

Order to Adopt
Title 13, Division 1, Chapter 1

Article 3.55 – Private Carriers of Passengers

§ 223.00. Purpose.

A motor vehicle shall not be operated by a private carrier of passengers except as permitted under Vehicle Code section 34680 and the regulations in this article.

NOTE: Authority cited: Sections 1651, 34680, 34681, 34683, 34685, and 34687, Vehicle Code. Reference: Section 34681, Vehicle Code.

§ 223.02. Definitions.

As used in this article the following definitions apply:

(a) “Applicant” means a private carrier of passengers applying as an original applicant for or a current holder of a private carrier of passenger’s certificate.

(b) “Licensed to write that insurance in this state” as stated in Vehicle Code section 34687 shall be defined as an “admitted insurer” pursuant to Insurance Code section 700.

(c) For the purpose of this article, the terms “Private Carrier of Passengers Registration” and “Private Carrier of Passengers Certificate” shall be used interchangeably.

Note: Authority cited: Sections 1651, 34680, Vehicle Code. Reference: Sections 408, 4000, and 34680, 34683, 34687, Vehicle Code.

§ 223.04. Application for a Private Carrier of Passengers.

(a) An applicant for an original Private Carrier of Passengers Certificate shall complete, sign and certify, under penalty of perjury under the laws of the State of California, an Application for Private Carrier of Passengers Certificate, form DMV REG 1300 (NEW 07/2018), which is hereby incorporated by reference.

(b) There shall be a filing fee, pursuant to Vehicle Code section 34684, due with any application submission for initial registration.

(c) A change of private carrier of passengers ownership status shall require a completed form DMV REG 1300, signed under penalty of perjury under the laws of the State of California. This change shall be processed as an original application.

(1) A change of a private carriers of passengers Employer Identification Number (EIN) requires a new application.

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(d) A change of private carrier of passengers name shall require a completed Notice of Change, form DMV REG 1301 (NEW 7/2018), which is hereby incorporated by reference.

(e) An addition or deletion of “DBA” name or trade name shall require a completed and signed form DMV REG 1301.

(f) A change of private carrier of passengers physical or mailing address shall require a completed and signed form DMV REG 1301 indicating a change of address within ten (10) days of the change.

(g) A list of vehicles shall be submitted with an original, reinstatement and renewal application and contain the full Vehicle Identification Number (VIN), license plate number and state of plate issuance for all motor vehicles the private carrier of passengers intends to use during the certificate period.

(h) The department shall notify an applicant in writing within fifteen (15) days of receipt of the application, that it is complete or deficient.

(1) An application is considered complete when the applicable requirements of the Private Carriers of Passengers Registration Act and these regulations have been fulfilled.

(A) With the determination that an application is complete, a certificate shall be issued.

(2) An application is considered deficient when the applicable requirements of the Private Carriers of Passengers Registration Act and these regulations are not fulfilled.

(A) With the determination that an application is deficient, the department shall identify the specific requirement(s) needed to complete the application.

Note: Authority cited: Sections 1651, Vehicle Code. Reference: Sections 1652, 1653, 34683 and 34684, Vehicle Code.

§ 223.06. Expiration and Renewal of a Private Carrier of Passengers Certificate.

(a) Private Carrier of Passengers Certificate Renewal Application, form DMV REG 1302 (NEW 7/2018), which is hereby incorporated by reference, shall be completed and submitted to the department, prior to the date of expiration, when a private carrier of passengers applies for renewal of a Private Carrier of Passengers Certificate.

(b) There shall be a filing fee, pursuant to Vehicle Code section 34684, due with any application submission for annual renewal.

(c) The certificate term shall remain the same unless the certificate is withdrawn pursuant to Section 223.12 of these regulations or is suspended or revoked pursuant to California Vehicle Code sections 34687 and 34691.

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(d) A certificate term shall be 12 months and start on January 1st and expire on December 31st. The certificate term shall establish the annual renewal date.

(1) The certificate effective date shall be the date the private carrier of passengers becomes compliant.

Note: Authority cited: Sections 1651, Vehicle Code. Reference: Sections 1652, 34620 and 34683, Vehicle Code.

§ 223.08. Financial Responsibility

(a) Acceptable proof of financial responsibility, pursuant to Vehicle Code section 34687, shall be submitted to the department in the form of a Certificate of Insurance, form DMV REG 1323 (NEW 7/2018), pursuant to Vehicle Code section 34687(a); or a Private Carrier of Passengers Liability Bond form DMV REG 1327 (NEW 7/2018), pursuant to Vehicle Code Section 34687(a) pursuant to Vehicle Code Section 34687(a), which are hereby incorporated by reference.

