

AMENDED IN SENATE JULY 2, 2001

AMENDED IN ASSEMBLY MAY 31, 2001

AMENDED IN ASSEMBLY APRIL 25, 2001

AMENDED IN ASSEMBLY MARCH 27, 2001

CALIFORNIA LEGISLATURE—2001-02 REGULAR SESSION

ASSEMBLY BILL

No. 546

Introduced by Assembly Member Cohn

February 21, 2001

An act to amend Sections ~~1803.5, 11200, 41501, and 42005~~ of, and to add Chapter 1.7 (commencing with Section 11225) to Division 5 of, 320, 1671, 1803.5, 1808.7, 11200, 11202, 11202.5, 11203.5, 11204, 11206, 11206.5, 11207, 11208, 11209, 11210, 11212, 11213, 11214, 11215, 11215.5, 11216, 11216.2, 11217, 11218, 11219, 11219.5, 11222, 41501, 42005, 42005.1, 42007, and 42007.3 of, to add Sections 360.1 and 11205.2 to, to repeal Section 11205.1 of, and to repeal and add Section 11205 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 546, as amended, Cohn. Traffic violation schools.

(1) Under existing law, a person is entitled to have a complaint relating to the safe operation of a vehicle dismissed with a copy of that dismissal forwarded to the Department of Motor Vehicles when a person attends a licensed traffic violator school, licensed driving school, or other court-approved program of driving instruction. Existing law requires traffic violator schools to meet specified criteria, including the

requirement that the schools have a specified lesson plan approved by the department.

This bill would allow a court to order any person convicted of a traffic violation to complete a course of traffic safety instruction at either a licensed traffic violator school or home study program. The bill would prohibit any person from operating a traffic violation school or home study program without a current valid license issued by the department. This bill would allow certain home study programs that were court approved prior to January 1, 2002, to continue until the department's disapproval of a license application or the conclusion of a statutory application schedule, whichever occurs first.

This bill would also require the department to approve a traffic violator school lesson plan and curriculum, and would make special provision for the approval of the curriculum and lesson plans for home study programs based on a plan that the department determines to be an educational experience equivalent to that provided by classroom programs.

The bill would require each person participating in a school or program to demonstrate his or her knowledge of course materials by passing a final examination as specified. The bill would authorize traffic violator schools to charge a \$15 fee for the issuance of a duplicate certificate of completion.

(2) Under existing law, a court is authorized to take certain actions regarding a traffic violator school's name and the removal of the name from the referral list of traffic violator schools. Existing law requires the approval of the court in each judicial district wherein a proposed traffic school owner or traffic classes are to be conducted prior to the school being included on the referral list.

This bill would impose those duties, as revised, on the department and would include home study programs within the scope of the revised provisions, rather than the courts, and would delete the provisions currently requiring court approval of traffic violator schools and classes. The bill would also require the department to maintain a list of all of the approved locations of licensed traffic violator schools and a separate list of the department-approved home study programs. The bill would require the referral list to be made available electronically to courts and be maintained in a form that records names appearing on the list on a random basis at least daily.

(3) Existing law authorizes the department to monitor any school for traffic violators.



This bill would require the department to monitor or audit traffic violator schools and would include home study programs within this scope.

(4) Existing law currently does not specifically authorize the use of home study programs of driving instruction as a court-approved program.

This bill would specifically authorize a court to allow traffic violators to participate in a licensed home study program and, upon completion and passage of a final examination, to be issued a certificate of completion.

The bill would require the department to develop regulations to verify the identity of persons taking and completing a home study program, develop a laser printer compatible certificate form, and maintain records of persons completing traffic violator schools and home study programs, as specified.

(5) Existing law authorizes a court to utilize the services of a nonprofit agency for traffic violator school administration and monitoring services and charge traffic violators a fee to defray the costs incurred by the agency for providing those services. The fee is limited to the actual cost incurred by the agency or \$5, whichever is less.

This bill would delete the \$5 limitation on the fee amount and would generally prohibit the nonprofit agencies from duplicating services provided by the department.

(6) Existing law requires the department to charge a fee, based upon a determination made by the department, as specified, which is not to exceed \$3 for each completion certificate issued by a traffic violator school or court-authorized program to a person completing instruction in the school or program. Existing law prohibits a traffic violator school from charging a fee in excess of the fee charged by the department for furnishing a certificate of completion.

This bill would require the department to charge a fee of \$3 and would delete the related provisions that require the department to determine the amount of the fee.

The bill would also delete the above-described fee restriction imposed on traffic violator schools.

(7) The bill would make related conforming changes and delete obsolete provisions.

(8) Because a violation of certain provisions of the bill would be a crime, the bill would impose a state-mandated local program by creating new crimes.



(9) *The bill would require the Department of Motor Vehicles to conduct a comparative study of the effectiveness in reducing traffic violations and accidents by those persons attending licensed traffic violator schools and those persons participating in home study programs. The bill would require the department to consult with licensed traffic violator school and home study program operators in undertaking and conducting that study and to report its findings to the Legislature on or before January 1, 2004.*

(10) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(1) Existing law requires the Department of Motor Vehicles to license schools for traffic violators.~~

~~This bill would require the department, on or before January 1, 2003, to adopt regulations for the licensing of home study traffic violator schools. The bill would authorize any home study traffic violator school approved by a court pursuant to specified existing law as of January 1, 2002, to continue to operate for a period of 12 months following the effective date of those regulations. The bill would require the Director of Motor Vehicles, on or before July 1, 2002, to appoint an advisory board to consult on the development and implementation of those regulations.~~

~~(2) The bill would provide that nothing in the bill is intended to limit the discretion of courts to contract with assistance programs for the processing of traffic violator completion certificates or other court-related administrative functions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 1803.5 of the Vehicle Code is amended~~
2 *SECTION 1. Section 320 of the Vehicle Code is amended to*
3 *read:*
4 320. "Established place of business" is a place actually
5 occupied either continuously or at regular periods by any of the
6 following:



1 (a) A dealer, remanufacturer, remanufacturer branch,
2 manufacturer, manufacturer branch, distributor, distributor
3 branch, automobile driving school, *home study program*, or traffic
4 violator school where the books and records pertinent to the type
5 of business being conducted are kept.

6 (b) An automobile dismantler where the books and records
7 pertinent to the type of business being conducted are kept. A place
8 of business of an automobile dismantler which qualified as an
9 “established place of business” before September 17, 1970, is an
10 “established place of business” as defined in this section.

11 (c) A registration service where the books and records pertinent
12 to the type of business being conducted are kept.

13 *SEC. 2. Section 360.1 is added to the Vehicle Code, to read:*

14 *360.1. (a) A “home study program of traffic safety*
15 *instruction” is a business that for compensation provides, or offers*
16 *to provide, instruction in traffic safety using any format for the*
17 *instruction, other than the classroom format used by a traffic*
18 *violator school for persons referred by a court pursuant to Section*
19 *42005. A home study program may use, but is not limited to, any*
20 *program of traffic safety instruction licensed by the department*
21 *provided over the Internet, by video tape, or by correspondence.*
22 *A home study program owner may operate an approved home*
23 *study program in multiple formats.*

24 *(b) A “home study program office or branch office” is any*
25 *location in this state where a home study program maintains*
26 *records, is open to the public, and maintains regular office hours.*

27 *(c) A “home study program operator” is a person who directs*
28 *and manages the operation of a home study program who may be*
29 *either the home study program owner or another person*
30 *designated by the home study program owner to personally direct*
31 *and manage the home study program for, or on behalf of, the home*
32 *study program owner.*

33 *(d) A “home study program owner” is any natural person,*
34 *association, limited liability company, or corporation that owns a*
35 *home study program.*

36 *SEC. 3. Section 1671 of the Vehicle Code is amended to read:*

37 *1671. (a) The established place of business of a dealer,*
38 *remanufacturer, remanufacturer branch, manufacturer,*
39 *manufacturer branch, distributor, distributor branch, automobile*
40 *driving school, ~~or~~ traffic violator school, or home study program,*



1 shall have an office and a dealer, manufacturer, or remanufacturer
2 shall also have a display or manufacturing area situated on the
3 same property where the business peculiar to the type of license
4 issued by the department is or may be transacted. When a room or
5 rooms in a hotel, roominghouse, apartment house building, or a
6 part of any single- or multiple-unit dwelling house is used as an
7 office or offices of an established place of business, the room or
8 rooms shall be devoted exclusively to and occupied for the office
9 or offices of the dealer, manufacturer, manufacturer branch,
10 remanufacturer, remanufacturer branch, distributor, distributor
11 branch, automobile driving school, ~~or~~ traffic violator school, *or*
12 *home study program*, shall be located on the ground floor, and shall
13 be so constructed as to provide a direct entrance into the room or
14 rooms from the exterior of the building. A dealer who does not
15 offer new or used vehicles for sale at retail, a dealer who has been
16 issued an autobroker's endorsement to his or her dealer's license
17 and who does not also sell motor vehicles at retail, or a dealer who
18 is a wholesaler involved for profit only in the sale of vehicles
19 between licensed dealers, shall have an office, but a display area
20 is not required.

21 (b) The established place of business of an automobile
22 dismantler shall have an office and a dismantling area located in
23 a zone property zoned for that purpose by the city or county.

24 *SEC. 4. Section 1803.5 of the Vehicle Code is amended to*
25 *read:*

26 1803.5. Every clerk of a court or hearing officer, when a
27 person who receives a notice to appear at a court or board
28 proceeding for a violation of any statute relating to the safe
29 operation of vehicles is granted a continuance of the proceeding in
30 consideration for ~~attendance at a school for traffic violators, a~~
31 ~~licensed driving school, or any other court-approved program of~~
32 ~~driving instruction, and which results in a dismissal of either~~
33 *attendance at a licensed traffic violator school or the successful*
34 *completion of a licensed home study program and the court*
35 *dismisses the complaint in consideration for that attendance of that*
36 *attendance or completion*, shall prepare an abstract of the record
37 of the court or board proceeding, certify the abstract to be true and
38 correct, and cause the abstract to be forwarded to the department
39 at its office at Sacramento within 10 days after the complaint is
40 dismissed.



