

MOTOR CARRIER OF PROPERTY PERMIT INFORMATION

CHP 800E (10-98) OPI 062



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 (VC) 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 Motor Carrier Permit Act enforced?

Section 34623 VC states that 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 Motor Carrier Permit Act.

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

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

What is a "Motor Carrier of Property?"

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

What is a "commercial motor vehicle?"

The California definition is found in Section 34601 VC:

(c)(1) As used in this division, except as provided in paragraph (2), a commercial motor vehicle is defined as 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) "Commercial motor vehicle" does not include vehicles operated by household goods carriers, as defined in Section 5109 of the Public Utilities Code or pickup trucks as defined in Section 471 and two-axle daily rental trucks with gross vehicle weight ratings less than 26,001 pounds when operated in noncommercial use.

NOTE: These definitions are for MCP purposes only, not for vehicle registration or any other purpose.

What vehicle types are listed in 34500(a), (b), (f), (g), and (k) VC?

Section 34500 VC lists the following vehicles and combinations of vehicles:

(a) Motortrucks of three or more axles which are more than 10,000 pounds gross vehicle weight rating.

(b) Truck tractors.

(c) Buses, schoolbuses, school pupil activity buses, youth buses, 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), or (d). This subdivision does not include camp trailers, trailer coaches, and utility trailers.

(f) Any combination of a motortruck and any vehicle or vehicles set forth in subdivision (e) that exceeds 40 feet in length when coupled together.

(g) Any truck, or any combination of a truck and any other vehicle, transporting hazardous materials.

(h) Manufactured homes which, when moved upon the highway, are required to be moved under a permit as specified in Section 35780 or 35790.

(i) A park trailer, as described in subdivision (b) of Section 18010 of the Health and Safety Code, which, when moved upon a highway, is required to be moved under 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 Public Utilities Commission or the Interstate Commerce Commission, but only for matters relating to hours of service and log-books of drivers.

(k) Any commercial motor vehicle with a gross vehicle weight rating of 26,001 or more pounds or any commercial motor vehicle of any gross vehicle weight rating towing any vehicle described in (e) with a gross vehicle weight rating of more than 10,000 pounds, except combinations including camp trailers, trailer coaches, or utility trailers.

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

No. Persons operating vehicles that are rented for 30 days or less, may continue to display the lessor's name and valid identification number. However, using a rented commercial motor vehicle as described above 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 an MCP or valid interstate operating authority. 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.

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

No. Effective January 1, 1998, persons operating pickup trucks (11,500 pounds GVWR or less) or two-axle daily rental trucks (26,000 pounds GVWR or less) in noncommercial use, are not subject to the Motor Carrier Permit Program. The California definition for pickup truck is found in Section 471 VC:

A "pickup truck" is a motor truck 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."

My construction company owns a pickup truck (GVWR less than 10,000 pounds) that is operated in combination with a trailer (gross vehicle weight of more than 6,000 pounds) creating an overall length of 45 feet. Am I required to obtain an MCP?

Yes. The operator of a truck and trailer combination described in Section 34500(f) VC (exceeding 40 feet in length) is required to obtain an MCP. However, those vehicles described in Section 34500 (f) VC are not required to display a CA number if the GVWR of the towing vehicle is less than 11,500 pounds. Section 34507.5(c) VC 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. However, 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?

No. 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. 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 VC as any person who:

1. Holds a class A, class B, or class C driver's license with a hazardous materials endorsement;
2. Owns, leases, or otherwise operates not more than one power unit and not more than three towed vehicles;
3. Is required to obtain a permit as a motor carrier of property.

“Person,” in this case, means “individual,” not a corporation, since only an individual can hold a driver’s license.

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

The BIT Program is a mandatory terminal inspection program administered by the CHP for certain motor carriers, and has nothing to do with the MCP Program 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 Motor Carrier Permit, call the DMV at (916) 657-8153;

For additional information regarding general motor carrier safety requirements including the BIT Program, call the CHP’s Commercial Vehicle Section at (916) 445-1865, or your local CHP Motor Carrier Safety Unit shown at the end of this publication.

To obtain a CA number, contact the CHP Motor Carrier Safety Unit nearest you as shown, or if outside California, call CHP’s Commercial Records Unit at (916) 375-2810.

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

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

Yes. Section 34622 VC states that the MCP Program does not apply to vehicles exempt from vehicle registration fees. This includes all publicly-owned vehicles (4155 VC), implements of husbandry and other vehicles described in Division 16, commencing with Section 36000 VC, special construction equipment (565 VC), special mobile equipment (575 VC), and any other vehicles used primarily off the highway and not required to be registered pursuant to Section 4000(a) VC. Additionally, the Vehicle Code excludes pickup trucks (11,500 pounds GVWR or less) and two-axle daily rental trucks (26,000 pounds GVWR or less) when operated in noncommercial use. Also, persons operating certain specialized vehicles such as drilling rigs which are 26,000 pounds or less GVWR and which transport only the equipment necessary to operate the unit are not required to obtain an MCP.

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?

No. The MCP Program 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) VC 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.

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 that 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.

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 96001-3026
(530) 225-2715
(530) 246-1264 (Fax)

Southern Division

437 North Vermont Avenue
Los Angeles, CA 90004-3590
(323) 644-9557
(323) 953-4827 (Fax)

Valley Division

11336 Trade Center Drive
P.O. Box 640
Rancho Cordova, CA 95741-0640
(916) 464-2090
(916) 464-2097 (Fax)

Border Division

9330 Farnham Street
San Diego, CA 92123-1284
(858) 637-7158
(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

4771 West Jacquelyn Avenue
Fresno, CA 93722-6406
(559) 445-6992
(559) 276-9449 (Fax)

Inland Division

847 East Brier Drive
San Bernardino, CA 92408-2820
(909) 383-4811
(909) 888-4228 (Fax)