

CHAPTER 13
MOTOR CARRIER REGISTRATION AND OPERATING AUTHORITY
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CHAPTER 13

MOTOR CARRIER REGISTRATION AND OPERATING AUTHORITY

1. GENERAL.

- a. Scope. The purpose of this chapter is to inform commercial enforcement personnel of federal and California motor carrier (MC) registration, Operating Authority (OA), and permit requirements.
- b. Mission. The primary mission of the Department's Commercial Enforcement Program is to ensure the safe operation of MCs of property (MCP) and MCs of passengers on California's highway system by identifying noncompliant carriers, taking appropriate enforcement action, and educating all MCs on the current federal and California statutory and regulatory requirements.
- c. Objective. The Department's objective is to ensure MCP and MCs of passengers are registered pursuant to federal and/or California laws and regulations, as appropriate. Additionally, appropriate enforcement action shall be taken against MCs who are not appropriately registered, and against MCs whose registration is suspended, revoked, or cancelled, or when an MC is operating beyond the scope of its registration. Furthermore, appropriate enforcement action shall be taken against interstate MCs who are not in compliance with Unified Carrier Registration (UCR).
- d. Purpose. For purposes of this chapter, "registration" includes a valid U.S. Department of Transportation (USDOT) number, a valid MC or Mexican Carrier (MX) number, a valid California carrier identification number (CA number), a valid MCP permit (MCP) issued by the California Department of Motor Vehicles (DMV), a valid Certificate of Public Convenience and Necessity (CPCN) (refer to Annex A), a valid Household Movers permit issued by the California Department of Consumer Affairs (DCA), or valid permits issued by the California Public Utilities Commission (PUC).

2. INTERSTATE COMMERCE.

- a. Background. Interstate commerce is trade, traffic, or transportation which crosses between states or countries. It can be determined by the fixed and persistent intent of the shipper at the time of shipment. When the intent of the shipper is to send goods across a state border or to another country, the shipment is considered interstate. Interstate commerce can also be determined by the movement of the vehicle. Examples of interstate commerce include, but are not limited to, the following:

(1) A vehicle transporting cargo from Los Angeles, to Susanville, (transportation) which travels on U.S. 395 through Nevada (traffic) is interstate commerce.

(2) A transport vehicle is located in Las Vegas,. The driver is dispatched to pick up a load originating in Los Angeles, and destined for Sacramento. The empty vehicle crosses between states en route to pick up the load (traffic). The driver and empty vehicle are engaged in interstate commerce until the transport of the load is undertaken. Once the transport of the load (transportation) has commenced, the driver and the vehicle are engaged in intrastate commerce.

(3) A disabled vehicle is located in Sacramento,. The owner desires the vehicle to be towed to Reno, for repairs. A Sacramento- based tow truck transports the vehicle to Truckee. A Reno- based tow truck picks the vehicle up in Truckee, and transports it to Reno. The Reno, tow truck is engaged in interstate commerce, as it crossed between states (traffic), and it transported the disabled vehicle between states (transportation). Although the Sacramento- based tow truck did not cross between states (traffic), the load (transportation) did cross between states. The intent at the time the transportation commenced was interstate in nature. Therefore, the Sacramento- based tow truck was engaged in interstate commerce. This is known colloquially as the continuation of an interstate movement.

(4) The transportation of U.S. mail and the transportation of intermodal cargo containers, including the repositioning of containers, is generally interstate or foreign commerce. Therefore, intermodal cargo containers are to be considered interstate commerce unless intrastate commerce can be articulated. For example, prior to returning an empty intermodal container to a port, the carrier uses it to transport an intrastate load. Additionally, empty intermodal containers are exempt commodities.

b. Federal Mandates. Pursuant to Title 49, Code of Federal Regulations (CFR), Section 350.207(a)(4), each state is required to enforce registration and OA requirements under Title 49, United States Code (USC), Sections 13902 and 31134. This is accomplished by states prohibiting the operation of (e.g., placing out-of-service) vehicles discovered to be operating without the required OA or beyond the scope of the MC's OA, and enforcing financial-responsibility requirements under Title 49, CFR, Part 387.

c. Federal Authority. The safety and regulatory oversight of interstate MCs is under the purview of the Federal Motor Carrier Safety Administration (FMCSA). The FMCSA's statutory authority to economically regulate MCs operating in interstate commerce is contained in Title 49, USC, Chapter 135 —*Jurisdiction*

(commencing with Section 13501). Generally, Title 49, USC, Section 13501, provides the FMCSA and Surface Transportation Board (STB) with authority to regulate (requirement to possess OA) interstate commerce, as defined in paragraph 2.a.

3. FEDERAL REGULATIONS.

a. Reference. The most current Federal Motor Carrier Safety Regulations (FMCSR) may be found online at ecfr.gov. When referencing the FMCSR online, it is important to note that, when two sections appear with the same number, the section referenced with a "T" is the section currently applicable. When amendments are made to a section in the FMCSR, the old section is suspended, and the date of the suspension is indicated at the end of the section. The suspended section, as well as the amended section, still appears. The amended or temporary section is denoted with a "T."

NOTE: If a California Vehicle Code (CVC) section references a CFR "T" section (unless specific CFR edition date is codified), Commercial Enforcement Program (CEP) personnel shall assume the most current applicable section is intended for compliance and enforcement purposes.

b. Definitions. Most of the definitions applicable to the safety and regulatory oversight of interstate MCs are located in Title 49, CFR, Section 390.5. Many of the definitions in the FMCSR differ from definitions contained in the CVC. Definitions not contained in Title 49, CFR, Part 390, or of special note, are as follows:

(1) Commerce. Black's Law Dictionary (Eighth Edition) defines commerce as, "the exchange of goods and services, esp. on a large-scale involving transportation between cities, states, and nations." Title 49, CFR, contains the regulations pertaining to a commercial motor vehicle (CMV) operated in interstate commerce. Title 49, CFR, Section 390.3, describes types of operations not subject to these regulations. One of the exceptions is the transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise. Therefore, transportation for compensation, or in the furtherance of a commercial enterprise and not meeting one of the other exceptions listed, must be interpreted as commerce.

(2) Compensation. Compensation is a transportation charge assessed and collected by MCs. The term does not include private MCP. Compensation may also include the exchange of goods or services without the use of money.

(3) Exempt Commodity. Generally, an exempt commodity is a product which has not been processed in any way, such as fresh agricultural products or

fresh fruit. An exempt commodity also includes used pallets, used shipping containers (including intermodal cargo containers), and other used shipping devices, other than those used to transport motor vehicles (MVs) or parts of MVs. The transportation of these commodities is exempt from economic regulations (not required to possess OA).

NOTE: A noncomprehensive list of exempt and nonexempt commodities contained in Administrative Ruling Number 119 can be found online at fmcsa.dot.gov. Title 49, CFR, Section 372.115, contains a list of commodities that are not exempt by statute.

4. FEDERAL EXEMPTIONS FROM ECONOMIC REGULATION.

a. Reference. In addition to the exempt commodities referenced in paragraph 3.b.(3), Title 49, CFR, Part 372, and Title 49, USC, Sections 13502 through 13508, describe other types of transportation operations and commodities that are exempt from economic regulation by the FMCSA and STB (not required to possess OA). Title 49, USC, can be found online at govinfo.gov.

5. INTERSTATE REGISTRATION REQUIREMENTS.

a. Registration. Every MC, including private MCs, operating in interstate commerce is required to apply for, and obtain, a USDOT number from the FMCSA via the FMCSA's online Unified Registration System. The MC's assigned USDOT number is required to be displayed in accordance with Title 49, CFR, Section 390.21, and Section 34507.5(b) CVC. This requirement also applies to intrastate MCs transporting quantities of hazardous materials (HM) that require possession of a federal "Safety Permit" (Combined Motor Carrier Identification Report and HM Permit Application [MCS-150B]). Since the 1990s, the Interstate Commerce Commission (ICC), Federal Highway Administration, Office of Motor Carrier and Safety, and now the FMCSA issue a Certificate of Registration (COR), instead of a CPCN, to MCs (refer to Annex B). Under federal law, U.S. and Canadian MCs are not required to place a copy of their COR in each CMV operated in the U.S.; however, many do.

b. Operating Authority. Every for-hire MC transporting regulated commodities (nonexempt) is required to apply for (with payment of specified fees), and obtain, OA under either Title 49, USC, Section 13902, or Title 49, CFR, Parts 365 or 368, as specified (Form OP-1 for MCPs and brokers of general freight and household goods, Form OP-1[P] for MCs of passengers, Form OP-1[FF] for freight forwarders [FF]). Unlike the USDOT number, the OA (Docket) number (MC or MX number) is not required to be displayed. An MC may need to possess multiple OAs to support its planned business operations. According to the FMCSA,

“Operating Authority dictates the type of operation a company may run and the cargo it may carry.” Private MCs and for-hire MCs transporting only exempt commodities are not required to possess OA.

NOTE: All USDOT numbers shall be checked during an inspection. The USDOT number is only an identifier and does not indicate an active OA.

6. FEDERAL REGISTRATION AND OPERATING AUTHORITY ENFORCEMENT.

a. Federal Motor Carrier Safety Administration. The FMCSA actively enforces interstate registration requirements related to highway safety, as well as proof of financial responsibility (FR) through compliance reviews and other avenues, including criminal investigations conducted by the USDOT’s Office of the Inspector General.

b. California Highway Patrol. The following are guidelines for enforcement of federal registration requirements. Any suspected violation(s) that cannot be corroborated by departmental personnel should be forwarded to the nearest FMCSA field office for follow-up investigation, as the FMCSA deems necessary.

(1) Identification of Interstate Motor Carriers. The following is a list of examples which enforcement personnel may utilize to identify an MC subject to federal registration requirements; the list is not all-inclusive.

(a) A CMV is towing an intermodal cargo container and only a CA number is displayed. Reasonable belief, pursuant to Section 2804 CVC, exists to make an on-highway enforcement stop for a possible violation of Section 34518 CVC.

(b) A CMV travels into California from another state or another country, such as Canada or Mexico, and only a CA number is displayed.

(c) A CMV travels into California from another state or another country, and only a number issued by another state or another country is displayed.

(d) A CMV marked with U.S. Mail and only a CA number is displayed.

(e) A CMV is traveling on a California highway and no registration number is displayed.

(f) A CMV transporting passengers enters California from another state or country, and only a PUC number is displayed.

(g) Ask the driver what commodity is being transported, and the origin and destination of the shipment.

(h) Shipping manifest indicates the shipper is sending goods across a state line(s) or an international border(s). The definition of interstate commerce includes foreign commerce.

(i) A CMV driver's logbook indicates a shipment's origin in another jurisdiction, or the driver is delivering to another jurisdiction.