1 SEC. 5. Section 1808.7 of the Vehicle Code is amended to
2 read:

3 1808.7. The record of the department relating to the first
4 proceeding and dismissal under Section 1803.5 in any 18-month
5 period ~~for~~ of participation by a person in a ~~licensed school for~~
6 ~~traffic violators, a licensed driving school, or any other~~
7 ~~court-approved program of driving instruction~~ *program of traffic*
8 *safety instruction at a licensed traffic violator school or through*
9 *the completion of a licensed home study program*, is confidential,
10 shall not be disclosed to any person, except a court, and shall be
11 used only for statistical purposes by the department.

12 SEC. 6. Section 11200 of the Vehicle Code is amended to read:

13 11200. (a) The department shall license *traffic violator*
14 ~~schools for~~ *and home study programs that provide traffic safety*
15 *instruction to traffic violators for purposes of Section 42005. No*
16 *person shall own or operate a traffic violator school or a home*
17 *study program or, except as provided in Section 11206, give*
18 *instruction for compensation in a traffic violator school without a*
19 *currently valid license issued by the department.*

20 (b) *All home study programs that were court approved prior to*
21 *January 1, 2002, shall have 90 days after the adoption of*
22 *regulations by the department regarding the submission of*
23 *applications to submit to the department applications for licensing*
24 *as home study programs.*

25 (c) *The department shall act on all applications submitted*
26 *during the period described in subdivision (b) within 180 days*
27 *following the conclusion of the 90-day application period.*

28 (d) *A home study program that was court approved prior to*
29 *January 1, 2002, may continue operations in court approved*
30 *jurisdictions until the department's disapproval of the license*
31 *application or the conclusion of the period described in*
32 *subdivision (c), whichever occurs first.*

33 (e) *No home study program approved by the department may*
34 *commence operations on a statewide basis until the department*
35 *certifies that all applications submitted pursuant to subdivision (b)*
36 *have been approved or disapproved.*

37 SEC. 7. Section 11202 of the Vehicle Code is amended to read:

38 11202. (a) Except as provided in subdivision (c), *the owner*
39 *of a traffic violator school* ~~owner~~ *or a home study program shall*
40 *meet all of the following criteria before a license may be issued for*



1 ~~the traffic violator school~~: *by the department to that school or*
2 *program:*

3 (1) ~~Maintain an established~~ *Establish and maintain a place of*
4 *business in this state which that is open to the public. No office or*
5 *place of business of a traffic violator school or home study*
6 *program, including any traffic violator school branch or classroom*
7 *location, may be situated within 500 feet of any court of law, unless*
8 *the owner was established at the location on or before July 1, 1984.*

9 (2) Conform to standards established by regulation of the
10 department. In adopting the standards, the department shall
11 consider those practices and instructional programs which may
12 reasonably foster the knowledge, skills, and judgment necessary
13 for compliance with traffic laws. The standards may include, but
14 are not limited to, school personnel, equipment, curriculum,
15 procedures for the testing and evaluation of students,
16 recordkeeping, and business practices.

17 (3) Procure and file with the department a bond of two
18 thousand dollars (\$2,000) executed by an admitted surety and
19 conditioned upon the applicant not practicing any fraud or making
20 any fraudulent representation which will cause a monetary loss to
21 a person taking instruction from the applicant or to the state or any
22 local authority.

23 (4) ~~Have~~ *A traffic violator school, other than a home study*
24 *program, shall have a classroom approved by the department and*
25 *the proper equipment necessary for giving instruction to traffic*
26 *violators.*

27 (5) ~~Have~~ (A) *A traffic violator school, other than a home study*
28 *program, shall have a lesson plan approved by the department and*
29 *provide not less than the minimum instructional time specified in*
30 *the plan. ~~An~~ A home study program shall have its curriculum and*
31 *lesson plan approved by the department and shall offer a plan that*
32 *the department determines to be an educational experience*
33 *equivalent to that provided by classroom programs, taking into*
34 *consideration the self-paced nature of home study programs and*
35 *the interactive nature of home study programs utilizing Internet*
36 *technology.*

37 (B) *An approved lesson plan or curriculum, for a traffic*
38 *violator school other than a home study program, shall provide a*
39 *minimum of 400 minutes of instruction, except that a lesson plan*



1 for instructing persons under the age of 18 ~~may~~ shall provide a
2 minimum of 600 minutes of instruction.

3 (6) (A) Execute and file with the department an instrument
4 designating the director as agent of the applicant for service of
5 process, as provided in this paragraph, in any action commenced
6 against the applicant arising out of any claim for damages suffered
7 by any person by the applicant's violation of any provision of this
8 code committed in relation to the specifications of the applicant's
9 traffic violator school or *home study program* or any condition of
10 the bond required by paragraph (3).

11 (B) The applicant shall stipulate in the instrument that any
12 process directed to the applicant, when personal service cannot be
13 made in this state after due diligence, may be served instead upon
14 the director or, in the director's absence from the department's
15 principal offices, upon any employee in charge of the office of the
16 director, and this substituted service is of the same effect as
17 personal service on the applicant. The instrument shall further
18 stipulate that the agency created by the designation shall continue
19 during the period covered by the license issued pursuant to this
20 section and so long thereafter as the applicant may be made to
21 answer in damages for a violation of this code for which the surety
22 may be made liable or any condition of the bond.

23 (C) The instrument designating the director as agent for service
24 of process shall be acknowledged by the applicant before a notary
25 public.

26 (D) If the director or an employee of the department, in lieu of
27 the director, is served with a summons and complaint on behalf of
28 the licensee, one copy of the summons and complaint shall be left
29 with the director or in the director's office in Sacramento or mailed
30 to the office of the director in Sacramento. A fee of five dollars (\$5)
31 shall also be paid to the director or employee at the time of service
32 of the copy of the summons and complaint, or shall be included
33 with a summons and complaint served by mail.

34 (E) The service on the director or department employee
35 pursuant to this paragraph is sufficient service on the licensee if a
36 notice of the service and a copy of the summons and complaint is,
37 on the same day as the service or mailing of the summons and
38 complaint, sent by registered mail by the plaintiff or his or her
39 attorney to the licensee. A copy of the summons and complaint
40 shall also be mailed by the plaintiff or plaintiff's attorney to the



1 surety on the licensee's bond at the address of the surety given in
2 the bond, postpaid and registered with request for return receipt.

3 (F) The director shall keep a record of all processes served
4 pursuant to this paragraph showing the day and hour of service,
5 and shall retain the documents served in the department's files.

6 (G) If the licensee is served with process by service upon the
7 director or a department employee in lieu of the director, the
8 licensee has 30 days after that service within which to answer any
9 complaint or other pleading filed in the cause. For purposes of
10 venue, if the licensee is served with process by service upon the
11 director or a department employee in lieu of the director, the
12 service is considered to have been made upon the licensee in the
13 county in which the licensee has or last had his or her established
14 place of business.

15 (7) *Have a name approved by the department pursuant to*
16 *Section 11205. However, a licensed traffic violator school or*
17 *court-approved home study program operating prior to January 1,*
18 *2002, may continue to use its name without the need to apply to the*
19 *department for approval pursuant to Section 11205.*

20 (8) Meet the requirements of Section 11202.5 and subdivision
21 (b) of Section 11208, relating to traffic violator school *or home*
22 *study program* operators, if the owner is also the operator of the
23 traffic violator school *or home study program*. If the owner is not
24 the operator of the traffic violator school *or home study program*,
25 the owner shall designate an operator who shall meet the
26 requirements of Section 11202.5.

27 ~~(8)~~

28 (9) Provide the department with a written assurance that the
29 school will comply with the applicable provisions of Subchapter
30 II or III of the Americans with Disabilities Act of 1990 (42 U.S.C.
31 Sec. 12101, et seq.), and any other federal and state laws
32 prohibiting discrimination against individuals with disabilities.
33 Compliance may include providing sign language interpreters or
34 other accommodations for students with disabilities.

35 (b) The qualifying requirements specified in subdivision (a),
36 *other than for home study program applicants*, shall be met within
37 one year from the date of application for a license, or a new
38 application and fee is required.



1 (c) Paragraphs (3) and (6) of subdivision (a) do not apply to
2 public schools or other public agencies, which shall also not be
3 required to post a cash deposit pursuant to Section 11203.

4 (d) Paragraph (7) of subdivision (a) does not apply to public
5 schools or other public educational institutions.

6 (e) A notice approved by the department shall be posted in
7 every traffic violator school, ~~branch,~~ *and home study program*
8 *branch office* and classroom location ~~stating,~~ *and, in the case of*
9 *a home study program, provided to every person prior to*
10 *permitting that person to start the home study program. The notice*
11 *shall state that any person involved in the offering of, or soliciting*
12 *for, a completion certificate for attendance at a traffic violator*
13 *school or for completing a home study program in which the*
14 *person does not attend or complete or does not complete the*
15 *minimum amount of instruction time provided by subdivision (a)*
16 *may be guilty of violating Section 134 of the Penal Code.*

17 *SEC. 8. Section 11202.5 of the Vehicle Code is amended to*
18 *read:*

19 11202.5. (a) The department shall license traffic violator
20 school *and home study program* operators. No person may act as
21 a traffic violator school operator *or home study program operator*
22 without a currently valid license issued by the department. Every
23 person, in order to qualify as a traffic violator school *or home study*
24 *program* operator, shall meet all of the following criteria in order
25 to be issued a traffic violator school *or home study program*
26 operator's license:

27 (1) Have not committed any act which, if the applicant were
28 licensed as a traffic violator school operator *or home study*
29 *program operator*, would be grounds for suspension or revocation
30 of the license.

31 (2) Within three attempts, pass an examination that the
32 department requires on traffic laws, safe driving practices,
33 operation of motor vehicles, teaching methods and techniques,
34 traffic violator school *and home study program* statutes and
35 regulations, and office procedures and recordkeeping.

36 (3) Be 21 years of age or older.

37 (4) Have worked for ~~an established~~ *a licensed* California traffic
38 violator school *or home study program*, an established California
39 driving school licensed under Chapter 1 (commencing with
40 Section 11100) of Division 5, or an established commercial



1 driving training and education program operated by a bona fide
2 labor organization as an instructor for a period of not less than 500
3 hours of actual in-class instruction.

