validity of an alternative form of registration, enforcement personnel

should request to view a copy of the participant's verification letter. Appropriate enforcement action should be taken on participants who are operating outside the scope of the letter, or without a letter. Operating a vehicle without proper authorization negates any exemption to stickers, tabs, LPs, or registration which may apply. Participation in the DMV pilot program does not exempt vehicles from any applicable registration fees. Registration status should be confirmed using the California Law Enforcement Telecommunications System (CLETS). If additional follow-up is required or there are questions on the authentication of a verification letter, personnel should collect all necessary information and pursue enforcement action via the complaint-to-be-filed process, if appropriate. Assistance can be requested from CVS, or the DMV contact listed on the verification letter, during normal business hours.

i. Disabled Vehicles Being Towed by a Tow Truck. Whenever a tow truck is towing a vehicle, by order of a peace officer acting pursuant to the CVC or a court order, and the vehicle is determined to be in violation of Section 4000(a)(1) CVC, no enforcement action shall be taken pursuant to Section 4000(e) CVC.

## 2. IMPOUNDING VEHICLES FOR REGISTRATION VIOLATIONS.

a. Sections 22651 and 22651.4 of the California Vehicle Code. Impounding of vehicles using the authority granted by Sections 22651 or 22651.4 CVC shall be in compliance with policy contained in Highway Patrol Manual 81.2, Vehicle Procedures Manual, Chapter 2, Storage/Impound and Release Procedures.

b. Section 9801 of the California Vehicle Code—Department of Motor Vehicles—Vehicle Seizure for Delinquent Fees. Section 9801 CVC authorizes the seizure and sale of a vehicle by the DMV when fees are due, creating a lien on the vehicle, as described in Section 9800 CVC. Pursuant to Section 9801(h) CVC, the CHP shall assist with the seizure and impoundment of the vehicle.

c. Policy. The following departmental policy shall be followed whenever a vehicle is seized and impounded pursuant to Section 9801 CVC.

(1) Any vehicle seized and impounded under the authority of Section 9801 CVC shall be initiated by DMV personnel.

(2) Prior to impounding a vehicle under Section 9801 CVC, the officer should, whenever possible, afford the person in control of the vehicle the opportunity to present evidence of the payment of fees. If acceptable evidence of fee payment is presented, the vehicle shall not be seized.

(3) The storage facility used for impounding the vehicle shall be advised of the following:

- (a) The vehicle is impounded, not stored.
- (b) The State of California has a lien against the vehicle.
- (c) The vehicle shall be released only with written consent of a CHP or DMV official.

(4) Whenever any vehicle has been impounded under the authority of Section 9801 CVC, the DMV shall be advised of the action no later than noon of the first business day following the seizure.

(a) The notification shall be by administrative message via CLETS and shall include the following information:

1 Date, time, and location of impoundment, and authority for the impoundment.

2 Name of impounding officer, and CHP Area name and telephone number.

3 Location where the vehicle is impounded, including address and telephone number.

4 Vehicle description, including year, make, model, LP number and expiration date, and VIN.

5 Name of registered owner (RO) and person in control of the vehicle at the time of impoundment.

6 Month and year the vehicle first operated in California and/or any information that may assist the DMV in determining the fees and penalties.

(5) A vehicle seized pursuant to the authority of Section 9801 CVC shall be released to the RO, legal owner, or agent, without being sold, if documentation from the DMV is presented authorizing its release.

(6) The DMV shall be sent an administrative message, via CLETS, when a vehicle that had been impounded under the authority of Section 9801 CVC has been released by the CHP subsequent to one of the following:

(a) The delinquent fees are posted as required.

(b) Further investigation determines no fees are due against the impounded vehicle.

(c) A notice of non-seizure is initiated by a CHP supervisor.

3. SEIZURE OF REGISTRATION INDICIA.

a. Seizure of Documents. Any certificate, card permit, disabled parking placard (DPP), license, or LP, issued under the provisions of the CVC upon expiration, revocation, cancellation, or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued, may be seized pursuant to Section 4460 CVC.

NOTE: A DPP may be queried through CLETS using the number displayed on the DPP or the VIN. A disabled person's DPP may be queried by inputting the displayed number and utilizing the letter S for the License Code. A DPP VIN consists of the DPP holder's date of birth (mmddy), plus the first three letters of the last name. For example, if Mr. Matthews was born on January 1, 1923, the VIN for his DPP should be 010123MAT.

b. Seizure of License Plates. An LP which is not attached to the vehicle for which it is issued, when and in the manner required under the CVC, may be seized pursuant to Section 4460 CVC, and attachment to the proper vehicle may be made or required. License plates shall be seized only when evidence indicates the unlawful attachment was made for the purpose of evading the registration fees, concealing the registration status of the vehicle, or when the LP is stolen, canceled, or revoked. Section 4460(b) CVC requires all seized documents, placards, or LPs be delivered to the DMV.