

CHAPTER 8
TOUR BUS INSPECTIONS
REVISED JULY 2017
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CHAPTER 8

TOUR BUS INSPECTIONS

1. GENERAL. The following policies and procedures apply to tour bus inspections conducted by California Highway Patrol (CHP) commercial enforcement personnel:

a. Authority. The Department's authority to regulate the safety compliance of tour bus operators is contained in the California Vehicle Code (CVC) Section 34500.1. This section contains the authority to regulate the safe operation of tour buses. Section 34501(c) CVC contains the authority to inspect tour bus terminals.

b. Appraisal. Appraisal of operating authority issued by the California Public Utilities Commission (PUC) is a responsibility assigned to Division Motor Carrier Safety Units (MCSU). Coordination with the PUC and support of MCSU activities is provided by the CHP Commercial Vehicle Section (CVS). Appraisals include: new (carriers who have never been issued authority), annual inspection, renewal (every three years), refile (initials or renewals where the motor carrier's authority was denied or the carrier allowed licensing approval time frames to elapse), additional vehicles/updates, or reinstatement of any Transportation Charter Party (TCP), operator, or Passenger Stage Corporation (PSC).

c. Priority. Except as provided in paragraph 2.b. of this chapter, necessary Division MCSU inspection and monitoring shall be in accordance with priorities established in Chapter 1, Policy, of this manual.

2. TOUR BUS TERMINAL INSPECTIONS. For the purpose of this section, tour buses are buses defined in Section 612 CVC. Specifically, tour buses are buses operated under a charter party carrier of passengers or PSC operating authority issued by the PUC.

a. Unannounced Inspections. To the extent possible, the Department must conduct terminal inspections of tour bus operators without prior notice, notwithstanding the number of buses operated by the motor carrier. Unannounced tour bus terminal inspections shall be conducted at every terminal which has a history of noncompliance with safety requirements, all terminals currently rated unsatisfactory, and all terminals which have had buses placed out-of-service (OOS) for imminently hazardous mechanical conditions during the most recent terminal inspection or any subsequent enforcement contact. Additional unannounced tour bus terminal inspections are encouraged.

(1) For the purpose of this requirement, a history of noncompliance with safety requirements includes, but is not limited to, a terminal rated

unsatisfactory or conditional during any one or more of the preceding three most recent terminal inspections. Inspection reports documenting unannounced tour bus terminal inspections shall include a statement in the body of the CHP 343, Safety Compliance Report/Terminal Record Update, indicating the inspection was initiated without prior notice to the motor carrier.

b. Reinspection of Unsatisfactory Rated Tour Bus Terminals. Unsatisfactory rated tour bus terminals shall be reinspected between 30 and 90 days of the rating. No extension of this time frame is permitted. With the exception of a reinspection initiated for the purpose of reinstatement of suspended operating authority, a reinspection may not be initiated sooner than 30 days following the unsatisfactory rating. Otherwise, the reinspection should be initiated no sooner than 70 days and shall not be initiated later than 90 days following the unsatisfactory rating. With concurrence of the Division Special Services Commander (SSC), and in accordance with existing requirements, the reinspection may be initiated prior to 70 days. The term "initiated" means the terminal reinspection has begun through the actual inspection of required records, vehicles, or both. A terminal reinspection shall be initiated as outlined, conducted, and completed.

(1) Following two unsuccessful attempts to initiate a terminal inspection or reinspection without prior notification, the carrier shall be contacted to schedule the inspection. In this case, the inspection or reinspection shall be scheduled as quickly as practicable and without undue delay. When 2 unsuccessful attempts are made to initiate a terminal inspection or reinspection without prior notification, a reinspection is not initiated within 90 days, or the reinspection is not completed within 10 business days of initiation, the completed terminal inspection report shall include a thorough explanation of the circumstances of the unsuccessful attempts to initiate the inspection, or the delay in initiation or completion of the inspection. Acceptable delays include only those which are beyond the control of the Department and shall be mitigated to the extent possible.

