

TERMINAL MANAGER'S COMPLIANCE CHECKLIST

CHP 800D (Rev. 7-13) OPI 062



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

ABBREVIATIONS USED ARE AS FOLLOWS:

13 CCR: Title 13, California Code of Regulations
49 CFR: Title 49, Code of Federal Regulations
BIT: Biennial Inspection of Terminals
CHP: California Highway Patrol
CMV: Commercial Motor Vehicle

CVC: California Vehicle Code
DMV: Department of Motor Vehicles
EPN: Employer Pull Notice
PUC: Public Utilities Commission
USDOT: U. S. Department of Transportation

NOTE: Compliance with federal regulations governing testing of drivers for use of controlled substances and abuse of alcohol is also required, but is evaluated separately from all other matters. See Section 34520 CVC and 49 CFR Part 382, for information regarding this issue. The CHP also publishes a checklist similar to this one titled CHP 800F, Controlled Substances and Alcohol Testing Compliance Checklist.

RECORDS - NEW DRIVERS

1. Do you obtain a DMV report showing a prospective driver's current driving record prior to allowing them to drive a vehicle listed in Section 34500 CVC? *Section 1808.1(a) CVC*
2. Before you use a driver, is their DMV driving record reviewed? *Section 1808.1(a) CVC*
3. Is a copy of a driver's current DMV driving record signed, dated, and retained until receipt of their EPN record? *Section 1808.1(a) CVC*

DRIVER RECORDS - EPN

4. Are all your company's drivers enrolled in the EPN including managers, supervisors, family members, or anyone else who may at any time drive a vehicle that requires the driver to have a class A or class B driver license or any special driving certificate, or an endorsement to transport hazardous materials with a class C license? *Sections 1808.1(b) CVC and 34501.12(h)(2)(B) CVC*
5. Do you have a current pull notice record on file for each of your drivers? *Section 1808.1(c) CVC*
6. Have EPN records been examined to verify that each employee's driver's license has not been suspended or revoked; to verify each employee's traffic violation point count; and whether any employee has been convicted of driving under the influence of alcohol or drugs? *Section 1808.1(c) CVC*
7. Are EPN records signed and dated? *Section 1808.1(c) CVC*
8. Have you employed or continue to employ, as a driver, any person for whom a disqualifying action has been taken against their driving privilege or required certificate? *Section 1808.1(f) CVC*

DRIVERS' HOURS OF SERVICE RECORDS

9. Do you maintain driver timekeeping records for each of your drivers including those who only drive locally (time sheets, cards, etc.)? *13 CCR Section 1234(a)*
10. Are timekeeping records complete? *13 CCR Section 1234(a)*
11. Is the original of each driver timekeeping record retained for at least six months? *13 CCR Section 1234(a)*

DRIVER PROFICIENCY AND RECORDS

12. Do you require drivers to demonstrate their ability to safely operate each different type of vehicle or vehicle combination before allowing them to operate these vehicles on the highway unsupervised? *13 CCR Section 1229*
13. Do you maintain a record of the different types of vehicles and combinations each driver is capable of operating proficiently?
13 CCR Section 1234(b)

MAINTENANCE PROGRAM AND RECORDS

14. Are your vehicles maintained in good mechanical condition? *13 CCR Section 1230*
15. Do you require all drivers to submit documented daily vehicle inspection reports (DVIR)? *13 CCR Section 1234(e)*
16. Do you require a "negative DVIR report" when no defects are found by the driver? *13 CCR Section 1234(e)*
17. Are DVIRs examined and defects corrected before the vehicle is operated on the highway? *13 CCR Section 1234(e)*
18. Do you retain DVIRs for at least three months? *13 CCR Sections 1202.2 and 1234(e), 49 CFR Section 396.11(c)(2)*
19. Are all vehicles regularly and systematically inspected, maintained, and lubricated? *13 CCR Section 1232(a)*
20. Do you have a means of indicating the types of inspection, maintenance, and lubrication operations to be performed on each of your vehicles, and does that means include the date or mileage when these operations are due? *13 CCR Section 1232(a)*

