

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution TL-18707
Safety & Enforcement Division

R E S O L U T I O N

RESOLUTION AMENDING GENERAL ORDER 157-B TO INCLUDE SPECIAL IDENTIFICATION LICENSE PLATE REQUIREMENTS PURSUANT TO PUBLIC UTILITIES CODE SECTION 5385.6 AND AMENDED ADVERTISING REGULATIONS PURSUANT TO PUBLIC UTILITIES CODE SECTION 5386.1 FOR CHARTER-PARTY CARRIERS OF PASSENGERS OPERATING LIMOUSINES, AND ADOPTING THE ATTACHED MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF MOTOR VEHICLES GOVERNING THE EXCHANGE OF INFORMATION REGARDING VEHICLE REGISTRATIONS AND REIMBURSEMENT BY THE COMMISSION OF THE DEPARTMENT'S COSTS IN PRODUCING AND DISTRIBUTING SPECIAL IDENTIFICATION LICENSE PLATES

SUMMARY

General Order 157-B contains rules and regulations governing the operations of charter-party carriers of passengers pursuant to Chapter 8 of Division 2 of the Public Utilities (PU) Code (beginning with Section 5351).

Chapter 109, Statutes of 1994 (AB 727) amended the Vehicle and PU Codes to require special identification license plates for charter-party carriers of passengers operating limousines and amended the advertising requirements for those operators allowing them to use the special identification license plate numbers to identify themselves in advertisements as an alternative to using their Public Utilities Commission (PUC) file numbers. PU Code Section 5374.1(h) defines "limousine" as including "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."

Chapter 358, Statutes of 1995 (AB 933) further amended the Vehicle Code to require the Department of Motor Vehicles (DMV) to design and issue special identification license plates for charter-party carriers of passengers who operate limousines with the word "LIVERY" inscribed under the license plate number. Chapter 358 also authorizes the DMV to issue these special identification license plates as environmental license plates, as defined in Vehicle Code Section 5103, subject to specified fees.

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Under Chapter 109, the DMV and the PUC were further required to adopt a memorandum of understanding governing the exchange of information regarding vehicle registrations and reimbursement by the PUC of DMV's costs in producing and distributing the special identification license plates. A copy of the Memorandum of Understanding signed by Frank Zolin of the DMV and William R. Schulté of the PUC's Safety and Enforcement Division is attached as Appendix B.

STATUTORY REQUIREMENTS

Chapter 109 made the following changes to the Public Utilities Code and Vehicle Code.

Section 5371.4 of the Public Utilities Code was amended to read:

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.

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(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.

Section 5385.6 was added to the Public Utilities Code, to read:

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.

Section 5386.1 was added to the Public Utilities Code, to read:

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. This section shall become operative on July 1, 1995.

Section 5387 of the Public Utilities Code was amended to read:

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.

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

Section 5387.5 was added to the Public Utilities Code, to read:

5387.5. 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.

Section 5392.5 was added to the Public Utilities Code, to read:

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.

Section 5011.5 was added to the Vehicle Code, to read:

5011.5. Every limousine operated by a charter-party carrier, as defined by subdivision (h) of Section 5371.4, shall display a special identification license plate issued pursuant to Section 5385.6 of the Public Utilities Code.

This section shall become operative on July 1, 1995.

Section 5011.6 was added to the Vehicle Code, to read:

5011.6. Not later than January 1, 1995, the department and the Public Utilities Commission shall adopt a memorandum of understanding governing the exchange of information regarding vehicle registrations, and reimbursement by the commission of the department's costs in producing and distributing special identification license plates for limousines required by Section 5011.5 and Section 5385.6 of the Public Utilities Code.

Chapter 358 made the following change to the Vehicle Code.

Section 5011.9 was added to the Vehicle Code, to read:

5011.9 (a) The department shall design the license plate specified in Section 5011.5 with the word "LIVERY" inscribed under the license plate number.

(b) The department shall issue the license plate specified in subdivision (a) on and after six months after the operative date of this section.

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(c) The license plate specified in subdivision (a) may be issued as an environmental license plate, as defined in Section 5103, subject to the fees specified in Sections 5106 and 5108.

DISCUSSION

Chapter 109, Statutes of 1994, created a new license plate program for charter-party carriers operating limousines. Chapter 109 directs the PUC to issue each charter-party carrier a certificate or permit for the number of vehicles verified by the carrier as employed in providing limousine service to and from airports within this state. The certificate or permit is then submitted to the DMV which will issue the special identification license plates. However, this program was held in abeyance pending passage of Chapter 358, Statutes of 1995, which requires the DMV to design and issue special identification license plates with the word "LIVERY" inscribed under the license plate number. Chapter 358 further allows DMV to issue special identification license plates as environmental license plates. The special identification license plates must be issued on and after February 4, 1996.

