

AMENDED IN SENATE AUGUST 20, 2012

AMENDED IN SENATE JUNE 25, 2012

AMENDED IN ASSEMBLY MARCH 27, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2188

Introduced by Assembly Member Bonnie Lowenthal

February 23, 2012

An act to amend Sections 2800, 12517.2, 12804.9, 13353.7, 15210, and 15250 of, to amend, repeal, and add Sections 12502 and 14606 of, and to add Section 15326 to, the Vehicle Code, relating to commercial motor vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2188, as amended, Bonnie Lowenthal. Commercial motor vehicles: commercial driver's license program: federal compliance.

Existing

(1) *Existing* law declares the intent of the Legislature to adopt those standards required of drivers by the Federal Highway Administration of the United States Department of Transportation, as set forth in the Commercial Motor Vehicle Safety Act of 1986 and to reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by permitting drivers to hold only one license, disqualifying drivers for certain criminal offenses and serious traffic violations, and strengthening licensing and testing standards.

Existing law disqualifies a driver from operating a commercial motor vehicle for a specified time period of one year if the driver is convicted of a serious traffic violation involving a commercial or noncommercial motor vehicle occurring within 3 years of conviction of a separate

serious traffic violation. Operating a vehicle while disqualified is a crime.

This bill would make changes to the requirements applicable to the holding of commercial driver’s licenses regarding, among other things, medical certifications, military exemptions, out-of-service order violations, and violations occurring in other jurisdictions, to conform to federal law.

This bill would make other changes to ensure compliance with federal regulations, including, among other things, adding second and subsequent convictions for texting while driving as a serious traffic violation, which disqualifies a driver from operating a commercial motor vehicle for a specified time period. By expanding the scope of an existing crime, the bill would create a state-mandated local program. The bill would also make technical and conforming changes and delete obsolete references in these provisions.

(2) This bill would also incorporate additional changes to Section 12804.9 of the Vehicle Code proposed by SB 1310, to become operative only if SB 1310 and this bill are both chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.

(3) This bill would incorporate additional changes to Section 15250 of the Vehicle Code proposed by AB 2659, to become operative only if AB 2659 and this bill are both chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.

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.

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

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

1 SECTION 1. Section 2800 of the Vehicle Code is amended to
2 read:
3 2800. (a) It is unlawful to willfully fail or refuse to comply
4 with a lawful order, signal, or direction of a peace officer, as
5 defined in Chapter 4.5 (commencing with Section 830) of Title 3
6 of Part 2 of the Penal Code, when that peace officer is in uniform
7 and is performing duties pursuant to any of the provisions of this

1 code, or to refuse to submit to a lawful inspection pursuant to this
2 code.

3 (b) (1) Except as authorized pursuant to Section 24004, it is
4 unlawful to fail or refuse to comply with a lawful out-of-service
5 order issued by an authorized employee of the Department of the
6 California Highway Patrol or by an authorized enforcement officer
7 as described in subdivision (d).

8 (2) It is unlawful for a driver transporting hazardous materials
9 in a commercial motor vehicle that is required to display a placard
10 pursuant to Section 27903 to violate paragraph (1).

11 (3) It is unlawful for a driver of a vehicle designed to transport
12 16 or more passengers, including the driver, to violate paragraph
13 (1).

14 (c) It is unlawful to fail or refuse to comply with a lawful
15 out-of-service order issued by the United States Secretary of the
16 Department of Transportation.

17 (d) “Out-of-Service order” means a declaration by an authorized
18 enforcement officer of a federal, state, Canadian, Mexican, or local
19 jurisdiction that a driver, a commercial motor vehicle, or a motor
20 carrier operation is out-of-service pursuant to Section 386.72,
21 392.5, 392.9a, 395.13, or 396.9 of Title 49 of the Code of Federal
22 Regulations, state law, or the North American Standard
23 Out-of-Service Criteria.

24 SEC. 2. Section 12502 of the Vehicle Code is amended to read:

25 12502. (a) The following persons may operate a motor vehicle
26 in this state without obtaining a driver’s license under this code:

27 (1) A nonresident over the age of 18 years having in his or her
28 immediate possession a valid driver’s license issued by a foreign
29 jurisdiction of which he or she is a resident, except as provided in
30 Section 12505.

31 (2) A nonresident, 21 years of age or older, if transporting
32 hazardous material, as defined in Section 353, in a commercial
33 vehicle, having in his or her immediate possession, a valid license
34 with the appropriate endorsement issued by another state or other
35 jurisdiction that is recognized by the department, or a Canadian
36 driver’s license and a copy of his or her current training certificate
37 to transport hazardous material that complies with all federal laws
38 and regulations with respect to hazardous materials, both of which
39 shall be in his or her immediate possession.

1 (3) A nonresident having in his or her immediate possession a
2 valid driver’s license, issued by the Diplomatic Motor Vehicle
3 Office of the Office of Foreign Missions of the United States
4 Department of State, for the type of motor vehicle or combination
5 of vehicles that the person is operating.

6 (b) Any person entitled to the exemption contained in
7 subdivision (a), while operating, within this state, a commercial
8 motor vehicle, as defined in subdivision (b) of Section 15210, shall
9 have in his or her possession a current medical certificate of a type
10 described in subdivision (c) of Section 12804.9, that has been
11 issued within two years of the date of operation of the vehicle.

12 (c) A nonresident possessing a medical certificate in accordance
13 with subdivision (b) shall comply with any restriction of the
14 medical certificate issued to that nonresident.

15 (d) This section shall remain in effect only until January 30,
16 2014, and as of that date is repealed, unless a later enacted statute,
17 that is enacted before January 30, 2014, deletes or extends that
18 date.

19 SEC. 2.5. Section 12502 is added to the Vehicle Code, to read:

20 12502. (a) The following persons may operate a motor vehicle
21 in this state without obtaining a driver’s license under this code:

22 (1) A nonresident over the age of 18 years having in his or her
23 immediate possession a valid driver’s license issued by a foreign
24 jurisdiction of which he or she is a resident, except as provided in
25 Section 12505.

26 (2) A nonresident, 21 years of age or older, if transporting
27 hazardous material, as defined in Section 353, in a commercial
28 vehicle, having in his or her immediate possession, a valid license
29 with the appropriate endorsement issued by another state or other
30 jurisdiction that is recognized by the department, or a Canadian
31 driver’s license and a copy of his or her current training certificate
32 to transport hazardous material that complies with all federal laws
33 and regulations with respect to hazardous materials, both of which
34 shall be in his or her immediate possession.

