

CHAPTER 2
INSPECTION PROCEDURES
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CHAPTER 2

INSPECTION PROCEDURES

1. GENERAL INSPECTION PROCEDURES.

a. Purpose. Inspection is the basic method by which a motor carrier's or hazardous materials (HM) shipper's compliance with legal requirements is determined. It includes the in-depth inspection of vehicles and records and the appraisal of safety practices and procedures.

b. Who is the Motor Carrier. In the course of a Motor Carrier Specialist's (MCS) assigned duties, when any contact with a motor carrier is established, the MCS shall verify, pursuant to Section 408 of the California Vehicle Code (CVC), "who is the motor carrier." Once a determination has been made, the MCS shall verify the motor carrier's current information contained in the Carrier Information Reporting and Evaluation System (CIRES) and record changes using the CHP 343, Safety Compliance Report/Terminal Record Update, or the CHP 362, Motor Carrier Profile, whichever form is appropriate.

c. Collection of Motor Carrier Information. Particular emphasis shall be placed on obtaining the motor carrier's assigned identification numbers, operating authority, and license numbers including, but not limited to, the United States Department of Transportation (US DOT) number and operating authority (MC number), and Public Utilities Commission (PUC) operating authority. In doing so, the MCS shall verify the information using documents provided to the motor carrier by the issuing or assigning governmental entity. Motor Carrier Safety Units (MCSU) shall ensure updated motor carrier and terminal data are verified and entered into CIRES without delay.

d. Reports. Inspection reports developed as prescribed in this chapter and Chapter 3, Field Activity and Activity Inspection Reports, of this manual, serve to notify the carrier or shipper of required corrective action and become part of the Division MCSU working files for control and scheduling purposes.

(1) Carrier and Terminal Inspection Report Documentation. Motor Carrier Specialists shall utilize the most current version of the departmentally provided computer software application known as Capri to document all terminal and carrier inspection findings and direction to the carrier. Departmental laptop computers shall be equipped with the software, the software shall be configured with the field Division MCSU and user information as appropriate, and updated as soon as practical following the distribution of software revisions to Local Area Networks (LAN). Carrier and terminal inspections shall be recorded separately.

(a) Report Contents. Use of the existing CHP 343; CHP 343D, Carrier Inspection; CHP 343C, Records Receipt; and CHP 345, Notice to Carrier, shall continue in combination with the use of Capri. The CHP 343 and CHP 343D will serve as page 1 of each report, as applicable. When used, the CHP 343C and CHP 345 will be included within the body of the report and reflect the appropriate page numbers. The CHP 343-1, Continuation, shall not be used to document terminal and carrier inspection findings or direction to a motor carrier as a result thereof.

1 Use of CHP 355 A-J and L-M, Violation Notice, is prohibited. Use of additional forms is authorized as necessary, and shall be included in the printed form and electronic file of the completed report.

(2) Carrier and Terminal Report Electronic Export and Storage. Each inspection report may be exported using the Capri application export function and saved as a separate Zip file (*.zip) in order to support forwarding via electronic mail, review by the MCSU or field supervisor, and return to the MCS for correction as necessary. The *.zip file should be named using the naming convention outlined below.

(a) Scanning and Saving of Completed Reports. Upon completion of the inspection report, all documents shall be printed and signatures of the carrier representative obtained on each, as necessary. All inspection report documents, including all documents signed by the carrier representative; all California Highway Patrol (CHP) forms provided to the carrier; all pages of Parts A, B, C, and the Recommendations section of the Capri report; all documents provided to the carrier; and supporting documents obtained during the inspection shall be scanned in a clear and legible manner into one electronic file. The completed, signed, and scanned report inclusive of all associated documents shall be saved electronically in portable document format (*.pdf).

(b) Naming of Electronic Report Files. Each carrier inspection report *.pdf file shall be named using the date of the inspection in yyyy-mm-dd format, followed by the California Carrier Identification (CA) number assigned to the motor carrier (CAXXXXXX). For terminal inspection reports, the CA number shall be followed immediately by the File Code Number (FCN) assigned to the terminal inspected (FCNXXXXXX). Each file name shall end with the alphabetic letter signifying the type of operation involved in the inspection, as outlined in Chapter 3, of this manual. Each component of the file name shall be separated by one blank space.

(c) Storage of Electronic Report Files. Motor Carrier Safety Units shall retain all inspection reports in *.pdf format on the Division's LAN. A

separate folder shall be established for each CA number and separate folders within for each FCN within the Division, associated with the carrier record. Carrier reports shall be saved in the CA number folder and terminal inspection reports shall be saved in the appropriate FCN folder. Retention of the *.pdf files shall be consistent with existing policy time frame requirements applicable to hard-copy reports.

(3) Vehicle Inspection Report Documentation. All vehicle inspections conducted by MCS personnel shall be documented using the Iteris inSPECT application and recorded on the CHP 407F/343A, Driver/Vehicle Examination Report. If not otherwise accommodated by the application, report entries for vehicles requiring annual certification shall be entered in the Notes field on the State Fields tab.

(4) Report Upload. All vehicle, carrier, and terminal inspection reports shall normally be electronically uploaded to the federal Safety and Fitness Electronic Records System (SAFERS) database, Compliance, Safety, and Accountability, Safety Management System (SMS), as appropriate upon completion of the report, before the end of the work shift, or as soon as practical thereafter. If for any reason the upload cannot be completed as directed, the supervisor of the employee attempting the upload shall be notified immediately. Except as provided in (a) below, the MCSU supervisor shall ensure all reports are uploaded appropriately, no later than seven days after the inspection is completed.

(a) Unsatisfactory Rated Carrier and Terminal Inspection Reports. Reports which include the assignment of an Unsatisfactory carrier or terminal rating shall not be uploaded until the five business day rating review request period ends. If a rating review is requested, the inspection report(s) shall be withheld and uploaded as follows:

1 If the findings documented within the inspection report(s) are upheld, upon the conclusion of the rating review and written notification to the carrier of the outcome, the affected inspection(s) shall be uploaded immediately.

2 If the findings documented within the inspection report(s) are overturned requiring the report(s) to be amended, the amended report shall be uploaded as outlined above.