The DMV is required to issue the special identification license plates, maintain records of each plate it issues and provide copies of those records to the PUC.

The PUC is required to recover the special identification license plates from a carrier whenever the carrier's permit or certificate is cancelled, suspended or revoked.

Charter-party carriers operating limousines to and from the airports may use the special identification license plate number in lieu of the PUC issued file number (TCP number) to identify themselves in their advertising.

The DMV and the PUC were required to adopt a memorandum of understanding governing the exchange of information regarding vehicle registrations and reimbursement by the PUC of DMV's costs in producing and distributing the special identification license plates. A copy of this executed Memorandum of Understanding is attached as Appendix B. The Memorandum of Understanding provides for amendments to be made to it to incorporate the provisions of Chapter 358 (1995). This Memorandum of Understanding should be amended to reflect this recent legislation which allows the issuance of special identification license plates that show the word "LIVERY" under the license plate number and the retention of environmental license plate designations by the affected carriers.

Attached as Appendix A to this resolution is an amended General Order (GO) 157-B. This GO has been amended to reflect the special identification license plate requirements and advertising amendments discussed above and to incorporate a few minor technical corrections. Part 4.01 of General Order 157-B has been

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amended to include the requirement that carriers report the handicap accessible status of their vehicles (per PUC Decision 92-12-065.)

FINDINGS OF FACT:

1. Chapter 109 (Statutes of 1994) created a new special identification license plate program for charter-party carriers operating limousines.
2. For the purposes of this program, "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.
3. Chapter 109 directs the Commission to issue each charter-party carrier operating limousines a certificate or permit for the number of vehicles verified by the carrier as employed in providing airport limousine service. The certificate or permit is then submitted to the Department of Motor Vehicles which will issue the special identification license plates.
4. Chapter 109 requires the Department of Motor Vehicles to issue the special identification license plates, maintain records of each plate it issues and provide copies of those records to the PUC.
5. Chapter 109 requires the Commission to recover the special identification license plates from a carrier whenever the carrier's permit or certificate is cancelled, suspended or revoked.
6. Chapter 109 allows charter-party carriers operating limousines to use the special identification license plate number in lieu of the Commission issued file number (TCP number) to identify themselves in their advertising.
7. Chapter 109 required the Department of Motor Vehicles and the Commission to adopt a memorandum of understanding governing the exchange of information regarding vehicle registrations and reimbursement by the Commission of the Department's costs in producing and distributing the special identification license plates.
8. Chapter 358 (Statutes of 1995) amended the Vehicle Code to require the Department of Motor Vehicles to design and issue special identification license plates for charter-party carriers of passengers who operate limousines with the word "LIVERY" inscribed under the license plate number. It further authorized the Department to issue these special identification license

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plates as environmental license plates. It required these plates to be issued on and after February 4, 1996.

IT IS ORDERED that:

1. General Order 157-B is amended as set forth in Appendix A to this resolution, to include special identification license plate requirements and amended advertising rules for charter-party carriers of passengers operating limousines.
2. The Executive Director will implement the special identification license plate program and the procedures outlined in the Memorandum of Understanding (Appendix B) with the Department of Motor Vehicles governing the exchange of information regarding vehicle registrations and reimbursement by the Commission of the Department's costs in producing and distributing the special identification license plates, within the time frame specified in Chapter 358.
3. The Executive Director is authorized to amend the Memorandum of Understanding (MOU) with the Department of Motor Vehicles to reflect the passage of Chapter 358 (1995) and to clarify that the Department of Motor Vehicles will only issue special identification license plates upon receipt of Commission authorization. No further Commission resolution shall be required to approve the changes to the MOU authorized here.
4. This resolution shall be effective September 27, 1995.

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I hereby certify that the foregoing resolution was duly introduced, passed and adopted at a regular meeting of the Public Utilities Commission of the State of California, held on the 27th day of September, 1995. The following Commissioners voted favorably thereon:

PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Wesley Franklin

Wesley M. Franklin
Acting Executive Director

DANIEL Wm. FESSLER
President
P. GREGORY CONLON
JESSIE J. KNIGHT, Jr.
HENRY M. DUQUE
Commissioners

Attachments: Appendix A
Appendix B

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APPENDIX A

General Order 157-B
(Supersedes General Order 157-A)

PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

RULES AND REGULATIONS GOVERNING THE OPERATIONS OF CHARTER-PARTY
CARRIERS OF PASSENGERS PURSUANT TO CHAPTER 8 OF DIVISION 2 OF THE
PUBLIC UTILITIES CODE (BEGINNING WITH SECTION 5351).

