

Do it Yourself Kit

A reference guide assembled
to help your company
understand how to do it
yourself and get truckin'.

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Do It Yourself Kit

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Preface/Disclaimer

Do It Yourself Kit

This document contains resources provided by Jay Johnson & Associates, LLC. It is not designed as a standalone compliance manual on the topic of doing to yourself but as a reference resource.

It is not a legal or official document. The information contained herein provides a basis from which a carrier can reference and use as an informational guide for setting up internal processes and programs. For questions or more information, consult the official agency with jurisdiction, or contact the Jay Johnson & Associates, LLC team.

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JAY JOHNSON & ASSOCIATES, LLC

COMMERCIAL VEHICLE SAFETY




Welcome to our Do it Yourself Kit Resource Guide for Intrastate motor carriers created and organized by Jay Johnson & Associates, LLC. In it, we offer a foundation that carriers can utilize as a reference and informational guide for establishing internal processes and programs.

We created this resource as a reference to help your company establish or refine compliant programs and procedures and get truckin'. It addresses new carrier guidance for intrastate, terminal management compliance, Controlled Substance and Alcohol Testing (CSAT), Motor Carrier of Property Permit information. As well as the unique details of a California CHP BIT program. Further, it provides Jay Johnson Associates' Vehicle Maintenance Program guidance.

This resource contains current checklists from the CHP to ensure you have everything you need.

Safety in service, excellence in compliance—your vehicle's best ally is Jay Johnson & Associates, LLC.

Helpful Resource Links

<p>Compliance</p> <p>https://jjassociates.us/</p>	<p>Have all the details of compliance left you lost? Safety compliance is what we do. Contact us today so we can lead you to be a compliant carrier.</p> 
<p>DOT/ INTERSTATE</p>	
<p>FMCSA Unified Registration System (URS)</p>	 <p>Motor carriers use the FMCSA Unified Registration System to register their businesses for interstate commerce in the U.S legally.</p>
<p>Updating Your Registration or Authority</p>	<p>You are required to update your authority information when changes within your company occur, and at minimum biennially. This site will explain how to do the update.</p> 
<p>Request a PIN Number</p>	 <p>Lost your DOT PIN? Use this link to request your DOT PIN be emailed or mailed to you.</p>
<p>The FMCSA Motor Carrier Safety Planner FMCSA Safety Planner Forms Library</p>	<p>This online guide provides explanations and templates to help understand and comply with federal safety regulations. The Safety Planner provides forms and templates that can/should be used by a carrier.</p> 
<p>Resources for Passenger Carrier Companies</p>	 <p>Information for Passenger Carrying companies. Resources include safety information, registration requirements, and regulation information.</p>
<p>FMCSA Drug and Alcohol Clearinghouse</p>	<p>The Clearinghouse checks are required for all CDL drivers. Here are the instructions. See the dropdown menu on the site for informational resources.</p> 
<p>DOT Safety and Fitness Electronic Records (SAFER) System</p>	 <p>The Safety and Fitness Electronic Records (SAFER) System offers company safety data to the public. The “Company Snapshot” is a comprehensive overview of the information the FMCSA has for the company.</p>
<p>Unified Carrier Registration Plan (UCR)</p>	<p>Companies involved in interstate travel must pay an annual registration fee based on the total number of vehicles in their fleet. This is the site to register and pay your annual dues.</p> 
<p>International Fuel Tax Association Inc. (IFTA)</p>	 <p>Companies involved in interstate travel must pay annual fees based on the redistribution of fuel taxes paid by interstate commercial carriers.</p>

International Registration Plan, Inc. (IRP)	 <p>As an interstate carrier there are fees that are based on the distance traveled within each state. This is the registration site.</p>
Department of Motor Vehicles	
DMV Motor Carrier Permit Application	<p>Operate in California? You need a Motor Carrier of Property Permit. This application can be done on paper or online at the DMV website.</p> 
DMV Employer Pull Notice Program	 <p>In California, an MVR is not enough. You must be registered in the Employer Pull Notice Program. A pull notice is generated annually and when there is activity.</p>
CHP/ California - Intrastate	
CHP Commercial Vehicle Section	<p>Guide to helpful information, division contact information, and resources provided by the CHP.</p> 
CHP Carrier Inspections Results	 <p>This site offers company safety data to the public regarding CHP BIT inspections.</p>
California Vehicle Code	
California Vehicle Code	<p>This link to the California Vehicle code contains information about traffic laws in California.</p> 
Title 13 California Code of Regulations	
Title 13 California Code of Regulations	 <p>This link to the Title 13 California Code of Regulations contains information about motor vehicle regulations in California.</p>
Title 49 Code of Federal Regulations	
Title 49 Code of Federal Regulations	<p>This link to the Title 49 Code of Federal Regulations contains information about federal motor vehicle regulations.</p> 
PHMSA	
Pipeline and Hazardous Materials Safety Administration	 <p>The PHMSA website will provide information regarding your placarding, education, and permit requirements for hazmat.</p>



CDL QUICK REFERENCE GUIDE

CDL Basics [49 CFR §§ 383 & 384]

Generally, commercial motor vehicle (CMV) operators must possess a valid commercial drivers license (CDL). Individual states are responsible for the issuance and control of CDLs for drivers domiciled within the state. State CDL statutes are generally derived from the Federal Motor Carrier Safety Administration (FMCSA) promulgated regulations found in Title 49 of the Code of Federal Regulations (CFR). Federal mandates ensure similar CDL regulation among states. Each state will have some variances and individual state law must be consulted.

Relevant Federal Regulations

- ◆ Code of Federal Regulations: www.ecfr.gov

CDL Informational Publication

- ◆ Commercial Drivers' Licenses: A Prosecutor's Guide to the Basics of Commercial Motor Vehicle Licensing and Violations (Second Edition): http://www.ndaa.org/pdf/CDLMono_REV2017_FinalWeb.pdf
- ◆ When is a CDL Required?: <http://www.ndaa.org/pdf/CDL%20animated%20chart.pdf>
- ◆ Commercial Driver Licensing Laws: http://www.cdlresources.org/state_law.html

Masking [49 CFR § 384.226]

A federal regulation adopted by every state encourages courts and licensing authorities to create the most accurate driver's history (for in-state and out-of-state CDLs) and to ensure that appropriate enforcement action is taken against unsafe CDL holders. While differences exist from state to state, the basic 'anti-masking' language prevents states from deferring imposition of judgment, allowing diversion programs or otherwise taking action to prevent a conviction for violating a traffic control law from appearing on a CDL holder's driving record. The anti-masking provisions generally apply whether the CDL holder was operating a CMV or a non-CMV at the time of the offense.

Understanding Masking in the Courts

- ◆ Unmasking CDL Convictions: <http://www.ndaa.org/pdf/BTL%20JulAug%202011%20Vol19%20No4.pdf>
- ◆ Commercial Driving Resource Center - Issues: <http://cd.trafficresourcecenter.org/Legal/Issues.aspx>
- ◆ Commercial Driving Resource Center - Webinar: <http://www.cdlresources.org>

CDL/CMV Enforcement

Each state has specialized officers who conduct vehicle and operator inspections in accordance with FMCSA regulations. As with any vehicle, however, road officers can enforce basic rules of the road on CMVs. Thousands die each year in CMV involved collisions. Enforcing road safety laws on CMVs should be a regular component of law enforcement in every state, county, and local jurisdiction. Effective training aids and informational resources exist to assist road officers in this type of vehicle stop and enforcement. Officers should always document (in the location appropriate to the charging document) if a citation or charge involves a CMV and/or CDL holder.

Effecting CMV Stops Videos

- ◆ 18 Wheels and Busted: <http://www.youtube.com/watch?v=KGvhd4QIc8E&feature=plcp>
- ◆ Pull 'Em Over: <http://vimeo.com/52227953>

CDL Recognition/Inspection

- ◆ Fraudulent CDLs: <http://www.theiacp.org/Fraudulent-Commercial-Drivers-Licenses>

FMCSA Large Truck and Bus Enforcement

- ◆ Training Course: <http://www.fmcsa.dot.gov/safety/driver-safety/large-truck-and-bus-traffic-enforcement>

Medical Qualifications [49 CFR § 391.41]

CMV operators are generally required to submit to medical examination every two years to screen out physical or mental diagnoses that could interfere with safe CMV operation. As part of the examination, drivers complete a lengthy medical questionnaire which may be retained by the examiner or the state and may have evidentiary value in any case in which a medical defense is asserted. Drivers successfully completing the medical examination will be deemed as medically qualified and receive a medical card (states are currently transitioning from hard-copy cards for drivers to digitally maintained records). Medically unqualified drivers may be reported to the state licensing authority.

Medical Certification Requirements

- ◆ Commercial Driver's License Program – Medical: <http://www.fmcsa.dot.gov/registration/commercial-drivers-license/medical>

Medical Certification Forms

- ◆ Medical Examination Report: <https://www.fmcsa.dot.gov/medical/driver-medical-requirements/driver-medical-fitness-duty>
- ◆ Medical Examiner's Certificate: <http://www.fmcsa.dot.gov/documents/safetyprograms/Medical-Examiners-Certificate.pdf>

Drugs, Alcohol, & CMVs [49 CFR §§ 392.4 & 392.5]

Generally, FMCSA promulgated regulations (adopted by individual states) prohibit CMV operators from possessing or using alcoholic beverages, Schedule I [21 CFR § 1308.11] substances, amphetamine, narcotic drugs, or other impairing substances. Similarly, drivers may not be medically qualified if taking methadone or marijuana. Drivers may be placed out of service (by properly authorized enforcement officers) if found operating a CMV with any measurable blood/breath alcohol concentration. Federal regulations (adopted by individual states) mandate no less than a one year CDL disqualification for CMV operators found to have driven a CMV with a BAC of .04% or greater. Some states have adopted the .04% standard as an alternate *per se* level when charging impaired operators of CMVs.

Employer Based Drug Testing

- ◆ FMCSA Drug & Alcohol Testing Program: <https://www.fmcsa.dot.gov/regulations/drug-alcohol-testing-program>

Impaired Driving and CDLs/CMVs

Each state defines impaired driving in accordance with its own statutes and case law. Impaired driving in a CMV can be particularly dangerous due to the size and nature of the vehicle as well as the type of load being carried. In order to ensure safe driving behavior at all times, strict CDL disqualification regulations have been promulgated by FMCSA and adopted by all states. An impaired driving and/or implied consent conviction by someone who holds a CDL (or who should have held a CDL based on the type of vehicle being driven) will result in no less than a one year CDL disqualification. This disqualification is mandatory whether the CDL holder was operating a CMV or a non-CMV at the time of the offense. CDL holders are generally ineligible for impaired driving diversion programs that result in no conviction appearing on the driver's record. CDL holders who assert medical defenses to impaired driving may have their medical examination history (as related to their CDL medical certification) investigated by police or prosecution.

