



California Vehicle Code §1808.1

Employer Notification

1808.1. (a) The prospective employer of a driver who drives a vehicle specified in subdivision (k) shall obtain a report showing the driver's current public record as recorded by the department. For purposes of this subdivision, a report is current if it was issued less than 30 days prior to the date the employer employs the driver. The report shall be reviewed, signed, and dated by the employer and maintained at the employer's place of business until receipt of the pull-notice system report pursuant to subdivisions (b) and (c). These reports shall be presented upon request to an authorized representative of the Department of the California Highway Patrol during regular business hours.

(b) The employer of a driver who drives a vehicle specified in subdivision (k) shall participate in a pull-notice system, which is a process for the purpose of providing the employer with a report showing the driver's current public record as recorded by the department, and any subsequent convictions, failures to appear, accidents, driver's license suspensions, driver's license revocations, or any other actions taken against the driving privilege or certificate, added to the driver's record while the employer's notification request remains valid and uncanceled. As used in this section, participation in the pull-notice system means obtaining a requester code and enrolling all employed drivers who drive a vehicle specified in subdivision (k) under that requester code.

(c) The employer of a driver of a vehicle specified in subdivision (k) shall, additionally, obtain a periodic report from the department at least every 12 months. The employer shall verify that each employee's driver's license has not been suspended or revoked, the employee's traffic violation point count, and whether the employee has been convicted of a violation of Section 23152 or 23153. The report shall be signed and dated by the employer and maintained at the employer's principal place of business. The report shall be presented upon demand to an authorized representative of the Department of the California Highway Patrol during regular business hours.

(d) Upon the termination of a driver's employment, the employer shall notify the department to discontinue the driver's enrollment in the pull-notice system.

(e) For the purposes of the pull-notice system and periodic report process required by subdivisions (b) and (c), an owner, other than an owner-operator as defined in Section 34624, and an employer who

drives a vehicle described in subdivision (k) shall be enrolled as if he or she were an employee. A family member and a volunteer driver who drives a vehicle described in subdivision (k) shall also be enrolled as if he or she were an employee.

(f) An employer who, after receiving a driving record pursuant to this section, employs or continues to employ as a driver a person against whom a disqualifying action has been taken regarding his or her driving privilege or required driver's certificate, is guilty of a public offense, and upon conviction thereof, shall be punished by confinement in a county jail for not more than six months, by a fine of not more than one thousand dollars (\$1,000), or by both that confinement and fine.

(g) As part of its inspection of bus maintenance facilities and terminals required at least once every 13 months pursuant to subdivision (c) of Section 34501, the Department of the California Highway Patrol shall determine whether each transit operator, as defined in Section 99210 of the Public Utilities Code, is then in compliance with this section and Section 12804.6 and shall certify each operator found to be in compliance. Funds shall not be allocated pursuant to Chapter 4 (commencing with Section 99200) of Part 11 of Division 10 of the Public Utilities Code to a transit operator that the Department of the California Highway Patrol has not certified pursuant to this section.

(h) A request to participate in the pull-notice system established by this section shall be accompanied by a fee determined by the department to be sufficient to defray the entire actual cost to the department for the notification service. For the receipt of subsequent reports, the employer shall also be charged a fee established by the department pursuant to Section 1811. An employer who qualifies pursuant to Section 1812 shall be exempt from any fee required pursuant to this section. Failure to pay the fee shall result in automatic cancellation of the employer's participation in the notification services.

(i) The department, as soon as feasible, may establish an automatic procedure to provide the periodic reports to an employer by mail or via an electronic delivery method, as required by subdivision (c), on a regular basis without the need for individual requests.

(j) (1) The employer of a driver who is employed as a casual driver is not required to enter that driver's name in the pull-notice system, as otherwise required by subdivision (a). However, the employer of a casual driver shall be in possession of a report of the driver's current public record as recorded by the

department, prior to allowing a casual driver to drive a vehicle specified in subdivision (k). A report is current if it was issued less than six months prior to the date the employer employs the driver.

(2) For the purposes of this subdivision, a driver is employed as a casual driver when the employer has employed the driver less than 30 days during the preceding six months. "Casual driver" does not include a driver who operates a vehicle that requires a passenger transportation endorsement.

(k) This section applies to a vehicle for the operation of which the driver is required to have a class A or class B driver's license, a class C license with a hazardous materials endorsement, a class C license issued pursuant to Section 12814.7, or a certificate issued pursuant to Section 2512, 12517, 12519, 12520, 12523, or 12523.5, or a passenger vehicle having a seating capacity of not more than 10 persons, including the driver, operated for compensation by a charter-party carrier of passengers or passenger stage corporation pursuant to a certificate of public convenience and necessity or a permit issued by the Public Utilities Commission.

(l) This section shall not be construed to change the definition of "employer," "employee," or "independent contractor" for any purpose.

(m) A motor carrier who contracts with a person to drive a vehicle described in subdivision (k) that is owned by, or leased to, that motor carrier, shall be subject to subdivisions (a), (b), (c), (d), (f), (j), (k), and (l) and the employer obligations in those subdivisions.

Amended Sec. 9, Ch. 652, Stats. 1997. Effective January 1, 1998.

Amended Sec. 5, Ch. 1035, Stats. 2000. Effective January 1, 2001.

