

AMENDED IN ASSEMBLY JUNE 18, 2014

AMENDED IN ASSEMBLY JUNE 5, 2013

AMENDED IN SENATE APRIL 30, 2013

AMENDED IN SENATE APRIL 15, 2013

AMENDED IN SENATE APRIL 9, 2013

**SENATE BILL**

**No. 501**

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**Introduced by Senator Corbett**

February 21, 2013

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An act to ~~add Part 2.8 (commencing with Section 60) to Division 1 of the Civil Code, relating to privacy~~ amend Section 12804.9 of the Vehicle Code, relating to drivers' licenses.

LEGISLATIVE COUNSEL'S DIGEST

SB 501, as amended, Corbett. ~~Social networking Internet Web sites: privacy: minors. Drivers' licenses: examinations: driving tests: proof of financial responsibility.~~

*Existing law requires an applicant for an original driver's license to take an examination that includes an actual demonstration of the applicant's ability to exercise control of a motor vehicle by driving it under the supervision of an examining officer. Existing law allows the examining officer to request evidence of financial responsibility for the vehicle prior to supervising the driving portion of the examination.*

*This bill would allow evidence of financial responsibility to be provided for the above purposes using a mobile electronic device.*

~~Existing law requires an operator of a commercial Internet Web site or online service that collects personally identifiable information through the Internet about individual consumers residing in California who use~~

or visit its site or online service to conspicuously post its privacy policy on its Internet Web site. Existing law also prescribes various prohibitions with regard to disclosures of personal information related to, among other things, driver's licenses, social security numbers, and direct marketing.

~~This bill would require a social networking Internet Web site, as defined, to remove the personal identifying information, as defined, of any registered user that is accessible online, within 96 hours after his or her request and would also require removal of that information in that same manner regarding a user under 18 years of age upon request by the user's parent or legal guardian. The bill would also authorize a social networking Internet Web site to require a request submitted for the removal of personal identifying information to include a specified statement. The bill would not require removal or elimination of the personal identifying information if federal or state law otherwise requires the social networking Internet Web site to maintain the information. The bill would impose a civil penalty, not to exceed \$10,000, for each willful and knowing violation of these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
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:

3     12804.9. (a) (1) The examination shall include all of the  
4     following:

5     (A) A test of the applicant's knowledge and understanding of  
6     the provisions of this code governing the operation of vehicles  
7     upon the highways.

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

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

13    (D) An actual demonstration of the applicant's ability to exercise  
14    ordinary and reasonable control in operating a motor vehicle by  
15    driving it under the supervision of an examining officer. The  
16    applicant shall submit to an examination appropriate to the type  
17    of motor vehicle or combination of vehicles he or she desires a

1 license to drive, except that the department may waive the driving  
2 test part of the examination for any applicant who submits a license  
3 issued by another state, territory, or possession of the United States,  
4 the District of Columbia, or the Commonwealth of Puerto Rico if  
5 the department verifies through any acknowledged national driver  
6 record data source that there are no stops, holds, or other  
7 impediments to its issuance. The examining officer may request  
8 to see evidence of financial responsibility for the vehicle prior to  
9 supervising the demonstration of the applicant’s ability to operate  
10 the vehicle. *The evidence of financial responsibility may be*  
11 *provided using a mobile electronic device, as defined in subdivision*  
12 *(f) of Section 16028.* The examining officer may refuse to examine  
13 an applicant who is unable to provide proof of financial  
14 responsibility for the vehicle, unless proof of financial  
15 responsibility is not required by this code.

16 (E) A test of the hearing and eyesight of the applicant, and of  
17 other matters that may be necessary to determine the applicant’s  
18 mental and physical fitness to operate a motor vehicle upon the  
19 highways, and whether any grounds exist for refusal of a license  
20 under this code.

21 (2) (A) Before a class A or class B driver’s license, or class C  
22 driver’s license with a commercial endorsement, may be issued  
23 or renewed, the applicant shall have in his or her driver record a  
24 valid report of a medical examination of the applicant given not  
25 more than two years prior to the date of the application by a health  
26 care professional. As used in this paragraph, “health care  
27 professional” means a person who is licensed, certified, or  
28 registered in accordance with applicable state laws and regulations  
29 to practice medicine and perform physical examinations in the  
30 United States. Health care professionals are doctors of medicine,  
31 doctors of osteopathy, physician assistants, and registered advanced  
32 practice nurses, or doctors of chiropractic who are clinically  
33 competent to perform the medical examination presently required  
34 of motor carrier drivers by the United States Department of  
35 Transportation. The report shall be on a form approved by the  
36 department. In establishing the requirements, consideration may  
37 be given to the standards presently required of motor carrier drivers  
38 by the Federal Motor Carrier Safety Administration.

39 (B) The department may accept a federal waiver of one or more  
40 physical qualification standards if the waiver is accompanied by

1 a report of a nonqualifying medical examination for a class A or  
2 class B driver's license, or class C driver's license with a  
3 commercial endorsement, pursuant to Section 391.41(a)(3)(ii) of  
4 Subpart E of Part 391 of Title 49 of the Code of Federal  
5 Regulations.

