

Introduced by Senator WaltersFebruary 18, 2011

An act to amend Sections 11105, 11105.1, 11204, and 11207 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 627, as introduced, Walters. Vehicles: driving schools and traffic violator schools: licensees.

Existing law requires the Department of Motor Vehicles to issue or renew a license certificate for a driving school owner or operator, a driving school instructor or all-terrain vehicle safety instructor, a traffic violator school owner or traffic violator school operator, or a traffic violator school instructor if specified criteria are met. Existing law requires that these licenses be issued for specified periods of time unless canceled, suspended, or revoked by the department.

This bill would require, if the department does not renew the license by the license expiration date and the licensee has complied with all the requirements of renewal in good faith, that the license be deemed renewed if the licensee shows proof, if requested by the department, of certified or traceable mailing of all applicable fees or applications submitted to the department prior to the license expiration date.

The bill would authorize the department to subsequently suspend or revoke the renewed license if it finds that certain conditions exist.

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 11105 of the Vehicle Code is amended
2 to read:

3 11105. (a) The department shall issue a license certificate to
4 each driving school owner and to each driving school operator
5 when it is satisfied that the owner has met the qualifications
6 required under this chapter. The license shall be for a period of
7 one year from midnight of the last day of the month of issuance
8 unless canceled, suspended, or revoked by the department.

9 (b) The license shall be renewed annually. The department shall
10 require all of the following for the renewal of the license:

11 (1) Compliance with the provisions of Sections 11102 and
12 11105.2 for renewal of a driving school owner's license or Section
13 11102.5, except paragraph (2) of subdivision (a) of Section
14 11102.5, for renewal of a driving school operator's license.

15 (2) (A) Satisfactory completion of an examination as provided
16 in Section 11102.5 at least once during each succeeding three-year
17 period after the initial issuance of a license certificate.

18 ~~In~~

19 (B) *In lieu of any an examination for renewal of the license, the*
20 *department may accept submission by the licensee of evidence of*
21 *continuing professional education. Professional education, as used*
22 *in this subdivision, means satisfactory completion of courses*
23 *related to traffic safety, teaching techniques, or the teaching of*
24 *driver instruction acceptable to the department or participation in*
25 *professional seminars approved by the department.*

26 (c) The department may issue a probationary license and
27 certificate subject to conditions to be observed by the licensee in
28 the exercise of the privilege granted. The conditions to be attached
29 to the exercise of the privilege shall not appear on the face of the
30 license or certificate, but shall be ~~such as may~~ *those conditions*
31 *that, in the judgment of the department, be are in the public interest*
32 *and suitable to the qualifications of the applicant as disclosed by*
33 *the application and investigation by the department of the*
34 *information contained therein in the application.*

35 (d) (1) *If the department does not renew an owner or an*
36 *operator license by the license expiration date and the owner or*
37 *operator has complied with all the requirements of this section in*
38 *good faith, the license shall be deemed renewed if the owner or*

1 operator shows proof, if requested by the department, of certified
2 or traceable mailing of all applicable fees or applications
3 submitted to the department prior to the license expiration date.

4 (2) The department may subsequently suspend or revoke the
5 renewed license if it finds that subdivision (a) of Section 11107
6 applies to the owner or operator.

7 ~~(d)~~

8 (e) Upon notification of the death of a driving school licensee,
9 the department may issue a certificate of convenience to the
10 executor, executrix, administrator or administratrix of the estate
11 of a deceased holder of a validly outstanding certificate to conduct
12 a driving school; or, if no executor, executrix, administrator or
13 administratrix has been appointed; and until a certified copy of an
14 order making ~~such~~ that appointment is filed with the department,
15 to the surviving spouse or other heir otherwise entitled to conduct
16 the business of the deceased, ~~permitting such person~~. The certificate
17 of convenience shall permit the holder to conduct the driving school
18 for a period of one year from and after the date of the original
19 licensee's death, and necessary one-year ~~renewals thereafter~~
20 ~~pending, but not later than~~; extensions may be granted to permit,
21 and only until, the disposal of the business and qualification of the
22 vendee of the business or ~~such~~ the surviving spouse or heir for a
23 license certificate to conduct a driving school under the provisions
24 of this division. The department may restrict or condition the
25 certificate and attach to the exercise of the privilege ~~thereunder~~
26 ~~such~~ under the certificate any terms and conditions ~~as that in its~~
27 the department's judgment are required for the protection of the
28 public ~~requires~~.