Impaired Driving Information

- ◆ Impaired Driving: http://www.ndaa.org/ntlc_impaired_driving.html
- ◆ Commercial Driver Licenses - The CDL Holder in a DUI/DWI Case: <http://www.cdlresources.org>

For a digital version of this document and a full list of CMV/CDL resources, visit http://www.ndaa.org/ntlc_commercial_vehicles.html

Hazardous Materials

Special regulations govern the transportation of hazardous materials (Hazmat or HM) due to concerns over both roadway safety and homeland security. Additional state laws may apply. Officers should be aware of potential dangers posed by the presence of Hazmat during any traffic stop. Federally mandated placards indicating the presence of HAZMAT should be noted. Courts should be aware that many traffic violations carry increased/additional penalties and CDL disqualification periods if committed while the driver was transporting Hazmat.

Federal Hazmat Information

◆ *Hazardous Materials – HM:*
<http://www.fmcsa.dot.gov/safety-security/hazmat/hm-theme.htm>

◆ *Hazmat Endorsement Threat Assessment Program:*
<https://www.tsa.gov/for-industry/hazmat-endorsement>

Placards/Safety Marks on CMVs

◆ *Placarding/Safety Marks and Their Reason for Being:*

<https://issuu.com/cvsaorg/docs/cvsa-guardian-3rd-qtr-2013>

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CMV Crashes

A crash involving a CMV and/or a CDL holder may involve additional evidentiary or statutory issues. Criminal negligence or recklessness standards may be different for a professional driver subject to special regulations. State commercial driver license testing manuals (similar to those provided for all driver's license candidates) are a valuable tool for understanding the specialized training received by CDL holders and the additional responsibilities held by CMV drivers. Relevant records, including vehicle maintenance, other crash information, and drug test results, may be kept by a CDL holder's employer.

Federally Mandated Post-Crash Drug Testing

◆ *FMCSA – Drug Testing Guide:*

<https://www.fmcsa.dot.gov/regulations/drug-alcohol-testing-program>

<https://www.fmcsa.dot.gov/regulations/drug-alcohol-testing/what-tests-are-required-and-when-does-testing-occur>

CMV Related Criminal Activity

In addition to violations of traffic laws, CMVs may be involved in various forms of criminal activity. Such activity may be related to serious crimes. Officers and prosecutors handling CMV-involved crimes including prostitution, production/distribution of drugs (or other contraband), or fraud should be alert for evidence of organized crime. Resources exist to assist local and state agencies with the investigation and prosecution of criminal enterprises.

Human Trafficking and CMV

◆ *Truckers Against Trafficking Training Video:* <http://truckersagainstrafficking.org/>

◆ *FBI Law Enforcement Bulletin – Human Sex Trafficking:*
<http://leb.fbi.gov/2011/march/human-sex-trafficking>

Violent Crime and CMVs

◆ *FBI – Highway Serial Killings:* http://www.fbi.gov/news/stories/2009/april/highwayserial_040609

Moving Fraud

◆ *FMCSA – Protect Your Move:* <https://www.protectyourmove.gov/>

International CMV Drivers

Drivers with valid CDLs from all fifty states and the District of Columbia may operate appropriate vehicles in interstate commerce. Additionally, drivers with valid CDLs or equivalent licenses from Canada and Mexico may operate CMVs with the United States in accordance with international agreements. There is no international drivers license that permits CMV operation by individuals not legally entitled to do so by a state (or the District of Columbia), the federal government of Mexico, or a province or territory of Canada.

Information on International Reciprocity Programs

◆ *FMCSA – International Programs:* <http://www.fmcsa.dot.gov/international-programs>

Hours-of-Service

In order to prevent fatigued driving, FMCSA promulgates rules curtailing the number of hours a commercial driver can remain on-duty. Break periods are mandated and regulated. Generally, these regulations are enforced by designated officials within each state. CMV operators found in violation of these rules may be placed out of service. Hours-of-Service (HOS) regulations may be subject to revision and are published frequently.

Current HOS Regulations

◆ *Summary of Hours-of-Service Regulations:*
<http://www.fmcsa.dot.gov/regulations/hours-of-service>

Distracted Driving

State and federal laws prohibit distracted driving. State laws may vary on the types of distracted driving disallowed. One common form of distracted driving is texting or the use of handheld mobile devices during vehicle operation. CMV operators may also have access to on-board computers or other interactive devices that may pose distractions. Because distracted driving in a CMV can pose serious safety risks, law enforcement officers and courts should be aware of controlling state laws. Federal regulations require 'one-touch' or hands-free operation of cell phones and similar devices.

Hand-Held Device Ban

◆ *No Texting Rule Fact Sheet:* <http://www.fmcsa.dot.gov/driver-safety/distracted-driving/no-texting-rule-fact-sheet>

◆ *Mobile Phone Restrictions Fact Sheet:* <http://www.fmcsa.dot.gov/driver-safety/distracted-driving/mobile-phone-restrictions-fact-sheet>

Information on CMVs and Distracted Driving

◆ *Defeating Distracted Driving:*

<http://cvsa.org/program/programs/operation-safe-driver/resources/defeat-distracted-driving-commercial-driver-safety-campaign/defeat-distracted-driving-materials>

◆ *Driver Distraction in Commercial Vehicle Operations:*

<http://www.fmcsa.dot.gov/facts-research/research-technology/report/FMCSA-RRR-09-042.pdf>

<http://www.fmcsa.dot.gov/facts-research/research-technology/report/FMCSA-RRR-09-042.pdf>

Equipment Violations/Vehicle Inspections

Specially authorized enforcement officers are responsible for conducting vehicle, driver, and motor carrier inspections in accordance with specific criteria. While inspection criteria are uniform, the agency designated to perform the inspections may vary by state. Typically, such inspectors are employed by state law enforcement agencies. Such inspections notwithstanding, road officers may choose to take enforcement action consistent with state and local regulations if any vehicle is being operated in a condition that renders it unfit for safe travel. For situations involving a CMV, the officer may choose to contact a designated CMV inspector for assistance. State FMCSA field offices may also provide assistance with unsafe drivers or carriers.

CMV Inspection Information

◆ *Roadside Inspectors and CSA:*

https://csa.fmcsa.dot.gov/Documents/Roadside_Inspectors_and_CSA.pdf

◆ *North American Standard Inspection Program:*

<http://cvsa.org/inspections/inspections/>

◆ *CVSA Programs – Roadcheck:*

<http://cvsa.org/program/programs/international-roadcheck/>

Additional Assistance

◆ *FMCSA – Field Office Phone List:*

<http://www.fmcsa.dot.gov/mission/field-offices>

Additional Resources

American Association of Motor Vehicle Administrators: <http://www.aamva.org>

American Bar Association: <http://www.americanbar.org/aba.html>

American Trucking Associations: <http://www.trucking.org>

Commercial Vehicle Safety Alliance: <http://www.cvsa.org/home.php>

Federal Motor Carrier Safety Administration: <http://www.fmcsa.dot.gov>

Governors Highway Safety Association: <http://www.ghsa.org>

International Association of Chiefs of Police: <http://www.theiacp.org>

National Center for State Courts: <http://www.ncsc.org>

National Judicial College: <http://www.judges.org>

National Highway Traffic Safety Administration: <http://www.nhtsa.gov>

National Sheriff's Association: <http://www.sheriffs.org>

National Traffic Law Center: <http://www.ndaa.org/ntl home.html>

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NEW CARRIER GUIDANCE FOR INTRASTATE PROPERTY CARRYING MOTOR CARRIERS

Step 1: Obtain a United States Department of Transportation (USDOT) number issued by the Federal Motor Carrier Safety Administration (FMCSA). The online application can be found at this website:

<https://www.fmcsa.dot.gov/registration/getting-started>

The FMCSA regulates *interstate* commerce. When using the website to determine if a USDOT number is required, it may indicate a USDOT number is not required for *intrastate* commerce unless you are transporting hazardous materials in a quantity requiring the display of placards. Even though you may not be engaged in *interstate* commerce, or transporting hazardous materials, you are required by Section 34507.5(a)(1) of the California Vehicle Code (CVC) to obtain a USDOT number before obtaining a California identification number (CA number).

Step 2: Obtain a CA number. Submit a CHP 362, Motor Carrier Profile, to a local CHP Motor Carrier Safety Unit located on page 3 of the application. Be sure to include your USDOT number on the application, as a CA number cannot be issued without this information. The CHP 362, Motor Carrier Profile, can be found at this website:

<https://www.chp.ca.gov/Programs-Services/Programs/Commercial-Vehicle-Section>

Step 3: Obtain a Motor Carrier of Property Permit (MCP) using the CA number issued by the CHP. Submit a DMV MC 706 M, Application for Motor Carrier Permit, to the Department of Motor Vehicles (DMV), Motor Carrier Permit Operations Unit. The requirements for the MCP are explained on the application. The DMV MC 706 M and other information can be found at this website:

www.dmv.ca.gov/

The MCP application may be found by typing "MC 706 M" into the search field on the website.

NOTE Local DMV offices are not able to process information relating to MCP.

The California DMV, Motor Carrier Permit Operations Unit, processes applications for MCP. Their contact number is (916) 657-8153.

OTHER REQUIREMENTS

You are required to perform 90-day preventative maintenance on your vehicles and document this maintenance per Section 34505.5 CVC. The CHP provides a form, CHP 108, Truck and/or Tractor Maintenance & Safety Inspection, you may use to document your maintenance. The CHP 108 can be found at this website.

<https://www.chp.ca.gov/Programs-Services/Programs/Commercial-Vehicle-Section>

Drivers of regulated vehicles are subject to hours-of-service (HOS) requirements. One requirement of the HOS requirements is to document the driver's activity in a logbook. The logbook must contain the true and accurate activities of the driver, must be in the driver's possession while in the regulated vehicle, and current to last duty status change.

Exception to Logbook Requirement

Time records may be used as an exception to the logbook requirement, if the motor carrier and driver are in compliance with all of the following conditions:

1. Keep true and accurate time records. The following information is required for the time record, date, start time, end time, and hours worked. The time record must be maintained for a 6 month period, ***and***
2. Stay within 100 air mile radius of normal work reporting location, ***and***
3. Start and return and be released from duty within 12 consecutive hours, ***and***
4. 10 hour rest period between each 12 hours on duty.

HOS reference Sections 1212, 1212.5 & 1213 of Title 13 of the California Code of Regulations can be found at this website.

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I508F0B60D46911DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I508F0B60D46911DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

WELCOME TO BIT, THE BASIC INSPECTION OF TERMINALS (BIT) PROGRAM

CHP 800H (Rev. 10-16) OPI 062

Welcome to BIT

The Basic Inspection of Terminals (BIT) Program

Introduction

Terminal inspections have been conducted by the CHP since 1965 as a tool to determine if motor carriers are complying with Motor Carrier Safety regulations, particularly with regard to the legal requirement to maintain commercial motor vehicles according to a scheduled maintenance (preventive maintenance) program. The CHP's role is to determine whether carriers' selected maintenance schedules are adequate to prevent collisions or mechanical breakdowns involving the vehicles, and all required maintenance and driver records are prepared and retained as required by law.

