

**CHAPTER 9**  
**INSPECTION AND MAINTENANCE STATION LICENSES**

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## CHAPTER 9

### INSPECTION AND MAINTENANCE STATION LICENSES

#### 1. GENERAL.

- a. Appraisal. Appraisal of applicant fitness prior to initial issuance, and at least once during the term of any CHP 360F, Inspection and Maintenance Station License (IMS), is a responsibility assigned to Division Motor Carrier Safety Units (MCSU).
- b. Coordination. Coordination of the IMS license program is provided by Commercial Vehicle Section (CVS).
- c. Priority. Necessary Division MCSU inspection and monitoring shall be in accordance with priorities established in Chapter 1 of this manual (i.e., it shall be performed ahead of terminal inspections of all unlicensed cargo carriers).

#### 2. LICENSING.

- d. Policy and Procedures. Policy and general procedures for IMS license processing and handling are contained in Highway Patrol Manual (HPM) 82.1, Licenses and Permits. Requirements are contained in Title 13 California Code of Regulations (13 CCR) 615 through 619.2.
- e. Current Licensees. A current IMS listing is available through the Management Information System of Terminal Evaluation Records (MISTER) Home Page on the Department's Intranet, by selecting "MISTER Reports," then "Inspection and Maintenance Station Licenses."
- f. Appraisal - Initial. Inquiries relative to obtaining an IMS license are to be referred to the appropriate Division MCSU for handling.

(1) The prospective applicant shall be contacted and furnished a copy of 13 CCR 615 through 619.2. Basic requirements shall be explained, and whether necessary codes and other publications are maintained in accordance with 13 CCR 616(b) and (c), determined. Except as provided in (5)(c) below, verification that at least one full time journey-level mechanic is employed shall be obtained before continuing. If the applicant owns/operates vehicles described in California Vehicle Code (CVC) Section 34501.12, the location to be licensed must be enrolled in the Biennial Inspection of Terminals (BIT) Program.

(2) A terminal inspection shall be conducted as provided in Chapter 2 of this manual. Each licensed IMS shall have an adequate preventive maintenance program, as evidenced by three consecutive terminal inspections with “satisfactory” ratings in the Maintenance Program category, and the terminal’s most recent overall safety compliance rating shall be “satisfactory.” The terminal inspection required by this paragraph may be counted as one of these ratings.

(3) If qualified, the applicant may be provided a CHP 361N, Application for Fleet Owner Inspection and Maintenance Station License, and instructions; or shall be advised to obtain one from CVS, P. O. Box 942898, Sacramento, CA 94298-0001. The requirement that the application must be mailed within 60 days should be emphasized.

(4) If not qualified, the carrier shall be notified verbally, and suitable notation made on the CHP 343, Safety Compliance Report/Terminal Record Update. Arrangements for reappraisal may be made if it appears that the applicant is sincere and if work load permits.

(5) Factors to be considered when appraising fitness of a prospective applicant follow:

(a) Carrier must be the owner of three or more vehicles of the type(s) specified in Section 34500 CVC, who is engaged in the transportation of persons or property, and whose vehicles are registered in California.

(b) Copies of applicable codes and manuals must be maintained, even if a substantial amount of repair work is performed elsewhere (refer to paragraph d., below). This is to ensure that necessary information is available to the superintendent of maintenance.

(c) A full time journey-level mechanic need not be employed if all maintenance and inspection functions are performed by the superintendent of maintenance.

(d) An adverse finding as to the prospective applicant’s qualifications is, in effect, a denial. It must be supported by facts which clearly indicate lack of the basic qualifications required by 13 CCR 616.

g. Maintenance of Code Publications. Now that many official publications, such as laws and regulations, are available to the public in electronic form (i.e., computer storage media and over the Internet [online]), the MCS

conducting inspections of IMS licensee terminals shall accept online access to the required publications in 13 CCR 616(a).

(1) At least one individual who is assigned by the motor carrier to that terminal, and is normally available every day the terminal operates, is able to demonstrate to the MCS that he or she can readily access the required publication at its official Internet web site. "Readily access," means that the correct web site is "bookmarked" or the individual has a written reference to the Universal Resource Locator, which he or she can type into the Internet access software, and go directly to the correct site without having to navigate or use search tools to find the desired site. The individual must be able to demonstrate the ability to go to a specific section within the code and display it on the computer screen.

