

**CHAPTER 2**  
**OPERATIONAL POLICIES**  
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**CHAPTER 2**  
**OPERATIONAL POLICY**

1. ENFORCEMENT.

a. General. Enforcement personnel detecting or observing a violation(s) should take the most appropriate enforcement action in accordance with Highway Patrol Manual (HPM) 100.68, Traffic Enforcement Policy Manual, and this chapter. Enforcement documents shall be prepared in accordance with HPM 100.9, Enforcement Documents Manual.

b. Application. It is imperative for Commercial Enforcement Program (CEP) personnel to comprehensively interview drivers to determine the appropriate application of regulatory requirements prior to taking enforcement action. There are numerous regulatory exceptions, and it is critical for motor carriers and drivers to explain their activities to enforcement personnel to ensure proper application. Enforcement personnel shall only recognize regulatory exceptions based on articulable evidence.

c. Recording of Violations. A violation detected by enforcement personnel shall be documented based upon the following guidelines:

(1) Personnel assigned to the CEP should document violations on the CHP 407F, Driver/Vehicle Examination Report. A copy of the CHP 407F should be provided to the involved driver at the conclusion of the commercial motor vehicle inspection. The involved driver shall be instructed to provide a copy of the CHP 407F to the motor carrier.

(2) The CHP 215, Notice to Appear, should be used as the primary enforcement document to record driver out-of-service (OOS) violations, mechanical OOS violations, and hazardous materials OOS violations.

(3) A CHP 281, Notice to Correct Violation, may be issued in accordance with HPM 100.9, Chapter 3, CHP 281, Notice to Correct Violation.

(a) Any decision to issue a CHP 281 for an OOS violation under this policy shall be based upon articulable facts and sound professional judgment indicating the violation is not deliberate or due to persistent neglect.

(b) The CHP 281 shall not be issued for size, weight, transportation permit violations, or OOS violations involving hazardous materials or loading requirements.

(4)When issuing enforcement documents, enforcement personnel shall ensure appropriate violations are documented. At no time shall a violation be masked to keep unsafe driving behavior from being reported to the California Department of Motor Vehicles.

d. Owner's Responsibility. A CHP 215 and/or CHP 281 may be issued to a responsible party, other than the driver, pursuant to Section 40001 of the California Vehicle Code (CVC). Enforcement personnel should not utilize the owner's responsibility process for motor carriers or persons based in a foreign jurisdiction due to the inability of California courts to prosecute out-of-state entities. A CHP 215C, Citation/Correction Notice—Owner's Responsibility, should be completed and given to the driver. The driver should be instructed to deliver the form to the responsible party identified on the CHP 215 or CHP 281.

(1)If a CHP 215C is not provided to a driver, the driver shall be informed by enforcement personnel that an enforcement document should be mailed to the responsible party pursuant to Section 40001 CVC.

(2)Enforcement personnel may be provided a CHP 279, Request for Owner's Responsibility, by drivers. Enforcement personnel should use sound, professional judgement when determining who is responsible for discovered violations. The CHP 279 is intended to help determine who is responsible for directing the vehicle's operations but does require enforcement personnel to issue a CHP 215 or CHP 281 to a motor carrier in lieu of citing the driver.

(3)Pursuant to Section 24010 CVC, the equipment and registration on a vehicle rented or leased for 30 days or less is the responsibility of the rental or leasing agency.

e. Use of Multiple Forms. A CHP 215S, Continuation Document, shall be used by enforcement personnel assigned to the CEP when there is insufficient space to record all violations on the original CHP 215 or CHP 281.

f. Description of Violations. Violations shall be documented in a detailed manner which clearly describes to an owner, a court, and other enforcement personnel the precise location and condition of each violation and identifies the specific vehicle in violation when combinations of vehicles are involved.

g. Recording of Officers' Instructions on Enforcement Documents. When the driver is directed to a "suitable location" to remove a load, per Section 2803 CVC, or

to an off-site repair facility as specified in Section 24004 CVC, the fact that such direction was given shall be recorded on the enforcement document.

## 2. OUT-OF-SERVICE CRITERIA.

a. General. The Commercial Vehicle Safety Alliance (CVSA) North American Standard (NAS) Out-of-Service Criteria (OOSC) has been incorporated by reference into Title 13, Section 1239 of the California Code of Regulations (CCR). The CVSA NAS OOSC is applicable to all vehicles described in Section 34500 CVC. When placing a driver and/or vehicle out of service, enforcement personnel shall utilize the following guidelines:

- (1) Drivers and/or vehicles shall only be placed out of service in accordance with the policy statements contained in the CVSA NAS OOSC.
- (2) All known factors involved shall be considered before allowing a vehicle to be moved to another location. These factors include, but are not limited to, the nature or severity of the violation, the safety of the present location versus another location, safety concerns involved should the vehicle be moved, and driver access to communication, repair, and other services in remote locations.
- (3) When the load consists of perishables or live animals, the driver should be instructed to make reasonable attempts to contact the owner or shipper of the cargo and advise them of the OOS condition.
- (4) When placing a vehicle OOS, a CHP 346A, Out-of-Service Vehicle, decal should be affixed to the lower right portion of the power unit's windshield.
- (5) A driver's license shall not be retained by enforcement personnel for the purpose of preventing a driver from leaving the location where they or their vehicle have been placed OOS.

b. Authority to Prohibit Movement of Vehicles. An authorized employee of the CHP has the authority to prohibit further movement of a vehicle if the continued movement constitutes a hazard and, if necessary, may remove the vehicle from the highway.