(j) A bus driver's logbook indicates passengers being picked up in one jurisdiction and is transporting passengers to another jurisdiction.

(k) An intrastate MC is transporting HM, which requires the MC to possess a federal safety permit (HM registration).

(2) Determining if Operating Authority is Required. To determine if an MC is required to possess OA, the following questions shall be answered.

(a) Is the vehicle being operated for-hire?

(b) Is the vehicle being operated, or is the commodity being transported, in interstate commerce?

(c) Is the commodity or operation regulated (not exempt)?

(d) What exemptions must be considered?

(e) If the answers to questions (a), (b), and (c) above are all "yes," then OA is usually required, unless a specific ICC ruling or case law provides otherwise (refer to paragraph 3.b.[3]).

(3) Determining a Motor Carrier's Registration Status. When commercial enforcement personnel identify a CMV as being subject to federal registration, the following guidelines shall be followed:

(a) Obtain available identification displayed on the CMV, the MC's name, and any other pertinent information which identifies the actual MC (refer to Annex C). Any unusual information shall be well-documented to support future investigations.

(b) Verify (query) the status of an interstate MC by name or USDOT, MC, or MX number through the Safety and Fitness Electronic Records System (SAFER) at safer.fmcsa.dot.gov. Under "FMCSA Searches," click on

“Company Snapshot,” then enter the required information (refer to Annex D).

(c) Enforcement personnel may also verify the registration status of an MC by contacting the local FMCSA field office.

(d) The status of an MC may be electronically verified through Iteris Inspect, the FMCSA Portal, or Query Central.

(e) If registration status is determined to be valid, no further investigation is needed.

(4) Determining a Motor Carrier’s Operating Authority Status.

(a) During an inspection, one of the checks performed by Iteris Inspect confirms the status of an MC’s OA. Enforcement personnel may also check an MC’s OA status through SAFER at safer.fmcsa.dot.gov. Click on “Licensing & Insurance,” then enter the required information.

(b) If the MC possesses the proper OA, no further investigation is needed.

(5) No Federal Registration Issued, Inactive United States Department of Transportation Number, or No Operating Authority. Appropriate enforcement action shall be taken and should include, but is not limited to, the following:

(a) Documentation of the Violation on an Inspection Report. A U.S. or a Canadian MC not registered as required, operating with an inactive USDOT number, or operating without the appropriate OA (when required), is in violation of Section 34518(b) CVC. Enforcement for a Mexico-domiciled MC is explained in paragraph 7.

(b) Issuance of a CHP 215, Notice to Appear.

(c) A CMV, operating in violation of Section 34518(b) CVC, may be impounded by CHP CEP officers pursuant to Section 22651.4 CVC, in compliance with departmental policy.

1 An MC operating a CMV in interstate commerce not registered as required, operating with an inactive USDOT number, operating without possessing the appropriate OA, or operating beyond the limitation(s) imposed, shall be placed out-of-service (OOS). Officers should carefully consider the nature of the load (e.g., regulated agricultural products, perishable products, high-value cargo, live animals, HM).

2 Impoundment for a first offense shall be limited to an MC operating a CMV in interstate commerce without possessing appropriate OA or operating beyond the limitation(s) or restrictions imposed.

3 A first offense for not possessing a USDOT number shall not include impoundment. The CVSA and FMCSA require the carrier to have a history of noncompliance with this requirement before being placed OOS. Section 22651.4(b) CVC shall be used judiciously to compel an uncooperative MC to register with the FMCSA.

(6) Out-of-Service Orders. All OOS orders shall be verified to determine if they are applicable to interstate only, or both interstate and intrastate commerce. A driver and an MC operating in violation of an OOS order(s) issued by the FMCSA are in violation of Section 2800(c) CVC, and the driver may be taken forthwith pursuant to Section 40302(b) CVC.

7. INTERSTATE (FOREIGN) COMMERCE TO/FROM A CONTIGUOUS COUNTRY.

a. Background. The United States-Mexico-Canada Agreement (USMCA) became effective on July 1, 2020, and replaced the North American Free Trade Agreement (NAFTA). The USMCA is intended to phase out barriers to trade in goods and services, promote conditions for fair competition, increase investment opportunities, and provide adequate protection for intellectual property rights.

b. Canada-Domiciled Motor Carrier Requirements.

(1) Canada-domiciled MCs must comply with the registration requirements described in paragraph 5.

(2) Canada-domiciled MCs are required to comply with the same federal and state laws, regulations, and procedures that apply to U.S. MCs when operating in the U.S.

c. Mexico-Domiciled Motor Carrier Requirements.

(1) All Mexico-domiciled MCs are required to possess OA, regardless of operation, except private MCs of passengers operating only in a commercial border zone (BZ). Mexico-domiciled for-hire and private MCs of property, regardless of vehicle size or type, owned or controlled by Mexican citizens, and operated only within specified BZs in the four border states must apply to the FMCSA for a COR. The FMCSA will either issue a COR or deny the application.

(2) Pursuant to Title 49, CFR, Section 366.4, each MC shall make a designation for each state in which it is authorized to operate and traverse during such operations.

(3) Motor carriers operating with a COR are limited to operation in a BZ. They are designated by the letter "Z", which is required to be displayed after the USDOT number, referred to as "z-carriers."

(4) Motor carriers domiciled in Mexico are allowed to obtain OA to operate in the whole U.S. These MCs are required to display the letter "X" after the USDOT number displayed on CMVs (aka, "x-carriers"). These x-carriers are not required to maintain a copy of a COR in their CMVs operated in the U.S. The status of Mexico-domiciled MCs may be verified through SAFER.

(5) Mexico-domiciled MCs are required to comply with the same federal and state laws, regulations, and procedures that apply to U.S. MCs when operating in the U.S.

8. INTERSTATE (FOREIGN) COMMERCE REGISTRATION AND OPERATING AUTHORITY ENFORCEMENT.

a. Cabotage. Cabotage is the point-to-point transportation of goods or passengers within a country. Cabotage is prohibited when an MC domiciled in **Canada or Mexico** provides point-to-point transportation within the U.S. Enforcement personnel shall document information supporting the suspected cabotage violation, which shall be included in the notes portion on an inspection report. A copy of the inspection report and supporting documentation for the suspected cabotage violation shall be forwarded to Commercial Vehicle Section (CVS) within 10 calendar days. Commercial Vehicle Section will forward all cabotage submissions to the FMCSA. The report may be directly submitted to CVS by CEP personnel, upon notification and approval of a supervisor.

b. Canada-Domiciled Motor Carriers. All MCs domiciled in Canada operating in interstate commerce within the U.S. are required to possess a USDOT number. Canada-domiciled MCs transporting regulated commodities are required to possess OA (refer to Annex E).

(1) A Canada-domiciled MC operating in California without a USDOT number or without required OA is in violation of Section 34518(b) CVC (refer to paragraph 6.).

(2) A driver operating a Canada-domiciled CMV engaged in cabotage is in violation of Section 34518(a) CVC.

c. Mexico-Domiciled Motor Carriers. All MCs domiciled in Mexico operating in interstate commerce within the U.S. are required to possess a USDOT number and OA. However, private MCs of passengers are not required to possess OA if they are only registered to operate in the BZ (refer to Annex F).

(1) A Mexico-domiciled MC operating without a USDOT number or OA is in violation of Section 34518(a) CVC when operating a CMV in California.

(2) A z-carrier operating beyond the BZ is in violation of Sections 34517(a) or 34518(a) CVC.

(3) A “grandfathered” Mexico-domiciled MC allowed to operate anywhere in the U.S., or an MC restricted to operating in a BZ(s), is in violation of Section 34518(a) CVC if a copy of the COR is not in the CMV or is not presented upon demand.

(4) An enterprise carrier is in violation of Section 34518(b) CVC if the MC does not possess a USDOT number and OA, as appropriate, when operating a CMV in California.

(5) A driver operating a Mexico-domiciled CMV engaged in cabotage is in violation of Section 34518(a) CVC.

d. Enforcement Documents. Enforcement documents for a violation of Sections 34517 or 34518 CVC shall be issued to the foreign driver employed by the foreign MC, unless the local district attorney or local court is agreeable to file a court process with the California “Process Agent” designated by a specific foreign MC. The California court system generally does not have subpoena powers in either Canada or Mexico.

NOTE: Copies of all enforcement documents and supporting documentation for a violation of Sections 34517 or 34518 CVC shall be forwarded to CVS within 10 calendar days. Commercial Vehicle Section will forward all submissions to the FMCSA. The report may be directly submitted to CVS by CEP personnel, upon notification and approval of a supervisor.

e. Impound Authority. A CMV operated in violation of Sections 34517 or 34518 CVC may be impounded by CHP commercial enforcement officers pursuant to Section 22651.4 CVC.

9. FEDERAL PROOF OF FINANCIAL RESPONSIBILITY REQUIREMENTS.

a. Unified Carrier Registration. All MCs operating in interstate commerce, including foreign commerce, are required to comply with provisions in the Unified

Carrier Registration Act (UCR) within the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The UCR is applicable to for-hire and private MCs of property and passengers, brokers, FF, and leasing companies as defined in the SAFETEA-LU. The intent of the UCR is to ensure that specified entities possess mandated minimum levels of FR contained in Title 49, CFR, Part 387, which are applicable to CMVs, as defined in Title 49, CFR, Section 390.5. Provisions within the UCR apply to an MC operating a CMV power unit with a gross vehicle weight rating (GVWR) or gross weight of 10,001 pounds or more, or to a CMV of any GVWR or gross weight transporting HM which requires the display of placards, in interstate commerce. Provisions within the UCR do not apply to intrastate-only operations, including the transportation of HM requiring the display of placards. Although participation in UCR is mandatory for those entities identified in paragraph 9.a., participation is permissive for states. An MC whose principal place of business is located in a state which is not participating in UCR may register in the closest participating state or may register through a web-based program online at ucr.gov.

b. Verification. Verification of compliance is accomplished through a query of the SAFER database. Select the "Unified Carrier Registration (UCR)" link located in the middle column (under "FMCSA Searches"). Enforcement personnel may query a USDOT, MC, MX, or an FF number, to ascertain if a specified entity is registered and complies with UCR requirements (refer to Annex G). The state of record may also be contacted telephonically to verify compliance. Verification of UCR is one of the automatic queries built into Iteris Inspect; however, the status should be verified using the SAFER database. An MC who is not in compliance with UCR requirements is in violation of Section 16560 CVC.

NOTE: The UCR requires interstate MCs to be in compliance with UCR requirements at all times. However, Section 16560 CVC only applies to operation of an MV on the highway while engaged in interstate or foreign commerce. Therefore, a violation of Section 16560 CVC shall only be enforced on an MC actually operating in interstate commerce at the time of the contact.