Assembly Bill 529 was signed by Governor Edmund G. Brown on October 3, 2013, which created the Basic Inspection of Terminals (BIT) Program. The BIT program ensures the safe operation of regulated vehicles by motor carriers. Primarily, the intent of this program is to ensure truck terminals are inspected by the California Highway Patrol (CHP) on a performance-based inspection selection system.

Effective January 1, 2016, the terminal inspection requirements changed from a time-based inspection system to a performance-based inspection selection system. Terminals selected for inspection are based on the California Performance Safety Score (CPSS). The CPSS is derived from the Federal Motor Carrier Safety Administration (FMCSA) Safety Measurement System (SMS) Behavior Analysis and Safety Improvement Category (BASIC) percentiles. Generally, carriers with a BASIC percentile at or above the Federal alert level will have all California terminals selected for inspection. Additionally, the prioritized inspection of terminals includes those never before inspected and those from which hazardous materials are transported.

Who is a motor carrier for purposes of the BIT Program?

A motor carrier is defined in Section 408 of the California Vehicle Code (CVC) as the registered owner, lessee, licensee, or bailee of any vehicle set forth in Section 34500 CVC, who operates or directs the operation of any such vehicle on either a for-hire or not-for-hire basis.

Section 34501.12(a) CVC identifies vehicles subject to the BIT program as those described in Section 34500 CVC as listed below:

- Any motortruck of three or more axles that are more than 10,000 pounds Gross Vehicle Weight Rating (GVWR).
- Truck tractors.
- Trailers and semitrailers, pole or pipe dollies, auxiliary dollies, and logging dollies used in combination with vehicles listed above. This subdivision does not include camp trailers, trailer coaches, and utility trailers.
- A combination of a motor truck with a GVWR of more than 10,000 pounds, while towing any trailer listed above, which exceeds 40 feet in length when coupled together. Combinations which include a pickup truck as defined in Section 471 CVC or which are never operated in commercial use are excluded.
- A commercial motor vehicle with a GVWR of more than 26,000 pounds or a commercial motor vehicle of any GVWR towing trailers listed above with a GVWR of more than 10,000 pounds, except combinations including camp trailers, trailer coaches, or utility trailers.
- A vehicle, or a combination of vehicles, transporting hazardous materials for which the display of placards, a California hazardous materials transportation license, or a California hazardous waste transporter registration is required.
- Any other motortruck not specified above that is regulated by the Department of Motor Vehicles (DMV) Motor Carrier Permit (MCP), Public Utilities Commission (PUC), or FMCSA.



WELCOME TO BIT, THE BASIC INSPECTION OF TERMINALS (BIT) PROGRAM

CHP 800H (Rev. 10-16) OPI 062

Exceptions:

The following vehicles are not subject to the BIT Program: Vehicles that display special identification plates; historical vehicles; implements of husbandry; farm vehicles; vehicles used only incidentally on the highway; motor vehicles not designed, used, or maintained primarily for the transportation of property; firefighting apparatus; and vehicles owned or operated by an agency of the federal government.

What if I lease my vehicle?

If the vehicle is leased to a motor carrier and displays their name and identification number, the lessee is the motor carrier as outlined in Section 408 CVC.

What is a terminal?

Terminal is defined in Section 34515(a) CVC as any place where a vehicle listed in Section 34500 CVC is regularly garaged or maintained, or from which it is operated or dispatched, including a private business or residence. Carriers must identify to the CHP, all terminals from which regulated vehicles are operated.

How does a motor carrier enroll in the BIT program?

All property carrying motor carriers with terminals in California must have a carrier identification number (CA number) issued by the CHP. If your company does not already have a CA number, you may obtain a CA number by submitting a CHP 362, Motor Carrier Profile, to your local CHP Motor Carrier Safety Unit for processing. There is no fee to obtain the CA number. The CHP 362 may be obtained at any CHP office, or at www.chp.ca.gov. A motor carrier is automatically enrolled in the BIT program once a CA number has been assigned and terminals identified with property carrying type of operation.

Are fees required for the BIT program?

Effective January 1, 2016, the CHP is no longer collecting fees under the BIT Program. The DMV is responsible for collecting Carrier Inspection Fees in conjunction with the MCP. The MC 706 M, Application for Motor Carrier Permit, may be obtained at www.dmv.ca.gov or by contacting the DMV MCP branch at (916) 657-8153. Biennial Inspection of Terminal fees previously paid are not eligible for a refund. Some motor carriers are exempt from the DMV MCP requirements, but must still undergo BIT inspections. Examples of these motor carriers are state and local government agencies, carriers transporting Household Goods regulated by the California PUC, or carriers operating interstate only and regulated by the FMCSA. Federal agencies are exempt from the BIT Program.

Periodic vehicle inspections (Section 34505.5 CVC)

Carriers must ensure each regulated vehicle is inspected at least every 90 days, or more often if necessary to ensure safe operation. Vehicle inspections must be documented and retained for at least two years.

At a minimum, the following items must be inspected:

- Brake adjustment.
- Brake system components and leaks.
- Steering and suspension systems.
- Tires and wheels.
- Vehicle connecting devices.

At a minimum, each periodic inspection report must include:

- Identification of the vehicle, including make, model, license number, company vehicle number, or other means of positive identification.
- Date and nature of each inspection and any repair performed.
- Signature of the motor carrier's authorized representative attesting to the inspection and to the completion of all required repairs.



WELCOME TO BIT, THE BASIC INSPECTION OF TERMINALS (BIT) PROGRAM

CHP 800H (Rev. 10-16) OPI 062

A Commercial Vehicle Safety Alliance (CVSA) Level 1 on-highway inspection may not be used to satisfy the carrier vehicle safety inspection requirement. All inspections and maintenance records may be maintained electronically.

The BIT Terminal Inspection

During a BIT inspection, CHP Motor Carrier Specialist (MCS) personnel will inspect a sample of regulated vehicles, maintenance records, and driver records to determine if the motor carrier is in compliance with applicable motor carrier safety related statutes and regulations. If the motor carrier transports hazardous materials or hazardous waste, relevant hazardous materials records and safety practices will also be inspected. The CHP may use the CVSA Level 1 on-highway vehicle inspection reports to fulfill the terminal vehicle inspection sample requirements. The vehicle inspection must have been completed within 90 calendar days of the BIT inspection.

Motor Carrier Specialist personnel do not issue citations for violations discovered. Instead, a safety compliance rating is assigned in each of the following categories: regulated vehicles; maintenance program; driver records; and hazardous materials (if applicable). The ratings are either satisfactory or unsatisfactory. A conditional rating may be assigned under limited circumstances on reinspections.

If each category is rated satisfactory, the composite terminal rating will be satisfactory, and the next inspection is based on the performance-based inspection selection system. If any category is rated unsatisfactory, the motor carrier is informed of the unsatisfactory condition, specific direction is given to correct the unsatisfactory condition, and a reinspection will be scheduled within 120 days to ensure the motor carrier has corrected the unsatisfactory condition.

What is a Motor Carrier Certification of Compliance?

The CHP 809, Motor Carrier Certification of Compliance, may be used to fulfill the requirements for any motor carrier who contracts or subcontracts with, or otherwise engages the services of, or provides transportation services for, another motor carrier as referenced in Sections 34501.12(e) and 34620(b) CVC, and Title 13 California Code of Regulations Section 1202.

Are United States Department of Transportation (US DOT) numbers required prior to obtaining a CA number?

Yes, Section 34507.5 CVC requires each motor carrier to obtain a US DOT number prior to applying for a CA number. The issuance of US DOT numbers allows data to be included into the FMCSA SMS system. The US DOT number may be displayed in lieu of the CA number. Carriers must update their US DOT number census information as required and should monitor their FMCSA SMS for accuracy at www.fmcsa.dot.gov.

How can I access a company's inspection results?

The public may access any carrier's inspection safety compliance rating results on the CHP Web site at www.chp.ca.gov by clicking on "Programs and Services," "Commercial Vehicle Section," and "Carrier Inspection Results." The information provided will include the carrier's legal name, CA number, US DOT number, a history of the carrier's Controlled Substances and Alcohol Testing inspection safety ratings, and all terminal inspection safety ratings.

Questions may be directed to your nearest CHP Motor Carrier Safety Unit listed below:

Northern Division

2485 Sonoma Street
Redding, CA 96001-3026
(530) 242-4357
(530) 246-1264 Fax

Golden Gate Division

1551 Benicia Road
Vallejo, CA 94591-7568
(707) 648-4180
(707) 649-4766 Fax

Southern Division

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Los Angeles, CA 90004-3152
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(323) 953-4827 Fax

Coastal Division

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San Luis Obispo, CA 93401-7963
(805) 549-3261
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Valley Division

2555 First Avenue
Sacramento, CA 95818-2608
(916) 731-6350
(916) 227-0106 Fax

Central Division

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(559) 276-9449 Fax

Border Division

9330 Farnham Street
San Diego, CA 92123-1216
(858) 650-3655
(858) 637-7159 Fax

Inland Division

847 E. Brier Drive
San Bernardino, CA 92408-2820
(909) 806-2414
(909) 885-0981 Fax



TERMINAL MANAGER'S COMPLIANCE CHECKLIST

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TERMINAL MANAGER'S COMPLIANCE CHECKLIST

The following checklist is provided to assist motor carriers whose California (CA) terminals are subject to inspection by the Department of the California Highway Patrol (CHP) pursuant to Section 34501 or 34501.12 of the California Vehicle Code (CVC). Any motor carrier, as defined in Section 408 CVC, can improve its ability to pass such inspections by closely examining its own operations using the following checklist.