Adopted December 4, 1991. Effective January 3, 1992.
Decision 91-12-018 in R. 90-07-036
Amended September 27, 1995. Effective September 27, 1995.
Resolution No. TL-18707

CHARTER-PARTY CARRIERS OF PASSENGERS

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PART 1--GENERAL PROVISIONS

- 1.01--SHORT TITLE. These rules and regulations shall be known as "General Order Series 157".
- 1.02--REFERENCES TO STATUTES AND RULES AND REGULATIONS. Whenever reference is made to any portion of any law, such reference shall apply to all amendments and additions heretofore or hereafter made; and whenever reference is made to any portion of these rules and regulations, such reference shall apply to all amendments and additions hereafter made.

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- 1.03--CONSTRUCTION OF SINGULAR AND PLURAL. The singular number includes the plural, and the plural the singular.
- 1.04--"SHALL" and "MAY". "Shall" is mandatory and "may" is permissive.
- 1.05--LIABILITY INSURANCE REQUIREMENTS. Every charter-party carrier shall comply with all provisions of General Order Series 115.
- 1.06--APPLICABILITY OF VEHICLE CODE. Every charter-party carrier and their drivers shall comply with the provisions of the California Vehicle Code.
- 1.07--COMMISSION MAY ORDER DEVIATIONS. The Commission may authorize deviations from these rules and regulations or prescribe or require the observance of additional or different rules by special order.
- 1.08--AVAILABILITY OF GENERAL ORDER SERIES 157, VEHICLE CODE AND TITLE 13. Every charter-party carrier shall have a current copy of General Order 157 series and a current copy of the California Vehicle Code and the Motor Carrier Safety Sections (Subchapter 4, Article 12 and 14, and Subchapter 6.5, Articles 1, 3, 6, and 8) of Title 13 of the California Code of Regulations in a place available to all drivers.

PART 2--DEFINITIONS

- 2.01--"COMMISSION". "Commission" means the Public Utilities Commission of the State of California.
- 2.02--"CHARTER-PARTY CARRIER OF PASSENGERS", "TCP", "CARRIER". The definition of "charter-party carrier of passengers" shall be that set forth in Sections 5351-5360 of the Public Utilities Code. The initials "TCP" mean "transportation charter-party". Within this General Order the word "carrier" means charter-party carrier of passengers.
- 2.03--"CHARTER-PARTY VEHICLE", "VEHICLE". "Charter-party vehicle" is a motor vehicle used in charter-party service. Within this General Order the word "vehicle" means charter-party vehicle.
- 2.04--"SPECIAL IDENTIFICATION LICENSE PLATE". A "special identification license plate" is a plate issued to a limousine owner or operator by the California Department of Motor Vehicles in accordance with Section 5385.6 of the Public Utilities Code.
- 2.05--"LIMOUSINE". A "limousine" includes any luxury sedan, of either standard or extended length, with a seating capacity of not more than 9 passengers, including the driver, used in the transportation of passengers for hire on a prearranged basis to or from airports within this state.

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PART 3--GENERAL REQUIREMENTS AND RESTRICTIONS

3.01--PREARRANGED TRANSPORTATION. Class A and Class B charter-party carriers, as defined in Public Utilities Code Section 5383, and carriers holding permits under Public Utilities Code Section 5384(b) shall provide transportation only on a prearranged basis. The party arranging the transportation shall have exclusive use of the vehicle. The driver shall possess a waybill which includes the following:

1. Name of carrier and TCP number.
2. Vehicle license plate number.
3. Driver's name.
4. Name and address of person requesting or arranging the charter.
5. Time and date when charter was arranged.
6. Number of persons in the charter group.
7. Points of origination and destination.

Upon request, the driver shall show the waybill to any Commission or airport enforcement officer.

3.02--OPERATIONS AT AIRPORTS. No carrier shall conduct any operations on the property of or into any airport unless such operations are authorized by both this Commission and the airport authority involved. Consistent failure to comply with safety or traffic rules and regulations of an airport authority may result in suspension or revocation of Commission operating authority.

