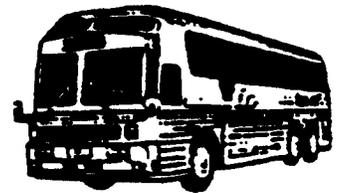
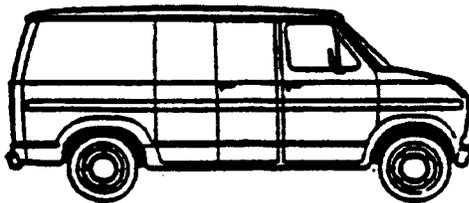
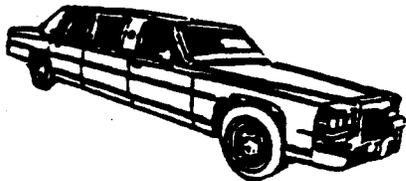


**CPUC CALIFORNIA PUBLIC
UTILITIES COMMISSION**



TRANSFER APPLICATION PACKET

**CHARTER-PARTY CARRIER
OF PASSENGERS**

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



Dear Transferee:

Enclosed you will find the necessary forms to apply for the transfer of a charter-party carrier of passengers certificate from the California Public Utilities Commission.

A checklist, immediately preceding the application, indicates the forms you must complete to acquire the requested certificate(s). (Forms should be attached to the application in the order presented on the checklist). Information/instruction sheets generally appear on colored pages and should be kept for your records.

It is your responsibility to ensure that your application (signed by both the transferor and transferee) and attachments are completed accurately before you return them to your regional office or the Commission's main office in San Francisco. (Instructions and examples are provided to assist you in filling out some of the more complicated forms).

Incomplete applications and/or incorrect information will delay the approval (and may cause the denial) of your certificate. Be consistent in how you show your name on all forms and related documents.

The most common cause for a delay in certificate approval is the lack of insurance certification. When applying for the required insurance (PL&PD and Workers' Compensation), take a copy of your application to your insurance broker. Your name, as it appears on insurance certificates, must be EXACTLY the same as it appears on your application form or the certificate(s) will be rejected and your application delayed. If you are a corporation make sure that all of your documents show the exact name of the corporation as shown in your articles of incorporation.

All applicants are required to enroll in the Department of Motor Vehicles (DMV) Pull Notice Program. You should apply to the DMV for a Requester Code Number immediately. **Your certificate will not be approved without this number, and it may take DMV several weeks to issue it to you.**

Before returning your application, make a copy of the completed application and attachments for your records. If any problems arise it will be easier to resolve them if you have your own copies for reference.

License Section
Rail Safety and Carriers Division

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

TRANSFER OF CERTIFICATED OPERATING AUTHORITIES

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA TO ENGAGE IN THE TRANSPORTATION OF PASSENGERS FOR-HIRE OVER THE PUBLIC HIGHWAYS OF THE STATE OF CALIFORNIA

Those who use motor vehicles to transport passengers for-hire on public roads in California must know and obey State laws and Public Utilities Commission regulations.

The following contains basic P.U.C. licensing information. Further information may be obtained by calling the License Section in San Francisco at (415) 703-2063 or by contacting one of the P.U.C.'s Regional Offices listed. Written correspondence may be addressed to: Public Utilities Commission, License Section, 505 Van Ness Avenue, San Francisco, CA 94102-3290.

General Information

Authority may be obtained through transfer to operate as a:

1. Class "A" Certificated Charter-Party Carrier of Passengers
2. Class "B" Certificated Charter-Party Carrier of Passengers
3. Class "C" Certificated Charter-Party Carrier of Passengers

A filing fee (NOT REFUNDABLE) of \$300 is required at the time of application for each of the above authorities. An incomplete application delays processing and, if not corrected, constitutes cause for denial of the application.

Ordinarily the Commission will not require a public hearing in connection with the transfer of certificates. However, the Commission will not issue a certificate unless satisfied from the contents of the application and/or from an informal interview with the applicant that a certificate should be issued.

Certificate

1. **Class "A" Charter-Party Carrier of Passengers Certificate**
Operates from any point or points within the state to other points in or out of this state, and may operate round-trip sightseeing service.
2. **Class "B" Charter-Party Carrier of Passengers Certificate**
Operates from an area within a radius of 125 air miles from its home terminal to any point or destination in the State of California. It is possible to have multiple Class B Certificates, each with a different home terminal. In such cases, a separate application must be filed for each home terminal.
3. **Class "C" Charter-Party Carrier of Passengers Certificate**
Operates transportation services which are incidental to commercial balloon operations, commercial river rafting, or skiing where no additional compensation is provided for the transportation.

Certificate Requirements

FINANCIAL RESPONSIBILITY

In order to qualify for a certificate, you must establish financial responsibility to perform the service within the scope of your proposed operation. The Commission staff will make a determination whether you qualify based upon the financial information you submit on Form TL706-F3 (Projected Profit and Loss Statement).

Projected Profit and Loss Statement (TL706-F3): your revenue must be greater than expenses over a stated initial period (not less than 90 days, but not more than one year).

SUB-CARRIERS

A carrier shall not use the services of another carrier (sub-carrier) that provides the vehicle and the driver, unless the sub-carrier holds Commission operating authority as a charter-party carrier. There must be a written agreement between the carrier and sub-carrier for use of the sub-carrier's vehicle(s) or driver(s). The written agreement must contain the carriers' names, TCP numbers, and the services to be provided.

INSURANCE REQUIREMENTS

Public Liability and Property Damage - General Order Series 115 requires all charter-party carriers to secure and maintain on deposit with the Commission evidence of adequate bodily injury and property damage liability protection covering motor vehicles operated or to be operated.

Workers' Compensation - Public Utilities Code Section 5378.1 requires all charter-party carriers to secure and maintain on deposit with the Commission evidence of workers' compensation insurance covering all its employees.

RATES

Charges for the transportation to be offered or afforded by a charter-party carrier must be computed and assessed on a vehicle mileage or time of use basis or combination of these. Individual fares per passenger are prohibited except for certain school bus contractors and operations of round-trip sightseeing tour services. See PU Code Sections 5401 and 5402.

EQUIPMENT

All charter-party carriers must submit a list of equipment owned or leased that will be operated in their proposed transportation service. Additions and deletions to the equipment list shall be filed in writing within 10 days of the date the vehicle is put into or pulled out of service. This information will also be updated on an annual basis and submitted to the California Highway Patrol and the carrier's insurance company in compliance with Chapter 916 of the PUC Enforcement Act.

Vehicles designed to carry not more than 8 passengers, including the driver, must display a Commission issued decal on the lower right hand corner of the rear bumper. However, in lieu of the decal, limousines must display a special "LIVERY" license plate issued by the Department of Motor Vehicles.

SAFETY REQUIREMENTS

The Commission expects its carriers to maintain their equipment, and operate same, in a safe manner. Accordingly, the Commission requires that its carriers comply with all applicable safety-related statutes, regulations, and rules, including those of the California Highway Patrol (CHP) and the California Department of Motor Vehicles (DMV). Every carrier must inspect all vehicles and maintain proper documentation of such inspections. **RECEIPT OF A NEGATIVE SAFETY REPORT FROM THE CHP WILL RESULT IN THE IMMEDIATE DENIAL OF THE APPLICATION OR SUSPENSION AND POSSIBLE REVOCATION OF ANY OPERATING AUTHORITIES ISSUED BY THE COMMISSION. RECEIPT OF A NEGATIVE REPORT FROM THE DMV WILL EITHER DELAY OR RESULT IN THE DENIAL OF THE APPLICATION.** This application when filed is a public document and information from this application will be forwarded to the CHP and the DMV.

A. CALIFORNIA HIGHWAY PATROL REGULATIONS

If you intend to operate any vehicles with a seating capacity of more than 10 persons including the driver you must pass a Highway Patrol inspection (California Vehicle Code Section 34505.1) before your operating authority can be granted by the PUC. **PUC WILL REQUEST THIS INSPECTION FOR YOU SOON AFTER YOU FILE THIS APPLICATION.** Carriers are subject to additional safety inspections at any time.

B. DEPARTMENT OF MOTOR VEHICLES DRIVER REGULATIONS

All applicants are required to participate in DMV's Pull Notice Program. Applicant agrees to hire and utilize only drivers who are licensed (and certified, if appropriate) for the type of vehicles they will be driving. Applicant agrees to check driver records with DMV (See Application, Part III, No. 2) for all drivers prior to their hiring and agrees to comply with all applicable laws and regulations pertaining to the employment of drivers. You are also required to file your Requester Code with the PUC at the time of application.

C. MAINTENANCE CAPABILITIES

By signing this application applicant certifies that applicant is willing and able to maintain its vehicles in a safe operating condition and in compliance with the Vehicle Code and with regulations contained in Title 13 of the California Code of Regulations relative to motor carrier safety.

D. SAFETY REQUIREMENTS

Public Utilities Code Section 5374(b)(c) outlines the highway safety requirements that all class A, B and C certificated carriers must implement for their transportation operations. In addition to a preventive maintenance program, all highway carriers must provide on-going safety education and training programs, participate in the pull notice program and abide by the regulations contained in the California Vehicle Code and Title 13 of the California Code of Regulations.

E. CONTROLLED SUBSTANCE AND ALCOHOL TESTING CERTIFICATION REQUIREMENTS

Public Utilities Code Section 5374 requires applicants to implement a controlled substance and alcohol testing certification program as contained in Section 1032.1 of the Public Utilities Code.. Applicants who propose to employ drivers who will operate vehicles with a seating capacity of 15 persons or less, including the driver, must comply with the requirements in section 1032.1 for those drivers. Applicants who propose to employ drivers who will operate vehicles with a seating capacity of 16 persons or more, including the driver, are required to comply with federal drug testing regulations for those drivers. An applicant who employs himself as a driver is required to comply with the appropriate program.

F. LIVERY PLATE REQUIREMENTS FOR LIMOUSINES

Chapter 109, Statutes of 1994, requires all charter-party carriers of passengers operating limousines to and from airports within California to obtain "livery" license plates for their limousines. "Limousine" is defined as any luxury sedan, of either standard or extended length, with a seating capacity of NOT more than nine (9) passengers including the driver, used in the transportation of passengers for hire on a prearranged basis to and from airports within the state. Carriers who propose to operate "limousines" must complete Form PL664 and submit it along with their application.

Other Related Information

PUBLIC UTILITIES COMMISSION TRANSPORTATION REIMBURSEMENT ACCOUNT (PUCTRA)

All charter-party carriers transporting passengers for compensation subject to regulation by the Commission are required to: 1) file annual/quarterly revenue reports (based on revenues) on forms provided by the Commission; and 2) pay a \$25 annual or \$10 quarterly administrative fee plus a percentage of their gross operating revenues. You will receive notification of these reports after your certificate is granted.

TRANSFER OF CERTIFICATES

No class A, B, or C Certificates shall be sold, leased, assigned or otherwise transferred or encumbered by the holder thereof without first securing authorization from the Commission. Application requesting authorization to transfer a certificate (PL927) must be accompanied by a filing fee of three hundred dollars (\$300).

REGIONAL OFFICE ADDRESSES AND PHONE NUMBERS

LOS ANGELES	320 W. 4th Street, Suite 500, 90013	(213) 576-7108
SACRAMENTO	770 "L" Street, Suite 1050, 95814	
SAN DIEGO	1350 Front Street, Room 4006, 92101	(619) 525-4217
SAN FRANCISCO (HQ)	505 Van Ness Avenue, Room 2104, 94102	(415) 703-2063

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CHARTER-PARTY CARRIER OF PASSENGERS CERTIFICATE TRANSFER APPLICATION CHECKLIST

Use this checklist to determine which forms accompany your transfer application (PL927). Complete all necessary forms and have your insurance broker arrange the filing of all necessary insurance forms with the Commission.

Application (To be completed by all applicants.)

- Application Form PL927 for transfer of charter-party carrier of passengers certificate.

Attachments (All transferees must complete the following forms.)

- If a partnership, Partnership Agreement Form TL706-B or attach a copy of Partnership Agreement.
- If a corporation, attach a copy of the Articles of Incorporation and/or Certificate of Qualification/Status.
- Profit and Loss Statement Form TL706-F3.
- Workers' Compensation Form TL706-K.
- Equipment Statement of Applicant Form PL664.
- "LIVERY" License Plate Application Form PL664-A (For limousines only).
- Driver Statement of Applicant Form PL739-A.
- Vehicle Inspection Fee Statement Form PL739-B.
- Highway Safety Requirements Form TL706-L.
- Carrier Profile Form CHP 362.
- Controlled Substance and Alcohol Certification Requirement Form PL706-J.

Insurance (Insurance company files the following authorized insurance forms with the Commission.)

- Insurance Requirements: All transferees must have their insurance company file a Public Liability and Property Damage insurance certificate (PL914) with the PUC.
- If hiring employees: insurance company must file a Workers' Compensation insurance certificate (TL938 or SCIF10260) with the PUC.

NOTE: ALL INSURANCE CERTIFICATES MUST SHOW THE EXACT NAME(S) OF THE TRANSFEREE(S) AS IT APPEARS ON THE APPLICATION FORM.

IF A CORPORATION, exact corporate name is: _____

Date of Incorporation: _____ Incorporated in State of _____

NAME OF OFFICERS	TITLE	ADDRESS	NO. OF SHARES

Control of Corporation Held By: Officers Listed Other (Specify: _____).

If transferee is a California Corporation, a certified copy of its articles of incorporation shall be attached to the application. If already filed with the Public Utilities Commission, make specific reference to the prior proceeding and the date of filing. If corporation is more than one year old, provide a certificate of status.

If the Corporation was organized and exists under the laws of a state other than California, a Certificate of Qualification must be obtained from the Secretary of State, State of California and must be filed with the articles of incorporation when submitted.

ARTICLES OF INCORPORATION/CERTIFICATE OF QUALIFICATION/STATUS: ENCLOSED PREVIOUSLY FILED

IF PREVIOUSLY FILED: PROCEEDING NO.: _____ DATE FILED: _____

3. Transferee Business Affiliation:

(a) Transferee is associated or affiliated with the following business entities by reason of common ownership, control or management (Own part or all of the company, hold a responsible position in the company or guide the operations of the company, directly or indirectly.).

(Please list and indicate if partnership, company or corporation.)

NAME	PARTNERSHIP, COMPANY OR CORPORATION

(b) No affiliation exists.

4. EXPERIENCE:

Transferee has had the following experience in the transportation of passengers by motor vehicle over the public highways:

PART II: SCOPE OF OPERATIONS PROPOSED

1. CERTIFICATES

- Class "A" Statewide authority.
- Class "B" Pick-up area not more than 125 air miles from home terminal to any point in the state. Any size vehicle.
- Class "C" Ground transportation incidental to commercial balloon operations, river rafting, or skiing where no additional compensation is provided for the transportation.

Transferee intends to provide the following services (describe):

2. TERMINAL INSPECTION FEE STATEMENT: Complete Form PL739-B and attach to application.

PART III: SAFETY OF OPERATIONS

1. CALIFORNIA HIGHWAY PATROL REGULATIONS

If you intend to operate vehicles with a seating capacity of more than 10 persons including the driver, you must pass a Highway Patrol inspection (California Vehicle Code Section 34505.1) before your operating authority can be granted by PUC. *PUC WILL REQUEST THIS INSPECTION FOR YOU SOON AFTER YOU FILE THIS APPLICATION.* Carriers are subject to additional safety inspections at any time. All transferees must complete the following forms.

- a) **EQUIPMENT STATEMENT OF APPLICANT:** Complete Form PL664 and attach to application.
- b) **CHP CARRIER PROFILE INFORMATION:** Complete CHP Form 362 and attach to application.

2. DEPARTMENT OF MOTOR VEHICLES DRIVER REGULATIONS

All applicants, including owner-operators and employers, are required to participate in DMV's Pull Notice Program. Transferee agrees to hire and utilize only drivers who are licensed (and certificated, if appropriate) for the type of vehicles they will be driving. Transferee agrees to check its drivers' records with DMV for all drivers prior to their hiring and agrees to comply with applicable laws and regulations pertaining to the employment of drivers.