- (1) The authority of an officer to prohibit the movement of unsafe vehicles on a highway is contained in Section 2410 CVC. The authority conveyed by Section 2410 CVC is not extended to Commercial Vehicle Inspection Specialist personnel. Officers prohibiting the movement of a vehicle or driver should have personal knowledge of the prohibiting condition.

(2)Out-of-Service Orders. Authorized employees of the Department, as referenced in Section 2800 CVC and Title 13, Section 1230 CCR, who need to place drivers and/or vehicles OOS shall be limited to the following:

(a) Uniformed personnel and Motor Carrier Specialists, who are currently certified to conduct NAS inspections.

(b) Any uniformed supervisor.

(3)The authority to remove certain vehicles from the highway is contained in Section 34506.4 CVC. Any uniformed employee of the Department may use this section as a storage authority. However, the criteria used to determine an unsafe vehicle shall be in accordance with the CVSA NAS OOSC. This storage authority shall only be used with the concurrence of a uniformed supervisor or a uniformed employee of the Department currently certified to conduct NAS inspections. The following apply to a vehicle(s) being stored pursuant to Section 34506.4 CVC:

(a) Prior to utilizing the storage authority, enforcement personnel shall ensure the vehicle's condition meets an OOS condition in the OOSC.

(b) The vehicle owner is responsible for all towing and storage fees resulting from a vehicle storage pursuant to this section.

(c) The post-storage hearing requirements contained in HPM 81.2, Vehicle Procedures Manual, Chapter 4, Post-Storage Hearings, shall apply.

### 3. TRAFFIC MANAGEMENT.

a. Traffic Flow. Traffic through Commercial Vehicle Enforcement Facilities (CVEF), mini-sites, or any area where vehicles are being inspected, shall be managed so vehicles do not back up onto the highway.

(1) All CVEF shall develop and implement a traffic regulation plan designed to maintain a maximum flow of vehicles through the facility with minimum delay.

(2) A determination of the legality of a vehicle's equipment, dimensions, permit, or registration shall be made in a location other than in traffic lanes as necessary to avoid delaying other truck traffic.

(3) In consideration of minimizing congestion at CVEFs, vehicles transporting empty intermodal containers shall be permitted to use the empty lane.

(4) Electronic bypass management systems and electronic screening technologies should be utilized at CVEFs to manage and sort commercial motor vehicles (CMV) entering a CVEF.

4. REPAIR SERVICES.

a. Requests for Tow Services. Requests by drivers or motor carriers for tow services shall be handled in accordance with HPM 81.2, Chapter 7, Rotation Tow Program Policy. Departmental personnel shall not make any recommendations or suggestions for a particular tow service. In the event that the driver or motor carrier does not request a specific tow service, departmental personnel shall request a tow service from the rotation tow list currently in effect for the Area.

b. Mobile Mechanical Repair Services.

(1) Requests for a mobile mechanical repair service by drivers or motor carriers should be given reasonable accommodation. Reasonable accommodation includes directing them to, or providing them with, a local telephone directory. Departmental personnel shall not recommend or suggest a particular mobile mechanical repair service.

(2) Mobile mechanical repair services repairing disabled vehicles on state property shall use chock blocks on the vehicles being repaired. Personnel assigned to the Commercial Enforcement Program shall supply a CHP 347, Inspector Underneath Warning Sign, and allow mechanics to use the translation services via telephone for drivers with language barriers. A supply of CHP 347s for use by mobile mechanical repair services shall be maintained.

(3) Departmental personnel shall immediately stop any observed unsafe act being performed by a mobile mechanical repair service on state property.

(4) Section 720 of the Streets and Highways Code (SHC) provides that any person causing an encroachment shall immediately remove it upon demand. Failure to remove the encroachment is a misdemeanor pursuant to Section 724 SHC. Section 731 SHC grants the Department the authority to immediately remove any vehicle that is parked within a state highway for the purpose of selling any article or service. This section provides an exemption for mechanics while actively servicing vehicles that are temporarily disabled. The key element in determining the applicability of this section is in the interpretation of "...servicing, repairing, or otherwise working upon any vehicle." At such time that work is no longer being performed, and no other person has contracted for service, the mechanic's vehicle becomes an encroachment upon state property

and must immediately leave the premises. Since CVEFs and mini-sites are considered a part of the highway right-of-way, the SHC is enforceable.

(5) Caltrans has developed appropriate signs to be installed at all CVEFs. The signs notify vendors of the regulatory provisions of the SHC that govern activities and the authority of the CHP to enforce those provisions. Diligent and uniform enforcement is of paramount importance.

## 5. USE OF COMMERCIAL VEHICLE ENFORCEMENT FACILITIES BY OTHER AGENCIES.

a. Condition of Use. The use of CVEFs by other agencies to conduct official business shall be subject to compliance with the following conditions:

- (1) Arrangements under a written agreement shall be made with the appropriate CHP commander prior to any official business being conducted by another agency on the premises of any CVEF.
- (2) Inspection activities shall be limited to periods when the CVEF is being operated by CHP personnel. Personnel from other agencies shall properly identify themselves to each driver and advise them of the nature of their business, including procedures for document clearance when appropriate.
- (3) Vehicles shall be selected for inspection in accordance with Chapter 3 of this manual.
- (4) Inspection personnel shall not concentrate their efforts on any specific motor carrier or vehicle type.
- (5) Personnel from other agencies shall be under the functional supervision of the CHP employee in charge.
- (6) Activities of other agencies shall not conflict or interfere with CHP policy or operations.
- (7) No changes to the CVEF premises shall be allowed without prior approval of Executive Management.
- (8) Personnel from other agencies shall cooperate with the CHP employee in charge of maintaining the efficient flow of traffic through the CVEF.
- (9) The State of California and/or the CHP will be reimbursed for any, and all, expenses incurred as a result of the activities of the other agencies at a CVEF.