35 (3) A nonresident having in his or her immediate possession a
36 valid driver’s license, issued by the Diplomatic Motor Vehicle
37 Office of the Office of Foreign Missions of the United States
38 Department of State, for the type of motor vehicle or combination
39 of vehicles that the person is operating.

1 (b) (1) A driver required to have a commercial driver’s license
2 under Part 383 of Title 49 of the Code of Federal Regulations who
3 submits a current medical examiner’s certificate to the licensing
4 state in accordance with Section 383.71(h) of Subpart E of Part
5 383 of Title 49 of the Code of Federal Regulations, documenting
6 that he or she meets the physical qualification requirements of
7 Section 391.41 of Subpart E of Part 391 of Title 49 of the Code
8 of Federal Regulations, is not required to carry on his or her person
9 the medical examiner’s certificate or a copy of that certificate.

10 (2) A driver may use the date-stamped receipt, given to the
11 driver by the licensing state agency, for up to 15 days after the
12 date stamped on the receipt, as proof of medical certification.

13 (c) A nonresident possessing a medical certificate in accordance
14 with subdivision (b) shall comply with any restriction of the
15 medical certificate issued to that nonresident.

16 (d) This section shall become operative on January 31, 2014.

17 SEC. 3. Section 12517.2 of the Vehicle Code is amended to
18 read:

19 12517.2. (a) Applicants for an original or renewal certificate
20 to drive a schoolbus, school pupil activity bus, youth bus, general
21 public paratransit vehicle, or farm labor vehicle shall submit a
22 report of a medical examination of the applicant given not more
23 than two years prior to the date of the application by a physician
24 licensed to practice medicine, a licensed advanced practice
25 registered nurse qualified to perform a medical examination, or a
26 licensed physician assistant. The report shall be on a form approved
27 by the department.

28 (b) Schoolbus drivers, within the same month of reaching 65
29 years of age and each 12th month thereafter, shall undergo a
30 medical examination, pursuant to Section 12804.9, and shall submit
31 a report of that medical examination on a form as specified in
32 subdivision (a).

33 SEC. 4. Section 12804.9 of the Vehicle Code is amended to
34 read:

35 12804.9. (a) (1) The examination shall include all of the
36 following:

37 (A) A test of the applicant’s knowledge and understanding of
38 the provisions of this code governing the operation of vehicles
39 upon the highways.

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

3 (C) A test of the applicant's understanding of traffic signs and
4 signals, including the bikeway signs, markers, and traffic control
5 devices established by the Department of Transportation.

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

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

29 (2) (A) Before a class A or class B driver's license, or class C
30 driver's license with a commercial endorsement, may be issued
31 or renewed, the applicant shall have in his or her driver record a
32 valid report of a medical examination of the applicant given not
33 more than two years prior to the date of the application by a health
34 care professional. As used in this paragraph, "health care
35 professional" means a person who is licensed, certified, or
36 registered in accordance with applicable state laws and regulations
37 to practice medicine and perform physical examinations in the
38 United States. Health care professionals are doctors of medicine,
39 doctors of osteopathy, physician assistants, and registered advanced
40 practice nurses, or doctors of chiropractic who are clinically

1 competent to perform the medical examination presently required
2 of motor carrier drivers by the United States Department of
3 Transportation. The report shall be on a form approved by the
4 department. In establishing the requirements, consideration may
5 be given to the standards presently required of motor carrier drivers
6 by the Federal Motor Carrier Safety Administration.

7 (B) The department may accept a federal waiver of one or more
8 physical qualification standards if the waiver is accompanied by
9 a report of a nonqualifying medical examination for a class A or
10 class B driver's license, or class C driver's license with a
11 commercial endorsement, pursuant to Section 391.41(a)(3)(ii) of
12 Subpart E of Part 391 of Title 49 of the Code of Federal
13 Regulations.

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

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

21 (1) Class A includes the following:

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

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

26 (C) A trailer bus.

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

28 (2) Class B includes the following:

29 (A) Except as provided in subparagraph (H) of paragraph (3),
30 a single vehicle with a gross vehicle weight rating of more than
31 26,000 pounds.

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

34 (C) A bus except a trailer bus.

35 (D) A farm labor vehicle.

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

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

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

2 (3) Class C includes the following:

3 (A) A two-axle vehicle with a gross vehicle weight rating of
4 26,000 pounds or less, including when the vehicle is towing a
5 trailer or semitrailer with a gross vehicle weight rating of 10,000
6 pounds or less.

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

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

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

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

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

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

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

31 (G) A vehicle or combination of vehicles with a gross
32 combination weight rating or a gross vehicle weight rating, as
33 those terms are defined in subdivisions (j) and (k), respectively,
34 of Section 15210, of 26,000 pounds or less, if all of the following
35 conditions are met:

36 (i) Is operated by a farmer, an employee of a farmer, or an
37 instructor credentialed in agriculture as part of an instructional
38 program in agriculture at the high school, community college, or
39 university level.

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

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

3 (H) Firefighting equipment, provided that the equipment is
4 operated by a person who holds a firefighter endorsement pursuant
5 to Section 12804.11.

6 (I) A motorized scooter.

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

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

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

14 (i) A motorized bicycle or moped, or a bicycle with an attached
15 motor, except a motorized bicycle described in subdivision (b) of
16 Section 406.

17 (ii) A motorized scooter.

18 (B) Authority to operate vehicles included in class M2 may be
19 granted by endorsement on a class A, B, or C license upon
20 completion of an appropriate examination, except that no
21 endorsement is required for a motorized scooter. Persons holding
22 a class M1 license or endorsement may operate vehicles included
23 in class M2 without further examination.

24 (c) A driver's license or driver certificate is not valid for
25 operating a commercial motor vehicle, as defined in subdivision
26 (b) of Section 15210, any other motor vehicle defined in paragraph
27 (1) or (2) of subdivision (b), or any other vehicle requiring a driver
28 to hold any driver certificate or any driver's license endorsement
29 under Section 15275, unless a medical certificate approved by the
30 department that has been issued within two years of the date of
31 the operation of that vehicle and a copy of the medical examination
32 report from which the certificate was issued is on file with the
33 department. Otherwise, the license is valid only for operating class
34 C vehicles that are not commercial vehicles, as defined in
35 subdivision (b) of Section 15210, and for operating class M1 or
36 M2 vehicles, if so endorsed, that are not commercial vehicles, as
37 defined in subdivision (b) of Section 15210.