29 ~~(e)~~

30 (f) The department shall not issue or renew a license certificate
31 unless it determines that the driving school owner has complied
32 with Section 11103.2.

33 SEC. 2. Section 11105.1 of the Vehicle Code is amended to
34 read:

35 11105.1. (a) The department shall issue a license certificate
36 to each driving school instructor and to each all-terrain vehicle
37 safety instructor when it is satisfied that the person has met the
38 qualifications required under this chapter. The original instructor's
39 license and ~~any~~ an instructor's license renewed pursuant to

1 subdivisions (b) and (c) ~~is~~ *are* valid for three years from the date
 2 issued unless canceled, suspended, or revoked by the department.

3 (b) A licensee may apply for the renewal of an instructor's
 4 license prior to the expiration date of the license. ~~In no event shall~~
 5 ~~an~~ *An* instructor *shall not* renew the license after the date of
 6 expiration.

7 (c) The department shall require all of the following for the
 8 renewal of the instructor's license:

9 (1) Compliance with Section 11104, except subdivision (c)
 10 ~~thereof of that section~~, for a driving school instructor, or
 11 compliance with Section 11104.3, except paragraph (3) of
 12 subdivision (a) ~~thereof of that section~~, for an all-terrain vehicle
 13 safety instructor, and, for either, compliance with Section 11105.2.

14 (2) (A) Satisfactory completion of an examination as provided
 15 in Section 11104 or 11104.3, as applicable, at least once during
 16 each succeeding three-year period after the initial issuance of an
 17 instructor license certificate.

18 ~~In~~

19 (B) *In lieu of any an* examination for renewal of the license, the
 20 department may accept submission by the licensee of evidence of
 21 continuing professional education as defined in paragraph (2) of
 22 subdivision (b) of Section 11105.

23 (d) The department may issue a probationary instructor's license
 24 and certificate subject to conditions to be observed by the licensee
 25 in the exercise of the privilege granted. The conditions to be
 26 attached to the exercise of the privilege shall not appear on the
 27 face of the license or certificate, but shall be ~~such as may those~~
 28 *conditions that*, in the judgment of the department, ~~be are~~ in the
 29 public interest and suitable to the qualifications of the applicant
 30 as disclosed by the application and investigation by the department
 31 of the information contained ~~therein~~ *in the application*.

32 ~~(e) This section shall become operative on July 1, 1988.~~

33 (e) (1) *If the department does not renew an instructor's license*
 34 *by the license expiration date and the instructor has complied with*
 35 *all the requirements of this section in good faith, the license shall*
 36 *be deemed renewed if the instructor shows proof, if requested by*
 37 *the department, of certified or traceable mailing of all applicable*
 38 *fees or applications submitted to the department prior to the license*
 39 *expiration date.*

1 (2) *The department may subsequently suspend or revoke the*
2 *renewed license if it finds that subdivision (a) of Section 11107*
3 *applies to the instructor.*

4 SEC. 3. Section 11204 of the Vehicle Code is amended to read:

5 11204. (a) The department shall issue a license certificate to
6 each traffic violator school owner and each traffic violator school
7 operator licensed pursuant to this chapter. The term of the license
8 shall be for a period of one year from the date of issue unless
9 canceled, suspended, or revoked by the department. The license
10 shall be renewed annually. The department shall require compliance
11 with Section 11202 for renewal of the license of a traffic violator
12 school owner. The department shall require compliance with
13 Section 11202.5 for renewal of the license of a traffic violator
14 school operator.

15 (b) (1) In lieu of the examination required by Section 11202.5
16 for renewal of the license of a traffic violator school operator, the
17 department may accept submission of evidence by the licensee of
18 continuing professional education.

19 (2) “Professional education,” as used in paragraph (1), means
20 the satisfactory completion of courses acceptable to the department
21 related to traffic safety, teaching techniques, or the teaching of
22 driver instruction, or the participation in professional seminars
23 approved by the department.