3.03--TAXI TRANSPORTATION SERVICE NOT AUTHORIZED. A carrier is not authorized to engage in taxicab transportation service licensed and regulated by a city or county. Carriers are prohibited from using vehicles which have top lights and/or taxi meters.

3.04--SUB-CARRIERS. A carrier shall not use the services of another carrier (sub-carrier) that provides the vehicle and the driver, unless the second carrier holds Commission authority as a charter-party carrier. The agreement for the utilization of the second carrier's vehicle(s) and driver(s) by the operating carrier shall be evidenced by a written document, and shall contain the carriers' names, TCP numbers, and the services to be provided.

3.05--RENEWAL OF AUTHORITY. Each carrier shall be responsible for filing renewal applications at least three months prior to the expiration date of the certificate or permit.

3.06--FICTITIOUS NAMES. A carrier shall not use any trade, business, or fictitious names which are not on file with the Commission.

3.07--ADVERTISEMENTS SHALL INCLUDE TCP NUMBER OR SPECIAL LICENSE PLATE NUMBER. Carriers shall state the number of their certificate or permit in every written or oral advertisement, broadcast, or other holding out to the

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public for services, except that every charter-party carrier operating a limousine may instead state its special identification license plate number. The certificate or permit number shall include the prefix "TCP", and the suffix "A", "B", "C", "S", "P", and/or "Z" (Class "A" certificate, Class "B" certificate, Class "C" certificate, round-trip sightseeing permit, charter-party permit, and specialized carrier permit, respectively) which identify the authority or authorities under which transportation service will be provided.

PART 4--VEHICLES

- 4.01--EQUIPMENT STATEMENT TO BE CURRENT. Every carrier shall maintain, on file with the Commission, an equipment list of all vehicles (owned or leased) in use under each certificate and permit. The information for each vehicle shall include the manufacturer, model year, vehicle identification number (V.I.N.), seating capacity (including driver), description of body type or model designation, whether the vehicle is leased or owned, handicap accessible status, and its license plate number. Additions and deletions to the equipment list shall be filed within ten days of the date the vehicle is put into or pulled out of service.
- 4.02--SAFETY REQUIREMENTS BEFORE OPERATION. All vehicles operated under each certificate or permit shall comply with the requirements of the California Highway Patrol and the Motor Carrier Safety Sections of Title 13 of the California Code of Regulations. Every carrier must inspect all vehicles and maintain proper documentation of such inspections.
- 4.03--NAME OF CARRIER AND VEHICLE NUMBER TO BE DISPLAYED ON VEHICLE. A vehicle shall not be operated in service unless there is painted or displayed, on each side of the vehicle, the name or trade name of the carrier. Every carrier shall assign an identifying number to each vehicle. Such number shall be painted on or otherwise permanently attached to the rear and each side of the exterior of each vehicle. The carrier's name and vehicle numbers shall be sufficiently large and color contrasted as to be readable, during daylight hours, at a distance of 50 feet. However, the provisions of this section shall not apply to vehicles temporarily leased by carriers for a period of less than 30 days or to vehicles designed to carry not more than 15 persons, including the driver.
- 4.04--TCP NUMBER TO BE DISPLAYED ON VEHICLE. The number assigned by the Commission to the carrier's authority shall be shown in full on all charter party vehicles, including the prefix "TCP", the authority number and the authority suffix "A", "B", "C", "S", "P" and/or "Z" (which designate Class "A" certificate, Class "B" certificate, Class "C" certificate, round-trip sightseeing permit, charter-party permit, and specialized carrier permit,

respectively). The letter and numeral symbol size and placement shall be as follows:

The identification symbol shall be in sharp color contrast to the background and such size and shape and so located as to be readily legible during daylight hours at a distance of 50 feet. The symbols shall be displayed on each side of the vehicle, EXCEPT vehicles designed to carry not more than 15 persons, including the driver, which shall display the identification symbol on the front and rear bumpers.

The identifying symbol displayed by a carrier subject to the jurisdiction of the Interstate Commerce Commission (ICC) shall serve in lieu of the above requirements, provided such ICC operating authority is registered with this Commission in accordance with the Interstate and Foreign Highway Carrier's Registration Act (commencing with PU Code Section 3901).

4.05--DECALS TO BE DISPLAYED. Vehicles designed to carry not more than 8 persons, including the driver, shall display the Commission-issued decal. Vehicles with seating capacity of 9 to 15 persons, including the driver, may display the Commission-issued decal, which will be issued upon request to the License Section of the Safety and Enforcement Division. Any decals issued by the Commission shall be affixed to the lower right hand corner of the rear bumper of the vehicle.