4 (b) Paragraph (4) of subdivision (a) does not apply to a traffic
5 violator school operator validly licensed prior to January 1, 1987
6 *nor to a home study program.*

7 (c) All the qualifying requirements specified in this section
8 shall be met within one year from the date of application for the
9 license or the application shall lapse. However, the applicant may
10 thereafter submit a new application upon payment of the required
11 fee.

12 *SEC. 9. Section 11203.5 of the Vehicle Code is amended to*
13 *read:*

14 11203.5. If the state or any of its political subdivisions suffers
15 any loss or damage by reason of any fraudulent practice or
16 representation or by reason of any violation of this division by a
17 traffic violator school owner *or owner of a home study program,*
18 the department may bring a cause of action against the traffic
19 violator school owner *or owner of a home study program* and the
20 surety upon the owner's bond.

21 *SEC. 10. Section 11204 of the Vehicle Code is amended to*
22 *read:*

23 11204. The department shall issue a license certificate to each
24 traffic violator school *or home study program* owner and each
25 traffic violator school operator licensed pursuant to this chapter.
26 The term of the license shall be for a period of one year from the
27 date of issue unless canceled, suspended, or revoked by the
28 department. The license shall be renewed annually. The
29 department shall require compliance with Section 11202 for
30 renewal of the license of a traffic violator school *or home study*
31 *program* owner. The department shall require compliance with
32 Section 11202.5 for renewal of the license of a traffic violator
33 school operator.

34 Where in its judgment the public interest so requires, the
35 department may issue a probationary license subject to special
36 conditions to be observed by the licensee in the conduct of the
37 traffic violator school *or home study program.* The conditions to
38 be attached to the license shall be such as may, in the judgment of
39 the department, be in the public interest and suitable to the
40 qualifications of the applicant as disclosed by the application and



1 investigation by the department of the information contained
2 therein. The conditions shall not appear on the license certificate.

3 Upon notification of death of a traffic violator school *or home*
4 *study program* licensee, the department may issue a temporary
5 license to the executor or administrator of the estate of a deceased
6 holder of a validly outstanding license to conduct a traffic violator
7 school *or home study program*, or if no executor or administrator
8 has been appointed and until a certified copy of an order making
9 such an appointment is filed with the department, a temporary
10 license may be issued to the surviving spouse or other heir entitled
11 to conduct the business of the deceased. The temporary license
12 shall permit the holder to conduct the traffic violator school *or*
13 *home study program* for a period of one year from and after the date
14 of the original licensee's death, and necessary one-year extensions
15 may be granted to permit disposal of the business and qualification
16 for a license of a purchaser of the business or the surviving spouse
17 or heir. The department may restrict or condition a temporary
18 license and attach to the exercise of the privilege thereunder any
19 terms and conditions that in the department's judgment are
20 required for the protection of the public.

21 *SEC. 11. Section 11205 of the Vehicle Code, as amended by*
22 *Section 455.5 of Chapter 931 of the Statutes of 1998, is repealed.*

23 ~~11205. (a) The department shall publish a traffic violator~~
24 ~~school referral list of all the approved locations of traffic violator~~
25 ~~school classes, by school name, to be transmitted to each municipal~~
26 ~~court in the state, and to each superior court in a county in which~~
27 ~~there is no municipal court, in sufficient quantity to allow the~~
28 ~~courts to provide a copy to each person referred to traffic violator~~
29 ~~school. The list shall be revised at least twice annually and~~
30 ~~transmitted to the courts by the first day of January and the first day~~
31 ~~of July. It shall include all of the following:~~

32 ~~(1) The name of each traffic violator school or, pursuant to~~
33 ~~subdivision (d), the general term "traffic violator school"~~
34 ~~followed by its traffic violator school license number.~~

35 ~~(2) A phone number used for student information.~~

36 ~~(3) The county and the judicial district.~~

37 ~~(4) The cities where classes are available.~~

38 ~~(b) Each traffic violator school owner shall be permitted one~~
39 ~~school name in a judicial district.~~



1 ~~(c) The list shall be organized alphabetically in sections for~~
2 ~~each county and subsections for each judicial district within the~~
3 ~~county. The order of the names within each judicial district shall~~
4 ~~be random pursuant to a drawing or lottery conducted by the~~
5 ~~department.~~

6 ~~(d) On the list prepared by the department under subdivision~~
7 ~~(c), each traffic violator school shall appear by name unless a court~~
8 ~~determines, pursuant to subdivision (c), that a name is~~
9 ~~inappropriate and directs the department to delete the name and~~
10 ~~instead list the school by the term “traffic violator school”~~
11 ~~followed by its license number. The deletion of the name of a~~
12 ~~school from the list for a judicial district shall not affect whether~~
13 ~~that school appears by name on the list for any other judicial~~
14 ~~district within the state. In making a determination under this~~
15 ~~subdivision regarding the deletion of a name from the list, the court~~
16 ~~shall use as its criteria whether the name is misleading to the~~
17 ~~public, undignified, or implies that the school offers inducements~~
18 ~~or premiums which derogate or distort the instructional intent of~~
19 ~~the traffic safety program.~~

20 ~~(e) When the department transmits any referral list pursuant to~~
21 ~~subdivision (a), each court shall do all of the following:~~

22 ~~(1) Within 30 days of receipt of the list, notify the school owner~~
23 ~~of any school name that the court intends to remove from the~~
24 ~~referral list.~~

25 ~~(2) Within 60 days of receipt of the list, make every effort to~~
26 ~~schedule, conduct, and complete a hearing for the school owner,~~
27 ~~or a representative, if requested, at which the sole issue shall be~~
28 ~~whether the name violates the standards set forth in subdivision~~
29 ~~(d). A substitute name may be submitted to the court at the~~
30 ~~conclusion of the hearing, pursuant to subdivision (h).~~

31 ~~(3) Within 10 days of the completion of that hearing, notify the~~
32 ~~department and school owner of any school names it intends to~~
33 ~~remove from the referral list.~~

34 ~~(f) In order for a court action to delete a school name from the~~
35 ~~next referral list published by the department, the department shall~~
36 ~~receive court notification no later than 90 days prior to publication~~
37 ~~of the next referral list and, absent a direct order by the appellate~~
38 ~~division of the superior court or a court of higher jurisdiction, the~~
39 ~~department shall not fail to publish a referral list on the grounds~~
40 ~~that there exists pending litigation or appeals concerning the lists.~~



1 ~~(g) Any court notifying the department of a school name it~~
2 ~~intends to remove from the list, pursuant to this section, shall~~
3 ~~provide the school owner with the name of the judge making those~~
4 ~~findings.~~

5 ~~(h) When a court informs a school owner, pursuant to~~
6 ~~subdivision (e), of its decision to delete the name of a traffic~~
7 ~~violator school from that judicial district's subsection of the~~
8 ~~department's traffic violator school referral list, the owner may, on~~
9 ~~a form approved by the department, submit a substitute name to the~~
10 ~~court and request approval of that name. The court shall, within 30~~
11 ~~days of receipt of the request for approval of the substitute name,~~
12 ~~inform the department and the school owner, on a form approved~~
13 ~~by the department, of its approval or rejection of the substitute~~
14 ~~name. The school owner may continue this appeal process for~~
15 ~~approval of a substitute name until the court determines that the~~
16 ~~name does not violate the standard set forth in subdivision (d). A~~
17 ~~name approval in a judicial district shall not affect the school's~~
18 ~~name or listing in any other district in the state. The department~~
19 ~~shall not impose any fee or license requirement under this~~
20 ~~subdivision.~~

21 ~~(i) If a court fails to act within 30 days on a request of a traffic~~
22 ~~violator school owner, pursuant to subdivision (h), the proposed~~
23 ~~substitute name shall be deemed approved by the court for the~~
24 ~~purposes of the traffic violator school referral list.~~

25 ~~(j) (1) Every application filed with the department on and after~~
26 ~~June 1, 1991, for an original license by a traffic school owner or~~
27 ~~for approval to conduct classes in a judicial district not previously~~
28 ~~approved, shall be accompanied by the approval of the court in~~
29 ~~each judicial district proposed for those operations of the name of~~
30 ~~the school, on a form approved by the department for that purpose.~~
31 ~~For the approved name to be included in the traffic violator school~~
32 ~~referral list, the form shall be received by the department no later~~
33 ~~than 90 days prior to publication.~~

34 ~~(2) When a court disapproves a school name pursuant to this~~
35 ~~subdivision, the court shall notify the school owner within 30 days~~
36 ~~of its disapproval and schedule a hearing for that school owner, or~~
37 ~~a representative, if requested, at which the sole issue shall be~~
38 ~~whether the name violates the standards set forth in subdivision~~
39 ~~(d). A substitute name may be submitted to the court at the~~
40 ~~conclusion of the hearing, pursuant to subdivision (h).~~



1 ~~(3) The court shall make every effort to schedule, conduct, and~~
2 ~~complete a hearing within 60 days of receipt of the school owner's~~
3 ~~request for a school name approval. A name approval in a judicial~~
4 ~~district shall not affect the school's name or listing in any other~~
5 ~~district in the state. A change in physical location by a school~~
6 ~~within a judicial district shall not require approval pursuant to this~~
7 ~~subdivision.~~

8 ~~(k) The department shall publish a list of the owners of traffic~~
9 ~~violation schools. One copy shall be provided to each municipal~~
10 ~~court in the state, and to each superior court in a county in which~~
11 ~~there is no municipal court. This list shall be revised at least twice~~
12 ~~annually and transmitted to the courts by the first day of January~~
13 ~~and the first day of July. This list shall include all of the following:~~