(a) Tour bus terminal inspection reports documenting the assignment of an unsatisfactory rating shall include an entry, in the Suspense Date field of the CHP 343, of not more than 70 days after the assignment of the rating. These reduced reinspection suspense time frames shall be highlighted in order to draw the attention of data entry personnel; the suspense date shall be entered into the Carrier Information Reporting and Evaluation System; and the dates shall be tracked by both the Motor Carrier Specialist (MCS) I and the Division MCSU in order to ensure the terminal is reinspected within the required time frame.

c. Reinspection of Tour Buses Placed Out-of-Service. Section 34505.1 CVC prohibits operators of tour buses placed OOS during any terminal inspection or

enforcement contact from operating the buses for passenger transportation until all safety violations noted during the inspection have been corrected and verified by the Department. Correction of all safety defects shall be verified through a subsequent inspection of the vehicle, conducted within five business days of a request by the motor carrier. This safety violation correction verification (SVCV) inspection shall be a complete Commercial Vehicle Safety Alliance (CVSA) Level I or Level V inspection, recorded on a CHP407F/343A, Driver/Vehicle Examination Report, and electronically uploaded in accordance with requirements contained in Chapter 2, Inspection Procedures, of this manual.

(1) A request for a SVCV inspection, on a date subsequent to or at a location separate from the inspection during which the vehicle was placed OOS, may be made by contacting the nearest MCSU via telephone, e-mail, United States mail, fax, or in person. Requests for SVCV inspections on the date and at the location of the inspection may be made in person with on-site departmental personnel. Requests for SVCV inspections received by the MCSU shall be documented and tracked by the MCSU receiving the request. When a request is received for a SVCV inspection to be conducted outside of the Division, the request shall be immediately forwarded to the MCSU in the Division in which the motor carrier requests the SVCV inspection be conducted. The Division in which the inspection is conducted shall be responsible for documentation and tracking of the request and inspection.

(2) Documentation of SVCV inspection requests shall include, but not be limited to: the California carrier identification number of the motor carrier; date, time, and name of the person making the request; and the date, time, name, and identification number of the employee who conducts the SVCV inspection. Without regard to the location of the previous inspection, the MCSU receiving a request for a SVCV inspection shall ensure the inspection is completed within five business days of a request by the motor carrier. The SVCV inspection may be coordinated through the SSC, conducted, and documented by any authorized departmental personnel. Documentation of all SVCV inspection requests shall be forwarded to and retained by the Division MCSU in accordance with departmental record retention requirements.

(3) When a SVCV inspection reveals all previously noted defects have been corrected and no additional defects are noted, the CHP407F/343A shall include the following statement in the Remarks section: "Correction of all safety defects noted on inspection number (include previous inspection document number), completed on (include date of previous inspection), has been verified." When it is revealed all previously noted defects have not been corrected or additional defects are noted, the CHP407F/343A, shall include the following statement in the Remarks section: "Vehicle not authorized for

passenger transportation until all noted safety violations have been corrected and verified by the California Highway Patrol.”

(4) Documentation of all SVCV inspections shall be retained by the Division MCSU in which the inspection was conducted, or forwarded to the Division MCSU in which the motor carrier operations are normally inspected. Retained documentation shall include the report which includes documentation indicating the tour bus was placed OOS and the CHP407F/343A documenting the SVCV inspection. Documentation retained in accordance with this requirement may be retained in hard copy or electronic format and retained in association with other departmental inspection records of the motor carrier operations.

3. DIVISION APPRAISAL.

a. Handling – Public Utilities Commission Request. Any PUC request for appraisal of carrier fitness shall be referred to the appropriate Division for necessary action.