Every carrier shall enroll in the "Pull Notice Program" of the Department of Motor Vehicles as defined in Vehicle Code Section 1808.1. A charter-party vehicle shall not be operated by any driver who is presumed to be a negligent operator under Vehicle Code Section 12810.5. You will receive a requester code number from DMV when you are enrolled in the Pull Notice Program.

3. MAINTENANCE CAPABILITIES

By signing this application, transferee certifies that transferee is willing and able to maintain its vehicles in safe operating condition and in compliance with the California Vehicle Code and with regulations contained in Title 13 of the California Administrative Code relative to motor carrier safety. Every carrier must inspect all vehicles and maintain proper documentation of such inspections.

- 4. **WORKERS' COMPENSATION DECLARATION FORM:** Complete Form TL706K and attach to application.
- 5. **SUBCARRIER AGREEMENTS:** Transferee agrees to hire and utilize subcarriers in compliance with General Order 157 Series.
- 6. **HIGHWAY SAFETY REQUIREMENTS:** Complete form PL 706-I and attach to application.
- 7. **CONTROLLED SUBSTANCE AND ALCOHOL TESTING CERTIFICATION REQUIREMENTS:** Applicants must provide for a drug testing program which includes educational materials for their drivers, training for supervisors and specified testing of drivers for use of controlled substances and alcohol. Complete Form PL706-J and attach to application. If all of the vehicles that you propose to operate have a seating capacity of 16 persons or more, including the driver, you do not have to complete form PL706-J. If you will not operate vehicles under this authority that have a seating capacity of 15 persons or less, including the driver, certify to this effect on Form PL706-J, Part I.

PART IV: FINANCIAL RESPONSIBILITY AND INSURANCE REQUIREMENTS

- 1. **ALL TRANSFEREES:** Complete Form TL706-F3 (Projected Profit and Loss Statement), and attach to the application. The financial information you submit may be verified by the Commission staff.
- 2. Transferee shall deposit evidence of adequate bodily injury and property damage insurance required by General Order 115 Series. Certificate/permit will not be issued without insurance being on file with the Commission. The required minimum public liability and property damage insurance coverage increases depending on the seating capacity of the vehicle(s) to be operated. Your insurance company must file a Form PL914 insurance certificate with the Commission before any charter-party carrier operating authority can be issued.

Name(s) appearing on all certificates of insurance must be exactly the same as the applicant's name(s) as listed in Part 1, No. 3 of this application.

Name and address of insurance broker or agent is: _____
Insurance Broker/Agent

Street Address
City
State
Zip Code
Area Code/Telephone No.

A CHANGE OF TRANSFEREE OR TYPE OF CERTIFICATE WILL REQUIRE ANOTHER APPLICATION AND FILING FEE

Transferor:

The transfer of the certificate does not become effective until the Commission officially authorizes the transfer. Until then, you, as a certificate holder, are required to comply with all Commission rules and regulations, including the filing of quarterly/annual reports of gross operating revenue and responding to Commission information requests. If all matters pertaining to the transfer are not completed within 60 days this application may be denied.

As transferor, I (we) understand the above and agree to the transfer of my (our) certificate if transferee fulfills all requirements of the Commission.

Date _____

Transferee:

Before purchase, you should check with the Commission to determine the status of the certificate and whether the transferor owes any money to the Commission. The certificate will not be transferred until all money due the Commission has been paid. File this application promptly. Any for-hire operations conducted prior to Commission authorization are unlawful and may subject applicant to fine and imprisonment.

Signature of Transferor(s)

PART V: NOTICE REQUIREMENTS

The Commission's Rules of Practice and Procedure require that Charter-Party Carrier of Passengers Certificate Applications be noticed in the Daily Transportation Calendar for a thirty day period and states that applicants shall furnish or mail a copy of the application to any person making a request therefor, or to any other persons as the Commission may direct. By signing this application, applicant agrees to comply with such requirements.

CERTIFICATION

As transferee, I (we) understand the above, and I (we) certify (or declare), under penalty of perjury, that the representations appearing in said application and in any PUC forms attached thereto (including any accompanying financial schedules, statements or projections) are, to the best of my (our) knowledge and belief, true, correct and complete, based on all the information required to be included therein, of which I (we) have any knowledge, and these representations are made in good faith. Where the CPUC operating authority is held by a corporation, I further certify that I am an officer of the corporation and am authorized to make this certification on its behalf. I (we) further certify (or declare), under penalty of perjury, that a final judgement has not been entered against the applicant(s) pursuant to Section 3716.2 of the Labor Code (workers' compensation violations), and that I (we) am (are) in compliance with the Americans with Disabilities Act of 1990 as required by D. 92-12-065.

Date _____

Signature of Transferee(s)

If transferee is a corporation:

Signature of Corporate Officer

Title of Corporate Officer

NOTICE

The filing of this application does not in itself constitute authority to engage in for-hire operations. Any for-hire operations conducted prior to Commission authorization are unlawful and may subject applicant to fine and imprisonment.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA PARTNERSHIP AGREEMENT

This partnership agreement form must be attached to the original application when a partnership agreement has not been previously reduced to writing.

If the liability of any partner, or partners, to that portion of the public with whom the partnership transacts any of its business is intended to be a limited liability, the certificate required of limited partnerships by Section 15502 or 15621 of the Corporations Code must be executed and recorded and a copy thereof filed with this Commission in lieu of this form.

LIST THE FOLLOWING INFORMATION FOR EACH PARTNER

NAME	NAME
STREET ADDRESS	STREET ADDRESS
CITY STATE ZIP CODE	CITY STATE ZIP CODE
AREA CODE PHONE NUMBER	AREA CODE PHONE NUMBER
PERCENTAGE INTEREST	PERCENTAGE INTEREST

Use additional sheets if necessary

List the name(s) of the partner(s), who will be available to explain the operations and procedures of the partnership business and supply any requested records to authorized Commission representatives:

If there has been an agreement whereby a partner(s) is (are) to assume specific responsibilities such as management, etc., list the name(s) of such partner(s), and his (their) duties:

Name	Responsibility

List the name(s) of any partner(s), who will not take an active part in the actual conduct of the partnership business:

CERTIFICATION

We certify (or declare), under penalty of perjury, that we have read and understand the partnership agreement stated above and that the foregoing is true and correct.

Date: _____

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA PROJECTED PROFIT AND LOSS STATEMENT

For a time period of _____
(Not less than 90 days but not more than one year)

Line No.	ITEM	AMOUNT
1.	PART I Estimate Revenues	INCOME \$ _____
2.	PART II Preventive Maintenance	EXPENSES
3.	Repairs	
4.	Tires & Tubes	
5.	Safety Education and Training Program	
6.	Mechanics Wages	
7.	Driver and Helper Wages	
8.	Drivers, helper and Mechanic Welfare and Pensions	
9.	Fuel & Oil Expenses	
10.	Vehicle Leases	
11.	Other Transportation Expenses	
12.	Rent	
13.	Office Wages and Benefits	
14.	Other Office Expenses	
15.	Legal and Accounting	
16.	Insurance, PL & PD	
17.	Insurance, Workers' Compensation	
18.	Insurance, Cargo Loss	
19.	Depreciation	
20.	Payroll Taxes	
21.	Fuel & Oil Taxes	
22.	Vehicle Registrations	
23.	P.U.C. Fees & Taxes	
24.	Other Taxes & Licenses	
25.	Interest	
26.	Total Expenses (Add Lines 2 through 25)	
27.	NET PROFIT (OR LOSS)* (Line 1 minus Line 26)	\$ _____

* If a net loss is shown, please explain how the loss will be paid. If the loss is to be paid out of funds currently available, please complete the verification form.

CERTIFICATION

I (WE) CERTIFY (OR DECLARE), UNDER PENALTY OF PERJURY, THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THE PROPOSED SERVICE WILL BE FINANCIALLY ABLE TO OPERATE SAFELY.

Date: _____

Signature of Applicant(s)

If applicant is a corporation:

Signature of Corporate Officer

Title of Corporate Officer

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
WORKERS' COMPENSATION DECLARATION FORM**

T- _____

or

PSG- _____

When you fill out this form, remember that the term "employee" includes clerical persons as well as drivers (and any other person employed in your carrier operations).

If your business status is *OUT OF STATE CORPORATION*, please note that you are not subject to the workers' compensation laws of California unless you have employees who reside in California. If you have employees who reside in California, check (B) below; if not check (A).

If you employ persons in your carrier operations in any manner that makes you subject to the workers' compensation laws of California, you must promptly file with the Commission a certificate of workers' compensation insurance coverage or a certificate of consent to self-insure issued by the Director of Industrial Relations.

Check (A) or (B) below.

- A. I DO NOT have any employees. If I hire employees in the future, I will submit an amended Workers' Compensation Declaration Form to the Commission and contact my insurance company at once and have the required certificate of coverage mailed to the Commission.
- B. I DO have employees. I will contact my insurance company at once and have the required certificate of coverage mailed to the Commission.

CERTIFICATION

I (we) certify (or declare), under penalty of perjury, that I (we) have read and understand the above requirement regarding workers' compensation and that I (we) am (are) able to and will comply with it. I (we) certify (or declare), under penalty of perjury, that the foregoing is true and correct.

Date: _____

Signature of Applicant(s)

If applicant is a corporation:

Signature of Corporate Officer

Title of Corporate Officer

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
SPECIAL IDENTIFICATION "LIVERY" LICENSE PLATES FOR LIMOUSINES

All charter-party carriers of passengers must have a special "LIVERY" license plate on every "limousine" they use in California.

"Limousine" is defined in Public Utilities Code Section 5371.4(h) as any luxury sedan, of either standard or extended length, with a seating capacity of not more than nine passengers including the driver, used in the transportation of passengers for hire on a prearranged basis within this state. Vans, station wagons and sports utility vehicles are NOT limousines.

When the Commission grants operating authority to you, it will also issue an authorization letter which directs the DMV to issue the "LIVERY" plates, but you must take the authorization letter to DMV and order the plates yourself. DMV will not issue "LIVERY" plates to anyone without an authorization letter from the Commission. There is no charge for these special identification plates.

If you currently have an Environmental License Plate (vanity plate), your personalized designation will be transferred to your new "LIVERY" plate.

If your vehicle registration fees are not current, DMV will not issue a LIVERY plate to you until you have paid the required fees.

If your vehicle is issued a LIVERY plate, and you wish to have the plate PERSONALIZED, contact the DMV directly.

If your vehicle is issued a LIVERY plate other than PERSONALIZED, the **plate must be removed and surrendered** to the Commission **before you sell** your vehicle.

General Order 157, Part 4.06 requires all charter-party carriers to **immediately remove the livery plates and surrender** them to the Commission **upon cancellation, suspension or revocation of permit or certificate.**

A copy of the current vehicle registration for each limousine must accompany this form. If you are not the registered owner of the vehicle, you must attach a statement signed by the registered owner authorizing you to obtain a livery plate for the vehicle. Livery plate requests will be returned if the signed statement is not attached.

NOTE: VEHICLES REQUIRING LIVERY PLATES DO NOT NEED TO DISPLAY PUC DECALS ON REAR BUMPERS.

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
DRIVER STATEMENT OF APPLICANT**

TCP- _____

NAME OF APPLICANT: _____

DOING BUSINESS AS (DBA): _____

BUSINESS ADDRESS: _____
Street Address City County State Zip Code

PHONE: (_____) _____
Area Code Phone No.

REQUESTER CODE NUMBER: _____

APPLICANT PROPOSES TO EMPLOY THE FOLLOWING DRIVERS (INCLUDING APPLICANT IF APPLICABLE), PROVIDING EACH DRIVER IS ELIGIBLE FOR A DRIVING CERTIFICATE. THIS LIST MUST BE A COMPLETE LIST OF ALL DRIVERS EMPLOYED BY YOUR COMPANY.

CALIFORNIA DRIVER LICENSE NO.	BIRTH DATE MO/DAY/YEAR	FULL NAME OF DRIVER	FOR DMV USE ONLY	
			CLASS OF LICENSE	STATUS

CONTINUE ON BACK IF NECESSARY

Date: _____

Signature of Applicant(s)

If applicant is a corporation:

Signature of Corporate Officer

Title of Corporate Officer

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

TERMINAL INSPECTION FEE STATEMENT

TCP-_____

APPLICANT REQUESTS AUTHORITY TO OPERATE AS A CHARTER-PARTY CARRIER OF PASSENGERS.

NAME: _____

DOING BUSINESS AS (DBA): _____

BUSINESS ADDRESS: _____

Street Address

City

County

Zip Code

PHONE: (____) _____

Area Code

Phone No.

P.U. Code Section 5373.1(b) states: The Commission shall also require each application to be accompanied by a fee to offset the cost of the charter-party carrier bus terminal inspections conducted by the Department of the California Highway Patrol. The fee shall be fifteen dollars (\$15) per tour bus, as defined in Section 612 of the Vehicle Code, or a maximum of six thousand five hundred dollars (\$6,500) for each operating carrier.

PLEASE CHECK APPROPRIATE BOX BELOW:

- Applicant **WILL NOT** use any vehicles seating more than 10 passengers including the driver.
- Applicant **WILL** use _____ vehicles seating more than 10 passengers including the driver. Total submitted \$_____ (_____ vehicles x \$15.00). **MAXIMUM AMOUNT \$6500.**

LIST EQUIPMENT ON FORM PL-664.

NOTE:

Terminal inspection fee is in addition to the application fee and is not refundable. Application cannot be processed without BOTH the application filing fee and terminal inspection fee.

FAILURE TO LIST ALL VEHICLES WILL BE DEEMED REASON FOR DENIAL OR LATER SUSPENSION AND/OR REVOCATION OF ANY ISSUED AUTHORITY.

You must immediately notify this Commission of any changes to your equipment list.

CERTIFICATION

I (WE) CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT.

Date: _____

Signature of Applicant(s)

If applicant is a corporation:

Signature of Corporate Officer

Title of Corporate Officer

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
HIGHWAY SAFETY REQUIREMENTS
FOR CHARTER-PARTY CARRIERS

Before completing this form, refer to "A Guide To Filling Out Form TL706-I"

I. GENERAL HIGHWAY SAFETY REQUIREMENTS

Public Utilities Code Section 5374 states that:

(a) Before a permit is issued or renewed, the Commission shall require the applicant to establish reasonable fitness and financial responsibility to initiate and conduct or continue to conduct the proposed or existing transportation services. The Commission shall not issue a permit pursuant to this chapter unless the applicant certifies on a form acceptable to the Commission that the applicant will maintain its vehicles in a safe operating condition and in compliance with the Vehicle Code and with regulations contained in Title 13 of the California Administrative Code relative to motor vehicle safety.

(b)(1) Before a certificate is issued or renewed, the Commission shall require the applicant to establish reasonable fitness and financial responsibility to initiate and conduct or continue to conduct the proposed or existing transportation services. The Commission shall not issue or renew a certificate pursuant to this chapter unless the applicant meets all of the following requirements:

- (A) It is financially and organizationally capable of conducting an operation that complies with the rules and regulations of the Department of the California Highway Patrol governing highway safety.
- (B) It is committed to observing the hours of service regulations of state and, where applicable, federal law, for all persons, including employees and subcarriers, operating vehicles in transportation for compensation under the certificate or the permit.
- (C) It has a preventive maintenance program in effect for its vehicles used in transportation for compensation that conforms to regulations of the Department of California Highway Patrol in Title 13 of the California Code of Regulations.
- (D) It participates in a program to regularly check the driving record of all persons, whether employees or subcarriers, operating vehicles used in transportation for compensation requiring a class A or class B driver's license under the certificate or the permit.
- (E) It has a safety education and training program in effect for all persons, including employees and subcarriers, operating vehicles used in transportation for compensation.
- (F) It will maintain its vehicles used in transportation for compensation in a safe operating condition and in compliance with the Vehicle Code and with regulations contained in Title 13 of the California Code of Regulations relative to motor vehicle safety.
- (G) It has filed with the Commission the certificate of workers' compensation coverage or statement required by Section 5378.1.
- (H) It has provided the Commission an address of an office or terminal where documents supporting the factual matters specified in the showing required by this section may be inspected by the Commission and the Department of the California Highway Patrol.

