

CHAPTER 5
CALIFORNIA COMMERCIAL VEHICLES
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CHAPTER 5
CALIFORNIA COMMERCIAL VEHICLES

1. COMMERCIAL VEHICLE REGISTRATION FEES.

a. Types of Fees. Three types of fees are collected for the registration of commercial motor vehicles (CMV): basic registration, vehicle license fee (VLF), and weight fees.

(1) Basic Registration Fee. A basic registration fee is imposed on all vehicles.

(2) Vehicle License Fee. The VLF is a fee based on the value of the vehicle with the body installed. The amount of fee to be paid is determined by the California Department of Motor Vehicles (DMV) based on requirements contained in the California Revenue and Taxation Code (RTC). The owner of a CMV is required to comply with the provisions of RTC Section 10753(c) when the vehicle has been reconstructed, or a different body has been added at a cost of \$2,000 or more. This paragraph is for information only as there are no provisions to enforce this requirement.

(3) Weight Fees. Unladen weight fees and declared weight fees are imposed only on CMVs defined in Section 260 of the California Vehicle Code (CVC). Weight fees are based on the **actual empty or actual total gross weight** of a CMV, operated singly or in combination, according to the fee schedules contained in CVC Sections 9400 and 9400.1.

(a) Weight Fee Exemptions. The following CMVs are exempt from the payment of weight fees:

1 A CMV qualifying for and displaying horseless carriage or historical ID plates pursuant to CVC Section 5004.

2 A CMV qualifying for and displaying Special Equipment (SE) ID plates pursuant to CVC Section 5011.

3 An implement of husbandry or farm vehicle pursuant to CVC Sections 36100, 36101, and 36102.

4 One CMV having a gross weight of 8,000 pounds (lbs.) or less, registered to a disabled person or disabled veteran, and displaying distinctive license plates issued pursuant to CVC Section 5007, is

exempt from unladen weight fees required by CVC Section 9400, pursuant to CVC Section 9410.

NOTE: The weight fee exemption described in paragraph 1.a.(3)(a)4 is not applicable to a CMV operated by an organization or agency involved in the transportation of disabled persons or disabled veterans displaying distinctive license plates issued pursuant to CVC Section 5007.

b. Commercial Vehicle Registration. Commercial motor vehicles, upon which weight fees have been paid, are issued a distinctive series of license plates.

(1) Passenger vehicles used to transport persons for hire, compensation, or profit, are included in the CMV definition. Vehicles, such as taxis and those operated by a transportation network company (e.g., Uber, Lyft), meet this definition. The DMV and the Public Utilities Commission (PUC) approved a series of livery license plates issued to charter party carriers operating limousines to and from airports but were discontinued effective September 30, 2014. Current livery license plates remain valid and may be renewed. Replacement and reassignment license plates are not allowed.

NOTE: The DMV has issued all livery plates between 1ZZA000-1ZZZ999.

(2) When environmental license plates or livery plates have been issued to CMVs, the payment of weight fees will be indicated only by the fact that a CMV registration card has been issued. An unladen or declared weight will be entered into the "weight" box. A two-digit number entered into the "vehicle code type" box will start with the number three (e.g., 31, 32).

c. Noncommercial Registration. A vehicle resembling a CMV, such as a crane or a well drilling rig which is not designed, used, or maintained primarily for transportation of property upon a highway, is not required to pay weight fees and may display noncommercial or passenger car license plates.

2. UNLADEN WEIGHT FEES.

a. Unladen Weight Definition. The unladen weight of a CMV, as defined in CVC Section 660, is the actual gross weight of an empty vehicle equipped and ready for operation on the road, including:

(1) Body, fender, oil in motor, radiator full of water, with five gallons of gasoline (or the equivalent weight of other motor fuel).

(2) Equipment required by law.