38 (d) A license or driver certificate issued prior to the enactment
39 of Chapter 7 (commencing with Section 15200) is valid to operate
40 the class or type of vehicles specified under the law in existence

1 prior to that enactment until the license or certificate expires or is
2 otherwise suspended, revoked, or canceled. Upon application for
3 renewal or replacement of a driver's license, endorsement, or
4 certificate required to operate a commercial motor vehicle, a valid
5 medical certificate on a form approved by the department shall be
6 submitted to the department.

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

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

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

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

36 (i) A person under the age of 21 years shall not be issued a class
37 M1 or M2 license or endorsement unless he or she provides
38 evidence satisfactory to the department of completion of a
39 motorcycle safety training program that is operated pursuant to

1 Article 2 (commencing with Section 2930) of Chapter 5 of Division
2 2.

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

10 *SEC. 4.5. Section 12804.9 of the Vehicle Code is amended to*
11 *read:*

12 12804.9. (a) (1) The examination shall include all of the
13 following:

14 (A) A test of the applicant's knowledge and understanding of
15 ~~the provisions of~~ this code governing the operation of vehicles
16 upon the highways.

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

19 (C) A test of the applicant's understanding of traffic signs and
20 signals, including the bikeway signs, markers, and traffic control
21 devices established by the Department of Transportation.

22 (D) *A test of the applicant's understanding of the distractions*
23 *and dangers of handheld cellular phone use and text messaging*
24 *while operating a motor vehicle.*

25 ~~(D)~~

26 (E) An actual demonstration of the applicant's ability to exercise
27 ordinary and reasonable control in operating a motor vehicle by
28 driving it under the supervision of an examining officer. The
29 applicant shall submit to an examination appropriate to the type
30 of motor vehicle or combination of vehicles he or she desires a
31 license to drive, except that the department may waive the driving
32 test part of the examination for ~~any~~ *an* applicant who submits a
33 license issued by another state, territory, or possession of the United
34 States, the District of Columbia, or the Commonwealth of Puerto
35 Rico if the department verifies through ~~any~~ *an* acknowledged
36 national driver record data source that there are no stops, holds,
37 or other impediments to its issuance. The examining officer may
38 request to see evidence of financial responsibility for the vehicle
39 prior to supervising the demonstration of the applicant's ability to
40 operate the vehicle. The examining officer may refuse to examine

1 an applicant who is unable to provide proof of financial
 2 responsibility for the vehicle, unless proof of financial
 3 responsibility is not required by this code.

4 ~~(E)~~

5 (F) A test of the hearing and eyesight of the applicant, and of
 6 other matters that may be necessary to determine the applicant's
 7 mental and physical fitness to operate a motor vehicle upon the
 8 highways, and whether any grounds exist for refusal of a license
 9 under this code.

10 (2) ~~The examination for~~(A) *Before a class A or class B driver's*
 11 ~~license under subdivision (b) shall also include a license, or class~~
 12 *C driver's license with a commercial endorsement, may be issued*
 13 *or renewed, the applicant shall have in his or her driver record a*
 14 *valid report of a medical examination of the applicant given not*
 15 *more than two years prior to the date of the application by a health*
 16 *care professional. As used in this paragraph, "health care*
 17 *professional" means a person who is licensed, certified, or*
 18 *registered in accordance with applicable state laws and regulations*
 19 *to practice medicine and perform physical examinations in the*
 20 *United States. Health care professionals are doctors of medicine,*
 21 *doctors of osteopathy, physician assistants, and registered advanced*
 22 *practice registered nurses, or doctors of chiropractic who are*
 23 *clinically competent to perform the medical examination presently*
 24 *required of motor carrier drivers by the federal United States*
 25 *Department of Transportation. The report shall be on a form*
 26 *approved by the department, the federal Department of*
 27 ~~Transportation, or the Federal Aviation Administration~~ *department.*
 28 In establishing the requirements, consideration may be given to
 29 the standards presently required of motor carrier drivers by the
 30 Federal Highway Motor Carrier Safety Administration.

31 (B) *The department may accept a federal waiver of one or more*
 32 *physical qualification standards if the waiver is accompanied by*
 33 *a report of a nonqualifying medical examination for a class A or*
 34 *class B driver's license, or class C driver's license with a*
 35 *commercial endorsement, pursuant to Section 391.41(a)(3)(ii) of*
 36 *Subpart E of Part 391 of Title 49 of the Code of Federal*
 37 *Regulations.*

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

- 1 (b) In accordance with the following classifications, an applicant
2 for a driver's license shall be required to submit to an examination
3 appropriate to the type of motor vehicle or combination of vehicles
4 the applicant desires a license to drive:
- 5 (1) Class A includes the following:
- 6 (A) Except as provided in subparagraph (H) of paragraph (3),
7 a combination of vehicles, if a vehicle being towed has a gross
8 vehicle weight rating of more than 10,000 pounds.
- 9 (B) A vehicle towing more than one vehicle.
- 10 (C) A trailer bus.
- 11 (D) The operation of all vehicles under class B and class C.
- 12 (2) Class B includes the following:
- 13 (A) Except as provided in subparagraph (H) of paragraph (3),
14 a single vehicle with a gross vehicle weight rating of more than
15 26,000 pounds.
- 16 (B) A single vehicle with three or more axles, except any
17 three-axle vehicle weighing less than 6,000 pounds.
- 18 (C) A bus except a trailer bus.
- 19 (D) A farm labor vehicle.
- 20 (E) A single vehicle with three or more axles or a gross vehicle
21 weight rating of more than 26,000 pounds towing another vehicle
22 with a gross vehicle weight rating of 10,000 pounds or less.
- 23 (F) A house car over 40 feet in length, excluding safety devices
24 and safety bumpers.
- 25 (G) The operation of all vehicles covered under class C.
- 26 (3) Class C includes the following:
- 27 (A) A two-axle vehicle with a gross vehicle weight rating of
28 26,000 pounds or less, including when the vehicle is towing a
29 trailer or semitrailer with a gross vehicle weight rating of 10,000
30 pounds or less.
- 31 (B) Notwithstanding subparagraph (A), a two-axle vehicle
32 weighing 4,000 pounds or more unladen when towing a trailer
33 coach not exceeding 9,000 pounds gross.
- 34 (C) A house car of 40 feet in length or less.
- 35 (D) A three-axle vehicle weighing 6,000 pounds gross or less.
- 36 (E) A house car of 40 feet in length or less or a vehicle towing
37 another vehicle with a gross vehicle weight rating of 10,000 pounds
38 or less, including when a tow dolly is used. A person driving a
39 vehicle ~~may~~ *shall* not tow another vehicle in violation of Section
40 21715.