14 ~~(1) The name of each school, grouped by owner.~~

15 ~~(2) The business office address.~~

16 ~~(3) The business office telephone number.~~

17 ~~(4) The license number.~~

18 ~~(5) The owner's name.~~

19 ~~(6) The operator's name.~~

20 ~~(l) Except as otherwise provided in subdivision (d) of Section~~
21 ~~42005, the court shall use either the current list of traffic violation~~
22 ~~schools published by the department when it orders a person to~~
23 ~~complete a traffic violation school pursuant to subdivision (a) or (b)~~
24 ~~of Section 42005 or, when a court utilizing a nonprofit agency for~~
25 ~~traffic violation school administration and monitoring services in~~
26 ~~which all traffic violation schools licensed by the department are~~
27 ~~allowed the opportunity to participate, a statewide referral list~~
28 ~~may be published by the nonprofit agency and distributed by the~~
29 ~~court. The agency shall monitor each classroom location situated~~
30 ~~within the judicial districts in which that agency provides services~~
31 ~~to the courts and is represented on its referral list. The monitoring~~
32 ~~shall occur at least once every 90 days with reports forwarded to~~
33 ~~the department and the respective courts on a monthly basis.~~

34 ~~(m) The court may charge a traffic violation a fee to defray the~~
35 ~~costs incurred by the agency for the monitoring reports and~~
36 ~~services provided to the court. The court may delegate collection~~
37 ~~of the fee to the agency. Fees shall be approved and regulated by~~
38 ~~the court. Until December 31, 1996, the fee shall not exceed the~~
39 ~~actual cost incurred by the agency or five dollars (\$5), whichever~~
40 ~~is less.~~



1 ~~(n) If any provision of subdivision (d) or (e), as added by~~
2 ~~Section 4 of Assembly Bill 185 of the 1991-92 Regular Session,~~
3 ~~or the application thereof to any person, is held to be~~
4 ~~unconstitutional, this section is repealed on the date the decision~~
5 ~~of the court so holding becomes final.~~

6 *SEC. 12. Section 11205 of the Vehicle Code, as amended by*
7 *Section 456 of Chapter 931 of the Statutes of 1998, is repealed.*

8 ~~11205. (a) The department shall publish semiannually, or~~
9 ~~more often as necessary to serve the purposes of this act, a list of~~
10 ~~all traffic violator schools which are licensed pursuant to this~~
11 ~~section. The list shall identify classroom facilities within a judicial~~
12 ~~district that are at a different location from a licensed school's~~
13 ~~principal facility. The department shall transmit the list to each~~
14 ~~municipal court and to each superior court in a county in which~~
15 ~~there is no municipal court, with a sufficient number of copies to~~
16 ~~allow the courts to provide one copy to each person referred to a~~
17 ~~licensed traffic violator school. The department shall, at least~~
18 ~~semiannually, revise the list to ensure that each court has a current~~
19 ~~list of all licensed traffic violator schools.~~

20 ~~(b) Each licensed traffic violator school owner shall be~~
21 ~~permitted one school name per judicial district.~~

22 ~~(c) The referral list shall be organized alphabetically, in~~
23 ~~sections for each county, and contain subsections for each judicial~~
24 ~~district within the county. The order of the names within each~~
25 ~~judicial district shall be random pursuant to a drawing or lottery~~
26 ~~conducted by the department.~~

27 ~~(d) Except as otherwise provided in subdivision (d) of Section~~
28 ~~42005, the court shall use either the current referral list of traffic~~
29 ~~violator schools published by the department when it orders a~~
30 ~~person to complete a traffic violator school pursuant to subdivision~~
31 ~~(a) or (b) of Section 42005 or, when a court utilizing a nonprofit~~
32 ~~agency for traffic violator school administration and monitoring~~
33 ~~services in which all traffic violator schools licensed by the~~
34 ~~department are allowed the opportunity to participate, a statewide~~
35 ~~referral list may be published by the nonprofit agency and~~
36 ~~distributed by the court. The agency shall monitor each classroom~~
37 ~~location situated within the judicial districts in which that agency~~
38 ~~provides services to the courts and is represented on its referral list.~~
39 ~~The monitoring shall occur at least once every 90 days with reports~~



1 ~~forwarded to the department and the respective courts on a~~
2 ~~monthly basis.~~

3 ~~(e) The court may charge a traffic violator a fee to defray the~~
4 ~~costs incurred by the agency for the monitoring reports and~~
5 ~~services provided to the court. The court may delegate collection~~
6 ~~of the fee to the agency. Fees shall be approved and regulated by~~
7 ~~the court. Until December 31, 1996, the fee shall not exceed the~~
8 ~~actual cost incurred by the agency or five dollars (\$5), whichever~~
9 ~~is less.~~

10 ~~(f) If any provision of subdivision (d) or (e) of Section 11205,~~
11 ~~as added by Section 4 of Assembly Bill 185 of the 1991-92~~
12 ~~Regular Session, or the application thereof to any person, is held~~
13 ~~to be unconstitutional, that Section 11205 is repealed on the date~~
14 ~~the decision of the court so holding becomes final, and on that date,~~
15 ~~this section shall become operative.~~

16 *SEC. 13. Section 11205 is added to the Vehicle Code, to read:*

17 *11205. (a) Each traffic violator school and home study*
18 *program owner shall submit a proposed name to the department,*
19 *on a form approved by the department, and request name approval.*
20 *The department shall not impose a fee under this subdivision.*

21 *(b) The department shall have 30 days to act on the request for*
22 *name approval. If the department fails to act within 30 days of*
23 *receipt by the department of the name request, then the proposed*
24 *name shall be deemed approved by the department for use by the*
25 *traffic violator school or home study program for all purposes.*

26 *(c) In making a determination under this section whether or not*
27 *to approve a proposed name, the department shall use as its*
28 *criteria whether the proposed name is misleading to the public,*
29 *undignified, or implies that the applicant offers inducements or*
30 *premiums that derogate or distort the instructional intent of the*
31 *traffic safety program.*

32 *(d) If the department approves the proposed name it shall notify*
33 *the applicant of its decision within the time period set forth in*
34 *subdivision (b).*

35 *(e) (1) Whenever the department determines, pursuant to*
36 *subdivision (c) that the proposed name is inappropriate, the*
37 *department shall immediately notify the applicant that the*
38 *department has disapproved the proposed name. In its written*
39 *notice to the applicant of its decision to reject the proposed name,*
40 *the department shall set forth the specific basis, rationale, and*



1 supporting evidence for the department's decision. A recital of the
2 criteria set forth in subdivision (c) is not sufficient to meet this
3 requirement.

4 (2) If requested by the applicant, or its representative, the
5 department shall schedule a hearing for that applicant at which the
6 sole issue shall be whether the name violates the standards set forth
7 in subdivision (c).

8 (3) The department shall make every effort to schedule,
9 conduct, and complete a hearing within 60 days of receipt of the
10 traffic violator school or home study program owner's request for
11 name approval.

12 (f) A substitute proposed name may be submitted, pursuant to
13 this section, to the department for approval at any time before or
14 after the conclusion of the hearing. The department shall, within
15 30 days of receipt of the request for approval of the substitute
16 name, inform the owner-applicant, on a form approved by the
17 department, of its approval or rejection of the substitute name. The
18 owner-applicant may continue this appeal process for approval of
19 a substitute name until the department determines that the name
20 does not violate the standard set forth in subdivision (c).

21 (g) A decision by the department to reject a proposed name or
22 substitute name may be reviewed by any court of competent
23 jurisdiction.

24 SEC. 14. Section 11205.1 of the Vehicle Code is repealed.

25 ~~11205.1. The fee authorized in subdivision (m) of Section~~
26 ~~11205 shall be applicable only in those instances where a traffic~~
27 ~~violator has agreed to attend or has been ordered to attend a traffic~~
28 ~~violator school pursuant to Section 42005, a licensed driving~~
29 ~~school, or any other court-approved program for driving~~
30 ~~instruction.~~

31 SEC. 15. Section 11205.2 is added to the Vehicle Code, to
32 read:

33 11205.2. (a) The department shall maintain a referral list
34 that includes all of the approved locations of traffic violator school
35 classes and, in a separate section, a list of the
36 department-approved home study programs, using the names
37 approved by the department pursuant to Section 11205. The
38 referral list shall be made available electronically to courts and
39 shall be maintained in a form that records names appearing on
40 the list on a random basis at least daily.



- 1 (b) (1) Part 1 of the referral list, relating to traffic violator
2 school locations, shall include all of the following:
- 3 (A) The name of each traffic violator school.
 - 4 (B) A telephone number to be used by students for information.
 - 5 (C) The name of the county and judicial district.
 - 6 (D) The name of the cities where classes are available.
- 7 (2) Each traffic violator school shall appear by name and shall
8 be permitted one school name in a judicial district.
- 9 (3) Part 1 of the list shall be organized alphabetically in
10 sections for each county and for each judicial district within the
11 county. The order of the traffic violator school names listed within
12 each judicial district shall be random pursuant to a set of computer
13 generated random numbers, a drawing, or a lottery conducted by
14 the department.
- 15 (c) (1) Part 2 of the referral list, relating to home study
16 programs, shall include all of the following:
- 17 (A) The name of each home study program.
 - 18 (B) A telephone number to be used by students for information.
 - 19 (C) An Internet website address, if available.
- 20 (2) Each home study program shall appear by name and shall
21 be permitted one name on the list.
- 22 (3) No advertising of products shall be permitted within the
23 course material of a home study program.
- 24 (d) Each court shall use the current referral list of traffic
25 violator schools and home study programs, published by the
26 department, when it orders a person to complete a course in traffic
27 safety instruction pursuant to subdivision (a) or (b) of Section
28 42005.
- 29 (e) (1) When a court utilizes a public or private nonprofit
30 agency to monitor traffic violator schools or home study programs
31 licensed by the department, the court may charge the traffic
32 violator a fee to defray the costs incurred by the agency for the
33 monitoring services provided to the court. If a fee is imposed, it
34 shall be collected by the court, and shall not exceed the actual cost
35 incurred by the agency for the monitoring services. The fee
36 authorized by this subdivision shall be applicable only in those
37 cases where a traffic violator has agreed to attend or has been
38 ordered to attend a course of traffic safety instruction pursuant to
39 Section 42005.



