

AMENDED IN SENATE AUGUST 23, 2004

AMENDED IN SENATE JUNE 29, 2004

AMENDED IN ASSEMBLY MARCH 18, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1812

Introduced by Assembly Member Bermudez
(Coauthors: Senators Escutia and Scott)

January 13, 2004

~~An act to amend Section 12804.9 of, and to amend,~~ *An act to amend,*
repeal, and add Section 12517.2 of, the Vehicle Code, relating to
vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1812, as amended, Bermudez. Drivers' certificates: medical
examination.

~~(1) Existing~~

Existing law requires applicants for an original or renewal certificate
to drive a schoolbus, school pupil activity bus, youth bus, general public
paratransit vehicle, or farm labor vehicle to submit a specified report of
a medical examination by a physician licensed to practice medicine.

Existing law defines the term "advanced practice registered nurse"
as a licensed registered nurse who has met certain additional
requirements.

This bill would include, as an alternative, a report of a medical
examination given by a licensed physician's assistant, advanced
practice ~~registered~~ nurse, or a doctor of chiropractic. The bill would
repeal this authority on January 1, 2007.

The bill would require the Department of Motor Vehicles, ~~by December 31, 2006~~ *on or before October 31, 2005*, to submit a report to the Joint Committee on Boards, Commissions, and Consumer Protection regarding the authority granted by the bill to licensed physician’s assistants, advanced practice ~~registered~~ nurses, and doctors of chiropractic to perform these medical examinations.

~~(2) Existing law requires an examination for a class A or class B license to include a report of a medical examination by a health care professional, which is defined as including, among other persons, an advanced practice nurse.~~

~~The bill would instead include an advanced practice registered nurse, and would also delete an obsolete provision.~~

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

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

1 SECTION 1. Section 12517.2 of the Vehicle Code is amended
 2 to read:
 3 12517.2. (a) Applicants for an original or renewal certificate
 4 to drive a schoolbus, school pupil activity bus, youth bus, general
 5 public paratransit vehicle, or farm labor vehicle shall submit a
 6 report of a medical examination of the applicant given not more
 7 than two years prior to the date of the application by a physician
 8 licensed to practice medicine, a licensed physician’s assistant, an
 9 advanced practice ~~registered~~ nurse, or a doctor of chiropractic. The
 10 report shall be on a form approved by the department, the Federal
 11 Highway Administration, or the Federal Aviation Administration.
 12 (b) Schoolbus drivers, within the same month of reaching 65
 13 years of age and each 12th month thereafter, shall undergo a
 14 physical examination, pursuant to Section 12804.9, and shall
 15 submit a report of that medical examination on a form as specified
 16 in subdivision (a).
 17 (c) On or before ~~December 31, 2006~~ *October 31, 2005*, the
 18 Department of Motor Vehicles shall submit a report to the Joint
 19 Committee on Boards, Commissions, and Consumer Protection
 20 regarding the authority granted to a licensed physician’s assistant,
 21 an advanced practice ~~registered~~ nurse, or a doctor of chiropractic
 22 to perform medical examinations for applicants for a certificate to



1 drive a schoolbus, school pupil activity bus, youth bus, general
2 public paratransit vehicle, or farm labor vehicle.

3 (d) This section shall remain in effect only until January 1,
4 2007, and as of that date is repealed, unless a later enacted statute,
5 that is enacted before January 1, 2007, deletes or extends that date.

6 SEC. 2. Section 12517.2 is added to the Vehicle Code, to read:

7 12517.2. (a) Applicants for an original or renewal certificate
8 to drive a schoolbus, school pupil activity bus, youth bus, general
9 public paratransit vehicle, or farm labor vehicle shall submit a
10 report of a medical examination of the applicant given not more
11 than two years prior to the date of the application by a physician
12 licensed to practice medicine. The report shall be on a form
13 approved by the department, the Federal Highway
14 Administration, or the Federal Aviation Administration.

15 (b) Schoolbus drivers, within the same month of reaching the
16 age of 65 and each 12th month thereafter, shall undergo a physical
17 examination, pursuant to Section 12804.9, and submit a report of
18 medical examination on a form as specified in subdivision (a).