NOTE: The UCR requires MCs to register and pay the UCR fee before January 1 of the registration year. The start of the registration period for the upcoming year is often delayed by the UCR Board of Directors while the FMCSA completes the rulemaking process to determine the applicable fees. During this delay, registrations are not accepted and MCs are unable to comply with the provisions of Section 16560 CVC.

10. INTRASTATE TRANSPORTATION.

a. Background. Intrastate commerce means any trade (buying and selling of goods), traffic (movement of a vehicle along a route), or transportation (conveyance of persons or property) for which the origination and destination is within California, without passing through another state or country (point to point within California).

NOTE: Cargo picked up or dropped off at ports is generally not intrastate cargo.

b. Scope. Pursuant to the Motor Carrier Safety Improvement Act (MCSIA) of 1996, codified into Division 14.85 of the CVC commencing with Section 34600, the regulatory oversight for MCP is the responsibility of the DMV and CHP. The PUC provides regulatory oversight of MCs of passengers.

c. The California Public Utilities Commission Governance, Accountability, Training, and Transportation Oversight Act of 2017 became effective on July 1, 2018. The regulatory oversight of private carriers of passengers (PCP) was transferred from the PUC to the DMV. The regulatory oversight of household goods carriers was transferred from the PUC to the Bureau of Household Goods and Services within the DCA. Household goods carriers were renamed household movers and defined in Section 19225.5 of the Business and Professions Code (BPC). The PCP Registration Act was codified in Division 14.86 of the CVC commencing with Section 34680 and the Household Movers Act was codified in Division 8 BPC commencing with Section 19225.

11. INTRASTATE DEFINITIONS.

a. Motor Carrier of Property. An MCP is any person who operates any CMV as defined in Section 34601(c)(1) CVC.

b. Commercial Motor Vehicle. A CMV is defined as any self-propelled vehicle listed in Section 34500 CVC, subdivisions (a), (b), (f), (g), (j), and (k), any motor truck of two or more axles that has a GVWR of 10,001 pounds or more, and any other MV used to transport property for compensation. The definition of a CMV includes, but is not limited to, the following:

(1) Section 34500(a) California Vehicle Code. Motortrucks of three or more axles which are more than 10,000 pounds GVWR.

(2) Section 34500(b) California Vehicle Code. Truck tractors.

(3) Section 34500(f) California Vehicle Code. Any combination of a motortruck, and any vehicle or vehicles set forth in Section 34500(e) CVC (e.g., trailers, semitrailers) that exceeds 40 feet in length when coupled together.

(4) Section 34500(g) California Vehicle Code. A vehicle or a combination of vehicles transporting HM.

NOTE: A vehicle or combination of vehicles transporting any quantity of HM as defined in Section 353 CVC, regardless of type, related to commercial use is a CMV, unless excepted.

(5) Section 34500(j) California Vehicle Code. Any other motortruck not specified in subdivisions (a) to (h), inclusive, or subdivision (k), that is regulated by the DMV, DCA, or USDOT.

(6) Section 34500(k) California Vehicle Code. Any CMV with a GVWR of 26,001 pounds or more, or a CMV of any GVWR towing a trailer, semitrailer, etc., with a GVWR of 10,001 pounds or more (does not include camp trailers, trailer coaches, or utility trailers).

(7) Section 410 California Vehicle Code. A motortruck is an MV designed, used, or maintained primarily for the transportation of property.

NOTE: Specialized vehicles with a GVWR of 26,001 pounds or more, including truck-mounted cranes, drilling or boring rigs, boom trucks, cement-pumping trucks, or any other vehicles of this type that are not designed to transport property other than tools and equipment necessary for the operation of the specialized equipment, do not meet the definition of a motortruck. However, they are defined in Section 34500(k) CVC; therefore, an MCPP is required.

(8) Section 415 California Vehicle Code. Any vehicle which is self-propelled.

(9) Section 585 California Vehicle Code. A station wagon that is used primarily for the transportation of cadavers to or from a funeral home, mortuary, or burial site no longer meets the definition of a station wagon and is a CMV per Section 260 CVC.

c. Not a Commercial Motor Vehicle. "Commercial motor vehicle" does not include the following vehicles for the purpose of MCPP compliance, per Section 34601(c)(2) CVC.

(1) Vehicles identified in Section 34500(f) CVC, not specified in subdivisions (a) through (h), inclusive, or subdivision (k), if the GVWR of the towing vehicle is 10,000 pounds or less.

(2) Vehicles identified in Section 34500(g) CVC, if the HM transportation does not require the display of placards under Section 27903 CVC, a license per Section 32000.5 CVC, or hazardous waste transporter registration per Section

25163 of the California Health and Safety Code, **and the vehicle is not operated in commercial use or for commerce.**

(3) Pickup trucks as defined in Section 471 CVC, provided both conditions listed in paragraphs 11.c.(1) and (2) are also met.

NOTE: Pickup trucks used commercially with a GVWR of 10,001 pounds or more are described in Section 34500(j) CVC. Additionally, a pickup truck of any GVWR used in combination with a trailer, semitrailer, etc., with a GVWR of 10,001 pounds or more is described in Section 34500(k) CVC. Therefore, pickup trucks meeting the definition in Section 34500(f) CVC and another subsection of Section 34500 CVC are CMVs as defined in Section 34601(c)(1) CVC.

(4) Personal-use vehicles **never** operated in commercial use per Section 34601(c)(2)(G) CVC.

(5) Specialized vehicles with a GVWR between 10,001 and 26,000 pounds, including truck-mounted cranes, drilling or boring rigs, boom trucks, cement-pumping trucks, or any other vehicles of this type that are not designed to transport property other than tools and equipment necessary for the operation of the specialized equipment, do not meet the definition of a motortruck. However, use of the vehicle primarily for the transportation of any other property immediately subjects the operator to the requirements of possessing an MCPP.

NOTE: A mobile food (catering) truck transporting items of property (such as prepackaged food, drinks, or other items for direct retail sale) subjects those vehicles to MCPP requirements. A catering truck configured with specialized equipment for storing, preparing, reheating, or cooking unprepared foods necessary to produce a final salable product exclusively as a “mobile kitchen” does not constitute transportation of property, and is not subject to MCPP requirements.

d. Pickup Truck. Section 471 CVC and Title 13, California Code of Regulations (CCR), Section 150.04, define a pickup truck as a motortruck with a manufacturer’s GVWR of less than 11,500 pounds, an unladen weight of less than 8,001 pounds, and that is equipped with an open box-type bed not exceeding nine feet in length. A pickup truck will not include an MV otherwise meeting the above definition, but which is equipped with a bed-mounted storage compartment unit commonly called a “utility body.” Additionally, a motortruck equipped with a flatbed or stake bed is not a pickup truck. The purpose of this amendment is to exempt persons who operate pickup trucks in noncommercial use from the requirement to obtain and possess an MCPP. **However, any private MCP, as defined in Section 34601(d) CVC,**

operating a pickup truck with a GVWR of 10,001 pounds or more for commercial use, or a for-hire MCP, is required to obtain an MCPP.

NOTE: An open box-type bed described above is not limited to a factory-type bed. A box-type bed equipped with permanent sides and dimensions similar to a factory type bed, and capable of retaining a variety of cargo with little or no additional securement is included in the definition of a pickup truck.

e. Daily Rental Vehicle. Persons operating two-axle daily rental trucks with a GVWR of less than 26,001 pounds in **noncommercial** use are not required to obtain an MCPP.

NOTE: Any for-hire MCP, as defined in Section 34601(b) CVC, or any private MCP, as defined in Section 34601(d) CVC, when operating a daily rental truck with a GVWR of 10,001 pounds or more for commercial use, is required to have an MCPP.

f. Contracted Motor Carrier of Property. Section 34620(b) CVC prohibits any person, including MCP and shippers, from contracting or otherwise engaging in services unless an MCP holds a valid MCPP. This section further requires the contracted MCP to provide a copy of their valid MCPP and to immediately notify the contracting carrier if the MCPP is suspended or revoked. This requirement is an agreement between MCP and does not apply to shippers who are not also MCP. The CHP 809, Motor Carrier Certification of Compliance, is available to the commercial industry upon request. These documents are not required to be presented for on-highway inspections; however, Section 34620(b) CVC requires all involved parties to retain these documents for the contract duration, plus two years, and to make them available to the CHP during a terminal inspection.

g. For-Hire Motor Carrier. Any person who transports persons or other persons' property for direct compensation (for hire or profit), regardless of vehicle size or weight.

NOTE: Any person operating an MV in a third-party food-delivery operation (e.g., Uber Eats, Grubhub) is a for-hire MC. Additionally, a vehicle used primarily for this type of operation meets the definition of a commercial vehicle (for registration purposes), as outlined in Section 260 CVC.

h. Private Motor Carrier. Any person operating an MV with a GVWR of 10,001 pounds or more, who transports only their own property, including, but not limited to, the delivery of goods sold by that MCP, even if a fee is charged for such delivery. (Refer to DMV MC 500 M, MCP Handbook.) This definition includes any related activity in the furtherance of a business for indirect or direct compensation, including, but not limited to, the exchange of goods or services without the use of

money (e.g., transportation of livestock food, farming supplies, tools, irrigation materials, general supplies).

12. MOTOR CARRIER SAFETY IMPROVEMENT ACT PERMIT REQUIREMENTS.

a. New Motor Carriers of Property. To engage in intrastate commerce, all MCP are required by the MCSIA to obtain an MCPP from the DMV. To obtain an MCPP, a carrier shall do the following:

(1) Obtain a USDOT number from the FMCSA. Motor carriers of property are required to use the FMCSA's online Unified Registration System. Section 34507.5(a) CVC requires MCs to obtain a USDOT number before a CA number can be assigned to the MC.

(2) Obtain a CA number from the Department. Every MC, as defined in Section 408 CVC, and every MCP, as defined in Section 34601 CVC, shall obtain a CA number from the Department prior to operation in California. Motor carriers already assigned a CA number are precluded from obtaining another number (Title 13, CCR, Sections 1235.1 through 1235.6). To obtain a CA number from the Department, an MC may contact a Division Motor Carrier Safety Unit or download a CHP 362, Motor Carrier Profile, online at chp.ca.gov.

NOTE: One CA number is issued to each individual or legal entity, is not vehicle-specific, and is used fleet-wide on all vehicles. Once a CA number is issued, the CA number assigned to that specific entity is permanent.