(1) Commercial Vehicle Section shall forward an electronic copy of the PUC inspection request (IR), Annual Request for Inspection, to the appropriate Division MCSU designated e-mail box in PDF. The IR will be annotated with the first initial of the affected Division (e.g., Northern shall be indicated as “N,” Valley as “V,” except Coastal shall be indicated as “CO”), and the date the request is forwarded to the field. Also, a cover sheet, detailing the inspection requests, will be transmitted with the e-mail. The cover sheet will indicate which PUC passenger transportation authority numbers are included in the transmission and the inspection type(s) – new, refile, annual, renewal, add/update. The IR form includes spaces for the MCSU recommendation, date, Division performing the appraisal and, if applicable, reasons for any negative recommendation.

(2) Appraisals are performed by Divisions where the carriers’ terminals are located. When a tour bus carrier has terminals in more than one Division, CVS will provide the appropriate appraisal request for each Division to conduct the inspection(s); then, each Division must forward their individual recommendations to CVS. In return, CVS will provide PUC with one recommendation.

(3) A duplicate copy of the PUC inspection IR is retained by CVS for control purposes. The duplicate may be retained in electronic or hard-copy format.

(4) The MCSUs shall maintain a suspense file or control roster to ensure timely completion and return of PUC requests.

b. Inspections. Upon receipt of any request from the PUC, the Division MCSU shall promptly schedule an inspection. Inspections conducted shall result in a recommendation of "Approval" or "Denial" and shall be so indicated on the IR. Alternatively, for carriers with a high level of compliance (at least three consecutive satisfactory terminal ratings), and a current satisfactory rating, the MCSU may approve the PUC request based upon the results of the last annual terminal inspection, provided it was conducted within the previous six months. The "Other" box on the IR shall only be used for circumstances outlined in paragraph 3.f. of this chapter.

(1) Notwithstanding the aforementioned criteria, when an IR is received for a carrier which has been inspected within the last 30 days, the Division recommendation may be based on the results of the most recent inspection, provided the IR reflects the same fleet size as the CHP 343 related to that inspection.

c. Annual or Renewal Requests. Prior to approving a PUC request without conducting an inspection, based on criteria in paragraph 3.b. above, the previous annual or renewal PUC IR, and any recent Additional Vehicle request forms, shall be compared. If more than 50 percent of the terminal fleet has changed (different buses identified on the inspection request), a terminal inspection shall be completed.

d. Additional Vehicle Request/Updates. For PUC IRs regarding inspection of additional vehicles or changes to a terminal fleet, if the criteria in paragraph 3.b.(1) above is not met, an inspection sample of the number of additional vehicles on the PUC request shall be inspected and the form returned to CVS within 60 days of the MCSU receipt of the request. During these vehicle inspections, ascertain if the motor carrier has hired new drivers since the last terminal inspection. If new drivers have been hired, review appropriate records, as required by CVC Section 1808.1, for all new drivers. Pursuant to CVC Section 34520, ensure that all newly hired drivers are appropriately enrolled in a random controlled substances and alcohol testing (CSAT) program.

e. Documentation. Inspections conducted pursuant to paragraph 3.d. above shall be documented on the appropriate vehicle, terminal, or carrier inspection forms, and the CHP 343 shall be completed with the notation "not for terminal rating," unless unsatisfactory conditions are found. During this process, any findings which would result in the issuance of an unsatisfactory terminal or carrier CSAT rating shall result in a complete terminal or carrier CSAT inspection with rating.

f. Use of the "Other" Box on the Public Utilities Commission Inspection Request. Inspection requests which cannot be completed within required time frames for reasons beyond the Department's control (i.e., carrier cannot be located or is

unwilling or unable to schedule an inspection) shall be marked using the Other box on the PUC IR form. The reason the inspection could not be completed shall be clearly documented on the IR or an associated CHP 343-1, Continuation, and the document(s) returned to CVS.

g. Inspection Procedures. An inspection for new, renewal, refile, or annual inspection of operating authority requirements shall be conducted as provided in Chapter 2, of this manual.