(3) Special cabinets, boxes, or body parts permanently attached to the vehicle; and, any machinery, equipment, or attachment, which is attendant to the efficient operation of the body or vehicle, unless specified as excluded equipment or machinery under CVC Section 661.

b. Unladen Weight Exclusions. Pursuant to CVC Section 661, the unladen weight of a CMV does not include any of the following:

(1) Equipment used for the loading, compacting, or unloading of refuse.

(2) Transitmix cement equipment.

(3) Temporary equipment used to contain or support the load which does not change the body classification.

(4) Any camper unit temporarily attached to a vehicle.

(5) Refrigeration equipment.

NOTE: Unlike declared weight fees described in paragraph 3., unladen weight fees are based solely on the weight of the CMV.

3. DECLARED WEIGHT FEES.

a. Declared Gross Weight. California Vehicle Code Section 4000.6 requires owners of CMVs that will be operated with a declared gross vehicle weight (DGVW) or declared combined gross vehicle weight (DCGVW) of 10,001 lbs. or more, to pay weight fees based upon a schedule established in CVC Section 9400.1.

(1) Declared gross vehicle weight is the unladen weight of the vehicle plus the heaviest load that will be transported on the vehicle (CVC Section 289).

(2) Declared combined gross vehicle weight is the unladen weight of the combination of vehicles (power unit and towed trailer[s]) plus the heaviest load that will be transported by the combination (CVC Section 288).

(3) Gross vehicle weight rating (GVWR) is the weight specified by the manufacturer as the maximum loaded weight of a single vehicle (CVC Section 350).

(4) Gross combined weight rating (GCWR) is the maximum loaded weight specified by the manufacturer of a combination or articulated vehicle (CVC Section 350). This information is located on a data plate or label affixed to the vehicle. If the data plate or label is missing, the GCWR will be defined by adding the GVWR of the CMV to the total weight of the towed unit.

b. Declared Weight Fees Due. Pursuant to CVC Section 9400.1, declared weight fees required for a CMV operated singly or in combination are determined as follows:

(1) Declared weight fees for a CMV, including a tow truck not used as described in paragraph 3.b.(2), are determined by the actual gross weight of the CMV operated singly or in combination and the load, not the GVWR or GCWR displayed on the vehicle(s).

(2) The declared weight fees for a ***tow truck used to render assistance to the motoring public, and to tow or carry impounded vehicles***, are based upon the **GVWR** of the CMV, and not the actual gross weight of the vehicle or combination of vehicles. This requirement is not dependent on the frequency in which the tow truck is used in this manner.

NOTE: Pursuant to CVC Section 4000.6(a), the owner of a CMV is only required to consider the actual gross weight of a CMV or a CMV in combination with a semitrailer, trailer, or any combination thereof, when determining the amount of weight fees to declare.

c. Declared Weight Fee Exclusions. The following CMVs are exempt from DGVW and DCGVW fee requirements. Unladen weight fees for these vehicles will be calculated pursuant to CVC Section 9400:

(1) Pickup trucks, as defined in CVC Section 471.

(2) Electric vehicles.

(3) Light-weight trucks, vans, taxis, and rental limousines operated singly or in combination, if the vehicle(s) are operated at an actual gross weight of 10,000 lbs. or less.

4. DETECTION OF VIOLATIONS.

a. Verification. With the exception of a CMV subject to unladen weight fees having no such fees on file, all suspected weight fee violations shall be verified by obtaining a static scale weight of the vehicle(s).

(1) When determining the unladen weight of the vehicle, enforcement personnel shall ensure the vehicle is in the condition described in paragraph 2.a.

(a) The weighing of the vehicle shall be in compliance with policy contained in Highway Patrol Manual (HPM) 82.6, Commercial Enforcement Manual; Chapter 8, Size and Weight.

b. Registration Document and Vehicle Comparison. Many violations of registration requirements may be detected by comparing the registration card to the vehicle with attention to the following items:

- (1) Vehicle make.
- (2) Body type, model, and year.
- (3) Year sold.
- (4) Vehicle identification number (VIN).
- (5) Axles (e.g., three-axle registered as a two-axle).
- (6) Asterisk (*) column.
- (7) Unladen weight.
- (8) Declared weight.

c. Basic Registration Violation. The following are examples of prima facie violations of CMV registration requirements:

- (1) A violation of CVC Section 4000(a)(1) exists when any vehicle required to be registered, is not.
- (2) A violation of CVC Section 4454(a) exists when registration documents do not match the vehicle for which it was issued.