(b)(2) With respect to subparagraphs (B) and (F) of paragraph (1), the Commission may base a finding on a certification by the Commission that an applicant has filed, with the Commission, sworn declaration of ability to comply and intent to comply.

V. CERTIFICATION

I (we) certify that I (we) have read and understand the requirements in Sections I. through VI. above and that I am (we are) able to and will comply with each of them; and that the information I (we) have provided on this form, and in the attachments, is true and correct to the best of my (our) knowledge and belief. I (we) certify (or declare), under penalty of perjury, that the foregoing is true and correct.

Date: _____

Signature of Applicant(s)

If applicant is a corporation:

Signature of Corporate Officer

Title of Corporate Officer

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CALIFORNIA PUBLIC UTILITIES CODE

CONTROLLED SUBSTANCES AND ALCOHOL TESTING CERTIFICATION PROGRAM

I. GENERAL PROGRAM REQUIREMENTS

All passenger stage and charter-party applicants who propose to employ drivers who will operate vehicles having a seating capacity of 15 persons or less, including the driver, must comply with the Commission's controlled substance and alcohol testing certification program requirements detailed below. Charter-party applicants who propose to employ drivers who will operate vehicles with a seating capacity of 16 persons or more, including the driver, must comply with the federal drug testing requirements for those drivers. If all of your drivers will operate vehicles with a seating capacity of 16 persons or more, you do not have to comply with the state drug testing program or complete part II below. If this is the case, sign and date on the line directly below and complete parts III and IV.

(A person who employs himself/herself as a driver is considered an employer for the purposes of these requirements.)

Date

Signature

Public Utilities Code Section 5374 provides that:

The commission shall not issue or renew a charter-party carrier permit or certificate unless the applicant provides for a mandatory controlled substance and alcohol testing certification program as adopted by the commission pursuant to Section 1032.1.

Public Utilities Code Section 1032.1 states that:

1032.1 (a) The commission shall not issue a certificate of public convenience and necessity pursuant to this article unless the applicant provides for a mandatory controlled substance and alcohol testing certification program as adopted by the commission.

(b) The commission, after considering any suggestions made by the Department of the California Highway Patrol, shall adopt a program that includes, but need not be limited to, all of the following requirements:

(1) Drivers shall test negative for each of the controlled substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, before employment. Drivers shall test negative for these controlled substances and for alcohol at such other times as the commission, after consulting the Department of the California Highway Patrol, shall designate. As used in this section, a negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent.

(2) Procedures shall be substantially as in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, except that the driver shall show a valid California driver's license at the time and place of testing, and except as provided otherwise in this section. Requirements for rehabilitation and for return-to-duty and follow-up testing, and other requirements except as provided otherwise in this section, shall be substantially as in Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations.

(3) A test for one applicant shall be accepted as meeting the same requirement for any other applicant. Any negative test result shall be accepted for one year as meeting any requirement for periodic testing for that applicant or any other applicant, if the driver has not tested positive subsequent to a negative result. However, an earlier negative result shall not be accepted as meeting the pre-employment testing requirement for any subsequent employment, or any testing requirements under the program other than periodic testing.

(4) In the case of an applicant who is also a driver, test results shall be reported directly to the commission. In all other cases, results shall be reported directly to the applicant.

(5) All test results are confidential and shall not be released without the consent of the driver, except as authorized or required by law.

(6) Applicants shall be responsible for compliance with, and shall pay all costs of, this program with respect to their employees and potential employees, except that an applicant may require employees who test positive to pay the costs of rehabilitation and of return-to-duty and follow-up testing.

(7) The requirements of the program do not apply to any driver required to comply with the controlled substance and alcohol use and testing requirements of Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations, or Section 34520 of the Vehicle Code, or to any driver exempted from the provisions of that section.

(c) No evidence derived from a positive test result pursuant to the program shall be admissible in a criminal prosecution concerning unlawful possession, sale or distribution of controlled substances.

(d) On the request of an applicant, the commission shall give the applicant a list of consortia certified pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations that the commission knows offer tests in California.

(e) The commission shall conduct random and for-cause inspections of applicants' documents supporting compliance with the program.

(f) For purposes of this section, "employment" includes self-employment as an independent driver.

Title 49 of the Code of Federal Regulations (CFR) Part 382: Controlled Substance and Alcohol Use and Testing

To fully understand what is required of you under the CFR, you must obtain a copy of Parts 40 and 382 and become familiar with their directives or obtain one of the controlled substance and alcohol testing program training kits now available on the market.

The following is a brief summary of Part 382.

The CFR requires employers to provide educational materials to their drivers which explain the requirements of Part 382 and the employer's policies and procedures with respect to meeting these requirements (382.601). Further, Part 49 requires employers to provide for a comprehensive drug testing program to ensure that drivers do not operate vehicles while being impaired by alcohol or controlled substances.

Every carrier must conduct pre-employment testing (382.301), post accident testing (382.303), random testing (382.305), testing due to reasonable suspicion (382.307), follow-up testing (382.311), and return-to-duty testing (382.309).

Employers must advise employees of the resources available to them to resolve problems associated with the misuse of alcohol and the use of controlled substances (382.605).

Employers must ensure that supervisors are properly trained to determine whether reasonable suspicion exists to require a driver to undergo testing (382.603).

Employers shall not permit an employee who has violated the provisions of Part 382 to perform safety-sensitive functions, including driving a commercial vehicle.

Title 49 of the CFR Part 40: Procedures for Transportation Workplace Drug Testing Programs

Part 40 provides for the specific procedures for conducting alcohol and controlled substance tests.

II. CONTROLLED SUBSTANCE AND ALCOHOL TESTING CERTIFICATION PROGRAM

A. Employee Education

Unless you have a contract for services from a company which has been prescreened by the Commission staff you must specify the materials you will use to explain to your employees your policies and procedures as an employer with respect to meeting the drug testing requirements of the CFR and PU Code Section 5374. Attach copies of any written materials you will use. (Self employed independent operators are required to make the above showing as well.) If you have a contract with a consultant who is setting up a program for you, write the consultant's name and telephone number in the space below and provide a copy of the contract or agreement you have with this consultant to show that you have purchased his services.

B. Supervisor Training

All persons designated to supervise drivers must receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing. You must show proof that your driver supervisor has completed this training or has enrolled in a training program

- C. Provide the name and telephone number of the facility that will manage or perform your alcohol and controlled substance tests. If you have set up your own program, give us the name of the federally certified laboratory that will be performing your drug tests. If you have a contract with a consultant/company who will manage your ongoing drug testing, give us the name and telephone number of the consultant/company performing this service for you as well as a copy of the contract or agreement.

Name

Telephone Number

- D. If there is to be only one driver under the permit, you must enroll that driver in a random testing pool that is managed by an independent company/consultant and provide a copy of the contract or agreement for the random testing service. If you have a contract with a consultant/company who will be managing your testing program list the consultant's/company's name and telephone number below.

Name

Telephone Number

- E. A driver/applicant is any applicant (individual, partner, or officer of a corporation) who is applying for charter-party carrier operating authority who will also drive one of the vehicles to be operated under the charter-party authority.

Are you, or any of the applicants, a driver-applicant?

Yes No

If yes, the driver/applicant is required to cause a copy of its controlled substance and alcohol tests results to be sent directly to the Commission. This application will not be granted until a copy of the alcohol and controlled substance tests have been received, reviewed and found to be in compliance with Chapter 405.

III. ORGANIZATIONAL REQUIREMENTS

Name and telephone number of person(s) in your business responsible for controlled substance and alcohol testing certification program who will be managing your random drug testing program:

Name

Telephone Number

IV. CERTIFICATION

I (we) certify that I (we) have read and understand the requirements in Sections I. through IV. above and that I am (we are) able to and will comply with each of them; and that the information I (we) have provided on this form, and in any attachments, is true and correct to the best of my (our) knowledge and belief. I (we) certify (or declare), under penalty of perjury, that the foregoing is true and correct.

Date: _____

Signature of Applicant(s)

If applicant is a corporation:

Signature of Corporate Officer

Title of Corporate Officer

PART 4. TYPES OF OPERATION (Check all that apply. This will assist CHP in mailing new information to your firm only when appropriate.)

IMPORTANT! Read the descriptions of each item beginning on page 4 before checking its box, especially items A and N.

- A. Truck (see instructions)
- B. Hazardous Materials Carrier
- C. Hazardous Materials Shipper
- D. Hazardous Waste Transporter
- E. Flammable Liquid Cargo Tank
- F. Bus w/o Operating Authority (public transit or private bus)
- G. Tour Bus (CPUC or ICC authority)
- H. School Bus
- I. School Pupil Activity Bus
- J. Youth Bus
- K. General Public Paratransit Vehicle
- L. Farm Labor Vehicle
- M. Vehicle or combination described in VC 34500 (k)
- N. MCP Only (see instructions)

PART 5. DOING BUSINESS AS (Doing Business As names on file with Secretary of State, or Fictitious Business Name on file with County)*

Doing business in California as _____

Doing business in California as _____

Doing business in California as _____

*Attach additional sheets if necessary.

PART 6. OPERATING AUTHORITIES & IDENTIFICATION NUMBERS

Federal identification numbers:

USDOT _____ MC _____ MX _____ IRP _____ (IRP Base State: _____)

California identification numbers:

Cal-T (Household goods carriers only) T- _____ PSG (For-hire passenger carriers only) PSC _____ TCP _____

PART 7. CALIFORNIA TERMINALS (Attach additional sheets if necessary, providing same information for each terminal)

CALIFORNIA TERMINAL DBA and STREET ADDRESS <small>(Terminal DBA must match a DBA in Part 5)</small>	CITY	ZIP CODE	Local Phone No. (w/ Area Code)	Driver Records at This Address?	Vehicle Records at This Address?	CHP USE ONLY
Doing Business As				<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N	Area
Address						Subarea
Doing Business As				<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N	Area
Address						Subarea
Doing Business As				<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N	Area
Address						Subarea
Doing Business As				<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N	Area
Address						Subarea
Doing Business As				<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N	Area
Address						Subarea

If the CHP needs to clarify any of the information your organization has supplied on this profile, who in your organization should be contacted by telephone for assistance?

Name (Type or print) _____ Day Telephone _____

Date this Carrier Profile prepared (information current as of): ____ / ____ / ____

DIRECTIONS FOR COMPLETING MOTOR CARRIER PROFILE, CHP 362 (Rev. 1-05)

CA- If your company already has a CA number issued by the California Highway Patrol (CHP), enter it in the box at the top of page 1, to prevent issuance of another one. Display of a CA number on commercial motor vehicles is required only under certain circumstances, so some motor carrier personnel may not be aware their company already has a CA number. If in doubt, contact your nearest CHP Motor Carrier Safety Unit.

Redding..... Voice (530) 225-2098
2485 Sonoma Street
Redding CA 96001-3026
Fax (530) 246-1264

Rancho Cordova..... Voice (916) 464-2090
11336 Trade Center Drive
Rancho Cordova CA 95742-6219
Fax (916) 638-0216

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

Fresno..... Voice (559) 445-6992
4771 W. Jacquelyn Avenue
Fresno CA 93722-6438
Fax (559) 276-9449

Los Angeles..... Voice (323) 644-9557
437 N. Vermont Avenue
Los Angeles CA 90004-3512
Fax (323) 953-4827

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

San Luis Obispo..... Voice (805) 549-3261
4115 Broad Street Suite B-10
San Luis Obispo CA 93401-7992
Fax (805) 541-2871

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

USE FOLLOWING OFFICES BY SPECIAL INSTRUCTION ONLY.
UNAUTHORIZED USE WILL DELAY PROCESSING OF YOUR APPLICATION.

Commercial Records Unit (042) Voice (916) 375-2810
PO Box 942898
Sacramento, CA 94298-0001
Fax (916) 375-2830

Commercial Vehicle Section (062) Voice (916) 445-1865
PO Box 942898
Sacramento, CA 94298-0001
Fax (916) 446-4579

Attn:

Attn:

PART 1. LEGAL NAME: One choice only—check Individual, Partnership, Corporation (which for this purpose includes associations and public agencies), or Limited Liability Company. Trusts hold property but do not operate businesses. Therefore, even if your company's assets are held by a trust, enter the ownership information of your company under one of the four categories below.

INDIVIDUAL: If operating as an individual without employees and you have no Federal Employer Identification Number (EIN), no entry is required in the EIN boxes. Do not enter your Social Security Number as an EIN. Valid driver license number and state are required and the application cannot be processed without it. A valid California identification card number issued by Department of Motor Vehicles (DMV) is also acceptable. Please enter your proper legal name, not a nickname.

PARTNERSHIP: All requested information is required, to prevent duplication of records. Businesses held as community property and operated jointly by family members (husband and wife, parent and child, etc.) are not partnerships unless legally organized as such, with an EIN assigned to the partnership. If not legally organized as a partnership, enter as an individual under one person's name and that person's driver license number, and that person's EIN if applicable.

CORPORATION: All requested information is required, to prevent duplication of records. Corporation number is normally stamped on upper corner of Articles of Incorporation in California. If a foreign corporation, a Certificate of Qualifications number issued by the California Secretary of State is required instead. Information regarding legal status as a state or local government agency, or as a non-profit organization under federal regulations, is requested to prevent misdirected mailings and misapplication of motor carrier safety regulations, requirements for licenses, or fees for various related programs.

LIMITED LIABILITY COMPANY: All requested information is required, to prevent duplication of records.

PART 2. PRINCIPAL PLACE OF BUSINESS: A single location designated by the motor carrier, normally its headquarters, where records required by federal motor carrier safety regulations will be maintained, if applicable, and records of drug and alcohol testing required by Section 34520 of the Vehicle Code will be made available for inspection. Telephone number should be the normal daytime business number for the company. Provision is made elsewhere on the Motor Carrier Profile for emergency and other telephone numbers. Do not write in the box marked "CHP USE ONLY."

Fleet mileage in California - All mileage accumulated in California by vehicles identified in Part 4, whether operated in intrastate or interstate service. For this purpose there is no need to separate intrastate mileage from total in-state mileage (some of which could be part of interstate trips), as it will be used by the CHP solely for safety regulation purposes.

PART 3. EMERGENCY CONTACTS: Responsible individuals at the company-wide level of your organization whom the CHP should attempt to contact in the event of an emergency involving your firm's vehicles or drivers. These should be management or supervisory personnel, as they may receive information requiring confidential treatment within your firm or organization. Do not include a pager number if its use requires a Personal Identification Number (PIN) or other access information, as the CHP's system has no means to store that additional information. CHP recommends that this information be kept current by notifying your nearest Motor Carrier Safety Unit (page 3) of any permanent changes in personnel who are on-call for emergencies involving CHP-regulated commercial motor vehicles. Your organization can also designate two emergency contacts for each California terminal listed in Part 7 by notifying your local Motor Carrier Safety Unit in writing, identifying two persons or offices with a day and night telephone number for each. Emergency circumstances may not always result in CHP using this source of information to contact your organization, but keeping this information current is recommended so that the CHP can rely on it if necessary. This is also a reason to ensure the identification numbers in Part 6 are accurate and complete, and represent your organization, not one to which you may be leased or contracted.