(1) Airport limousines or other small vehicles, not defined by CVC Section 233 as buses, shall not be inspected. Return the PUC request to CVS marked Other with a notation.

(2) To the extent possible, in an effort to ensure all tour buses operated from terminal locations in California are included in terminal vehicle inspection samples, MCS personnel shall select vehicles for inspection which were not included in preceding terminal inspections.

(a) Until the entire fleet of buses operated from the terminal has been inspected, buses selected for inspection shall include vehicles not previously inspected during any inspection conducted at the specific terminal or other terminals operated by the motor carrier.

(b) Once all vehicles operated from the terminal have been included in a terminal vehicle inspection sample, buses selected for inspection during subsequent terminal inspections shall be selected in a manner which ensures the entire fleet of buses is included in the vehicle inspection samples of consecutive terminal inspections.

(c) These requirements apply notwithstanding the use of on-highway vehicle inspections used to fulfill terminal vehicle inspection sample requirements.

(3) Inspections shall be in-depth to determine whether fitness to provide safe passenger transportation is acceptable. The result shall always be a recommendation for approval or denial. Conditional approval recommendations shall not be made.

(a) A denial shall not be made on the basis of minor vehicle defects which could have developed during day-to-day operation under an effective preventive maintenance program.

(b) Minor record deficiencies shall not be cause for a denial if the maintenance program is effective.

(c) All negative recommendations (including denial) against tour bus operators require the concurrence of the MCS II and MCS III.

(d) When inspection findings warrant a negative recommendation, the narrative portion of the report shall be annotated "Issuance of TCP (or PSC) Authority Not Recommended." In addition, the carrier shall be issued a CHP 345, Notice to Carrier, and may be verbally notified of the recommendation.

(4) An unsatisfactory rating may still be issued to a tour bus operator for unsatisfactory conditions other than those deemed to be imminent danger, consistent failure, or sufficiently unsatisfactory; however, in these instances, the PUC appraisal request may still be approved and forwarded to CVS.

(5) When a negative recommendation is made, a memorandum, inspection reports and all supporting documents shall be forwarded to CVS within 30 days of the issuance of an unsatisfactory terminal or carrier rating.

(6) After review of the Division recommendation, CVS will prepare an endorsement for Assistant Commissioner, Field's approval and forward the recommendation to the PUC.

(7) Upon completion of Division MCSU appraisal, the PUC IR shall be annotated to indicate the recommendation and returned to CVS. Except as provided in Chapter 2, paragraph 1.f.(2), of this manual, recommendations concerned with new or refile applications shall be returned within 15 days from transmission of the request from CVS to the MCSU. Recommendations concerned with annuals and renewals shall be returned to CVS within 45 days from the transmission of the request from CVS to the MCSU. Recommendations concerning Additional Vehicle/Update inspection requests shall be returned to CVS within 60 days from transmission of the request from CVS to the MCSU.

(8) The Division MCSU shall return all completed inspection requests to CVS via e-mail to 062PUC@chp.ca.gov. The return e-mail shall include the following information:

(a) The subject line of the e-mail shall read, "Completed Inspection Request" and the MCSU Area number (e.g., Completed Inspection Request – 313).

(b) Completed IRs shall be attached to the e-mail in PDF format.

(c) The PDF attachments shall include the Equipment Statement/CHP Inspection Request page detailing the carrier's name, doing business as

name, contact, principle place of business and terminal information (for annuals and renewals), any subsequent pages containing equipment lists and the CHP recommendation block. New or add equipment/updates will normally be a single page titled, "Passenger Carrier Equipment Statement." However, IRs from the PUC may combine both of the aforementioned forms and be in addition to equipment lists and operation locations listed on forms provided by the carrier to the Department via the PUC.