NOTE: California Vehicle Code Section 4454 requires the registration document issued to the vehicle be maintained with the vehicle. It does not contain requirements related to the information on the registration document (e.g., body type, weight, number of axles). Therefore, a violation of CVC Section 4454 exists only when the registration document is not present with the vehicle or does not accurately identify the vehicle.

(3) A CMV is subject to declared weight fees, pursuant to CVC Section 9400.1, and none have been paid (refer to paragraph 4.e.[1]).

d. Unladen Weight Fee Violations. The following are examples of violations of CVC Section 9400:

(1) Passenger Vehicle. A passenger vehicle is used to transport persons for hire, compensation, or profit, or has been altered to meet the definition of a CMV and weight fees have not been paid.

(2) Increased Unladen Weight. A modification has been made to a CMV that increases the unladen weight enough to place the vehicle in a higher weight-fee category.

NOTE: California Vehicle Code Section 9406 requires that an alteration or addition to a CMV that places it in a higher weight-fee category must be reported to the DMV. For example, a modification, such as changing a pickup truck bed to a flatbed, is not a violation of this section, unless the change increased the unladen weight of the CMV.

(3) Incorrect Weight. The actual unladen weight of a CMV exceeds the registered unladen weight enough to place it in a higher weight-fee category.

e. Declared Weight Fee Violations. The following are examples of declared weight fee violations:

(1) A violation of CVC Section 4000(a)(1) exists when declared weight fees are required and none have been paid (e.g., CMV registered with unladen weight fees or no weight fees). A violation of CVC Section 4000.6(d) is not appropriate in this instance as the language in the section states the vehicle shall not be operated in excess of its registered declared weight.

(2) A violation of CVC Section 9400.1(f)(4) exists when a vehicle subject to declared weight fees does not display the weight decal on both the left and right sides of the vehicle.

(3) A violation of CVC Section 9400.1(f)(5) exists when a vehicle subject to declared weight fees does not display a weight decal reflecting the registered declared weight.

NOTE: California Vehicle Code Section 5204(a) requires the display of the registration expiration tabs (month and year) on the front license plate of a CMV having a DGVW or DCGVW of 10,001 lbs. or more. This section is not

applicable to the year tab on a declared-weight decal issued pursuant to CVC Section 9400.1(f).

(4) A violation of CVC Section 4000.6(d) exists when a CMV is operated singly or in combination with an actual gross weight greater than the DGVW or DCGVW displayed on a CMV registration or cab card.

(a) When a CMV, registered by DMV to operate singly, is operated singly at an actual gross weight greater than its GVWR, enforcement personnel shall not require (or suggest) the owner to reregister the CMV in excess of its GVWR.

1 The letter C displayed after WGT IND: on a California vehicle registration (10-28) query denotes the vehicle is registered to operate as a combination of vehicles. The letter G denotes the CMV is registered to operate singly. The letter U denotes the CMV is registered under CVC Section 9400.

2 A DGVW displayed after GROSS WGT on an International Registration Plan (IRP) database query return denotes the CMV is registered to operate singly. A DGVW displayed after COMBO GR WGT denotes the CMV is registered to operate as a combination of vehicles.

(b) The weight fee schedule contained in CVC Section 9400.1 does not differentiate between operating singly or in combination (i.e., the weight fee is the same); therefore, a CMV registered by DMV to operate as a combination of vehicles **is not** in violation of this section if it is operated singly or vice versa.

(c) Vehicles exceeding 80,000 lbs. are not in violation of CVC Section 4000.6(d), as 80,000 lbs. is the maximum possible registration weight per CVC Section 9400.1.

