

ASSEMBLY BILL

No. 82

Introduced by Assembly Member Jeffries

January 4, 2011

An act to amend Sections 12804.9 and 12804.11 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 82, as introduced, Jeffries. Vehicles: firefighting equipment.

(1) Existing law regulates the operation of firefighting equipment, as defined, and permits certain persons employed as a firefighter or registered as a volunteer firefighter to operate firefighting equipment only if the person holds a class A, class B, or class C license, with certain exceptions, and a firefighter endorsement issued by the Department of Motor Vehicles, after providing to the department proof of current employment or registration as a volunteer firefighter with a fire department and evidence of fire equipment operation training, passing the written firefighter examination developed by the department with the cooperation of the Office of the State Fire Marshal, and submitting a report of medical examination on a department-approved form.

Existing law authorizes the department to issue restricted class A licenses or noncommercial class B licenses under specified conditions.

This bill would instead authorize the operation of firefighting equipment by either a person with a firefighter endorsement who holds a class C license, a restricted class A license, or a noncommercial class B driver's license, or by a person holding a class A or B license, as appropriate for that equipment.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. 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 12804.9 of the Vehicle Code is amended
2 to read:

3 12804.9. (a) (1) The examination shall include all of the
4 following:

5 (A) A test of the applicant’s knowledge and understanding of
6 the provisions of this code governing the operation of vehicles
7 upon the highways.

8 (B) A test of the applicant’s ability to read and understand
9 simple English used in highway traffic and directional signs.

10 (C) A test of the applicant’s understanding of traffic signs and
11 signals, including the bikeway signs, markers, and traffic control
12 devices established by the Department of Transportation.

13 (D) An actual demonstration of the applicant’s ability to exercise
14 ordinary and reasonable control in operating a motor vehicle by
15 driving it under the supervision of an examining officer. The
16 applicant shall submit to an examination appropriate to the type
17 of motor vehicle or combination of vehicles he or she desires a
18 license to drive, except that the department may waive the driving
19 test part of the examination for any applicant who submits a license
20 issued by another state, territory, or possession of the United States,
21 the District of Columbia, or the Commonwealth of Puerto Rico if
22 the department verifies through any acknowledged national driver
23 record data source that there are no stops, holds, or other
24 impediments to its issuance. The examining officer may request
25 to see evidence of financial responsibility for the vehicle prior to
26 supervising the demonstration of the applicant’s ability to operate
27 the vehicle. The examining officer may refuse to examine an
28 applicant who is unable to provide proof of financial responsibility
29 for the vehicle, unless proof of financial responsibility is not
30 required by this code.

31 (E) A test of the hearing and eyesight of the applicant, and of
32 other matters that may be necessary to determine the applicant’s
33 mental and physical fitness to operate a motor vehicle upon the

1 highways, and whether any grounds exist for refusal of a license
2 under this code.

3 (2) The examination for a class A or class B driver's license
4 under subdivision (b) shall also include a report of a medical
5 examination of the applicant given not more than two years prior
6 to the date of the application by a health care professional. As used
7 in this paragraph, "health care professional" means a person who
8 is licensed, certified, or registered in accordance with applicable
9 state laws and regulations to practice medicine and perform
10 physical examinations in the United States. Health care
11 professionals are doctors of medicine, doctors of osteopathy,
12 physician assistants, and registered advanced practice nurses, or
13 doctors of chiropractic who are clinically competent to perform
14 the medical examination presently required of motor carrier drivers
15 by the federal Department of Transportation. The report shall be
16 on a form approved by the department, the federal Department of
17 Transportation, or the Federal Aviation Administration. In
18 establishing the requirements, consideration may be given to the
19 standards presently required of motor carrier drivers by the Federal
20 Highway Administration.

21 (3) A physical defect of the applicant that, in the opinion of the
22 department, is compensated for to ensure safe driving ability, shall
23 not prevent the issuance of a license to the applicant.

24 (b) In accordance with the following classifications, an applicant
25 for a driver's license shall be required to submit to an examination
26 appropriate to the type of motor vehicle or combination of vehicles
27 the applicant desires a license to drive:

28 (1) Class A includes the following:

29 (A) ~~Except as provided in subparagraph (H) of paragraph~~
30 (3), a combination of vehicles, if a vehicle being towed has a gross
31 vehicle weight rating of more than 10,000 pounds.