(d) The carriers covered by the e-mail shall be listed in the body by PSG number using five digits (e.g., PSG 012345 shall be listed as PSG 12345 and PSG 008902 shall be listed as PSG 08902).

h. Request for Inspection from the California Public Utilities Commission. Tour buses should be identified on the PUC IR. Any discrepancies in the fleet size or passenger capacities shall be immediately forwarded to the PUC Liaison/Tour Bus Coordinator at CVS, via e-mail, with supervisory approval. Additionally, discrepancies shall also be noted on the PUC IR, or listed on an associated CHP 343-1, and returned to CVS as outlined in paragraph 3.g.(7) above. Care must be taken to ensure discrepancies noted on the IR are distinguishable from notations made by the motor carrier or PUC personnel.

(1) Discrepancies forwarded to CVS will be discussed with the PUC for any action they deem appropriate to be used as part of their permit process.

(2) Discrepancies in the fleet size (number of buses) or passenger capacities will not be considered when making a recommendation regarding the IR; however, this information shall be documented within the terminal inspection report.

4. PUPIL ACTIVITY BUS. Vehicles defined in CVC Section 545(k) must be operated by a passenger Charter Party Carrier licensed by the PUC.

a. Use of the CHP 294D, Youth Bus, Pupil Activity Bus, or General Public Paratransit Vehicle Inspection Application.

(1) Motor Carrier Specialist personnel shall ensure motor carriers who intend to use vehicles to transport school pupils to and from school-related activities (e.g., proms, amusement parks) under the Pupil Activity Bus (PAB) exception in CVC Section 545(k), have submitted a completed CHP 294D, Youth Bus, Pupil Activity Bus (PAB), or General Public Paratransit Vehicle (GPPV) Inspection Application (Revised 1-10), along with the appropriate fee of \$75 for each PAB, prior to inspection by the Department.

(2) Motor carriers may obtain a CHP 294D from the Department Internet Web site, www.chp.ca.gov, local Area offices, or field Division MCSU.

(3) Completed applications are submitted by motor carriers to Fiscal Management Section (FMS) with the required fee, and subsequently sent by FMS to the appropriate field MCSU to conduct PAB inspections.

(4) Upon receipt of a CHP 294D from FMS, field Division MCSU personnel will contact the motor carrier to schedule vehicle inspections.

b. Vehicle Inspection Form. Pupil Activity Bus vehicle inspections shall be recorded on the CHP407F/343A.

(1) Since many of these vehicles may be configured with bench-type seating with no reasonable method to determine maximum passenger capacity, inspection personnel shall ask a management representative of the motor carrier as to the maximum capacity of each inspected vehicle. The name and title of the motor carrier's representative and the maximum passenger capacity shall be documented on the appropriate vehicle inspection form.

(2) Vehicle inspection reports for PAB vehicles which have passed inspection and are deemed safe to operate shall contain the following statement, clearly and legibly hand-written on the report: **"Authorized to transport school pupils – CVC 545(k),"** followed by the signature and identification number of the MCS I conducting the inspection. Highlighting this statement may be helpful to industry, the public, and enforcement personnel.

(3) For PAB vehicles inspected and deemed unsafe to operate, or for which no CHP 294D has been received from FMS, the inspection report shall contain the following statement, clearly and legibly hand-written on the report: **"Not authorized to transport school pupils,"** followed by the signature and identification number of the MCS I conducting the inspection. Highlighting this statement may be helpful to industry, the public, and enforcement personnel.

(4) Vehicles placed OOS shall have a CHP 346A, Out-of-Service Vehicle, sticker affixed to the lower right-hand portion of the windshield. The CHP 343-1 shall contain a statement that the vehicle shall not be operated on the highway until all OOS conditions have been repaired, and those repairs documented, as required.

(5) If any items requiring repair have not been corrected, at the request of the motor carrier, the MCS shall schedule a vehicle reinspection. Correction of all safety defects shall be verified through a subsequent, complete CVSA Level I or Level V inspection, recorded on a CHP407F/343A and electronically

uploaded in accordance with requirements contained in Chapter 2 of this manual.