(3) Contact the DMV at (916) 657-8153 or download a DMV MC 706M, Application for Motor Carrier Permit, online at dmv.ca.gov. The application requires the following:

- (a) CA number assigned by the Department.
- (b) Proof of FR pursuant to Section 34630 CVC through Section 34631.5 CVC.
- (c) Proof of worker's compensation insurance, if applicable.
- (d) The MC's pull notice requester code pursuant to Section 1808.1 CVC, if applicable.
- (e) Proof of enrollment in a Controlled Substance and Alcohol Testing (CSAT) program, if applicable.
- (f) Register and pay UCR fees, if applicable.

(g) Submit appropriate fees to the DMV.

b. Motor Carrier of Property Permit Exemptions. An MCP is exempt from the requirements to obtain an MCPP when operating any of the following vehicles.

(1) Any vehicle exempt from registration fees, per Section 34622 CVC; examples are listed below.

(a) Implements of husbandry and other vehicles described in Division 16 (commencing with Section 36000 CVC).

(b) Special construction equipment, described in Section 565 CVC, required to display an identification plate per Section 5011 CVC.

(c) Any other vehicle used primarily off-highway and not required to be registered pursuant to Section 4000(a) CVC.

(d) Governmental exempt-plated MVs, per Section 9103 CVC.

(e) Historical vehicles, per Section 5004 CVC.

(f) Vehicles displaying special plates assigned to a vehicle manufacturer, remanufacturer, distributor, dealer, or transporter and in compliance with Section 11715 CVC. (Refer to Highway Patrol Manual 82.5, Registration Enforcement Manual, Chapter 8, Dealers, Manufacturers, Distributors, Transporters, and Dismantlers, for additional information.)

(2) Carriers providing only passenger transportation, and transportation of baggage and express packages incidental to the transportation of passengers. These carriers remain under PUC oversight, per Section 34601 CVC.

(3) Vehicles operated by a household mover to transport household goods, per Section 34601 CVC. These vehicles remain under DCA oversight.

(4) Vehicles operated by a household mover to transport office, store, and institution furniture and fixtures, per Sections 34601 and 34622 CVC. These vehicles remain under DCA oversight.

(5) Two-axle daily rental trucks with a GVWR of less than 26,001 pounds, when operated in noncommercial use, per Section 34601 CVC.

c. Interstate Motor Carriers.

(1) Pursuant to Revenue and Taxation Code, Section 7232, interstate MCP are not required to pay permit fees while engaged solely in interstate or foreign

transportation of property in California, even if they have one or more terminals in the state.

(2) An MCP engaged solely in interstate commerce is exempt from the MCPP requirement. However, to engage in intrastate commerce, the MCP must obtain an original MCPP.

(3) In accordance with the UCR, an MCP operating in both interstate and intrastate operations is not required to submit MCPP renewal fees to the DMV. These MCPs will be issued a nonexpiring MCPP.

d. Seasonal Carriers. The DMV may issue a seasonal permit upon receipt of a properly completed application and proportioned fees. The original seasonal permit is valid for a period of not less than six months.

13. MOTOR CARRIER OF PROPERTY PERMIT ENFORCEMENT.

a. Department of Motor Vehicles Participation. The DMV will actively enforce MCPP requirements not directly related to highway safety. The DMV will suspend or revoke permits for lapses in maintaining FR and workers compensation insurance upon receipt of a recommendation from the Department of Industrial Relations (DIR). The DMV will also suspend permits upon receipt of a recommendation from the CHP for violations related to highway safety.

b. California Highway Patrol Enforcement. The following are guidelines for enforcement of the MCPP program. Commercial enforcement personnel shall not enforce any MCPP law or impound authority against MCPs, unless they have received appropriate training and are knowledgeable of the provisions of the MCPP program. Commercial enforcement personnel shall forward any information regarding MCPP violations to their designated Division MCPP office.

(1) On-Highway Enforcement.

(a) Determining a Carrier's Permit Status. When commercial enforcement personnel identify a CMV as being subject to the MCPP program, the following guidelines shall be followed:

1 Obtain available MCP identification displayed on the vehicle or combination of vehicles, the MCP's name, and any other pertinent information. Any unusual information shall be well-documented to support future investigations.

2 Verify current permit status via the CHP Intranet, Carrier Information Reporting and Evaluation System (CIRES), or by

contacting the DMV, at (916) 657-7092 or (916) 657-8049. These telephone numbers are for **CHP use only**.

3 Attempts to contact the DMV should be made via telephone by the investigating officer. Use of departmental radios for MCPP status inquiries is discouraged.

4 A check of the status of the MCPP will return as one of the following.

a **Active.** The MCPP is valid and the MCP may engage in intrastate commerce.

b **Pending.** The DMV has processed the MCP's application; however, the DMV requires additional information to complete the process. This could include, but is not limited to, incomplete information on the application, no liability or workers compensation insurance on file with the DMV, or the MCP is not in compliance with CSAT and/or DMV pull notice requirements. The MCPP is not valid and the MCP **may not** engage in intrastate commerce.

c **Suspended.** The DMV has suspended the MCPP for one of the variety of different reasons. The MCPP is not valid and the MCP **may not** operate a CMV on any public highway in California whether engaged in intrastate or interstate commerce.

d **Revoked.** The DMV may revoke a MCPP which has been suspended at the request of the Department when the MCP has not filed a written request for a hearing or has failed to submit a request for reinstatement. Enforcement personnel shall treat a revoked MCPP in the same manner as a suspended permit.

e **Withdrawn.** The MCP has ceased intrastate operations and has asked to have the MCPP withdrawn. If the MCP fails to withdraw the MCPP prior to canceling or terminating liability insurance, or prior to the expiration date of the MCPP, delinquent fees may be due if the MCP resumes operations. The MCPP is not valid and the MCP **may not** engage in intrastate commerce.

f **Expired.** The MCPP has expired. The MCPP is not valid and the MCP **may not** engage in intrastate commerce (refer to paragraph 13.b.[1][c]).

g There is no MCP data for this carrier. The MCP has not applied for, or the DMV has not processed, an application for an MCPP. The MCP **may not** engage in intrastate commerce.

(b) **No Motor Carrier of Property Permit Issued.** Appropriate enforcement action shall be initiated and should include, but is not limited to, the following.

1 Issuance of a CHP 215 shall be used if an enforcement action is being taken.

2 Enforcement personnel shall advise the driver that the carrier is subject to citation and the carrier's vehicles are subject to impoundment for continued operation without a valid MCPP. If a copy of an MCPP advisory letter is available, personnel should obtain the driver's signature and issue the driver a photocopy or a blank copy of the letter. All relevant information, including the current CIRES MCPP status, and other supporting documentation should then be forwarded to their designated Division MCPP officer for follow-up investigation. (A sample advisory letter is located in Annex H.) However, Divisions are encouraged to create an advisory letter with local information, address, and telephone number(s) for investigation and tracking purposes.

3 Commercial enforcement personnel may impound an MCP's vehicle(s) pursuant to Section 34660(d) CVC. Prior to the impoundment, the status or a lack of an MCPP shall be confirmed with the DMV.

NOTE: The above policy does not preclude a vehicle from being impounded when enforcement personnel have articulable facts that a MCP has been made aware of the MCPP requirements during previous enforcement contacts or has intentionally changed their carrier name, CA number, or registered-owner information to avoid an impound.

(c) **Expired and Pending Motor Carrier of Property Permit.** Enforcement consistent with procedures outlined for an MCP with no MCPP issued

would be appropriate after considering the following: Effective January 1, 2020, Assembly Bill 1810 amended Section 34621 CVC. The amendment permits an MCP to operate for a 30-day grace period after the expiration date of the MCPP under the following conditions:

- 1 The MCP has applied to the DMV for a renewal of the MCPP prior to the expiration of the MCPP.
- 2 The MCP held a valid MCPP for the previous year.
- 3 The MCP maintains compliance with Section 34507.5 CVC for the 30 days past the expiration date.
- 4 The MCP has not received an unsatisfactory rating at any of its terminals inspected by the CHP pursuant to Sections 34501.12 or 34520 CVC for the 30 days past the expiration date.

NOTE: The 30-day grace period does not apply to a new MCP or to an MCP having an MCPP with a status other than “Active” immediately prior to the expiration date. Other than a postmark placed on the application when the DMV receives it, there is no database or other process in place to verify when the MCP submitted an application for renewal. When an MCP is in compliance with all other requirements for the 30-day grace period and has indicated a renewal application was submitted prior to the expiration date, sound, professional judgement is to be used. An MCPP with a status of “Pending” indicates the DMV has processed the application and is awaiting other required information from the MCP. Therefore, an inquiry with the DMV may reveal if the application was submitted prior the date the MCPP expired. If it is determined the application was submitted prior to the expiration date of the MCPP and the MCP is in compliance with all other requirements, the 30-day grace period would be appropriate.

(d) Suspended Motor Carrier of Property Permit. After contacting the DMV, if it is determined that the MCPP status is suspended and the driver is not the MCP, an “Owners Responsibility” CHP 215 should be issued for violation of Sections 34623(h) or 34660(a) CVC (MCPP suspended). Enforcement personnel **shall** include the MCP’s telephone number in the body of the citation and forward a copy of the document to the Division MCPP officer.

- 1 On-Highway Enforcement: Vehicle Impound. Commercial enforcement officers may impound an MCP’s vehicle(s) pursuant to Section 34660(d) CVC. Enforcement personnel, upon completion of the CHP 180, Vehicle Report, shall document in the comments area the requirement to obtain release of the vehicle(s) through their

Division MCPP officers/supervisors only. Impounds are subject to the following constraints.

a Officers utilizing this impound authority shall have received departmental MCPP training and be knowledgeable with the provisions of the MCPP program. Enforcement personnel shall also obtain concurrence from a supervisor or a Division MCPP officer.

b Officers impounding vehicles under this authority shall use sound, professional judgement before impounding vehicles transporting perishable products, livestock, or HM.

NOTE: Section 34660(d) CVC states that a vehicle may be impounded when found upon a highway, any public lands, or an off-street parking facility. However, pursuant to Section 34620(a) CVC, the requirement to possess an MCPP only applies to operation of a CMV upon a highway. Therefore, operation of the CMV upon a highway shall be articulated prior to utilizing this impound authority.

2 Release of Impounded Vehicles. The registered owner or authorized agent is responsible for all towing and storage charges related to the impoundment, pursuant to Section 34660(d) CVC. Impounded vehicles may only be released after the MCP submits the following:

a Valid registration for the impounded vehicle.

b Valid driver license (DL) of the appropriate class for the driver who will be operating the vehicle(s).

c Proof of compliance with all provisions of the MCPP program. Proof of compliance shall consist of any documentation provided by DMV which indicates the MCP is currently in compliance with the MCPP program.

d The trailer and its load or contents may be released separately from the power unit at any time. If released separately, the trailer may only be transported by an MCP possessing a valid MCPP and registration, and the driver shall possess the appropriate class of DL.

