

AMENDED IN SENATE AUGUST 18, 2000
AMENDED IN ASSEMBLY JANUARY 26, 2000
AMENDED IN ASSEMBLY JANUARY 3, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1307

**Introduced by Assembly Member Granlund
(Coauthors: Assembly Members Ducheny, Honda, Papan,
and Torlakson)**

February 26, 1999

An act to amend Sections 13370 and 13376 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1307, as amended, Granlund. Schoolbus certificates.

Under a provision in existing law, the Department of Motor Vehicles is required to deny or revoke a schoolbus, school pupil activity bus, youth bus, general public paratransit driver certificate, or a certificate to drive a vehicle used for the transportation of developmentally disabled persons, for any one of specified causes and the department is authorized to deny, suspend, or revoke the described certificate for other specified causes. A second provision in existing law requires the department to revoke the certificates and to deny an application for those certificates for any one of certain different listed causes and to temporarily suspend or withhold

a certificate if the holder or applicant is arrested or charged with specified sex offenses subject to a hearing procedure.

This bill would recast the first referenced provision by limiting its application to the denial of a certificate for an *original* application to drive the specified vehicles. The bill, under the first described provision, would expand the causes to deny a certificate for an applicant by including instances when an applicant has been convicted of any violent or serious felonies as those felonies are specified in certain provisions of the Penal Code, except as specified, and would not allow reapplication where a person has been convicted of certain sex offenses. The bill would also include in the first described provision additional causes for denying a certificate, including conviction of hit-and-run driving, reckless driving, or driving under the influence of alcohol or drugs.

This bill would ~~clarify that~~ *apply* the provision governing revocations of certificates *to the denial of a certificate for a renewal applicant and would clarify that that provision* also applies to a certificate holder of a vehicle used for the transportation of developmentally disabled persons. The bill would allow the department to suspend or revoke a certificate on essentially the same basis that the department may deny issuance of a certificate to an applicant.

The bill would make other clarifying and related changes concerning the issuance, renewal, and revocation of certificates.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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 13370 of the Vehicle Code is
 2 amended to read:
 3 13370. (a) The department shall deny a certificate
 4 for an *original* applicant to drive a schoolbus, school pupil
 5 activity bus, general public paratransit vehicle, youth bus,
 6 or a vehicle used for the transportation of



1 developmentally disabled persons if any of the following
2 apply to the applicant:

3 (1) Has been convicted of any sex offense as defined in
4 Section 44010 of the Education Code.

5 (2) Has been convicted, within the two years
6 preceding the application date, of any offense specified
7 in Section 11361.5 of the Health and Safety Code.

8 (3) Has failed to meet prescribed testing or training
9 requirements for certificate issuance.

10 (4) Has, within the three years preceding the
11 application date, either been convicted of a violation of
12 Section 20001, 23103, 23104, 23152, or 23153 or had his or
13 her driving privilege suspended, revoked, or placed on
14 probation by the department for a cause involving the
15 safe operation of a motor vehicle.

16 (5) Has been convicted of any violent felony listed in
17 subdivision (c) of Section 667.5 of the Penal Code or any
18 serious felony listed in subdivision (c) of Section 1192.7 of
19 ~~the Penal Code. This paragraph does not apply to an~~
20 ~~applicant who, on December 31, 2000, holds a certificate~~
21 ~~to drive a vehicle described in this subdivision. the Penal~~
22 ~~Code.~~

23 (b) (1) The department shall deny a certificate for an
24 applicant to drive a vehicle listed in subdivision (a),
25 following an opportunity to challenge the validity of the
26 testing described in this paragraph, if the certificate
27 applicant has received a positive test result for a
28 controlled substance, as specified in Part 382
29 (commencing with Section 382.101) of Title 49 of the
30 Code of Federal Regulations and Section 34529.

31 (2) If the applicant receives a positive test result and
32 has been provided an opportunity to challenge the
33 validity of the test, the department shall deny the
34 application for a certificate listed in subdivision (a) for
35 three years from the date of the confirmed positive test
36 result.