NOTE: The weight of special mobile equipment, as defined in CVC Section 575, is not to be included when enforcing declared weight-fee requirements (refer to paragraph 3.b.). Additionally, vehicles qualifying for and displaying SE ID plates, or an implement of husbandry, **shall not** be considered when calculating the declared weight of a towing CMV that is **owned and operated exclusively by a farmer or an employee of a farmer in the conduct of agricultural operations.**

f. Recording of Violations. Violations of registration requirements must be explained in sufficient detail on enforcement documents to enable persons

correcting the deficiency to determine the violations. Entries, such as “fees due” and “improper registration,” are not acceptable.

(1) The following are suggested explanations for some typical registration violations:

(a) California Vehicle Code Section 4000(a)(1). No evidence of current registration on 1967 White 3x Tractor–VIN 696072.

(b) California Vehicle Code Section 4000(a)(1). VIN of vehicle does not match registration documents. Vehicle is a 1984 FRHT 3x TT VIN 1FUEYRYB0EH225979–Registration documents are for a 1982 KW 3x F/B VIN 1FUEYRYB0CH225900. Vehicle unregistered–Fees due.

(c) California Vehicle Code Section 9400. GMC 3x For-hire limousine–VIN 1GKFK66U22J313747 registered as a 2x Utility with no weight fees. Weight fees due.

(d) California Vehicle Code Section 9400. CMV altered to increase unladen weight. Registered unladen weight 6,200 lbs., altered unladen weight 7,800 lbs.

(e) California Vehicle Code Section 9406. Failure to report to DMV, CMV altered to increase unladen weight fees due. Registered unladen weight 6,200 lbs., altered unladen weight 7,800 lbs.

(f) California Vehicle Code Section 4000(a)(1). Declared weight fees due per Section 9400.1 CVC. Combined gross vehicle weight exceeds registered weight of 8,800 lbs., actual gross weight of combination of vehicles is 23,000 lbs.

(g) California Vehicle Code Section 4000.6(d). Exceeding declared registered weight by 10,000 lbs., 15,000 lbs. declared, actual gross weight 25,000 lbs.

(2) When issued, a CHP 215, Notice to Appear, shall show the adjusted scale weight as described in HPM 82.6, Chapter 8.

5. RECONSTRUCTED COMMERCIAL VEHICLES.

a. Kit Construction. Most manufacturers of large CMVs sell a kit, commonly called a “glider kit,” consisting of a frame, cab (complete with wiring and instruments), steering gear, radiator, hood and front fenders, and (in most cases) front axles and

wheels. These kits are made into complete vehicles by the installation of an engine, transmission, rear axles, wheels, and tires.

(1) Manufactured Kit Name Abbreviations. The following make abbreviations are used by DMV in registering these vehicles:

Kenworth–KENKT	White–WHIKT	Mack–MCKKT
Peterbilt–PETKT	White Freightliner–WKTKT	Autocar–AUTKT
International–INTKT	Diamond T–DMDKT	

b. Reconstructed Vehicle. A reconstructed vehicle is a vehicle that has been rebuilt by the replacement of essential parts. A reconstructed vehicle is distinguished from a vehicle assembled from a kit only by the fact that the kit is supplied as a unit by the manufacturer.

c. Criteria for Registration. Kit and reconstructed vehicles must be registered and the appropriate fees paid when the substitution of essential parts has materially altered the appearance of the vehicle, has increased its value, or has altered its unladen weight sufficiently to cause additional weight fees to become due.

(1) A reconstruction or kitted vehicle may be registered by the serial number originally assigned to the vehicle, or by a serial number assigned by DMV.

(2) When the reconstruction or kitting of a vehicle has been reported to DMV, and the vehicle has been properly registered, the original registration certificate will show that the vehicle has been reconstructed by a notation above the registered owner's name, such as "Kenworth reconstruction." The year of reconstruction will show in the asterisk column of the registration document.

(3) Registration cards will indicate when a reconstruction or change was reported to DMV by displaying an asterisk in the year column of the card.