PART 4. TYPES OF OPERATION: **A. Truck** - Any truck of 3 or more axles with a gross vehicle weight rating (GVWR) of more than 10,000 pounds; any truck *tractor* regardless of number of axles or GVWR; and any truck used to tow a trailer where the overall length of the truck and trailer coupled together exceeds 40 feet. **B. Hazardous Materials Carrier** - Any truck, including pickups, used to transport any amount of hazardous materials. **C. Hazardous Materials Shipper** - An individual or company who offers hazardous materials for transportation by common carrier, contract carrier, or motor carrier of property, and never transports hazardous materials in any amount on vehicles owned, rented, leased or otherwise controlled by the shipper. **D. Hazardous Waste Transporter** - An individual or company that transports hazardous wastes as defined in California or federal regulations. **E. Flammable Liquid Cargo Tank** - Any tank greater than 120 gallons capacity which is used to transport liquids having a flash point of less than 100 degrees Fahrenheit, other than in the regular fuel tank of the vehicle. **F. Bus Without Operating Authority** - Any vehicle of more than 10-passenger capacity including the driver, which is operated without compensation from the passengers, such as church and other private buses, and also includes public transit buses operated by city or county transit agencies. **G. Tour Bus (CPUC or ICC Authority)** - Any commercial bus subject to regulation by the California Public Utilities Commission or the Surface Transportation Board (successor agency to the former Interstate Commerce Commission). **H. School Bus** - The traditional yellow school bus specifically certified by the CHP for transportation of students attending public or private schools. **I. School Pupil Activity Bus** - A commercial or transit bus specifically certified by the CHP for use in transporting school students on school-sanctioned trips to and from school-related activities, but not including home-to-school or school-to-home route service. **J. Youth Bus** - A small bus specifically certified by the CHP for service in transporting students between school and non-school related activities. **K. General Public Paratransit Vehicle** - A vehicle operated by or under contract to a transit agency in dial-a-ride, subscription, or route-deviated service, and certified specifically by the CHP for transportation of school students to and from schools. **L. Farm Labor Vehicle** - A passenger vehicle or truck specifically certified by the CHP for use in transporting farm laborers. **M. Vehicle or combination described in Vehicle Code Section 34500 (k)** - Any commercial motor vehicle with a GVWR of 26,001 or more pounds, or any combination of vehicles consisting of a commercial motor vehicle of any GVWR and a trailer with a GVWR greater than 10,000 pounds ("Trailer" for this purpose does not include camp trailers, trailer coaches, or utility trailers). **N. MCP Only** - Do not check this box if you checked any of the other boxes in Part 4; this category includes only vehicles not already included in categories A through M that fit the following description: (1) any *motor vehicle* (including automobiles and motorcycles) which is used to transport property for hire, or (2) any *truck* not already included in categories A through M which has a GVWR of more than 10,000 pounds and which is used to transport property privately (not for hire). Operators of these vehicles are subject to the **Motor Carrier Permit (MCP)** program administered by the DMV, but are not subject to regulation by the CHP in matters other than compliance with the MCP program of the DMV. Firms engaged solely in the transportation of household goods should check box A and should *not* check box N.

PART 5. DOING BUSINESS AS (DBA): Enter all lawful business names used in California by this person (businesses not involving the use of regulated vehicles in Part 4 may be excluded). A company with a different EIN is a different entity, and requires its own CA number and Motor Carrier Profile. This information is not requested for any purpose relating to tax issues. EINs are requested solely to positively identify separate entities without requiring them to supply comprehensive proof of legal identity. Organizations sharing the same EIN shall share the same CA number, although they may continue to be identified by separate DBA names.

PART 6. OPERATING AUTHORITIES & IDENTIFICATION NUMBERS: Certain types of carriers are not required to *display* their assigned CA number if they are already displaying valid numbers assigned to them by other specified regulatory agencies. In order to cross reference your organization's other numbers to its CA number, the CHP needs to know what the other numbers are. **USDOT:** The number assigned by the Federal Highway Administration and displayed on vehicles as "USDOT 000000." This number is *not* the same thing as the ICC number. Many commercial motor vehicle operators have both numbers, and should list both in this Part. **MC:** The number assigned to your firm by the former Interstate Commerce Commission or its successor agency, the Surface Transportation Board of the Federal Highway Administration. This number is often shown on documents as "MTR 000000," and on vehicles as "MC 000000" with the zeros replaced by the number assigned to a company. **Do not list a number that is assigned to a motor carrier to which your company is leased or subcontracted.** **MX:** Similar to MC numbers, but are assigned to carriers based in Mexico and operating in the United States. **Cal-T:** The number assigned to intrastate household goods carriers in California by the California Public Utilities Commission (CPUC). On and after January 1, 1998, these numbers are no longer valid for any type of motor carrier other than household goods carriers. **PSG:** A number assigned by the CPUC to intrastate for-hire passenger carriers (other than taxi services), which are preceded by the prefix "TCP" or "PSC," displayed on vehicles as "TCP 0000A" or "PSC 0000" (or both) with the zeros representing the number assigned to the carrier by the CPUC, and the "A" representing a CPUC-assigned alphabetic character indicating a specific type of passenger carrier. **IRP:** The International Registration Plan identification number assigned by the appropriate agency in your state (DMV for California-based carriers).

PART 7. CALIFORNIA TERMINALS: All business locations from which vehicles described in Part 4 are dispatched or operated in intrastate service, or in initiating, completing, or continuing the movement of an interstate load. It may include facilities owned by another business, such as a warehouse to or from which loads are transported and where the commercial motor vehicle is normally parked when not in use. "Terminal" may also include the private residence of an owner-operator or other small business utilizing commercial motor vehicles, if that is where the firm conducts business. **Terminal DBA and Street Address:** The DBA name is used at that location, if different from the name identified in Part 1, and the *physical* address of each location. **City:** City or community name only. State is not necessary, as only locations within California need be listed. **Local Phone No.:** The telephone number at which management personnel for that terminal can be contacted during normal business hours. **Zip Code:** The postal zip code of the terminal's physical location, whether or not the company receives mail there. The CHP uses this information to determine which CHP office serves that area. **Driver Records at This Address?** - Check "Y" if records relating to commercial motor vehicle drivers are kept at this location, such as driver qualification files, DMV driving records, and drivers' time records. Check "N" if this location is not where such records are kept. **Vehicle Records at This Address?** - Check "Y" if commercial motor vehicle inspection and maintenance records are kept at this terminal for the vehicles based there, such as drivers' daily vehicle inspection reports, company safety inspection records, scheduled maintenance records, repair records. Check "N" if this location is not where such records are kept. **CHP USE ONLY:** CHP uses this column to add geographical coding to indicate this terminal's location.

The ultimate goal of the CHP's inspection programs is the reduction of human suffering and property loss resulting from commercial motor vehicle at-fault accidents. This Motor Carrier Profile is an important tool in the CHP's effort to direct inspection resources where they are needed most, and to reduce the cost of regulation to both the regulated community and the state. Although it is detailed, time spent now in completing it carefully will be repaid by allowing the CHP to correctly identify entities to which mailings should be directed, to quickly notify your organization of an emergency involving your commercial vehicles or drivers, and to identify entities which require more or less contact from the CHP, depending on the nature of their businesses and their safety experiences over time.

A GUIDE TO FILLING OUT FORM PL 706-I

**KEEP THIS GUIDE FOR YOUR FILES.
DO NOT RETURN IT WITH YOUR APPLICATION.**

I. GENERAL HIGHWAY SAFETY REQUIREMENTS

Items A through H generally explain the safety rules that you are expected to know and abide by in order to obtain authority from the Commission to operate.

II. PREVENTIVE MAINTENANCE PROGRAM

A. Attach to form PL706-I a copy of your preventive maintenance schedule and the form(s) you will be using to record completed maintenance work.

1. The form you use must include a list of the items to be serviced or inspected, the mileage or time interval when the maintenance will be performed, and a place for recording maintenance actually performed. (See Samples I A., B. and C. Your local CHP Motor Carrier Safety Unit will send you one free copy of these forms.)
2. Your maintenance schedule must have a minimum inspection schedule of 90 days for items listed below:
 - a. Brake adjustment
 - b. Brake system components and leaks
 - c. Steering and suspension systems.
 - d. Tires and wheels.
 - e. Vehicle connecting devices

These items should be inspected more often if necessary to ensure safe operation. Any other categories, components or parts may have an inspection interval longer than 90 days, but no longer than 20,000 miles or 4 months, whichever comes sooner, unless you explain why the mileage or time exceeding these limits is reasonable.

You must perform preventive maintenance frequently enough to ensure that your vehicles are in safe and proper operating condition at all times. Vehicles which are out of service for periods longer than 90 calendar days are not required to be inspected at 90 day intervals if they are inspected before operation on the highway.

3. Tour Buses: Inspection (A tour bus is any vehicle designed, used, or maintained for carrying more than 10 persons including the driver.)
 - a. Tour bus operators shall, in addition to the systematic inspection, maintenance and lubrication services required of all motor carriers, require each tour bus to be inspected at least every 45 days, or more often if necessary to ensure safe operation. This inspection shall include, but not be limited to, all of the following:
 - (1) Brake adjustment
 - (2) Brake system components and leaks
 - (3) Steering and suspension systems.
 - (4) Tires and wheels.

- b. A tour bus shall not be used to transport passengers until all defects listed during the inspection conducted pursuant to subdivision (a) have been corrected and attested to by the signature of the operator's authorized representative.
- c. Records of inspections conducted pursuant to subdivision (a) shall be kept at the operator's maintenance facility or terminal where the tour bus is regularly garaged. The records shall be retained by the operator for one year, and shall be made available for inspection upon request by any authorized employee of the Commission and the CHP. Each record shall include, but not be limited to, all of the following:
- (1) Identification of the vehicle, including make, model, license number, or other means of positive identification.
 - (2) Date and nature of each inspection of any repair performed.
 - (3) Signature of operator's authorized representative attesting to the inspection and to the completion of all required repairs.
 - (4) Company vehicle number.
- B. Attach to form PL706-I a copy of the driver's daily vehicle condition report form that you will use. (See Sample II)

III. SAFETY EDUCATION AND TRAINING PROGRAM

- A. If you develop your own safety education and training program, provide a description of all materials to be used and an explanation of the program.

As a *minimum*, a carrier safety education and training program shall cover the following subjects, as set forth in the *California Commercial Driver Handbook*, published by the Department of Motor Vehicles:

- Commercial Driver License Program, Qualifications, and Sanctions
- Commercial Driver License Test
- Inspecting Your Vehicle
- Basic Control of your Vehicle
- Size and Weight of Vehicles and Loads
- Transporting Cargo
- Air Brakes
- Combination Vehicles
- Hazardous Materials

You may purchase a commercially available program if you wish. A few of these programs are mentioned below. If you adopt the safety education and training program of a shipper or other carrier, you must provide a copy of that program.

You must explain how you intend to use the program that you choose. For example, state: how many hours of training there will be; how often training will be given; that drivers will be given the material that they are required to read; etc. (See Sample III A., B, and C.) Training and education must be provided at least twice a year. If written or video materials will be used for training, they must be reviewed with employees at least twice a year. You must keep records of training and drivers who participate in the training.

Acceptable safety materials include the DOT Federal Motor Carrier Safety Regulations Pocketbook (Call (916) 498-5050 or (909) 653-2299 for sales information) and the Department of Motor Vehicles Commercial Driver Handbook available at DMV office. (See Sample IV)

If you purchase a program from a safety consultant, you must attach to form PL706-I a copy of the receipt from him listing the materials you purchased. A program should include:

DOT Federal Motor Carrier Safety Regulations Pocketbook

Department of Motor Vehicles Commercial Driver Handbook

BOOKLETS:

Vehicle Inspections

Cornering Techniques

Driving Grades

Drivers

Drugs/Drinking

Night Driving

Backing

Sharing the Highway

Controlling/Brakes

Skid Control

Extreme Driving Conditions

Preventive Maintenance

Flatbeds

Terminal/Yard Procedures

Defensive Driving

Trailers

Emergency Maneuvers

Your Daily Log

IV. DEPARTMENT OF MOTOR VEHICLES' DRIVERS SAFETY REGULATIONS

Before the Commission will issue a certificate or permit, you must show evidence that you will regularly check the driving records of employees and subhauers driving vehicles requiring a class A or class B license. You must check the driving records of employees by participating in the DMV's pull notice program. You must check the driving records of subhauers by listing those drivers in your periodic report request to the DMV. [See Vehicle Code Section 1808.1(c)].

To participate in the pull notice program and to receive information on how to request periodic reports, call DMV at (916) 657-6346.

A NOTE FROM THE CALIFORNIA HIGHWAY PATROL

In addition to the above listed safety requirements, motor carriers operating or directing the operations of any vehicle with a seating capacity of more than 10 passengers, including the driver *must* participate in a terminal inspection every 13 months and pay the appropriate terminal inspection fee.

To find out what happens during the terminal inspection, get the California Highway Patrol Motor Carrier Safety Compliance Handbook, HPH 84.6. Single copies of this handbook are available for a nominal charge at all Highway Patrol Area Offices or Division of Motor Carrier Safety Units (See below for local telephone numbers and addresses). Carriers should also obtain a copy of the California Vehicle Code (available at Department of Motor Vehicle Offices) and a copy of Title 13, California Code of Regulations, available from:

Barclays Law Publishers
Attention: Client Services
P.O. Box 3066
South San Francisco, CA 94083
(415) 244-6611

CHP Motor Carrier Safety Units

- | | |
|-------------------------------------------------------------|----------------|
| 1. 2485 Sonoma Street, Redding, 96001 | (916) 225-2715 |
| 2. 11336 Trade Center Drive, Rancho Cordova, 95741 | (916) 464-2090 |
| 3. 1551 Benicia Road, Vallejo, 94591 | (707) 648-4180 |
| 4. 4771 W. Jacklyn, Fresno, 93722 | (209) 445-6992 |
| 5. 437 N. Vermont Avenue, Los Angeles, 90004 | (213) 664-1108 |
| 6. 13211 Garden Grove Blvd., Suite 100, Garden Grove, 92643 | (714) 558-4224 |
| 7. 4115 Broad Street, Suite B-10, San Luis Obispo, 93401 | (805) 549-3261 |
| 8. 847 E. Brier Drive, San Bernardino, 92408 | (909) 383-4811 |

**KEEP THIS GUIDE FOR YOUR FILES
PLEASE *DO NOT* RETURN THIS GUIDE
WITH YOUR APPLICATION.**

*Inspection of these items required by 34505.5 CVC

	JAN		FEB		MARCH		APRIL		MAY		JUNE		JULY		AUG		SEP		OCT		NOV		DEC		
	MILEAGE	OK DEF																							
INTERIOR AND EXTERIOR																									
1. Fire extinguisher and reflectors—secured—marked																									
2. Horn—detectors, gauges and speedometer																									
3. Mirrors and supports																									
4. Windshield wipers—window cracks, condition																									
5. Check all lights—turn signals—reflectors, mud flaps																									
6. Check electrical wiring—condition and protection																									
7. Check batteries—water terminals and cable																									
8. Warning devices—air, oil and temperature, vacuum																									
9. Radiator and water hoses—condition—leaks																									
10. Belts—compressor(s), fan and water pump																									
11. Air lines—leaks, condition and protection																									
12. Fuel tanks—lines—pump, condition and protection																									
13. Manifold and flange gaskets—muller and condition																									
14. Engine mounts, oil and fuel leaks																									
15. Clutch adjustment and free play																									
16. Throttle and linkage, air filter																									
17. Generator/alternator, starter, brushes and wiring																									
18. Tractor protection valve—breakaway test																									
19. Brakes—lining, drums, and adjustment—rear cam over, pedal ht., hyd.																									
20. Hoses, and tubing condition—protection, hyd., brake reservoir level																									
21. Air leaks and 1-minute brake application test, vacuum loss																									
22. Air governor adjustment—minimum 85—maximum 130																									
23. Identify number 1 air tank—drain—test check valve																									
24. All tank secure, drains operable, drain tanks																									
25. Check tire wheels nuts and studs, cracked, secure and inflation, tread																									
26. Parking brake—condition and adjustment																									
27. Emergency stopping system—labeled, operable																									
28. Release after loss of service air—last and side lamp																									
29. Check steering gear and mounting—free lash																									
30. Steering arms, drag links and tie rod ends																									
31. Fifth wheel condition and mounting																									
32. Springs, shackles and U-bolts—torque arms																									
33. Check frame, cross members, cracks, etc.																									
34. Drive shaft and universal joints																									
35. Transmission, differential—mounting and seals																									
36. Wheel seals leaks, hydraulic brake system leaks																									
37. Clean under carriage																									

SAMPLE

Inspector's Signature(s) and Date(s) of Inspection: _____

Inspector's Name: _____

Inspector's Title: _____

Inspector's License No.: _____

Inspector's Agency: _____

Inspector's Department: _____

Inspector's Office: _____

Inspector's Phone: _____

Inspector's Address: _____

Inspector's City: _____

Inspector's State: _____

Inspector's Zip: _____

Inspector's Email: _____

Inspector's Fax: _____

Inspector's Website: _____

Inspector's Social Media: _____

Inspector's Other: _____

SAMPLE



DRIVER'S VEHICLE INSPECTION REPORT

Check Any Defective Item and Give Details Under "Remarks."