37 (3) The motor carrier that requested the test shall
38 report the positive test result to the department not later
39 than five days after receiving notification of the test result
40 on a form approved by the department.



1 (4) The department shall maintain a positive test
2 result reported under paragraph (3) in the driving record
3 of the applicant for three years from the date the
4 department receives the report.

5 (c) The department may deny a certificate for an
6 applicant to drive a vehicle listed in subdivision (a), if any
7 of the following apply to the applicant:

8 (1) Has been convicted of any crime specified in
9 Section 44424 of the Education Code within the seven
10 years preceding the application date. This paragraph
11 does not apply if denial is mandatory.

12 (2) Has committed any act involving moral turpitude
13 within seven years preceding the application date. This
14 paragraph does not apply if denial of the issuance of the
15 certificate is mandatory.

16 (3) Has been convicted of any offense, not specified in
17 this section other than a sex offense, that is punishable as
18 a felony, within the seven years preceding the application
19 date.

20 (4) Has been dismissed as a driver for a cause relating
21 to pupil transportation safety.

22 (5) Has been convicted, within the seven years
23 preceding the application date, of any offense relating to
24 the use, sale, possession, or transportation of narcotics,
25 habit-forming drugs, or dangerous drugs, except as
26 provided in paragraph (2) of subdivision (a).

27 (d) (1) The department may temporarily withhold
28 issuance of a certificate for an applicant to drive a vehicle
29 listed in subdivision (a), if the applicant is arrested for or
30 charged with any sex offense, as defined in Section 44010
31 of the Education Code.

32 (2) Upon receipt of a notice of the department's intent
33 to withhold issuance of a certificate, the original applicant
34 may request a hearing within 10 days of the effective date
35 of the department's action.

36 (3) The department, upon request of the original
37 applicant for a certificate, within 10 working days of the
38 receipt of the request, shall conduct a hearing on whether
39 the public interest requires withholding of the certificate
40 pursuant to paragraph (1).



1 (4) If the charge is dismissed or results in a finding of
2 not guilty, the department shall immediately resume the
3 original application process, and shall expunge any action
4 taken pursuant to this subdivision from the record of the
5 original applicant.

6 (e) (1) Except as provided in subdivision (b),
7 reapplication following denial under paragraph (2), ~~(3)~~,
8 or (4) of subdivision (a) or subdivision (c) may be made
9 after a period of not less than one year from the effective
10 date of the denial.

11 (2) An applicant may reapply for a certificate
12 whenever a felony or misdemeanor conviction is
13 reversed or dismissed. A termination of probation and
14 dismissal of charges pursuant to Section 1203.4 of the
15 Penal Code or a dismissal of charges pursuant to Section
16 1203.4a of the Penal Code is not a dismissal for purposes
17 of this section.

18 SEC. 2. Section 13376 of the Vehicle Code is amended
19 to read:

20 13376. (a) The department shall *deny a certificate*
21 *for a renewal applicant or* revoke a schoolbus, school
22 pupil activity bus, youth bus, general public paratransit
23 driver certificate, or a certificate for a vehicle used for the
24 transportation of developmentally disabled persons, for
25 any of the following causes:

26 (1) The certificate holder is convicted of any sex
27 offense as defined in Section 44010 of the Education Code.

28 (2) The certificate holder is convicted of a violation of
29 Section 20001, 23103, 23104, 23152, or 23153, or has his or
30 her driving privilege suspended, revoked, or placed on
31 probation by the department for a cause involving the
32 safe operation of a motor vehicle.

33 (3) The certificate holder is convicted of any offense
34 specified in Section 11361.5 of the Health and Safety
35 Code.

36 (4) The certificate holder is convicted of any violent
37 felony specified in subdivision (c) of Section 667.5 of the
38 Penal Code or any serious felony specified in subdivision
39 (c) of Section 1192.7 of the Penal Code.