6. SMALL COMMERCIAL VEHICLES AND STATION WAGONS.

a. Pickup Trucks. Pickup trucks of all sizes are required to pay weight fees unless qualified and registered as housecars or multipurpose vehicles (refer to paragraph 6.c.).

b. Panel Trucks. Panel trucks or cargo vans are small CMVs typically used as delivery vehicles, and are subject to the payment of weight fees, unless qualified and registered as housecars.

c. Multipurpose Vehicles.

(1) Multipurpose vehicles are vehicles designed primarily as passenger vehicles but also have a limited cargo-carrying capacity (similar to a sport utility vehicle [SUV]).

(2) Multipurpose vehicles may be registered as a passenger vehicle (body type SUV) as long as they are used primarily as passenger vehicles and are not converted from their original design to increase their cargo-carrying capacity. Removal of the seats from a vehicle registered as a multipurpose vehicle (body type SUV) would not be considered a design modification. The removal of seats which are not intended to be removed to increase the cargo area, would be considered a design modification.

(3) The owner of a multipurpose vehicle may obtain commercial registration for the vehicle, in which case the body type code on the registration document would indicate SW.

d. Station Wagons.

(1) Station wagons are vehicles which are designed as dual-purpose vehicles to be used either to transport passengers or property.

(2) A station wagon, including multipurpose vehicles described in paragraph 6.c.(1) (body type SW), is not subject to commercial registration, even if the seats are removed or folded down to increase its loading capacity (CVC Section 9404).

(3) A station wagon used to transport passengers on a for-hire basis is required to obtain commercial registration (CVC Section 9404).

(4) A vehicle of the type commonly known as hatchback, may be registered as a station wagon if the vehicle was designed with a folding seat and a rear door providing direct access to the cargo area.

NOTE: A hearse is not a station wagon and is subject to the weight-fee requirement.

7. BUSES.

a. Commercial Registration. A bus that is used to transport persons for hire, compensation, or profit, is a CMV and therefore subject to the payment of weight fees unless specifically exempted from the payment of such fees by some provision of the CVC. A bus that is not used to transport persons for hire **is not** a CMV and is not subject to the payment of weight fees.

b. Weight-Fee Exemption–Passenger Stage Corporation. California Vehicle Code Section 9107 provides an exemption from weight fees for certain buses operated by a passenger stage corporation, as defined in PUC Section 226.

c. Privately Owned School Bus Exemption, Special Registration, and Licensing Fee.

(1) Special Fee. The special-fee exemption applies only to the following:

(a) Privately owned school buses used exclusively to transport school pupils and school employees pursuant to a contract with a school district or nonprofit educational organization.

(b) A school bus owned and operated by a private, nonprofit educational organization used to transport only pupils, or pupils and employees. The private, nonprofit organization must be a school accredited by the Department of Education (the average Sunday school or church bus does not meet the definition of a school bus as defined in CVC Section 545; therefore, they do not qualify for the special fee and are subject to registration and vehicle license fees).

(2) ID. This special fee is in lieu of all other registration and license fees, including commercial weight fees specified in CVC Sections 9400 or 9400.1. Buses registered under the provisions of CVC Section 9102.5, are identified by passenger vehicle license plates, by the letter Q in the body type code column, and by an indicated fee in the column of the registration card.

(3) Use Must Be Exclusive. A privately owned school bus operating under the special registration and license fee provision of CVC Section 9102.5 would be in violation of CVC Sections 4000(a)(1) and 9400, or 4000.6(d), if not used exclusively to transport pupils. For example, a bus used to transport school pupils during the school week and then used as a charter bus for weekend nonschool, group excursions, must be fully registered and pay commercial weight fees, or may (as an alternative) obtain and display a permit as prescribed in CVC Section 9102.5(b).