24 (c) ~~Whenever~~ *If* in its judgment the public interest so requires,
25 the department may issue a probationary license subject to special
26 conditions to be observed by the licensee in the conduct of the
27 traffic violator school. The conditions to be attached to the license
28 shall be ~~any that may~~ *those conditions that*, in the judgment of the
29 department, ~~be~~ *are* in the public interest and suitable to the
30 qualifications of the applicant as disclosed by the application and
31 investigation by the department of the information contained
32 ~~therein in the application~~. The conditions may not appear on the
33 license certificate.

34 (d) (1) *If the department does not renew a traffic violator school*
35 *owner’s or traffic violator school operator’s license by the license*
36 *expiration date when the owner or operator has complied with all*
37 *the requirements of this section in good faith, the license shall be*
38 *deemed renewed if the owner or operator shows proof, if requested*
39 *by the department, of certified or traceable mailing of all*

1 *applicable fees or applications submitted to the department prior*
 2 *to the license expiration date.*

3 (2) *The department may subsequently suspend or revoke the*
 4 *renewed license if it finds that subdivision (a) of Section 11211*
 5 *applies to the owner or operator.*

6 ~~(d)~~

7 (e) Upon notification of the death of a traffic violator school
 8 licensee, the department may issue a temporary license to the
 9 executor or administrator of the estate of a deceased holder of a
 10 validly outstanding license to conduct a traffic violator school; or,
 11 if no executor or administrator has been appointed and until a
 12 certified copy of an order making an appointment is filed with the
 13 department, a temporary license may be issued to the surviving
 14 spouse or other heir entitled to conduct the business of the
 15 deceased. The temporary license shall permit the holder to conduct
 16 the traffic violator school for a period of one year from and after
 17 the date of the original licensee's death, and necessary one-year
 18 extensions may be granted to permit disposal of the business and
 19 qualification for a license of a purchaser of the business or the
 20 surviving spouse or heir. The department may restrict or condition
 21 a temporary license and attach to the exercise of the privilege
 22 ~~thereunder~~ *under the temporary license* any terms and conditions
 23 that in the department's judgment are required for the protection
 24 of the public.

25 SEC. 4. Section 11207 of the Vehicle Code is amended to read:

26 11207. (a) The department shall issue a license certificate to
 27 each traffic violator school instructor when it is satisfied that he
 28 or she has met the qualifications required under this chapter. The
 29 original instructor license and any license renewed pursuant to
 30 subdivisions (b) and (c) shall be valid for a period of three years
 31 from the date of issuance unless canceled, suspended, or revoked
 32 by the department.

33 (b) ~~Every~~ *An* application for the renewal of a traffic violator
 34 school instructor license may be made by the licensee prior to the
 35 expiration date of the license by presenting to the department a
 36 completed application on a form provided by the department. ~~In~~
 37 ~~no event shall~~ *A* traffic violator school instructor *shall not* renew
 38 the license after the date of expiration.

39 (c) The department shall require all of the following for the
 40 renewal of an instructor's license:

1 (1) Compliance with Section 11206, except subdivision (c)
2 ~~thereof of that section.~~

3 (2) Satisfactory completion of an examination as provided in
4 Section 11206 at least once during each succeeding three-year
5 period after the initial issuance of the license. However, in lieu of
6 examination for renewal of the license, the department may accept
7 submission by the licensee of evidence of continuing professional
8 education.

9 (d) ~~When~~ *If*, in its judgment, the public interest so requires, the
10 department may issue a probationary license subject to special
11 conditions to be observed by the licensee in the exercise of the
12 privilege granted. The conditions to be attached to the license shall
13 ~~be such as may~~ *those conditions that*, in the judgment of the
14 department, ~~be~~ *are* in the public interest and suitable to the
15 qualifications of the applicant, as disclosed by the application and
16 investigation by the department of the information contained
17 ~~therein~~ *in the application.*

18 (e) (1) *If the department does not renew an instructor's license*
19 *by the license expiration date and the instructor has complied with*
20 *all the requirements of this section in good faith, the license shall*
21 *be deemed renewed if the instructor shows proof, if requested by*
22 *the department, of certified or traceable mailing of all applicable*
23 *fees or applications submitted to the department prior to the license*
24 *expiration date.*

25 (2) *The department may subsequently suspend or revoke the*
26 *renewed license if it finds that subdivision (a) of Section 11211*
27 *applies to the instructor.*