(10) Neither the State of California nor the CHP shall be held liable for damage, loss, or injury to any person, agency, or corporation resulting from activities of the other agencies at a CVEF.

6. STATE AND LOCAL GOVERNMENT COMMERCIAL MOTOR VEHICLES.

a. Submitting to Inspection. Commercial motor vehicles operated by a governmental agency shall stop and submit to an inspection at any location where the CHP displays signs requiring the stop, pursuant to Section 2813 CVC.

NOTE: The information provided above shall not be construed to require authorized emergency vehicles to stop and submit to an inspection, when operated pursuant to Sections 21055 and 34500.2 CVC.

b. Regulated Vehicles. Governmental agencies operating CMVs, as defined in Section 34500 CVC, are required to obtain a carrier identification number, and display it on the vehicle pursuant to Section 34507.5 CVC. Additionally, the aforementioned CMVs are required to display the name or trademark of the governmental agency pursuant to 27900 CVC.

c. Motortrucks Not Regulated. Motortrucks with a gross vehicle weight rating between 10,000 and 26,000 pounds, which are not otherwise described in Section 34500 CVC, and operated by a governmental agency, are subject to the requirements of Section 27900 CVC pursuant to 34601(c)(1) CVC. The provisions of 34507.5 CVC are only applicable to these vehicles when operated by a governmental agency which is a motor carrier as defined in Section 408 CVC.

7. VEHICLES OPERATED BY THE MILITARY.

a. Commercial Vehicle Enforcement Facility Use. During periods of state or national emergencies requiring the movement of military convoys, some of the Department's CVEFs may be used for short periods of time for regrouping and coordinating the movement of these convoys while en route. The California National Guard is the coordinating agency for these moves. Upon entering the CVEF, the supervisor or officer in charge shall contact the person in charge of the convoy to coordinate the use of the grounds.

b. Enforcement.

(1) Vehicles operated by the military shall not be required to stop and submit to inspection. This provision does not apply to for-hire or private contractors hauling military loads when operated by non-military personnel.

(2) Enforcement action shall not be taken against military vehicles operating in convoys unless the violation is such that other users of the highways are endangered.

(3) The policy of the Department of Defense (DOD) is to require compliance with local laws, the Federal Motor Carrier Safety Regulations, and the federal Hazardous Materials Regulations.

NOTE: Section 41401 CVC precludes the prosecution for a violation of the CVC when the violation was required by a directive or order of the federal government.

(4) In any case involving an urgent and overriding military necessity, discretion shall be exercised to ensure that no DOD vehicle is excessively delayed.

## 8. VEHICLES OPERATED BY THE FEDERAL GOVERNMENT.

a. Policy. Except during a national emergency **or when federal statute preempts state law**, operators of federal government vehicles shall be subjected to enforcement action when such vehicles are operated in violation of state law.

b. Definitions. For the purpose of this manual, the following definitions shall apply:

(1) Federal Government Vehicles. Vehicles owned or operated by an agency of the federal government and privately owned or operated vehicles transporting cargo for an agency of the federal government on an exclusive use basis or leased to a federal agency for a specified period of time.

NOTE: "Exclusive use" vehicles usually bear the identity of the particular agency and may be painted with the same distinctive colors of vehicles owned by the agency. An example would be vehicles leased to the United States Postal Service (USPS).

(2) Commercial Carrier Vehicles. Vehicles owned or operated by a contracted motor carrier to transport federal property.

c. General.

(1) The policy of all federal agencies is to comply with local law in the operation of their vehicles.

(2) Federal government vehicles owned or operated by an agency of the federal government are not required to display carrier identification numbers pursuant to Section 34507.5(e)(5) CVC.

(3) United States Postal Service policy requires all contract carriers to observe all safety measures for the protection of the general public and USPS personnel prescribed by applicable state or federal laws and regulations governing the operation of motor vehicles.

(4) Pertinent court cases involving federally operated motor vehicles have held that a violation of traffic laws by the operator of a motor vehicle can be justified as authorized under the federal function when the very act of violation is, in fact, the “only means available” to the federal employee for the performance of their duties (Federal Court decision Ex Parte Willman 277 Fed 819).

d. Enforcement Procedures.

(1) Commercial carrier vehicles shall be subject to normal enforcement action in accordance with established departmental policy and procedures.

(2) When a federal government vehicle is found to be in violation of state law for an equipment, size, or weight violation, and the violation is not attributable to the driver, a citation shall not be issued.

(a) Violations shall be reported by memorandum to the employee’s immediate supervisor. All information pertinent to the violation shall be reported including the name, rank or position, and address of the person requesting, causing, or permitting the operation of an improperly equipped vehicle or extra-legal size or weight movement.

(b) Criminal action **may** be initiated against the person responsible for the unlawful operation.

(3) All vehicles, whether federal or commercial carrier, in excess of size or weight limitations shall be required to reduce the size or weight thereof to comply to the limits specified in Chapter 8 of this manual.

(4) When a violation of state law regulating drivers’ hours-of-service and requiring the maintenance of drivers’ logs is observed, appropriate enforcement action shall be taken.

