

ASSEMBLY BILL

No. 1024

Introduced by Assembly Member Beth Gaines

February 26, 2015

An act to amend Sections 11102.5 and 11104 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1024, as introduced, Beth Gaines. Driving schools.

Existing law requires a person who is licensed as a driving school operator by the Department of Motor Vehicles to meet specified requirements, and provides for disciplinary action against those licensees who commit certain acts. Existing law specifies certain requirements that a driving school operator must satisfy, including, among others, passing an examination, within 3 attempts, on traffic laws, safe driving practices, the operation of motor vehicles, and other topics. Existing law requires the operator to have worked as a driving instructor for a specified number of hours, as provided.

This bill would additionally require driving school operators who operate Internet and home study driving schools to successfully complete an 8-hour educational program acceptable to the department with specified content, including operator responsibilities and current laws, and would exempt these driving school operators from the requirement of having worked as a driving instructor for a specified number of hours.

Existing law requires certain qualifications to be satisfied in order to be a driving instructor, including, among others, that the person be physically able to safely operate a motor vehicle and to train others in the operation of motor vehicles, and that the person hold a valid

California driver's license in a class appropriate for the type of vehicle in which instruction will be given.

This bill would require only classroom-based driving school driving instructors to satisfy the 2 above-described qualifications. The bill would require Internet and home-study driving school instructors to hold a class C driver's license.

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 11102.5 of the Vehicle Code is amended
2 to read:

3 11102.5. (a) A driving school operator shall meet all of the
4 following requirements:

5 (1) Within three attempts, pass an examination that the
6 department requires on traffic laws, safe driving practices,
7 operation of motor vehicles, teaching methods and techniques,
8 driving school statutes and regulations, and office procedures and
9 recordkeeping.

10 (2) Pay the department a fee of one hundred dollars (\$100),
11 which shall entitle the applicant to three examinations.

12 (3) Be 21 years of age or older.

13 (4) *For Internet and home study driving schools, have*
14 *successfully completed an educational program of not less than*
15 *eight hours that is acceptable to the department. The program*
16 *shall include, but not be limited to, driving school operator*
17 *responsibilities, current vehicle laws, and regulations in Article*
18 *4 of Title 13 of the California Code of Regulations. The instruction*
19 *may be provided by generally accredited educational institutions,*
20 *private vocational schools, and education programs and seminars*
21 *offered by professional societies, organizations, trade associations,*
22 *and other educational and technical programs that meet the*
23 *requirements of this section.*

24 ~~(4) Have~~

25 (5) *For classroom-based driving schools, have* worked for an
26 established licensed California driving school as a driving instructor
27 for a period of not less than 2,000 hours of actual behind-the-wheel
28 teaching and, on and after July 1, 1973, have satisfactorily
29 completed a course in the teaching of driver education and driver

1 training acceptable to the department, except that the operator,
2 including an owner who is also the operator, of a driving school
3 that exclusively teaches motorcycle driving may, in lieu of the
4 behind-the-wheel teaching requirement, have worked for an
5 established licensed California driving school as a motorcycle
6 driving instructor for not less than 300 hours of actual motorcycle
7 range and street teaching, have taught 300 hours of actual
8 motorcycle range and street instruction under the guidance of the
9 Motorcycle Safety Foundation, or have given comparable training
10 instruction that is acceptable to the department. This paragraph
11 does not apply to any person who is certified by the State
12 Department of Education as fully qualified to teach driver
13 education and driver training and has taught those subjects in the
14 public school system for not less than 1,000 hours.

15 (b) The qualifying requirements referred to in this section shall
16 be met within one year from the date of application for a license,
17 or a new application, examination, and a fee shall be required.

18 SEC. 2. Section 11104 of the Vehicle Code is amended to read:

19 11104. (a) Every person, in order to qualify as a driving
20 instructor, as defined in Section 310.4, shall meet all of the
21 following requirements:

22 (1) On and after July 1, 1973, have a high school education or
23 its equivalent and have satisfactorily completed a course in the
24 teaching of driver education and driver training acceptable to the
25 department.

26 (2) Within three attempts, pass an examination that the
27 department requires on traffic laws, safe driving practices,
28 operation of motor vehicles, and teaching methods and techniques.

29 (3) ~~Be—~~*For classroom-based driving school instructors, be*
30 *physically able to safely operate a motor vehicle and to train others*
31 *in the operation of motor vehicles.*

32 (4) ~~Hold—~~*For classroom-based driving school instructors, hold*
33 *a valid California driver's license in a class appropriate for the*
34 *type of vehicle in which instruction will be given.*

35 (5) *For Internet and home study driving school instructors, hold*
36 *a class C driver's license.*

37 ~~(5)~~

38 (6) Not be on probation to the department as a negligent
39 operator.

40 ~~(6)~~

1 (7) Have a driving record ~~that does not have an~~ without any
2 outstanding notice for violating a written promise to appear in
3 court or for willfully failing to pay a lawfully imposed fine, as
4 provided in Section 40509.

5 ~~(7)~~

6 (8) Be 21 years of age or older.

7 (b) ~~If~~ *For classroom-based driving school instructors, if* an
8 applicant cannot meet the requirements of paragraphs (3) and (4)
9 of subdivision (a) because of a physical disability, the department
10 may, at its discretion, issue the applicant a driving school
11 instructor's license restricted to classroom driver education
12 instruction only.

13 (c) The qualifying requirements referred to in this section shall
14 be met within one year from the date of application for a license,
15 or a new application, examination, and a fee shall be required.