NOTE: Section 34623(i) CVC prohibits an MCP from leasing or allowing any other MCP to operate any vehicles subject to an MCPP that has been suspended, based on the failure to maintain any vehicle in a safe

operating condition, pursuant to Sections 34623 or 34505.6 CVC. Vehicles impounded under these conditions shall not be released until the MCP whose MCPP is suspended obtains an Active MCPP.

3 Release of Impounded Vehicle Cargo. The tow company shall be advised impound charges and subsequent lien apply only to the vehicle(s). Enforcement personnel, upon completion of the CHP 180, shall document in the comments area that the vehicle's cargo is immediately releasable to a properly permitted authorized agent of the MCP, as outlined in paragraph 13.b.(1)(d)2.

(e) Display of California Identification Number. A CA number issued by the Department shall be displayed on MVs operated by an MC, as defined in Section 408 CVC, and an MCP, as defined in Section 34601 CVC per Section 34507.5 CVC. (Refer to paragraph 13.b.[1][f] for exceptions.)

NOTE: One CA number is issued to each legal entity. When a carrier wishes to change legal entities, such as an individual changing to a corporation or limited liability company, Title 13, CCR, Section 1235.4, requires the carrier to obtain a new CA number.

(f) California Carrier Identification Number Display Exception. An MCP shall not be cited for failure to display a CA number if any of the following conditions apply.

1 A valid CAL-T number issued by the PUC or DCA for a household mover transporting household goods, or transporting a combination of household goods and general freight is displayed.

2 A valid MC or MX number issued by the FMCSA or one of its predecessor agencies to truck and passenger carriers is displayed.

3 A valid USDOT number issued by the FMCSA is displayed.

4 The following MVs are exempt from displaying a carrier identification number:

a Vehicles exempt from display as described in Sections 34507.5(e) and 34507.5(f) CVC.

b Vehicles which display an identification plate or "special equipment" plate (SE plate) per Section 5011 CVC, except for vehicles described in Section 34500(k) CVC.

c Vehicles operated by the **federal** government.

d Vehicles **never** operated in commercial use per Sections 34601(c)(2)(F) and 34601(c)(2)(G) CVC.

(g) Daily Rental Vehicle. Title 49, CFR, Section 390.21, contains an exception to the vehicle marking requirements for MCP operating daily rental vehicles for periods of 30 days or less. Section 27900 CVC, relating to the requirement to display a name or trademark, and Section 34507.5 CVC, relating to the requirement to display a carrier number, contain language similar to this regulation. The intent of these statutes is to provide an exception to the marking requirements in the CVC. Although the statutes describe requirements for a vehicle or combination of vehicles operated under a rental agreement for a term of 30 days or less, they do not contain language providing an exception to the marking requirements for an MCP operating these vehicles. Enforcement personnel are to use sound, professional judgement when enforcing marking requirements on these vehicles.

(h) Failure to Display a California Identification Number. Commercial enforcement personnel shall take appropriate enforcement action for a violation of Section 34507.5 CVC, failure to obtain or display a CA number, pursuant to Section 40610(b) CVC. The enforcement document shall be clearly marked with the letters "MCP," and should include the MC's telephone number and contact person's name.

(i) Display of Name or Trademark. Pursuant to Section 27900 CVC, the name or trademark of the MCP is required to be displayed on the MV in the same manner as the carrier identification number. Pursuant to Sections 27902 and 27907 CVC, a name or trademark is not required to be displayed on the following CMVs:

a A CMV having an unladen weight of 6,000 pounds or less.

b Any CMV operated by a passenger state corporation subject to the jurisdiction of the PUC.

c Any CMV displaying a manufacturer, dealer, or transporter occupational license plate.

d A CMV operated by a licensed repossession agency which displays the license number issued by the DCA. This exception does not apply to the display of the carrier identification number.

(j) Citation Tracking. Enforcement documents issued for a violation of Section 34507.5 CVC shall be handled as indicated below.

a A copy of the CHP 215 or CHP 281, Notice to Correct, shall be forwarded to the appropriate Division MCPP officer.

b Upon receipt of the CHP 215 or CHP 281, Division MCPP officers shall mail an MCPP advisory letter to the noncompliant MCP. Following the 30-working-days suspense indicated on the letter, Division MCPP officers shall follow up with the DMV to verify compliance. If the MCP is still noncompliant, the Division MCPP officer shall add the MCP's name to a Division Motor Carrier Non-Compliance List (MCNCL).

c Division MCPP officers shall maintain an MCNCL database of MCP who fail to obtain an MCPP after notification. Names of MCPs can be added/deleted to/from the list following verification of MCPP compliance from the DMV. The Division Special Services commander or designee shall periodically distribute the MCNCL to the Division commercial enforcement officers.

d After 30 working days and verification from the DMV that no MCPP was issued or that an MCPP is not active, the MCP is subject to citation and the MCP's equipment is subject to impound pursuant to Section 34660(d) CVC.

(2) Off-Highway Terminal Inspections or Motor Carrier of Property Permit Investigations.

(a) No Valid Motor Carrier of Property Permit. When contacting MCPs off-highway who are not in compliance with the MCPP program, CHP personnel shall follow the guidelines listed below.

1 Advise the MCP that further intrastate operation of any of the carrier's vehicles will be considered a violation of the MCPP program, the MCP is subject to citation, and any of the MCP's equipment found operating on a public highway may be impounded.

2 Obtain the contact person's signature on a copy of the advisory letter and allow the person to make a copy of the signed letter. Advise the MCP that they have 30 calendar days to notify the DMV and obtain an MCPP, and that Division MCPP personnel will follow up after 30 days to ensure compliance. The MCP shall be advised that CMV operation during this 30-day period is a violation of the MCPP requirement.

3 All relevant information should then be forwarded to the appropriate Division MCPP officer for follow-up investigation.

(b) Carrier Insurance Requirements. During off-highway contacts, MCP shall be informed of the following.

1 Terminal inspections may include a review of the MCP's FR documents and MCPP status.

2 In order to provide the highest level of service in this area, a review (not inspection) of these documents may be offered. If the MCP does not desire this review, appropriate documentation may include that the review was offered and declined.

3 Financial responsibility requirements are contained in Sections 34630 through 34631.5 CVC.

14. FOR-HIRE TOW TRUCK INSURANCE REQUIREMENTS.

a. For-hire tow truck operators are only required to maintain minimum levels of FR in the amount of \$750,000 to perform an "emergency move," as defined in Section 34631.5(c) CVC, if the removal of a vehicle(s) is from the scene of an emergency to the nearest safe location. An "emergency move" is limited to one or more of the following activities.

(1) Removal of a disabled or damaged vehicle(s) from a highway.

(2) Removal of a vehicle(s) from public or private property following a traffic crash.

(3) Removal of a vehicle(s) from public or private property to protect public health, safety, or property.

(4) Removal of a vehicle(s) from any location for impound or storage at the direction of a peace officer.

b. For-hire tow truck operators are required to possess the level of FR commensurate with the commodity being transported by the towed vehicle(s) for any other transportation of property.

15. MOTOR CARRIERS OF PASSENGERS.

a. Scope. California's PUC regulates the intrastate operation of for-hire MCs of passengers. The PUC's authority to regulate specified "public utilities" is contained in the Public Utilities Act commencing with Section 201 California Public Utilities Code (CPUC). The DMV regulates the intrastate operation of a PCP. The DMV's

authority to regulate these PCPs is contained in the Private Carriers of Passengers Registration Act commencing with Section 34680 CVC.

16. PUBLIC UTILITIES COMMISSION DEFINITIONS.

- a. Corporation. A corporation includes a corporation, a company, an association, and a joint stock association per Section 204 CPUC.
- b. Person. A person includes an individual, a firm, and a co-partnership per Section 205 CPUC.
- c. Person and Corporation. A person and corporation include the lessees, trustees, receivers, or trustees appointed by any court whatsoever, of the person or corporation per Section 206 CPUC.
- d. Public or Any Portion Thereof. Public or any portion thereof means the general public, or any limited portion of the public, including a person, private corporation, municipality, or other political subdivision of the state, for which the service is performed or to which the commodity is delivered per Section 207 CPUC.
- e. Transportation of Persons. The transportation of persons includes every service in connection with, or incidental to, the safety, comfort, or convenience of the person transported, and the receipt, carriage, and delivery of such person and their baggage per Section 208 CPUC.
- f. Transportation of Property. Transportation of property includes every service in connection with, or incidental to, the transportation of property, including receipt, delivery, elevation, transfer, switching, carriage, ventilation, refrigeration, icing, dunnage, storage and handling, and the transmission of credit by express corporations per Section 209 CPUC.
- g. Rates. Rates include rate, fares, tolls, rentals, and charges, unless the context indicates otherwise per Section 210 CPUC.
- h. Common Carrier. A common carrier includes every person and corporation providing transportation to or for the public, or any portion thereof, except as otherwise provided in Section 211 CPUC.

(1) Common carrier includes the following:

- (a) Every railroad corporation, street railroad corporation, dispatch, sleeping car, dining car, drawing-room car, freight, freight line, refrigerator, oil, stock, fruit, car-loaning, car-renting, car-loading, and every other car corporation or person operating for compensation within this state. Every

corporation or person owning, controlling, operating, or managing any vessel used in the transportation of persons or property for compensation between points upon the inland water of this state, or upon the high seas between points within this state, except as provided in Section 212 CPUC. Inland waters include all navigable waters within this state other than the high seas.

(b) Every passenger stage corporation operating within this state.

(2) Common carrier does not include MCP pursuant to Section 34601 CVC.

i. Public Utility. A public utility includes every common carrier, toll bridge corporation, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, and heat corporation, where the service is performed for, or the commodity is delivered to, the public or any portion thereof, per Section 216 CPUC. A public utility does not include an MCP per Section 216.2 CPUC.

j. Express Corporation. An express corporation includes every corporation or person engaged in or transacting the business of transporting any freight, merchandise, or other property for compensation on the line of any common carrier, or stage, or auto stage line within this state per Section 219 CPUC.

k. Limousine. A limousine includes any sedan or sport utility vehicle, of either standard or extended length (stretch), with a seating capacity of not more than ten passengers, including the driver, used in the transportation of passengers for-hire on a prearranged basis within California per Section 5371.4 CPUC. This definition does not include an MV meeting the definition of a bus pursuant to Section 233 CVC.

l. Passenger Stage Corporation. Motor carriers of passengers operating over regularly scheduled routes on an individual-fare basis are passenger stage corporations (PSC) (e.g., fixed-route bus service, "share-the-ride" airport shuttle services) and are required to display a PSC number, per Section 1038.5 CPUC, issued by the PUC. A PSC does not include the following:

- (1) Buses operated by a public entity (e.g., public transit agency).
- (2) School bus operations.
- (3) Vanpool operations.
- (4) Medical transportation.