NEW DRIVERS AND RECORDS

1. Do you obtain a CA Department of Motor Vehicles (DMV) report showing a prospective driver's current driving record (issued within 30 days of the hire date) prior to allowing them to drive a vehicle listed in Section 34500 CVC? *Section 1808.1 CVC*
2. Before you use a driver, is their DMV driving record reviewed? *Section 1808.1 CVC*
3. Is a copy of a driver's current CA DMV driving record signed, dated, and retained until receipt of their DMV Employee Pull Notice (EPN) record? *Section 1808.1 CVC*
4. Do you maintain an employment application, certified as true and accurate, of each driver? *Section 15230 CVC*

EMPLOYER PULL NOTICE PROGRAM AND RECORDS

5. Are all your drivers who operate vehicles requiring a commercial driver's license, class C license with a special driving certificate, or a modified limousine immediately enrolled in the EPN system? Drivers include managers, supervisors, and family members who operate vehicles previously mentioned. *Section 1808.1 CVC*
6. Do you have an EPN record, current within 12 months, on file for each of your drivers? *Section 1808.1 CVC*
7. Have EPN records been reviewed to verify that each employee's driver's license has not been suspended or revoked; traffic violation point count; and whether any employee has been convicted of driving under the influence of alcohol or drugs? *Section 1808.1 CVC*
8. Are EPN records signed and dated? *Section 1808.1 CVC*
9. Have you employed or continue to employ, any driver, for whom a disqualifying action has been taken against their driving privilege or required certificate? *Section 1808.1 CVC*

DRIVERS' HOURS OF SERVICE AND RECORDS

10. Do you retain the original driver's record of duty status (log) for at least six months? *Title 13 California Code of Regulations (CCR) Sections 1213, and 1234*
11. Do you maintain supporting documents, which may be used to verify the information recorded on drivers' timekeeping records for at least six months? *Title 13 CCR Sections 1201 and 1234*
12. Do you retain drivers' timekeeping records (for example - time sheets or time cards) from a driver who operates a vehicle locally for at least six months which includes, the time reported to duty, the time released from duty, and the total number of hours on duty each day? *Title 13 CCR Sections 1212 and 1213*
13. Do you retain a signed statement from a driver used for the first time or intermittently which includes, the total time on duty during the immediately preceding seven days and the time at which the driver was last relieved from duty prior to beginning work? *Title 13 CCR Sections 1213*
14. Do you ensure drivers' operate vehicle within the hours of service limitations and requirements? *Sections 34501.2, 34501.3, 34501.4 CVC, and Title 13 CCR Sections 1212.5*

DRIVER PROFICIENCY AND RECORDS

15. Do you require drivers to demonstrate their ability to safely operate each different type of vehicle or vehicle combination before allowing them to operate these vehicles on the highway unsupervised? *Title 13 CCR Section 1229*
16. Do you maintain a record of the different types of vehicles and combinations each driver is capable of operating proficiently? *Title 13 CCR Section 1229*

INSPECTION, MAINTENANCE, LUBRICATION, AND REPAIR RECORDS

17. Are your vehicles maintained in a safe and proper operating condition? *Title 13 CCR Section 1230*
18. Do you require all drivers to submit documented daily vehicle inspections reports (DVIR)? *Title 13 CCR Section 1234*
19. Are safety defects noted on DVIRs corrected before the vehicle is operated on the highway? *Sections 34505, 34505.5 CVC and Title 13 CCR Section 1215 and 1234*



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20. Do you retain DVIRs for at least three months? *Title 13 CCR Sections 1202.1, 1202.2 and 1234*
21. Are all vehicles regularly and systematically inspected, maintained, and lubricated? *Sections 34505, 34505.5 CVC, and Title 13 CCR Section 1232*
22. Do you have a means of indicating the types of inspection, maintenance, and lubrication operations to be performed on each vehicle, and the date or mileage when these operations are due? *Title 13 CCR Section 1232*
23. Do you ensure individuals performing inspections, maintenance, repairs or service to the brakes on regulated vehicles are qualified in accordance with Title 49 Code of Federal Regulations (CFR) 396.25? *Title 13 CCR Section 1232*
24. Do you document each systematic inspection, maintenance, lubrication, and repair performed for each vehicle? *Title 13 CCR Section 1234*
25. Do your maintenance records include at least the following: *Sections 34505, 34505.5 CVC, and Title 13 CCR Section 1234*
 - Identification of the vehicle, including make, model, license number, company vehicle number or other means of positive identification?
 - Date or mileage, nature of each inspection, maintenance, lubrication, repair performed, and to be performed?
 - The name of the lessor or contractor furnishing any vehicle?
 - The signature of the motor carrier's authorized representative or person performing the inspection and/or the completion of all required repairs?
26. Are your maintenance records retained for one or more years as required? *Sections 34505, 34505.5 CVC and Title 13 CCR Section 1234*

Note: You may retain the above outlined inspection and maintenance records in a computer system in lieu of the signed records, if the printouts include the information listed above in number 25. *Section 34505.5 CVC*

CARRIER-PERFORMED INSPECTIONS

27. Do you perform a periodic safety inspection on each regulated vehicle listed below? *Sections 34500, 34505, 34505.5 CVC and Title 13 CCR 1232*
 - Motortrucks of three or more axles with a gross vehicle weight rating (GVWR) of more than 10,000 pounds.
 - Truck tractors.
 - Buses, school buses, school pupil activity buses, youth buses, farm labor vehicles, modified limousines, and general public paratransit vehicles.
 - Trailers and semitrailers designed or used for the transportation of more than 10 persons and the towing motor vehicle.
 - Trailers and semitrailers, pole or pipe dollies, auxiliary dollies, and logging dollies used in combination with vehicles listed above. This does not include camp trailers, trailer coaches, and utility trailers.
 - A combination of a motortruck with a GVWR of more than 10,000 pounds, while towing any trailer listed above, which exceeds 40 feet in length when coupled together. Combinations which include a pickup truck as defined in Section 471 CVC or which are never operated in commercial use are excluded.
 - A commercial motor vehicle (CMV) with a GVWR of more than 26,000 pounds or a CMV of any GVWR towing trailers listed above with a GVWR of more than 10,000 pounds.
 - A vehicle or combination of vehicles, transporting hazardous materials (HM) for which the display of placards, a CA HM transportation license, or a CA hazardous waste transporter registration is required.
 - Any other motortruck not specified above that is regulated by the DMV Motor Carrier of Property Permit (MCP), Public Utilities Commission (PUC), or Federal Motor Carrier Safety Administration (FMCSA).

VEHICLE IDENTIFICATION

28. Does each vehicle or combination of vehicles display the company's name under whose authority the vehicle is being operated on both sides clearly legible from 50 feet? *Section 27900 CVC, and Title 13 CCR Section 1256*
29. Does each vehicle or combination of vehicles display a valid carrier identification number on both sides clearly legible from 50 feet? *Section 34507.5 CVC, and Title 13 CCR 1256*
30. Are identification numbers and company names removed before sale, transfer, or other disposal of a vehicle? *Sections 34507.5 and 27900 CVC*



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HAZARDOUS MATERIALS HANDLING PROCEDURES

31. Do you transport HM in compliance with the regulations contained in Title 49 CFR Parts 100 to 180 and Title 13 CCR Parts 1160 to 1167? This includes but is not limited to, the following:

- Shipping paper requirements, including proper entries, shipper's certification, retention, accessibility in transport vehicles. *Title 13 CCR Section 1161, and Title 49 CFR Section 172.200*
- Marking requirements for packages, containers, and vehicles. *Title 13 CCR Section 1161.3, and Title 49 CFR Section 172.300*
- Labeling requirements for packaging and containers. *Title 13 CCR Section 1161.2, and Title 49 CFR Section 172.400*
- Placarding requirements for vehicles or containers. *Title 13 CCR Section 1162, and Title 49 CFR Section 172.500*
- Emergency response information requirements including accessibility in transport vehicles. *Title 13 CCR, and Title 49 CFR Section 172.600*
- Training requirements for HM employees. *Title 13 CCR 1161.7, and Title 49 CFR Section 172.700*
- Safety and security plan requirements. *Title 13 CCR 1161.8, and Title 49 CFR 172.800*
- Proper use and maintenance of packaging. *Title 13 CCR Section 1163, and Title 49 CFR Section 173.24*
- Segregation, separation, and securement of cargo. *Title 13 CCR Section 1164, and Title 49 CFR Part 177*
- Incident report submission and retention requirements. *Title 13 CCR Section 1166, and Title 49 CFR Part 171.16*

SATISFACTORY RATED TERMINALS

A terminal rated satisfactory is one that is in compliance with applicable laws and regulations. Minor deficiencies or defects may exist as long as highway safety is not jeopardized. *Title 13 CCR 1233*

UNSATISFACTORY RATED TERMINALS

A terminal rated unsatisfactory is one showing a lack of compliance which could jeopardize the safety of passengers and/or the motoring public; one in which articulable proof is obtained showing widespread noncompliance with or willful disregard of, statutory or regulatory requirements. An Unsatisfactory rating is assigned for any of the following conditions: *Title 13 CCR 1233*

- Vehicle or equipment violations of a deliberate or long-standing nature.
- More than 20 percent of vehicles in the inspection sample are placed out of service.
- Drivers' hours-of-service violations exceeding five percent of the total days audited.
- Falsified drivers' hours-of-service records violations exceeding five percent of the total days audited (drivers' hours-of-service and falsified drivers' hours-of-service violations may be combined in determining an excess of five percent of total days audited).
- Failure to maintain and/or retain drivers' timekeeping records when that failure precludes a reasonable determination that the carrier is in compliance with drivers' hours-of-service requirements.
- Failure to participate in the DMV EPN Program, failure to enroll all drivers, failure to obtain and retain a driver's current CA driving record, failure to obtain a periodic EPN record for all drivers, or utilizing disqualified or unqualified drivers.
- Failure to provide the Department a reasonable opportunity to conduct an inspection.
- Lack of compliance with any HM requirement, which jeopardizes public or environmental safety, or hinders prompt action by emergency response personnel.
- Willful disregard of statutory or regulatory requirements.
- Violations generally spread over the inspected vehicles and/or maintenance records which, by their nature, should have been detected, documented, and corrected under an acceptable inspection and maintenance program.
- Violations generally spread over the inspected drivers' records which, by their nature, should have been prevented, and/or detected and corrected under an acceptable drivers and records management program.



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CONDITIONAL RATED TERMINALS

A terminal rated conditional is one in which the terminal's compliance is no longer unsatisfactory, but that actual compliance cannot be determined. In this case, the CHP will return for a follow-up inspection in approximately six months to reinspect the terminal and assign a new safety compliance rating. The new rating will not be conditional; it will either be satisfactory or unsatisfactory. Under certain circumstances when re-inspecting a terminal which had been previously assigned an unsatisfactory rating, the CHP is unable to determine that all required corrections have been accomplished by the motor carrier. One example is a terminal which had received an unsatisfactory rating for excessive drivers' hours of service, and as a result the PUC or DMV suspended the motor carrier's operating authority or MCPP for a period of time. During the suspension, the carrier could not lawfully operate any of its vehicles, and therefore, could not demonstrate compliance with laws and regulations governing drivers' hours of service. Under such circumstances, if all other compliance failures at that terminal have been corrected by the carrier, the CHP will normally assign a conditional rating to that terminal, and reevaluate the hours of service issue within six months.

OPERATING AUTHORITY

Prior to operating regulated vehicles on any public highway, motor carriers may be required to obtain an operating authority or permit. The operating authority may be a DMV MCPP, PUC registration or operating authority, or a FMCSA registration and authority. Additional information may be obtained for the DMV MCPP via the Internet at www.dmv.ca.gov or calling (916) 657-8153; PUC via the Internet at www.cpuc.ca.gov or calling (800) 848-5580; or, FMCSA via the Internet at www.fmcsa.dot.gov or calling (800) 832-5660.

UNITED STATES DEPARTMENT OF TRANSPORTATION NUMBERS

Motor carriers must obtain a United States (US) Department of Transportation (DOT) number prior to applying for a CA number. The issuance of US DOT numbers allows data to be included in the FMCSA Safety Measurement System (SMS). The US DOT number may be displayed in lieu of the CA number. Carriers should update their US DOT number census information as required and monitor their FMCSA SMS information for accuracy via the Internet at www.fmcsa.dot.gov. *Section 34507.5 CVC*

COMMERCIAL INDUSTRY EDUCATION PROGRAM

The CHP's Commercial Industry Education Program, offers free educational safety seminars for motor carriers and commercial drivers of regulated vehicles. Presentations vary from one to eight hours. Motor carriers have the option of receiving the presentations at their facility or another location. Presentations can be tailored to suit the needs of the carriers, including presentations provided in Spanish. Additional information may be obtained via the Internet at www.chp.ca.gov or contacting the nearest CHP Motor Carrier Safety Unit (MCSU) as listed below.