(5) Report Approval. Carrier and terminal inspection reports require the review and approval or disapproval of an MCS II or MCS III following electronic upload to the appropriate federal system. Once approved, the reports are irretrievable and have an immediate effect on the SMS scoring of the motor

carrier. The supervisor charged with responsibility for review and approval, or return of reports for correction, shall complete the approval or disapproval of the inspection report without delay following the upload. The MCSU supervisor shall be responsible to ensure all reports are approved or disapproved, no later than five working days after the report is uploaded.

e. Definitions and Guidelines. The following definitions and guidelines apply to Motor Carrier Safety Operations inspection activity. A compliance rating shall not be assigned to a terminal unless the appropriate sample of all records and vehicles is completed as outlined below.

(1) Inspection Samples.

(a) Driver Records. For inspection purposes, the term “driver records” means the Department of Motor Vehicles’ (DMV) Employer Pull Notice (EPN) program and driving proficiency records; Title 13 of the California Code of Regulations (CCR) Sections 1229 and 1234, employment applications required by Section 15230 CVC; and at least 30 days of drivers’ timekeeping records, which include time cards and/or drivers’ records of duty status, for each driver selected. In terminals where both drivers’ records of duty status (logs) and time cards or other documents are utilized, the inspection should include a comparison with the different types of timekeeping records.

Driver Records Inspection Samples

<u>Number of Drivers Employed</u>	<u>Inspection Sample</u>
10 or less	100%
11 to 30	75%
31 to 50	50%
51 to 70	25%
71 or more	15%

NOTE: Rounded to the nearest whole number (e.g., 53 drivers x 25% [.25] = 13.25 or the records of 13 drivers).

1 During any terminal inspection, after completing half of the inspection sample of drivers’ timekeeping records, and no falsified drivers’ records of duty status or excessive driving hours are detected, the drivers’ timekeeping records inspection shall be considered complete. All inspection of drivers’ timekeeping records for compliance with hours-of-service (HOS) requirements shall include, at a minimum, a comparison between driver timekeeping records and supporting documents as defined in Title 13 CCR, Section 1201. In

terminals determined to be operated by transporters of inedible kitchen grease (IKG), this comparison shall include IKG manifests.

This inspection shall also include comparison with state or federal records including, but not limited to, the CHP CIRES printouts, and other available on-highway vehicle/driver inspection records.

2 If even one instance of excessive driving hours and/or falsified drivers' records of duty status are detected in the first half of the inspection sample of records, a full inspection sample of drivers' timekeeping records shall be completed.

(b) Vehicle Inspection. A vehicle inspection is an in-depth inspection to determine if a vehicle is equipped and maintained in accordance with legal requirements. It includes inspections made at motor carrier terminals or other locations, as well as inspections of Farm Labor Vehicles (FLV), and reinspections of school buses.

1 General. Each vehicle inspected by MCS personnel shall be inspected in-depth in order to accurately determine the adequacy of the motor carrier's required preventive maintenance programs. Unless otherwise provided, a rating shall not be assigned unless the number of vehicles in the appropriate inspection sample, as follows, has been inspected.

Vehicle Inspection Sample

<u>Fleet Size</u>	<u>Inspection Sample</u> <u>(All Carriers)</u>
1 or 2	All
3 to 8	3
9 to 15	4
16 to 25	6
26 to 50	9
51 to 90	14
91 or more	20

2 Bus Terminal Inspections. After the appropriate inspection sample of vehicles has been inspected and the bus terminal inspected has maintained Satisfactory compliance (two or more consecutive Satisfactory terminal ratings), the number of vehicle maintenance records inspected shall be reduced to one-half (50 percent) of the number of vehicles inspected.

3 Air-Brake Test Kit. The Air-Brake Test Kit shall only be used to verify air-loss rates when truck air gauges do not provide an accurate means of determining a violation. Initial and continued annual refresher training using the Air-Brake Test Kit is mandatory. Annual refresher training shall be conducted by a qualified MCS I, MCSU supervisor, or field supervisor, and appropriately documented as training.

(c) Vehicle Inspection Sample Selection.

1 Vehicle Inspection Samples shall be applied separately to powered and towed vehicles.

a During terminal inspections of motor carriers operating various types of vehicles, care should be taken to ensure inspected vehicles are representative of the fleet's composition. Additionally, unless otherwise directed, the number of maintenance records inspected shall not be less than the number of vehicles inspected.

b With varying types of vehicle registration, primarily permanent trailer registration, if a motor carrier indicates a vehicle is out-of-service (OOS) with proper maintenance record documentation, absent proof to the contrary, the vehicle should not be inspected.

(d) Use of On-Highway Vehicle Inspection Reports. Motor Carrier Specialists shall use vehicle inspections, completed by CHP on-highway commercial enforcement personnel and documented on the CHP 407F/343A, or equivalent, to fulfill motor carrier terminal evaluation vehicle inspection sample requirements. In addition, use of on-highway driver/vehicle inspection reports, available via departmental electronic access and completed by any jurisdiction within North America, is also authorized.

1 To the extent possible, MCSs shall use the aforementioned vehicle inspection reports to fulfill up to 100 percent of vehicle inspection sample requirements for truck, bus, and modified limousine terminal inspections. All violations documented on the reports shall be used to determine the motor carrier's level of ongoing compliance with safety requirements and the appropriate safety compliance rating to be assigned.

2 Reports selected for use should be those which best reflect the motor carrier's ongoing maintenance program, demonstrated by the mechanical condition of the vehicles when operated on-highway. In

the event sufficient reports are not available, or circumstances warrant, MCSs are not precluded from conducting in-depth vehicle inspections during terminal inspections, in addition to or in lieu of the available reports. When vehicle inspections are conducted, the inspections shall be documented on the CHP 407F/343A (or the equivalent) and uploaded electronically as outlined in paragraph 1.d.(4) of this chapter.

3 On-highway vehicle inspection reports shall be completed not more than 90-days prior to the beginning of the terminal inspection (the date on which actual review of terminal records or inspection of vehicles begins) and not after the date the safety compliance rating is assigned. These inspection reports shall be those documented as Commercial Vehicle Safety Alliance (CVSA), Level I or Level V only. When those inspections are used, a printed copy of the report(s) shall be included as appropriately numbered pages within the completed terminal inspection report. Additionally, reports shall be selected whether or not a CVSA sticker is issued at the time of inspection. The completed terminal inspection report shall contain the following entry, indicating the number of CHP 407F/343A or equivalent reports, used to fulfill any portion of vehicle inspection sample requirements: On-highway inspection reports were utilized to fulfill # of # required vehicle inspections ("#" to be replaced with the actual number).