DATE: _____

TRUCK/TRACTOR NO.: _____

- AIR COMPRESSOR
- AIR LINES
- BATTERY
- BRAKE ACCESSORIES
- BRAKES
- CARBURETOR
- CLUTCH
- DEFROSTER
- DRIVE LINE
- ELECTRICAL CONNECTIONS
- ENGINE
- EXHAUST SYSTEM
- FIFTH WHEEL
- FRONT AXLE
- FUEL SYSTEM
- HEATER

- HORN
- INSTRUMENTS & GAUGES
- LIGHTS
 - Head-Stop
 - Tail-Dash
 - Turn Indicator
- MIRRORS
- ON-BOARD RECORDER
- RADIATOR
- REFLECTORS
- REAR END
- REFLECTORS
- SAFETY EQUIPMENT
 - Fire Extinguisher
 - Flags-Flares-Fuses
 - Spare Bulbs & Fuses
 - Spare Seal Beam

- SPRINGS
- STARTER
- STEERING
- TACHNOGRAPH
- TIRES
- TRANSMISSION
- WHEELS
- WINDOWS
- WINDSHIELD WIPERS
- OTHER (Describe)

TRAILER(S) NO.(S): _____

- BRAKE CONNECTIONS
- BRAKES
- COUPLING CHAINS
- COUPLING (KING) PIN
- DOOR

- HITCH
- LANDING GEAR
- LIGHT TALL
- ROOF
- SPRINGS

- TIE DOWNS
- TIRES
- WHEELS
- OTHER (Describe)

REMARKS:

CONDITION OF THE ABOVE VEHICLE IS SATISFACTORY

DRIVER'S SIGNATURE: _____

ABOVE DEFECTS CORRECTED (ATTACH WORKORDER SHOWING WORK TO BE DONE AND PARTS AND MATERIALS USED)

ABOVE DEFECTS NEED NOT BE CORRECTED FOR SAFE OPERATION OF VEHICLE

MECHANIC SIGNATURE: _____

DATE: _____

(Example of an independent owner operator application)

II. PREVENTIVE MAINTENANCE PROGRAM

- A. Attach a copy of your preventive maintenance schedule and the form(s) you will be using to record preventive maintenance performed. (See Samples I. A., B., and D.)
- B. Attach a copy of the driver's daily vehicle condition report form that you will use. (See Sample II)

III. SAFETY EDUCATION AND TRAINING PROGRAM

- A. Describe your safety education and training program (See Samples III A., B., and C.)

I have acquired the California Commercial Drivers Handbook and the DOT Federal Motor Carrier Safety Regulations Pocketbook. I will review the material every six months and keep abreast of any changes in requirements. Photocopies of covers of Commercial Drivers Handbook and the DOT Federal Motor Carrier Safety Regulations Pocketbook attached.

Or: I have enrolled in the following program: (See Attached receipt/enrollment confirmation and copies of materials to be used in the course.)

Attach a copy of any written materials you will use. If you have enrolled or are enrolling yourself, employee-drivers or subhaulers in a safety program provided by another organization and such documents showing the facts identify the program if you or your employees or subhaulers have completed such a program, attach documents of proof.

- B. Will employee-drivers be enrolled in this program? NO
- C. Will subhaulers be enrolled in this program? NO

(Example of a prime carrier with employee/subhauler application)

II. PREVENTIVE MAINTENANCE PROGRAM

- A. Attach a copy of your preventive maintenance schedule and the form(s) you will be using to record preventive maintenance performed. (See Samples I. A., B., C., and D.)
- B. Attach a copy of the driver's daily vehicle condition report form that you will use. (See Sample II)

III. SAFETY EDUCATION AND TRAINING PROGRAM

- A. Describe your safety education and training program (See Samples III A., B., and C.)

We have purchased the ATA Driver Training and Safety Videos and shall use them and the DOT Federal Motor Carrier Safety Regulations Pocketbook and the DMV California Commercial Driver Handbook in quarterly review seminars for all employee-drivers and subhaulers. We shall require all prospective employees and subhaulers to pass an in-house course before hiring/contracting them. (See attached copies of receipts and materials to be used in the course.)

Attach a copy of any written materials you will use. If you have enrolled or are enrolling yourself, employee-drivers or subhaulers in a safety program provided by another organization and such documents showing that and identify the program if you or your employees or subhaulers have completed such a program, attach documents of proof.

- B. Will employee-drivers be enrolled in this program? YES
- C. Will subhaulers be enrolled in this program? YES

SAFETY EDUCATION AND TRAINING PROGRAM

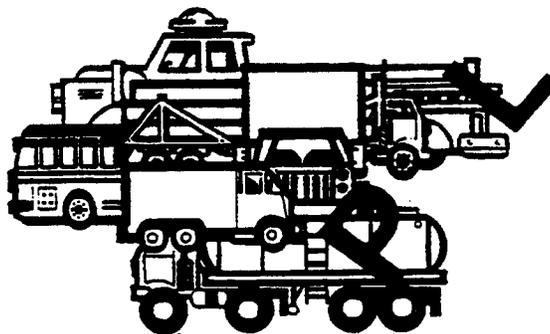
Each new driver to receive:

1. A classroom course, four hours long, consisting of at least these subjects:
 - a. Driver's attitude
 - b. Rules of the road
 - c. Techniques for avoiding or minimizing accidents
 - d. Defensive driving strategies
 - e. Handling emergency and hazardous driving conditions
 - f. Fuel conservation practices
 - g. Preventive maintenance
2. Behind the wheel defensive driving course, two hours long, including:
 - a. Defensive driving techniques
 - b. Vision Control techniques
 - c. Backing techniques
 - d. Cornering techniques
 - e. Emergency maneuvers
 - f. Written evaluation
3. In addition to the above, all drivers will attend a monthly safety meeting one hour long. Drivers' input on safety problems will be discussed. New regulations will be explained and discussed. Procedures such as preventive maintenance, safety checks, and hours of service regulations will be explained and discussed.
4. If untoward tickets or accidents occur with an individual, an eight hour intensive training course will be given consisting of:
 - a. Defensive driving techniques
 - b. Attitude
 - c. Vision control techniques
 - d. Backing techniques
 - e. Drugs/drinking
 - f. Emergency maneuvers
 - g. Cornering techniques
 - h. Night driving
 - i. Skid control
 - j. Preventive maintenance
 - k. Written evaluation

I.V.



**CALIFORNIA
COMMERCIAL
DRIVER
HANDBOOK**



E

M

S

**FEDERAL
MOTOR CARRIER
SAFETY
REGULATIONS**

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

PARTS 393, 394-397, 399

AMERICAN TRUCKING ASSOCIATIONS
2200 Mill Road, Alexandria, VA 22314-4677

**PUBLIC UTILITIES CODE
CHAPTER 8**

PASSENGER CHARTER-PARTY ACT

CHAPTER 8. CHARTER-PARTY CARRIERS OF PASSENGERS

(Chapter 8 added by Stats. 1961, Ch. 2146)

Article 1. General Provisions and Definitions

(Article 1 added by Stats. 1961, Ch. 2146)

5351. This chapter may be cited as the "Passenger Charter-party Carriers' Act."
(Added by Stats. 1961, Ch. 2146.)

5352. The use of the public highways for the transportation of passengers for compensation is a business affected with a public interest. It is the purpose of this chapter to preserve for the public full benefit and use of public highways consistent with the needs of commerce without unnecessary congestion or wear and tear upon the highways; and to secure to the people adequate and dependable transportation by carriers operating upon the highways; and to secure full and unrestricted flow of traffic by motor carriers over the highways which will adequately meet reasonable public demands by providing for the regulation of all transportation agencies with respect to accident indemnity so that adequate and dependable service by all necessary transportation agencies shall be maintained and the full use of the highways preserved to the public; and to promote carrier and public safety through its safety enforcement regulations.
(Amended by Stats. 1995, Ch. 915, Section 6. Effective October 16, 1995)

5353. This chapter does not apply to any of the following:

- (a) Transportation service rendered wholly within the corporate limits of a single city or city and county and licensed or regulated by ordinance.
- (b) Transportation of school pupils conducted by or under contract with the governing board of any school district entered into pursuant to the Education Code.
- (c) Common carrier transportation services between fixed termini or over a regular route which are subject to authorization pursuant to Article 2 (commencing with Section 1031) of Chapter 5 of Part 1 of Division 1.
- (d) Transportation services occasionally afforded for farm employees moving to and from farms on which employed when the transportation is performed by the employer in an owned or leased vehicle, or by a nonprofit agricultural cooperative association organized and acting within the scope of its powers under Chapter 1 (commencing with Section 54001) of Division 20 of the Food and Agricultural Code, and without any requirement for the payment of compensation therefor by the employees.
- (e) Transportation service rendered by a publicly owned transit system.
- (f) Passenger vehicles carrying passengers on a noncommercial enterprise basis.
- (g) Taxicab transportation service licensed and regulated by a city or county, by ordinance or resolution, rendered in vehicles designed for carrying not more than eight persons excluding the driver.
- (h) Transportation of persons between home and work locations or of persons having a common work-related trip purpose in a vehicle having a seating capacity of 15 passengers or less, including the driver, which are used for the purpose of ridesharing, as defined in Section 522 of the Vehicle Code, when the ridesharing is incidental to another purpose of the driver. This exemption also applies to a vehicle having a seating capacity of more than 15 passengers if the driver files with the commission evidence of liability insurance protection in the same amount and in the same manner as required for a passenger stage corporation, and the vehicle undergoes and passes an annual safety inspection by the Department of the California Highway Patrol. The insurance filing shall be accompanied by a one-time filing fee of seventy-five dollars (\$75). This exemption does not apply if the primary purpose for the transportation of those persons is to make a profit. "Profit," as used in this subdivision, does not include the recovery of the actual costs incurred in owning and operating a vanpool vehicle, as defined in Section 668 of the Vehicle Code.
- (i) Medical transportation vehicles, including vehicles employed to transport developmentally disabled persons for regional centers established pursuant to Chapter 5 (commencing with Section 4620) of Division 4.5 of the Welfare and Institutions Code.
- (j) Transportation services rendered solely within the Lake Tahoe Basin, comprising that area included within the Tahoe Regional Planning Compact as set forth in Section 66801 of the Government Code, when the operator of the services has obtained any permit required from the Tahoe Basin Transportation Authority or the City of South Lake Tahoe, or both.
- (k) Subject to Section 34507.6 of the Vehicle Code, transportation service provided by the operator of an automobile rental business in vehicles owned or leased by that operator, without charge other than as may be included in the automobile rental charges, to carry its customers to or from its office or facility where rental vehicles are furnished or returned after the rental period.
- (l) Subject to Section 34507.6 of the Vehicle Code, transportation service provided by the operator of a hotel, motel, or other place of temporary lodging in vehicles owned or leased by that operator, without charge other than as may be included in the charges for lodging, between the lodging facility and an air, rail, water, or bus passenger terminal or

between the lodging facility and any place of entertainment or commercial attraction, including, but not limited to, facilities providing snow skiing. Nothing in this subdivision authorizes the operator of a hotel, motel, or other place of temporary lodging to provide any round-trip sightseeing service without a permit, as required by subdivision (c) of Section 5384.

(m) Transportation of hot air balloon ride passengers in a balloon chase vehicle from the balloon landing site back to the original take-off site, provided that the balloon ride was conducted by a balloonist who meets all of the following conditions:

(1) Does not fly more than a total of 30 passenger rides for compensation annually.

(2) Does not provide any preflight ground transportation services in their vehicles.

(3) In providing return transportation to the launch site from landing does not drive more than 300 miles annually.

(4) Files with the Commission an exemption declaration and proof of vehicle insurance, as prescribed by the Commission, certifying that the operator qualifies for the exemption and will maintain minimum insurance on each vehicle of one hundred thousand dollars (\$100,000) for injury or death of one person, three hundred thousand dollars (\$300,000) for injury or death of two or more persons and one hundred thousand dollars (\$100,000) for damage to property.

Nothing in this subdivision authorizes the operator of a commercial balloon operation to provide any round-trip sightseeing service without a permit, as required by subdivision (c) of Section 5384.

(Amended by Stats. 1992, Ch. 221, Sec. 1. Effective January 1, 1993.)

5353.5 On and after July 1, 1989, this chapter does not apply to transportation service, other than transportation service furnished in a limousine for hire, rendered wholly within the corporate limits of a single city or city and county and licensed or regulated by ordinance.

(Added by Stats. 1988, Ch. 1105, Sec. 2.)

5354. In construing and enforcing the provisions of this chapter relating to the prescribed privileges and obligations of the holder of a permit or certificate issued hereunder, the act, omission, or failure of any officer, agent, or employee, or person offering to afford the authorized service with the approval or consent of the permit or certificate holder, is the act, omission, or failure of the permit or certificate holder.

(Amended by Stats. 1967, Ch. 234.)

5355. Unless the context otherwise requires, the definitions and general provisions set forth in this article govern the construction of this chapter.

(Added by Stats. 1961, Ch. 2146.)

5356. "Corporation" includes a corporation, a company, an association, and a joint stock association.

(Added by Stats. 1961, Ch. 2146.)

5357. "Person" includes an individual, a firm, or a copartnership.

(Added by Stats. 1961, Ch. 2146.)

5358. "Public highway" includes every public street, road, or highway in this State.

(Added by Stats. 1961, Ch. 2146.)

5359. "Motor vehicle" means a vehicle which is self-propelled.

(Amended by Stats. 1987, Ch. 660, Sec. 2.)

5360. Subject to the exclusions of Section 5353, "charter-party carrier of passengers" means every person engaged in the transportation of persons by motor vehicle for compensation, whether in common or contract carriage, over any public highway in this state.

(Amended by Stats. 1983, Ch. 101, Sec. 161.)

5360.5. (a) Charter-party carriers of passengers shall operate on a prearranged basis at airports within this state.

(b) For purposes of this section, "prearranged basis" means that the transportation of the prospective passenger was arranged with the carrier either prior to the passenger's arrival at the airport or by telephone after arrival, or with an authorized airport concessionaire pursuant to Sections 21690.5 to 21690.9, inclusive.

(Added by Stats. 1990, Ch. 518, Sec. 1.5. Effective August 13, 1990.)

5362. With respect to a motor vehicle used in the transportation of persons for compensation by a charter-party carrier of passengers, "owner" means the corporation or person who is registered with the Department of Motor Vehicles as the owner of the vehicle, or who has a legal right to possession of the vehicle pursuant to a lease or rental agreement.

(Added by Stats. 1988, Ch. 1093, Sec. 1.)

Article 2. Authorization to Operate as a Charter-Party Carrier of Passengers

(Article 2 added by Stats. 1961, Ch. 2146.)

5371. No charter-party carrier of passengers excepting transit districts, transit authorities or cities owning and operating local transit systems themselves or through wholly owned nonprofit corporations shall engage in transportation services made subject to this chapter without first having obtained from the commission a certificate that public convenience and necessity require the operation, except that certain specific transportation services as defined in Section 5384 may be conducted under authority of a permit issued by the commission.

(Amended by Stats. 1988, Ch. 324, Sec. 1.)

5371.1. (a) No charter-party carrier of passengers issued a Class A certificate subject to this section shall be restricted as to point of origin or destination in the State of California.

(b) Every application for a certificate or permit, or renewal thereof, shall be accompanied by the appropriate fee as specified in Section 5373.1.

(Amended by Stats. 1994, Ch. 456, Sec. 1.)

5371.2. All holders of certificates issued under this section shall operate from a service area to be determined by the commission. In no case shall this area encompass more than a radius of 125 air miles from the home terminal. The home terminal shall be designated by the applicant. This certificate shall be classified as a class B certificate. This section shall not apply to certificates subject to Section 5371.1.

(Amended by Stats. 1994, Ch. 456, Sec. 2.)

5371.3. A class C certificate holder is one who provides transportation services incidental to commercial balloon operations, commercial river rafting or skiing. This section does not apply to certificates issued under Section 5371.1 or 5371.2.

