

INFORMATION BULLETIN



May 23, 2023

VEHICLES NEVER OPERATED IN COMMERCIAL USE

Section 34601 of the California Vehicle Code (CVC) defines a commercial motor vehicle (CMV) as it pertains to the Motor Carrier of Property Permit (MCP) Act. Pursuant to Section 34601(c)(2)(G) CVC, a CMV does not include a vehicle with a gross vehicle weight rating of less than 26,001 pounds, when operated singly, or when used to tow a camp trailer, trailer coach, fifth-wheel travel trailer, trailer designed to transport watercraft, or a utility trailer, **never operated in commercial use**. This exception is not applicable to vehicles operated by motor carriers as defined in Section 408 CVC.

Vehicles described in Section 34601(c)(2)(G) CVC are **not subject** to the following:

- Section 27900 CVC—Display of company name or trademark.
- Section 34501.12 CVC—Basic Inspection of Terminal requirements.
- Section 34507.5 CVC—Carrier identification number requirements.
- Section 34620 CVC—MCP requirements.

Additionally, pursuant to Section 390.3(f)(3) of Title 49 of the Code of Federal Regulations, the Federal Motor Carrier Safety Administration exempts vehicles used in interstate operations which are never operated in commercial use from the rules contained in parts 390 to 399.

The vehicles described in Section 34601(c)(2)(G) CVC are not regulated by the Department of Motor Vehicles, via the MCP Act, and would not be covered under Section 34500(j) CVC unless regulated by the California Department of Consumer Affairs or the U.S. Secretary of Transportation. However, they could potentially fall within the scope of Section 34500 CVC if they met the provisions of either:

- Subdivision (f)—A combination of a motor truck and a vehicle or vehicles set forth in subdivision (e) that exceeds 40 feet in length when coupled together.



NOTE: Subdivision (e) includes trailers and semitrailers, pole or pipe dollies, auxiliary dollies, and logging dollies. It does not include camp trailers, trailer coaches, and utility trailers.

- Subdivision (g)—A vehicle, or combination of vehicles, transporting hazardous materials.

If a vehicle described in Section 34601(c)(2)(G) CVC does not otherwise meet the provisions of Section 34500 CVC, the vehicle is not subject to:

- Division 14.8 CVC pertaining to Safety Regulations (Sections 34500 through 34520.5 CVC).
- Chapter 6.5, Motor Carrier Safety; and Chapter 7, Cargo Securement Standards, of Division 2 of Title 13 of the California Code of Regulations (Sections 1200 through 1300).

Section 2813 CVC requires every driver of a commercial vehicle to stop and submit the vehicle to an inspection of the size, weight, equipment, and smoke emissions of the vehicle at any location where members of the CHP are conducting tests and inspections of commercial vehicles and when signs are displayed requiring the stop. The definition for commercial vehicle, as used in Section 2813 CVC, is found in Section 260 CVC and includes a motor vehicle “designed, used, or maintained primarily for the transportation of property.” This definition includes those vehicles described in Section 34601(c)(2)(G) CVC. Drivers operating a commercial vehicle, as defined in Section 260 CVC, shall stop and submit to an inspection at any location where the CHP displays signs requiring the stop.

A North American Standard (NAS) Level VII inspection applies to those vehicles described in Section 34601(c)(2)(G) CVC which do not fall within the scope of Section 34500 CVC. These vehicles are subject to the applicable provisions of the CVC.

An NAS Level I inspection still applies to vehicles never operated in commercial use but fall within the scope of Section 34500 CVC.

Questions regarding this Information Bulletin may be directed to the Commercial Vehicle Section, at (916) 843-3400.

OFFICE OF THE COMMISSIONER

OPI: 062