4 This policy does not include vehicle inspections for the purpose of annual vehicle certification or required annual inspection of School Pupil Activity Buses (SPAB). These inspections shall continue to be conducted at the time certification or inspection efforts are initiated. When an on-highway, CVSA Level I or V inspection includes a hazardous waste (HW) vehicle, cargo tank, other bulk package and the waste container, cargo tank, or bulk package was inspected, the inspection should be used to fulfill the required terminal inspection sample. Existing policy set forth in paragraph 1.e.(1)(e) below, related to the inspection of cargo tanks and HW bulk packages, during terminal inspections, remains in effect.

5 The MCS shall continue to enter the total number of vehicles, cargo tanks, and other bulk packages inspected, including those inspected in the terminal and on-highway and used to fulfill inspection sample requirements, violations detected, vehicles placed OOS, and all other required information on the CHP 343. Only the number of vehicles and containers actually inspected by the MCS I and the associated violations will be entered on the CHP 100D, Weekly Field Activity Report Motor Carrier Safety Operations.

(e) Flammable and Combustible Liquid Cargo Tanks and Hazardous Waste Transport Vehicles and Containers. Section 34000 CVC requires the Department to place a high priority on the random inspection of cargo

tanks, as defined in Section 34003 CVC, and HW transport vehicles and containers (bulk packagings). Motor Carrier Specialists shall ensure cargo tank vehicles and waste transport vehicles are included in the inspection sample whenever possible. Additionally, an inspection sample, as set forth in paragraph 1.e.(1)(c), of the cargo tanks and HW bulk packagings, operated by the terminal, shall also be inspected. The number of cargo tanks and HW bulk packagings to be inspected shall be limited to those present at the terminal. The inspection sample shall always include those cargo tanks and HW bulk packagings attached in combination with the vehicles included in the inspection sample.

1 Hazardous Materials Shipper Facilities. During inspections of HM shipper terminals, an inspection sample, as set forth in paragraph 1.e.(1)(b)1, of portable tanks (meeting the definition of cargo tank in Section 34003 CVC) operated by the shipper shall be inspected. The number of portable tanks to be inspected shall be limited to those present at the terminal.

2 Packaging Qualification and Maintenance Records. Regardless of the number of cargo tanks and HW bulk packagings inspected, an inspection sample, as set forth in paragraph 1.e.(1)(b)1, of required cargo tank and HW bulk packaging qualification and maintenance records shall also be inspected, including but not limited to, records of required periodic testing and inspection, and certificates of compliance (generally referred to as birth certificates) for cargo tanks. Additionally, to the extent possible, MCSs shall verify proper display of required test and inspection markings on cargo tanks for consistency with the testing documents reviewed.

3 Hazardous Materials Bulk Packagings. When conducting terminal or shipper inspections where bulk packagings, other than flammable liquid cargo tank or HW vehicles and containers, the MCS shall inspect an inspection sample of the various types of HM bulk packaging available at the terminal.

(2) Terminal or Hazardous Materials Shipper Inspection. A terminal or HM shipper inspection is an inspection activity during which a carrier terminal or a HM shipper is assigned a composite compliance rating based on the ratings or the following categories, as applicable:

(a) Appraisal of Maintenance Practices. Appraisal of maintenance practices shall include an evaluation of systematic preventive maintenance, lubrication and repair procedures, and associated recordkeeping.

Effectiveness of preventive maintenance programs shall be determined by conducting in-depth inspections of vehicles and/or equipment, at each terminal location.

(b) Inspection of Vehicle Maintenance Records. Vehicle maintenance records shall be inspected for compliance with Title 13 CCR, Sections 1202.2, 1215, 1232, and 1234, and Title 49, Code of Federal Regulations (CFR), Section 396.11. The results of the inspection shall be compared with the results of the vehicle inspections to determine both the validity of the records and the effectiveness of the maintenance program. In terminals operating vehicles for which mandatory maintenance intervals are specified (i.e., school bus, SPAB, tour bus terminals, and terminals subject to the Basic Inspection of Terminals [BIT] program), records shall be inspected for compliance with the applicable requirements.

(c) Inspection of Records Relating to Drivers' Hours-of-Service. In all terminals, an inspection sample of drivers' timekeeping records shall be inspected for compliance with Title 13 CCR, Sections 1212, 1212.5, and 1213, as appropriate. The inspection of drivers' timekeeping records shall be completed as specified in paragraph 1.e.(1)(a) 1 and 2 of this chapter. If it is believed a more in-depth inspection of supporting documents is necessary, the MCS shall obtain the approval of the MCSU supervisor to request additional supporting documents. The MCSU supervisor shall evaluate the request to determine the amount and types of records to be inspected, the impact on the carrier's operation, and the number of MCSs and time necessary to complete a thorough, and yet expeditious, inspection with minimal disruption to the motor carrier's operation. It is recommended that each MCSU supervisor maintain a record of the results of these in-depth supporting document reviews.

(d) Inspection of Drivers' License Records. During inspections of terminals employing drivers of modified limousines; drivers of vehicles requiring a commercial Class A, Class B, or Class C drivers' license; or any special drivers' certificate or endorsement(s), driver license record files shall be inspected for compliance with Section 1808.1 CVC. In addition to employees, owners (other than owner-operators as defined in Section 34624 CVC), employers, family members, and volunteers who drive any of the vehicles listed above must also be enrolled in the EPN program, and their records included in the inspection sample.

1 Transit System Operator Terminals. Transit system operator (TSO) terminals found to be in compliance with Sections 1808.1 and 12804.6 CVC, shall be issued a CHP 339, Transit Operator Compliance Certificate (refer to Annex A of this chapter). The CHP 339 shall be issued to the TSO receiving funding directly from the Federal Transit Administration in support of the transit system operation, without regard to the motor carrier responsible for compliance with bus operation requirements.

2 Hazardous Materials. When inspecting a terminal from which HM is transported, the number of drivers' records inspected will include review of the EPN forms for 100 percent of those drivers who are required to possess a HM endorsement.

3 Casual Drivers. Drivers employed by the employer for less than 30 days within the previous six months need not be enrolled in the EPN program, but the employer must be in possession of the drivers' current public driving records. For the purpose of the EPN program, the term "casual driver" does not include any driver who operates a vehicle which requires a passenger transportation endorsement.