ABOUT THIS CHECKLIST

This checklist, while detailed, cannot list all possible items where compliance with law or regulation could be an issue, nor can it explore all possible applications of CHP policy in the assignment of ratings. A motor carrier who examines their operations using this checklist as a guide can identify areas where compliance may be weak, and take action to improve those areas. Some of these items may not apply to every type of carrier. Laws and regulations change over time, and staying current with these changes is one of the keys to success for anyone who operates or directs the operation of commercial vehicles. This checklist is not law; it is intended only to assist motor carriers in achieving success in the area of highway safety. It does not bind the CHP to a particular determination regarding the compliance of any motor carrier with laws and regulations in existence at any given moment. Any conflict between this checklist and a law or regulation, or future change in CHP policy, will be resolved in favor of the law, regulation, or policy. This checklist will be revised to reflect significant changes in these areas as soon as possible after they occur. Additionally, compliance with federal regulations governing testing of drivers for use of controlled substances and abuse of alcohol is also required, but is evaluated separately from all other matters. See Section 34520 CVC and Title 49 CFR Part 382, for information regarding this issue. The CHP publishes a checklist similar to this one titled CHP 800F, Controlled Substances and Alcohol Testing Compliance Checklist, the CHP 800J, What is CSAT?, and CHP 800H, Welcome to BIT, The Basic Inspection of Terminals (BIT) Program.



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Questions regarding any of the information outlined above may be directed to your nearest CHP MCSU listed below:

Northern Division
2485 Sonoma Street
Redding, CA 96001-3026
(530) 242-4357
(530) 246-1264 Fax

Southern Division
437 North Vermont Avenue
Los Angeles, CA 90004-3152
(323) 644-9557
(323) 953-4827 Fax

Valley Division
2555 First Avenue
Sacramento, CA 95818-2608
(916) 731-6350
(916) 227-0106 Fax

Border Division
9330 Farnham Street
San Diego, CA 92123-1216
(858) 650-3655
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Coastal Division
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(805) 541-2871 Fax

Central Division
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Fresno, CA 93727-2541
(559) 453-3130
(559) 445-2151 Fax

Inland Division
847 East Brier Drive
San Bernardino, CA 92408-2820
(909) 806-2414
(909) 885-0981 Fax



WHAT IS CSAT? CONTROLLED SUBSTANCES AND ALCOHOL TESTING

CHP 800J (New 9-16) OPI 062

WHAT IS CSAT? CONTROLLED SUBSTANCES AND ALCOHOL TESTING

LEGISLATIVE AUTHORITY

Section 34520 of the California Vehicle Code (CVC) requires motor carriers and drivers to comply with the controlled substances and alcohol testing (CSAT) requirements of the Federal Motor Carrier Safety Administration (FMCSA) or the Federal Transit Administration. These regulations are found in Title 49 of the Code of Federal Regulations (CFR), Parts 40, 382, 392.4, 392.5, and 655. The complete text of the regulations may be viewed using the Internet at: www.fmcsa.dot.gov and www.fta.dot.gov.

The regulations require an employer-based CSAT program. Employers are responsible to conduct a program intended to identify drivers of commercial motor vehicles (CMV) who are using controlled substances, or alcohol while on duty, and immediately preclude them from operating a CMV. This requirement includes an individual who is self-employed, commonly known as an owner-operator.

The regulations require a urine sample testing for controlled substances, and breath testing for alcohol. The regulations prescribe when testing is required:

- Pre-employment testing
- Post-accident testing
- Random testing
- Reasonable suspicion testing
- Return-to-duty testing
- Follow-up testing

The California Highway Patrol (CHP) is authorized by statute to conduct inspections of a carrier's CSAT program, and issue a safety compliance rating indicating the carrier's CSAT compliance. Since the CVC incorporates the federal regulations, the CHP uses the federal definitions and interpretations when determining a carrier's CSAT compliance. Inspections are to be conducted at the carrier's principal place of business.

WHO IS REGULATED?

The CSAT regulations apply to the employers and drivers who operate CMVs which require a commercial driver license. The definition of a CMV is included below.

Commercial Motor Vehicle means a motor vehicle or combination of motor vehicles used to transport passengers or property if the vehicle:

- Is of any size and is used in the transportation of hazardous materials that is required to be placarded under Title 49 CFR, Part 172.
- Is designed to transport 16 or more passengers, including the driver.



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- Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating (GVWR) or gross vehicle weight (GVW) of more than 4,536 kilograms (10,000 pounds), whichever is greater.
- Has a GVWR or GVW of 11,794 or more kilograms (26,001 pounds or more), whichever is greater.

There are some specific exceptions to the CSAT requirements. Transit bus carriers which are required to conduct a CSAT program under Title 49 CFR, Part 655 are not subject to the requirements of Part 382. In addition, drivers of certain vehicles who are not required to have a commercial driver license, are not subject to the CSAT requirements.

In California, a vehicle with a passenger capacity between 11 and 15 passengers, including the driver, is defined as a bus. Employers and drivers of buses with a passenger capacity of less than 16, including the driver, are not subject to the CSAT requirements.

THE PROHIBITIONS

For the purpose of CSAT compliance, the term “controlled substances” includes:

- Marijuana metabolites
- Cocaine metabolites
- Amphetamines
- Opiate metabolites
- Phencyclidine (commonly referred to as PCP)

The use of these substances by CMV drivers is prohibited. These five substances are the only substances for which testing may be conducted per Title 49 CFR. When a driver has a positive test result, the employer must not permit the driver to operate a CMV until the driver has successfully completed the return-to-duty process.

If a driver refuses to submit to a required test, the refusal is treated in the same manner as a positive test result. Additionally, in the event that a driver has violated the prohibitions, employers must not permit the driver to operate a CMV until the driver has successfully completed the return-to-duty process. This process includes an evaluation, referral, education, and treatment by a Substance Abuse Professional and a verified negative return-to-duty test before the driver can once again operate a CMV. Finally, the employer must ensure the driver submits to at least six unannounced follow-up tests for the first 12 months.

Use of alcohol is generally legal, but not while driving a CMV, or within 4 hours prior to operating a CMV. When a driver has an alcohol test result with a blood alcohol content of .02 or greater, but less than .04, the employer must not permit the driver to operate a CMV until at least 24 hours have passed following the test. When a driver has an alcohol test result with a blood alcohol content of .04 or more, the employer must not permit the driver to operate a CMV until the driver has successfully completed the return-to-duty process identified in regulation.



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PRE-EMPLOYMENT TESTING

An employer may not allow a driver to operate a CMV until after the employer has received a verified negative test result from a pre-employment controlled substances test, unless the employer meets an exception in Title 49 CFR, Part 382.

PREVIOUS EMPLOYER INQUIRY

When an employer hires a new driver, the new employer must make a reasonable, good faith effort to obtain information of all the driver's previous employers within the prior three years. The purpose of the contact is to inquire if the previous employer is aware of any violations of the CSAT prohibitions committed by the driver. The driver must sign a written authorization to release the information from the previous employer to the new employer. If the driver does not sign the authorization, the new employer may not use the driver. The new employer must have the information from this inquiry on file within 30 days of hiring the driver, or the new employer may not continue to use the driver.

RANDOM TESTING

Every employer must have a random CSAT program and ensure all CMV drivers are immediately enrolled. Drivers must be selected at random and sent immediately for testing. The current random selection rates are 50% of driver positions each year for controlled substances, and 10% of driver positions each year for alcohol. The random selection rates are subject to change. Random selections must be reasonably spread out throughout the year, and the selections must be made by a scientifically valid random method, such as a random number table or a computer-based random number generator.

POST-ACCIDENT TESTING

Drivers must be tested for controlled substances and alcohol as soon as practicable after certain traffic collisions involving a CMV operating on public roads. Drivers are prohibited from using alcohol after such collisions for either eight hours, or until a post-accident alcohol test is conducted, whichever occurs first. The following table indicates when a post-accident test is required:

Type of collision	Was the CMV driver cited?	Employer must test?
Fatal (Someone died from the collision)	Yes	Yes
	No	Yes
Injury (Someone required medical help away from the scene)	Yes	Yes
	No	No
Disabling Damage (One or more vehicles required towing)	Yes	Yes
	No	No

REASONABLE SUSPICION TESTING

A driver must submit to a CSAT test any time the employer has a reasonable suspicion to believe the driver has violated the CSAT prohibitions. Only a supervisor who has been properly



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trained may make the determination to test. Each supervisor is required to receive a minimum of one hour of training on alcohol abuse, and one hour of training on controlled substances abuse.

CSAT POLICY/DRIVER EDUCATION MATERIALS

Employers must educate their drivers as to what is expected of them when it comes to CSAT. Drivers must know the CSAT regulations, as well as the employer's specific procedures for occasions where the regulations are silent. Employers must retain the original certificate of receipt, signed by each driver, certifying that the driver has received a copy of such materials.

RECORD KEEPING

Employers are required to retain all records pertaining to their CSAT program. When requested by the CHP, CSAT records must be made available for inspection within two business days. All CSAT records which identify a driver must be kept confidential. It is important to have a place where these records can be locked-up, and access to these records strictly controlled.

CSAT SERVICE PROVIDERS

The regulations allow for third parties to act on the employer's behalf under certain circumstances. There are many companies who provide CSAT services, and are in the business of helping employers comply with the regulations. Generally, such a company is known as a consortium or a third party administrator. Regardless of who performs CSAT services for an employer, the employer remains responsible to ensure all regulated CSAT activities are completed and documented in compliance with the applicable requirements. Many CSAT service providers advertise their services in the local telephone book or on the internet, under the heading "drug and alcohol testing."

THE INSPECTION

A CSAT inspection, or carrier inspection, is intended to determine if an employer is in compliance with the CSAT requirements, and will take place at the employer's principle place of business (main office). If the principle place of business is also a terminal where a terminal inspection is conducted, the carrier inspection will take place at the same time. There is no cost for a carrier inspection.

During the scheduling contact, the inspector should determine what drivers are subject to CSAT, and inform the employer of the records and information which must be made available at the time of the inspection. Employers are permitted at least two business days to obtain the requested records. If the records are maintained by the employer's consortium or third party administrator, it is the employer's responsibility to obtain them and present them during the inspection.

A safety compliance rating is assigned to indicate the compliance level of the employer as either "satisfactory," or "unsatisfactory." Unsatisfactory rated employers will be notified of the unsatisfactory conditions, given direction to correct the conditions, and receive a reinspection within 120 days.