- 1 (F) (i) A two-axle vehicle weighing 4,000 pounds or more
 2 unladen when towing either a trailer coach or a fifth-wheel travel
 3 trailer not exceeding 10,000 pounds gross vehicle weight rating,
 4 when the towing of the trailer is not for compensation.
- 5 (ii) A two-axle vehicle weighing 4,000 pounds or more unladen
 6 when towing a fifth-wheel travel trailer exceeding 10,000 pounds,
 7 but not exceeding 15,000 pounds, gross vehicle weight rating,
 8 when the towing of the trailer is not for compensation, and if the
 9 person has passed a specialized written examination provided by
 10 the department relating to the knowledge of this code and other
 11 safety aspects governing the towing of recreational vehicles upon
 12 the highway.
- 13 ~~The~~
 14 (iii) *The* authority to operate combinations of vehicles under
 15 this subparagraph may be granted by endorsement on a class C
 16 license upon completion of that written examination.
- 17 (G) A vehicle or combination of vehicles with a gross
 18 combination weight rating or a gross vehicle weight rating, as
 19 those terms are defined in subdivisions (j) and (k), respectively,
 20 of Section 15210, of 26,000 pounds or less, if all of the following
 21 conditions are met:
- 22 (i) Is operated by a farmer, an employee of a farmer, or an
 23 instructor credentialed in agriculture as part of an instructional
 24 program in agriculture at the high school, community college, or
 25 university level.
- 26 (ii) Is used exclusively in the conduct of agricultural operations.
- 27 (iii) Is not used in the capacity of a for-hire carrier or for
 28 compensation.
- 29 (H) Firefighting equipment, provided that the equipment is
 30 operated by a person who holds a firefighter endorsement pursuant
 31 to Section 12804.11.
- 32 (I) A motorized scooter.
- 33 (J) Class C does not include a two-wheel motorcycle or a
 34 two-wheel motor-driven cycle.
- 35 (4) ~~Class M1. A M1 includes a two-wheel motorcycle or a~~
 36 ~~motor-driven cycle. Authority to operate a vehicle included in a~~
 37 ~~class M1 license may be granted by endorsement on a class A, B,~~
 38 ~~or C license upon completion of an appropriate examination.~~
- 39 (5) (A) Class M2 includes the following:

1 (i) A motorized bicycle or moped, or a bicycle with an attached
2 motor, except a motorized bicycle described in subdivision (b) of
3 Section 406.

4 (ii) A motorized scooter.

5 (B) Authority to operate vehicles included in class M2 may be
6 granted by endorsement on a class A, B, or C license upon
7 completion of an appropriate examination, except that no
8 endorsement is required for a motorized scooter. Persons holding
9 a class M1 license or endorsement may operate vehicles included
10 in class M2 without further examination.

11 (c) A driver's license or driver certificate is not valid for
12 operating a commercial motor vehicle, as defined in subdivision
13 (b) of Section 15210, any other motor vehicle defined in paragraph
14 (1) or (2) of subdivision (b), or any other vehicle requiring a driver
15 to hold ~~any a driver certificate or any a driver's license~~
16 endorsement under Section 15275, unless a medical certificate
17 approved by the department, ~~the federal Department of~~
18 ~~Transportation, or the Federal Aviation Administration,~~ that has
19 been issued within two years of the date of the operation of that
20 vehicle, ~~is within the licensee's immediate possession,~~ and a copy
21 of the medical examination report from which the certificate was
22 issued is on file with the department. Otherwise, the license is
23 valid only for operating class C vehicles that are not commercial
24 vehicles, as defined in subdivision (b) of Section 15210, and for
25 operating class M1 or M2 vehicles, if so endorsed, that are not
26 commercial vehicles, as defined in subdivision (b) of Section
27 15210.

28 (d) A license or driver certificate issued prior to the enactment
29 of Chapter 7 (commencing with Section 15200) is valid to operate
30 the class or type of vehicles specified under the law in existence
31 prior to that enactment until the license or certificate expires or is
32 otherwise suspended, revoked, or canceled. *Upon application for*
33 *renewal or replacement of a driver's license, endorsement, or*
34 *certificate required to operate a commercial motor vehicle, a valid*
35 *medical certificate on a form approved by the department shall*
36 *be submitted to the department.*

37 (e) The department may accept a certificate of driving skill that
38 is issued by an employer, authorized by the department to issue a
39 certificate under Section 15250, of the applicant, in lieu of a driving
40 test, on class A or B applications, if the applicant has first qualified

1 for a class C license and has met the other examination
2 requirements for the license for which he or she is applying. The
3 certificate may be submitted as evidence of the applicant's skill
4 in the operation of the types of equipment covered by the license
5 for which he or she is applying.

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

12 (g) The department may accept a certificate of satisfactory
13 completion of a novice motorcyclist training program approved
14 by the commissioner pursuant to Section 2932 in lieu of a driving
15 test on class M1 or M2 applications, if the applicant has met the
16 other examination requirements for the license for which he or she
17 is applying. The department shall review and approve the written
18 and driving test used by a program to determine whether the
19 program may issue a certificate of completion.

20 (h) Notwithstanding subdivision (b), a person holding a valid
21 California driver's license of any class may operate a short-term
22 rental motorized bicycle without taking ~~any~~ a special examination
23 for the operation of a motorized bicycle, and without having a
24 class M2 endorsement on that license. As used in this subdivision,
25 "short-term" means 48 hours or less.

26 (i) A person under ~~the age of~~ 21 years ~~may of age shall~~ not be
27 issued a class M1 or M2 license or endorsement unless he or she
28 provides evidence satisfactory to the department of completion of
29 a motorcycle safety training program that is operated pursuant to
30 Article 2 (commencing with Section 2930) of Chapter 5 of Division
31 2.