4 Fee-Exempt Employer Pull Notice Requester Accounts. Government (public) agencies are entitled to fee-exempt EPN requester accounts, but contractors furnishing drivers or services to those agencies are not. Section 1808.1 CVC requires the employer of a driver who drives any specified vehicle to participate in the EPN program, to obtain periodic reports, sign, and date those reports, and make them available for inspection. There are no provisions for a public agency to allow a contractor to utilize the agency's fee-exempt account. Section 1808.1(b) CVC defines participation as obtaining a requester code and enrolling all drivers under that code. When conducting terminal inspections, the MCS shall verify the employer is the requester as shown on the DL-414, Employer Pull-Notice Program Reports, or the electronic records provided via the DMV Secure File Transfer (SFT).

a Unauthorized Use of Requestor Code. If the unauthorized use of a fee-exempt requester code is discovered, the MCS shall gather all pertinent information (i.e., the name of the employer, the name of the public agency whose requester code is being used, and copies of one or more DL-414 or facsimile thereof, or printouts of SFT electronic records showing the requester code used). The information shall be forwarded to Commercial Vehicle

Section (CVS) as soon as possible, and will then be provided to the DMV so that appropriate corrective action may be taken.

5 Approved Vendors. Driver license records obtained from any of the DMV-approved vendors may be used to satisfy the preemployment and casual driver records requirements of Section 1808.1 CVC, subdivisions (a) and (j). Vendor-provided

records may not be used in lieu of the EPN records required by Section 1808.1 subdivisions (b) and (c) CVC, unless the vendor is also an Authorized Pull-Notice Agent. The list of DMV-approved vendors and a list of Authorized Agents who act on behalf of employers is available on the DMV Web site: <http://www.dmv.ca.gov>.

6 Compliance. When scheduling terminal inspections, initial or continued compliance with the EPN program shall be fully explained to each motor carrier. Additionally, enforcement action which may be initiated for lack of compliance with EPN program requirements and/or allowing disqualified drivers to drive, shall also be carefully explained to each carrier.

a Failure to Enroll All Drivers. For the purposes of EPN, failure to enroll all drivers means one or more drivers are not enrolled in the employer's EPN account identified by a requester code assigned to the employer.

b Failure to Have All Records on File. Failure to have current EPN record(s) on file means the carrier's EPN records for one or more drivers are not made available for inspection or have exceeded one year by date on the EPN printout or electronic record provided via the DMV SFT.

c Satisfactory Compliance. For all terminals subject to EPN program requirements, Satisfactory Compliance means the motor carrier can clearly demonstrate that all drivers subject to the EPN program are enrolled in the employer's EPN account; current EPN reports are on file for all drivers who have been employed at the terminal for 30 days or more; or the motor carrier has obtained and retained current public driving records, as recorded by the DMV, for newly hired drivers, and no disqualified or unqualified drivers are currently employed as drivers. In lieu of EPN reports, a newly enrolled carrier may demonstrate compliance by presenting a completed EPN contract, with requestor code, an authorized DMV signature, and the current

public driving record for each of the motor carrier's drivers, dated not more than 30 days prior to the driver's hire date and not more than three months prior to the date of the inspection.

d Disqualified vs. Unqualified Drivers. For the purpose of recommending administrative action against a permit, license, registration, or operating authority, or initiation of a criminal or civil complaint for allowing disqualified drivers to operate commercial motor vehicles, a disqualified driver is one whose driving privilege has been suspended or revoked as a result of violations directly related to the operation of a vehicle. Unqualified drivers include, but are not limited to, those drivers who are driving out of class, driving without a valid medical certificate, or driving without a required driver certificate. These violations shall not be considered driver license disqualifying actions for the purpose of recommending administrative, criminal, or civil action.

(e) Inspection for Compliance with Hazardous Materials Requirements. An HM inspection includes, where applicable, the inspection of required documents, containers, shipments, and loaded vehicles to determine compliance with Title 13 CCR, Chapter 6, Article 3, General Hazardous Materials Regulations. The inspection shall include review of at least one HM shipping document and waste manifest for each commodity transported in any vehicle domiciled at the terminal. Additionally, the inspection shall include a review and verification of the following: Pipeline and Hazardous Materials Safety Administration Registration, Federal Motor Carrier Safety Administration (FMCSA) Safety Permit, CHP HM Transportation License, and California Department of Toxic Substances Control Hazardous Waste Registration.

1 Inspection of Hazardous Materials Employee Training Records. During HM or HW terminal, or HM shipper inspections, the inspection shall include a review of employee training records in order to determine compliance with applicable requirements.

(3) Carrier Facility Inspections (Principal Place of Business). Section 34520 CVC requires motor carriers to comply with the controlled substances and alcohol testing (CSAT) requirements of Title 49 CFR, Part 382, 392.4 and 392.5, or Part 655, as applicable. As these are carrier requirements rather than terminal requirements, CSAT compliance for California-based carriers shall be inspected at the motor carrier's principal place of business as set forth in Chapter 14, Controlled Substances and Alcohol Testing, of this manual. If CSAT compliance information is needed for a carrier based outside California, an inquiry may be made to the US DOT, FMCSA.

f. Compliance Ratings. During terminal inspections, compliance ratings shall be assigned as follows:

(1) Inspection Category Rating. A compliance rating of Satisfactory, Unsatisfactory, or Conditional shall be assigned for each completed inspection category. A rating for HM shall not be assigned in the case of truck carriers who never transport HM, or for bus, or FLV carriers. A Conditional rating may not be assigned in the Regulated Equipment category.

(2) Composite Rating. A composite rating shall be assigned based on the ratings of the completed inspection categories. This is the overall terminal compliance rating.

(a) If any inspection category is rated Unsatisfactory, the composite rating shall be Unsatisfactory.

(b) During terminal reinspections, inspection categories previously rated Satisfactory and not reinspected shall be marked "N/A" (not applicable).

(c) If any applicable inspection category is not completed (partial inspection due to lack of time, nonavailability of vehicles or records) and no completed inspection category is rated Unsatisfactory, the composite rating shall be deferred and the inspection completed within 30 days of the initial visit to the terminal. However, every reasonable attempt shall be made to complete all inspections without unnecessary delay.

(d) If any applicable inspection category is rated Conditional and no category is rated Unsatisfactory, the composite rating shall be Conditional.

