

ASSEMBLY BILL

No. 840

Introduced by Assembly Member Ammiano

February 21, 2013

An act to amend Section 12804.9 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 840, as introduced, Ammiano. Vehicles: driver's licenses: driver's test: bicycles.

Under existing law, an applicant for a driver's license is required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles the applicant desires to drive. The examination includes, among other things, a test of the applicant's knowledge and understanding of the law governing the operation of vehicles upon the highways, and the applicant's ability to read and understand simple English used in highway traffic and directional signs.

This bill would require the examination to also include a test of the applicant's knowledge and understanding of the provisions of the California Driver Handbook relating to bicycling, including, but not limited to, bicycle markings, bicycle lanes, and bicycles in travel lanes.

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 12804.9 of the Vehicle Code is amended
2 to read:

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

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

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

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

11 (D) *A test of the applicant’s knowledge and understanding of*
12 *the provisions of the California Driver Handbook relating to*
13 *bicycling, including, but not limited to, bicycle markings, bicycle*
14 *lanes, and bicycles in travel lanes.*

15 ~~(D)~~

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

34 ~~(E)~~

35 (F) A test of the hearing and eyesight of the applicant, and of
36 other matters that may be necessary to determine the applicant’s
37 mental and physical fitness to operate a motor vehicle upon the
38 highways, and whether any grounds exist for refusal of a license
39 under this code.

1 (2) (A) Before a class A or class B driver’s license, or class C
2 driver’s license with a commercial endorsement, may be issued
3 or renewed, the applicant shall have in his or her driver record a
4 valid report of a medical examination of the applicant given not
5 more than two years prior to the date of the application by a health
6 care professional. As used in this paragraph, “health care
7 professional” means a person who is licensed, certified, or
8 registered in accordance with applicable state laws and regulations
9 to practice medicine and perform physical examinations in the
10 United States. Health care professionals are doctors of medicine,
11 doctors of osteopathy, physician assistants, and registered advanced
12 practice nurses, or doctors of chiropractic who are clinically
13 competent to perform the medical examination presently required
14 of motor carrier drivers by the United States Department of
15 Transportation. The report shall be on a form approved by the
16 department. In establishing the requirements, consideration may
17 be given to the standards presently required of motor carrier drivers
18 by the Federal Motor Carrier Safety Administration.

19 (B) The department may accept a federal waiver of one or more
20 physical qualification standards if the waiver is accompanied by
21 a report of a nonqualifying medical examination for a class A or
22 class B driver’s license, or class C driver’s license with a
23 commercial endorsement, pursuant to Section 391.41(a)(3)(ii) of
24 Subpart E of Part 391 of Title 49 of the Code of Federal
25 Regulations.

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

29 (b) In accordance with the following classifications, an applicant
30 for a driver’s license shall be required to submit to an examination
31 appropriate to the type of motor vehicle or combination of vehicles
32 the applicant desires a license to drive:

33 (1) Class A includes the following:

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

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

38 (C) A trailer bus.

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

40 (2) Class B includes the following:

- 1 (A) Except as provided in subparagraph (H) of paragraph (3),
2 a single vehicle with a gross vehicle weight rating of more than
3 26,000 pounds.
- 4 (B) A single vehicle with three or more axles, except any
5 three-axle vehicle weighing less than 6,000 pounds.
- 6 (C) A bus except a trailer bus.
- 7 (D) A farm labor vehicle.
- 8 (E) A single vehicle with three or more axles or a gross vehicle
9 weight rating of more than 26,000 pounds towing another vehicle
10 with a gross vehicle weight rating of 10,000 pounds or less.
- 11 (F) A house car over 40 feet in length, excluding safety devices
12 and safety bumpers.
- 13 (G) The operation of all vehicles covered under class C.
- 14 (3) Class C includes the following:
- 15 (A) A two-axle vehicle with a gross vehicle weight rating of
16 26,000 pounds or less, including when the vehicle is towing a
17 trailer or semitrailer with a gross vehicle weight rating of 10,000
18 pounds or less.
- 19 (B) Notwithstanding subparagraph (A), a two-axle vehicle
20 weighing 4,000 pounds or more unladen when towing a trailer
21 coach not exceeding 9,000 pounds gross.
- 22 (C) A house car of 40 feet in length or less.
- 23 (D) A three-axle vehicle weighing 6,000 pounds gross or less.
- 24 (E) A house car of 40 feet in length or less or a vehicle towing
25 another vehicle with a gross vehicle weight rating of 10,000 pounds
26 or less, including when a tow dolly is used. A person driving a
27 vehicle may not tow another vehicle in violation of Section 21715.
- 28 (F) (i) A two-axle vehicle weighing 4,000 pounds or more
29 unladen when towing either a trailer coach or a fifth-wheel travel
30 trailer not exceeding 10,000 pounds gross vehicle weight rating,
31 when the towing of the trailer is not for compensation.
- 32 (ii) A two-axle vehicle weighing 4,000 pounds or more unladen
33 when towing a fifth-wheel travel trailer exceeding 10,000 pounds,
34 but not exceeding 15,000 pounds, gross vehicle weight rating,
35 when the towing of the trailer is not for compensation, and if the
36 person has passed a specialized written examination provided by
37 the department relating to the knowledge of this code and other
38 safety aspects governing the towing of recreational vehicles upon
39 the highway.