INSPECTION, MAINTENANCE, LUBRICATION, AND REPAIR RECORDS

21. Do you document each inspection, maintenance, lubrication, and repair performed for each vehicle under your control?
13 CCR Section 1234(f)
22. Are all maintenance records kept current and available for inspection? *13 CCR Section 1234(f)*
23. Are maintenance records retained for at least one year? *13 CCR Section 1234(f)*
24. Do maintenance records include: *13 CCR Section 1234(f)*
 - (a) Identification of the vehicle including, make, model, license number, or other means of positive identification?
 - (b) Date or mileage and nature of each inspection, maintenance, lubrication, and repair performed?
 - (c) The inspection, maintenance, and lubrication intervals?
 - (d) The name of the lessor or contractor furnishing any vehicle?

CARRIER-PERFORMED INSPECTIONS

(Questions 25 through 29 apply only to motor carriers operating the following vehicles.)

- *Motortrucks of three or more axles which are more than 10,000 pounds gross vehicle weight rating (GVWR).*
 - *Truck tractors.*
 - *Trailers and semitrailers, pole or pipe dollies, auxiliary dollies, and logging dollies used in combination with vehicles listed above. Camp trailers (Section 242 CVC), trailer coaches (Section 635 CVC), and utility trailers (Section 667 CVC), as defined, are not included.*
 - *Any motortruck with GVWR rating of more than 10,000 pounds (excluding a pickup truck as defined in Section 471 CVC), while towing any trailer or semitrailer that results in a combination length over 40 feet (excluding trailer coaches, camp trailers, and utility trailers, as those terms are defined in the CVC).*
 - *Any truck, or any combination of a truck and any other vehicle, transporting hazardous materials/wastes in an amount that requires the display of placards, a hazardous materials transportation license, or a hazardous waste transporter registration.*
25. Do you perform a safety inspection at least every 90 days on each truck, tractor, trailer, and dolly? *Section 34505.5(a) CVC*
 26. Do your 90-day safety inspections include at least the following: *Section 34505.5(a) CVC*
 - (a) Brake adjustment?
 - (b) Brake system components and leaks?
 - (c) Steering and suspension systems?
 - (d) Tires and wheels?
 - (e) Vehicle connecting devices (fifth wheels, kingpins, pintle hooks, drawbars, chains, etc.)?
 27. Are defects which are noted during 90-day inspections corrected prior to operating the vehicle on the highway? *Section 34505.5(b) CVC*
 28. Do 90-day inspection records include: *Section 34505.5(c) CVC*
 - (a) Identification of the vehicle including, make, model, license number, company vehicle number or other means of positive identification?
 - (b) Date and nature of each inspection and repair performed?
 - (c) The signature of your authorized representative attesting to the inspection and to the completion of all required repairs?
 29. Are these inspection records retained for at least two years? *Section 34505.5(c) CVC*

(Questions 30 through 34 apply to Tour Bus operators only [Section 612 CVC])

30. Do you perform a safety inspection at least every 45 days on each tour bus? *Section 34505(a) CVC*
31. Do your 45-day safety inspections include at least the following: *Section 34505(a) CVC*
 - (a) Brake adjustment?
 - (b) Brake system components and leaks?
 - (c) Steering and suspension systems?
 - (d) Tires and wheels?
32. Are defects which are noted during 45-day inspections corrected prior to operating the tour bus on the highway? *Section 34505(b) CVC*
33. Do 45-day inspection records include: *Section 34505(c) CVC*
 - (a) Identification of the vehicle including, make, model, license number, or other means of positive identification?
 - (b) Date and nature of each inspection and repair performed?
 - (c) The signature of your authorized representative attesting to the inspection and to the completion of all required repairs?
34. Are these inspection records retained for at least one year? *Section 34505(c) CVC*

VEHICLE IDENTIFICATION

35. Does each vehicle or combination of vehicles display the company name on both sides in characters clearly legible from a distance of 50 feet? *13 CCR Section 1256*
36. Do your vehicles display a valid operating authority, motor carrier permit, or identification number? *Section 34507.5(b)(1) CVC*
37. Are identification numbers removed before sale, transfer, or other disposal of a vehicle? *Section 34507.5(b)(3) CVC*