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

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

13 (1) Class A includes the following:

14 (A) Except as provided in subparagraph (H) of paragraph (3),  
15 a combination of vehicles, if a vehicle being towed has a gross  
16 vehicle weight rating or gross vehicle weight of more than 10,000  
17 pounds.

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

19 (C) A trailer bus.

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

21 (2) Class B includes the following:

22 (A) Except as provided in subparagraph (H) of paragraph (3),  
23 a single vehicle with a gross vehicle weight rating or gross vehicle  
24 weight of more than 26,000 pounds.

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

27 (C) A bus with a gross vehicle weight rating or gross vehicle  
28 weight of more than 26,000 pounds, except a trailer bus.

29 (D) A farm labor vehicle.

30 (E) A single vehicle with three or more axles or a gross vehicle  
31 weight rating or gross vehicle weight of more than 26,000 pounds  
32 towing another vehicle with a gross vehicle weight rating or gross  
33 vehicle weight of 10,000 pounds or less.

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

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

37 (3) Class C includes the following:

38 (A) A two-axle vehicle with a gross vehicle weight rating or  
39 gross vehicle weight of 26,000 pounds or less, including when the

1 vehicle is towing a trailer or semitrailer with a gross vehicle weight  
2 rating or gross vehicle weight of 10,000 pounds or less.

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

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

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

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

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

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

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

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

32 (i) Is operated by a farmer, an employee of a farmer, or an  
33 instructor credentialed in agriculture as part of an instructional  
34 program in agriculture at the high school, community college, or  
35 university level.

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

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

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

4 (I) A motorized scooter.

5 (J) A bus with a gross vehicle weight rating or gross vehicle  
6 weight of 26,000 pounds or less, except a trailer bus.

7 (K) 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 SECTION 1. ~~Part 2.8 (commencing with Section 60) is added~~  
11 ~~to Division 1 of the Civil Code, to read:~~

12

13 PART 2.8. ~~SOCIAL NETWORKING PRIVACY ACT~~

14

15 ~~60. (a) A social networking Internet Web site shall remove~~  
16 ~~the personal identifying information of a registered user that is~~  
17 ~~accessible online in a timely manner upon his or her request. In~~  
18 ~~the case of a registered user who identifies himself or herself as~~  
19 ~~being under 18 years of age, the social networking Internet Web~~  
20 ~~site shall also remove the information in a timely manner upon the~~  
21 ~~request of a parent or legal guardian of the registered user.~~

22 ~~(b) A request submitted by a registered user pursuant to~~  
23 ~~subdivision (a) shall include sufficient information to verify the~~  
24 ~~identity of the user and shall specify any known location of the~~  
25 ~~information that is the subject of the request.~~

26 ~~(c) A social networking Internet Web site may require a request~~  
27 ~~submitted by a registered user pursuant to subdivision (a) to include~~  
28 ~~the following statement:~~

29 -

30 ~~“I attest that the information in this request is accurate, that I am~~  
31 ~~the registered user or the parent or legal guardian of the registered~~  
32 ~~user to whom the personal identifying information in this request~~  
33 ~~pertains, and that I am authorized to make this request under the~~  
34 ~~laws of the State of California.”~~

35 -

36 ~~(d) A social networking Internet Web site is not required to~~  
37 ~~remove or otherwise eliminate personal identifying information if~~  
38 ~~any other provision of federal or state law requires the Internet~~  
39 ~~Web site to maintain the information.~~

1 ~~(e) This section shall not be construed to limit the authority of~~  
2 ~~a law enforcement agency to obtain any content or information~~  
3 ~~from a social networking Internet Web site as authorized by law~~  
4 ~~or pursuant to an order of a court of competent jurisdiction.~~

5 62. For purposes of this part:

6 (a) ~~“In a timely manner” means within 96 hours of delivery of~~  
7 ~~the request.~~

8 (b) ~~“Personal identifying information” means a person’s street~~  
9 ~~address, telephone number, driver’s license number, state~~  
10 ~~identification card number, social security number, employee~~  
11 ~~identification number, mother’s maiden name, demand deposit~~  
12 ~~account number, savings account number, or credit card number.~~

13 (c) ~~“Registered user” means any person who has created an~~  
14 ~~account for purposes of accessing a social networking Internet~~  
15 ~~Web site.~~

16 (d) ~~“Social networking Internet Web site” means an Internet~~  
17 ~~Web-based service that allows an individual to construct a public~~  
18 ~~or partly public profile within a bounded system, articulate a list~~  
19 ~~of other users with whom the individual shares a connection, and~~  
20 ~~view and traverse his or her list of connections and those made by~~  
21 ~~others in the system.~~

22 65. (a) ~~A social networking Internet Web site that willfully~~  
23 ~~and knowingly violates any provision of this part shall be liable~~  
24 ~~for a civil penalty, not to exceed ten thousand dollars (\$10,000)~~  
25 ~~for each violation of this part.~~

26 (b) ~~Nothing in this part shall be construed to allow the~~  
27 ~~imposition of a civil penalty for an unintentional violation of a~~  
28 ~~provision of this part.~~