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NOTICE

This document is intended to give the public an overview of CSAT program requirements, and is not intended to be used as a legal reference. While every effort is made to ensure the accuracy of the information, the statutes and regulations explained herein are subject to change without notice. Questions may be directed to your nearest CHP Motor Carrier Safety Unit listed below:

Northern Division
2485 Sonoma Street
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(559) 276-9449 Fax

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(909) 885-0981 Fax



CONTROLLED SUBSTANCES AND ALCOHOL TESTING COMPLIANCE CHECKLIST

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The following checklist and other general information are provided to assist motor carriers subject to inspection by the Department of the California Highway Patrol (CHP) pursuant to Section 34501 of the California Vehicle Code (CVC), specifically with respect to the testing of commercial motor vehicle (CMV) drivers for use of controlled substances and abuse of alcohol. The CHP enforces the federal regulations found in Title 49, Code of Federal Regulations (CFR), Part 382. Section 34520 CVC applies those federal regulations to every driver who is required to maintain a commercial driver license to operate a CMV, and to employers of those drivers, as defined in the federal regulations. See Title 49, CFR, Part 382.103 to determine applicability. Motor carriers can improve their ability to pass such inspections by closely examining their own operations in the light of the following checklist.

DRIVER RECORDS - CONTROLLED SUBSTANCES AND ALCOHOL TESTING

1. Do you ensure that all required controlled substances and alcohol testing (CSAT) requirements of CMV drivers complies with the procedures set forth in Title 49, CFR, Part 40? *Title 49, CFR, Part 382.105*
2. Before performing a controlled substances or alcohol test, is the individual notified that the test is required by the Federal Motor Carrier Safety Administration (FMCSA) and California law?
Title 49, CFR, Part 382.113 and 34520 CVC
3. Are drivers who refuse to submit to required controlled substances or alcohol tests immediately removed from safety-sensitive functions? *Title 49, CFR, Part 382.211*
4. Do you prohibit drivers who have tested positive for a controlled substance, have a breath alcohol concentration of 0.04, or greater, from performing safety-sensitive functions? *Title 49, CFR, Parts 382.201 and 382.215*
5. Do you advise each of your drivers, at the time of hiring and again annually, of the prohibition against operating a CMV with a breath alcohol concentration of 0.01 or above? *Section 34501.16 CVC*
6. Have you advised each of your drivers of the prohibitions against using alcohol while on duty?
Title 49, CFR, Part 382.205
7. Have you advised each of your drivers of the prohibitions against performing safety-sensitive functions within four hours of using alcohol? *Title 49, CFR, Part 382.207*
8. Have you advised each of your drivers of the prohibitions against being on duty or operating a CMV while in the possession of unmanifested alcohol that is not being transported as part of the shipment, or is possessed or used by bus passengers? *Title 49, CFR, Part 392.5(a)(3) and Section 34520(a) CVC*
9. If you are conducting your own testing, are at least 10% of your drivers randomly tested each year for prohibited alcohol use? *Title 49, CFR, Part 382.305(b)(1)*
10. If you are conducting your own testing, are at least 50% of your drivers randomly tested each year for controlled substances use? *Title 49, CFR, Part 382.305(b)(2)*
11. Prior to the first time a driver performs a safety-sensitive function, is the driver tested for controlled substances use, and a negative result obtained? *Title 49, CFR, Part 382.301*
12. Do you conduct required post-accident controlled substances and alcohol tests? *Title 49, CFR, Part 382.303*
13. Have you advised each of your drivers of the requirement to remain readily available for a post-accident test? *Title 49, CFR, Part 382.303*
14. Is a driver tested when there is a reasonable suspicion that the driver has violated alcohol or controlled substances prohibitions? *Title 49, CFR, Part 382.307*
15. Prior to returning to a safety-sensitive function following a positive test result for alcohol or controlled substances, did the driver comply with the return-to-duty process? *Title 49, CFR, Parts 382.503 and 40.305*
16. Is each driver who has engaged in prohibited conduct evaluated by a substance abuse professional (SAP) to determine what assistance the employee needs in resolving problems associated with alcohol and controlled substances use? *Title 49, CFR, Parts 382.605 and 40.289*
17. Do you ensure that a driver who has engaged in prohibited conduct and is returned to performing safety-sensitive functions is subject to unannounced follow-up testing at the direction of a SAP? *Title 49, CFR, Parts 382.311 and 40.309*



TESTING RECORDS

(Note: Testing records may be maintained by the carrier's consortium or third party administrator, provided they can be presented within 48 hours of a CHP request.)

1. Do you maintain the following records for a minimum of five years? *Title 49, CFR, Part 382.401(b)(1)*
 - (a) Driver alcohol test results indicating an alcohol concentration of 0.02 or greater.
 - (b) Driver verified positive controlled substances test results.
 - (c) Refusals to take required alcohol or controlled substances tests.
 - (d) Driver evaluations and referrals.
 - (e) Calibration documentation.
 - (f) Administration of the CSAT programs.
 - (g) Each required calendar year summary.
2. Do you maintain records related to the collection process for a minimum of two years? *Title 49, CFR, Part 382.401(b)(2)*
3. Do you maintain records of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02 for a minimum of one year? *Title 49, CFR, Part 382.401(b)(3)*
4. Do you maintain records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers while the individuals who work in these capacities perform the functions which require the training and for two years after ceasing to perform the function? *Title 49, CFR, Part 382.401(b)(4)*
5. Do you maintain the following types of records? *Title 49, CFR, Part 382.401(c)*
 - (a) Collection book, if used.
 - (b) Documents relating to the random selection process.
 - (c) Calibration documentation for evidential breath testing devices.
 - (d) Documentation of breath alcohol technician training.
 - (e) Documents generated relating to decisions to administer reasonable suspicion controlled substances or alcohol tests.
 - (f) Documents generated in connection with decisions on post-accident tests.
 - (g) Medical explanation of the driver's inability to provide a breath or urine sample.
 - (h) Consolidated annual calendar year summaries.
6. Do you maintain the following records related to a driver's test results? *Title 49, CFR, Part 382.401(c)(2)*
 - (a) Employer's copy of alcohol test forms, including the results of the test.
 - (b) Employer's copy of the controlled substances test chain of custody and control forms.
 - (c) Documents sent by the medical review officer.
 - (d) Documents related to the refusal of any driver to submit to a required controlled substances or alcohol test.
 - (e) Documents presented by a driver to dispute the result of a controlled substances or alcohol test.
 - (f) Documents generated in connection with verifications of prior employers' alcohol or controlled substances results.
7. Do you maintain records pertaining to a determination by a SAP concerning a driver's need for assistance? *Title 49, CFR, Part 382.401(c)(4)(i)*
8. Do you maintain records concerning a driver's compliance with recommendations of the SAP? *Title 49, CFR, Part 382.401(c)(4)(ii)*
9. Do you maintain the following records related to education and training? *Title 49, CFR, Part 382.401(c)(5)*
 - (a) Materials on alcohol misuse and controlled substances awareness, including a copy of the employer's policy.
 - (b) Documentation of compliance with information, training, and referral requirements.
 - (c) Documentation of training provided to supervisors.
 - (d) Documentation of training for breath alcohol technicians.
 - (e) Certification that any training conducted complies with the requirements.
10. Do you maintain the following administrative records related to CSAT? *Title 49, CFR, Part 382.401(c)(6)*
 - (a) Agreements with collection site facilities, labs, breath alcohol technicians, screening test technicians, medical review officers, consortia, and third party service providers.
 - (b) Names and positions of officials and their role in the employer's CSAT program.



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- (c) Semi-annual laboratory statistical summaries of urinalysis.
 - (d) A policy that covers CSAT procedures.
11. Do you prepare and maintain a summary of the results of CSAT programs during the previous calendar year when requested? *Title 49, CFR, Part 382.403(a)*
12. Do you contact a new driver's previous employers within 30 days of hiring to determine if during the previous three years the employee has had any of the following: *Title 49, CFR, Parts 382.413 and 40.25*
- (a) An alcohol test with a result of 0.04 alcohol concentration or greater.
 - (b) A verified positive controlled substances test result.
 - (c) A refusal to test.
 - (d) Any other violation of a Department of Transportation (DOT) agency CSAT regulation.
 - (e) Documentation of the successful completion of DOT return-to-duty requirements for an employee who has violated a DOT drug and alcohol regulation.
13. Do you make records of a former employee's required controlled substances and alcohol test results available to the subsequent employers? *Title 49, CFR, Part 382.405(f)*
14. Do you provide a copy of educational and training materials that explain the requirements of CSAT and your company's policies and procedures regarding testing requirements to every employee that is, or may be, called upon to perform a safety-sensitive function? *Title 49, CFR, Part 382.601(a)*
15. Do you provide written notice to employee organizations of the availability of testing information? *Title 49, CFR, Part 382.601(a)(2)*
16. Do the materials made available to drivers include detailed discussions of at least the following: *Title 49, CFR, Part 382.601(b)*
- (a) The identity of the person designated to answer driver questions about the materials.
 - (b) The categories of drivers who are subject to testing.
 - (c) Sufficient information about the safety-sensitive functions performed by drivers.
 - (d) Specific information concerning prohibited driver conduct.
 - (e) The circumstances under which a driver will be tested.
 - (f) The procedures used to test for the presence of alcohol or controlled substances, protect the driver and the integrity of the testing process, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver.
 - (g) The requirement that a driver submit to a test.
 - (h) An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences.
 - (i) The consequences for drivers found in violation.
 - (j) Information on the effects of controlled substances and alcohol use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem; and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.
17. Do you maintain the original signed statement from each driver certifying they have received a copy of the CSAT education and training materials? *Title 49, CFR, Part 382.601(d)*
18. Do you ensure that each driver who has engaged in prohibited conduct concerning alcohol or controlled substances is advised of the resources available for evaluating and resolving problems associated with the misuse of alcohol or controlled substances, including the names, addresses, and telephone numbers of SAPs and counseling and treatment programs? *Title 49, CFR, Parts 382.605 and 40.287*
(Note: Question #19 pertains only to employers of drivers who operate school buses, school pupil activity buses, youth buses, and general public paratransit vehicles.)
19. Do you report the name of each driver whose required controlled substances or alcohol test resulted in a finding of positive to the Department of Motor Vehicles within five days? *Section 13376(b)(3) CVC*



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SATISFACTORY RATING

A carrier whose compliance with the CSAT regulations is rated satisfactory is one that is in substantial compliance with those regulations as determined during the most recent inspection of that program by the CHP. Minor deficiencies will not preclude assignment of a satisfactory compliance rating. Criteria for assignment of a satisfactory rating include:

- Drivers are tested for alcohol and controlled substances use in the manner specified by federal regulations.
- The CSAT records are kept as required, summary is produced upon request as required, and records are made available for inspection as required.

UNSATISFACTORY RATING

A carrier whose compliance is rated unsatisfactory is one showing evidence of widespread noncompliance or significantly declining compliance with statutory or regulatory requirements. An unsatisfactory compliance rating will be assigned for any condition described below:

- Drivers are not tested for alcohol and controlled substances use in the manner specified by federal regulations.
- The CSAT records are not kept as required, records are not produced upon request as required, or records are not made available for inspection as required.
- Use of drivers who have a confirmed positive test result or have not complied with the requirements of Title 49, CFR, Part 40 Subpart O.