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

39 SEC. 5. Section 13353.7 of the Vehicle Code is amended to
40 read:

1 13353.7. (a) Subject to subdivision (c), if the person whose
2 driving privilege has been suspended under Section 13353.2 has
3 not been convicted of, or found to have committed, a separate
4 violation of Section 23103, as specified in Section 23103.5, or
5 Section 23140, 23152, or 23153 of this code, or Section 191.5 or
6 subdivision (a) of Section 192.5 of the Penal Code, and if the
7 person's privilege to operate a motor vehicle has not been
8 suspended or revoked pursuant to Section 13353 or 13353.2 for
9 an offense that occurred on a separate occasion within 10 years of
10 the occasion in question and, if the person subsequently enrolls in
11 a driving-under-the-influence program licensed under Section
12 11836 of the Health and Safety Code, as described in subdivision
13 (b) of Section 23538, that person, if 21 years of age or older at the
14 time the offense occurred, may apply to the department for a
15 restricted driver's license limited to travel to and from the activities
16 required by the program and to and from and in the course of the
17 person's employment. After receiving proof of enrollment in the
18 program, and if the person has not been arrested subsequent to the
19 offense for which the person's driving privilege has been suspended
20 under Section 13353.2 for a violation of Section 23103, as specified
21 in Section 23103.5, or Section 23140, 23152, or 23153 of this
22 code, or Section 191.5 or subdivision (a) of Section 192.5 of the
23 Penal Code, and if the person's privilege to operate a motor vehicle
24 has not been suspended or revoked pursuant to Section 13353 or
25 13353.2 for an offense that occurred on a separate occasion,
26 notwithstanding Section 13551, the department shall, after review
27 pursuant to Section 13557, suspend the person's privilege to
28 operate a motor vehicle for 30 days and then issue the person a
29 restricted driver's license under the following conditions:

30 (1) The program shall report any failure to participate in the
31 program to the department and shall certify successful completion
32 of the program to the department.

33 (2) The person was 21 years of age or older at the time the
34 offense occurred and gives proof of financial responsibility as
35 defined in Section 16430.

36 (3) The restriction shall be imposed for a period of five months.

37 (4) If a person who has been issued a restricted license under
38 this section fails at any time to participate in the program, the
39 department shall suspend the restricted license immediately. The
40 department shall give notice of the suspension under this paragraph

1 in the same manner as prescribed in subdivision (b) of Section
2 13353.2 for the period specified in Section 13353.3, that is effective
3 upon receipt by the person.

4 (b) Notwithstanding subdivision (a), and upon a conviction of
5 Section 23152 or 23153, the department shall suspend or revoke
6 the person's privilege to operate a motor vehicle under Section
7 13352.

8 (c) If the driver was operating a commercial vehicle, as defined
9 in Section 15210, at the time of the violation that resulted in the
10 suspension of that person's driving privilege under Section
11 13353.2, the department shall, pursuant to this section, if the person
12 is otherwise eligible, issue the person a class C or class M driver's
13 license restricted in the same manner and subject to the same
14 conditions as specified in subdivision (a), except that the license
15 may not allow travel to and from or in the course of the person's
16 employment.

17 (d) If the holder of a commercial driver's license was operating
18 a motor vehicle, other than a commercial vehicle as defined in
19 Section 15210, at the time of the violation that resulted in the
20 suspension of that person's driving privilege pursuant to Section
21 13353.2, the department shall, pursuant to this section, if the person
22 is otherwise eligible, issue the person a class C or class M driver's
23 license restricted in the same manner and subject to the same
24 conditions as specified in subdivision (a).

25 (e) This section does not apply to a person whose driving
26 privilege has been suspended or revoked pursuant to Section 13353
27 or 13353.2 for an offense that occurred on a separate occasion, or
28 as a result of a conviction of a separate violation of Section 23103,
29 as specified in Section 23103.5, or Section 23140, 23152, or 23153,
30 when that violation occurred within 10 years of the offense in
31 question. This subdivision shall be operative only so long as a
32 one-year suspension of the driving privilege for a second or
33 subsequent occurrence or offense, with no restricted or hardship
34 licenses permitted, is required by Section 408 or 410 of Title 23
35 of the United States Code.

36 SEC. 6. Section 14606 of the Vehicle Code is amended to read:

37 14606. (a) A person shall not employ or hire any person to
38 drive a motor vehicle or knowingly permit or authorize the driving
39 of a motor vehicle, owned by him or her or under his or her control,

1 upon the highways by any person unless that person is licensed
2 for the appropriate class of vehicle to be driven.

3 (b) (1) Whenever a person fails to qualify, on reexamination,
4 to operate a commercial motor vehicle, an employer shall report
5 that failure to the department within 10 days.

6 (2) Until January 30, 2014, if a driver has no medical
7 certification status information in the Commercial Driver License
8 Information System motor vehicle record obtained from the driver's
9 state licensing agency, the employing motor carrier may accept as
10 proof of medical certification a medical examiner's certificate
11 issued to that driver prior to January 30, 2012, and shall retain a
12 copy as part of a driver qualification file.

13 (c) This section shall remain in effect only until January 30,
14 2014, and as of that date is repealed, unless a later enacted statute,
15 that is enacted before January 30, 2014, deletes or extends that
16 date.

17 SEC. 7. Section 14606 is added to the Vehicle Code, to read:

18 14606. (a) A person shall not employ, hire, knowingly permit,
19 or authorize any person to drive a motor vehicle owned by him or
20 her or under his or her control upon the highways unless that person
21 is licensed for the appropriate class of vehicle to be driven.

22 (b) Whenever a person fails to qualify, on reexamination, to
23 operate a commercial motor vehicle, an employer shall report that
24 failure to the department within 10 days.

25 (c) An employer shall obtain from a driver required to have a
26 commercial driver's license or commercial endorsement a copy
27 of the driver's medical certification before allowing the driver to
28 operate a commercial motor vehicle. The employer shall retain the
29 certification as part of a driver qualification file.

30 (d) This section shall become operative on January 1, 2014.

31 SEC. 8. Section 15210 of the Vehicle Code is amended to read:

32 15210. Notwithstanding any other provision of this code, as
33 used in this chapter, the following terms have the following
34 meanings:

35 (a) "Commercial driver's license" means a driver's license
36 issued by a state or other jurisdiction, in accordance with the
37 standards contained in Part 383 of Title 49 of the Code of Federal
38 Regulations, which authorizes the licenseholder to operate a class
39 or type of commercial motor vehicle.

1 (b) (1) “Commercial motor vehicle” means any vehicle or
2 combination of vehicles that requires a class A or class B license,
3 or a class C license with an endorsement issued pursuant to
4 paragraph (5) of subdivision (a) of Section 15278.

5 (2) “Commercial motor vehicle” does not include any of the
6 following:

7 (A) A recreational vehicle, as defined in Section 18010 of the
8 Health and Safety Code.

9 (B) An implement of husbandry operated by a person who is
10 not required to obtain a driver’s license under this code.