4.06--SPECIAL IDENTIFICATION LICENSE PLATES FOR LIMOUSINES. Charter-party carriers operating limousines shall display a set of special identification license plates issued by the Department of Motor Vehicles pursuant to Public Utilities Code Section 5385.6. The special identification license plates shall be displayed in lieu of the decal requirements of Part 4.05. Upon cancellation, suspension or revocation of a charter-party carrier's permit or certificate, the carrier shall immediately remove the special identification license plates and surrender them to the Commission. This Part is effective February 4, 1996.

4.07--DAMAGE TO IDENTIFICATION SYMBOLS. It shall be the carrier's responsibility to make immediate restoration or replacement of any damage caused to the identification names and numbers on vehicles.

4.08--ILLEGAL DISPLAY OF P.U.C. IDENTIFICATION. Immediately upon revocation or termination of any permit or certificate the TCP number for the permit or certificate shall be removed from all vehicles. If new operating authority is later granted, it shall be the responsibility of the carrier to make the appropriate identification.

4.09--UNAUTHORIZED USE OF OPERATING AUTHORITY. A carrier shall not knowingly permit its operating authority, TCP number(s) or special identification license plate(s) to be used by others.

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- 4.10--SALE OR TRANSFER OF VEHICLE. It shall be the carrier's responsibility to remove all certificate or permit numbers, identification symbols, and all special identification license plates when a vehicle is sold or transferred.

PART 5--DRIVERS

- 5.01--DRIVER TO BE LICENSED. Every driver of a charter-party vehicle shall be licensed as required under the California Vehicle Code and shall comply with the driver provisions of the Motor Carrier Safety Sections of Title 13 of the California Code of Regulations.
- 5.02--DRIVER RECORD. 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.
- 5.03--DRIVER STATUS. Every driver of a vehicle shall be the permit/certificate holder or under the complete supervision, direction and control of the operating carrier and shall be:
- A. An employee of the permit/certificate holder; or,
 - B. An employee of a sub-carrier; or,
 - C. An independent owner-driver who holds charter-party carrier authority and is operating as a sub-carrier.
- 5.04--ALCOHOLIC BEVERAGES AND DRUGS: USE BY DRIVER FORBIDDEN. All drivers shall comply with the rules in the Code of Federal Regulations Part 49, Sections 392.4 and 392.5. This rule, in part, prohibits drivers from consuming or being under the influence of a drug or alcoholic beverage while on duty, and prohibits carriers from allowing drivers to consume or be under the influence of a drug or alcoholic beverage while on duty.

PART 6--RECORDS AND INSPECTIONS

- 6.01--CHARTER-PARTY RECORDS. Every carrier shall institute and maintain in its offices, a set of records which reflect information as to the services performed, including waybills, as described in Section 3.01. Every carrier shall also maintain copies of all lease and sub-carrier agreements, and shall maintain maintenance and safety records (including, but not limited to, the records required in Sections 4.01 and 4.02), driver records (including, but not limited to, the records required in Section 5.02), and consumer complaint records (including, but not limited to, the records required in Section 7.01). Such records shall be maintained for a minimum period of three years.

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6.02--INSPECTIONS. The duly authorized representatives of this Commission shall have the right at all times and shall be allowed to enter into any vehicle or facility for the purpose of inspecting the accounts, books, papers, and documents and for ascertaining whether or not these rules are being complied with and observed. Every owner, operator, or driver of any vehicle shall afford the duly authorized representatives of this Commission all reasonable opportunity and facilities to make such an inspection.

PART 7--COMPLAINTS

7.01--CARRIER REQUIRED TO ANSWER COMPLAINTS. Every carrier shall respond within 15 days to any written complaint concerning transportation service provided or arranged by the carrier. A carrier shall, within 15 days, respond to Commission staff inquiries regarding complaints and provide copies of any requested correspondence and records.

PART 8--EXEMPTIONS

8.01--BY WRITTEN REQUEST. If, in a particular case, exemption from any of these rules and regulations is desired, a written request may be made to the Commission for such exemption. Such a request shall be accompanied by a full statement of the conditions existing and the reasons relied on to justify the exemption. It is to be understood that any exemption so granted shall be limited to the particular case covered by the request.

