

AMENDED IN SENATE JULY 8, 1999  
AMENDED IN ASSEMBLY MAY 26, 1999  
AMENDED IN ASSEMBLY APRIL 27, 1999  
AMENDED IN ASSEMBLY APRIL 13, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1485**

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**Introduced by Assembly Member Granlund**

February 26, 1999

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An act to amend Sections 13370 and 13376 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1485, 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 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 the provision governing revocations of certificates 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.

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 13370 of the Vehicle Code is  
 2 amended to read:  
 3 13370. (a) The department shall deny a certificate  
 4 for an applicant to drive a schoolbus, school pupil activity  
 5 bus, general public paratransit vehicle, youth bus, or a  
 6 vehicle used for the transportation of developmentally  
 7 disabled persons if any of the following apply to the  
 8 applicant:  
 9 (1) Has been convicted of any sex offense as defined in  
 10 Section 44010 of the Education Code.



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

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

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

12 (5) Has been convicted of any violent felony listed in  
13 subdivision (c) of Section 667.5 of the Penal Code or any  
14 serious felony listed in subdivision (c) of Section 1192.7 of  
15 ~~the Penal Code, other than burglary as described in~~  
16 ~~paragraph (18) of subdivision (e) of Section 1192.7 of the~~  
17 ~~Penal Code. This paragraph does not apply to an~~  
18 ~~applicant who, on December 31, 1999, holds a certificate~~  
19 ~~to drive a vehicle described in this subdivision. the Penal~~  
20 ~~Code.~~

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

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

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

39 (4) The department shall maintain a positive test  
40 result reported under paragraph (3) in the driving record



1 of the applicant for three years from the date the  
2 department receives the report.

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

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

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

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

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

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

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

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

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

39 (4) If the charge is dismissed or results in a finding of  
40 not guilty, the department shall immediately resume the



1 original application process, and shall expunge any action  
2 taken pursuant to this subdivision from the record of the  
3 original applicant.

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

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

16 SEC. 2. Section 13376 of the Vehicle Code is amended  
17 to read:

18 13376. (a) The department shall revoke a schoolbus,  
19 school pupil activity bus, youth bus, general public  
20 paratransit driver certificate, or a certificate for a vehicle  
21 used for the transportation of developmentally disabled  
22 persons, for any of the following causes:

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

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

30 (3) The certificate holder is convicted of any offense  
31 specified in Section 11361.5 of the Health and Safety  
32 Code.

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

37 (b) (1) The department shall revoke a certificate  
38 listed in subdivision (a), following an opportunity to  
39 challenge the validity of the testing described in this  
40 paragraph, for three years if the certificate holder has



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

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

17 (3) The carrier that requested the test shall report the  
18 positive test result to the department not later than five  
19 days after receiving notification of the test result on a  
20 form approved by the department.

21 (4) The department shall maintain a positive test  
22 result reported under paragraph (3) in the driving record  
23 of the certificate holder for three years from the date the  
24 department receives the report.

25 (c) The department may suspend or revoke a  
26 certificate listed in subdivision (a) if any of the following  
27 causes for suspension or revocation apply to the  
28 certificate holder :

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

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

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

37 (4) Dismissed as a driver for a cause relating to pupil  
38 transportation safety.

39 (5) Convicted of any offense relating to other use, sale,  
40 possession, or transportation of narcotics, habit-forming



1 drugs, or dangerous drugs, except as provided in  
2 paragraph (3) of subdivision (a).

3 (d) Reapplication following revocation under  
4 subdivision (a) or (c) may be made after a period of not  
5 less than one year from the effective date of the  
6 revocation.

7 (e) (1) The department may temporarily suspend a  
8 certificate listed in subdivision (a) if the holder is arrested  
9 for or charged with any sex offense, as defined in Section  
10 44010 of the Education Code.

11 (2) Upon receipt of a notice of temporary suspension  
12 of a certificate, the certificate holder may request a  
13 hearing within 10 days of the effective date of the  
14 department's action.

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

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

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

32 (g) The determination of the facts pursuant to this  
33 section is a civil matter that is independent of the  
34 determination of the person's guilt or innocence, has no  
35 collateral estoppel effect on a subsequent criminal  
36 prosecution, and does not preclude the litigation of the  
37 same or similar facts in a criminal proceeding.

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