19 (c) This section shall become operative on January 1, 2007.

20 ~~SEC. 3. Section 12804.9 of the Vehicle Code is amended to~~
21 ~~read:~~

22 ~~12804.9. (a) (1) The examination shall include all of the~~
23 ~~following:~~

24 ~~(A) A test of the applicant's knowledge and understanding of~~
25 ~~the provisions of this code governing the operation of vehicles~~
26 ~~upon the highways.~~

27 ~~(B) A test of the applicant's ability to read and understand~~
28 ~~simple English used in highway traffic and directional signs.~~

29 ~~(C) A test of the applicant's understanding of traffic signs and~~
30 ~~signals, including the bikeway signs, markers, and traffic control~~
31 ~~devices established by the Department of Transportation.~~

32 ~~(D) An actual demonstration of the applicant's ability to~~
33 ~~exercise ordinary and reasonable control in operating a motor~~
34 ~~vehicle by driving it under the supervision of an examining officer.~~
35 ~~The applicant shall submit to an examination appropriate to the~~
36 ~~type of motor vehicle or combination of vehicles he or she desires~~
37 ~~a license to drive, except that the department may waive the~~
38 ~~driving test part of the examination for any applicant who submits~~
39 ~~a license issued by another state, territory, or possession of the~~
40 ~~United States, the District of Columbia, or the Commonwealth of~~



1 Puerto Rico if the department verifies through any acknowledged
2 national driver record data source that there are no stops, holds, or
3 other impediments to its issuance. The examining officer may
4 request to see evidence of financial responsibility for the vehicle
5 prior to supervising the demonstration of the applicant's ability to
6 operate the vehicle. The examining officer may refuse to examine
7 an applicant who is unable to provide proof of financial
8 responsibility for the vehicle, unless proof of financial
9 responsibility is not required by this code.

10 (E) A test of the hearing and eyesight of the applicant, and of
11 other matters that may be necessary to determine the applicant's
12 mental and physical fitness to operate a motor vehicle upon the
13 highways, and whether any grounds exist for refusal of a license
14 under this code.

15 (2) The examination for a class A or class B license under
16 subdivision (b) shall also include a report of a medical examination
17 of the applicant given not more than two years prior to the date of
18 the application by a health care professional. As used in this
19 subdivision, "health care professional" means a person who is
20 licensed, certified, or registered in accordance with applicable
21 state laws and regulations to practice medicine and perform
22 physical examinations in the United States of America. Health
23 care professionals are doctors of medicine, doctors of osteopathy,
24 physician assistants, and registered advanced practice nurses, or
25 doctors of chiropractic who are clinically competent to perform
26 the medical examination presently required of motor carrier
27 drivers by the Federal Highway Administration. The report shall
28 be on a form approved by the department, the Federal Highway
29 Administration, or the Federal Aviation Administration. In
30 establishing the requirements, consideration may be given to the
31 standards presently required of motor carrier drivers by the
32 Federal Highway Administration.

33 (3) Any physical defect of the applicant, which, in the opinion
34 of the department, is compensated for to ensure safe driving
35 ability, shall not prevent the issuance of a license to the applicant.

36 (b) In accordance with the following classifications, any
37 applicant for a driver's license shall be required to submit to an
38 examination appropriate to the type of motor vehicle or
39 combination of vehicles the applicant desires a license to drive:

40 (1) Class A includes the following:



- 1 ~~(A) Any combination of vehicles, if any vehicle being towed~~
2 ~~has a gross vehicle weight rating of more than 10,000 pounds.~~
- 3 ~~(B) Any vehicle towing more than one vehicle.~~
- 4 ~~(C) Any trailer bus.~~
- 5 ~~(D) The operation of all vehicles under class B and class C.~~
- 6 ~~(2) Class B includes the following:~~
 - 7 ~~(A) Any single vehicle with a gross vehicle weight rating of~~
8 ~~more than 26,000 pounds.~~
 - 9 ~~(B) Any single vehicle with three or more axles, except any~~
10 ~~three-axle vehicle weighing less than 6,000 pounds.~~
 - 11 ~~(C) Any bus except a trailer bus.~~
 - 12 ~~(D) Any farm labor vehicle.~~
 - 13 ~~(E) Any single vehicle with three or more axles or a gross~~
14 ~~vehicle weight rating of more than 26,000 pounds towing another~~
15 ~~vehicle with a gross vehicle weight rating of 10,000 pounds or less.~~
 - 16 ~~(F) Any house car over 40 feet in length, excluding safety~~
17 ~~devices and safety bumpers.~~
 - 18 ~~(G) The operation of all vehicles covered under class C.~~
- 19 ~~(3) Class C includes the following:~~
 - 20 ~~(A) Any two-axle vehicle with a gross vehicle weight rating of~~
21 ~~26,000 pounds or less, including when the vehicle is towing a~~
22 ~~trailer or semitrailer with a gross vehicle weight rating of 10,000~~
23 ~~pounds or less.~~
 - 24 ~~(B) Notwithstanding subparagraph (A), any two-axle vehicle~~
25 ~~weighing 4,000 pounds or more unladen when towing a trailer~~
26 ~~coach not exceeding 9,000 pounds gross.~~
 - 27 ~~(C) Any house car of 40 feet in length or less.~~
 - 28 ~~(D) Any three-axle vehicle weighing 6,000 pounds or less~~
29 ~~gross.~~
 - 30 ~~(E) Any house car of 40 feet in length or less or vehicle towing~~
31 ~~another vehicle with a gross vehicle weight rating of 10,000~~
32 ~~pounds or less, including when a tow dolly is used. No vehicle shall~~
33 ~~tow another vehicle in violation of Section 21715.~~
 - 34 ~~(F) (i) Any two-axle vehicle weighing 4,000 pounds or more~~
35 ~~unladen when towing either a trailer coach or a fifth-wheel travel~~
36 ~~trailer not exceeding 10,000 pounds gross vehicle weight rating,~~
37 ~~when the towing of the trailer is not for compensation.~~
 - 38 ~~(ii) Any two-axle vehicle weighing 4,000 pounds or more~~
39 ~~unladen when towing a fifth-wheel travel trailer exceeding 10,000~~
40 ~~pounds, but not exceeding 15,000 pounds, gross vehicle weight~~



1 rating, when the towing of the trailer is not for compensation, and
2 if the person has passed a specialized written examination
3 provided by the department relating to the knowledge of this code
4 and other safety aspects governing the towing of recreational
5 vehicles upon the highway.

6 The authority to operate combinations of vehicles under this
7 subparagraph shall be granted by endorsement on a class C license
8 upon completion of that written examination.

9 (G) Any vehicle or combination of vehicles with a gross
10 combination weight rating or a gross vehicle weight rating, as
11 those terms are defined in subdivisions (g) and (h), respectively,
12 of Section 15210, of 26,000 pounds or less, if all of the following
13 conditions are met:

14 (i) Is operated by a farmer, an employee of a farmer, or an
15 instructor credentialed in agriculture as part of an instructional
16 program in agriculture at the high school, community college, or
17 university level.

18 (ii) Is used exclusively in the conduct of agricultural
19 operations.

20 (iii) Is not used in the capacity of a for-hire carrier or for
21 compensation.

22 (H) Class C does not include any two-wheel motorcycle or any
23 two-wheel motor driven cycle.

24 (4) Class M1. Any two-wheel motorcycle or motor-driven
25 cycle. Authority to operate vehicles included in a class M1 license
26 may be granted by endorsement on a class A, B, or C license upon
27 completion of an appropriate examination.

28 (5) Class M2. Any motorized bicycle or moped, or any bicycle
29 with an attached motor, except a motorized bicycle described in
30 subdivision (b) of Section 406 and a motorized scooter described
31 in Section 407.5. Authority to operate vehicles included in class
32 M2 may be granted by endorsement on a class A, B, or C license
33 upon completion of an appropriate examination. Persons holding
34 a class M1 license or endorsement may operate vehicles included
35 in class M2 without further examination.