(a) Drivers of commercial carrier vehicles are subject to enforcement action in accordance with established departmental policy and procedures.

(b) Federal employees are not subject to hours-of-service (HOS) or record of duty status (RODS) requirements. Drivers employed by private carriers providing vehicles to the federal government on an exclusive use basis are **not** federal employees and are subject to HOS and RODS requirements.

9. VEHICLES NOT USED COMMERCIALY.

a. Intrastate Vehicle Exemptions. Section 34601(c)(2)(G) CVC excludes intrastate vehicles with a gross vehicle weight rating of less than 26,001 pounds never operated in commercial use from the definition of a commercial motor vehicle for Motor Carrier of Property Permit (MCP) purposes. Operators of these vehicles are not required to obtain an MCP, and these vehicles are not subject to Sections 27900, 34501.12, or 34507.5 CVC. These limited exemptions do not provide relief from any other applicable provisions of law. Additionally, these vehicles, when otherwise identified in Section 34500 CVC, remain subject to safety regulations pursuant to Section 34501 CVC, and inspection requirements pursuant to Section 2813 CVC.

b. Interstate Vehicle Exemptions. Title 49, Section 390.3T(f)(3), Code of Federal Regulations (CFR), provides exceptions for interstate vehicles from the rules contained in the Federal Motor Carrier Safety Regulations. These exceptions apply to the occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise.

10. INTERSTATE COVERED FARM VEHICLES.

a. Definition. Title 49, Section 390.5T, CFR defines an interstate covered farm vehicle (CFV) as follows:

(1) Has indicia, such as a license plate or some other means specified by the state of registration that designates it as a farm vehicle.

NOTE: The California Department of Motor Vehicles does not issue farm vehicle license plates or other indicia indicating a vehicle is a CFV. As a result, California based farm vehicles are not eligible for the federal CFV exemptions.

(2) Is operated by an owner or operator of a farm or ranch, or by a family member or employee of the owner or operator.

(3) Transports agricultural commodities, livestock, machinery, or supplies to or from the farm or ranch.

(4) Is not used in for-hire motor carrier operations.

NOTE: For-hire operations do not include use of a vehicle owned and operated by a tenant farmer to transport the landlord's portion of the crops under a crop-share agreement.

(5) Is not transporting hazardous materials that require placarding, and either of the following:

(a) Has a gross vehicle weight (GVW) or a gross vehicle weight rating (GVWR) of 26,001 pounds or less, in which case the CFV exemptions contained in Title 49, Section 390.39, CFR apply anywhere in the United States.

(b) Has a GVW or GVWR of more than 26,001 pounds and travels within the state where it is registered or, if traveling out of the state where it is registered, remains within 150 air miles of the owner or operator's farm or ranch.

b. Exemptions. Title 49, Section 390.39, CFR exempts a CFV and its operator from the following federal requirements:

(1) Any requirements relating to commercial driver's licenses contained in Title 49, CFR, Part 383.

(2) Any requirements relating to controlled substances and alcohol use and testing contained in Title 49, CFR, Part 382.

(3) Any requirement contained in Title 49, CFR, Part 391, Subpart E, Physical Qualifications and Examinations (medical card).

(4) Any requirement contained in Title 49, CFR, Part 395, Hours of Service of Drivers.

(5) Any requirement contained in Title 49, CFR, Part 396, Inspection, Repair, and Maintenance.

NOTE: The provisions of Title 49, CFR, Part 390, are only applicable to employers, employees, and commercial motor vehicles that transport property or passengers in interstate commerce pursuant to Title 49, Section 390.3T, CFR.

c. California Applicability. California has not adopted the CFV definition contained in Title 49, Section 390.5T, CFR or the exemptions contained in Title 49, Section 390.39, CFR. Enforcement personnel may encounter CFV from other states which are engaged in interstate commerce which display farm vehicle indicia from a foreign jurisdiction and shall be afforded the applicable exemptions from federal requirements. However, farm vehicles operated in intrastate commerce in California are not eligible for exemptions contained in Title 49, Section 390.39, CFR, and remain subject to all applicable state and federal requirements.

## 11. PIPELINE WELDING TRUCKS.

### a. Definitions.

(1) Title 49, Section 390.38(b), CFR, defines a pipeline welding truck as a motor vehicle which is owned by a welder, is a pick-up style truck, is equipped with a welding rig that is used in the construction or maintenance of pipelines, and has a gross vehicle weight and combination weight rating and weight of 15,000 pounds or less.

NOTE: Pursuant to Title 49, Section 390.3T(a), CFR, the provisions of Part 390, Title 49, CFR, are only applicable to employers, employees, and CMVs that transport property or passengers in interstate commerce. As a result, the exemptions described in Title 49, Section 390.38, CFR, are not applicable to a CMV operated in intrastate commerce.

(2) Title 49, CFR, Part 390, does not contain a definition for “pick-up style truck.” However, pursuant to Section 471 CVC, a “pickup truck is a motor truck with a manufacturer’s gross vehicle weight rating of less than 11,500 pounds, an unladen weight of less than 8,001 pounds, and which is equipped with an open box-type bed not exceeding nine feet in length. The CVC definition does not include a motor truck equipped with a bed-mounted storage compartment unit commonly referred to as a “utility body.”

### b. Exemptions. Title 49, CFR, Section 390.38(a), exempts interstate pipeline welding trucks from the following:

(1) Any requirement relating to driver qualifications contained in Part 391, Title 49, CFR.