11 (C) Vehicles operated by persons exempted pursuant to Section
12 25163 of the Health and Safety Code or a vehicle operated in an
13 emergency situation at the direction of a peace officer pursuant to
14 Section 2800.

15 (c) “Controlled substance” has the same meaning as defined by
16 the federal Controlled Substances Act (21 U.S.C. Sec. 802).

17 (d) “Conviction” means an unvacated adjudication of guilt, or
18 a determination that a person has violated or failed to comply with
19 the law in a court of original jurisdiction or by an authorized
20 administrative tribunal, an unvacated forfeiture of bail or collateral
21 deposited to secure the person’s appearance in court, a plea of
22 guilty or nolo contendere accepted by the court, the payment of a
23 fine or court costs, or violation of a condition of release without
24 bail, regardless of whether or not the penalty is rebated, suspended,
25 or probated.

26 (e) “Disqualification” means a prohibition against driving a
27 commercial motor vehicle.

28 (f) “Driving a commercial vehicle under the influence” means
29 committing any one or more of the following unlawful acts in a
30 commercial motor vehicle:

31 (1) Driving a commercial motor vehicle while the operator’s
32 blood-alcohol concentration level is 0.04 percent or more, by
33 weight in violation of subdivision (d) of Section 23152.

34 (2) Driving under the influence of alcohol, as prescribed in
35 subdivision (a) or (b) of Section 23152.

36 (3) Refusal to undergo testing as required under this code in the
37 enforcement of Subpart D of Part 383 or Subpart A of Part 392 of
38 Title 49 of the Code of Federal Regulations.

39 (g) “Employer” means any person, including the United States,
40 a state, or political subdivision of a state, who owns or leases a

1 commercial motor vehicle or assigns drivers to operate that vehicle.
2 A person who employs himself or herself as a commercial vehicle
3 driver is considered to be both an employer and a driver for
4 purposes of this chapter.

5 (h) “Fatality” means the death of a person as a result of a motor
6 vehicle accident.

7 (i) “Felony” means an offense under state or federal law that is
8 punishable by death or imprisonment for a term exceeding one
9 year.

10 (j) “Gross combination weight rating” means the value specified
11 by the manufacturer as the maximum loaded weight of a
12 combination or articulated vehicle. In the absence of a value
13 specified by the manufacturer, gross vehicle weight rating will be
14 determined by adding the gross vehicle weight rating of the power
15 unit and the total weight of the towed units and any load thereon.

16 (k) “Gross vehicle weight rating” means the value specified by
17 the manufacturer as the maximum loaded weight of a single
18 vehicle, as defined in Section 390.

19 (l) “Imminent hazard” means the existence of a condition that
20 presents a substantial likelihood that death, serious illness, severe
21 personal injury, or substantial endangerment to health, property,
22 or the environment may occur before the reasonable foreseeable
23 completion date of a formal proceeding begun to lessen the risk
24 of death, illness, injury, or endangerment.

25 (m) “Noncommercial motor vehicle” means a motor vehicle or
26 combination of motor vehicles that is not included within the
27 definition in subdivision (b).

28 (n) “Nonresident commercial driver’s license” means a
29 commercial driver’s license issued to an individual by a state under
30 one of the following provisions:

- 31 (1) The individual is domiciled in a foreign country.
- 32 (2) The individual is domiciled in another state.

33 (o) “Schoolbus” is a commercial motor vehicle, as defined in
34 Section 545.

35 (p) “Serious traffic violation” includes any of the following:

- 36 (1) Excessive speeding, as defined pursuant to the federal
37 Commercial Motor Vehicle Safety Act (P.L. 99-570) involving
38 any single offense for any speed of 15 miles an hour or more above
39 the posted speed limit.

1 (2) Reckless driving, as defined pursuant to the federal
2 Commercial Motor Vehicle Safety Act (P.L. 99-570), and driving
3 in the manner described under Section 2800.1, 2800.2, or 2800.3,
4 including, but not limited to, the offense of driving a commercial
5 motor vehicle in willful or wanton disregard for the safety of
6 persons or property.

7 (3) A violation of a state or local law involving the safe
8 operation of a motor vehicle, arising in connection with a fatal
9 traffic accident.

10 (4) A similar violation of a state or local law involving the safe
11 operation of a motor vehicle, as defined pursuant to the
12 Commercial Motor Vehicle Safety Act (Title XII of P.L. 99-570).

13 (5) Driving a commercial motor vehicle without a commercial
14 driver’s license.

15 (6) Driving a commercial motor vehicle without the driver
16 having in his or her possession a commercial driver’s license,
17 unless the driver provides proof at the subsequent court appearance
18 that he or she held a valid commercial driver’s license on the date
19 of the violation.

20 (7) Driving a commercial motor vehicle when the driver has
21 not met the minimum testing standards for that vehicle as to the
22 class or type of cargo the vehicle is carrying.

23 (8) Driving a commercial motor vehicle while using an
24 electronic wireless communication device to write, send, or read
25 a text-based communication, as defined in Section 23123.5.

26 In the absence of a federal definition, existing definitions under
27 this code shall apply.

28 (q) “State” means a state of the United States or the District of
29 Columbia.

30 (r) “Tank vehicle” means a commercial motor vehicle that is
31 designed to transport any liquid or gaseous material within a tank
32 that is permanently or temporarily attached to the vehicle or the
33 chassis, including, but not limited to, cargo tanks and portable
34 tanks, as defined in Part 171 of Title 49 of the Code of Federal
35 Regulations. This definition does not include portable tanks having
36 a rated capacity under 1,000 gallons.

37 SEC. 9. Section 15250 of the Vehicle Code is amended to read:

38 15250. (a) (1) A person shall not operate a commercial motor
39 vehicle unless that person has in his or her immediate possession
40 a valid commercial driver’s license of the appropriate class.

1 (2) A person shall not operate a commercial motor vehicle while
2 transporting hazardous materials unless that person has in his or
3 her possession a valid commercial driver's license with a hazardous
4 materials endorsement. An instruction permit does not authorize
5 the operation of a vehicle transporting hazardous materials.

6 (b) (1) Before an application for an original or renewal of a
7 commercial driver's license with a hazardous materials
8 endorsement is submitted to the United States Transportation
9 Security Administration for the processing of a security threat
10 assessment, as required under Part 1572 of Title 49 of the Code
11 of Federal Regulations, the department shall complete a check of
12 the applicant's driving record to ensure that the person is not
13 subject to a disqualification under Part 383.51 of Title 49 of the
14 Code of Federal Regulations.