(e) For an HM shipper, the composite rating shall be based solely on compliance with HM requirements.

(3) School Bus and Other Certified Vehicle Terminal Inspections. Under normal circumstances, terminal inspections of carriers operating vehicles requiring certification shall not be conducted more than once each year unless Unsatisfactory or Conditional ratings are issued. When the number of vehicles warrants several partial inspections, the CHP 343 (when used) shall bear the notation, "Not For Terminal Rating," in the "Reason for Inspection" space. When conducting certified vehicle terminal inspections, the vehicle inspection sample shall be representative of the carrier's overall certified fleet. A selection of currently certified buses shall be inspected to obtain an accurate assessment of the carrier's vehicle maintenance program. The CHP 292, Inspection Approval Certificate, or CHP 292A, Vehicle Inspection Certificate, certification dates will not be updated as a result of vehicle inspections conducted as part of the terminal inspections.

g. Vehicle Reinspection Scheduling. Reinspections shall be conducted as necessary to verify that any vehicle required to be inspected and certified annually has been brought into compliance. Arrangements for prompt vehicle reinspections shall be made to facilitate issuance of certificates for such vehicles.

h. Terminal Inspection Scheduling. In accordance with priorities established in Chapter 1, Policy, of this manual, the following guidelines apply (in order of priority):

(1) With the exception of motor carriers whose operations have been suspended, reinspection of terminals assigned a composite rating of Unsatisfactory shall be initiated no sooner than 100 days, or later than 120 days, following the day the Unsatisfactory rating was issued. However, for other than BIT program inspections or reinspections, if the Unsatisfactory rating is not for equipment condition, HOS violations, or disqualified driver violations, MCSU supervisors may extend this period to six months or authorize initiating the reinspection prior to 100 days. The reason for the extended or reduced period between inspections must be documented during the reinspection.

(2) Terminals assigned a composite rating of Conditional shall be scheduled for reinspection within six months.

(3) Terminals selected for BIT inspection as the result of carrier operation while the California Performance Safety Score is above the inspection threshold established by the Department, shall be scheduled and the inspection initiated within 30 days of the assignment date included within the BIT workload distribution. Every effort should be made to complete the terminal inspection in the most expeditious manner and shortest time frame reasonably possible. However, all terminal inspections shall be completed and a compliance rating assigned within 60 days of the assignment date. For purposes of this paragraph, initiated means beginning the actual inspection of records or regulated equipment.

i. Vehicle Inspections. Vehicles shall be inspected thoroughly for Title 13 CCR and CVC violations. Vehicle inspections shall be in-depth inspections, including all vehicular components. Buses subject to the smoking restrictions in Section 118925 of the Health and Safety Code (HSC), shall be inspected for compliance with Section 118930 HSC. Hazardous waste transporter vehicles, cargo tanks, and containers shall also be inspected for compliance with applicable regulations adopted by the Department of Toxic Substances Control. All violations will be recorded, and other discrepancies that might be considered imminently hazardous, or which reflect neglected maintenance shall be noted.

j. Terminal Inspection Depth. In conducting a terminal inspection, the inspection sample, results of previous inspections and ratings, and knowledge of the carrier's operation will, to a large extent, determine the depth to which the inspection should be conducted. When conducting a reinspection as the result of a Conditional or Unsatisfactory compliance rating, only those categories previously rated other than Satisfactory must be reinspected. However, if the Maintenance Program inspection category was rated other than Satisfactory due to an ineffective preventive maintenance program, the Regulated Equipment category shall be reinspected. In no instance shall any inspection category be excluded from more than two consecutive terminal reinspections. If the inspection is limited to categories previously rated other than Satisfactory, inspection categories not reinspected shall be marked N/A and the CHP 343 shall indicate those categories were not inspected.

(1) Use of Commercial Vehicle Safety Alliance Decals. Use of and accountability for CVSA decals shall be in accordance with the guidelines in Highway Patrol Manual (HPM) 82.6, Commercial Enforcement Manual, Chapter 3, Inspection Policies. Decals shall also be affixed to buses that are found to be in compliance.

(2) Commercial Safety Alliance Decal Removal. A current decal shall be removed from any vehicle not equipped as required, or when defects warrant its removal, except when any deficiency noted is not considered a critical item as established under the CVSA North American Standard inspection.

(3) Serious Vehicle Defects. Particular attention shall be given to aggravated or long-term mechanical defects as well as those which meet the CVSA North American Standard OOS criteria. When clearly unsafe, vehicles shall be placed OOS in accordance with paragraph 7., of this chapter and any current CVSA decal(s) removed.

(4) Disqualified Drivers. When violations of Section 1808.1 (f) CVC, relating to employment of disqualified drivers are noted, or it is determined that driver(s) are driving out of class, information shall be provided to the Division Special Services Commander (SSC) for enforcement action.

(5) Hours-of-Service/Speed. When inspection of drivers' timekeeping records indicates trips have been made that could not have been completed in the time shown without exceeding lawful speeds, the information is to be referred for enforcement action pursuant to Sections 34501.3 (b) and 40000.21 (g) CVC.

(6) Uniformity of Inspection. To ensure uniformity in all vehicle inspection activities, Division MCSU personnel shall perform vehicle inspections in accordance with Highway Patrol Guide 83.2, Vehicle Equipment Guide;

HPM 82.6, (where applicable); HPM 84.8, Motor Carrier Specialist I Training Manual; and this manual.

(7) Unregistered Private Carriers of Passengers. During a terminal inspection, when an MCS determines a private carrier of passengers is not registered with the PUC, and is not exempt from such registration, the MCS shall request the Area court officer or an appropriate Mobile Road Enforcement officer to issue a citation for violation(s) of Section 4005 of the Public Utilities Code. It will be necessary for the MCS to provide documented evidence the motor carrier is operating on the highway. The evidence may be a statement that the MCS observed the motor carrier's vehicles on the highway, copies of drivers' logs showing highway operations, or the motor carrier's CIRES citation record showing the motor carrier's drivers being cited while operating vehicles marked with the motor carrier's identification. Up-to-date private carrier of passengers registration information may be obtained from the PUC.