1 (2) (A) *In its services to a court, no public or private agency*
2 *utilized by a court may duplicate any approval, licensing, auditing,*
3 *investigating, regulatory, or other functions of the department set*
4 *forth in this chapter except for the function of monitoring actual*
5 *traffic violator school classes and home study program courses*
6 *taken by traffic violators within the judicial district in which the*
7 *agency provides services to the court. The monitoring shall occur*
8 *at least once every 90 days with reports forwarded to the*
9 *department and the respective courts on a monthly basis.*

10 (B) *No public or private agency utilized by a court may issue*
11 *certificates of completion or provide testing services for home*
12 *study programs.*

13 (C) *Nothing in this section is intended to prevent courts from*
14 *entering into contracts for public or private agencies to provide*
15 *administrative services other than those described in*
16 *subparagraph (B).*

17 SEC. 16. *Section 11206 of the Vehicle Code is amended to*
18 *read:*

19 11206. (a) The department shall license traffic violator
20 school instructors. Except as exempted by this section, no person
21 shall act as a traffic violator school instructor without a currently
22 valid instructor's license issued by the department. Every person,
23 in order to qualify as a traffic violator school instructor, shall meet
24 all of the following requirements before an instructor's license
25 may be issued:

26 (1) Have a high school education.

27 (2) Within three attempts, pass an examination, as required by
28 the department, on traffic laws, safe driving practices, operation
29 of motor vehicles, and teaching methods and techniques.

30 (3) Hold a currently valid California driver's license, which is
31 not subject to probation pursuant to Section 14250 due to the
32 applicant being a negligent operator within the meaning of Section
33 12810 or 12810.5. The applicant's driving record shall not have
34 any outstanding notice for violating a written promise to appear in
35 court or for willfully failing to pay a lawfully imposed fine, as
36 provided in Section 40509.

37 (4) Be ~~18~~ 21 years of age or older.

38 (b) All the qualifying requirements specified by this section
39 shall be met within one year from the date of application for a
40 license or the application shall lapse. However, the applicant may



1 thereafter submit a new application upon payment of the requisite
2 fee.

3 (c) A license issued pursuant to this section is not required to
4 provide instruction to traffic violators in a public school or other
5 public educational institution by a person holding a valid teaching
6 credential with satisfactory training or experience in the subject
7 area, as determined by the department. Persons exempt from
8 licensure under this section are not required to obtain a license
9 certificate pursuant to Section 11207.

10 *SEC. 17. Section 11206.5 of the Vehicle Code is amended to*
11 *read:*

12 11206.5. Each applicant for a license as a traffic violator
13 school owner, traffic violator school operator, or traffic violator
14 school instructor shall submit an application to the department on
15 the forms prescribed by the department. The applicant shall
16 provide the department with any information concerning the
17 applicant's character, honesty, integrity, and reputation which the
18 department may consider necessary.

19 *SEC. 18. Section 11207 of the Vehicle Code is amended to*
20 *read:*

21 11207. (a) The department shall issue a license certificate to
22 each traffic violator school instructor when it is satisfied that he or
23 she has met the qualifications required under this chapter. The
24 original instructor license and any license renewed pursuant to
25 subdivisions (b) and (c) shall be valid for a period of three years
26 from the date of issuance unless canceled, suspended, or revoked
27 by the department.

28 (b) Every application for the renewal of a traffic violator school
29 instructor license may be made by the licensee prior to the
30 expiration date of the license by presenting to the department a
31 completed application on a form provided by the department. In
32 no event shall a traffic violator school instructor renew the license
33 after the date of expiration.

34 (c) The department shall require all of the following for the
35 renewal of an instructor's license:

36 (1) Compliance with Section 11206, except subdivision (c)
37 thereof.

38 (2) *Either of the following:*

39 (A) Satisfactory completion of an examination as provided in
40 Section 11206 at least once during each succeeding three-year



1 period after the initial issuance of the license. ~~However, in lieu of~~
2 ~~examination for renewal of the license,~~

3 (B) ~~Submission to the department may accept submission~~ by
4 the licensee of *satisfactory* evidence of continuing professional
5 education.

6 (d) When, in its judgment, the public interest so requires, the
7 department may issue a probationary license subject to special
8 conditions to be observed by the licensee in the exercise of the
9 privilege granted. The conditions to be attached to the license shall
10 be such as may, in the judgment of the department, be in the public
11 interest and suitable to the qualifications of the applicant, as
12 disclosed by the application and investigation by the department
13 of the information contained therein.

14 *SEC. 19. Section 11208 of the Vehicle Code is amended to*
15 *read:*

16 11208. (a) Fees for issuance by the department of a license to
17 a traffic violator school owner *or owner of a home study program*
18 shall be as follows:

19 (1) For the original license or an ownership change which
20 requires a new application, except as provided by Section 42231,
21 a fee of one hundred fifty dollars (\$150), with an additional fee of
22 seventy dollars (\$70) for each separate traffic violator school *or*
23 *home study program* branch or classroom location licensed. The
24 fee prescribed by this subdivision is nonrefundable.

25 (2) For annual renewal of the license for a traffic violator
26 school *or owner of a home study program* and for each branch or
27 classroom location, a fee of fifty dollars (\$50).

28 (3) If alteration of an existing license is required by a firm name
29 change, a change in corporate officer structure, address change, or
30 the addition of a traffic violator school *or home study program*
31 branch or classroom location, a fee of seventy dollars (\$70).

32 (4) For replacement of the license certificate when the original
33 license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

34 (b) Fees for the issuance by the department of a license for a
35 traffic violator school operator shall be as follows:

36 (1) For the original license, a nonrefundable fee of one hundred
37 dollars (\$100).

38 (2) For annual renewal of the license, a fee of fifty dollars
39 (\$50).



1 (3) If alteration of an existing license is caused by a change in
2 the name or location of the established principal place of business
3 of the traffic violator school operated by the licensee, including a
4 transfer by a licensee from one traffic violator school *or home*
5 *study program* to another, a fee of fifteen dollars (\$15).

6 (4) For replacement of the license certificate when the original
7 license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

8 (c) Fees for the issuance by the department of a license for a
9 traffic violator school instructor shall be as follows:

10 (1) For the original license, except as provided by Section
11 42231, a nonrefundable fee of thirty dollars (\$30).

12 (2) For the triennial renewal of a license, a fee of thirty dollars
13 (\$30).

14 (3) If alteration of an existing license is required by a change
15 in the ~~instructor's employing school's name or location~~, *name or*
16 *location of the traffic violator school employing the instructor*, or
17 transfer of the instructor's license to another employing *traffic*
18 *violator* school, a fee of fifteen dollars (\$15).

19 (4) For replacement of the instructor's license certificate when
20 the original license is lost, stolen, or mutilated, a fee of fifteen
21 dollars (\$15).

22 (d) The department shall charge a fee ~~not to exceed~~ of three
23 dollars (\$3) for each completion certificate issued by a traffic
24 violator school to each person completing instruction at the traffic
25 violator *school or in the home study program*. ~~The amount of the~~
26 ~~fee shall be determined by the department and shall be a fee~~
27 ~~sufficient to defray the actual costs incurred by the department for~~
28 ~~publication and distribution of lists of schools for traffic violators~~
29 ~~pursuant to Section 11205, for monitoring instruction, business~~
30 ~~practices, and records of schools for traffic violators and for any~~
31 ~~other activities deemed necessary by the department to assure high~~
32 ~~quality education for traffic violators~~. *The clerk of the court shall*
33 *collect this three dollar (\$3) certificate fee from the traffic violator*
34 *at the same time the clerk collects the fee set forth in Section*
35 *42007.1, and shall transmit the collected fees to the department on*
36 *the first day of each quarter*. Upon satisfactory completion of the
37 instruction offered by a licensed traffic violator school *or home*
38 *study program*, the traffic violator school *or home study program*
39 shall provide the student with a certificate of completion furnished
40 by the department. ~~A traffic violator school shall not charge a fee~~



1 ~~in excess of the fee charged by the department pursuant to this~~
2 ~~subdivision for furnishing a certificate of completion. A traffic~~
3 ~~violator school may charge a fee not to exceed three dollars (\$3),~~
4 ~~in addition to the fee charged by the department for the issuance~~
5 ~~of a duplicate certificate of completion. The student~~ *The*
6 *generation and transmission of completion certificates between*
7 *the department, course providers, and courts may be*
8 *accomplished electronically.*

9 *(e) Each traffic violator completing a course in traffic safety*
10 *shall demonstrate the extent of his or her knowledge of the course*
11 *material by passing, with a minimum score of 70 percent correct*
12 *answers, a final examination as a condition of receiving the*
13 *certificate of completion. The final examination may be developed*
14 *by each traffic violator school or home study program to meet the*
15 *criteria designated by the department. The test scores shall be*
16 *retained by the traffic violator school or home study program as*
17 *part of their recordkeeping. The department shall develop*
18 *procedures for the administration of the final examination by and*
19 *for the home study program.*

20 *(f) The department shall develop regulations requiring home*
21 *study programs to reasonably verify the identity of persons taking*
22 *courses and completing final examinations. In developing these*
23 *regulations, the department shall consider technologies,*
24 *including, but not limited to, personal registration questions,*
25 *biometrics, voice recognition, or digital signatures. The*
26 *department shall also require students to indicate, under penalty*
27 *of perjury, that they personally completed the course and the final*
28 *examination.*

29 *(g) The department shall issue laser printer compatible*
30 *certificate forms to a licensed home study program. The home*
31 *study program shall complete the certificate for any student who*
32 *successfully completes the course, and shall forward the certificate*
33 *directly to the court that ordered or sentenced the traffic violator*
34 *to complete the traffic violator school or home study program. An*
35 *electronic or paper confirmation of completion shall be sent to the*
36 *student. The department shall distribute certificates to licensed*
37 *home study programs, which distribution may be accomplished*
38 *electronically. The court and department shall only accept*
39 *completed certificates from licensed home study programs.*



1 (h) The department shall maintain records of the number of
2 persons annually completing classroom traffic violator school and
3 home study programs by program type based on factors including
4 textbook, video, Internet Web sites, and any other program.

5 (i) A traffic violator school may charge a fee not to exceed
6 fifteen dollars (\$15) for the issuance of a duplicate certificate of
7 completion requested by the traffic violator. The traffic violator
8 shall present this certificate of completion to the court as proof of
9 completion of instruction, and no other proof of completion of
10 instruction may be accepted by the court.