36 (e) No driver's license or driver certificate shall be valid for
37 operating any commercial motor vehicle, as defined in subdivision
38 (b) of Section 15210, any other motor vehicle defined in paragraph
39 (1) or (2) of subdivision (b), or any other vehicle requiring a driver
40 to hold any driver certificate or any driver's license endorsement



1 under Section 15275, unless a medical certificate approved by the
2 department, the Federal Highway Administration, or the Federal
3 Aviation Administration, that has been issued within two years of
4 the date of the operation of that vehicle, is within the licensee's
5 immediate possession, and a copy of the medical examination
6 report from which the certificate was issued is on file with the
7 department. Otherwise, the license shall be valid only for
8 operating class C vehicles that are not commercial vehicles, as
9 defined in subdivision (b) of Section 15210, and for operating
10 class M1 or M2 vehicles, if so endorsed, that are not commercial
11 vehicles, as defined in subdivision (b) of Section 15210.

12 (d) A license or driver certificate issued prior to the enactment
13 of Chapter 7 (commencing with Section 15200) shall be valid to
14 operate the class or type of vehicles specified under the law in
15 existence prior to that enactment until the license or certificate
16 expires or is otherwise suspended, revoked, or canceled.

17 (e) The department may accept a certificate of driving skill that
18 is issued by an employer, authorized by the department to issue a
19 certificate under Section 15250, of the applicant, in lieu of a
20 driving test, on class A or B applications, if the applicant has first
21 qualified for a class C license and has met the other examination
22 requirements for the license for which he or she is applying. The
23 certificate may be submitted as evidence of the applicant's skill in
24 the operation of the types of equipment covered by the license for
25 which he or she is applying.

26 (f) The department may accept a certificate of competence in
27 lieu of a driving test on class M1 or M2 applications, when the
28 certificate is issued by a law enforcement agency for its officers
29 who operate class M1 or M2 vehicles in their duties, if the
30 applicant has met the other examination requirements for the
31 license for which he or she is applying.

32 (g) The department may accept a certificate of satisfactory
33 completion of a novice motorecyclist training program approved by
34 the commissioner pursuant to Section 2932 in lieu of a driving test
35 on class M1 or M2 applications, if the applicant has met the other
36 examination requirements for the license for which he or she is
37 applying. The department shall review and approve the written and
38 driving test used by a program to determine whether the program
39 may issue a certificate of completion.



- 1 ~~(h) Notwithstanding subdivision (b), any person holding a~~
2 ~~valid California driver's license of any class may operate a~~
3 ~~short-term rental motorized bicycle without taking any special~~
4 ~~examination for the operation of a motorized bicycle, and without~~
5 ~~having a class M2 endorsement on that license. As used in this~~
6 ~~paragraph, "short-term" means 48 hours or less.~~
- 7 ~~(i) No person under the age of 21 years shall be issued a class~~
8 ~~M1 or M2 license or endorsement unless he or she provides~~
9 ~~evidence satisfactory to the department of completion of a~~
10 ~~motorecycle safety training program that is operated pursuant to~~
11 ~~Article 2 (commencing with Section 2930) of Chapter 5 of~~
12 ~~Division 2.~~
- 13 ~~(j) Drivers of vanpool vehicles may operate with class C~~
14 ~~licenses but shall possess evidence of a medical examination~~
15 ~~required for a class B license when operating vanpool vehicles. In~~
16 ~~order to be eligible to drive the vanpool vehicle, the driver shall~~
17 ~~keep in the vanpool vehicle a statement, signed under penalty of~~
18 ~~perjury, that he or she has not been convicted of reckless driving,~~
19 ~~drunk driving, or a hit and run offense in the last five years.~~
- 20 ~~(k) A class M license issued between January 1, 1989, and~~
21 ~~December 31, 1992, shall permit the holder to operate any~~
22 ~~motorecycle, motor-driven cycle, or motorized bicycle until the~~
23 ~~expiration of the license.~~