(8) Seizure of Records. When it is deemed necessary to seize motor carrier records; (i.e., drivers' records of duty status [duty logs]), the reason for the seizure, and the CHP authority to do so shall be explained to the motor carrier. The motor carrier shall be provided a copy of the CHP 343C, Records Receipt, (refer to Chapter 3 of this manual), documenting the records seized, and advised that copies of those documents will be returned to the motor carrier within five working days. If the carrier has a copying machine and offers its use, copies of the seized documents will be provided immediately. Carrier-owned copiers will be used to duplicate seized documents only at the motor carrier's specific request. If the number of records seized makes return of the copies within five working days impractical, a schedule of return of the copies (incrementally, if necessary) shall be worked out with the motor carrier's representative.

2. BIENNIAL INSPECTION OF TERMINALS PROGRAM PROCEDURES.

a. Appropriate Forms. The following forms are used to process Biennial Inspection of Terminals Program (BITP) fees, refund requests, additional fees, and delinquent fees. These fees are assessed prior to January 1, 2016, but remain due and payable until they are properly submitted to and recorded by the Department.

(1) CHP 365, Application for Terminal inspection. The form is submitted by motor carriers for payment of BITP fees for each terminal subject to the BITP program. Motor carriers have 30 days to submit BIT fees using this form upon establishing any new terminal pursuant to Section 34501.12 (e)(1) CVC.

(2) CHP 365B, BIT Program - Refund Request. This form is used when it is determined a motor carrier submitted BITP fees in error; (i.e., the terminal was

never subject to the BITP program; the terminal was not subject to the BITP until on or after January 1, 2016; or, when a motor carrier's terminal fleet size was never subject to BITP fees in the amount paid).

(3) CHP 365C, BIT Program - Additional Fees Required. This form is used when a motor carrier submitted BITP fees for a fleet size which required the payment of increased fees and no delinquent fees apply. If a motor carrier submitted appropriate BITP fees and it is determined additional vehicles have been added to the fleet requiring additional fees, use of the CHP 365C, BIT Program – Additional Fees Required, is appropriate.

(4) CHP 365P, Notice of Delinquent Fee. This form is used to notify a motor carrier who has already been notified through the use of any of the aforementioned forms (except the CHP 365B, BIT Program, Refund Request), and fees have not been submitted.

b. Fee Determination. When it is determined a motor carrier has not paid appropriate, required BITP fees to the Department, the completed terminal inspection report shall include notification to the motor carrier of the total amount of fees due and any pertinent information regarding payment time frames and penalties which may be assessed for continued nonpayment. This notification shall be made using a CHP 365C or a CHP 365P, Notice of Delinquent Fee, as appropriate. When utilized, the CHP 365C or CHP 365P shall be included as a numbered page within the completed inspection report.

c. Additional Fees Due. If a motor carrier submitted BITP fees and it is determined additional vehicles have been added to the fleet requiring additional BITP fees, a CHP 365C shall be issued, providing 60 days to submit the additional fees. In this case, a copy of the completed CHP 365C shall be forwarded to Commercial Records Unit (CRU) requesting the Penalty After Date (PAD) be changed to 60 days from the issuance date on the form. The specific PAD shall be entered on the CHP 365C and highlighted, for CRU to enter. The CHP 365C shall be accompanied by a CHP 343-1, which includes all of the following:

- (1) Carrier name, terminal address, CA number, and terminal FCN.
- (2) A complete explanation of the reason for the PAD change request and the date the request was completed.
- (3) The name and identification number of the MCS requesting the change.
- (4) The name, identification number, and signature of the field supervisor or MCSU supervisor authorizing the PAD change.
- (5) A statement indicating a CHP 365C is attached.

d. Payment of Biennial Inspection of Terminals Fees by Use of Credit Card.

Motor carriers who request to pay BITP fees by credit card shall be advised to contact CRU, during normal business hours, in order to complete this process. Once a motor carrier has been advised to contact CRU, no other action or verification by field personnel is necessary. If a motor carrier is unable to complete the process, the motor carrier shall be provided with the appropriate forms to submit BITP fees via United States mail.

e. Motor Carriers That Have Moved and Provided a Forwarding Address. If a terminal's location changes, the record update portion of a CHP 343 shall be completed and forwarded to the Division MCSU as soon as possible. The MCSU staff will enter the change of address into CIRES without delay. If the terminal's new address is in another Division, the MCSU in the Division to which the terminal has been moved shall be advised by the MCSU which became aware of the location change. If a motor carrier's main office location changes, a CHP 362 shall be completed and the data entered into CIRES immediately.

f. Reactivation of Inactive Carriers. Motor carriers as defined in Section 408 CVC shall be identified with an active record status within the CIRES. An inactive record shall be reactivated if it is determined the motor carrier has continued to operate or reestablished operation as a motor carrier entity.

g. Refunds. Although BITP fees are non-refundable, refunds will be made when fees were submitted in error (i.e., the vehicles operated are not subject to the BITP, or the fee was overpaid). If a refund is appropriate, a CHP 365B is to be prepared. All spaces on the form through "Reason for Refund" are to be completed, and the motor carrier representative's signature and the date obtained. The reason for the refund must be valid and clearly stated. The MCS then completes the first line of the approval block, and returns all copies to the MCSU.

(1) After review of the motor carrier's CIRES file to verify the BITP fee status, the MCSU supervisor will approve the CHP 365B if appropriate, suspense the pink copy, and forward the original and yellow copies to CRU. Upon notification of payment of the required terminals' BITP fee, the pink copies are to be purged.

(2) The CRU will enter the information into CIRES, file the yellow copy, and forward the original to Fiscal Management Section.

(3) Fiscal Management Section will process the request, mail the refund to the carrier, and return the original CHP 365B to CRU for placement in the carrier's file.

3. LEASING PROHIBITIONS.

a. Motor Carrier of Property Permit Suspended. A motor carrier whose Motor Carrier of Property Permit (MCP) is suspended for failure to maintain its vehicles in safe operating condition may not lease or otherwise allow another motor carrier to operate, in intrastate transportation, the vehicles of the motor carrier subject to the suspension, during the period of the suspension. This prohibition applies to the suspended motor carrier's entire fleet, not just those vehicles placed OOS during

the inspection that led to the suspension. Also, the MCP of a motor carrier who knowingly leases, operates, dispatches, or otherwise utilizes any vehicle from a Motor Carrier of Property whose permit is suspended for unsafe vehicles may also be immediately suspended. Violations of these prohibitions are chargeable to the lessor under Section 34623 (i)(1) CVC, and to the lessee under Section 34623 (i)(2) CVC. Suspensions for reasons that do not include unsafe vehicles do not prohibit motor carriers from leasing vehicles to or from others.

b. Enforcement. Documented proof of a motor carrier whose MCP is suspended for failure to maintain its vehicles in safe operating condition, and has leased vehicles to another motor carrier, shall result in the issuance of a citation for violation of Section 34623 (i)(1) CVC. Documented proof another motor carrier has knowingly leased vehicles from a motor carrier suspended for failure to maintain vehicles in safe operating conditions shall result in a suspension recommendation pursuant to Section 34623 (i)(3) CVC.