11 ~~(e) The department shall compile its actual costs incurred to~~
12 ~~determine the fee prescribed in subdivision (d) and make available~~
13 ~~its financial records used in the determination of the fee for~~
14 ~~completion certificates. The fee shall be adjusted every~~
15 ~~odd-numbered year based upon the costs incurred during the~~
16 ~~preceding two fiscal years. The records described in this~~
17 ~~subdivision are public records.~~

18 SEC. 20. Section 11209 of the Vehicle Code is amended to
19 read:

20 11209. Any traffic violator school owner, ~~traffic violator~~
21 ~~school operator, or traffic violator school instructor instructor, or~~
22 ~~home study program owner~~ required to be licensed under this
23 chapter who fails to renew the license before the expiration of the
24 license may not renew that license, but may reapply for an original
25 license pursuant to this chapter. For purposes of this section, a
26 license that has been canceled may not be renewed and a license
27 that is suspended or revoked may not be renewed, until
28 reinstatement or reissuance by the department. If the period of
29 suspension or revocation extends beyond the expiration of a
30 license, it may not be renewed, but the person may apply for a new
31 license thereafter.

32 SEC. 21. Section 11210 of the Vehicle Code is amended to
33 read:

34 11210. Pending determination by the department that an
35 applicant for a license fully satisfies the requirements of this
36 chapter, the department may issue a temporary permit to the
37 applicant. A temporary permit may authorize the operation of a
38 traffic violator school or *home study program* or acting as a traffic
39 violator school operator or traffic violator school instructor for a
40 period not to exceed 120 days while the department is completing



1 its investigation and determination of all facts relative to the
2 qualifications of the applicant for the license.

3 The department may cancel a temporary permit when it has
4 determined or has reasonable cause to believe that the application
5 is incorrect or incomplete or the temporary permit was issued in
6 error. A temporary permit is invalid upon cancellation or once the
7 applicant has been issued or denied the license applied for.

8 *SEC. 22. Section 11212 of the Vehicle Code is amended to*
9 *read:*

10 11212. (a) Every owner licensed under this chapter shall
11 keep a record at the traffic violator school's *or home study*
12 *program's* primary business location showing all of the following
13 for each student:

14 (1) The name and address and license number of the traffic
15 violator school *or home study program* providing instruction.

16 (2) The name and address of each person given instruction.

17 (3) The instruction permit number or driver's license number
18 of every person given instruction.

19 (4) The name and number of the license issued pursuant to
20 Section 11207 of the traffic violator school instructor.

21 (5) The particular type of instruction given and the date or dates
22 of the instruction.

23 (6) A statement as to whether the approved *curriculum or*
24 *lesson plan* was followed.

25 (7) The total number of hours of *classroom* instruction.

26 (8) The total cost to the student of the instruction, which shall
27 not exceed the amount of the fee represented or advertised by the
28 traffic violator school *or home study program* at the time of the
29 student's enrollment.

30 (9) The court docket number *or citation number* under which
31 the student was referred to a traffic violator school *or home study*
32 *program*.

33 (10) The number of the completion certificate issued to the
34 student pursuant to subdivision (e) of Section 11208 and, if
35 different, the number of any copy thereof issued to the student.

36 (b) The records shall be retained for a minimum of three years
37 and shall be open to the inspection during business hours and at all
38 other reasonable times by the department, the court, a private
39 entity providing monitoring pursuant to Section 11222, the



1 Legislative Analyst, and the Auditor General or authorized
2 employees thereof, but shall be only for confidential use.

3 (c) Whenever a licensee suspends or terminates the licensed
4 activity, the licensee shall surrender the records specified in
5 subdivision (a) to the department for examination not later than the
6 end of the third day, excluding Saturdays, Sundays, and legal
7 holidays, after the date of suspension or termination. The
8 department may duplicate or make a record of any information
9 contained therein. All these records shall be returned to the
10 licensee not later than 30 days after the date of surrender.

11 *SEC. 23. Section 11213 of the Vehicle Code is amended to*
12 *read:*

13 11213. (a) Every traffic violator school owner *or owner of a*
14 *home study program* licensed pursuant to this chapter shall notify
15 the department within 10 days of any change in the ownership or
16 corporate structure of the licensee.

17 (b) Every traffic violator school owner *or owner of a home*
18 *study program* shall immediately notify the department of the
19 following activities:

20 (1) Change of the site or location of the ~~school's licensee's~~
21 established principal place of business.

22 (2) Addition or deletion of a traffic violator school *or home*
23 *study program* branch or classroom location.

24 (c) Every traffic violator school operator and traffic violator
25 school instructor licensed pursuant to this chapter shall report to
26 the department every change of residence address within five days
27 of the change.

28 (d) The department may require persons licensed pursuant to
29 this chapter to submit additional reports as determined necessary
30 by the department to serve the purposes of this chapter.

31 *SEC. 24. Section 11214 of the Vehicle Code is amended to*
32 *read:*

33 11214. The department ~~may monitor any school~~ *shall monitor*
34 *or audit any traffic violator school or home study program* for
35 traffic violators, including any traffic violator school *or home*
36 *study program* branch or classroom location, without advance
37 notice. The monitoring *or auditing* may include, but is not limited
38 to, the instruction provided, business practices, and business
39 records.



1 SEC. 25. Section 11215 of the Vehicle Code is amended to
2 read:

3 11215. The department, after notice and hearing, may
4 suspend or revoke any license issued under this chapter if any of
5 the following circumstances exist:

6 (a) The department finds and determines that the licensee
7 ceases to meet any requirement to obtain a license under this
8 chapter.

9 (b) The holder fails to comply with, or otherwise violates, any
10 provision of this chapter or any regulation or requirement of the
11 department adopted pursuant to this chapter.

12 (c) The licensee engages in fraudulent practices with respect to
13 its activities licensed under this chapter or induces or fails to
14 promptly report to the department any known fraud or fraudulent
15 practices on the part of any employee of the traffic violator school
16 or home study program.

17 (d) The licensee represents himself or herself as an agent or
18 employee of the department or uses advertising designed to create
19 the impression, or which would reasonably have the effect of
20 leading persons to believe that the licensee was in fact an employee
21 or representative of the department, or whenever the licensee
22 advertises, in any manner or means any statement which is untrue
23 or misleading and which is known, or which by the exercise of
24 reasonable care should be known, to be untrue or misleading.

25 (e) The licensee or any employee or agent of the licensee
26 collects fees for or preregisters any person in a traffic violator
27 school or home study program or solicits traffic violator school
28 safety instruction in an office of the department or in any court or
29 within 500 feet of any court.

30 (f) The licensee is convicted of violating Section 20001,
31 20002, 20003, 20004, 20006, 20008, 23103, 23104, 23152, or
32 23153 of this code or Section 192 of the Penal Code. A conviction
33 after a plea of nolo contendere is a conviction within the meaning
34 of this section.

35 (g) The traffic violator school owner teaches, or permits an
36 employee to teach, traffic safety instruction without a valid
37 instructor's license.

38 (h) The traffic violator school owner or owner of a home study
39 program does not have in effect a bond as provided in paragraph



1 (3) of subdivision (a) of Section 11202 or a deposit in lieu of the
2 bond, as specified in Section 11203.

3 *SEC. 26. Section 11215.5 of the Vehicle Code is amended to*
4 *read:*

5 11215.5. The department, after notice and hearing, may also
6 suspend or revoke any license issued under this chapter when any
7 of the following circumstances exist:

8 (a) If the main business office of the traffic violator school is
9 located in any county with a population of 400,000 or more in
10 which the traffic violator school conducts its instructional
11 program, and the main business office does not maintain office
12 hours during the time that the day courts in that county are open
13 for business. This subdivision shall not apply to public schools.

14 (b) If the licensee is found by the department to be selling, or
15 knowingly permitting the sale of, completion certificates.

16 (c) If the licensee is found by the department to be intentionally
17 cutting instructional time short.

18 (d) If the licensee is found by the department to be intentionally
19 diverting any ~~student to a traffic school other than the school~~
20 ~~initially contacted by that student~~, without disclosure to that
21 student, ~~through the use of the department's~~ *to a traffic violator*
22 *school or home study program other than the school or program*
23 *initially contacted by that student using the department's referral*
24 *program initially contacted by that student using the department*
25 *referral list of licensed traffic violator schools and home study*
26 *programs.*

27 *SEC. 27. Section 11216 of the Vehicle Code is amended to*
28 *read:*

29 11216. Any license issued to a traffic violator school owner *or*
30 *owner of a home study program* under this chapter shall be
31 automatically canceled upon the happening of any of the
32 following:

33 (a) The abandonment of the established place of business or the
34 change thereof without notice to the department pursuant to
35 Section 11213.

36 (b) The failure to maintain an adequate bond or to procure and
37 file another bond, as required by Section 11202, prior to the
38 effective date of the termination by the surety of any existing bond.

39 (c) The voluntary or involuntary surrender of the license,
40 except that a surrender or cessation of business by the licensee, or



1 the suspension or revocation of the corporate status of the licensee,
2 does not preclude the department from filing an accusation for
3 revocation or suspension of the surrendered license, as provided
4 in Section 11215 or 11215.5, or affect the department's decision
5 to suspend or revoke the license.

6 (d) Notification to the department that the person designated as
7 the licensee has changed.

8 (e) Suspension or cancellation of the corporate status of the
9 licensee.

10 *SEC. 28. Section 11216.2 of the Vehicle Code is amended to*
11 *read:*

12 11216.2. (a) Any license issued to the owner or operator of
13 a traffic violator school *or a home study program* under this
14 chapter ~~shall~~ *may* be automatically suspended for 30 days by the
15 department if the department has been notified that more than one
16 final determination has been made that the traffic violator school
17 *or home study program* has violated a student's rights under the
18 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.
19 12101, et seq.) or any other federal or state law prohibiting
20 discrimination against individuals with disabilities. The final
21 determination shall be made by a federal or state court of
22 competent jurisdiction or an appropriate federal or state
23 administrative agency, including, but not limited to, the
24 Department of Fair Employment and Housing, or any combination
25 thereof.

26 For the purpose of this subdivision, "final determination"
27 means that no further appeal of a determination can be taken to any
28 court because the time period for the appeal has expired.

29 (b) If a traffic violator school subject to suspension under this
30 section is operated by a traffic school operator licensed pursuant
31 to Section 11202.5 who is operating other traffic schools, the
32 licenses of the owners of those traffic schools operated by that
33 traffic school operator also shall be suspended for the 30-day
34 period.