(4) Forwarding of Enforcement Documents. To ensure church and Sunday school buses, as well as the owners of privately owned school buses which are being operated in violation of the special fee provision, do not evade the payment of vehicle license and weight fees, a copy of each enforcement document issued for this violation shall be forwarded to the Commercial Vehicle Section. After review, the copies should be forwarded to DMV for follow-up and collection of fees.

d. Rafting Enterprise. Many river-rafting businesses provide bus transportation to the river entry location, and/or transportation from the destination point back to the original location. Many of these buses are registered as noncommercial vehicles, based on the premise they do not charge an individual fare for each passenger. However, the use of the buses is included as a part of the cost of the rafting excursion and is not available to nonsubscribers, which is, therefore, considered to be conducted for compensation or profit. Under these conditions, weight fees are due for the vehicle.

e. Shuttle Buses. Many lodging and car-rental services provide bus transportation to and from airports or similar locations for customers and their luggage. No specific fare is charged for this service. The vehicles normally are vans which carry 12 to 15 passengers or more. Whenever a vehicle, which otherwise meets the definition of a bus, provides transportation services to a customer as an inducement in conjunction with a profit-making enterprise, the operation is considered to be for compensation or profit, requiring commercial registration.

f. Charter Party Buses. Charter party buses provide transportation on a contract basis to and from locations for prearranged groups, which is a for-hire operation requiring weight fees. Two common violations which may be observed are as follows:

(1) Many charter bus operators offer trips from locations in California to locations such as Reno, Lake Tahoe, and Las Vegas. Many of these operators are based in California but are fully registered in Nevada. A vehicle is considered based in a state if it is primarily operated or dispatched from, or principally garaged, serviced, or maintained, at a site in this state. If the vehicle is California-based, an acceptable form of California registration, other than a trip permit, is required.

NOTE: Vehicles registered using the IRP (otherwise known as apportioned registration) may be base-plated in another state (refer to Chapter 6, Foreign Commercial Registration, of this manual).

(2) Many buses used during the week as school buses or van-pool vehicles are used on weekends for charter trips (e.g., sports events, mountain excursions). When used in this manner, the bus loses its fee exemption, and a violation of CVC Section 4000(a)(1) exists.

g. Tour Buses. Tour buses offer a complete tour package for charter groups (generally for a single fee) which covers meals, lodging, transportation, and admission to tour locations. This method of travel is very popular with tourists from foreign countries desiring to see the U.S. Buses used by these companies range

from 15-passenger vans to large commercial coaches. Commercial registration is required for these vehicles.

8. SPECIAL TYPES OF COMMERCIAL REGISTRATION.

a. Apportioned Registration. Apportioned registration is synonymous with IRP registration. Apportioned registration is a method by which commercial vehicles, which operate in more than one state, may be registered. This optional method of registration, which is available to California operators as well as foreign-registered vehicles, allows the operator of qualifying vehicles to pay a portion of the required fees to each state in which they operate. The fee is based upon the percentage of miles driven in each state (refer to Chapter 6 of this manual).

b. Partial-Year Registration. Partial-year registration is a method of registering a CMV for a portion of a calendar year. Registration and VLF are paid in full and weight fees are paid proportionally for the portion of the year the vehicle is registered. Commercial motor vehicles registered on a partial-year basis, as permitted by CVC Section 9700, will be issued a registration card with the heading Commercial-Partial Year Registration (refer to Chapter 6 of this manual).

c. Permanent Fleet Registration. Permanent Fleet Registration (PFR) is a method of registering large fleets of vehicles. To qualify, the fleet shall consist of at least 25 vehicles. The DMV may provide PFR through an association, provided the association submits a minimum of 125 vehicles (CVC Section 5301). (Refer to Chapter 6 of this manual.)

d. Permanent Trailer ID Plate Program. This program was implemented to bring California into compliance with the provisions of the IRP concerning registration of trailers. Trailers are issued a Permanent Trailer ID Plate (PTIP) and certificate, in lieu of a normal registration plate. Indicia will not be issued for PTIPs. Trailers registered pursuant to the PTIP program may also display environmental or special interest license plates (CVC Sections 5014.1[a][1], 5060[c][1], and 5103). (Refer to Chapter 6 of this manual.)

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