(6) The reinspection process outlined in paragraph 4.b.(5) above shall also be followed for vehicles which have previously been inspected (i.e., during the annual bus terminal inspection as part of the inspection sample of fleet vehicles), and for which a CHP 294D is subsequently received within 90 days of the vehicle inspection.

(7) Pupil Activity Buses will not be issued a CHP 292, Inspection Approval Certificate, as outlined in Title 13 California Code of Regulations (13 CCR) Section 1231(b); however, PAB operators shall be advised PAB regulations require motor carriers to place vehicle inspection reports, issued by the Department, in an easy-to-reach location within PAB vehicles. These inspection reports shall be presented upon request, to any person using the services of the motor carrier or any authorized representative of the Department.

c. Vehicle Inspection. California Vehicle Code Section 12517.45 requires every PAB vehicle, operated pursuant to CVC Section 545(k), to pass an annual inspection conducted by the Department. Vehicle certification is not required. A vehicle is deemed to have passed an inspection when only minor violations exist which do not affect the safe operation of the vehicle.

(1) The inspection of vehicles shall be limited to those designed, used, or maintained to transport more than 10 passengers, including the driver; up to 25 passengers, including the driver. There will be no limit to the number of CVC Section 545(k) vehicles that may be inspected at the request of a motor carrier.

(2) Since statute requires that each vehicle “pass” an annual inspection, motor carriers shall be advised that any vehicle placed OOS shall be reinspected by Department personnel prior to the vehicle being used to transport school pupils.

(3) If PAB vehicle inspections result in mechanical violations which would affect safe vehicle operation, vehicle reinspections will be conducted without the requirement to submit a new application or additional fees.

d. Drivers’ Records. Pupil Activity Bus drivers are required to have the appropriate class driver license for the vehicle being driven (minimum Class B), endorsed for passenger transportation, and either a school bus driver or school pupil activity bus (SPAB) special driver certificate in possession while operating vehicles under the PAB exception contained in CVC Section 545(k). Therefore, after ascertaining which drivers will be utilized by a motor carrier to operate these

vehicles, Department of Motor Vehicles' (DMV) Pull-Notice reports shall be inspected for all such drivers to ensure compliance with CVC Section 12517.45.

(1) If documents are obtained which establish viable proof a driver operated a CVC Section 545(k) vehicle in violation of CVC Section 12517.45, those documents shall be seized utilizing the CHP 343C, Records Receipt, process contained in Chapter 3, Field Activity and Activity Inspection Reports, of this manual. The appropriate violation(s) shall be documented in the terminal inspection report. A recommendation to the Division SSC shall be made, through appropriate channels, for the issuance of a citation to the driver.

e. Preventive Maintenance.

(1) An annual inspection and evaluation of each PAB operator's preventive maintenance and periodic inspection program for compliance with 13 CCR Section 1232 is required. Pupil Activity Buses are required to be inspected by the motor carrier, as part of an effective periodic preventive maintenance program, every 3,000 miles or 45 calendar days, pursuant to 13 CCR Section 1232(b).

f. Terminal Inspection.

(1) During an annual tour bus terminal inspection for rating, and after the completion of an appropriate inspection sample of buses, the terminal inspection shall be completed and the report signed by, and issued to, the motor carrier. The inspection sample shall include one or more PAB vehicles, depending on carrier fleet size. If the motor carrier subsequently requests the inspection of additional CVC Section 545(k) vehicles, the vehicles shall be inspected independent of the terminal inspection process.

(2) If the subsequent inspection of additional PAB vehicles results in OOS vehicles which exceed 20 percent of a routine inspection sample, based on the carrier's overall fleet size, a separate tour bus ("T") inspection report shall be completed, assigning the appropriate "Unsatisfactory" rating in the vehicle and maintenance program categories, and other inspection categories marked as not applicable (N/A).