32 (B) A vehicle towing more than one vehicle.

33 (C) A trailer bus.

34 (D) The operation of all vehicles under class B and class C.

35 (2) Class B includes the following:

36 (A) Except as provided in subparagraph (H) of paragraph (3),
37 a single vehicle with a gross vehicle weight rating of more than
38 26,000 pounds.

39 (B) A single vehicle with three or more axles, except any
40 three-axle vehicle weighing less than 6,000 pounds.

1 (C) A bus except a trailer bus.

2 (D) A farm labor vehicle.

3 (E) A single vehicle with three or more axles or a gross vehicle
4 weight rating of more than 26,000 pounds towing another vehicle
5 with a gross vehicle weight rating of 10,000 pounds or less.

6 (F) A house car over 40 feet in length, excluding safety devices
7 and safety bumpers.

8 (G) The operation of all vehicles covered under class C.

9 (3) Class C includes the following:

10 (A) A two-axle vehicle with a gross vehicle weight rating of
11 26,000 pounds or less, including when the vehicle is towing a
12 trailer or semitrailer with a gross vehicle weight rating of 10,000
13 pounds or less.

14 (B) Notwithstanding subparagraph (A), a two-axle vehicle
15 weighing 4,000 pounds or more unladen when towing a trailer
16 coach not exceeding 9,000 pounds gross.

17 (C) A house car of 40 feet in length or less.

18 (D) A three-axle vehicle weighing 6,000 pounds gross or less.

19 (E) A house car of 40 feet in length or less or a vehicle towing
20 another vehicle with a gross vehicle weight rating of 10,000 pounds
21 or less, including when a tow dolly is used. A person driving a
22 vehicle may not tow another vehicle in violation of Section 21715.

23 (F) (i) A two-axle vehicle weighing 4,000 pounds or more
24 unladen when towing either a trailer coach or a fifth-wheel travel
25 trailer not exceeding 10,000 pounds gross vehicle weight rating,
26 when the towing of the trailer is not for compensation.

27 (ii) A two-axle vehicle weighing 4,000 pounds or more unladen
28 when towing a fifth-wheel travel trailer exceeding 10,000 pounds,
29 but not exceeding 15,000 pounds, gross vehicle weight rating,
30 when the towing of the trailer is not for compensation, and if the
31 person has passed a specialized written examination provided by
32 the department relating to the knowledge of this code and other
33 safety aspects governing the towing of recreational vehicles upon
34 the highway.

35 The authority to operate combinations of vehicles under this
36 subparagraph may be granted by endorsement on a class C license
37 upon completion of that written examination.

38 (G) A vehicle or combination of vehicles with a gross
39 combination weight rating or a gross vehicle weight rating, as
40 those terms are defined in subdivisions (j) and (k), respectively,

1 of Section 15210, of 26,000 pounds or less, if all of the following
2 conditions are met:

3 (i) Is operated by a farmer, an employee of a farmer, or an
4 instructor credentialed in agriculture as part of an instructional
5 program in agriculture at the high school, community college, or
6 university level.

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

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

10 (H) Firefighting equipment, provided that the equipment is
11 operated by a person who holds a firefighter endorsement pursuant
12 to Section 12804.11.

13 (I) A motorized scooter.

14 (J) Class C does not include a two-wheel motorcycle or a
15 two-wheel motor-driven cycle.

16 (4) Class M1. A two-wheel motorcycle or a motor-driven cycle.
17 Authority to operate a vehicle included in a class M1 license may
18 be granted by endorsement on a class A, B, or C license upon
19 completion of an appropriate examination.

20 (5) (A) Class M2 includes the following:

21 (i) A motorized bicycle or moped, or a bicycle with an attached
22 motor, except a motorized bicycle described in subdivision (b) of
23 Section 406.

24 (ii) A motorized scooter.

25 (B) Authority to operate vehicles included in class M2 may be
26 granted by endorsement on a class A, B, or C license upon
27 completion of an appropriate examination, except that no
28 endorsement is required for a motorized scooter. Persons holding
29 a class M1 license or endorsement may operate vehicles included
30 in class M2 without further examination.