CONDITIONAL RATING

A carrier whose compliance is rated conditional is one in which the carrier's previous rating was unsatisfactory, and a reinspection has indicated that compliance is no longer manifestly unsatisfactory, but full compliance has not been demonstrated. In this case, the CHP will return for a follow-up inspection in approximately six months to assign a new rating. The new rating will not be conditional; it will be either satisfactory or unsatisfactory. Under certain circumstances, when reinspecting a carrier currently assigned an unsatisfactory compliance rating, the CHP may be unable to determine that all required corrections have been fully accomplished by the motor carrier. Examples would be a carrier who had instituted corrective measures such as discontinuing practices that corrupt the randomness of driver selection, or had increased the rate at which drivers are randomly tested to meet the minimum rate prescribed in federal regulations. These are corrections whose true effects will not be known for some time, and until that time passes, cannot be fully evaluated. However, the CHP may be able to determine that the corrective measures taken by the carrier, if sustained throughout the coming year, would result in satisfactory compliance. Under such circumstances, the CHP will normally assign a conditional rating to that carrier, and return later to reevaluate compliance and assign a new rating accordingly.

DRUG AND ALCOHOL CLEARINGHOUSE

On December 5, 2016, the FMCSA amended the Federal Motor Carrier Safety Regulations to establish requirements for the Commercial Driver License Drug and Alcohol Clearinghouse (Clearinghouse), with an effective date of January 14, 2017, and a mandatory compliance date of January 6, 2020. The Clearinghouse is a database which will contain information about violations of the FMCSA CSAT program for motor carriers and the holders of commercial driver licenses. Specifically, Title 49, CFR, Part 382 Subpart G, contains requirements associated with the Clearinghouse and are summarized below:

1. Do you conduct a pre-employment and annual query of the Clearinghouse to obtain information about whether the driver has engaged in prohibited conduct and retain records of the queries for three years?
Title 49, CFR, Part 382.701
2. Do you prohibit a driver from performing a safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has engaged in prohibited conduct? *Title 49, CFR, Part 382.701*
3. Do you obtain the driver's consent prior to querying the Clearinghouse for driver's information?
Title 49, CFR, Part 382.703
4. Do you prohibit drivers who refused to grant the consent for query of the Clearinghouse from performing a sensitive-sensitive function? *Title 49, CFR, Part 382*



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5. Does the Medical Review Officer report information about a driver with a verified positive test result; adulterated or substituted controlled substances test; or refusal-to-test determination to the Clearinghouse within two business days? *Title 49, CFR, Part 382.705*
6. Do you report information about a driver with an alcohol confirmation test result with an alcohol concentration of 0.04 or greater; a negative return-to-duty test result; a refusal to take an alcohol test pursuant to Title 49, CFR, Part 40.261; or a refusal to test determination made in accordance with Title 49, CFR, Part 40.191 to the Clearinghouse within three business days? *Title 49, CFR, Part 382.705*
7. Do SAPs report the completed return-to-duty process for each driver to the Clearinghouse as required? *Title 49, CFR, Part 382.705*
8. Did you register with the Clearinghouse before accessing or reporting information in the Clearinghouse? *Title 49, CFR, Part 382.711*

ABOUT THIS CHECKLIST

This checklist, while detailed, cannot list all possible items where compliance with the referenced federal regulations could be an issue, nor can it explore all possible applications of CHP policy in the assignment of ratings. A motor carrier who examines their operations using this checklist as a guide can identify areas where compliance may be weak, and take action to improve those areas. The federal regulations are amended occasionally, and staying current with those amendments is one of the keys to success for anyone who operates or directs the operation of CMVs. This checklist is intended only to assist motor carriers in achieving success in the area of highway safety. It does not bind the CHP to a particular determination regarding the compliance of any motor carrier with laws and regulations in existence at any given moment. Any conflict between this checklist and a law or regulation, or future change in CHP policy, will be resolved in favor of the law, regulation, and policy, as appropriate. This checklist will be revised to reflect significant changes in these areas as soon as possible after they occur.

CHP MOTOR CARRIER SAFETY UNITS

Questions regarding any of the information outlined above may be directed to your nearest CHP Motor Carrier Safety Unit listed below:

Northern Division
2485 Sonoma Street
Redding, CA 96001-3026
(530) 242-4357
(530) 246-1264 Fax

Southern Division
437 North Vermont Avenue
Los Angeles, CA 90004-3512
(323) 644-9557
(323) 953-4827 Fax

Valley Division
2555 First Avenue
Sacramento, CA 95818-2608
(916) 731-6350
(916) 227-0111 Fax

Border Division
9330 Farnham Street
San Diego, CA 92123-1216
(858) 650-3655
(858) 637-7159 Fax

Golden Gate Division
1551 Benicia Road
Vallejo, CA 94591-7568
(707) 648-4180
(707) 649-4766 Fax

Coastal Division
4115 Broad Street, Suite B-10
San Luis Obispo, CA 93401-7963
(805) 549-3261
(805) 541-2871 Fax

Central Division
5435 East Olive Avenue
Fresno, CA 93727-2541
(559) 453-3130
(559) 452-1251 Fax

Inland Division
847 East Brier Drive
San Bernardino, CA 92408-2820
(909) 806-2414
(909) 885-0981 Fax



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What does the Motor Carrier Safety Improvement Act of 1996 require motor carriers to do?

Effective September 29, 1996, the Motor Carrier Safety Improvement Act of 1996 requires "Motor Carriers of Property," as defined in California Vehicle Code (CVC) Section 34601, to obtain a Motor Carrier Permit (MCP) from the Department of Motor Vehicles (DMV), instead of obtaining operating authority or private carrier registration from the Public Utilities Commission (PUC).

How are the requirements of the MCP enforced?

Section 34623 CVC states the Department of the California Highway Patrol (CHP) has exclusive jurisdiction for the regulation of safety of operation of motor carriers of property. The DMV will take appropriate action upon the CHP's recommendation including, the suspension or revocation of a permit, for violations related to highway safety. The DMV will also take appropriate action independently, including the suspension or revocation of a permit, for violations such as insurance lapses or failure by the carrier to provide required information. The CHP will actively enforce provisions of the MCP.

Are there any new vehicle markings which must be displayed as a result of the MCP?

Effective January 1, 1998, motor carriers of property who are required to obtain an MCP must display their carrier identification (CA) number on their vehicles, in the manner prescribed by Section 34507.5 CVC. The CA number, which is issued by the CHP, is utilized by the DMV as the MCP number. Motor carriers of property who lawfully display a United States Department of Transportation (USDOT), PUC, or Cal-T number (which now applies to household goods carriers only) do not have to display their CA number, but still must have one.

What is a "Motor Carrier of Property?"

As defined in Section 34601 CVC, a motor carrier of property is "...any person who operates any commercial motor vehicle..."

What is a "commercial motor vehicle?"

For purposes of the MCP, the California definition is found in Section 34601 CVC:

(c)(1) As used in this division, except as provided in paragraph (2), a "commercial motor vehicle" means any self-propelled vehicle listed in subdivisions (a), (b), (f), (g), and (k) of Section 34500, any motor truck of two or more axles that is more than 10,000 pounds gross vehicle weight rating, and any other motor vehicle used to transport property for compensation.

(2) As used in this division, "commercial motor vehicle" does not include any of the following:

(A) Vehicles identified in subdivision (f) of Section 34500, if the gross vehicle weight rating of the towing vehicle is 10,000 pounds or less.

(B) Vehicles identified in subdivision (g) of Section 34500, if the hazardous material transportation does not require the display of placards under Section 27903, a license under Section 32000.5, or a hazardous waste transporter registration under Section 25163 of the Health and Safety Code, and the vehicle is not operated in commercial use.

(C) Vehicles operated by a household goods carrier, as defined in Section 5109 of the Public Utilities Code, under the household goods carrier permit pursuant to Section 5137 of that code.

(D) Vehicles operated by a household goods carrier to transport used office, store, and institution furniture and fixtures under its household goods carrier permit pursuant to Section 5137 of the Public Utilities Code.

(E) Pickup trucks as defined in Section 471, if the conditions in subparagraphs (A) and (B) are also met.

(F) Two-axle daily rental trucks with a gross vehicle weight rating of less than 26,001 pounds, when operated in noncommercial use.

(G) Vehicles never operated in commercial use, including motor trucks or two-axle truck tractors, 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. Vehicle combinations described in this subparagraph are not subject to Section 27900, 34501.12, or 34507.5.



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NOTE: These definitions are for MCP purposes only, not for vehicle registration or any other purpose. There are three groups identified in Section 34601(c)(1) CVC quoted above: (1) Certain vehicles listed in 34500 CVC; (2) Motortrucks over 10,000 pounds gross vehicle weight rating (GVWR); and (3) any other motor vehicle used to transport property for compensation. Pickup trucks as defined in Section 471 CVC are subject to MCP requirements when operated in commercial use.

What vehicle types are listed in the first group listed in 34500(a), (b), (f), (g), and (k) CVC?

These subdivisions of Section 34500 CVC list the following vehicles and combinations of vehicles:

- (a) Motortrucks of three or more axles that are more than 10,000 pounds gross vehicle weight rating.**
- (b) Truck tractors.**
- (c) Buses, school buses, school pupil activity buses, youth buses, farm labor vehicles, modified limousines, and general public paratransit vehicles.*
- (d) Trailers and semitrailers designed or used for the transportation of more than 10 persons, and the towing motor vehicle.*
- (e) Trailers and semitrailers, pole or pipe dollies, auxiliary dollies, and logging dollies used in combination with vehicles listed in subdivision (a), (b), (c), (d), or (j). This subdivision does not include camp trailers, trailer coaches, and utility trailers.*
- (f) A combination of a motortruck and a vehicle or vehicles set forth in subdivision (e) that exceeds 40 feet in length when coupled together.**
- (g) A vehicle, or a combination of vehicles, transporting hazardous materials.**
- (h) Manufactured homes that, when moved upon the highway, are required to be moved pursuant to a permit as specified in Section 35780 or 35790.*
- (i) A park trailer, as described in Section 18009.3 of the Health and Safety Code, that, when moved upon a highway, is required to be moved pursuant to a permit pursuant to Section 35780.*
- (j) Any other motortruck not specified in subdivisions (a) to (h), inclusive, or subdivision (k), that is regulated by the Department of Motor Vehicles, the Public Utilities Commission, or the United States Secretary of Transportation.*
- (k) A commercial motor vehicle with a gross vehicle weight rating of 26,001 or more pounds or a commercial motor vehicle of any gross vehicle weight rating towing a vehicle described in subdivision (e) with a gross vehicle weight rating of more than 10,000 pounds, except combinations including camp trailers, trailer coaches, or utility trailers. For purposes of this subdivision, the term "commercial motor vehicle" has the meaning defined in subdivision (b) of Section 15210.**

What if I rent a commercial motor vehicle? Do I have to display my company name and CA number on that vehicle?

