

**ASSEMBLY BILL**

**No. 637**

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**Introduced by Assembly Member Huff**

February 17, 2005

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An act to amend Section 13369 of the Vehicle Code, as added by Section 12.5 of Chapter 952 of the Statutes of 2004, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 637, as introduced, Huff. Vehicles: driver's license endorsements: certificates.

Existing law prohibits a person from operating specified vehicles without possessing certain endorsements or certificates issued by the Department of Motor Vehicles. The department is required to refuse to issue or renew, or to revoke the certificate or endorsement of any person who meets certain, listed conditions.

This bill would make technical, nonsubstantive changes in these provisions of existing law.

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

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

- 1 SECTION 1. Section 13369 of the Vehicle Code, as added by  
2 Section 12.5 of Chapter 952 of the Statutes of 2004, is amended  
3 to read:  
4 13369. (a) This section applies to the following endorsements  
5 and certificates:  
6 (1) Passenger transportation vehicle.  
7 (2) Hazardous materials.

- 1 (3) Schoolbus.
- 2 (4) School activity bus.
- 3 (5) Youth bus.
- 4 (6) General public paratransit vehicle.
- 5 (7) Farm labor vehicle.
- 6 (8) Vehicle used for the transportation of developmentally
- 7 disabled persons.

8 (b) The department shall refuse to issue or renew, or shall  
9 revoke the certificate or endorsement of any person who meets  
10 the following conditions:

11 (1) Within the preceding three years, has committed any  
12 violation that results in a conviction assigned a violation point  
13 count of two or more, as defined in Sections 12810 and 12810.5.  
14 The department may not refuse to issue or renew, nor may it  
15 revoke, a person's hazardous materials or passenger  
16 transportation vehicle endorsement if the violation leading to the  
17 conviction occurred in the person's private vehicle and not in a  
18 commercial motor vehicle, as defined in Section 15210.

19 (2) Within the preceding three years, has had his or her driving  
20 privilege suspended, revoked, or on probation for any reason  
21 involving unsafe operation of a motor vehicle. The department  
22 may not refuse to issue or renew, nor may it revoke, a person's  
23 passenger transportation vehicle endorsement if the person's  
24 driving privilege has, within the preceding three years, been  
25 placed on probation only for any reason involving unsafe  
26 operation of a motor vehicle.

27 (3) Notwithstanding paragraphs (1) and (2), does not meet the  
28 qualifications for issuance of a hazardous materials endorsement  
29 set forth in Parts 383, 384, and 1572 of Title 49 of the Code of  
30 Federal Regulations.

31 (c) The department may refuse to issue or renew, or may  
32 suspend or revoke the certificate or endorsement of any person  
33 who meets any of the following conditions:

34 (1) Within the preceding 12 months, has been involved as a  
35 driver in three accidents in which the driver caused or  
36 contributed to the causes of the accidents.

37 (2) Within the preceding 24 months, as a driver, caused or  
38 contributed to the cause of an accident resulting in a fatality or  
39 serious injury or serious property damage in excess of seven  
40 hundred fifty dollars (\$750).

1 (3) Has violated any provision of this code, or any rule or  
2 regulation pertaining to the safe operation of a vehicle for which  
3 the certificate or endorsement was issued.

4 (4) Has violated any restriction of the certificate, endorsement,  
5 or commercial driver's license.

6 (5) Has knowingly made a false statement or concealed a  
7 material fact on an application for a certificate or endorsement.

8 (6) Has been determined by the department to be a negligent  
9 or incompetent operator.

10 (7) Has demonstrated irrational behavior to the extent that a  
11 reasonable and prudent person would have reasonable cause to  
12 believe that the applicant's ability to perform the duties of a  
13 driver may be impaired.

14 (8) Excessively or habitually uses, or is addicted to, alcoholic  
15 beverages, narcotics, or dangerous drugs.

16 (9) Does not meet the minimum medical standards established  
17 or approved by the department.

18 (d) The department may cancel the certificate or endorsement  
19 of any driver who meets any of the following conditions:

20 (1) Does not have a valid driver's license of the appropriate  
21 class.

22 (2) Has requested cancellation of the certificate or  
23 endorsement.

24 (3) Has failed to meet any of the requirements for issuance or  
25 retention of the certificate or endorsement, including, but not  
26 limited to, payment of the proper fee, submission of an  
27 acceptable medical report and fingerprint cards, and ~~has failed to~~  
28 *meet compliance with* prescribed training requirements.

29 (4) Has had his or her driving privilege suspended or revoked  
30 for a cause involving other than the safe operation of a motor  
31 vehicle.

32 (e) With regard to a violation, accident, or departmental action  
33 that occurred prior to January 1, 1991, subdivision (a) and  
34 paragraphs (1), (2), and (3) of subdivision (b) do not apply to a  
35 driver holding a valid passenger transport or hazardous materials  
36 endorsement, or a valid class 1 or class 2 driver's license who is  
37 applying to convert that driver's license to a class A or class B  
38 driver's license with a passenger transport or hazardous materials  
39 endorsement, if the driver submits proof that he or she is  
40 currently employed operating vehicles requiring the

1 endorsement, or a valid class 3 driver's license who is applying  
2 for a class C driver's license with a hazardous materials  
3 endorsement if the driver submits proof that he or she is currently  
4 employed operating vehicles requiring the endorsement.

5 (f) Subdivision (e) does not apply to drivers applying for a  
6 schoolbus, school pupil activity bus, youth bus, general public  
7 paratransit vehicle, or farm labor vehicle certificate.

8 (g) (1) Reapplication following denial or revocation under  
9 subdivision (b) or (c) may be made after a period of not less than  
10 one year from the effective date of denial or revocation, except in  
11 cases where a longer period of suspension or revocation is  
12 required by law.

13 (2) Reapplication following cancellation under subdivision (e)  
14 may be made *at* any time without prejudice.

15 ~~(h) This section shall become operative on September 20,~~  
16 ~~2005.~~