

CHAPTER 1
COMMERCIAL ENFORCEMENT PROGRAM ADMINISTRATION
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CHAPTER 1

COMMERCIAL ENFORCEMENT PROGRAM ADMINISTRATION

1. GENERAL.

a. Policy. It is the policy of the CHP to maintain a program of regulations and inspections to ensure compliance with provisions of the California Vehicle Code (CVC), Title 13 of the California Code of Regulations, Title 49 of the Code of Federal Regulations, and other statutes and regulations relating to the safe and lawful operation of commercial vehicles on the California highway system. The contents of this manual constitute policy which governs the overall administration and operation of the CHP's Commercial Enforcement Program (CEP).

b. Mission. The primary mission of the Department's CEP is to ensure the safe and efficient operation of commercial vehicles on the California highway system.

c. Objectives. In support of the CEP's mission, the following objectives have been identified:

(1) Prevent traffic crashes and incidents attributed to mechanical defects or excessive driving hours involving vehicles and drivers subject to Section 34500 CVC.

(2) Prevent traffic crashes and incidents during the transportation of hazardous materials (HM).

(3) Maintain a rigorous enforcement program to ensure California's commercial vehicle safety regulations, laws, and rules are followed.

(4) Ensure the safety of the motoring public through the regulation and inspection of specific loads and commodities, conducting inspections of commercial vehicles and motor carrier terminals, and enforcing commercial hours-of-service and drug and alcohol impaired driving laws.

(5) Minimize damage to the state highway system by operating fixed and mobile commercial vehicle weight monitoring, inspection, and enforcement sites.

(6) Encourage and support uniform enforcement of applicable laws and rules by all law enforcement agencies within the state by developing and providing training and information programs relating to this function.

(7) Educate the motor carrier industry and the public in areas that will positively impact and promote greater commercial vehicle safety.

d. Problem Identification. Division Special Services commanders, Commercial Vehicle Enforcement Facility (CVEF) commanders, and Area commanders shall identify and be cognizant of the type, volume, and location of commercial vehicle activity that exists within their geographical area and the resources necessary to monitor and address commercial enforcement needs.

e. Resource Identification. The Commercial Commander's Desk Reference (CCDR) can assist commanders and their staff by providing tools and resources which may be utilized for addressing commercial enforcement needs. The CCDR is located on the CHP Intranet site under Resources ➤ Commercial ➤ CEP Junction ➤ Quick Access ➤ Commander's Desk Reference.

2. HEADQUARTERS OPERATIONS.

a. Assistant Commissioner, Field. Under the direction of the Commissioner, Assistant Commissioner, Field (ACF) exercises operational control of the departmental CEP.

b. Assistant Commissioner, Staff. Under the direction of the Commissioner, and with assistance from ACF, Enforcement and Planning Division (EPD), Information Management Division, and Administrative Services Division, Assistant Commissioner, Staff (ACS) ensures the CEP is properly funded and equipped.

c. Enforcement and Planning Division.

(1) Under the direction of ACS, and with the assistance of Commercial Vehicle Section (CVS), EPD provides recommendations and advice to members of Executive Management regarding the management and administration of the CEP. Enforcement and Planning Division also coordinates with members of Top Management and assists ACS with CEP management.

(2) Enforcement and Planning Division participates in the decision-making process regarding technical and operational issues, personnel assignments, equipment procurement, and acts as a liaison with the regulated industry, the Commercial Vehicle Safety Alliance (CVSA), the American Association of Motor Vehicle Administrators, the California Trucking Association, the Federal Highway Administration, the Pipeline and Hazardous Materials Safety Administration, the Federal Motor Carrier Safety Administration, and others.

(3) Enforcement and Planning Division develops policies and procedures regarding program responsibilities and defines program goals and objectives.

(4) Enforcement and Planning Division ensures periodic audits of the CEP are conducted.

d. Commercial Vehicle Section. Commercial Vehicle Section has the following responsibilities:

(1) Advise EPD on matters relating to the CEP.

(2) Provide direction and assistance to field Division Special Services and CVEF commanders regarding the management and administration of the CEP, as well as direct support to the field.

(3) Enhance highway transportation safety by correctly applying laws, developing regulations, and coordinating departmental programs, as well as overseeing activities mandated, authorized, or delegated by the Legislature.

(4) Provide information to EPD on matters and issues concerning departmental HM programs.

e. Commercial Vehicle Safety Alliance Delegation for Committee Meetings. The purpose of the CVSA delegation is to represent the Department at CVSA committee meetings. The CVSA is a nonprofit association comprised of local, state, provincial, territorial, and federal commercial motor vehicle (CMV) safety officials and industry representatives. The mission of the CVSA is to improve CMV safety and uniformity throughout Canada, Mexico, and the U.S. by providing guidance and education to enforcement, industry, and policy makers. Decisions made at CVSA meetings have a direct impact on the State of California, as well as departmental operations.