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

4 (G) A vehicle or combination of vehicles with a gross
5 combination weight rating or a gross vehicle weight rating, as
6 those terms are defined in subdivisions (j) and (k), respectively,
7 of Section 15210, of 26,000 pounds or less, if all of the following
8 conditions are met:

9 (i) Is operated by a farmer, an employee of a farmer, or an
10 instructor credentialed in agriculture as part of an instructional
11 program in agriculture at the high school, community college, or
12 university level.

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

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

16 (H) Firefighting equipment, provided that the equipment is
17 operated by a person who holds a firefighter endorsement pursuant
18 to Section 12804.11.

19 (I) A motorized scooter.

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

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

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

27 (i) A motorized bicycle or moped, or a bicycle with an attached
28 motor, except a motorized bicycle described in subdivision (b) of
29 Section 406.

30 (ii) A motorized scooter.

31 (B) Authority to operate vehicles included in class M2 may be
32 granted by endorsement on a class A, B, or C license upon
33 completion of an appropriate examination, except that no
34 endorsement is required for a motorized scooter. Persons holding
35 a class M1 license or endorsement may operate vehicles included
36 in class M2 without further examination.

37 (c) A driver's license or driver certificate is not valid for
38 operating a commercial motor vehicle, as defined in subdivision
39 (b) of Section 15210, any other motor vehicle defined in paragraph
40 (1) or (2) of subdivision (b), or any other vehicle requiring a driver

1 to hold any driver certificate or any driver's license endorsement
2 under Section 15275, unless a medical certificate approved by the
3 department that has been issued within two years of the date of
4 the operation of that vehicle and a copy of the medical examination
5 report from which the certificate was issued is on file with the
6 department. Otherwise, the license is valid only for operating class
7 C vehicles that are not commercial vehicles, as defined in
8 subdivision (b) of Section 15210, and for operating class M1 or
9 M2 vehicles, if so endorsed, that are not commercial vehicles, as
10 defined in subdivision (b) of Section 15210.

11 (d) A license or driver certificate issued prior to the enactment
12 of Chapter 7 (commencing with Section 15200) is valid to operate
13 the class or type of vehicles specified under the law in existence
14 prior to that enactment until the license or certificate expires or is
15 otherwise suspended, revoked, or canceled. Upon application for
16 renewal or replacement of a driver's license, endorsement, or
17 certificate required to operate a commercial motor vehicle, a valid
18 medical certificate on a form approved by the department shall be
19 submitted to the department.

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

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

35 (g) The department may accept a certificate of satisfactory
36 completion of a novice motorcyclist training program approved
37 by the commissioner pursuant to Section 2932 in lieu of a driving
38 test on class M1 or M2 applications, if the applicant has met the
39 other examination requirements for the license for which he or she
40 is applying. The department shall review and approve the written

1 and driving test used by a program to determine whether the
2 program may issue a certificate of completion.

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

9 (i) A person under the age of 21 years shall not be issued a class
10 M1 or M2 license or endorsement unless he or she provides
11 evidence satisfactory to the department of completion of a
12 motorcycle safety training program that is operated pursuant to
13 Article 2 (commencing with Section 2930) of Chapter 5 of Division
14 2.

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