(2) Any requirement relating to registering with the Federal Motor Carrier Safety Administration as a motor carrier, including the requirement to obtain and display a Department of Transportation number, contained in Parts 365 or 390, Title 49, CFR.

(3) Any requirement relating to driving of commercial motor vehicles contained in Title 49, CFR, Part 392.

(4) Any requirement relating to parts and accessories and inspection, repair, and maintenance of commercial motor vehicles contained in Title 49, CFR, Parts 393 and 396.

(5) Any requirement relating to hours of service of drivers, including maximum driving and on duty time, contained in Title 49, CFR, Part 395.

c. Intrastate Welding Trucks. The provisions of Title 49, Section 390.38, CFR, are not extended to pipeline welding trucks operated in intrastate commerce. All applicable provisions of the CVC and Title 13 of the CCR apply to intrastate pipeline welding trucks.

12. LAWFUL POSSESSION OF TIMBER PRODUCTS, LIVESTOCK, POULTRY, FARM PRODUCE, CRUDE OIL, OTHER PETROLEUM PRODUCTS, OR INEDIBLE KITCHEN GREASE.

a. General. The purpose of this section is to provide guidelines for determining lawful possession of certain types of cargo and procedures for securing the cargo in the event the driver is taken into custody.

b. Policy. California Highway Patrol officers should, in conjunction with other enforcement obligations, determine if drivers of vehicles transporting timber products, livestock, poultry, farm produce, crude oil, other petroleum products, or inedible kitchen grease are in lawful possession of such loads.

c. Procedures—General.

(1) Pursuant to Section 2810(a) CVC, CHP officers may stop any vehicle on a highway which is transporting any timber product, livestock, poultry, farm produce, crude oil, other petroleum products, or inedible kitchen grease to investigate if the driver is in legal possession of the load. Proper documentation of legal possession may include bills of lading, shipping or delivery papers, sales receipts, or other evidence.

(2) Probable cause is not a prerequisite for stopping a vehicle to determine legal possession. However, officers should be vigilant for the detection of illegal loads and exercise sound, professional judgment in determining whether to stop such vehicles (e.g., local, or other law enforcement agencies having requested assistance in apprehending persons involved in the illegal sale of firewood, produce, and livestock).

(3) Whenever a load is taken into custody pursuant to Section 2810(a) CVC, it shall be turned over to the Sheriff of the county where the apprehension is made. The Sheriff shall receive and provide for the care and safekeeping of such cargo and, in cooperation with the CHP, immediately proceed with the investigation and legal disposition thereof (Section 2810[b] CVC).

(a) Section 2810(b) CVC does not require the Sheriff to take custody of illegally possessed loads at the arrest site. The Sheriff and CHP should mutually decide where the illegal load (evidence) will be transported for

safekeeping (e.g., the nearest location that permits the evidence to be sealed and stored).

(b) The arresting officer shall take whatever precaution is required to prevent or minimize damage to, or loss of, cargo until the Sheriff takes possession.

(c) When requested by the Sheriff and with approval of a supervisor, officers of the Department may assist with follow-up investigation and disposition of the confiscated shipment.

(d) Any expense incurred by the Sheriff in the performance of their duties, after having taken possession of a load pursuant to Section 2810(b) CVC, shall be a legal charge against the county (Section 2810[c] CVC). Officers should transfer possession of the load as soon as practical because expenses incurred prior to the Sheriff taking possession may become a charge against the state.

d. Procedures—Specific.

(1) Timber Products. Pursuant to Section 384b of the California Penal Code (PC), this category includes many types of forest products which can be removed from private or public lands. Documentation to transport these loads will vary (e.g., sales receipts are required, tags attached to logs or vehicles are required, and/or logs with markings are required). For purposes of this chapter, timber products include commercial wood products such as trees, logs, holiday trees, etc.

(a) Drivers transporting trees which were harvested from public and/or private non-federal lands must have proper documentation to identify the number and species of trees, and the legal description of the real property on which the cutting, removal, or both took place.

1 Pursuant to Section 384a PC, these documents must be notarized or filed with the Office of the Sheriff of the county where the trees were cut or removed when the load is more than five trees.

2 Additionally, drivers transporting trees from non-federal lands without the proper documentation may be cited for violation of Section 384c PC, transporting trees for sale without a transportation tag.

(b) Trees, timber, or logs harvested from United States Forest Service (USFS) lands, or from Bureau of Land Management (BLM) lands, must be accompanied by properly completed and validated permits and transportation tags issued by either the USFS or BLM. The logs must be

properly marked on the ends of the load at the rear of the vehicle.

1 The markings (or brands) on the end of the logs include, but are not limited to, markings with yellow highway paint. The two- or three-letter yellow combination brand mark indicates a specific timber sale; information regarding the timber sale can be obtained from the USFS or BLM office that issued the timber contract.

2 Drivers transporting trees from either USFS or BLM lands without the proper documentation can be cited for violation of Section 384a PC, removing trees, or transporting trees for sale from public lands without a written permit.

3 A transportation tag is not required for trees harvested outside of California. However, bills of lading including points of origin and destination should accompany the load.

(2) Minor Forest Products. Pursuant to Section 384.5(a)(4) PC, minor forest products are defined as firewood, posts, shake boards, shake, and shingle bolts, split products in quantities exceeding 20 cubic feet in volume, and two or more stumps or pieces of burlwood.

(a) Drivers transporting trees which were harvested from public and/or private non-federal lands must have proper documentation to identify the number and species of trees, and the legal description of the real property on which the cutting, removal, or both took place.