(5) Transportation of persons auxiliary to commercial river rafting whose sole purpose is that of transporting passengers back to the point of origin.

(6) Social services transportation by nonprofit organizations in dedicated vehicles, provided the MV is not designed to transport more than 16 persons.

(7) Intrastate MCs of passenger transportation conducted in compliance with the federal Bus Regulatory Reform Act of 1982.

m. Transportation Charter-Party Carrier of Passengers. A transportation charter-party carrier of passengers (TCP) is a for-hire MC of passengers required to display a TCP number, per Section 5385 CPUC, issued by the PUC. Limousines are included in this category. The PUC also created several permits for the following operations:

(1) Class A. Applies to the operation from any point or points within the state to other points in or out of this state, including, but not limited to, the conduction of round-trip sightseeing tour service.

(2) Class B. Applies to the operation from any point within the territory of origin specified in the certificate to any points in the state or territory of origin.

(3) Class C. Applies to services provided incidental to commercial balloon operations, commercial river rafting, or skiing where no additional compensation is provided for the transportation.

(4) "P" Permit. A "P" permit is issued to carriers using only vehicles under a 15-passenger seating capacity.

NOTE: Transportation network companies (e.g., Uber, Lyft) are defined in Section 5431 CPUC as organizations providing prearranged transportation services for compensation using an online-enabled application or platform to connect passengers with drivers using a personal vehicle. A "P" permit is required for this type of operation. Additionally, vehicles operated by these companies meet the definition of a commercial vehicle (for registration purposes), as outlined in Section 260 CVC.

(5) "S" Permit. An "S" permit is issued to carriers conducting round-trip sightseeing tour service.

(6) "Z" Permit. A "Z" permit is issued to specialized carriers who do not hold themselves out to serve the general public, but only provide service under contract with industrial and business firms, governmental agencies, and private schools, or who only transport agricultural workers to or from farms for

compensation, or who only conduct transportation services which are incidental to another business.

17. INTRASTATE CERTIFICATE AND PERMIT ENFORCEMENT.

a. Public Utilities Commission Participation. The PUC will actively enforce their requirements not directly related to highway safety. The PUC will suspend or revoke CPCNs or permits for lapses in maintaining FR and workers compensation insurance upon receipt of a recommendation from DIR. The PUC will also suspend CPCNs or permits upon receipt of a recommendation from the CHP for violations related to highway safety, PSC, Section 1033.7 CPUC, and TCP, per Section 5378 CPUC.

b. California Highway Patrol Enforcement. The following are guidelines for enforcement of the PUC's intrastate CPCNs or permits.

(1) Determining a Carrier's Permit Status. When commercial enforcement personnel identify an MV as being subject to PUC's regulations, the following guidelines should be followed.

(a) Obtain available MC identification displayed on the MV or combination of vehicles, the MC's name, and any other pertinent information. Any unusual information shall be well-documented to support future investigations.

(b) Verify current certificate or permit status online at cpuc.ca.gov. Identical to federal rules, the PUC does not require an MC's CPCN to be carried in their CMVs.

(c) Use of departmental radios for status inquiries is discouraged.

(d) If CPCN or permit status is valid, no further investigation is necessary.

(2) No Certificate or Permit Issued. Appropriate enforcement action shall be initiated and should include, but is not limited to, the following:

(a) Issuance of a CHP 215.

(b) An intrastate PSC operating in California without a valid CPCN is in violation of Section 1031 CPUC, unless the PSC was operating on July 29, 1927, in compliance with the provisions of Chapter 213, Statutes of 1917.

(c) An intrastate TCP operating in California without a valid CPCN is in violation of Section 5371 CPUC.

c. Storage or Impound Authority. A peace officer may impound a bus or limousine operated by a TCP or PSC for 30 days, pursuant to Section 14602.9 CVC, if any of the following violations occurred while a driver was operating the bus or limousine.

(1) The driver of a TCP vehicle is operating without the required permit or certificate issued by the PUC, or the permit or certificate is suspended. The driver of a PSC vehicle is operating without the required CPCN issued by the PUC, or the CPCN is suspended, canceled, or revoked.

(2) The driver of a bus or limousine operated by a TCP or PSC does not possess a valid DL of the proper class.

18. PRIVATE CARRIER OF PASSENGERS CERTIFICATE REQUIREMENTS.

a. New Private Carrier of Passengers. To engage in intrastate transportation, all PCPs are required to register and obtain a certificate from the DMV. In addition to obtaining a USDOT and CA number, to obtain a certificate, a PCP shall contact DMV at (916) 657-8153 or download a REG 1300, Application for Private Carrier of Passengers Certificate, online at dmv.ca.gov. The application requires the following:

(1) A CA number assigned by the Department.

(2) Proof of FR pursuant to Section 34692 CVC.

(3) The MC's pull notice requester code pursuant to Section 1808.1 CVC, if applicable.

(4) Submission of appropriate fees to the DMV.

b. Private Carrier of Passengers Certificate Exemptions. A PCP is exempt from the requirements to register and obtain a certificate with the DMV when they are one of the following types of operation:

(1) Automobile rental businesses using vehicles owned or leased by that operator without charge, other than as may be included in the automobile rental charges, to carry customers to or from the office or facility where the rental vehicles are furnished or returned.

(2) The operator of a hotel, motel, or other place of temporary lodging using vehicles owned or leased by that operator without charge, other than as may be included in the charges for the lodging, to carry customers between the lodging facility to a transportation facility, or any place of entertainment or commercial attraction. This type of operation is regulated by the PUC.

- (3) The State of California and its agencies and political subdivisions.

19. PRIVATE CARRIER OF PASSENGERS CERTIFICATE ENFORCEMENT.

a. Department of Motor Vehicles Participation. The DMV will actively enforce PCP certificate requirements not directly related to highway safety. The DMV will suspend the certificate for lapses in maintaining FR. The DMV will also suspend certificates upon receipt of a recommendation from the CHP for violations related to highway safety.

b. California Highway Patrol Enforcement. The following are guidelines for enforcement of the PCP certificate requirement. Enforcement personnel shall not enforce the PCP certificate requirement unless they have received appropriate training and are knowledgeable of the provisions of the requirements.

(1) On-Highway Enforcement.

(a) Determining a Carrier's Certificate Status. When commercial enforcement personnel identify an MV as being subject to the PCP program, the following guidelines shall be followed:

1 Obtain available PCP identification displayed on the vehicle or combination of vehicles, the PCP's name, and any other pertinent information.

2 Verify current certificate status via the CHP Intranet, Carrier Information Reporting and Evaluation System, or by contacting the DMV, at (916) 657-7092 or (916) 657-8049. These telephone numbers are for CHP use only.

3 Attempts to contact the DMV should be made via telephone by the investigating officer. Use of departmental radios for PCP status inquiries is discouraged.

(b) No Valid Private Carrier of Passengers Certificate. Operation without a valid PCP certificate is a violation of Section 34683(a) CVC. Enforcement is limited to the issuance of a CHP 215 as there is no authority contained in the CVC to impound the vehicle.

ANNEX A

SAMPLE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

PM-31
(Rev. 10/84)

INTERSTATE COMMERCE COMMISSION

PERMIT *

SERVICE DATE

No. MC 238955 (Sub O-P)

FEB 6 1992

SERVICE TRANSPORT, INC.
GREER, SC.

This Permit is evidence of the carrier's authority to engage in transportation as a contract carrier by motor vehicle.

This authority will be effective as long as the carrier maintains compliance with the requirements pertaining to insurance coverage for the protection of the public (49 CFR 1043); the designation of agents upon whom process may be served (49 CFR 1044); the execution of contracts (49 CFR 1053)¹ and for passenger carriers, tariffs or schedules (49 CFR 1312).

This authority is subject to any terms, conditions, and limitations as are now, or may later be, attached to this privilege.

The transportation service to be performed is described on the reverse side on this document.

By the Commission.

(SEAL)

SIDNEY L. STRICKLAND, JR.
Secretary

NOTE: If there are any discrepancies regarding this Permit, please notify the Commission within 30 days.


¹ While the execution of contracts must be accomplished, it is unnecessary to file them with the Commission.



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ANNEX B

SAMPLES OF UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, CERTIFICATE OF REGISTRATION

 U.S. Department of Transportation Federal Motor Carrier Safety Administration 400 7 th Street SW Washington, DC 20590	SERVICE DATE June 18, 2004
--	--------------------------------------

CERTIFICATE OF REGISTRATION

MX Number: 492471

AGUSTIN MUNOZ DAVILA
H MATAWOROS, TM, MX


This Certificate of Registration is evidence of the motor carrier's authority to engage in transportation as a private carrier of property (handling your own goods) by motor vehicle in interstate or foreign commerce, between points in Mexico and points entirely in a municipality that is adjacent to Mexico, in contiguous municipalities in the United States, any one of which is adjacent to Mexico, or in a zone that is adjacent to, and commercially a part of the municipality(ies). (These are known as the border commercial zones).

This authority will remain in effect only as long as the carrier is in compliance with requirements pertaining to the designation of agents upon whom process may be served (49 CFR part 386). Failure to maintain an agent for the service of process will constitute sufficient grounds for suspension or revocation of this authority.

This authority may also be suspended or revoked if the carrier fails to demonstrate that it is exercising basic safety management controls during the safety monitoring period established in 49 CFR part 385, subpart B. Willful and persistent noncompliance with applicable safety fitness regulations may result in the suspension or revocation of this authority at any time.

Entry into the United States at an international border location is authorized only if all the following documents are carried in the vehicle:

- (1) a copy of this Certificate of Registration,
- (2) an insurance identification card, binder, or other document issued by an authorized insurer which specifies both the effective date and expiration date of the insurance coverage to cover the carrier's operation during the time it is in the United States, and this evidence must show the name of the insured to be exactly as the name of the holder of the Certificate of Registration, and
- (3) a Form MCS-90 endorsement document and this form must show the name of the insured to be exactly as the name of the holder of this Certificate of Registration.


Angeli Sebastian, Chief
Information Systems Division

CX2

ANNEX B

**SAMPLES OF UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL
MOTOR CARRIER SAFETY ADMINISTRATION, CERTIFICATE OF REGISTRATION
(continued)**

DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

CORRECTED CERTIFICATE OF REGISTRATION FOR FOREIGN MOTOR CARRIERS*

**SERVICE DATE
NOVEMBER 1, 2000**

Docket No. MX-326758

MARIA EUGENIA RIOS & ISIDRO HUERTA
TIJUANA, BA, MX

This Certificate of Registration is evidence of the carrier's authority to engage in transportation within the United States to the extent described on the reverse side of this document, and is subject to the following conditions:

(a) This authority will remain in effect only as long as the carrier is in compliance with requirements pertaining to the designation of agents upon whom legal process may be served (49 CFR 366) and the payment of any motor vehicle highway use taxes imposed by the Internal Revenue Service under 26 U.S.C. 4481. Failure to (1) maintain an agent for the service of process; (2) comply with applicable safety requirements of the United States Department of Transportation; or (3) comply with applicable highway taxes will constitute sufficient grounds for suspension or revocation of the authority.