(Amended by Stats. 1993, Ch. 125, Sec. 3. Effective January 1, 1994.)

5371.4. (a) The governing body of any city, county, or city and county may not impose a fee on charter-party carriers operating limousines; however the governing body of any city, county, or city and county may impose a business license fee on, and may adopt and enforce any reasonable rules and regulations pertaining to operations within its boundaries for, any charter-party carrier domiciled or maintaining a business office within that city, county, or city and county.

(b) The governing body of any airport may not impose vehicle safety, vehicle licensing, or insurance requirements on charter-party carriers operating limousines that are more burdensome than those imposed by the commission. However, the governing board of any airport may require a charter-party carrier operating limousines to obtain an airport permit for operating authority at the airport.

(c) Notwithstanding subdivisions (a) and (b), the governing body of any airport may adopt and enforce reasonable and nondiscriminatory local airport rules, regulations, and ordinances pertaining to access, use of streets and roads, parking, traffic control, passenger transfers, trip fees, and occupancy, and the use of buildings and facilities, which are applicable to charter-party carriers operating limousines on airport property.

(d) This section does not apply to any agreement entered into pursuant to Sections 21690.5 to 21690.9, inclusive, between the governing body of an airport and charter-party carriers operating limousines.

(e) The commission shall conduct an audit and review of the annual gross revenues earned by charter-party carriers operating limousines for the purpose of ascertaining whether the imposition of additional fees based on a charter-party carrier's gross annual revenues would place an undue administrative or financial burden on the charter-party carrier industry. The commission shall report its findings to the Legislature on or before June 30, 1992.

(f) The governing body of any airport shall not impose a fee based on gross receipts of charter-party carriers operating limousines.

(g) Notwithstanding subdivisions (a) to (f), inclusive, nothing in this section prohibits a city, county, city and county, or the governing body of any airport, from adopting and enforcing reasonable permit requirements, fees, rules, and regulations applicable to charter-party carriers of passengers other than those operating limousines.

(h) For the purposes of this section, "limousine" includes any luxury sedan, of either standard or extended length, with a seating capacity of not more than nine passengers including the driver, used in the transportation of passengers for hire on a prearranged basis to or from airports within this state.

(Amended by Stats. 1994, Ch. 109, Sec. 1. Effective June 27, 1994.)

5371.5 The commission shall immediately investigate every business listed in every classified directory of telephone subscribers as furnishing limousine-for-hire or passenger charter transportation service for compensation in motor vehicles. Pursuant to this investigation, the commission shall do all of the following:

(a) Determine which businesses, if any, are required to have in effect a passenger charter-party carrier certificate or permit pursuant to Section 5371 but do not have the required certificate or permit.

(b) Inform any business not having a required certificate or permit that it is in violation of law.

(c) Within 60 days of informing the business pursuant to subdivision (b), institute civil or criminal proceedings, or both, pursuant to Article 6 (commencing with Section 5411) or any other applicable law.

(Added by Stats. 1989, Ch. 1360, Sec. 134.)

5372. Applications for permits and certificates shall be in writing, verified under oath, and shall be in such form, contain such information, and be accompanied by such proof of service upon interested parties as the commission may require.

(Amended by Stats. 1967, Ch. 234.)

5373.1. (a) Each application for a charter-party carrier of passengers certificate or permit shall be accompanied by a filing fee as follows:

(1) Class A certificates (new): one thousand five hundred dollars (\$1,500).

(2) Class A certificates (renewal): five hundred dollars (\$500).

(3) Class B certificates (new and renewal): five hundred dollars (\$500).

(4) Class C certificates (new and renewal): five hundred dollars (\$500).

(5) Permits (new and renewal): five hundred dollars (\$500).

(b) The commission shall also require each application to be accompanied by a fee to offset the cost of the charter-party carrier bus terminal inspections conducted by the Department of the California Highway Patrol. The fee shall be fifteen dollars (\$15) per tour bus, as defined in Section 612 of the Vehicle Code, or a maximum of six thousand five hundred dollars (\$6,500) for each operating carrier.

(c) The commission shall require each charter-party carrier that operates tour buses, as defined in Section 612 of the Vehicle Code, to undergo an annual bus terminal inspection conducted by the Department of the California Highway Patrol and to pay an annual fee of fifteen dollars (\$15) per tour bus, or a maximum of six thousand five hundred dollars (\$6,500), to offset the cost of the inspections.

(d) The commission shall deposit the fees collected pursuant to subdivisions (b) and (c) in the Motor Vehicle Account in the State Transportation Fund.

(Amended by Stats. 1994, Ch. 456, Sec. 3. Effective January 1, 1995.)

5373.5 The commission shall not issue or authorize the transfer of any certificate or permit under this chapter to any person or corporation against whom a final judgment has been entered and whose name has been transmitted to the commission pursuant to Section 3716.4 of the Labor Code, unless that judgment has been satisfied or has been discharged in accordance with the bankruptcy laws of the United States.

(Added by Stats. 1991, Ch. 1071, Sec. 11.)

5374. (a) Before a permit is issued or renewed, the commission shall require the applicant to establish reasonable fitness and financial responsibility to initiate and conduct or continue to conduct the proposed or existing transportation services. The commission shall not issue or renew a permit pursuant to this chapter unless the applicant meets both of the following requirements:

(1) It certifies on a form acceptable to the commission that the applicant will maintain its vehicles in a safe operating condition and in compliance with the Vehicle Code and with regulations contained in Title 13 of the California Code of Regulations relative to motor vehicle safety.

(2) It provides for a mandatory controlled substance and alcohol testing certification program as adopted by the commission pursuant to Section 1032.1.

(b) (1) Before a certificate is issued or renewed, the commission shall require the applicant to establish reasonable fitness and financial responsibility to initiate and conduct or continue to conduct the proposed or existing transportation services. The commission shall not issue or renew a certificate pursuant to this chapter unless the applicant meets all of the following requirements:

(A) It is financially and organizationally capable of conducting an operation that complies with the rules and regulations of the Department of the California Highway Patrol governing highway safety.

(B) It is committed to observing the hours of service regulations of state, and where applicable, federal law, for all persons, whether employees or subcarriers, operating vehicles in transportation for compensation under the certificate.

(C) It has a preventive maintenance program in effect for its vehicles used in transportation for compensation that conforms to regulations of the Department of the California Highway Patrol in Title 13 of the California Code of Regulations.

(D) It participates in a program to regularly check the driving records of all persons, whether employees or subcarriers, operating vehicles used in transport for compensation requiring a class B license under the certificate.

(E) It has a safety education and training program in effect for all employees or subcarriers operating vehicles used in transportation for compensation.

(F) It will maintain its vehicles used in transportation for compensation in a safe operating condition and in compliance with the Vehicle Code and with regulations contained in Title 13 of the California Code of Regulations relative to motor vehicle safety.

(G) It has filed with the commission the certificate of workers' compensation insurance coverage or statement required by Section 5378.1.

(H) It has provided the commission an address of an office or terminal where documents supporting the factual matters specified in the showing required by this subdivision may be inspected by the commission and the Department of the California Highway Patrol.

(I) It provides for a mandatory controlled substance and alcohol testing certification program as adopted by the commission pursuant to Section 1032.1.

(2) With respect to subparagraphs (B) and (F) of paragraph (1), the commission may base a finding on a certification by the commission that an applicant has filed, with the commission, a sworn declaration of ability to comply and intent to comply.

(c) In addition to the requirements in subdivision (b), class A and class B charter-party carriers shall meet all other state and, where applicable, federal regulations as prescribed.

(d) The commission may delegate to its executive director or that executive director's designee the authority to renew, or authorize the transfer of, charter-party carrier permits or certificates and to make the findings specified in subdivision (b) that are necessary to that delegated authority.

(Amended by Stats. 1996, Ch. 1154, Section 32. Effective September 30, 1996)

5374.5 (a) At the time of each bus terminal inspection conducted by the Department of the California Highway Patrol pursuant to subdivision (c) of Section 34501 of the Vehicle Code, every charter-party carrier of passengers shall furnish both the Department of the California Highway Patrol and the commission a list, prepared under oath, of all vehicles used in transportation for compensation during the period since the last inspection. The commission shall furnish a copy of the list to the carrier's insurer, if the carrier's accident liability protection is provided by a policy of insurance.

(b) If the charter-party carrier's insurer informs the commission that the carrier has failed to obtain insurance coverage for any vehicle reported on the list, the commission may, in addition to any other penalty provided in this chapter, for a first occurrence, suspend the carrier's certificate or permit or impose a fine, or both, and for a second or subsequent occurrence may suspend or revoke the certificate or impose a fine, or both.

(Added by Stats. 1988, Ch. 916, Sec. 10.)

5374.6. Every charter-party carrier earning over three hundred fifty thousand dollars (\$350,000) in annual gross operating revenue shall, under oath, file annually a report indicating the number, classification, and compensation of all employees and owner-operator drivers hired or engaged during the reporting period. The commission shall submit a copy of the report to the administrator of the carrier's workers' compensation self-insurance plan if the carrier is self-insured, or to the carrier's workers' compensation insurer if the carrier's workers' compensation protection is provided by a policy or policies of insurance. The commission shall not be obligated to undertake an independent investigation of the adequacy of workers' compensation insurance coverage based on the information contained in the report, if the carrier has complied with Section 5378.1.

(Added by Stats. 1989, Ch. 1240, Sec. 5.)

5375. The commission may, with or without hearing, issue or refuse to issue a permit or certificate. If the commission finds that public convenience and necessity require the proposed transportation service and the applicant possesses satisfactory fitness and financial responsibility to initiate and conduct the proposed transportation services, and will faithfully comply with the rules and regulations adopted by the commission with respect thereto, it shall issue the permit or certificate to conduct the requested operations, or may issue it for the partial exercise of the privilege sought, and may attach to the permit or certificate such terms and conditions as, in its judgment, are required in the public interest; provided also that the permit or certificate shall not require the filing or publication of time schedules or tariffs. The fact that the applicant for the certificate is, or may later become a holder of a certificate of public convenience and necessity as a passenger stage corporation issued pursuant to the provisions of Article 2 (commencing with Section 1031), Chapter 5, Part 1, Division 1, of this code shall not be deemed inconsistent with the provisions of this section, and such dual authority may be authorized.

(Amended by Stats. 1967, Ch. 234.)

5375.1 Notwithstanding the provisions of Sections 5375, if the applicant desires to operate in a territory already served by the holder of a certificate, the commission shall hold a hearing before granting the certificate. The commission shall not grant a certificate to such an applicant unless it can be shown that the existing charter-party carrier of passengers

servicing the territory is not providing services which are satisfactory to the commission and adequate for the public. In no event shall the commission issue more certificates than public convenience and necessity require and the commission shall place any restrictions upon such certificates as may reasonably be necessary to protect any existing charter-party carrier of passengers.

(Added by Stats. 1967, Ch. 234.)

5376. A permit or certificate, or renewal thereof, is effective for three years, unless suspended or revoked by the commission.

(Amended by Stats. 1988, Ch. 324, Sec. 6.)

5377. No permit issued pursuant to this article, or rights to conduct any of the services therein authorized, shall be sold, leased, or assigned, or otherwise transferred or encumbered.

(Added by Stats. 1961, Ch. 2146.)

5377.1 No certificate issued pursuant to, or rights to conduct any of the services authorized by, this article shall be sold, leased, or assigned, or otherwise transferred or encumbered, unless authorized by the commission. A filing fee of three hundred dollars (\$300) shall accompany all applications.

(Amended by Stats. 1987, Ch. 660, Sec. 3.)

5378. (a) The commission may cancel, revoke, or suspend any operating permit or certificate issued pursuant to this chapter upon any of the following grounds:

(1) The violation of any of the provisions of this chapter, or of any operating permit or certificate issued thereunder.

(2) The violation of any order, decision, rule, regulation, direction, demand, or requirement established by the commission pursuant to this chapter.

(3) The conviction of the charter-party carrier of passengers of any misdemeanor under this chapter while holding operating authority issued by the commission or the conviction of the carrier or its officers of a felony while holding operating authority issued by the commission, limited to robbery, burglary, larceny, fraud, or intentional dishonesty for personal gain.

(4) The rendition of a judgement against the charter-party carrier of passengers for any penalty imposed under this chapter.

(5) The failure of a charter-party carrier of passengers to pay any fee imposed upon the carrier within the time required by law.

(6) On request of the holder of the permit or certificate.

(7) Failure of a permit or certificate holder to operate and perform reasonable service. That failure may include repeated violations of the Vehicle Code or of regulations contained in Title 13 of the California Code of Regulations relative to motor vehicle safety, by employees of the permitholder or certificate holder, that support an inference of unsafe operation or willful neglect of the public safety by the permitholder or certificate holder.

(8) Consistent failure of the charter-party carrier of passengers to maintain its vehicles in a safe operating condition and in compliance with the Vehicle Code and with regulations contained in Title 13 of the California Code of Regulations relative to motor vehicle safety, as shown by the records of the commission, the Department of Motor Vehicles, the Department of the California Highway Patrol, or the carrier.

(9) The knowing and willful filing of a false report that understates revenues and fees.

(b) The commission may levy a civil penalty of up to five thousand dollars (\$5,000) upon the holder of an operating permit or certificate issued pursuant to this chapter, for any of the grounds specified in subdivision (a), as an alternative to canceling, revoking or suspending the permit or certificate. The commission may also levy interest upon the civil penalty, which shall be calculated as of the date on which the civil penalty is unpaid and delinquent. The commission shall deposit at least monthly all civil penalties and interest collected pursuant to this section into the General Fund.

(Amended by Stats. 1991, Ch. 927, Sec. 11.)

5378.1. (a) Beginning July 1, 1990, and continuing thereafter, every charter-party carrier shall file with the commission one of the following:

(1) A certificate of workers' compensation coverage for its employees issued by an admitted insurer.

(2) A certification of consent to self-insure issued by the Director of Industrial Relations.

(3) A statement under penalty of perjury, stating that, in its operations as a charter-party carrier, it does not employ any person in any manner so as to become subject to the workers' compensation laws of this state.

(b) The workers' compensation certified to under paragraph (1) of subdivision (a) shall be effective until canceled. Cancellation shall require 30 days' advance notice.

(c) If, after filing the statement described in paragraph (3) of subdivision (a), the carrier becomes subject to the workers' compensation laws of this state, the carrier shall promptly notify the commission that the carrier is withdrawing

its statement under paragraph (3) of subdivision (a), and shall simultaneously file the certificate described in either paragraph (1) or (2) of subdivision (a).

(d) The commission may adopt rules and regulations that it determines to be necessary to carry out this section.
(Added by Stats. 1989, Ch. 1240, Sec. 6.)

5378.5. (a) Upon receipt of a written recommendation from the Department of the California Highway Patrol that the certificate or permit of a charter-party carrier be suspended either (1) for failure to maintain any vehicle used in transportation for compensation in a safe operating condition or to comply with the Vehicle Code or with regulations contained in Title 13 of the California Code of Regulations relative to motor carrier safety if that failure is either a consistent failure or presents an imminent danger to public safety, or (2) for failure to enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code, the commission shall, pending a hearing in the matter pursuant to subdivision (d), suspend the carrier's certificate or permit. The written recommendation shall specifically indicate compliance with subdivision (c).

(b) A carrier whose certificate or permit is suspended pursuant to subdivision (a) may obtain a reinspection of its terminal and vehicles by the department, by submitting a written request for reinstatement to the commission and paying a reinstatement fee of one hundred twenty-five dollars (\$125). The commission shall deposit all reinstatement fees collected pursuant to this subdivision in the Public Utilities Commission Transportation Reimbursement Account. The commission shall then forward a request for reinspection to the department which shall then perform a reinspection within a reasonable time. The commission shall reinstate a carrier's certificate or permit suspended under subdivision (a) promptly upon receipt of a written recommendation from the department that the carrier's safety compliance has improved to the satisfaction of the department, unless the certificate or permit is suspended for another reason, or has been revoked.

(c) Before transmitting a recommendation pursuant to subdivision (a) to the commission, the Department of the California Highway Patrol shall notify the charter-party carrier in writing of all of the following:

(1) That the department has determined that the carrier's safety record is unsatisfactory, furnishing a copy of any documentation or summary of any other evidence supporting the determination.