NOTE: Sometimes a specific web page is not registered as a web site in its own right; only its parent "home page" is. In such cases, a user may need to type in a web site address which does not take the user directly to the publication, but rather to a government agency's home page or other registered page, from which further electronic links will take the user to the desired publication. This is to be considered "direct access" for purposes of this policy.

(2) The web site used to access the information must be the official site of the government agency whose code is being referenced. These Internet web addresses may be renamed or replaced by other addresses at any time. Listed below are the web addresses for the CVC, 13 CCR and 49 Code of Federal Regulations (CFR) as they currently exist.

(a) The CVC: <http://www.dmv.ca.gov/pubs/vctop/vc/vctoc.htm>. This is a Department of Motor Vehicles web site.

(b) Title13 CCR: <http://www.oal.ca.gov/>. This is the Office of Administrative Law's home page. All titles of the CCR may be reached by link from this page.

(c) Code of Federal Regulations 49: <http://www.access.gpo.gov/nara/cfr/index.html>. This is a National Archives and Records Administration website.

(3) If the IMS-licensed terminal discontinues its access to the Internet, no longer has an individual who knows how to access the publications and access the specific sections needed, or an official web site ceases to be available for more than one month, the IMS licensed terminal shall

be required to obtain the current printed version of the codes in question within a reasonable time.

(4) Temporary outages of Internet service shall not be considered a failure to maintain access to the required publications. Outages of more than a few days are rare for most Internet service providers (ISP), but if such occurrences become frequent, the terminal manager must take steps to obtain access through another ISP, or obtain the required printed publications.

h. Appraisal - During License Term. Divisions shall provide a suspense system for an annual terminal evaluation. This may be accomplished through the use of MISTER.

(1) Division MCSU may make the appraisal based on records of a terminal inspection conducted within the previous 60 days or; alternately, shall promptly schedule an appraisal inspection. The latter shall be conducted in the same manner as if the licensee was applying for an initial IMS license, except for the following additional items:

(a) Ascertaining appropriate personnel are regularly employed.

(b) Randomly inspecting the IMS sticker register to determine if proper records of stickers applied to vehicles are maintained.

(c) Ascertaining reasonable precautions are in force to prevent misuse or theft of stickers.

(d) Verifying proper display of the current IMS license.

(e) Determining whether identification of vehicles bearing stickers and sticker serial numbers are correctly reflected in station records.

(f) Determining whether serious mechanical defects noted on stickered vehicles existed at the time of sticker issuance.

(2) Once issued an IMS license, a fleet owner is entitled to renewal of the license; however, action can be taken to suspend or revoke it at any time for a failure to meet the requirements of 13 CCR 615 619.1. Noncompliance should be thoroughly documented for possible future use in a disciplinary action.

(a) Licensees should be advised of any discrepancies noted and given a specific period in which to correct them.

(b) Failure to make any attempt to correct serious discrepancies or flagrant violation of regulations concerning their licensed activities is a basis for disciplinary action.

(c) A warning letter (refer to Annex A of this chapter) may be employed to indicate intention to initiate disciplinary action in cases where compliance cannot be obtained by other means.

(d) Disciplinary action, when necessary, shall be in accordance with provisions of HPM 82.1, Licenses and Permits. The license will remain in force and may be renewed pending the outcome of an administrative hearing.

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**ANNEX A**  
**SAMPLE WARNING LETTER**

State of California-Business, Transportation and Housing Agency

ARNOLD SCHWARZENEGGER, Governor

**DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

Field Division

Mailing

Address

(800) 735-2929 (TT/TDD)

(800) 735-2922 (Voice)



(Date)

File

No.:

(Licensee Name)

(Street Address)

(City, State and ZIP Code)

(Salutation)

This is to inform you that an inspection to determine compliance of your terminal to operate an Inspection and Maintenance Station at (street address), city, state and ZIP code) was completed on (date of recommendation).

The following violations were noted:

(Each applicable law or regulation violated, followed by a brief description of the discrepancy.)

In view of (the flagrancy of the violations) (your continued lack of compliance), you are warned that immediate corrective action is required in order to maintain validity of your license.

Your station will be inspected again in (number) days. If the foregoing violations have not been corrected at that time, action to revoke your license may be initiated.

Sincerely,

(Signature)

(Office designation)