(b) Entry into the United States at an international border location is authorized only if all of the following documents are carried in the vehicle: (1) a copy of this Certificate of Registration, (2) proof of acceptable evidence of required bodily injury and property damage insurance to cover the carrier's operation during the time it is in the United States, and (3) a Form MCS-90 endorsement document.

Terry Shelton, Acting Office Director
Data Analysis & Information Systems

NOTE: If there are any discrepancies regarding this document, please notify the Federal Motor Carrier Safety Administration, Section of Licensing, 400 Virginia Avenue, SW, Suite 600, Washington, DC 20024 within 30 days.

*This Certificate of Registration cancels the Certificate of Registration in MX-326758, issued October 1, 1997, and is reissued pursuant to the new application filed February 23, 2000.

ANNEX B

SAMPLES OF UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, CERTIFICATE OF REGISTRATION (continued)

MX-326758

Page 2

(1) To operate as a private carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting:

Commodities – property,

Territory – Between points in CALIFORNIA & NEVADA.

(2) To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting:

Commodities – items described in

Paragraphs (4), (6), (11), (12), (13), and (15) of 49 U.S.C. 13506(a) and items transported under paragraph (5) of that section. (These are known as exempt items.)

Territory – Between points in CALIFORNIA & NEVADA.

(3) To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting:

Commodities – property

Territory –

- (a) within a municipality in CALIFORNIA which is adjacent to Mexico;
- (b) within contiguous municipalities in CALIFORNIA any one of which is adjacent to Mexico; and
- (c) in a zone in CALIFORNIA that is adjacent to, and commercially a part of the municipality or municipalities. (These areas are known as commercial zones.)

Interpretation of Certificates of Registration

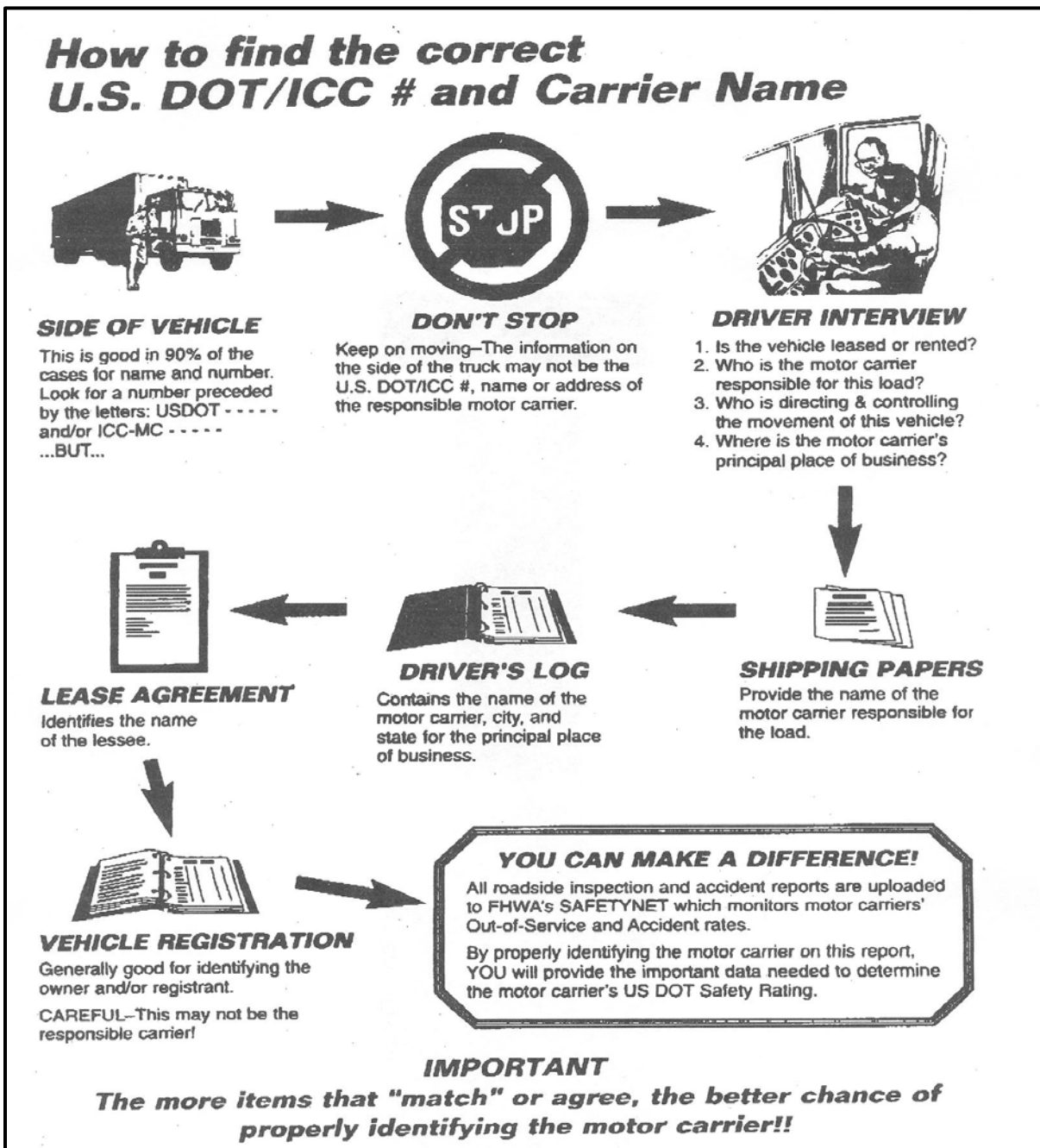
Commodities: The items described in the named paragraphs of 49 U.S.C. 13506(a) are known as exempt items. The principal commodities involved are fresh fruits and fresh vegetables.

Territory: Each municipality along the United States – Mexico International Boundary line has a commercial zone. The size of the commercial zone depends on the size of the municipality, so their sizes are different.

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ANNEX C

IDENTIFYING A MOTOR CARRIER



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ANNEX D

SAMPLE OF SAFETY AND FITNESS ELECTRONIC RECORDS

The screenshot shows a Microsoft Internet Explorer browser window displaying the SAFER Web interface. The address bar shows the URL: [http://www.safer.org/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=1400169%](http://www.safer.org/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=1400169%20). The main content area displays a company snapshot for GURJINDER SINGH with the following details:

MC or MX Number: 533281	Number:	DUNS Number: --
Power Units: 1	Drivers: 2	
MCS-150 Form Date: 11/01/2008	MCS-150 Mileage (Year): 60,000 (2005)	

Operation Classification:

<input checked="" type="checkbox"/> Auth. For Hire	<input type="checkbox"/> Priv. Pass. (Non-business)	<input type="checkbox"/> State Gov't
<input type="checkbox"/> Exempt For Hire	<input type="checkbox"/> Migrant	<input type="checkbox"/> Local Gov't
<input type="checkbox"/> Private(Property)	<input type="checkbox"/> U.S. Mail	<input type="checkbox"/> Indian Nation
<input type="checkbox"/> Priv. Pass. (Business)	<input type="checkbox"/> Fed. Gov't	

Carrier Operation:

<input checked="" type="checkbox"/> Interstate	<input type="checkbox"/> Intrastate Only (HM)	<input type="checkbox"/> Intrastate Only (Non-HM)
--	---	---

Cargo Carried:

<input checked="" type="checkbox"/> General Freight	<input type="checkbox"/> Liquids/Gases	<input type="checkbox"/> Chemicals
<input type="checkbox"/> Household Goods	<input type="checkbox"/> Intermodal Cont.	<input type="checkbox"/> Commodities Dry Bulk
<input type="checkbox"/> Metal: sheets, coils, rolls	<input type="checkbox"/> Passengers	<input type="checkbox"/> Refrigerated Food
<input type="checkbox"/> Motor Vehicles	<input type="checkbox"/> Oilfield Equipment	<input type="checkbox"/> Beverages
<input type="checkbox"/> Drive/Tow away	<input type="checkbox"/> Livestock	<input type="checkbox"/> Paper Products
<input type="checkbox"/> Logs, Poles, Beams, Lumber	<input type="checkbox"/> Grain, Feed, Hay	<input type="checkbox"/> Utilities
<input checked="" type="checkbox"/> Building Materials	<input type="checkbox"/> Coal/Coke	<input type="checkbox"/> Agricultural/Farm Supplies
<input type="checkbox"/> Mobile Homes	<input type="checkbox"/> Meat	<input type="checkbox"/> Construction
<input type="checkbox"/> Machinery, Large Objects	<input type="checkbox"/> Garbage/Refuse	<input type="checkbox"/> Water Well
<input checked="" type="checkbox"/> Fresh Produce	<input type="checkbox"/> US Mail	