31 (c) A driver's license or driver certificate is not valid for
32 operating a commercial motor vehicle, as defined in subdivision
33 (b) of Section 15210, any other motor vehicle defined in paragraph
34 (1) or (2) of subdivision (b), or any other vehicle requiring a driver
35 to hold any driver certificate or any driver's license endorsement
36 under Section 15275, unless a medical certificate approved by the
37 department, the federal Department of Transportation, or the
38 Federal Aviation Administration, that has been issued within two
39 years of the date of the operation of that vehicle, is within the
40 licensee's immediate possession, and a copy of the medical

1 examination report from which the certificate was issued is on file
2 with the department. Otherwise, the license is valid only for
3 operating class C vehicles that are not commercial vehicles, as
4 defined in subdivision (b) of Section 15210, and for operating class
5 M1 or M2 vehicles, if so endorsed, that are not commercial
6 vehicles, as defined in subdivision (b) of Section 15210.

7 (d) A license or driver certificate issued prior to the enactment
8 of Chapter 7 (commencing with Section 15200) is valid to operate
9 the class or type of vehicles specified under the law in existence
10 prior to that enactment until the license or certificate expires or is
11 otherwise suspended, revoked, or canceled.

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

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

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

35 (h) Notwithstanding subdivision (b), a person holding a valid
36 California driver's license of any class may operate a short-term
37 rental motorized bicycle without taking any special examination
38 for the operation of a motorized bicycle, and without having a
39 class M2 endorsement on that license. As used in this subdivision,
40 "short-term" means 48 hours or less.

1 (i) A person under the age of 21 years may not be issued a class
2 M1 or M2 license or endorsement unless he or she provides
3 evidence satisfactory to the department of completion of a
4 motorcycle safety training program that is operated pursuant to
5 Article 2 (commencing with Section 2930) of Chapter 5 of Division
6 2.

7 (j) A driver of a vanpool vehicle may operate with a class C
8 license but shall possess evidence of a medical examination
9 required for a class B license when operating vanpool vehicles. In
10 order to be eligible to drive the vanpool vehicle, the driver shall
11 keep in the vanpool vehicle a statement, signed under penalty of
12 perjury, that he or she has not been convicted of reckless driving,
13 drunk driving, or a hit-and-run offense in the last five years.

14 SEC. 2. Section 12804.11 of the Vehicle Code is amended to
15 read:

16 12804.11. (a) To operate firefighting equipment, a driver,
17 including a tiller operator, is required to ~~obtain~~ *do either of the*
18 *following*:

19 (1) *Obtain* and maintain a firefighter endorsement issued by the
20 department and obtain and maintain a ~~class A, class B, or class C~~
21 *license as described in Section 12804.9, a restricted class A license*
22 *as described in Section 12804.12, or a noncommercial class B*
23 *license as described in Section 12804.10.*

24 (2) *Obtain and maintain a class A or B license as described in*
25 *Section 12804.9, and, as appropriate, for the size and configuration*
26 *of the firefighting equipment operated.* ~~To~~

27 (b) To qualify for a firefighter endorsement the driver shall do
28 all of the following:

29 (1) (A) Provide to the department proof of current employment
30 as a firefighter or registration as a volunteer firefighter with a fire
31 department and evidence of fire equipment operation training by
32 providing a letter, or other indication, from the chief of the fire
33 department, or his or her designee.

34 (B) For purposes of this section, evidence of fire equipment
35 operation training means the applicant has successfully completed
36 Fire Apparatus Driver/Operator 1A taught by an instructor
37 registered with the Office of the State Fire Marshal or fire
38 department driver training that meets all of the following
39 requirements:

- 1 (i) Meets or exceeds the standards outlined in NFPA 1002,
2 Chapter 4 (2008 version) or the Fire Apparatus Driver/Operator
3 1A course adopted by the Office of the State Fire Marshal.
- 4 (ii) Prepares the applicant to safely operate the department's
5 fire equipment that the applicant will be authorized to operate.
- 6 (iii) Includes a classroom (cognitive) portion of at least 16 hours.
- 7 (iv) Includes a manipulative portion of at least 14 hours, which
8 includes directly supervised behind-the-wheel driver training.
- 9 (C) Driver training shall be conducted by a person who is
10 registered with the Office of the State Fire Marshal to instruct
11 Driver/Operator 1A or a person who meets all of the following
12 criteria:
- 13 (i) Possesses a minimum of five years of fire service experience
14 as an emergency vehicle operator, three of which must be at the
15 rank of engineer or higher.
- 16 (ii) Possesses a valid California class A or B license or a class
17 A or B license restricted to the operation of firefighting equipment.
- 18 (iii) Is certified as a qualified training instructor or training
19 officer by the State of California, the federal government, or a
20 county training officers' association.
- 21 (2) Pass the written firefighter examination developed by the
22 department with the cooperation of the State Fire Marshal's office.
- 23 (3) Submit a report of medical examination on a form approved
24 by the department. The report shall be dated within four years
25 preceding the application date, except as required by paragraph
26 (2) of submission (a) of Section 12804.9. Holders of a restricted
27 firefighters license as of January 1, 2011, are not subject to the
28 requirement for a medical exam until he or she renews his or her
29 license.
- 30 ~~(b)~~
- 31 (c) There shall be no additional charge for adding a firefighter
32 endorsement to an original license or when renewing a license. To
33 add a firefighter endorsement to an existing license when not
34 renewing the license, the applicant shall pay the fee for a duplicate
35 license pursuant to Section 14901.
- 36 ~~(e)~~
- 37 (d) (1) A driver of firefighting equipment is subject to the
38 requirements of subdivision (a) if both of the following conditions
39 exist:

1 (A) The equipment is operated by a person employed as a
2 firefighter by a federal or state agency, by a regularly organized
3 fire department of a city, county, city and county, or district, or by
4 a tribal fire department or registered as a volunteer member of a
5 regularly organized fire department having official recognition of
6 the city, county, city and county, or district in which the department
7 is located, or of a tribal fire department.

8 (B) The motor vehicle is used to travel to and from the scene
9 of any emergency situation, or to transport equipment used in the
10 control of any emergency situation, and which is owned, leased,
11 or rented by, or under the exclusive control of, a federal or state
12 agency, a regularly organized fire department of a city, county,
13 city and county, or district, a volunteer fire department having
14 official recognition of the city, county, city and county, or district
15 in which the department is located, or a tribal fire department.

16 (2) A driver of firefighting equipment is not required to obtain
17 and maintain a firefighter endorsement pursuant to *paragraph (1)*
18 *of* subdivision (a) if the driver is operating the firefighting
19 equipment for training purposes, during a nonemergency, while
20 under the direct supervision of a fire department employee who is
21 properly licensed to operate the equipment and is authorized by
22 the fire department to provide training.

23 ~~(d)~~

24 (e) For purposes of this section, a tiller operator is the driver of
25 the rear free-axle portion of a ladder truck.

26 ~~(e)~~

27 (f) For purposes of this section, “firefighting equipment” means
28 a motor vehicle, that meets the definition of a class A or class B
29 vehicle described in subdivision (b) of Section 12804.9, that is
30 used to travel to and from the scene of an emergency situation, or
31 to transport equipment used in the control of an emergency
32 situation, and that is owned, leased, or rented by, or under the
33 exclusive control of, a federal or state agency, a regularly organized
34 fire department of a city, county, city and county, or district, or a
35 volunteer fire department having official recognition of the city,
36 county, city and county, or district in which the department is
37 located.

38 ~~(f)~~

39 (g) Notwithstanding *paragraph (1) of* subdivision (a), a regularly
40 organized fire department, having official recognition of the city,

1 county, city and county, or district in which the department is
2 located, may require an employee or a volunteer of the fire
3 department who is a driver or operator of firefighting equipment
4 to hold a class A or B license.

5 ~~(g)~~

6 *(h)* This section applies to a person hired by a fire department,
7 or to a person renewing a driver’s license, on or after January 1,
8 2011.

9 SEC. 3. This act is an urgency statute necessary for the
10 immediate preservation of the public peace, health, or safety within
11 the meaning of Article IV of the Constitution and shall go into
12 immediate effect. The facts constituting the necessity are:

13 In order to ensure that operators of firefighting equipment have
14 the appropriate knowledge and skills to operate that equipment,
15 thereby protecting public health and safety, it is necessary for this
16 act to take effect immediately as an urgency statute.