(1) The form DMV REG 1323 shall be submitted to the department by the private carrier of passengers insurance provider.

(2) Proof of financial responsibility pursuant to Division 7, Vehicle Code section 16000 et seq., shall not be substituted for the proof required for a Private Carrier of Passengers Certificate.

(3) The name of the private carrier of passengers on the Certificate of Insurance, surety bond shall match the name of the private carrier of passengers entered on the form DMV REG 1300.

(b) An Insurance Policy Endorsement, form DMV REG 1324 (NEW 7/2018), which is hereby incorporated by reference, amending the insurance policy to comply with insurance requirements imposed by the Private Carriers of Passengers Registration Act, commencing with Vehicle Code section 34687, shall be attached to and made part of, the insurance policy insuring the private carrier of passengers.

(1) The form DMV REG 1324 shall be retained by the insurer and a copy provided to the insured private carrier of passengers.

(2) A duplicate and all related documentation shall be provided to the department upon request.

(c) Written notice of cancellation of the Certificate of Insurance, required under Vehicle Code section 34687, shall be submitted by the insurer to the department on a Notice of Cancellation of Insurance, form DMV REG 1325 (NEW 7/2018), which is hereby incorporated by reference.

Note: Authority cited: Sections 1651, Vehicle Code. Reference: Sections 1652, 34687, and 34692, Vehicle Code.

§ 223.10. Reinstatement Fee.

There shall be one reinstatement fee, pursuant to Vehicle Code section 34691 subsection (b), due after a single, overlapping or concurrent suspension period. Payment may be made upon receipt of the notice of suspension. Checks or money orders shall be made payable to the Department of Motor Vehicles and mailed to the following address: Department of Motor Vehicles, Private Carrier of Passengers Program, Mail Station H875, P.O. Box 932370, Sacramento, CA 94232-3700.

Note: Authority cited: Sections 1651, Vehicle Code. Reference: Section 34691, Vehicle Code.

§ 223.12. Voluntary Withdrawal.

(a) A private carrier of passengers, who wishes to cease operations as a private carrier of passengers, prior to canceling or terminating their liability insurance, shall submit a written request on a Request for Voluntary Withdrawal Private Carrier of Passengers Certificate, form DMV REG 1308 (NEW 7/2018), which is hereby incorporated by reference.

(b) A refund of the fees for the next certificate term shall only be issued when the vehicle(s) will not be operated in California during the next certificate term, and the term of the certificate has not yet begun.

Note: Authority cited: Sections 1651, Vehicle Code. Reference: Section 34687, Vehicle Code.

§223.14. Private Carrier of Passengers Certificate Suspension Hearing Request.

To request a hearing under Vehicle Code section 34691(d), a suspended private carrier of passengers certificate holder shall submit the following in writing to the Department of Motor Vehicles, Legal Affairs Division, 2415 First Avenue, MS C-128, Sacramento, CA 95818, or by facsimile to (916) 657-6243:

(a) The private carriers of passengers name, address and phone number;

(b) The private carriers of passengers certificate number that is the subject of an order of suspension;

(c) A statement indicating petitioner requests a hearing to protest the order of suspension; and

(d) If the private carriers of passengers is represented by an attorney at the hearing, the name, address and telephone number of the attorney.

Note: Authority cited: Sections 1651, 34681, 34691, Vehicle Code. Reference: Section 34687, Vehicle Code.

§ 223.16. Hearing Procedures.

Chapters 4.5 and 5 of Part 1, Title 2 of Division 3 of the Government Code apply to the conduct of a private carrier of passengers certificate suspension hearing except for the following:

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(a) A hearing shall be set no later than 21 days after the department receives a complete request for hearing;

(b) Neither the department nor the administrative law judge may grant a stay of the suspension order before the hearing is concluded unless directed to do so by the superior court;

(c) The administrative law judge shall prepare the proposed decision in Government Code section 11517(c)(1) within 10 days after the case is submitted to the judge;

(d) The department shall act pursuant to Government Code section 11517(c)(2) within 10 days of receipt of the administrative law judge's decision. If the department fails to act within 10 days, the proposed decision of the administrative law judge is the final decision of the department; and

(e) Notwithstanding Government Code section 11506(a), a private carrier of passengers may request a hearing within 90 days of the commencement of the suspension period.

Note: Authority cited: Sections 1651, 34681, 34691, Vehicle Code. Reference: Section 34687, Vehicle Code.