(2) That the determination may result in suspension or revocation of the carrier's certificate or permit by the commission.

(3) That the carrier may request a review of the determination by the department within five days of its receipt of the notice required under this subdivision. If a review pursuant to this paragraph is requested by the carrier, the department shall conduct and evaluate that review prior to transmitting any notification to the commission pursuant to subdivision (a).

(d) Whenever the commission suspends the certificate or permit of any charter-party carrier pursuant to subdivision (a), the commission shall furnish the carrier written notice of the suspension and shall hold a hearing within a reasonable time, not to exceed 21 days, after a written request therefor is filed with the commission, with a copy thereof furnished to the Department of the California Highway Patrol. At the hearing, the carrier shall show cause why the suspension should not be continued. At the conclusion of the hearing, the commission may, in addition to any other penalty provided in this chapter, terminate the suspension, continue the suspension in effect, or revoke the certificate or permit. The commission may revoke the certificate or permit of any carrier suspended pursuant to subdivision (a) at any time 90 days or more after its suspension if the commission has not received a written recommendation for reinstatement from the department and the carrier has not filed a written request for a hearing with the commission.

(e) If the commission, after a hearing, finds that a charter-party carrier has continued to operate as such a carrier after its certificate or permit has been suspended pursuant to subdivision (a), the commission shall do one of the following:

(1) Revoke the operating certificate or permit of the carrier.

(2) Impose upon the holder of the certificate or permit a civil penalty of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) for each day of unlawful operations.

(Amended by Stats. 1991, Ch. 928, Sec. 9.5. Effective October 14, 1991. Operative January 1, 1992, by Sec. 41 of chapter.)

5378.6. (a) Upon receipt of a written recommendation from the Department of the California Highway Patrol that a new or renewal application for a charter-party carrier certificate or permit be denied either (1) for failure to maintain any vehicle used in transportation for compensation in a safe operating condition or to comply with the Vehicle Code or with regulations contained in Title 13 of the California Code of Regulations relative to motor carrier safety or (2) for failure to enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code, the commission shall deny the application. The department's written recommendation shall specifically indicate compliance with subdivision (b).

(b) Before transmitting a recommendation pursuant to subdivision

(a) to the commission, the Department of the California Highway Patrol shall notify the applicant for the charter-party carrier certificate or permit of all of the following in writing:

(1) That the department has determined that the applicant's safety record is unsatisfactory, furnishing a copy of any documentation or summary of any other evidence supporting the determination.

(2) That the determination may result in a denial of the applicant's certificate or permit by the commission.

(3) That the applicant may request a review of the determination by the department within five days of its receipt of the notice required under this subdivision. The department shall, upon request, conduct and evaluate that review prior to transmitting any notification to the commission pursuant to subdivision (a).

(c) Whenever the commission denies an application for renewal pursuant to subdivision (a), the commission shall furnish the charter-party carrier written notice of the denial and shall hold a hearing within a reasonable time, not to exceed 21 days, after a written request is filed with the commission, with a copy thereof furnished to the Department of the California Highway Patrol. At the hearing, the carrier shall show cause why the denial was improper or unwarranted. At the conclusion of the hearing, the commission may, in addition to any other remedy provided in this part, reverse the denial, or sustain the denial.

(d) Any applicant for a charter-party carrier certificate or permit denied pursuant to subdivision (a), whose denial has not been reversed as a result of the hearing provided for in subdivision (c), that wishes to obtain a certificate or permit shall reapply for the desired authority.

(Amended by Stats. 1991, Ch. 928, Sec. 10. Effective October 14, 1991.)

5378.7. (a) Upon receipt of a stop order issued by the Director of Industrial Relations pursuant to Section 3710.1 of the Labor Code, the commission shall investigate to determine whether the charter-party carrier of passengers has filed a false statement relative to workers' compensation insurance coverage, in violation of statute, or rules or orders of the commission. If, after notice and opportunity to be heard, the commission determines that there has been a violation of statute, or rules or orders of the commission, the commission shall impose appropriate penalties, which may include a fine and suspension of operating authority for a violation.

(b) Upon receipt of a complaint from the Director of Industrial Relations, that a final judgment has been entered against any charter-party carrier of passengers as a result of an award having been made to an employee pursuant to Section 3716.2 of the Labor Code, the commission shall, 30 days from the date the carrier is mailed the notice, revoke the carrier's permit unless the judgment has been satisfied or has been discharged in accordance with the bankruptcy laws of the United States or the carrier requests a hearing pursuant to subdivision (c).

(c) Within seven days of receipt of a complaint from the Director of Industrial Relations that a final judgment has been entered against any charter-party carrier of passengers as a result of an award having been made to an employee pursuant to Section 3716.2 of the Labor Code, the commission shall furnish the carrier named in the final judgment written notice of the right to a hearing regarding the complaint and the procedure to follow to request a hearing. The notice shall state that the commission must revoke the carrier's permit to operate pursuant to subdivision (b) after 30 days from the date the notice is mailed unless the carrier provides proof that the judgment is satisfied or has been discharged in accordance with the bankruptcy laws of the United States and the commission has been so notified seven days prior to the conclusion of the 30-day waiting period. The notice shall also inform the carrier of a right to a hearing and the procedures to follow to request a hearing. The carrier shall have 10 days from the date the notice is sent by the commission to request a hearing. The request for the hearing shall stay the revocation. The hearing shall be held within 30 days of the receipt of the request. If the commission finds that an unsatisfied judgment exists concerning a debt arising under Section 3717 of the Labor Code, the commission shall immediately revoke the carrier's permit.

(Added by Stats. 1991, Ch. 1071, Sec. 12.)

5379. After the cancellation or revocation of a permit or certificate, or during the period of its suspension, or after the expiration of its permit or certificate, it is unlawful for a charter-party carrier of passengers to conduct any operations as a carrier. The commission may either grant or deny an application for a new permit or certificate whenever it appears that a prior permit or certificate of the applicant has been canceled or revoked pursuant to Section 5378 or whenever it appears, after hearing, that as a prior permit or certificate holder, the applicant engaged in any of the unlawful activities set forth in Section 5378 for which his or her permit or certificate might have been canceled or revoked.

(Amended by Stats. 1990, Ch. 1014, Sec. 2.)

5379.5 The commission may, on a complaint alleging that any corporation or person is operating as a charter-party carrier of passengers without a valid certificate or permit in violation of this chapter, or on its own motion without a complaint, with or without notice of a hearing, order the corporation or person so operating to cease and desist from that operation until the commission makes and files its decision in the matter or until further order of the commission.

(Added by Stats. 1987, Ch. 378, Sec. 3.)

Article 3. Regulation of Charter-Party Carriers of Passengers

(Article 3 added by Stats. 1961, Ch. 2146)

5381. To the extent that such is not inconsistent with the provisions of this chapter, the commission may supervise and regulate every charter-party carrier of passengers in the State and may do all things, whether specifically designated in this part, or in addition thereto, which are necessary and convenient in the exercise of such power and jurisdiction.

(Added by Stats. 1961, Ch. 2146.)

5382. To the extent that such are not inconsistent with the provisions of this chapter, all general orders, rules and regulations, applicable to the operations of carriers of passengers under authority of certificates of public convenience and necessity issued pursuant to the provisions of Article 2 (commencing at Section 1031), Chapter 5, Part 1, Division 1 of this code, unless otherwise ordered by the commission shall apply to charter-party carriers of passengers.

(Added by Stats. 1961, Ch. 2146.)

5383. The commission shall create the following classifications or types of certificates for charter-party carriers of passengers:

Class A: from any point or points within the state to other points in or out of this state, including, but not limited to, the conduction of round-trip sightseeing tour service.

Class B: from any point within the territory of origin specified in the certificate to any points in the state, or territory of origin.

Class C: services provided incidental to commercial balloon operations, commercial river rafting, or skiing where no additional compensation is provided for the transportation.

(Amended by Stats. 1994, c. 456, Sec. 5. Effective January 1, 1995.)

5384. The commission shall issue permits to persons, who are otherwise qualified, whose passenger carrier operations fall into the following categories:

(a) Specialized carriers, who do not hold themselves out to serve the general public, but only provide service under contract with industrial and business firms, governmental agencies, and private schools or who only transport agricultural workers to and from farms for compensation or who only conduct transportation services, which are incidental to another business. This permit shall be designated as a "Z" permit.

(b) Carriers using only vehicles under 15-passenger seating capacity. This permit shall be designated as a "P" permit.

(c) Carriers conducting round-trip sightseeing tour service. This permit shall be designated as an "S" permit.

(Amended by Stats. 1994, Ch. 456, Sec. 6. Effective January 1, 1995.)

5384.1. (a) The driver of any limousine for hire operated by a charter-party carrier of passengers under a valid certificate or permit shall do all of the following:

(1) The driver shall ascertain whether any passenger is under the age of 21 years.

(2) If any passenger is under the age of 21 years, the driver shall read to the passenger a statement that the consumption of any alcoholic beverage in the vehicle is unlawful, that no alcoholic beverage may be transported in the passenger compartment of the vehicle, that all alcoholic beverages are required to be carried in the vehicle trunk or other locked compartment, and that, if during the course of the ride any minor is found to be, or to have been, consuming any alcoholic beverage, the contract will be terminated and the customer will be brought back to the point of origin of the ride.

(3) After reading the statement described in paragraph (2) to every passenger under the age of 21 years, the driver shall require every passenger under the age of 21 years to sign the statement. The limousine operator shall retain the signed statement for the period required by the commission.

(4) If any minor passenger, after signing a statement pursuant to paragraph (3), is found to be, or to have been, consuming any alcoholic beverage during the course of any ride subject to this section, the driver shall immediately terminate the contract of hire and shall return the passengers to the point of origin of the ride.

(b) Any failure of a driver to comply with subdivision (a) that results in the conviction of the driver of a violation of Section 23225 of the Vehicle Code, shall be subject to the penalties prescribed in Section 5384.5.

(c) Notwithstanding any other provision of law, this section does not apply to the driver of any bus, taxicab, or van, and it does not prohibit a parent or legal guardian from consuming alcoholic beverages in a limousine for hire while accompanied by his or her minor children.

(Amended by Stats. 1990, Ch. 518, Sec. 2.1. Effective August 13, 1990.)

5384.5 If the driver of any limousine for hire operating under a valid certificate or permit, or any officer, director, agent or employee of a charter-party carrier of passengers operating limousines for hire under such a certificate or permit, is convicted of a violation of Section 23225 of the Vehicle Code, the commission, after a hearing, shall do the following:

(a) For a first offense, the commission may impose a civil penalty of not more than two thousand dollars (\$2,000) upon the carrier, as determined appropriate by the commission.

(b) For a second offense, the commission may impose a civil penalty of not more than two thousand dollars (\$2,000) upon the carrier or suspend the carrier's permit for not more than 30 days, or both, as determined appropriate by the commission.

(c) For a third offense, the commission shall revoke the carrier's permit.

(Amended by Stats. 1990, Ch. 518, Sec. 2.2. Effective August 13, 1990.)

5385. No charter party carrier of passengers shall operate any motor vehicle on any public highway unless there is displayed on the vehicle a distinctive identifying symbol in the form prescribed by the commission, showing the classification to which the carrier belongs. No such identifying symbol shall be displayed on any vehicle until a permit or certificate of public convenience and necessity under this chapter has been issued to the carrier. The identifying symbol displayed by charter party carriers subject to the Interstate Commerce Commission shall serve in lieu of the display requirements of this section.

(Added by Stats. 1968, Ch. 233.)

5385.5 For motor vehicles designed to carry not more than eight passengers, including the driver, the commission shall issue a suitable decal for purposes of Section 5385, for each vehicle registered with the commission and operated by a charter-party carrier of passengers holding a valid permit or certificate of public convenience and necessity. The decal with an identifying symbol shall be a minimum size of two and one-half inches by six inches, and shall be affixed to the lower right hand corner of the rear bumper of the vehicle.

(Amended by Stats. 1990, Ch. 434, Sec. 1.)

5385.6 (a) No charter-party carrier shall operate a limousine as defined by subdivision (h) of Section 5371.4 unless the limousine is equipped with the special license plates issued and distributed by the Department of Motor Vehicles pursuant to Section 5011.5 of the Vehicle Code.

(b) The commission shall issue to each charter-party carrier operating limousines a permit or certificate for the number of vehicles verified by the carrier as employed in providing limousine service. The permit or certificate shall be submitted to the Department of Motor Vehicles, which will issue to each verified vehicle a set of unique, identifying license plates. The department shall maintain a record of each set of plates it issues and provide a copy of each record to the commission.

(c) The commission shall recover from any carrier whose permit or certificate is cancelled, suspended, or revoked any and all plates issued pursuant to this section.

(d) The special license plate shall be in lieu of the decal required to be issued and displayed pursuant to Section 5385.5.

(e) This section shall become operative on July 1, 1995.

(Added by Stats. 1994, Chapter 109, Sec. 2. Effective June 27, 1994. Section operative July 1, 1995, by its own provisions.)

5386. In every written or oral advertisement of the services it offers, every charter-party carrier of passengers shall state the number of its permit or identifying symbol, as specified by the commission.

(Added by Stats. 1985, Ch. 806, Sec. 2. Effective September 19, 1985.)

5386.1 Every charter-party carrier operating a limousine in every written or oral advertisement of the services it offers, shall state the number of its permit or license plate number.

(Added by Stats. 1994, Chapter 109, Sec. 3. Effective June 27, 1994. Section operative July 1, 1995, by its own provisions.)

5387. It is unlawful for the owner of a charter-party carrier of passengers to permit the operation of any vehicle upon any public highway for compensation without (1) having obtained from the commission a certificate or permit pursuant to this chapter, (2) having complied with the vehicle identification requirements of Section 5385, 5385.5, or 5385.6, and (3) having complied with the accident liability protection requirements of Section 5391.

The amendments to this section made in 1994 shall become operative on July 1, 1995.

(Amended by Stats. 1994, Ch. 109, Sec. 4. Effective June 27, 1994. Changes in first paragraph not applicable until July 1, 1995.)

5387.5 When the commission or an employee of the commission determines that any person or corporation is holding itself out as a charter-party carrier of passengers without a certificate or permit to so operate, the carrier shall pay the commission the fee established pursuant to Section 421 for the period during which it operated without authority, up to a maximum of three years, which fee shall be deposited in the Public Utilities Transportation Reimbursement Account.

(Added by Stats. 1990, Chap. 518, Sec. 2.5. Effective August 13, 1990.)

5388. The commission shall, on or before January 1, 1992, prepare and submit to the Legislature a report of its experiences with respect to issuing certificates and permits to charter-party carriers of passenger valid for three years, including its recommendations as to returning to the former requirement for annual certificates and permits and as to issuing certificates and permits which are valid until revoked.

(Added by renumbering Section 5387 (as added by Stats. 1988, Ch. 324) by Stats. 1989, Ch. 1360, Sec. 135.)

5389. (a) The commission, each commissioner, and each officer and person employed by the commission may, at any time have access to the land, buildings, or equipment of a charter-party carrier of passengers used in connection with the operation of its business and may inspect the accounts, books, papers, and documents of the carrier. Any inspection by the commission may include photocopying or the electrostatic or photostatic reproduction of documents either at the premises of the carrier or the offices of the commission, at the option of the carrier. The commission shall reimburse the carrier for any copying or reproduction expenses incurred by it at the direction of the commission.

(b) Subdivision (a) also applies to access to property and inspections of the accounts, books, papers, and documents of any business which is a subsidiary or affiliate of, or a corporation which holds a controlling interest in, a charter-party carrier of passengers with respect to any transaction between the carrier and the subsidiary, affiliate, or holding corporation.

(c) Subdivisions (a) and (b) also apply to any person or corporation engaged in the transportation of persons by motor vehicle for compensation, which the commission, or an officer or person employed by the commission, determines is holding itself out as a charter-party carrier of passengers.

(Amended by Stats. 1990, Ch. 518, Sec. 2.4. Effective August 13, 1990.)