PART 9--TRANSPORTATION BY YOUTH CAMPS

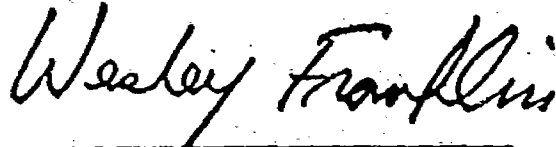
9.01--TRANSPORTATION BY NONPROFIT YOUTH CAMPS. Transportation performed by nonprofit organizations which is incidental to the operation of youth camps is not subject to the Passenger Charter-Party Carriers' Act, Public Utilities (PU) Code Section 5351, et seq., under the exclusion set forth in PU Code Section 5353(f).

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9.02--TRANSPORTATION BY FOR-PROFIT YOUTH CAMPS. Transportation performed by for-profit organizations which is incidental to the operation of youth camps is subject to the Passenger Charter-Party Carriers' Act, Public Utilities Code Section 5351, et seq.

Approved and dated September 27, 1995, at San Francisco, California.

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA



By Wesley M. Franklin
Acting Executive Director

MEMORANDUM OF UNDERSTANDING

January 1, 1995

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- The PUC shall recover all special identification plates from any limousine operator whose operating authority has been suspended, canceled, or revoked. The PUC shall return the special identification plates to the DMV if the limousine operator's operating authority is reinstated and the plates redeemed within 120 days of the date of revocation.
- The amount of funds expended to implement this agreement shall not exceed \$149,069 for start-up costs, and \$20 for each special identification plate produced and issued thereafter.
- The DMV will send an invoice in duplicate to the PUC, prior to implementation, for the start-up costs. Thereafter, the DMV will, on a monthly basis, bill the PUC for ongoing costs and any additional support cost. The PUC has the right to audit the DMV's billed expenses related to the special identification plate program. Monthly invoices will be mailed to:

California Public Utilities Commission
 505 Van Ness Ave
 San Francisco, CA 94102
 Attention: Fiscal Office-3rd Floor

- This MOU may be amended only with the written mutual consent of both parties.
- It has been agreed by both parties that implementation of the special identification plate program would be delayed until legislation is in place to allow the word "LIVERY" on the special plates, and to also allow the retention of the Environmental License Plates (ELP) to be reissued with the word "LIVERY." If that legislation is passed the existing MOU will be amended.
- The PUC and its officers, agents, and employees shall act in an independent capacity and not as officers, agents, or employees of DMV.
- This MOU shall be governed by and construed in accordance with the laws of the State of California.

Signed:

Frank S. Zolin 3-14-95
 FRANK S. ZOLIN Date
 Director
 Department of Motor Vehicles

Signed:

William R. Schulte
 WILLIAM R. SCHULTE Da
 Director
 Safety and Enforcement Division
 Public Utilities Commission

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Appendix B

PUBLIC UTILITIES COMMISSION LICENSE PLATES

MEMORANDUM OF UNDERSTANDING (MOU)

January 1, 1995

**Department of Motor Vehicles and the
Public Utilities Commission**

It is understood that both parties agree to the following:

- The Department of Motor Vehicles (DMV) and the Public Utilities Commission (PUC) enter into this agreement pursuant to Vehicle Code Section 5011.6, and shall govern the exchange of information regarding vehicle registrations, and reimbursement by the PUC of the DMV's cost in producing and distributing special identification license plates for limousines required by Vehicle Code Sections 5011.5 and 5011.6 and Sections 5385.6 and 5387.5 of the Public Utilities Code.
- For the initial conversion to the new special identification plates, the PUC will submit to the DMV an automated listing of all licensed limousines operated by charter-party carriers. The listing shall be vehicle specific by the PUC identifying (PSG) number, license number, and vehicle identification number (VIN).
- For the initial plate conversion, the DMV will issue and mail special identification plates directly to each limousine operator. Each set of plates will contain a validated registration card including the carrier's PSG number.
- After the initial plate conversion is completed, the PUC will issue a vehicle specific permit to each charter-party carrier operating a newly acquired limousine with instructions explaining how the carrier may apply for the special identification plates at the DMV.
- The DMV will provide PUC with a weekly automated report of special identification plate vehicle records containing the number of new plates issued, PSG number, VIN, special identification plate number, and old plate number (if applicable).
- The DMV will issue a regular plate or reissue a special identification plate for the vehicle whenever a limousine operator DELETES a special identification plate, including a transfer of registered owner. The old special identification plates must be surrendered to the DMV.
- If the DMV's registration renewal fees are due at the time of plate issuance, the DMV will notify the limousine operator that the special identification plates are being delayed until renewal fees are paid.