1 This section does not apply to quantities of 20 cubic feet or less or to products transported in a passenger vehicle as defined in Section 465 CVC. Officers should, therefore, exercise sound professional judgment when considering inspection of documents when the quantity in question is estimated or unknown.

2 The permit or bill of sale for minor forest products collected from non-federal lands shall include, at a minimum, the name(s), address(es), and signature(s) of the landowner(s) and the purchaser(s); the amount, species, and type of product; a description of the property from which the products were removed; the date of issuance of the permit; and the time period allowed for removal of the product.

3 Drivers transporting minor forest products from non-federal lands without the proper documentation can be cited for violation of Section 384.5(a)(1) PC, transporting minor forest products without a written permit or bill of sale.

(b) Pursuant to Section 384.5(a)(3) PC, permits issued by USFS or BLM for minor forest products (such as firewood) collected from federal lands shall suffice for any size load and do not require detailed seller/buyer information.

1 Drivers transporting minor forest products from either USFS or BLM lands without the proper documentation may be cited for a violation of Section 384.5(a)(1) PC, removing, and transporting minor forest products from public lands without a written permit.

(3) Livestock. Livestock consists of domesticated quadrupeds (animals with four feet) kept for pleasure, business, or human consumption. For purposes of this chapter, references to cattle generally apply to bovines used in the dairy, leather, and beef industries.

(a) All cattle shipped to a registered feedlot, licensed slaughterhouse, licensed sales yard, seasonal pastures, or fair exhibits shall be accompanied by one or more of the following: a bill of sale, certificate of consignment, sale yard out-billing, fair or livestock exhibit certificate, brand inspection certificate, health certificate, or a transportation permit.

1 Pursuant to Sections 21062, 21231, 21703, and 21743 of the Food and Agriculture Code (FAC), the bill of sale, certificate of consignment, or sale yard out-billing must show the date, loading point, names and addresses of the owner and buyer, destination of shipment, number and description of cattle including brands (if any), name of transporter, license number of vehicle transporting the livestock, and signature of owner or agent.

2 A fair or livestock exhibit certificate shall document any cattle brands and/or marks, names of the shipper and the consignee, the point of origin and/or the destination of shipment, and proof of ownership.

3 A brand inspection certificate shall document the place, date, and number of animals inspected; sex and brand of animals; name of shipper; origin and destination; and time required to transport.

4 A health certificate shall document the name, address, and telephone number of the shipper and the receiver; the name, address, and carrier type of the transporter; inspection, issue, and shipment date; permit number; species and identification of animals including description, brand, breed, age, and sex; name, address, license, telephone number, and signature of veterinarian; and signature and date of animal owner/agent.

5 A transportation permit shall, at a minimum, indicate the date of transport, shipper's name, shipping location, destination, and description of cattle.

6 Drivers transporting cattle without the proper documentation can be cited for a violation of Section 21705 FAC.

(b) Documents for horses, mules, and burros are not required unless they are destined for slaughter. Documents are not required for swine.

(c) Enforcement personnel may utilize the California Department of Food and Agriculture (CDFA) publication entitled Livestock Transportation Handbook for reference to initiate the following enforcement actions.

(d) Complete a Livestock Transportation Report, Form 74-012 (Annex A), whenever the driver is not in possession of the required documents, or the authenticity of any document is in question. Copies of the handbook and forms may be obtained by contacting CDFA. Completed forms should be submitted to:

California Department of Food and Agriculture  
Animal Health Food Safety Services  
Bureau of Livestock Identification  
1220 N Street, Sacramento, CA 95814  
Telephone: (916) 900-5006, Fax: (916) 900-5335  
<http://www.cdfa.ca.gov/ahfss>

(e) State Hide and Brand Inspectors will assist officers in determining the ownership of livestock. A current list of supervising brand inspectors is maintained by the Sacramento office of the CDFA, Bureau of Livestock Identification. A list may be obtained by calling (916) 900-5006.

(f) Most livestock thefts involve less than five animals, and it is believed that most stolen animals are transported in small trucks or hauled in horse trailers.

(4) Poultry.

(a) Poultry is defined by Section 26802 FAC, as domesticated fowl intended for human consumption including chickens, turkeys, ducks, geese, and other domesticated birds.

(b) Pursuant to Section 26602 FAC, any person transporting or receiving for transportation this commodity is required to have documentation indicating the points of origin and destination of the shipment. The documentation shall indicate the names and addresses of the shipper and consignee, and the kind and quantity of the poultry transported.

1 Drivers transporting poultry without the proper documentation may be cited for violation of Section 26602 FAC, transporting poultry without the proper records.

2 Violations of this requirement should also be reported to the CDFA Animal Health and Food Safety Services: Meat, Poultry and Egg Safety Branch, in Sacramento, California at (916) 900-5004.

(c) Enforcement personnel should exercise sound professional judgment when considering enforcement action against a person transporting poultry for personal consumption or retail sales. Sales receipts, proof of ownership, or other documentation may suffice for small quantities.

(5) Farm Produce.

(a) Section 851 FAC describes farm produce as fruits, nuts, or vegetables which are the food product of any tree, vine, or plant.

(b) Proof of ownership to determine lawful possession shall include names, addresses, and telephone numbers of the seller and the buyer; signature of the seller; generic name and quantity of the commodity; date of transaction; and date of transportation pursuant to Section 862 FAC.