15 (2) A person shall not be issued a commercial driver's license
16 until he or she has passed a written and driving test for the
17 operation of a commercial motor vehicle that complies with the
18 minimum federal standards established by the federal Commercial
19 Motor Vehicle Safety Act of 1986 (P.L. 99-570) and Part 383 of
20 Title 49 of the Code of Federal Regulations, and has satisfied all
21 other requirements of that act as well as any other requirements
22 imposed by this code.

23 (c) The tests shall be prescribed and conducted by or under the
24 direction of the department. The department may allow a
25 third-party tester to administer the driving test part of the
26 examination required under this section and Section 15275 if all
27 of the following conditions are met:

28 (1) The tests given by the third party are the same as those that
29 would otherwise be given by the department.

30 (2) The third party has an agreement with the department that
31 includes, but is not limited to, the following provisions:

32 (A) Authorization for the United States Secretary of
33 Transportation, or his or her representative, and the department,
34 or its representative, to conduct random examinations, inspections,
35 and audits without prior notice.

36 (B) Permission for the department, or its representative, to
37 conduct onsite inspections at least annually.

38 (C) A requirement that all third-party testers meet the same
39 qualification and training standards as the department's examiners,
40 to the extent necessary to conduct the driving skill tests in

1 compliance with the requirements of Part 383 of Title 49 of the
2 Code of Federal Regulations.

3 (D) The department may cancel, suspend, or revoke the
4 agreement with a third-party tester if the third-party tester fails to
5 comply with the standards for the commercial driver’s license
6 testing program, or with any other term of the third-party
7 agreement, upon 15 days’ prior written notice of the action to
8 cancel, suspend, or revoke the agreement by the department to the
9 third party. Any action to appeal or review any order of the
10 department canceling, suspending, or revoking a third-party testing
11 agreement shall be brought in a court of competent jurisdiction
12 under Section 1085 of the Code of Civil Procedure, or as otherwise
13 permitted by the laws of this state. The action shall be commenced
14 within 90 days from the effective date of the order.

15 (E) Any third-party tester whose agreement has been canceled
16 pursuant to subparagraph (D) may immediately apply for a
17 third-party testing agreement.

18 (F) A suspension of a third-party testing agreement pursuant to
19 subparagraph (D) shall be for a term of less than 12 months as
20 determined by the department. After the period of suspension, the
21 agreement shall be reinstated upon request of the third-party tester.

22 (G) A revocation of a third-party testing agreement pursuant to
23 subparagraph (D) shall be for a term of not less than one year. A
24 third-party tester may apply for a new third-party testing agreement
25 after the period of revocation and upon submission of proof of
26 correction of the circumstances causing the revocation.

27 (H) Authorization for the department to charge the third-party
28 tester a fee, as determined by the department, which is sufficient
29 to defray the actual costs incurred by the department for
30 administering and evaluating the third-party testing program, and
31 for carrying out any other activities deemed necessary by the
32 department to ensure sufficient training for the drivers participating
33 in the program.

34 (3) Except as provided in Section 15250.3, the tests given by
35 the third party shall not be accepted in lieu of tests prescribed and
36 conducted by the department for applicants for a passenger vehicle
37 endorsement specified in paragraph (2) of subdivision (a) of
38 Section 15278, if the applicant operates or will operate a tour bus.

39 (d) Commercial driver’s license applicants who take and pass
40 driving tests administered by a third party shall provide the

1 department with certificates of driving skill satisfactory to the
2 department that the applicant has successfully passed the driving
3 tests administered by the third party.

4 (e) Implementation dates for the issuance of a commercial
5 driver's license pursuant to this chapter may be established by the
6 department as it determines is necessary to accomplish an orderly
7 commercial driver's license program.

8 (f) Active duty members of the United States Armed Forces,
9 members of the military reserves, members of the National Guard
10 who are on active duty, including personnel on full-time National
11 Guard duty, personnel on part-time National Guard training, and
12 National Guard military technicians (civilians who are required to
13 wear military uniforms), and active duty personnel of the United
14 States Coast Guard are exempt from all commercial driver's license
15 requirements and sanctions, as provided in Section 383.3(c) of
16 Subpart A of Part 383 of Title 49 of the Code of Federal
17 Regulations when operating motor vehicles for military purposes.
18 This exception shall not apply to United States Armed Forces
19 reserve technicians.

20 *SEC. 9.5. Section 15250 of the Vehicle Code is amended to*
21 *read:*

22 15250. (a) (1) A person ~~may~~ *shall* not operate a commercial
23 motor vehicle unless that person has in his or her immediate
24 possession a valid commercial driver's license of the appropriate
25 class.

26 (2) A person ~~may~~ *shall* not operate a commercial motor vehicle
27 while transporting hazardous materials unless that person has in
28 his or her possession a valid commercial driver's license with a
29 hazardous materials endorsement. An instruction permit does not
30 authorize the operation of a vehicle transporting hazardous
31 materials.

32 (b) (1) Before an application for an original or renewal of a
33 commercial driver's license with a hazardous materials
34 endorsement is submitted to the United States Transportation
35 Security Administration for the processing of a security threat
36 assessment, as required under Part 1572 of Title 49 of the Code
37 of Federal Regulations, the department shall complete a check of
38 the applicant's driving record to ensure that the person is not
39 subject to a disqualification under Part 383.51 of Title 49 of the
40 Code of Federal Regulations.

1 (2) (A) A person ~~may~~ *shall* not be issued a commercial driver's
2 license until he or she has passed a written and driving test for the
3 operation of a commercial motor vehicle ~~which~~ *that* complies with
4 the minimum federal standards established by the federal
5 Commercial Motor Vehicle Safety Act of 1986 ~~(P.L.~~ *(Public Law*
6 99-570) and Part 383 of Title 49 of the Code of Federal
7 Regulations, and has satisfied all other requirements of that act as
8 well as any other requirements imposed by this code.

9 (B) *The driving skills test as specified in Section 383.113 of*
10 *Title 49 of the Code of Federal Regulations may be waived for a*
11 *commercial motor vehicle driver with military commercial motor*
12 *vehicle experience who is currently licensed with the United States*
13 *Armed Forces at the time of his or her application for a commercial*
14 *driver's license, and whose driving record in combination with*
15 *his or her driving experience meets, at a minimum, the conditions*
16 *required by Section 383.77(a) and (b) of Title 49 of the Code of*
17 *Federal Regulations.*

18 (c) The tests shall be prescribed and conducted by or under the
19 direction of the department. The department may allow a
20 third-party tester to administer the driving test part of the
21 examination required under this section and Section 15275 if all
22 of the following conditions are met:

23 (1) The tests given by the third party are the same as those that
24 would otherwise be given by the department.