(1) The CVSA delegation shall be comprised of the following individuals:

(a) The Assistant Chief of EPD who serves as the delegation's director.

(b) The captain of CVS who serves as the delegation's codirector.

(c) Five representatives from the Department's CEP who serve as the delegation's committee members.

1 The five member positions are open to commercial sergeants, commercial officers, Motor Carrier Specialists, and Commercial Vehicle Inspection Specialists (CVIS) currently in the CEP. These

employees will serve as CVSA committee members under the direction of the CVSA delegation director.

(2) Detailed information on the following CVSA committees is available on the CVSA website: <https://cvsa.org/committees>. The CVSA committees include, but are not limited to, the following:

- (a) Crash Data and Investigation Standards Committee.
- (b) Driver-Traffic Enforcement Committee.
- (c) Enforcement and Industry Modernization Committee.
- (d) Hazardous Materials Committee.
- (e) Information Systems Committee.
- (f) Passenger Carrier Committee.
- (g) Policy and Regulatory Affairs Committee.
- (h) Size and Weight Committee.
- (i) Training Committee.
- (j) Vehicle Committee.

(3) Tuition, travel, and other related expenses for CVSA committee meetings are paid for by the Department and reimbursed through the Motor Carrier Safety Assistance Program grant. Delegation members will be required to serve at the discretion of the CVSA delegation director. Overtime and compensated time off are not authorized unless prior approval is obtained from the captain of CVS.

(4) Terms will normally last five years (regardless of future assignment). These terms may be waived in unusual circumstances, such as the abolishment of the position occupied by the individual, or the early termination or completion of the CVSA committee meetings with prior approval from CVS.

(5) Interested candidates must have a minimum of one year experience in the CEP, and have current certifications as required by Chapter 16, Commercial Enforcement Program Training. Desirable qualifications include the following:

- (a) Strong interpersonal skills.
- (b) Outstanding verbal and written skills.

(c) The ability to speak in front of large groups.

(6) Interested candidates shall send a memorandum of interest through channels, along with a résumé and their last two performance appraisals, to the Commercial Enforcement sergeant within CVS.

3. FIELD DIVISION OPERATIONS.

a. Division Chiefs. Field Division commercial units and CVEFs are under the command of a Division Chief. Under the direction of ACF, and with the assistance of EPD and CVS, the Division commander exercises overall control of the commercial operations and facilities assigned to that Division. It is the responsibility of the Division Chief to ensure the Division commercial unit is managed in compliance with the policies contained in this manual.

b. Division Special Services Commanders. Division Special Services commanders, under the direction of their field Division Chief, ensure the effective management of their respective Division commercial units. Special Services commanders are responsible for coordinating commercial operations and activities within the Division, including resource deployment, allied agency coordination, departmental training, and proper supervision and control. Special Services commanders maintain communication between the Division commercial unit, Division offices, and CVS. The Special Services commanders also provide direct supervision to subordinate commercial managers and supervisors.

c. Area Commanders. Commanders are encouraged to utilize the resources available with Mobile Road Enforcement (MRE)/commercial officers, commercially trained and currently certified officers assigned to their command, CVIS personnel, and commercial sergeants to provide a basic level of training to road patrol officers. This training will encourage officers to be more active in identifying and taking enforcement action against commercial offenses and assisting the Department in meeting its responsibilities for commercial enforcement.

d. Commercial Vehicle Enforcement Facility Commanders. Commercial Vehicle Enforcement Facility commanders, under the direction of their field Division Chief, ensure the effective management of their respective command. The responsibilities of a CVEF commander include coordinating facility operations and activities, including resource deployment, allied agency coordination, departmental training, and proper supervision and control. When possible, CVEF commanders shall have a uniformed employee assigned to the designated inspection area with CVISs. All CVEF commanders are highly encouraged to participate in the daily operations of the CVEF,

including assisting with driver contacts and motorist services. The CVEF commanders also provide direct supervision to subordinate supervisors.

e. Division Commercial Units. Under the direction of their respective Special Services commanders, and with the support of EPD and CVS, Division commercial units implement the policies and procedures outlined in this manual. Additionally, Division commercial units directly supervise MRE officers, commercial officers, and CVISs located at various sites within the Division, but who are not assigned to a CVEF command.