4. BASIC INSPECTION OF TERMINALS PROGRAM PROCEDURES.

a. Terminal Identification. Section 34501.12 (b) CVC, requires motor carriers subject to BIT to identify all terminals defined in Section 34515 CVC, in this state, where vehicles and records are located and will be made available for inspection.

(1) Section 34501.12 (b) CVC requires motor carriers to make all maintenance records, driver records, and vehicles available upon request by an authorized representative of the Department. If a motor carrier fails to provide vehicles and records, an Unsatisfactory terminal rating shall be assigned in the Maintenance Program category. The report shall include documentation of the motor carrier's violation of Title 13 CCR, Section 1202(a): failure to provide the Department a reasonable opportunity to inspect vehicles and/or records to determine compliance.

(2) While a motor carrier must identify to the Department all terminals as defined in Sections 595 and 34515(a) CVC, pursuant to Section 34515(b) CVC the motor carrier may designate terminals where vehicles and records are

located and will be made available for the BIT inspection. When a motor carrier designates one or more terminals for the purpose of the BIT inspections and identifies other, associated terminals at which regulated activity is conducted, all of the following procedures shall be adhered to:

(a) When terminals designated as the location vehicles and records from more than one terminal will be made available for a BIT inspection, the CIREs record for the designated terminal shall be marked Subject to BIT and include remarks in the Notes About Carrier field which indicate all of the following:

1 The terminal is designated by the motor carrier as the terminal subject to the BIT.

2 The terminal is the location all vehicles and records maintained, retained, and/or domiciled at this and other terminals (include the FCN for all of the other associated terminals) will be made available for a BIT inspection.

3 When scheduling terminal inspections, MCSs shall review the Notes About Carrier field in CIREs to ensure the appropriate vehicles and records are made available by the carrier and included in the inspection, as appropriate.

(b) Associated terminals not designated as subject to the BIT shall be identified in CIREs, remain active, and not marked Subject to BIT.

1 Records for terminals outlined in paragraph 4.a.(2)(b) shall include remarks in the Notes About Carrier field of the terminal record in CIREs, which indicate all vehicles and records maintained, retained, and/or domiciled at the associated terminal will be made available for a BIT inspection at the designated terminal identified by FCN (include FCN of terminal designated by the carrier).

b. Inspection Procedures. Basic Inspection of Terminals Program inspections at terminals identified as the location where vehicles and records from more than one terminal will be made available for inspection shall include the following:

(a) A representative sample of vehicles based on the cumulative total number of vehicles subject to the inspection from the designated and all associated terminals. Motor Carrier Specialist personnel shall ensure the vehicle inspection sample is representative of and includes vehicles from the fleets from the designated and all associated terminals.

1 In the event required records and vehicles from the designated and/or associated terminals are not made available for a BIT inspection at the designated terminal, the designated terminal shall be assigned an Unsatisfactory rating as outlined in paragraph 4.a.(1) above. Additionally, a BIT inspection shall be immediately scheduled and conducted at all associated terminals. Associated terminal CIRES records shall be immediately changed to reflect the terminal is Subject to BIT.

(b) The appropriate sample of driver and maintenance records based on the total number of vehicles and drivers operating from the designated and all associated terminals.

(c) A review of remarks in the Notes About Carrier field of the CIRES record for the terminal designated as the inspection location and all associated terminals.

c. Inedible Kitchen Grease Transporter Inspection Requirements. When it is determined a terminal is operated by an IKG transporter subject to Division 2, Chapter 2, Article 5, commencing with Section 2460 CVC, a terminal inspection of an IKG transporter shall include all of the following:

(1) A review of the IKG transporter registration for compliance with Section 19310 of the California Food and Agricultural Code. All IKG registration violations detected during the inspection shall be documented in Part C of the inspection report. However, IKG registration violations shall not be used in determining the overall terminal safety compliance rating.

(a) All violations of Division 2, Chapter 2, Article 5, commencing with Section 2460 CVC shall be forwarded to the Division SSC by the MCSU supervisor for review and appropriate enforcement action.

(2) In order to verify drivers' timekeeping records entries, in addition to requirements of paragraph 1.(e)(1)(a)1 of this chapter, the terminal inspection shall include a comparison between drivers' timekeeping records and IKG transportation manifests required by Title 13 CCR, Section 1180.24.

(3) The following statement included within the Recommendations section of the inspection report: "All vehicles transporting inedible kitchen grease must properly display a current decal as required by Section 2482 CVC."

d. Carrier Inspection Fees. Inspection fees associated with BIT are submitted to and collected by the DMV in association with submission of an initial or renewal application for a MCPP. During the conduct of inspection duties, when it is determined the motor carrier is required an MCPP, but does not possess a valid

one, sufficient supporting information shall be retained, included within the body of the terminal inspection report, and the appropriate field on the CHP 343 shall be marked to reflect the finding. This information shall be reviewed by the MCSU supervisor and forwarded to the Division SSC for follow-up and any enforcement action deemed appropriate.

5. REQUEST FOR DATA REVIEW.

a. Inspection violation findings data uploaded to the federal SAFERS or SMS may be disputed by the motor carrier. The dispute is documented and submitted electronically via the FMCSA Web site and may be filed for any reason at any time subsequent to the upload. The dispute will contain a description of the violation, the reason for the dispute, and may include documentation in support of the dispute. Only disputes submitted electronically via the FMCSA Web site will be accepted.

(1) Commercial Vehicle Section is responsible to receive, analyze, track, and respond to requests for data review (RDR) from the federal systems within ten days. In order to accurately respond to an RDR, CVS will conduct research as necessary to support or refute the allegation. Upon contact by CVS, field Division MCSU and field supervisors shall provide information requested by CVS as quickly as possible, in support of a timely and appropriate response to an RDR.