HAZARDOUS MATERIALS HANDLING PROCEDURES

38. If you transport hazardous materials or hazardous waste, do you ensure that you only transport shipments that are in compliance with regulations contained in 49 CFR Parts 100 to 178, covering the following requirements?
- (a) Packaging, selection, and proper use of specification containers. *13 CCR Section 1163, 49 CFR Section 173.24*
 - (b) Marking and placement of required markings on packages and containers. *13 CCR Section 1161.3, 49 CFR Section 172.300*
 - (c) Proper labeling of packaging and containers. *13 CCR Section 1161.2, 49 CFR Section 172.400*
 - (d) Proper placarding of vehicles or containers. *13 CCR Section 1162, 49 CFR Section 172.500*
 - (e) Shipping papers including, proper entries, sequence of entries; legibility of shipper's certification when required; shipping paper retention as required; availability in transport vehicles? *13 CCR Section 1161, 49 CFR Section 172.200*
 - (f) Loading compatibility, load securement, protection from weather? *13 CCR Section 1164, 49 CFR Part 177*
 - (g) Spill reports submitted as required; copies retained at terminal? *13 CCR Section 1166, 49 CFR Part 171*

SATISFACTORY RATED TERMINALS

A terminal rated **satisfactory** is one that is in compliance with applicable laws and regulations. Minor deficiencies or defects may exist as long as highway safety is not jeopardized. Criteria for assignment of a Satisfactory rating include:

- A. Vehicle/equipment condition reflects effective preventive maintenance practices.
- B. Vehicle records reflect compliance with applicable mandated inspection intervals; clearly identify inspection, service, and lubrication intervals; document services and repairs performed; and reflect the actual condition of the vehicles.
- C. Drivers' daily vehicle inspections are performed and documented. Defects noted are corrected promptly.
- D. Vehicles are not operated with out-of-service conditions or defects of a long standing nature.
- E. Drivers' timekeeping records are in use and are current. Retention intervals are complied with.
- F. Drivers' timekeeping records reflect compliance with hours-of-service requirements.
- G. Records reflect compliance with DMV EPN requirements.
- H. Required driver proficiency records are on file.
- I. The terminal/shipper is in compliance with hazardous material waste requirements.

UNSATISFACTORY RATED TERMINALS

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

- A. Vehicle or equipment violations of a deliberate or long-standing nature.
- B. More than 20 percent of vehicles in the inspection sample are placed out of service.
- C. Drivers' hours-of-service violations.
- D. Falsified drivers' hours-of-service records violations.
- E. Failure to maintain and/or retain drivers' timekeeping records when that failure precludes a reasonable determination that the carrier is in compliance with drivers' hours-of-service requirements.
- F. Failure to participate in the DMV EPN Program, failure to enroll all drivers, failure to obtain periodic (up-to-date) printouts for all drivers, or utilizing disqualified drivers.
- G. Failure to provide the Department a reasonable opportunity to conduct an inspection pursuant to 13 CCR Section 1202(a).
- H. Lack of compliance with any HM requirement, which jeopardizes public or environmental safety, or hinders prompt action by emergency response personnel.
- I. Willful disregard of statutory or regulatory requirements.
- J. Violations generally spread over the inspected vehicles and/or maintenance records which, by their nature, should have been detected, documented, and corrected under an acceptable inspection/maintenance program.
- K. Violations generally spread over the inspected drivers' records which, by their nature, should have been prevented, and/or detected and corrected under an acceptable drivers and records management program.

CONDITIONAL RATED TERMINALS

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

ABOUT THIS CHECKLIST

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

CHP MOTOR CARRIER SAFETY UNITS

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

Northern Division

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

Valley Division

2555 First Avenue
Sacramento, CA 95818-2696
(916) 731-6350
(916) 227-0111 (Fax)

Golden Gate Division

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

Central Division

4771 West Jacquelyn Avenue
Fresno, CA 93722-6438
(559) 445-6992
(559) 276-9449 (Fax)

Southern Division

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

Border Division

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

Coastal Division

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

Inland Division

847 East Brier Drive
San Bernardino, CA 92408-2837
(909) 806-2414
(909) 885-0981 (Fax)