(3) Contracts or agreements to provide school pupil activity transportation, defined in CVC Section 545(k), will generally be between the tour bus operator and any entity other than a school district. Contractual agreements between schools and tour bus operators require the use of SPAB-certified vehicles and drivers.

(4) Maintenance records, along with records relating to appropriate driver licensing, endorsement, and special driver certificate requirements, shall be

inspected by MCSU personnel on an annual basis as part of the required terminal inspection.

5. CARRIERS OPERATING WITHOUT AUTHORITY OR USING UNQUALIFIED DRIVERS.

California Public Utilities Code (CPUC) Section 5387(a) prohibits operation as a Charter Party Carrier of Passengers without a valid permit or certificate issued by the PUC. The CPUC Section 5387(b), and CVC Section 13369(e), require anyone who has driven a bus for a Charter Party Carrier of Passengers without a valid license of the appropriate class, or without any required certificate, to be barred from operating any bus for a period of at least five years. The CPUC Section 5387(c) requires the PUC to permanently revoke carrier's TCP permit/certificate, or bar a motor carrier from obtaining a TCP, when any of the aforementioned violations have been committed.

a. Charter Party Carrier of Passengers Without Authority. The MCS I shall annotate the report with the appropriate violation when a bus terminal inspection is completed and it is discovered a carrier operated as a Charter Party Carrier of Passengers under either of the following conditions: the motor carrier has not been issued a TCP permit or certificate; the motor carrier's TCP permit or certificate was suspended. For example:

- (1) The CPUC Section 5371 - Carrier operated as a Charter Party Carrier of Passengers without having first obtained the required certificate or permit from the PUC.
- (2) The CPUC Section 5379 - Carrier operated as a Charter Party Carrier of Passengers while their operating authority was suspended, revoked, expired or denied.

(a) Specific written direction shall be provided to carriers who do not possess an active permit or certificate to cease operation as a Charter Party Carrier of Passengers. Carriers should also be advised that the PUC shall be notified of the violation. Documentation supporting the violation shall be retained utilizing the CHP 343C process contained in Chapter 3 of this manual.

b. Unqualified/Disqualified Drivers. During inspections of drivers' records, when it is determined that an unqualified or disqualified driver, as defined in Chapter 2 of this manual, operated a tour bus when the driver license status prohibited such operation (or the driver did not possess any required certificate), current policy in Chapters 1 and 2, of this manual, shall continue to be utilized regarding the assignment of terminal ratings and recommendations to the PUC.

- (1) The MCS I shall annotate the report with the appropriate violations; for example:

(a) Sections 12517 and 12517.45 CVC - motor carrier allowed, or permitted the operation of a bus by a driver who did not possess the required certificate.

(b) Section 14601-14601.5 CVC - motor carrier allowed, or permitted the operation of a bus by a driver while the license was suspended.

(c) Section 14606(a) CVC - motor carrier allowed, or permitted the operation of a bus by a driver who did not possess a driver's license of the appropriate class.

(d) Section 14606(b) CVC - motor carrier allowed, or permitted the operation of a bus by a driver who was not medically qualified.

(e) Section 15275(a) CVC - motor carrier allowed, or permitted the operation of a bus by a driver who did not possess a passenger endorsement.

(2) Specific written direction shall be provided to the motor carrier prohibiting any driver whose driving privilege is invalid from operating a bus. Records supporting the violation(s) shall be retained utilizing the CHP 343C process contained in Chapter 3 of this manual. Carriers should also be advised that the PUC will be notified of the violation. If a recommendation to deny or suspend the motor carrier's operating authority is anticipated, CVS shall be notified of the forthcoming recommendation by e-mail. However, the aforementioned e-mail notification shall not extend the required time frames regarding the submission of negative recommendations, identified in this chapter and Chapter 1 of this manual. Additionally, a recommendation to the Division SSC, through appropriate channels, shall be made for the issuance of a citation to the driver.