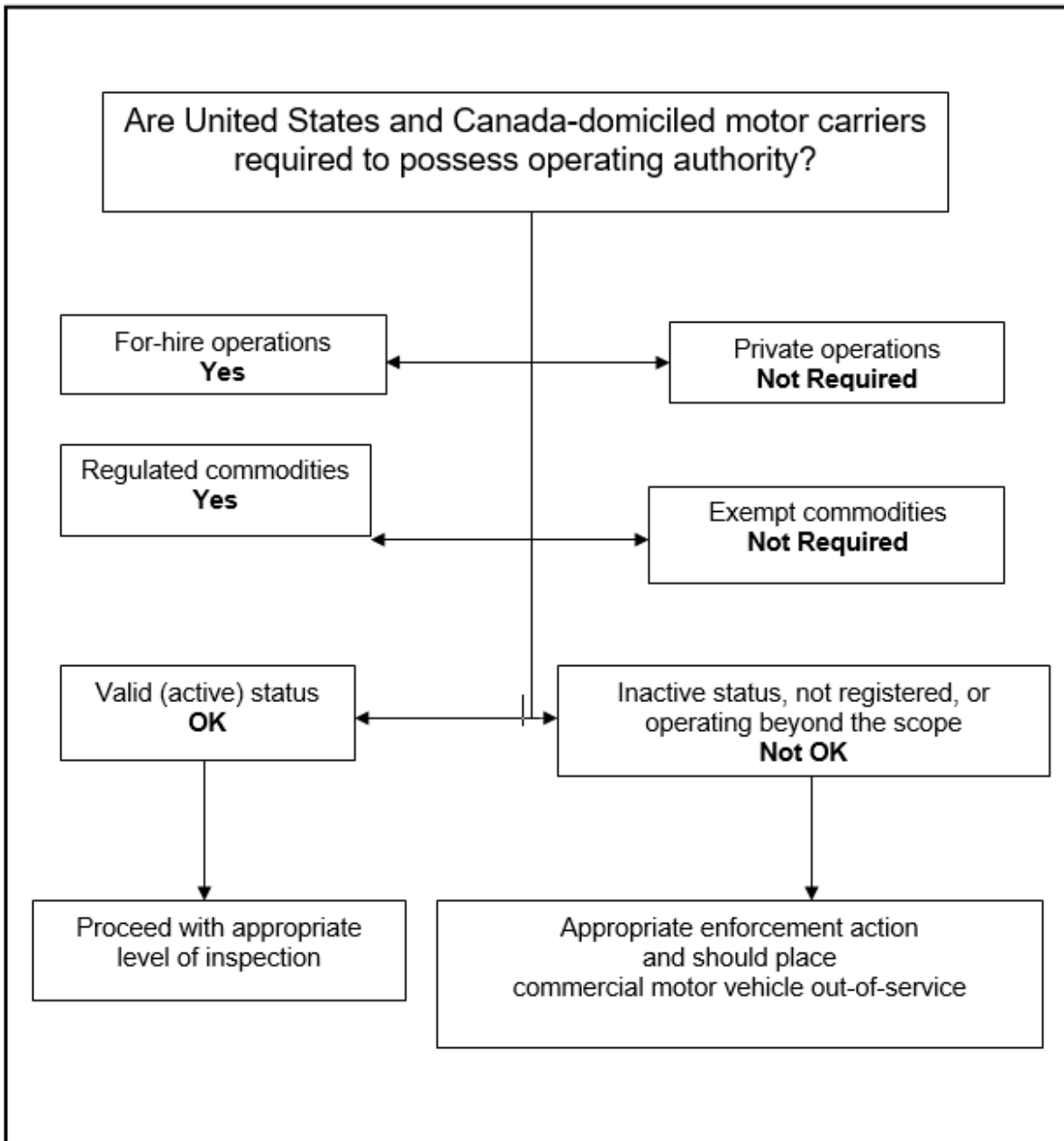
For this MC:

- The Docket Number is 533281 (to right of MC or MX Number).
- The MC is registered for the operation classification of "authority for hire" (for-hire MC).
- The MC is registered for the carrier operation of interstate commerce.
- The cargo registered to transport is designated by the "X" under "Cargo Carried" (General Freight, Building Materials, and Fresh Produce).

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ANNEX E

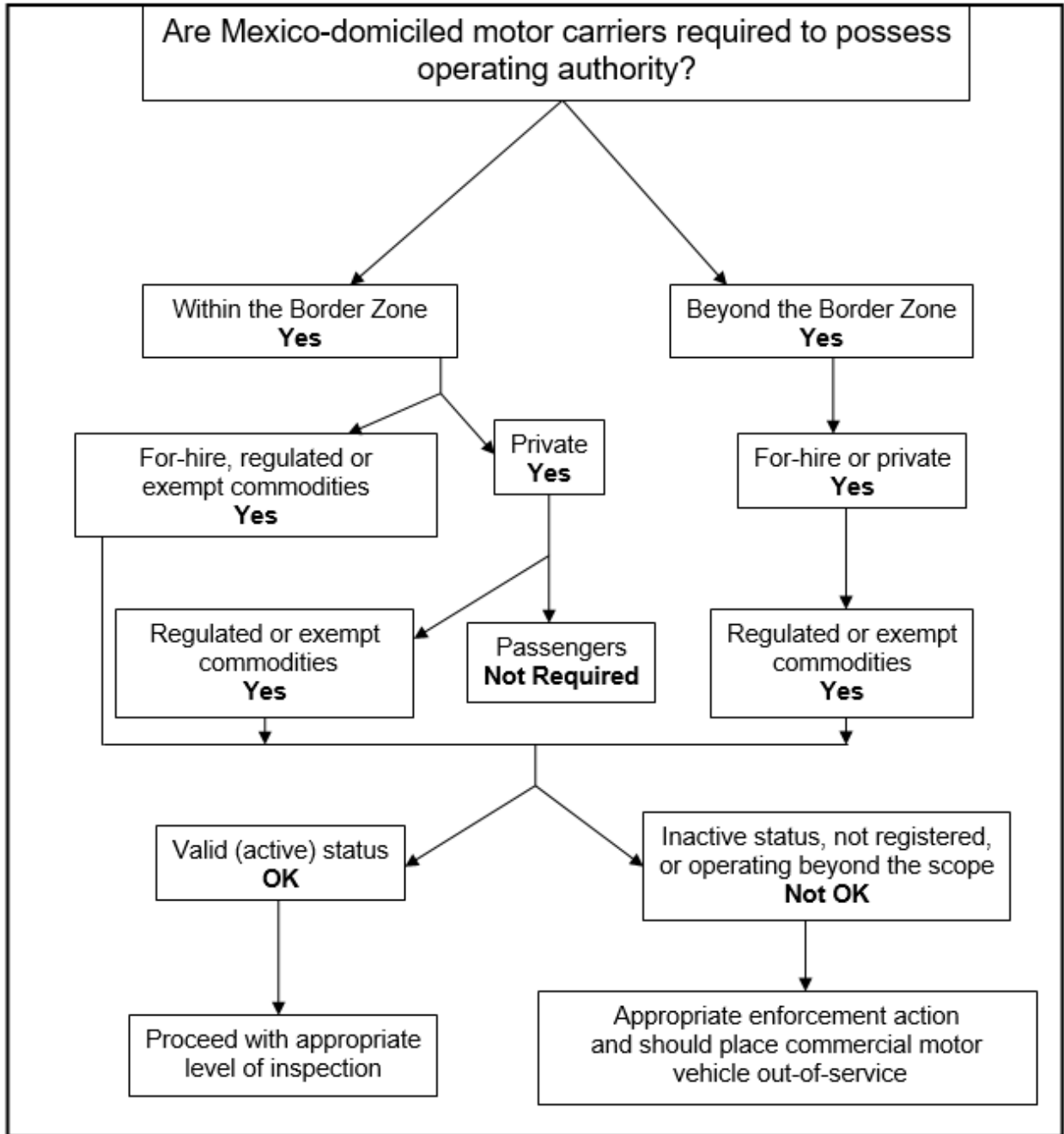
NORTH AMERICAN STANDARD INSPECTION PROCEDURES FOR
OPERATING AUTHORITY—UNITED STATES AND CANADA-DOMICILED
MOTOR CARRIERS



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ANNEX F

NORTH AMERICAN STANDARD INSPECTION PROCEDURES FOR OPERATING AUTHORITY-MEXICO-DOMICILED MOTOR CARRIERS



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ANNEX G

SAMPLE OF UNIFIED CARRIER REGISTRATION RETURN

The screenshot shows a web browser window with the URL <https://safer.fmcsa.dot.gov/UCRQueryForm.aspx>. The page title is "Unified Carrier Registration (UCR) Information". Below the title, there is a search form with three radio buttons: "USDOT Number" (selected), "MC/MX Number", and "FF Number". The "Enter Value:" field contains "2881058" and a "Search" button is below it.



USDOT:	2881058
MC/MX Number:	
Freight Forwarder Number:	
Company Legal Name:	AMAZON LOGISTICS INC
Company DBA Name:	DBA ALBI DBA PRIME
Intrastate Vehicles:	N
Registration Fee Paid:	Y
Registration Year:	2019
Registration Update Date:	2019-03-12
Registration Base State:	USWA
Record Update Date:	2019-03-12

The above record indicates unified carrier registration fees were paid by the MC for the year 2019 on March 12, 2019. The motor carrier did not record any intrastate commercial motor vehicles. The registration base state is Washington (USWA).

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ANNEX H

SAMPLE OF MOTOR CARRIER OF PROPERTY PERMIT ADVISORY LETTER

	CALIFORNIA HIGHWAY PATROL	601 North 7th Street, Sacramento, CA 95811 800-735-2929 (TT/TDD) 800-735-2922 (Voice)
CALIFORNIA STATE TRANSPORTATION AGENCY		GAVIN NEWSOM, GOVERNOR
TO: MOTOR CARRIER OF PROPERTY: _____ Carrier's Name		
<p>On September 29, 1996, Assembly Bill 1683 was signed into law, transferring the responsibility for licensing of motor carriers of property, with the exception of household goods and passenger transportation carriers, from the Public Utilities Commission (PUC) to the Department of Motor Vehicles (DMV). All intrastate motor carriers of property are now required to obtain a Motor Carrier of Property Permit (MCPP) from the DMV to operate a commercial motor vehicle on a public highway in California.</p> <p>To receive an application, motor carriers of property must contact the DMV. For additional information regarding the MCPP, you may contact the DMV at (916) 657-8153, or visit the following website: https://www.dmv.ca.gov/portal/vehicle-industry-services/motor-carrier-services-mcs/motor-carrier-permits/motor-carrier-permit-application/. It is recommended that you make a copy of all documents for your records before returning the completed application to the DMV.</p> <p>The California Highway Patrol (CHP) has exclusive jurisdiction for the safety oversight of motor carriers of property, and also assists DMV to ensure compliance with liability insurance requirements.</p> <p><input type="checkbox"/> The MCPP requirements were explained to the above-named motor carrier's representative (driver), or the motor carrier. This motor carrier has 30 days to obtain an MCPP. This is not authorization to operate if the motor carrier does not have a valid MCPP. Failure to obtain an MCPP within this time frame could result in the issuance of a citation.</p> <p><input type="checkbox"/> The MCPP requirements were explained to the above-named motor carrier's representative (driver), or the motor carrier. The following items were discussed:</p> <ol style="list-style-type: none">1. It is unlawful to operate on the highway without first obtaining an MCPP.2. A citation can be issued for continued operation in violation of MCPP requirements, regardless of number of vehicles operated.3. A CHP officer may impound any of the motor carrier's vehicles operating on the highway in violation of MCP requirements.4. Failure to comply with the MCPP program will result in prosecution.		
Motor carrier representative:	CHP representative:	
_____ Signature (driver)	_____ Signature	_____ ID#
_____ Print name	_____ Date	
_____ Signature of person responsible (carrier)		
_____ Print name	_____ Carrier's telephone number	
<i>Safety, Service, and Security</i>		
CHP 49 (Rev 4-25) OPI 003	AN INTERNATIONALLY ACCREDITED AGENCY 	

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