

AMENDED IN ASSEMBLY JUNE 18, 2002

AMENDED IN SENATE MAY 7, 2002

AMENDED IN SENATE APRIL 23, 2002

AMENDED IN SENATE APRIL 1, 2002

SENATE BILL

No. 1725

Introduced by Senator Morrow

February 21, 2002

An act to amend Section 13370 of the Vehicle Code, relating to driver certificates.

LEGISLATIVE COUNSEL'S DIGEST

SB 1725, as amended, Morrow. Vehicles: driver certificates: felony convictions.

Existing law requires the Department of Motor Vehicles to revoke, or deny an application for, a schoolbus or public paratransit driver certificate under specified circumstances, including commission of certain sex, alcohol, and drug offenses.

This bill would add conviction of a violent or serious felony, as specified, to those circumstances. The bill would allow an applicant who has been convicted of a *violent or serious felony* ~~that is not also a violent felony~~ to obtain a driver certificate if the applicant submits to the department evidence *demonstrating rehabilitation*, as specified; ~~that a court has found the applicant to be rehabilitated.~~

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 amended
2 to read:

3 13370. (a) The department shall deny or revoke a schoolbus,
4 school pupil activity bus, general public paratransit vehicle, youth
5 bus driver certificate, or a certificate for a vehicle used for the
6 transportation of developmentally disabled persons if any of the
7 following causes apply to the applicant or certificate holder:

8 (1) Has been convicted of any sex offense as defined in Section
9 44010 of the Education Code.

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

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

15 (4) Has been convicted of any violent felony listed in
16 subdivision (c) of Section 667.5 of the Penal Code or any serious
17 felony listed in subdivision (c) of Section 1192.7 of the Penal
18 Code. This paragraph does not apply to an applicant ~~who has been~~
19 ~~convicted of a serious felony that is not also a violent felony if he~~
20 ~~or she submits to the department either of the following:~~

21 ~~(A) A certificate of rehabilitation issued pursuant to Section~~
22 ~~4852.13 of the Penal Code.~~

23 ~~(B) A finding of rehabilitation from the sentencing court of the~~
24 ~~offense in question indicating that the applicant has proven, by~~
25 ~~clear and convincing evidence, that he or she has been rehabilitated~~
26 ~~for the purposes of schoolsite or other specified employment for~~
27 ~~at least one year. If the offense in question occurred outside this~~
28 ~~state, the person may seek a finding of rehabilitation from a court~~
29 ~~in the county in which he or she is resident. or certificateholder~~
30 ~~under either of the following circumstances:~~

31 ~~(A) The person has been convicted of a violent or serious felony~~
32 ~~and has obtained a certificate of rehabilitation and pardon~~
33 ~~pursuant to Chapter 3.5 (commencing with Section 4852.01) of~~
34 ~~Title 6 of Part 3 of the Penal Code.~~

35 ~~(B) The person has been convicted of a serious felony that is not~~
36 ~~also a violent felony and the person can prove to the sentencing~~
37 ~~court, by clear and convincing evidence, that he or she has been~~
38 ~~rehabilitated, for at least one year, for the purposes of school~~



1 *employment. If the offense occurred outside of this state, then the*
2 *person may seek a finding of rehabilitation from the court that*
3 *would have jurisdiction over the person based on the person's*
4 *residence.*

5 *(C) The department shall require the applicant or*
6 *certificateholder to present evidence, satisfactory to the*
7 *department, that the criteria in either subparagraphs (A) or (B)*
8 *have been met.*

9 (b) The department may deny, suspend, or revoke a schoolbus,
10 school pupil activity bus, general public paratransit vehicle, or
11 youth bus driver certificate, or a certificate for a vehicle used for
12 the transportation of developmentally disabled persons if any of
13 the following causes apply to the applicant or certificate holder:

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

18 (2) Has committed any act involving moral turpitude.

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

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

24 (5) Has been convicted, within the seven years preceding the
25 application date, of any offense relating to the use, sale,
26 possession, or transportation of narcotics, habit-forming drugs, or
27 dangerous drugs, except as provided in paragraph (3) of
28 subdivision (a).

29 (c) (1) Reapplication following denial or revocation under
30 subdivision (a) or (b) may be made after a period of not less than
31 one year from the effective date of denial or revocation.

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