NOTE: When CPUC Section 5387(c)(1)(E) states, "if a carrier knowingly employs a bus driver who does not have a valid license of the proper class..." "knowingly" means that the carrier knew or should have known if they had complied with CVC Section 1808.1 or other applicable requirements. Also, the mere fact that the carrier employed a driver is not significant, unless there is articulable proof that an unqualified/disqualified driver operated a bus for the motor carrier.

c. Violations of Public Utilities Code, Section 5387. When violations of CPUC Section 5387 are discovered, the violations shall be documented on a CHP 343. When it is determined the motor carrier required or permitted an unqualified or disqualified driver to operate a bus, or the carrier operated without the required operating authority, but the carrier operation does not rise to the level of sufficiently unsatisfactory, consistent failure, or imminent danger, as to justify a

recommendation for suspension or denial of their operating authority, a memorandum (see Annexes A and B) shall be forwarded to CVS by the Division commander. A copy of the completed report, including the CHP 343C and all associated documents supporting the violation, shall accompany the memorandum. When it is determined a motor carrier operated one or more vehicles not properly registered with the DMV, policy contained in Chapter 1 of this manual shall be followed.

(1) Negative recommendations shall include language outlining the violation(s) discovered and recommend the CHP 343 and all associated documents supporting the violation be forwarded to the PUC for review and any action deemed appropriate. Memorandums shall be received by CVS not later than 30 days following the date the violation is discovered and documented, or the date of the carrier's signature on the inspection report. Commercial Vehicle Section will prepare an endorsement for review and approval by Enforcement and Planning Division.

ANNEX A

SAMPLE MEMORANDUM – CARRIER WITHOUT OPERATING AUTHORITY

M e m o r a n d u m

Date: March 1, 2016

To: Enforcement and Planning Division
Attention: Commercial Vehicle Section

From: DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
Mountain Division

File No.: 901.1234.A12345.CA5678

Subject: RECOMMENDATION TO FORWARD INFORMATION TO THE PUBLIC UTILITIES COMMISSION

On (Month Day, YYYY), the Mountain Division Motor Carrier Safety Unit completed a terminal inspection of (Complete carrier name and CA number), located at (Complete Address, City, State, and Zip Code). The inspection revealed that the carrier required or permitted the operation of a (School Bus, School Pupil Activity Bus, Tour Bus) without an active permit or certificate issued by the California Public Utilities Commission. As a result, Mountain Division recommends the attached Safety Compliance Report/Terminal Record Update and associated supporting documents be forwarded to the California Public Utilities Commission for review and any action deemed appropriate.

I. N. Charge
Chief
Attachments



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ANNEX B

SAMPLE MEMORANDUM – UNQUALIFIED/DISQUALIFIED DRIVER

State of California

Transportation Agency

Memorandum

Date: March 1, 2016

To: Enforcement and Planning Division
Attention: Commercial Vehicle Section

From: DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
Mountain Division

File No.: 901.1234.A12345.CA5678

Subject: RECOMMENDATION TO FORWARD INFORMATION TO THE PUBLIC UTILITIES COMMISSION

On (Month Day, YYYY), the Mountain Division Motor Carrier Safety Unit completed a terminal inspection of (Complete carrier name and CA number), located at (Complete Address, City, State, and Zip Code). The inspection revealed that the carrier required or permitted a driver to operate a (School Bus, School Pupil Activity Bus, Tour Bus) without (a valid driver's license of the appropriate class) (the required special driver's certificate). As a result, Mountain Division recommends the attached Safety Compliance Report/Terminal Record Update and associated supporting documents be forwarded to the California Public Utilities Commission for review and any action deemed appropriate.

I. N. Charge
Chief
Attachments

Safety, Service, and Security
CHP 51 (Rev. 06/2013) CPH 076



An Internationally Accredited Agency

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