35 *SEC. 29. Section 11217 of the Vehicle Code is amended to*
36 *read:*

37 11217. (a) Every licensee under this chapter is entitled to
38 notice and hearing prior to suspension or revocation of the license
39 by the department, except that the department shall immediately



1 suspend the license pursuant to subdivision (e) for any act of fraud
2 specified in subdivision (c) or (d) of Section 11215.

3 (b) Before reinstatement of any license suspended pursuant to
4 subdivision (a) of Section 11215, the licensee shall pay the
5 department a reinstatement fee of five dollars (\$5).

6 (c) The notice and hearings provided for in this division shall
7 be pursuant to Chapter 5 (commencing with Section 11500) of Part
8 1 of Division 3 of Title 2 of the Government Code.

9 (d) Any action of the department, in suspending, canceling,
10 revoking, or failing to renew a license issued pursuant to this
11 chapter, may be reviewed by any court of competent jurisdiction.

12 (e) The department may, pending a hearing, temporarily
13 suspend the license or permit of any traffic violator school *or home*
14 *study program* owner, ~~operator, or instructor~~ for a period of not
15 more than 30 days if the director finds that the public interest so
16 requires. In that case, a hearing shall be held and a decision issued
17 within 30 days after issuance of the notice of temporary
18 suspension.

19 (f) The suspension, expiration, or cancellation of a license
20 issued pursuant to this chapter does not preclude the filing of an
21 accusation for the revocation or suspension of the suspended,
22 expired, or canceled license, and does not invalidate or otherwise
23 preclude a decision by the department to suspend or revoke the
24 license, and this determination may be considered by the
25 department in granting or refusing to grant any subsequent license
26 under this chapter to the same licensee or to any business
27 representative of the same licensee.

28 *SEC. 30. Section 11218 of the Vehicle Code is amended to*
29 *read:*

30 11218. (a) After the filing of an accusation under this chapter,
31 the director may enter into a stipulated compromise settlement
32 agreement with the consent of the licensee on terms and conditions
33 mutually agreeable to the director, the respondent licensee, and the
34 accuser without further hearing or appeal. The agreement may
35 include, but is not limited to, a period of probation or monetary
36 penalties, or both. The monetary penalty shall not exceed one
37 thousand dollars (\$1,000) per violation for a traffic violator school
38 owner *or owner of a home study program* or five hundred dollars
39 (\$500) per violation for traffic violator school operators or



1 instructors, and shall be based on the nature of the violation and the
2 effect of the violation on the purposes of this chapter.

3 (b) A compromise settlement agreement may be entered
4 before, during, or after the hearing, but is valid only if executed
5 and filed pursuant to subdivision (d) before the proposed decision
6 of the hearing officer, if any, is adopted or the case is decided.

7 (c) The department shall adopt, by regulation, a schedule of
8 maximum and minimum amounts of monetary penalties, the
9 payment of which may be included as a term or condition of a
10 compromise settlement agreement entered under subdivision (a).
11 Any monetary penalty included in a compromise settlement
12 agreement shall be within the range of monetary penalties in that
13 schedule.

14 (d) Any compromise settlement agreement entered under this
15 section shall be signed by the director, the respondent licensee, and
16 the accuser, or by their authorized representatives. The director
17 shall file, or cause to be filed, the agreement with the Office of
18 Administrative Hearings, together with the department's notice of
19 withdrawal of the accusation or statement of issues upon which the
20 action was initiated, unless that accusation or statement has not yet
21 been forwarded to the Office of Administrative Hearings.

22 (e) If the respondent licensee fails to perform all of the terms
23 and conditions of the compromise settlement agreement, the
24 agreement is void and the department may take any action
25 authorized by law notwithstanding the agreement, including, but
26 not limited to, refiling the accusation or imposing license
27 sanctions.

28 *SEC. 31. Section 11219 of the Vehicle Code is amended to*
29 *read:*

30 11219. The director may prescribe rules and regulations for
31 traffic violator schools *and home study programs* regarding the
32 conduct of courses of education including curriculum, facilities,
33 and equipment. The curriculum shall include, but is not limited to,
34 ~~the rights and duties of a motorist as they pertain to pedestrians and~~
35 ~~the rights and duties of a pedestrian as they relate to traffic laws and~~
36 ~~traffic safety.~~ *not be limited to, a component examining driver*
37 *attitude and motivation that focuses on the reduction of future*
38 *driving violations, with particular emphasis on aggressive driving*
39 *behavior and behavior commonly known as "road rage." The*



1 director may also prescribe rules and regulations for the conduct
2 of instructor training courses.

3 *SEC. 32. Section 11219.5 of the Vehicle Code is amended to*
4 *read:*

5 11219.5. A traffic violator school *or home study program*
6 shall issue a receipt for any fee collected by the traffic violator
7 school *or home study program* from any person who registers ~~for~~
8 ~~or attends, or both, the,~~ *attends, or participates in a* traffic violator
9 school *or home study program*.

10 *SEC. 33. Section 11222 of the Vehicle Code is amended to*
11 *read:*

12 11222. The department may contract with a nongovernmental
13 entity to administer any part of this chapter, subject to limitations
14 in other laws regarding contracting out for services. No ~~such~~
15 contract shall exceed three years' duration. The contracting entity,
16 and any affiliate or subsidiary thereof monitoring ~~traffic violator~~
17 ~~schools, or auditing traffic violator schools or home study~~
18 *programs*, shall conform to all of the following requirements:

19 (a) Engage in no other business activity with *a* traffic violator
20 ~~schools or any of the principals of the traffic violator schools,~~
21 *school or home study program or any principal of a traffic violator*
22 *school or home study program* including the provision of services
23 or supplies.

24 (b) Provide reports in statistical form to the department and to
25 the Legislature as instructed by the department. These reports shall
26 be issued not less frequently than annually.

27 (c) Make its records available for inspection by authorized
28 representatives of the department, the Legislative Analyst, and the
29 Auditor General.

30 *SEC. 34. Section 41501 of the Vehicle Code is amended to*
31 *read:*

32 41501. The court may order a continuance of a proceeding
33 against a person, who receives a notice to appear in court for a
34 violation of any statute relating to the safe operation of a vehicle,
35 in consideration for attendance ~~at a licensed school for traffic~~
36 ~~program violators, a licensed driving school, or any other~~
37 ~~court-approved program of driving instruction, and, after that~~
38 ~~attendance, or participation in a program of traffic safety~~
39 *instruction at a department licensed traffic violator school or*
40 *home study program, and after that attendance or participation,*



1 the court may dismiss the complaint under the following
2 conditions:

3 (a) If the offense is alleged to have been committed within 12
4 months of another offense that was dismissed under this section,
5 the court may order the continuance and, after the attendance *or*
6 *participation*, dismiss the complaint. The court may order
7 attendance at a licensed ~~school for traffic violators~~ *traffic violator*
8 *school* that offers a program of at least 12 hours of instruction.

9 (b) If the offense is not alleged to have occurred within 18
10 months of another offense that was dismissed under this section,
11 the court may order the continuance and, after the attendance *or*
12 *participation*, dismiss the complaint if the attendance *or*
13 *participation* is at any of the types of schools or programs that the
14 court directed pursuant to Section 42005 at the time of ordering the
15 continuance.

16 *SEC. 35. Section 42005 of the Vehicle Code is amended to*
17 *read:*

18 42005. (a) The court may order any person convicted of a
19 traffic violation to ~~attend~~ *complete a course of traffic safety*
20 *instruction at either a traffic violator school or home study*
21 *program* licensed pursuant to Chapter 1.5 (commencing with
22 Section 11200) of Division 5.

23 (b) In lieu of adjudicating a traffic offense, and with the consent
24 of the defendant, or after conviction of a traffic offense, the court
25 may order any person issued a notice to appear for a traffic
26 violation to ~~attend~~ *participate in a traffic violator school or*
27 *complete a home study program* licensed pursuant to Chapter 1.5
28 (commencing with Section 11200) of Division 5.

29 (c) Except as otherwise provided in subdivision (d), any person
30 so ordered may choose the traffic violator school *or home study*
31 *program* the person will attend *and complete*. The court shall make
32 available to each person subject to such an order the current
33 *referral* list of traffic violator schools *and home study programs*
34 published by the department pursuant to Section ~~11205~~ *11205.2*.

35 (d) ~~In those counties where, prior to January 1, 1985, one or~~
36 ~~more individual courts, or the county acting on behalf of one or~~
37 ~~more individual courts, contracted for the provision of traffic~~
38 ~~safety instructional services to traffic violators referred by the~~
39 ~~court pursuant to a pretrial diversion program, the courts may~~
40 ~~restrict referrals under this section to those schools for traffic~~



1 ~~violators or licensed driving schools which are under contract with~~
2 ~~the court or with the county to provide traffic safety instructional~~
3 ~~services for persons referred pursuant to subdivision (a).~~

4 ~~(e) A county described in Section 28023 of the Government~~
5 ~~Code may continue to provide the program authorized by this~~
6 ~~section in accordance with the provisions of current and future~~
7 ~~contracts as may be amended and approved by the individual~~
8 ~~courts within that county and the county shall be exempt from state~~
9 ~~regulations relative to maximum classroom attendance.~~

10 (f) Notwithstanding subdivision (b), a court may not order a
11 person to attend *or participate in a* traffic violator school in lieu
12 of adjudicating an offense if the person was issued a notice to
13 appear for a serious traffic violation, as defined in subdivision (i)
14 of Section 15210, that occurred in a commercial motor vehicle, as
15 defined in subdivision (b) of Section 15210.

16 ~~(g)~~
17 (e) Any person who willfully fails to comply with a court order
18 to attend *or participate in a* traffic violator school *or home study*
19 *program* is guilty of a misdemeanor.

20 SEC. 36. Section 42005.1 of the Vehicle Code is amended to
21 read:

22 42005.1. The court may order any person designated to attend
23 a traffic violator school *or home study program* to instead
24 participate in a study of traffic violator schools *and home study*
25 *programs* licensed pursuant to Chapter 1.5 (commencing with
26 Section 11200) of Division 5. The person’s participation in that
27 study constitutes attending a ~~court-supervised~~ program of traffic
28 safety instruction for purposes of Section 42007.