f. Commercial Enforcement Program Sergeants. Under the direction of their commander, sergeants are responsible for the proper and efficient operation of the CEP, and supervise personnel, including, but not limited to, MRE officers, commercial officers, and CVISs. Sergeants are highly encouraged to participate in daily operations, including assisting with driver contacts and motorist services. In addition, sergeants shall ensure:

- (1) Uniformity of commercial vehicle inspections and enforcement consistent with applicable laws, regulations, and departmental policies.
- (2) Personnel under their supervision are properly trained, certified, and equipped.
- (3) Safe work practices are followed, and corrections of unsafe conditions are made.
- (4) Reports and forms completed by subordinate personnel are reviewed for accuracy and completeness.
- (5) Commercial Vehicle Safety Alliance decals are appropriately distributed and accounted for by the personnel they supervise.

g. Commercial Officers. Under the direction of CEP sergeants, the duties of commercial officers include, but are not limited to, the following:

- (1) Implement departmental policies and procedures.
- (2) Enforce all laws and regulations pertaining to the safe operation of commercial vehicles.
- (3) Conduct inspections of commercial vehicles, directing specific attention towards violations having the greatest impact on highway safety with a priority placed on driver qualification and condition, and commercial vehicle equipment compliance.

(4) Provide a constant law enforcement presence at the CVEF.

(5) When working with CVISs, make the initial contact to ensure drivers are correctly identified and it is safe to begin inspections.

NOTE: Officers shall evaluate drivers for fatigue, impairment, and driver qualifications. To assist in these tasks, officers shall obtain applicable documentation from the driver during the initial contact. Examples include, but are not limited to, driver's license, vehicle registration, and record of duty status. The documents obtained during the initial contact can be provided to the CVIS to complete inspection documentation.

(6) Identify and investigate potential criminal activity.

NOTE: If it is determined illegal activity may be occurring, a uniformed employee shall fully investigate the concerns before allowing a CVIS to begin the CVSA, North American Standard (NAS), inspection process.

(7) Provide supervision to CVISs in the absence of a supervisor.

h. Mobile Road Enforcement Officers. Under the direction of a CEP sergeant, the MRE officer is responsible for regulating and inspecting commercial vehicles on highways where CVEFs are not located. The duties of an MRE officer include, but are not limited to, the following:

(1) Implement departmental policies and procedures.

(2) Enforce all laws and regulations pertaining to the safe operation of commercial vehicles.

(3) Conduct inspections of commercial vehicles, directing specific attention towards violations having the greatest impact on highway safety with a priority placed on driver qualification and condition, and commercial vehicle equipment compliance.

(4) Identify and investigate potential criminal activity.

(5) Possess a full understanding of the commercial vehicle crash problems identified in their assigned geographical areas and focusing enforcement efforts accordingly.

(6) When requested, respond to commercial vehicle crashes, and assist investigating officers.

i. Inspections by Personnel Not Assigned to the Commercial Enforcement Program. Commanders should accommodate requests by NAS Level I-certified personnel who want to maintain their current NAS Level I certification while not assigned to the CEP, thereby preserving perishable skills, maintaining available resources, and minimizing retraining or retesting costs for those personnel to the Department.

j. Road Patrol Officers. Officers assigned to road patrol duties are responsible for ensuring drivers of commercial vehicles comply with laws regulating commercial drivers and vehicles. At a minimum, road patrol officers should be familiar with, and enforce, laws relating to rules of the road, driver's qualification and condition, hours-of-service, and equipment and loading violations commensurate with their level of training. Additional activity, beyond the basic level of training for road patrol officers, should be at the discretion of the Area or Division commanders, and related to specific needs within the geographical confines of the Area/Division.

k. Motor Carrier Safety Unit Personnel. Under the direction of Division Special Services commanders, personnel assigned to the Motor Carrier Safety Operations Program are responsible for enforcement responsibilities contained in Highway Patrol Manual 84.1, Motor Carrier Safety Operations, Chapter 1, Policy.

l. Motor Carrier Specialists Not Assigned to the Commercial Enforcement Program. Motor Carrier Specialists assigned to a specialty assignment outside of the CEP shall maintain their required NAS certifications as outlined in Chapter 16 of this manual.

m. Commercial Vehicle Inspection Specialists. Under the direction of CEP sergeants, the CVIS is responsible for conducting CVSA, NAS, inspections of commercial vehicles in compliance with departmental policies and procedures. Commercial Vehicle Inspection Specialists monitor commercial vehicles for compliance with state and federal laws, and regulations related to size, weight, equipment requirements, hazardous materials transportation; driver qualifications and condition; and loading and securement requirements. Additionally, CVISs affix CVSA decals in accordance with departmental policy.