1 (b) (1) The department shall revoke a certificate
2 listed in subdivision (a), following an opportunity to
3 challenge the validity of the testing described in this
4 paragraph, for three years if the certificate holder has
5 received a positive test result for a controlled substance,
6 as specified in Part 382 (commencing with Section
7 382.101) of Title 49 of the Code of Federal Regulations
8 and Section 34520. However, the department shall not
9 revoke a certificate under this paragraph if the certificate
10 holder is in compliance with any rehabilitation or return
11 to duty program that is imposed by the employer that
12 meets the controlled substances and alcohol use and
13 testing requirements set forth in Part 382 (commencing
14 with Section 382.101) of Title 49 of the Code of Federal
15 Regulations.

16 (2) If a certificate holder receives a positive test result
17 and has been provided an opportunity to challenge the
18 validity of the test, the department shall revoke a
19 certificate listed in subdivision (a) for three years from
20 the date of the confirmed positive test result.

21 (3) The carrier that requested the test shall report the
22 positive test result to the department not later than five
23 days after receiving notification of the test result on a
24 form approved by the department.

25 (4) The department shall maintain a positive test
26 result reported under paragraph (3) in the driving record
27 of the certificate holder for three years from the date the
28 department receives the report.

29 (c) The department may suspend or revoke a
30 certificate listed in subdivision (a) if any of the following
31 causes for suspension or revocation apply to the
32 certificate holder:

33 (1) Convicted of any crime specified in Section 44424
34 of the Education Code. This paragraph does not apply if
35 revocation is mandatory.

36 (2) Commits any act involving moral turpitude. This
37 paragraph does not apply if revocation is mandatory.

38 (3) Convicted of any offense, not specific in this
39 section and other than a sex offense, that is punishable as
40 a felony.



1 (4) Dismissed as a driver for a cause relating to pupil
2 transportation safety.

3 (5) Convicted of any offense relating to other use, sale,
4 possession, or transportation of narcotics, habit-forming
5 drugs, or dangerous drugs, except as provided in
6 paragraph (3) of subdivision (a).

7 (d) Reapplication following revocation under
8 subdivision (a) or (c) may be made after a period of not
9 less than one year from the effective date of the
10 revocation.

11 (e) (1) The department may temporarily suspend a
12 certificate listed in subdivision (a) if the holder is arrested
13 for or charged with any sex offense, as defined in Section
14 44010 of the Education Code.

15 (2) Upon receipt of a notice of temporary suspension
16 of a certificate, the certificate holder may request a
17 hearing within 10 days of the effective date of the
18 department's action.

19 (3) The department shall, upon request of the holder
20 of a certificate, within 10 working days of the receipt of
21 the request, conduct a hearing on whether the public
22 interest requires suspension of the certificate pursuant to
23 paragraph (1).

24 (4) If the charge is dismissed or results in a finding of
25 not guilty, the department shall immediately terminate
26 the suspension, and shall expunge the suspension action
27 taken pursuant to this subdivision from the record of the
28 certificate holder.

29 (f) A holder of a certificate may reapply for a
30 certificate whenever a felony or misdemeanor conviction
31 is reversed or dismissed. A termination of probation and
32 dismissal of charges pursuant to Section 1203.4 of the
33 Penal Code or a dismissal of charges pursuant to Section
34 1203.4a of the Penal Code is not a dismissal for purposes
35 of this section.

36 (g) The determination of the facts pursuant to this
37 section is a civil matter that is independent of the
38 determination of the person's guilt or innocence, has no
39 collateral estoppel effect on a subsequent criminal



1 prosecution, and does not preclude the litigation of the
2 same or similar facts in a criminal proceeding.

3 SEC. 3. This act is an urgency statute necessary for the
4 immediate preservation of the public peace, health, or
5 safety within the meaning of Article IV of the
6 Constitution and shall go into immediate effect. The facts
7 constituting the necessity are:

8 In order to prevent persons convicted of offenses
9 relative to driving or violent behavior from driving buses,
10 it is necessary that this act take effect immediately.