25 (2) The third party has an agreement with the department that
26 includes, but is not limited to, the following provisions:

27 (A) Authorization for the United States Secretary of
28 Transportation, or his or her representative, and the department,
29 or its representative, to conduct random examinations, inspections,
30 and audits without prior notice.

31 (B) Permission for the department, or its representative, to
32 conduct onsite inspections at least annually.

33 (C) A requirement that all third-party testers meet the same
34 qualification and training standards as the department's examiners,
35 to the extent necessary to conduct the driving skill tests in
36 compliance with the requirements of Part 383 of Title 49 of the
37 Code of Federal Regulations.

38 (D) The department may cancel, suspend, or revoke the
39 agreement with a third-party tester if the third-party tester fails to
40 comply with the standards for the commercial driver's license

1 testing program, or with any other term of the third-party
2 agreement, upon 15 days' prior written notice of the action to
3 cancel, suspend, or revoke the agreement by the department to the
4 third party. Any action to appeal or review any order of the
5 department canceling, suspending, or revoking a third-party testing
6 agreement shall be brought in a court of competent jurisdiction
7 under Section 1085 of the Code of Civil Procedure, or as otherwise
8 permitted by the laws of this state. The action shall be commenced
9 within 90 days from the effective date of the order.

10 (E) Any third-party tester whose agreement has been canceled
11 pursuant to subparagraph (D) may immediately apply for a
12 third-party testing agreement.

13 (F) A suspension of a third-party testing agreement pursuant to
14 subparagraph (D) shall be for a term of less than 12 months as
15 determined by the department. After the period of suspension, the
16 agreement shall be reinstated upon request of the third-party tester.

17 (G) A revocation of a third-party testing agreement pursuant to
18 subparagraph (D) shall be for a term of not less than one year. A
19 third-party tester may apply for a new third-party testing agreement
20 after the period of revocation and upon submission of proof of
21 correction of the circumstances causing the revocation.

22 (H) Authorization for the department to charge the third-party
23 tester a fee, as determined by the department, ~~which~~ *that* is
24 sufficient to defray the actual costs incurred by the department for
25 administering and evaluating the third-party testing program, and
26 for carrying out any other activities deemed necessary by the
27 department to ensure sufficient training for the drivers participating
28 in the program.

29 (3) Except as provided in Section 15250.3, the tests given by
30 the third party shall not be accepted in lieu of tests prescribed and
31 conducted by the department for applicants for a passenger vehicle
32 endorsement specified in paragraph (2) of subdivision (a) of
33 Section 15278, if the applicant operates or will operate a tour bus.

34 (d) Commercial driver's license applicants who take and pass
35 driving tests administered by a third party shall provide the
36 department with certificates of driving skill satisfactory to the
37 department that the applicant has successfully passed the driving
38 tests administered by the third party.

39 (e) Implementation dates for the issuance of a commercial
40 driver's license pursuant to this chapter may be established by the

1 department as it determines is necessary to accomplish an orderly
2 commercial driver's license program.

3 *(f) Active duty members of the United States Armed Forces,*
4 *members of the military reserves, members of the National Guard*
5 *who are on active duty, including personnel on full-time National*
6 *Guard duty, personnel on part-time National Guard training, and*
7 *National Guard military technicians (civilians who are required*
8 *to wear military uniforms), and active duty personnel of the United*
9 *States Coast Guard are exempt from all commercial driver's*
10 *license requirements and sanctions, as provided in Section 383.3(c)*
11 *of Subpart A of Part 383 of Title 49 of the Code of Federal*
12 *Regulations when operating motor vehicles for military purposes.*
13 *This exception shall not apply to United States Armed Forces*
14 *reserve technicians.*

15 SEC. 10. Section 15326 is added to the Vehicle Code, to read:

16 15326. Upon receiving notification of an administrative action
17 or conviction of a commercial licenseholder in a state, territory,
18 or possession of the United States, the District of Columbia, the
19 Commonwealth of Puerto Rico, or the Dominion of Canada, the
20 department shall impose a suspension, revocation, or
21 disqualification action on that person's commercial driving
22 privilege based upon violations that would result in an
23 administrative action or a conviction pursuant to Section 383.51
24 of Subpart D of Part 383 and Sections 384.206(b)(3), 384.213, and
25 384.231 of Subpart B of Part 384 of Title 49 of the Federal Code
26 of Regulations. Those violations include, but are not limited to,
27 all of the following:

28 (a) Violations of Sections 15300, 15302, and 15304.

29 (b) Serious traffic violations, as defined in subdivision (p) of
30 Section 15210 and subject to the penalties under Section 15306
31 or 15308.

32 (c) Providing false information under Section 15309.

33 (d) Out-of-service order violations under Section 15311.

34 (e) Railroad-highway crossing violations under Section 15312.

35 SEC. 11. *Section 4.5 of this bill incorporates amendments to*
36 *Section 12804.9 of the Vehicle Code proposed by both this bill*
37 *and Senate Bill 1310. It shall only become operative if (1) both*
38 *bills are enacted and become effective on or before January 1,*
39 *2013, (2) each bill amends Section 12804.9 of the Vehicle Code,*

1 *and (3) this bill is enacted after Senate Bill 1310, in which case*
2 *Section 4 of this bill shall not become operative.*

3 *SEC. 12. Section 9.5 of this bill incorporates amendments to*
4 *Section 15250 of the Vehicle Code proposed by both this bill and*
5 *Assembly Bill 2659. It shall only become operative if (1) both bills*
6 *are enacted and become effective on or before January 1, 2013,*
7 *(2) each bill amends Section 15250 of the Vehicle Code, and (3)*
8 *this bill is enacted after Assembly Bill 2659, in which case Section*
9 *9 of this bill shall not become operative.*

10 ~~SEC. 11.~~

11 *SEC. 13. No reimbursement is required by this act pursuant to*
12 *Section 6 of Article XIII B of the California Constitution because*
13 *the only costs that may be incurred by a local agency or school*
14 *district will be incurred because this act creates a new crime or*
15 *infraction, eliminates a crime or infraction, or changes the penalty*
16 *for a crime or infraction, within the meaning of Section 17556 of*
17 *the Government Code, or changes the definition of a crime within*
18 *the meaning of Section 6 of Article XIII B of the California*
19 *Constitution.*