(c) This section does not apply to commodities being transported from the farm to a commercial packing plant within this state; nor to lots over 25 pounds of any fruits, nuts, or vegetables that are the food product of any tree, vine, or plant; or lots of over 200 pounds of any burlwood from a walnut tree, living or dead, and that are marketed for commercial purposes as defined in Sections 861 and 871 FAC. Loads seized pursuant to Section 882 FAC must be released to the county agricultural commissioner without delay.

1 Drivers transporting produce without the proper documentation can be cited for violation of Section 862 FAC, transporting produce without the proper records.

2 Officers should exercise sound professional judgment when considering enforcement action against a person when the quantity in question is estimated or unknown, especially when near the legal threshold.

(6) Crude Oil or Petroleum Products.

(a) Shipments of crude oil or petroleum products that fall under the definition

and requirements of Title 49 CFR shall be accompanied by shipping papers as required by Title 49, CFR, Parts 172 and 177, unless excepted.

1 Drivers transporting crude oil or petroleum products without the proper documentation may be cited for an infraction (Section 34510 CVC) or a misdemeanor (Section 34506[b] CVC, Title 13, CCR, Section 1161[a], Title 49, CFR, Part 177.817[a]).

2 Shipments of combustible liquids in non-bulk packaging, unless the commodity is also a hazardous substance, a hazardous waste, or a marine pollutant, are exempt from all requirements of Title 49, CFR, pursuant to Title 49, Section 173.150(f)(2), CFR.

(b) Hazardous materials shipping papers shall be located in a pocket on the left door of the vehicle or within the driver's immediate reach while restrained by a seatbelt pursuant to Title 49, CFR, Part 177.817(e). The inability of the driver to readily produce shipping papers is an indication that the driver may not be in lawful possession of the commodity.

(7) Inedible Kitchen Grease. Section 19216 FAC defines inedible kitchen grease as any fat or used cooking greases and oils obtained from any source. A transporter of inedible kitchen grease must be licensed under Article 6.5 (commencing with Section 19310), Chapter 5, Part 3, Division 9 FAC and is defined as any person who transports inedible kitchen grease to a rendering plant or collection center. Rendering is defined in Section 19213 FAC as all recycling, processing, and conversion of animal and fish materials, carcasses, and inedible kitchen grease into fats, oils, proteins, and other products that are used in the animal, poultry, and pet food industries and other industries. Renderers must be licensed under Article 6 (commencing with Section 19300), Chapter 5, Part 3, Division 9 FAC.

(a) Licensed Renderers. In addition to any other records required to be kept pursuant to Chapter 5 (commencing with Section 19200), Part 3, Division 9 FAC, every licensed renderer shall record and keep for two years, in connection with the receipt of inedible kitchen grease that is not intended for human consumption, all of the following: The name, address, and registration number of every transporter of inedible kitchen grease who has delivered that material to the renderer; the total amount of inedible kitchen grease purchased in each transaction; and the date of each transaction. All records required to be retained must be maintained at the licensed renderer's regular place of business and must be exhibited on demand to any peace officer. A licensed renderer who fails to maintain these records as required may be cited for Section 2468(a) CVC.

(b) Registered Transporter. Registered transporters of inedible kitchen grease shall record and maintain, for two full years, all of the following: The name and address of each location from which the transporter obtained the inedible kitchen grease; the quantity of material received from each location; and the date on which the inedible kitchen grease was obtained from each location. All records required to be retained must be maintained at the registered transporters regular place of business and must be exhibited on demand to any peace officer.

1 During normal business hours, any peace officer may inspect any premises maintained by a licensed renderer or registered transporter and any inedible kitchen grease located on the premises to ensure that the renderer or transporter is in compliance with record maintenance requirements.

2 Any licensed renderer or registered transporter who, upon demand of any peace officer, authorized employee of the CHP, or the CDFA, refuses to present required records or who destroys these records within two years after the date of making final entry of any required information may be cited for Section 2468(b) CVC.

(c) Any peace officer may stop any vehicle transporting inedible kitchen grease and inspect bills of lading, shipping papers, delivery papers, or other evidence in order to determine legal possession of the load.

1 Persons who engage in the transportation of inedible kitchen grease must be registered with the CDFA and must be in possession of their valid registration certificate. A transporter operating without valid registration may be cited for Section 2470 CVC.

2 No person may transport inedible kitchen grease from any place within the State of California to a place outside its borders unless that person is a registered transporter or licensed renderer of inedible kitchen grease. A person who transports inedible kitchen grease under these conditions may be cited for Section 2472(a) CVC.

3 Any person who steals, misappropriates, contaminates, or damages inedible kitchen grease or containers thereof may be cited for Section 2474 CVC. Any licensed renderer, registered transporter, or any other person who takes possession of inedible kitchen grease from an unregistered transporter, unlicensed renderer or collection center, or any other person, or who knowingly takes possession of stolen inedible kitchen grease may be cited for Section 2476 CVC.

### 13. WASTE TIRE TRANSPORTATION AND DISPOSAL.

a. General. The purpose of this section is to provide guidelines for determining lawful transportation and disposal of waste tires and procedures for taking enforcement action.

b. Statute and Regulation.

(1) Section 42950 of the Public Resources Code (PRC) defines a waste tire as a tire that is not on the wheel of a vehicle and is no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer's original specifications, including a repairable tire, scrap tire, or altered waste tire, but does not include a tire-derived product, crumb rubber, or a used tire. Altered waste tires include tires that have been altered by processing including, but not limited to, shredding, chopping, and slicing.

(2) Section 31560(a) CVC states that any person operating a vehicle, or combination of vehicles, in the transportation of waste tires shall be registered with the California Integrated Waste Management Board (CIWMB), unless specifically exempted, as provided in Chapter 19 (commencing with Section 42950 PRC) of Division 30 PRC, Part 3, and in regulations adopted by the board to implement that chapter.