Persons operating vehicles that are rented for 30 days or less may continue to display the lessor's name and valid identification number, as long as the rental agreement remains in the vehicle and shows a valid CA number. However, using a rented commercial motor vehicle to engage in a private or for-hire business in California still requires that the operating carrier (lessee) obtain a CA number, and depending upon the circumstances (interstate or intrastate), still requires either a valid operating authority or MCP. During CHP enforcement contacts, the officer will check the validity of the numbers displayed with the appropriate agency and will ascertain whether the operating carrier has a valid MCP, if required. A valid USDOT, PUC, Cal-T, or CA number and company name is required to be displayed after 30 days per Sections 27900 and 34507.5(c) CVC.

My pickup truck exceeds 10,000 pounds GVWR. Am I required to obtain an MCP even though I use my truck solely for personal use?

No. Persons operating pickup trucks (11,500 pounds GVWR or less) or two-axle daily rental trucks (26,000 pounds GVWR or less) in non-commercial use, are not subject to the MCP. The California definition for pickup truck is found in Section 471 CVC:

A "pickup truck" is a motortruck with a manufacturer's GVWR of less than 11,500 pounds, an unladen weight of less than 8,001 pounds, and which is equipped with an open box-type bed not exceeding 9 feet in length. "Pickup truck" does not include a motor vehicle otherwise meeting the above definition, that is equipped with a bed-mounted storage compartment unit commonly called a "utility body."



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My construction company owns a pickup truck (less than 10,000 pounds GVWR) that is operated in combination with a trailer creating an overall length of 45 feet. Am I required to obtain an MCP?

The operator of a truck and trailer combination described in Section 34500(f) CVC (exceeding 40 feet in length) is required to obtain an MCP. However, Section 34507.5(e) CVC specifically excludes vehicle combinations, operated by a private carrier, from the requirements to obtain or display a CA number when the GVWR of the towing vehicle is 11,500 pounds or less. Despite this exception, a person who operates any vehicle subject to the MCP Program will still need to obtain a CA number because the DMV uses this number to validate the MCP.

I am an owner-operator and I transport my own property within California only. Do I need to enroll in the DMV's Employer Pull Notice Program?

Private or for-hire owner-operators who are required to obtain an MCP are not required to enroll in the DMV's Employer Pull Notice Program (EPN). Instead, the DMV will monitor the driving record of all owner-operators and will notify the CHP in the event of a license suspension or revocation.

NOTE: An owner-operator is defined in Section 34624 CVC as any person who:

1. Holds a commercial class A, class B, or class C driver license;
2. Owns, leases, or otherwise operates not more than one power unit and not more than three towed vehicles;
3. Is required to obtain an MCP.

"Person," in this case, means "individual," not a corporation or other business entity, since only an individual can hold a driver license.

What is the difference between the MCP and the Basic Inspection of Terminals (BIT) Program?

The BIT Program is a performance-based inspection selection system. Terminals selected for inspection are based on the California Performance Safety Score (CPSS). The CPSS is derived from the Federal Motor Carrier Safety Administration (FMCSA) Safety Measurement System (SMS) Behavior Analysis and Safety Improvement Category (BASIC) percentiles, and has nothing to do with the MCP administered by the DMV. There are many motor carriers of property who are subject to the MCP requirements, but not subject to the BIT Program due to the types of vehicles they operate. Also, there are many motor carriers who are subject to the BIT Program but not subject to the MCP requirements, such as carriers who engage solely in interstate commerce (must still register their interstate authority with the state), household goods carriers (still subject to PUC permit requirements), and state or local government agencies. Many commercial vehicle operators are subject to both programs.

Who do I need to contact regarding the MCP program or other motor carrier safety related programs or requirements?

To apply for a MCP, call the DMV at (916) 657-8153.

Access the MC 706M, Application for Motor Carrier Permit, located on the DMV Web site at www.dmv.ca.gov.

Access the CHP 362, Motor Carrier Profile, located on the CHP Commercial Vehicle Section Web site at www.chp.ca.gov.

For additional information regarding general motor carrier safety requirements, including the BIT Program, call the CHP's Commercial Vehicle Section at (916) 843-3400, or your local CHP Motor Carrier Safety Unit shown on page 5 of this publication.

To obtain a CA number, contact your local CHP Motor Carrier Safety Unit, or if outside California, call CHP's Commercial Records Unit at (916) 843-4150.

NOTE: Motor carriers that already have a CA number may not obtain another number.



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Are there any exceptions from the requirement to obtain an MCP?

Section 34622 CVC states the MCP does not apply to vehicles exempt from vehicle registration fees. This includes all publicly-owned vehicles (Section 4155 CVC); implements of husbandry and other vehicles described in Division 16 CVC, commencing with Section 36000 CVC; special construction equipment (Section 565 CVC); special mobile equipment (Section 575 CVC); and any other vehicles used primarily off highway and not required to be registered pursuant to Section 4000(a) CVC. Additionally, the CVC excludes pickup trucks (11,500 pounds GVWR or less) and two-axle daily rental trucks (26,000 pounds GVWR or less) when operated in non-commercial use.

I have owner-operators that occasionally transport intrastate freight for me and I have a valid MCP. Can these owner-operators transport freight under my MCP?

The MCP is a safety and insurance regulatory program, not economic regulation. Therefore, there is no provision for one carrier to operate under the identification of another. All motor carriers of property must obtain their own MCP prior to operating intrastate either privately or for another motor carrier of property. Additionally, a motor carrier shall not contract with another motor carrier of property unless that other motor carrier holds a valid MCP. Section 34620(b) CVC requires the contracted motor carrier to provide the contracting motor carrier with a certificate attesting to the possession of a valid MCP. This certificate is to be accompanied by a copy of that permit. The CHP 809, Motor Carrier Certification of Compliance, can be found on the CHP Commercial Vehicle Section Web site at www.chp.ca.gov.

What level of insurance is a tow truck operator required to carry?

A tow truck operator is required to maintain a combined single limit of \$750,000 when performing an emergency move at the direction of a peace officer, regardless of the commodity being transported by the towed vehicle. Any subsequent or secondary movement would require the minimum level of insurance commensurate with the commodity being transported in or upon the towed vehicle. "At the direction of a peace officer" includes any request from *any* police agency. It is not necessary the officer be present at the scene of the emergency, only that the towing operation be initiated at the request of an officer, either directly or through a dispatcher or other police employee.



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CHP MOTOR CARRIER SAFETY UNITS

Questions may be directed to any of the Motor Carrier Safety Units listed below.

Northern Division

2485 Sonoma Street
Redding, CA 96001
(530) 242-4357
(530) 246-1264 Fax

Southern Division

437 North Vermont Avenue
Los Angeles, CA 90004
(323) 644-9557
(323) 953-4827 Fax

Valley Division

2555 First Avenue
Sacramento, CA 95818
(916) 731-6350
(916) 227-0111 Fax

Border Division

9330 Farnham Street
San Diego, CA 92123
(858) 650-3655
(858) 637-7159 Fax

Golden Gate Division

1551 Benicia Road
Vallejo, CA 94591
(707) 917-4400
(707) 649-4766 Fax

Coastal Division

4115 Broad Street, Suite B-10
San Luis Obispo, CA 93401
(805) 549-3261
(805) 541-2871 Fax

Central Division

5435 East Olive Avenue
Fresno, CA 93727
(559) 453-3130
(559) 452-1251 Fax

Inland Division

847 East Brier Drive
San Bernardino, CA 92408
(909) 806-2414
(909) 885-0981 Fax



Vehicle Maintenance Program Outline

Daily Vehicle Inspections

Daily vehicle inspections shall be completed every day the vehicle is dispatched.

The inspections shall be turned into the mechanic at the end of the drivers shift for review.

If a defect was discovered and is a potential safety concern the mechanic shall place the vehicle out of service until repairs are made. If the mechanic determines the repairs are not a critical item, it shall be noted on the daily vehicle inspection form.

If a defect is discovered on a daily inspection and repaired, the mechanic shall sign and date the daily inspection form in the appropriate location, certifying the repairs were made and the vehicle is safe for operation on road.

These records shall be retained for at least three months.

90-Day Safety Inspections

Each vehicle shall be inspected at least every 90-days. No vehicle shall exceed the 90-day safety inspection period, unless the vehicle has been placed out of service, in which case the vehicle shall be inspected prior to dispatch.

90-day safety inspections shall be recorded on the CHP 108 form (or similar).

All defects discovered during the inspection shall be recorded regardless of severity.

Vehicles shall be positively identified on the inspection form by license plate number, VIN number, vehicle number and mileage.

The date and signature of qualified inspector is required upon completion of each inspection.

These records shall be retained for at least 12 months.

Lubrication and Preventative Maintenance Services

Lubrication service intervals are determined by the carrier. (Ex. Vehicle serviced every 7,500 miles or Vehicle serviced every 6 months.) Once the interval is determined by the carrier they are required by State and Federal regulation to adhere to the interval chosen.

The CHP 108 (or similar form) may be used for documenting these services as well. In the documentation the phrase "next service due" and the mileage or due date should follow.

All services completed shall be documented (Ex. Oil changed, transmission serviced, tires rotated and so on).

Vehicles shall be positively identified on the maintenance record by license plate number, VIN number, vehicle number and mileage.

These records shall be retained for at least 12 months.

Repair Records

All repairs shall be documented on the CHP 108 form (or similar).

(Ex. 5/21/19, Mileage 154,332 – Replaced windshield wipers, added 1 qt. of 10w30 engine oil and replaced left side brake lamp. See attached invoice and parts receipt).

The vehicle shall be positively identified on these forms as well as date and mileage.

These records shall be retained for at least 12 months.

Record Keeping

If a vehicle defect is discovered during any of the inspections, the maintenance records shall contain at a minimum the following;

- Record of repair (including date and mileage)

- Record of parts replaced

- Receipts for parts and/or labor

- Invoices from dealership or repair shop

- Any documentation related to the repair

Any person should be able to open the maintenance records and be able to follow the paper trail of repairs. For example:

Let's say during a 90-day safety inspection of truck #101 an inoperative head lamp was discovered. Upon opening the maintenance file for this vehicle, I should see:

- The most recent 90-day inspection where the inoperative head lamp was discovered

- A receipt from the auto parts store for a head lamp with truck #101 written on it

- A written record of the repair being completed on the CHP 108, with date and mileage

- A company invoice with parts and labor noted, as well as the vehicle positively identified

Be detailed, use part numbers, filter numbers quantity of fluids added, air pressures, tire sizes. Not only will this ensure safe vehicles on the roadways but at the end of the year you can calculate precise cost of maintenance for each and every piece of equipment.

These resources were assembled by Jay Johnson & Associates, LLC and represent the most current regulations at the time of assembly. The information contained in this resource guide is updated regularly by the governmental agencies. Please reference the "Helpful Resource Links" document within this packet for links and QR codes to the FMCSA, DMV, CHP, and PHMSA websites to stay up to date on any regulation changes and updates to their requirements.

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