

AMENDED IN SENATE JUNE 6, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2659

Introduced by Assembly Member Blumenfield

February 24, 2012

~~An act to add Section 1279.7 to the Unemployment Insurance Code, relating to unemployment insurance. An act to amend Section 15250 of the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2659, as amended, Blumenfield. ~~Unemployment insurance: shared work. Vehicles: commercial driver's license: military personnel.~~

Existing law requires the Department of Motor vehicles to not issue a commercial driver's license to any person to operate a commercial motor vehicle until the person has passed a written and driving test for the operation of a commercial motor vehicle that complies with the minimum federal standards established by the federal Commercial Motor Vehicle Safety Act of 1986 and specified federal regulations, and has satisfied all other requirements of that act as well as any other requirements imposed by the Vehicle Code.

This bill would authorize the department to waive the driving skills test required by federal regulations for a commercial motor vehicle driver with military commercial motor vehicle experience who is currently licensed with the United States Armed Forces at the time of his or her application for a commercial driver's license, and whose driving record in combination with his or her driving experience meets, at a minimum, specified conditions required by federal law.

~~Existing law permits the payment of a reduced amount of unemployment compensation benefits to an individual who participates~~

~~in a shared work unemployment insurance benefit program pursuant to an approved employer plan. Existing law requires the Employment Development Department to implement and administer the plan, and authorizes the Director of Employment Development to terminate a shared work plan for good cause if the plan is not being carried out according to its terms and intent.~~

~~This bill would require the department to also develop and implement an outreach plan designed to provide information and inform employers in this state of the shared work program, as provided.~~

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

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

1 SECTION 1. Section 15250 of the Vehicle Code is amended to
2 read:

3 15250. (a) (1) A person ~~may~~ shall not operate a commercial
4 motor vehicle unless that person has in his or her immediate
5 possession a valid commercial driver’s license of the appropriate
6 class.

7 (2) A person ~~may~~ shall not operate a commercial motor vehicle
8 while transporting hazardous materials unless that person has in
9 his or her possession a valid commercial driver’s license with a
10 hazardous materials endorsement. An instruction permit does not
11 authorize the operation of a vehicle transporting hazardous
12 materials.

13 (b) (1) Before an application for an original or renewal of a
14 commercial driver’s license with a hazardous materials
15 endorsement is submitted to the United States Transportation
16 Security Administration for the processing of a security threat
17 assessment, as required under Part 1572 of Title 49 of the Code
18 of Federal Regulations, the department shall complete a check of
19 the applicant’s driving record to ensure that the person is not
20 subject to a disqualification under Part 383.51 of Title 49 of the
21 Code of Federal Regulations.

22 (2) (A) A person ~~may~~ shall not be issued a commercial driver’s
23 license until he or she has passed a written and driving test for the
24 operation of a commercial motor vehicle ~~which~~ that complies with
25 the minimum federal standards established by the federal
26 Commercial Motor Vehicle Safety Act of 1986 ~~(P.L.~~ (Public Law

1 99-570) and Part 383 of Title 49 of the Code of Federal
2 Regulations, and has satisfied all other requirements of that act as
3 well as any other requirements imposed by this code.

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

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

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

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

22 (A) Authorization for the United States Secretary of
23 Transportation, or his or her representative, and the department,
24 or its representative, to conduct random examinations, inspections,
25 and audits without prior notice.

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

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

33 (D) The department may cancel, suspend, or revoke the
34 agreement with a third-party tester if the third-party tester fails to
35 comply with the standards for the commercial driver's license
36 testing program, or with any other term of the third-party
37 agreement, upon 15 days' prior written notice of the action to
38 cancel, suspend, or revoke the agreement by the department to the
39 third party. Any action to appeal or review any order of the
40 department canceling, suspending, or revoking a third-party testing

1 agreement shall be brought in a court of competent jurisdiction
 2 under Section 1085 of the Code of Civil Procedure, or as otherwise
 3 permitted by the laws of this state. The action shall be commenced
 4 within 90 days from the effective date of the order.

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

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

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

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

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

29 (d) Commercial driver’s license applicants who take and pass
 30 driving tests administered by a third party shall provide the
 31 department with certificates of driving skill satisfactory to the
 32 department that the applicant has successfully passed the driving
 33 tests administered by the third party.

34 (e) Implementation dates for the issuance of a commercial
 35 driver’s license pursuant to this chapter may be established by the
 36 department as it determines is necessary to accomplish an orderly
 37 commercial driver’s license program.

38 ~~SECTION 1. Section 1279.7 is added to the Unemployment~~
 39 ~~Insurance Code, to read:~~

1 ~~1279.7. The department shall develop and implement an~~
2 ~~outreach plan designed to provide information and inform~~
3 ~~employers in this state of the shared work program set forth in~~
4 ~~Section 1279.5. The plan shall include outreach to statewide and~~
5 ~~local chambers of commerce, employer advisory councils, and~~
6 ~~small business advisory councils.~~

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