5390. The commission shall fund the costs of administering the special identification license plate program required by Section 5385.6 of this code and Section 5011.5 of the Vehicle Code, including the costs of the Department of Motor Vehicles, from the Public Utilities Commission Transportation Reimbursement Account. The commission shall maintain a prudent level of fund balance in the account in any future year. The commission shall consider recovering the costs of this program from the limousine operators when the fund balance is drawn below a prudent level of reserve.

(Added by renumbering Section 3787.5 (as added by Stats. 1994, Ch. 109) by Stats. 1996, Ch. 124, Sec. 92. Effective January 1, 1997.)

Article 4. Accident Liability Protection

(Article 4 added by Stats. 1969, Ch. 2146)

5391. The commission shall, in granting permits or a certificate pursuant to this chapter, require the charter-party carrier of passengers to procure, and to continue in effect during the life of the permit or certificate, adequate protection against liability imposed by law upon the charter-party carrier of passengers for the payment of damages for personal bodily injuries, including death resulting therefrom, protection against a total liability of the charter-party carrier of passengers on account of bodily injuries to, or death of, more than one person as a result of any one accident, and protection against damage or destruction of property. The minimum requirements for such assurances of protection against liability shall not be less than the requirements which are applicable to operations conducted under certificates of public convenience and necessity issued pursuant to the provisions of Article 2 (commencing with Section 1031), Chapter 5, Part 1, Division 1, of this code, and the rules and regulations prescribed pursuant thereto shall apply to charter-party carriers of passengers.

(Amended by Stats. 1967, Ch. 234.)

5391.2 Notwithstanding Section 5391, in granting certificates to the holders of class C certificates, the commission shall require that those carriers procure and continue in effect adequate protection against liability imposed by law upon the carrier for the payment of damages for personal bodily injuries, including death resulting therefrom; protection against a total liability of the carrier of passengers on account of bodily injuries to, or death of, more than one person as a result of any one accident; and protection against damage or destruction of property. The requirement of that assurance of protection against liability shall be seven hundred fifty thousand dollars (\$750,000) per accident.

(Amended by Stats. 1993, Ch. 125, Sec. 8. Effective January 1, 1994.)

5391.5 The commission shall commence a rulemaking proceeding to develop uniform operating standards applicable to charter-party carriers of passengers. The rulemaking proceeding shall include, but shall not be limited to, a consideration of all of the following issues:

(a) Whether current insurance limits provide sufficient liability coverage for charter-party carriers to operate to any point in this state.

(b) Whether the commission's requirements concerning the maintenance of records is sufficient to permit the safe operation of charter-party carriers to any point in this state.

(c) Whether the commission's current procedures for the issuance of operating authority are creating unnecessary congestion upon the roads of this state.

(Added by Stats. 1990, Ch. 518, Sec. 3. Effective August 13, 1990.)

5392. The protection required under Sections 5391 and 5391.2 shall be evidenced by the deposit of any of the following with the commission covering each vehicle used or to be used under the certificate or permit applied for:

(a) A policy of insurance, issued by a company licensed to write insurance in this state, or by nonadmitted insurers subject to Section 1763 of the Insurance Code, if the policies meet the rules promulgated therefor by the commission.

(b) A bond of a surety company licensed to write surety bonds in the state.

(c) Evidence of the qualification of the charter-party carrier of passengers as a self-insurer as may be authorized by the commission.

(Amended (as amended by Stats. 1989, Ch. 1336, Sec. 7) by Stats. 1993, Ch. 125, Sec. 9. Effective January 1, 1994.)

5392.3 Notwithstanding any other provision of law, any charter-party carrier of passengers that contracts to provide a vanpool vehicle, as described in paragraph (1) of subdivision (c) of Section 17149 of the Revenue and Taxation Code, to an

employer or a group of employees for the purpose of operating that vehicle for transportation to and from work shall maintain protection against liability with respect to that vehicle in the same form and amount as described in Section 5391.2.

(Added by Stats. 1994, Ch. 622, Sec. 2. Effective January 1, 1995.)

5392.5 No person, firm, or corporation holding a valid permit issued by the commission pursuant to this chapter shall be required by any agency of local government to provide insurance in a manner different from that required by the commission.

(Added by Stats. 1994, Chapter 109, sec. 6. Effective June 27, 1994.)

5393. With the consent of the commission a copy of an insurance policy, certified by the company issuing it to be a true copy of the original policy, or a photostatic copy thereof, or an abstract of the provisions of the policy, or a certificate of insurance issued by the company issuing the policy, may be filed with the commission in lieu of the original or a duplicate or counterpart of the policy.

(Added by Stats. 1969, Ch. 823.)

Article 5. Basis of Charges

(Article 5 added by Stats. 1961, Ch. 2146)

5401. Charges for the transportation to be offered or afforded by a charter-party carrier of passengers shall be computed and assessed on a vehicle mileage or time of use basis, or on a combination thereof. These charges may vary in accordance with the passenger capacity of the vehicle, or the size of the group to be transported. However no charter-party carrier of passengers shall, directly or through an agent or otherwise, nor shall any broker, contract, agree, or arrange to charge, or demand or receive compensation, for the transportation offered or afforded that shall be computed, charged, or assessed on an individual-fare basis, except schoolbus contractors who are compensated by parents of children attending public, private, or parochial schools and except operators of round-trip sightseeing tour services conducted under a certificate subject to Section 5371.1 or a permit issued pursuant to subdivision (c) of Section 5384.

(Amended by Stats. 1994, Ch. 456, Sec. 7. Effective January 1, 1995.)

5402. No person, partnership, corporation, or organization shall sell transportation by a passenger stage on an individual-fare basis for a sightseeing trip in California on a route for which a passenger stage corporation has obtained a certificate of convenience and necessity if the seller intends to charter or charters the passenger stage in California at a rate per passenger which is less than the individual fare for which the transportation is sold.

(Added by Stats. 1963, Ch. 1996.)

Article 6. Fines and Penalties

(Article 6 added by Stats. 1961, Ch. 2146)

5411. Every charter-party carrier of passengers and every officer, director, agent, or employee of any charter-party carrier of passengers who violates or who fails to comply with, or who procures, aids, or abets any violation by any charter-party carrier of passengers of any provision of this chapter, or who fails to obey, observe, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or of any operating permit or certificate issued to any charter-party carrier of passengers, or who procures, aids, or abets any charter-party carrier of passengers in its failure to obey, observe, or comply with any such order, decision, rule, regulation, direction, demand, requirement, or operating permit or certificate, is guilty of a misdemeanor and is punishable by fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than three months, or both.

(Amended by Stats. 1983, Ch. 1092, Sec. 357. Effective September 27, 1983. Operative January 1, 1984, by Sec. 427 of chapter.)

5411.3. Every charter-party carrier of passengers, and every officer, director, agent, or employee of a charter-party carrier of passengers, who displays on any vehicle any identifying symbol other than one prescribed by the commission pursuant to Section 5385, or who fails to remove an identifying symbol when required by the commission, is guilty of a misdemeanor and is punishable by a fine of not more than one thousand dollars (\$1,000), by imprisonment in the county jail for not more than one year, or by both.

(Added by Stats. 1988, Ch. 472, Sec. 7.)

5411.5 Whenever a peace officer arrests a person for a violation of Section 5411 involving the operation of a charter-party carrier of passengers without a valid certificate or permit at a public airport, within 100 feet of a public airport, or within two miles of the international border between the United States and Mexico, the peace officer may impound and retain possession of the vehicle used in violation of Section 5411.

If the vehicle is seized from a person who is not the owner of the vehicle, the impounding authority shall immediately give notice to the owner by first-class mail.

The vehicle shall immediately be returned to the owner without cost to the owner if the infraction or violation is not prosecuted or is dismissed, the owner is found not guilty of the offense, or it is determined that the vehicle was used in violation of Section 5411 without the knowledge and consent of the owner. Otherwise, the vehicle shall be returned to the owner upon payment of any fine ordered by the court. After the expiration of six weeks from the final disposition of the criminal case, the impounding authority may deal with the vehicle as lost or abandoned property under Section 1411 of the Penal Code.

At any time, a person may make a motion in municipal court for the immediate return of the vehicle on the ground that there was no probable cause to seize it or that there is some other good cause, as determined by the court, for the return of the vehicle.

No peace officer, however, shall impound any vehicle owned or operated by a nonprofit organization exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code which serves youth or senior citizens and provides transportation incidental to its programs or services.

(Amended by Stats. 1991, Ch. 1091, Sec. 135.)

5411.6 Every charter party carrier of passengers and every officer, director, agent, or employee of a charter party carrier of passengers who knowingly and willfully makes a false statement of the carrier's gross operating revenues in order to underpay the commission's reimbursement fees is guilty of a misdemeanor.

(Added by Stats. 1991, Ch. 927, Sec. 13.)

5412. Every corporation or person other than a charter-party carrier of passengers, who knowingly and willfully, either individually, or acting as an officer, agent, or employee of a corporation, copartnership, or any other person other than a charter-party carrier of passengers, violates any provision of this chapter or fails to observe, obey, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or who procures, aids, or abets any charter-party carrier of passengers in its violation of this chapter, or in its failure to obey, observe, or comply with any such order, decision, rule, regulation, direction, demand, or requirement, is guilty of a misdemeanor, and is punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than three months, or both.

(Amended by Stats. 1983, Ch. 1092, Sec. 358. Effective September 27, 1983. Operative January 1, 1984, by Sec. 427 of chapter.)

5412.2. (a) When a person is convicted of the offense of the operating of a charter-party carrier of passengers or a taxicab without a valid certificate or permit, in addition to any other penalties provided by law, if the court determines the operator has the ability to pay, the court shall impose a mandatory fine not exceeding one thousand dollars (\$1,000) for the first conviction, not exceeding two thousand dollars (\$2,000) for the second conviction, not exceeding three thousand dollars (\$3,000) for the third conviction, not exceeding four thousand dollars (\$4,000) for the fourth conviction, and not exceeding five thousand dollars (\$5,000) for the fifth conviction.

(b) As used in this section, "taxicab" means a passenger vehicle designed for carrying not more than eight persons, excluding the driver, and used to carry passengers for hire. "Taxicab" shall not include a charter-party carrier of passengers within the meaning of the Passenger Charter-Party Carriers' Act, Chapter 8 (commencing with Section 5351).

(Added by Stats. 1992, Ch. 468, Sec. 1. Effective January 1, 1993.)

5412.5 Every officer or person employed by the commission who, except as authorized by the commission or a court, discloses any fact or information from an inspection of the accounts, books, papers, or documents of a charter-party carrier of passengers is guilty of a misdemeanor and is punishable by a fine of not more than one thousand dollars (\$1,000), by imprisonment in the county jail for not more than three months, or by both.

(Added by Stats. 1988, Ch. 472, Sec. 8.)

5413. Every charter-party carrier of passengers and every officer, director, agent, or employee of any charter-party carrier of passengers who violates or who fails to comply with, or who procures, aids, or abets, any violation by any charter-party carrier of passengers of any provision of this chapter, or who fails to obey, observe, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or of any operating permit or certificate issued to any charter-party carrier of passengers, or who procures, aids, or abets any charter-party carrier of passengers in its failure to obey, observe, or comply with any such order, decision, rule, regulation, direction, demand, requirement, or operating permit, or certificate, is subject to a penalty of not more than one thousand dollars (\$1,000) for each offense.

(Amended by Stats. 1984, Ch. 216, Sec. 7.)

5413.5 Whenever the commission, after hearing, finds that any person or corporation is operating as a charter-party carrier of passengers without a valid certificate or permit, or fails to include in any public advertisement the number of the permit or identifying symbol required by Section 5386, the commission may impose a fine of not more than five thousand dollars (\$5,000) for each violation. The commission may assess the person or corporation an amount sufficient to cover the reasonable expense of investigation incurred by the commission. The commission may assess interest on any fine or assessment imposed, to commence on the day the payment of the fine or assessment becomes delinquent. All fines, assessments, and interest collected shall be deposited at least once each month in the General Fund.

(Amended by Stats. 1990, Ch. 518, Sec. 3.5. Effective August 13, 1990.)

5414. Every corporation or person other than a charter-party carrier of passengers who knowingly and willfully, either individually, or acting as an officer, agent, or employee of a corporation, copartnership, or any other person other than a charter-party carrier of passengers, violates any provision of this chapter or fails to observe, obey, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or who procures, aids, or abets any charter-party carrier of passengers in its violation of this chapter, or in its failure to obey, observe, or comply with any such order, decision, rule, regulation, direction, demand, or requirement, is subject to a penalty of not more than one thousand dollars (\$1,000) for each offense.

(Amended by Stats. 1984, Ch. 216, Sec. 8.)

5414.5 Every corporation or person who knowingly and willfully issues, publishes, or affixes, or causes or permits the issuance, publishing, or affixing, of any oral or written advertisement, broadcast, or other holding out to the public, or any portion thereof, that the corporation or person is in operation as a charter-party carrier of passengers without having a valid certificate or permit issued under this chapter is guilty of a misdemeanor punishable, if an individual, by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than six months, or by both, or, if a corporation, by a fine of not more than five thousand dollars (\$5,000).

(Added by Stats. 1985, Ch. 806, Sec. 3. Effective September 19, 1985.)

5415. Every violation of the provisions of this chapter or of any order, decision, decree, rule, direction, demand, or requirement of the commission by any corporation or person is a separate and distinct offense, and in case of a continuing violation each day's continuance thereof is a separate and distinct offense.

(Added by Stats. 1961, Ch. 2146.)

5415.5 When the executive director of the commission determines that any charter-party carrier of passengers, or any officer, director, or agent of any charter-party carrier of passengers, has engaged in, is engaged in, or is about to engage in, any acts or practices in violation of this chapter, or any order, decision, rule, regulation, direction, demand, or requirement issued under this chapter, the executive director may make application to the superior court for an order enjoining those acts or practices or for an order directing compliance. The court may grant a permanent or temporary injunction, restraining order, or other order, including, but not limited to, an order allowing vehicles used for subsequent operations subject to the order to be impounded at the carrier's expense and subject to release only by subsequent court order following a petition to the court by the defendant or owner of the vehicle, upon a showing by the executive director that a person or corporation has engaged or is about to engage in these acts or practices.

(Amended by Stats. 1994, Ch. 457, Sec. 6. Effective January 1, 1995.)

5416. All penalties accruing under this chapter are cumulative, and a suit for the recovery of one penalty does not bar or affect the recovery of any other penalty or forfeiture or bar any criminal prosecution against any person or corporation, or any officer, director, agent or employee thereof, or any other corporation or person, or bar the exercise by the commission of its power to punish for contempt.

(Added by Stats. 1961, Ch. 2146.)

5417. Actions to recover penalties under this chapter shall be brought in the name of the people of the State of California, in the superior court of the county, or city and county, in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides. The action shall be commenced and prosecuted to final judgment by the attorney of the commission.

(Added by Stats. 1961, Ch. 2146.)

5418. In any such action, all penalties incurred up to the time of the commencement of the action may be sued for and recovered. In all such actions, the procedure and rules of evidence shall be the same as in ordinary civil actions.

(Added by Stats. 1961, Ch. 2146.)

5419. All penalties recovered by the State in any action pursuant to this chapter, together with the costs thereof, shall be paid into the State Treasury to the credit of the General Fund. Any such action may be compromised or discontinued on application of the commission upon such terms as the court approves and orders.

(Added by Stats. 1961, Ch. 2146.)

5420. Whenever a written notice to appear has been mailed to the owner of a charter-party carrier of passengers motor vehicle, an exact and legible duplicate copy of the notice, when filed with the magistrate in lieu of a verified complaint, is a complaint to which the defendant may plead guilty.

If, however, the defendant fails to appear, does not deposit bail, or pleads other than guilty to the offense charged, a complaint shall be filed which conforms to Chapter 2 (commencing with Section 948) of Title 5 of Part 2 of the Penal Code and which shall be deemed to be an original complaint, and thereafter the proceeding shall be held as provided by law, except that the defendant may, by an agreement in writing, subscribed by the defendant and filed with the court, waive the filing of a verified complaint and elect that the prosecution may proceed upon a written notice to appear.

(Added by Stats. 1988, Ch. 1093, Sec. 13.)