29 SEC. 37. Section 42007 of the Vehicle Code is amended to
30 read:

31 42007. (a) The clerk of the court shall collect a fee from every
32 person who is ordered or permitted to attend a traffic violator
33 school *or home study program* pursuant to Section 42005 ~~or who~~
34 ~~attends any other court-supervised program of traffic safety~~
35 ~~instruction~~. The fee shall be in an amount equal to the total bail set
36 forth for the eligible offense on the uniform countywide bail
37 schedule. As used in this subdivision, “total bail” means the
38 amount established pursuant to Section 1269b of the Penal Code
39 in accordance with the Uniform Statewide Bail Schedule adopted
40 by the Judicial Council, including all assessments, surcharges, and



1 penalty amounts. Where multiple offenses are charged in a single
2 notice to appear, the “total bail” is the amount applicable for the
3 greater of the qualifying offenses. However, the court may
4 determine a lesser fee under this subdivision upon a showing that
5 the defendant is unable to pay the full amount.

6 The fee shall not include the cost, or any part thereof, of traffic
7 safety instruction offered by the *traffic violator* school or ~~other~~
8 *home study* program.

9 (b) Revenues derived from the fee collected under this section
10 shall be deposited in accordance with Section 68084 of the
11 Government Code in the general fund of the county and, as may
12 be applicable, distributed as follows:

13 (1) In any county in which a fund is established pursuant to
14 Section 76100 or 76101 of the Government Code, the sum of one
15 dollar (\$1) for each fund so established shall be deposited with the
16 county treasurer and placed in that fund.

17 (2) In any county that has established a Maddy Emergency
18 Medical Services Fund pursuant to Section 1797.98a of the Health
19 and Safety Code, an amount equal to the sum of each two dollars
20 (\$2) for every seven dollars (\$7) that would have been collected
21 pursuant to Section 76000 of the Government Code shall be
22 deposited in that fund. Nothing in the act that added this paragraph
23 shall be interpreted in a manner that would result in either of the
24 following:

25 (A) The utilization of penalty assessment funds that had been
26 set aside, on or before January 1, 2000, to finance debt service on
27 a capital facility that existed before January 1, 2000.

28 (B) The reduction of the availability of penalty assessment
29 revenues that had been pledged, on or before January 1, 2000, as
30 a means of financing a facility which was approved by a county
31 board of supervisors, but on January 1, 2000, is not under
32 construction.

33 (c) For fees resulting from city arrests, an amount equal to the
34 amount of base fines that would have been deposited in the
35 treasury of the appropriate city pursuant to paragraph (3) of
36 subdivision (b) of Section 1463.001 of the Penal Code shall be
37 deposited in the treasury of the appropriate city.

38 (d) As used in this section, ~~“court supervised program”~~ “any
39 *other program of traffic safety instruction*” includes, but is not
40 limited to, any program of traffic safety instruction *approved by*



1 *the department* the successful completion of which is accepted by
 2 the court in lieu of adjudicating a violation of this code.

3 ~~(e) The Judicial Council shall study the minimum eligibility~~
 4 ~~criteria governing drivers seeking to attend traffic violator's~~
 5 ~~school, and report to the Legislature on the advisability of uniform~~
 6 ~~statewide criteria on or before January 1, 1993.~~

7 ~~(f)~~The clerk of the court, in a county that offers traffic *violator*
 8 school shall include in any courtesy notice mailed to a defendant
 9 for an offense that qualifies for traffic *violator* school attendance
 10 the following statement:

11
 12 NOTICE: If you are eligible and decide not to attend traffic
 13 *violator* school your automobile insurance may be adversely
 14 affected.

15
 16 *SEC. 38. Section 42007.3 of the Vehicle Code is amended to*
 17 *read:*

18 42007.3. (a) Notwithstanding Section 42007, revenues
 19 derived from fees collected under Section 42007 from each person
 20 required or permitted to attend *or participate in a* traffic violator
 21 school *or a home study program* pursuant to Section 42005 as a
 22 result of a violation of subdivision (a) or (c) of Section 21453,
 23 subdivision (c) of Section 21454, or subdivision (a) of Section
 24 21457 shall be allocated as follows:

25 (1) The first 30 percent of the amount collected shall be
 26 allocated to the general fund of the city or county in which the
 27 offense occurred.

28 (2) The balance of the amount collected shall be deposited by
 29 the county treasurer under Section 42007.

30 (b) This section does not apply to the additional twenty-four
 31 dollars (\$24) collected under subdivision (a) of Section 42007.1.

32 *SEC. 39. (a) The Department of Motor Vehicles shall conduct*
 33 *a comparative study of the effectiveness in reducing traffic*
 34 *violations and accidents by those persons attending licensed*
 35 *traffic violator schools and those persons participating in home*
 36 *study programs. The department shall consult with licensed traffic*
 37 *violator school and home study program operators in undertaking*
 38 *and conducting the study.*



1 (b) *The Department of Motor Vehicles shall report its findings*
2 *regarding the study described in subdivision (a) to the Legislature*
3 *on or before January 1, 2004.*

4 *SEC. 40. No reimbursement is required by this act pursuant*
5 *to Section 6 of Article XIII B of the California Constitution*
6 *because the only costs that may be incurred by a local agency or*
7 *school district will be incurred because this act creates a new crime*
8 *or infraction, eliminates a crime or infraction, or changes the*
9 *penalty for a crime or infraction, within the meaning of Section*
10 *17556 of the Government Code, or changes the definition of a*
11 *crime within the meaning of Section 6 of Article XIII B of the*
12 *California Constitution.*

13 ~~to read:~~

14 ~~1803.5. Every clerk of a court or hearing officer, when a~~
15 ~~person who receives a notice to appear at a court or board~~
16 ~~proceeding for a violation of any statute relating to the safe~~
17 ~~operation of vehicles is granted a continuance of the proceeding in~~
18 ~~consideration for attendance at a school for traffic violators, a~~
19 ~~licensed driving school and which results in a dismissal of the~~
20 ~~complaint in consideration for that attendance, shall prepare an~~
21 ~~abstract of the record of the court or board proceeding, certify the~~
22 ~~abstract to be true and correct, and cause the abstract to be~~
23 ~~forwarded to the department at its office at Sacramento within 10~~
24 ~~days after the complaint is dismissed.~~

25 ~~SEC. 2. Section 11200 of the Vehicle Code is amended to~~
26 ~~read:~~

27 ~~11200. The department shall license schools for traffic~~
28 ~~violators for purposes of Section 42005. No person shall own or~~
29 ~~operate a traffic violator school or, except as provided in Section~~
30 ~~11206, give instruction for compensation in a traffic violator~~
31 ~~school without a currently valid license issued by the department.~~

32 ~~SEC. 3. Chapter 1.7 (commencing with Section 11225) is~~
33 ~~added to Division 5 of the Vehicle Code, to read:~~

34

35 ~~CHAPTER 1.7. HOME STUDY TRAFFIC VIOLATOR SCHOOLS~~

36

37 ~~11225. On or before January 1, 2003, the department shall~~
38 ~~adopt regulations for the licensing of home study traffic violator~~
39 ~~schools. The department shall design the regulations to ensure that~~
40 ~~the scope, quality, and accuracy of home study programs are~~



1 ~~reasonably comparable with classroom traffic violator schools~~
2 ~~licensed by the department, but shall recognize that home study~~
3 ~~programs feature educational approaches that are inherently~~
4 ~~different from the classroom environment, requiring separate~~
5 ~~regulatory provisions. The regulations, at a minimum, shall~~
6 ~~require all of the following:~~

7 ~~(a) Home study traffic violator schools to provide services~~
8 ~~pursuant to curriculum criteria adopted by the department that~~
9 ~~ensures subject matter coverage comparable to classroom courses.~~

10 ~~(b) Background checks and training provisions for home study~~
11 ~~owners or operators that substantially conform to requirements for~~
12 ~~classroom providers, provided that there may be no requirement~~
13 ~~that home study owners or operators possess any classroom~~
14 ~~training or experience.~~

15 ~~(c) Home study courses to be divided into components, that~~
16 ~~require students to demonstrate mastery of one component before~~
17 ~~progressing to the next, in order to ensure that the total educational~~
18 ~~experience between home study courses and classroom courses is~~
19 ~~reasonably comparable, without rigid minimum time~~
20 ~~requirements that are inconsistent with the concept of self-paced~~
21 ~~study.~~

22 ~~(d) That students in home study programs successfully pass an~~
23 ~~exit examination administered by the home study course provider,~~
24 ~~with questions selected randomly from a pool maintained by the~~
25 ~~provider, to ensure the integrity of the final examination.~~

26 ~~(e) That home study course providers include within programs~~
27 ~~features designed to verify with reasonable certainty the identity~~
28 ~~of the person taking the course and completing the final~~
29 ~~examination, and additionally require students to indicate under~~
30 ~~penalty of perjury that they personally completed the course.~~

31 ~~(f) That home study course providers forward completion~~
32 ~~certificates issued by the department directly to courts for~~
33 ~~processing by courts or their designated agents.~~

34 ~~(g) That home study course providers provide technical~~
35 ~~support to students, and maintain as a principal place of business~~
36 ~~a physical location in this state to permit contact by students and~~
37 ~~monitoring by the department.~~

38 ~~11226. Any home study traffic violator school approved by a~~
39 ~~court pursuant to Section 1803.5 as of January 1, 2002, may~~
40 ~~continue to operate for a period of 12 months following the~~



1 ~~effective date of regulations established pursuant to Section~~
2 ~~11225.~~

3 ~~11227. On or before July 1, 2002, the director shall appoint an~~
4 ~~advisory board, consisting of individuals who represent a~~
5 ~~cross-section of traffic violator school modalities, to consult on the~~
6 ~~development and implementation of regulations adopted pursuant~~
7 ~~to Section 11225.~~

8 ~~SEC. 4. Nothing in this act is intended to limit the discretion~~
9 ~~of courts to contract with assistance programs for the processing~~
10 ~~of traffic violator completion certificates or other court-related~~
11 ~~administrative functions.~~

