

AMENDED IN SENATE APRIL 25, 2011

SENATE BILL

No. 627

Introduced by Senator Walters

February 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 amended, 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.~~

This bill would require the department to approve or disapprove an application for renewal within 30 days of receipt of an application, provided the application includes all required information, as determined by the department.

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

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

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

34 (d) Upon notification of death of a driving school licensee the
35 department may issue a certificate of convenience to the executor,

1 executrix, administrator or administratrix of the estate of a deceased
2 holder of a validly outstanding certificate to conduct a driving
3 school, or if no executor, executrix, administrator or administratrix
4 has been appointed, and until a certified copy of an order making
5 such appointment is filed with the department, to the surviving
6 spouse or other heir otherwise entitled to conduct the business of
7 the deceased, permitting such person to conduct the driving school
8 for a period of one year from and after the date of death, and
9 necessary one-year renewals thereafter pending, but not later than,
10 disposal of the business and qualification of the vendee of the
11 business or such surviving spouse or heir for a license certificate
12 to conduct a driving school under the provisions of this division.
13 The department may restrict or condition the certificate and attach
14 to the exercise of the privilege thereunder such terms and
15 conditions as in its judgment the protection of the public requires.

16 (e) The department shall not issue or renew a license certificate
17 unless it determines that the driving school owner has complied
18 with Section 11103.2.

19 (f) *The department shall approve or disapprove an application*
20 *for renewal within 30 days of receipt of an application, provided*
21 *the application includes all required information, as determined*
22 *by the department.*

23 SEC. 2. *Section 11105.1 of the Vehicle Code is amended to*
24 *read:*

25 11105.1. (a) The department shall issue a license certificate
26 to each driving school instructor and to each all-terrain vehicle
27 safety instructor when it is satisfied that the person has met the
28 qualifications required under this chapter. The original instructor's
29 license and any instructor's license renewed pursuant to
30 subdivisions (b) and (c) is valid for three years from the date issued
31 unless canceled, suspended, or revoked by the department.

32 (b) A licensee may apply for the renewal of an instructor's
33 license prior to the expiration date of the license. In no event shall
34 an instructor renew the license after the date of expiration.

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

37 (1) Compliance with Section 11104, except subdivision (c)
38 thereof, for a driving school instructor, or compliance with Section
39 11104.3, except paragraph (3) of subdivision (a) thereof, for an

1 all-terrain vehicle safety instructor, and, for either, compliance
2 with Section 11105.2.

3 (2) Satisfactory completion of an examination as provided in
4 Section 11104 or 11104.3, as applicable, at least once during each
5 succeeding three-year period after the initial issuance of an
6 instructor license certificate.

7 In lieu of any examination for renewal of the license, the
8 department may accept submission by the licensee of evidence of
9 continuing professional education as defined in paragraph (2) of
10 subdivision (b) of Section 11105.

11 (d) The department may issue a probationary instructor's license
12 and certificate subject to conditions to be observed by the licensee
13 in the exercise of the privilege granted. The conditions to be
14 attached to the exercise of the privilege shall not appear on the
15 face of the license or certificate, but shall be such as may, in the
16 judgment of the department, be in the public interest and suitable
17 to the qualifications of the applicant as disclosed by the application
18 and investigation by the department of the information contained
19 therein.

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

21 *(e) The department shall approve or disapprove an application*
22 *for renewal within 30 days of receipt of an application, provided*
23 *the application includes all required information, as determined*
24 *by the department.*

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

26 11204. (a) The department shall issue a license certificate to
27 each traffic violator school owner and each traffic violator school
28 operator licensed pursuant to this chapter. The term of the license
29 shall be for a period of one year from the date of issue unless
30 canceled, suspended, or revoked by the department. The license
31 shall be renewed annually. The department shall require compliance
32 with Section 11202 for renewal of the license of a traffic violator
33 school owner. The department shall require compliance with
34 Section 11202.5 for renewal of the license of a traffic violator
35 school operator.

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

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

6 (c) Whenever in its judgment the public interest so requires, the
7 department may issue a probationary license subject to special
8 conditions to be observed by the licensee in the conduct of the
9 traffic violator school. The conditions to be attached to the license
10 shall be any that may, in the judgment of the department, be in the
11 public interest and suitable to the qualifications of the applicant
12 as disclosed by the application and investigation by the department
13 of the information contained therein. The conditions may not
14 appear on the license certificate.

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

32 (e) *The department shall approve or disapprove an application*
33 *for renewal within 30 days of receipt of an application, provided*
34 *the application includes all required information, as determined*
35 *by the department.*

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

37 11207. (a) The department shall issue a license certificate to
38 each traffic violator school instructor when it is satisfied that he
39 or she has met the qualifications required under this chapter. The
40 original instructor license and any license renewed pursuant to

1 subdivisions (b) and (c) shall be valid for a period of three years
2 from the date of issuance unless canceled, suspended, or revoked
3 by the department.

4 (b) Every application for the renewal of a traffic violator school
5 instructor license may be made by the licensee prior to the
6 expiration date of the license by presenting to the department a
7 completed application on a form provided by the department. In
8 no event shall a traffic violator school instructor renew the license
9 after the date of expiration.

10 (c) The department shall require all of the following for the
11 renewal of an instructor’s license:

12 (1) Compliance with Section 11206, except subdivision (c)
13 thereof.

14 (2) Satisfactory completion of an examination as provided in
15 Section 11206 at least once during each succeeding three-year
16 period after the initial issuance of the license. However, in lieu of
17 examination for renewal of the license, the department may accept
18 submission by the licensee of evidence of continuing professional
19 education.

20 (d) When, in its judgment, the public interest so requires, the
21 department may issue a probationary license subject to special
22 conditions to be observed by the licensee in the exercise of the
23 privilege granted. The conditions to be attached to the license shall
24 be such as may, in the judgment of the department, be in the public
25 interest and suitable to the qualifications of the applicant, as
26 disclosed by the application and investigation by the department
27 of the information contained therein.

28 (e) *The department shall approve or disapprove an application*
29 *for renewal within 30 days of receipt of an application, provided*
30 *the application includes all required information, as determined*
31 *by the department.*

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**All matter omitted in this version of the bill
appears in the bill as introduced in the
Senate, February 18, 2011. (JR11)**