(3) Section 42954(a) PRC exempts persons who haul waste tires from registration if at least one of the following conditions is met:

(a) The person transports **fewer than ten** waste tires at any one time.

(b) The person is hauling waste tires for the United States, the State of California, or any county, city, town, or municipality in the state, except when vehicles the public agency owns or operates are used as a waste tire carrier for hire.

(c) The waste tires were inadvertently mixed or commingled with solid waste and it is not economical or safe to remove or recover them.

(d) The load containing the used or waste tires originated outside the boundaries of the state and is destined for a point outside the boundaries of the state if no waste tires are loaded or unloaded within the boundaries of the state.

(e) The person is hauling waste tires for agricultural purposes. However, notwithstanding Section 42961.5 PRC, a person hauling waste tires for agricultural purposes shall carry a manifest from the generator in the

vehicle during transportation, which may be destroyed after delivery.

NOTE: "Agricultural purposes" is defined as the use of waste tires as bumpers on agricultural equipment or as ballast to maintain covers or structures at an agricultural site, pursuant to Section 42950(a) PRC.

(f) The waste tires were hauled by a common carrier who transported something other than waste tires to an original destination point and then transported waste tires on the return part of the trip, and the revenue derived from the waste tires is incidental when compared to the revenue earned by the carrier.

(4) Two more exemptions to waste tire registration are defined in Title 14, Section 18451, CCR. Subsection (b) exempts the hauling of new tire adjustments that are returned to the wholesale distributor or manufacturer under "warranty consideration." The person transporting the tires must carry documentation substantiating that the tires are being returned for warranty consideration.

(5) Section 42956(a) PRC states that upon approval of an application submitted pursuant to Section 42955 PRC, the board shall issue a waste and used tire hauler registration to be carried in the vehicle and a waste and used tire hauler decal to be permanently affixed to the lower right corner of the transporting vehicle's windshield.

(6) Section 42956(c) PRC states that the waste tire hauler registration shall be presented upon demand of an authorized representative of the board. This includes any traffic officer, as defined in Section 625 CVC, and any peace officer, as specified in Section 830.1 PC.

(7) A waste tire hauler shall not transport any waste tires without having a copy of the waste tire manifest in the vehicle transporting the waste tires at all times. The waste tire manifest shall be presented upon demand to an authorized representative of the board, as stated in Section 42961.5(c)(1) PRC.

(8) Unlawful dumping of waste tires is a violation of Section 374.3(a) PC.

c. Procedures—Specific.

(1) It is unlawful and constitutes an infraction for any person engaged in the transportation of waste tires to violate any waste tire transportation provisions of the PRC. If a hauler is not registered with the CIWMB, they should be cited for Section 31560(a) CVC. If a hauler does not have the registration in

possession, does not have a waste tire manifest in possession, or does not have a waste tire hauler decal affixed to the driver's door while transporting waste tires, they should be cited for Section 31560(a) CVC with a reference to the appropriate PRC section (e.g., Section 31560[a] CVC [Section 42956{a} PRC]—waste tire hauler registration not in possession).

(2) A violator disposing of waste tires should be cited for Section 374.3(a) PC. It should be noted on either the citation or the arrest report that there is an enhancement of Section 374.3(e) PC for the disposal of waste tires. If the violator is disposing of a commercial quantity of tires, the violation shall become a misdemeanor and it should be noted in the arrest report that the enhancement of Section 374.3(h)(1) PC applies.

NOTE: "Commercial quantity" means an amount of waste matter generated in the course of a trade, business, profession, or occupation, or an amount equal to or in excess of one cubic yard.

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## ANNEX A

### LIVESTOCK TRANSPORTATION REPORT

<div style="font-size: 24pt; color: red; font-family: monospace;">094176</div>	STATE OF CALIFORNIA Department of Food and Agriculture Bureau of Livestock Identification 1220 N Street, Room A-130 Sacramento, CA 95814 Phone: (916) 654-0889 - Fax: (916) 653-5190	<input type="checkbox"/> Cattle  <input type="checkbox"/> Horses
<b>LIVESTOCK TRANSPORTATION REPORT</b>		
Date:		Time of Stop:
Location / County:		
Vehicle License No.:		State:
Carrier Name:		
Driver:		
Driver's License No.:		
ORIGIN OF LIVESTOCK		
Loaded at:		
Shipper / Owner:		Phone: (   )
Address:		
DESTINATION OF LIVESTOCK		
To Be Unloaded At:		
Receiver:		Phone: (   )
Address:		
PAPERWORK		
Bill of Sale or Consignment	Date:	
Brand Inspection Certificate	Date:	No.:      State:
Livestock Auction Yard	Name:	State:
<i>Outbilling Invoice</i>	Date:	No.:
Livestock Auction Yard	Name:	State:
<i>Outbilling Invoice</i>	Date:	No.:
Transportation Permit	Date:	No.:
Health Certificate	Date:	No.:      State:
<i><b>This is to certify that I am in legal possession of the livestock being transported.</b></i>		
Driver Signature:		Phone: (   )
Address:		
Citation Issued? <input type="checkbox"/> No <input type="checkbox"/> Yes		Number:
Officer Agency:		
Officer Signature:		Badge No.:
No. of Head / Brands & Locations / Comments:		
74-012 (Rev. 05/2010)	Original - Sacramento	Yellow - Driver      Pink - Officer

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