6. COLLISION INVESTIGATION INSPECTIONS - REASSEMBLY OF VEHICLES.

a. Disassembly Procedures. When MCSs conduct in-depth inspections of vehicles involved in collisions, as approved by the SSC, the disassembly and removal of certain mechanical components is often necessary to determine the mechanical condition of critical components such as brakes, steering, and tires. In order to preclude departmental liability in the event of any subsequent failure of components removed and reinstalled by departmental personnel, especially on vehicles which may still be drivable, the following procedures shall be followed:

(1) Motor Carrier Specialists, other than Multidisciplinary Accident Investigation Team members, shall not reassemble or reinstall brake components, steering components, or tires/wheels removed from vehicles as part of a collision investigation.

(2) Small parts/items which have been disassembled shall be left either inside the vehicle's passenger compartment or trunk (if practical), or other protected locations where they will be readily found by the vehicle owner, and large items such as tires/wheels should be left underneath the vehicle if possible. In all instances, a CHP 346A, Out-of-Service Vehicle, shall be affixed to vehicles

from which parts have been removed. The CHP 346A shall indicate the disassemble parts in the “out-of-service” condition(s)-section(s) box, such as; “brake components disassembled,” or “steering gear box removed,” along with the statement, “NOT DRIVEABLE” just below the word, “UNSERVICEABLE.”

b. Public Inquiries. Public inquiries regarding the reimbursement of costs associated with reassembling vehicles shall be handled in accordance with HPM 11.1, Administrative Procedures Manual, Chapter 9, Civil Actions, Defense of Employees, Small Claims Actions, Constitutionalist Actions, Indemnification of Citizens, Victims of Violent Crimes.

7. OUT-OF-SERVICE VEHICLES.

a. Out-of-Service Vehicles. Any vehicle, other than a school bus, SPAB, youth bus, general public paratransit vehicles (GPPV), or FLV (bus or truck) found to be imminently hazardous and likely to cause a collision or breakdown shall be placed OOS in accordance with the CVSA North American Standard OOS criteria, adopted for use in Title 13 CCR, Section 1239. When any vehicle is placed OOS, its operation on any highway is prohibited until correction of deficiencies, pursuant to Section 34501 CVC and Title 13 CCR, Section 1230(a), and Section 34506(b) CVC and Title 13 CCR, Section 1160.4(f) for HM.

b. School Buses, School Pupil Activity Buses, Youth Buses, General Public Paratransit Vehicles, and Farm Labor Vehicles. Procedures to prohibit transporting passengers by school buses, SPABs, youth buses, GPPVs, or FLV, as well as modified OOS action, are contained in Chapter 5, School Bus Inspection; Chapter 6, School Pupil Activity Bus, Youth Bus, and General Public Paratransit Vehicle Inspection; and Chapter 7, Farm Labor Vehicle Inspection, of this manual.

c. Vehicles Out-Of-Service on Terminal. When inspecting vehicles in combination (i.e., vehicles which are physically connected together), violations, such as defective brakes, which are aggregated to place the combination, are to be counted as one violation and one OOS per combination. For example, a four-vehicle combination (five axles) with one brake out of adjustment on each vehicle, or a four-vehicle combination with inoperative stop lamps on the rearmost vehicle. “Individual Violations,” those defects that are specific to an individual vehicle in the combination are to be counted and recorded as one violation per vehicle. Each vehicle with such a defect is to be counted as OOS, even if the defect(s) causes the combination (as connected) to be placed OOS.

(1) CHP 343, Safety Compliance Report/Terminal Record Update. In the Vehicles Placed Out-of-Service space, enter the total number of “Units” (vehicles/combinations) placed OOS as follows: In the left portion of the space, enter units, followed by the number of units (as above) placed OOS. In

the right portion of the space, enter "Vehicles," followed by the number of individual vehicles with OOS violations. The vehicles number is to be entered on line 32 of the CHP 100D, and used to calculate the percentage of the vehicles placed OOS for determining the terminal's rating.

(2) Notification of Vehicles Placed Out-of-Service. Enter vehicle identification information and "PLACED OUT-OF-SERVICE" in Part C of the inspection report.

(3) CHP 407F/CHP 343A, Driver/Vehicle Examination Report. Enter violations by motor carrier safety operating, CVC or Title 13 CCR section numbers, enter vehicle and equipment numbers, and clearly describe the violations which warranted OOS action.

(4) CHP 346A, Out-of-Service Vehicle Notice. Enter the equipment number, the license number, the OOS condition(s) and the applicable CVC or Title 13 CCR section(s) in the spaces provided, sign and date the form, and affix it to the vehicle. When a combination of vehicles, or a vehicle in a combination of vehicles is placed OOS, affix the CHP 346A as follows:

(a) Affix a CHP 346A to the towing vehicle, indicating that the combination is OOS. Note on the CHP 346A the OOS violations for each vehicle in the combination.

(b) Affix a CHP 346A to each towed vehicle in the combination on which an OOS violation was noted, indicating the violations pertinent to that vehicle.

(c) When a combination is placed OOS, but no individual vehicle would be out-of-service if disconnected, affix a CHP 346A to the towing vehicle only, indicating that the combination is OOS.

(5) Instructions to Carrier Representative. Explain to the motor carrier's representative that a vehicle placed OOS may not be operated on the highway until necessary repairs have been made.

(6) Physical Evidence. Physical evidence obtained during a collision or other investigation, which may be needed for later court action, shall be handled and safeguarded in accordance with established procedures.

ANNEX A

TRANSIT OPERATOR COMPLIANCE CERTIFICATE

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL TRANSIT OPERATOR COMPLIANCE CERTIFICATE CHP 339 (Rev. 9-09) OPI 062		
TRANSIT OPERATOR NAME		
Major Metro Transit Authority		
ADDRESS		TELEPHONE NUMBER
23153 Eightlane Road		(062) 555-1212
CITY	ZIP CODE	COUNTY
Bigtown, CA	99899	Santa Costa
This is to certify that the above named transit operator was inspected on this date and found to be in compliance with California Vehicle Code Section 1808.1, regarding participation in the Department of Motor Vehicles Pull Notice Program, and with Section 12804.6, regarding transit bus operator certificates.		
ISSUED BY	I.D. NUMBER	DATE
Motor Carrier Specialist I	A9789	05/22/2013
Destroy Previous Editions		Chp339_0809.pdf
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