Amended Sec. 1, Ch. 418, Stats. 2002. Effective January 1, 2003

## SAM - Chapter 07000751 O P E R A T O R REQUIREMENTS

(Revised 9/07)

Agencies shall participate in the Department of Motor Vehicles (DMV) "Pull Notice Program" if they have employees who operate vehicles on official business as a condition of employment for Class A, B, or Class C drivers' licenses with special certificates. See Vehicle Code Section 1808.1. Agencies may participate in the DMV "Pull Notice Program" on a voluntary basis for other employees who frequently operate vehicles on state business. To enroll in the "Pull Notice Program" contact: Department of Motor Vehicles, Office of Information Services, Government Processing Section, P.O. Box 944231, MSH221, Sacramento, CA 94244-2310, Telephone: (916) 657-6346.

Employees who operate vehicles on official State business must have a valid driver's license, insurance, and a good driving record. To determine if a driver has a valid license and a good driving record, agencies should request drivers' records annually.

Employees who operate vehicles on official State business shall use, and ensure all passengers use, all available safety equipment in the vehicle being operated.

Frequent drivers should attend and successfully complete an approved defensive driver training course at least once every four years.

## California Vehicle Code 12810.5a

### Vehicle Code Violations used in Negligent Operator Counts

#### Violation Point Assessment

Violation points are assigned to Vehicle Code sections and any other code section, or city or county ordinance, involving the safe operation of a motor vehicle. Any violation occurring as a pedestrian or a bicyclist has no point assigned. The department may suspend and place on probation, or revoke, the driving privilege of a negligent operator.

Per Vehicle Code section 12810.5a, a Class C negligent operator has

- 4 or more points in 12 months,
- 6 in 24 months, or
- 8 in 36 months.

Although a Class A or B driver without a special certificate may be allowed 2 additional points, a violation received in a commercial vehicle carries 1 1/2 times the point count normally assessed (12810.5b VC). A minor, under 18 years of age, may receive a 30-day restriction for 2 points in 12 months, or be suspended for 3 points in 12 months (12814.6 VC).

#### One Point Count California Vehicle Code Violations

Section	Violation
2800	Disobedience to traffic officer
2800.1	Evading peace officer
2801	Disobedience to fire official
2803, 2803a, 2803b, 2803c	Unsafe vehicle load
2815	Disregarding non-student crossing guard
2816	Youth bus/children crossing highway
2817	Disregarding funeral escort officer
2818	Crossing safety flares/cones
14603	Violation of license restrictions
21100.3	Disregarding traffic officer's directions
21209, 21209a	Driving in bicycle lane
21367, 21367a, 21367b, 21367c	Disobedience to traffic signs/controller

21451, 21451a, 21451b	Illegal movement/green light/arrow
21452, 21452a	Illegal movement/yellow light/arrow
21453, 21453a, 21453b, 21453c	Illegal movement/red/light/arrow
21454, 21454a - d, 21455	Traffic signals
21457, 21457a, 21457b	Disobedience to flashing signals
21460a, 21460b	Double lines/one broken line
21460.5c	Use of two-way left turn lane
21461, 21461a, 21462	Disobedience to traffic control device
21650, 21650a - f	Keep right
21651, 21651a	Crossing divided highway
21652	Entering highway from service road
21654, 21654a, 21654b, 21655, 21655b	Lane use/slow moving vehicle
21655.8	High-occupancy vehicle lane/entering/exiting
21656 - 21662, 21662a, 21662b	Improper lane use
21663	Driving on sidewalk
21664	Freeway ramp/entering/exiting
21700	Load obstructing driver's view
21701	Interfering with driver's control of vehicle
21702, 21702a, 21702b	Driving hours limitation
21703, 21704, 21704a, 21705, 21706	Following too closely
21707	Driving in fire area
21709	Driving in safety zone
21711	Towed vehicle swerving
21712, 21712a, 21712d, 21712f, 21715, 21715a, 21715b	Unlawful riding/towing

21717	Turning across bicycle lane
21750 - 21757, 21758, 21759	Illegal passing
21800 - 21804, 21804a, 21804b	Right-of-way
21805, 21805b	Yielding right-of-way to horseback rider
21806, 21806a	Yielding right-of-way to emergency vehicle
21807	Unsafe operation of emergency vehicle
21950, 21950a, 21951, 21952	Yielding right-of-way to pedestrian
21954, 21954b	Due care for pedestrian on roadway
21960a	Prohibited use of freeway
21963	Yielding right-of-way to blind pedestrian
22100 - 22105	Turning and U-turns
22106	Unsafe starting/backing of vehicle
22107 - 22111, 22111a, 22111b, 22111c	Signaling turns and stops
22112, 22112a	School bus signaling
22348, 22348a, 22348c	Speed/use of designated lanes
22349, 22349.5	Maximum speed
22350, 22351, 22352, 22352a, 22352b	Basic/prima facie speed limit
22354, 22355	Exceeding posted/freeway speed limit
22356, 22356b	Maximum speed 70 mph
22357, 22358.4	Speed in excess of local limits
22359, 22360, 22361	Speed in excess of local limits
22362	Speed/construction zone
22363	Restricted speed/weather conditions
22364	Speed/traffic lanes

22400, 22400a, 22400b	Driving too slow
22405, 22405a	Speed/bridge/tunnel
22406, 22407	Maximum designated vehicle speed
22409, 22410	Speed/solid/metal tires
22413	Speed limit on grades
22450, 22451, 22452, 22452a, 22452b	Stop required/railroad crossing
22454	Stop for school bus
23109, 23109b, 23109d	Speed contest/aiding or abetting
23116, 23116a	Transporting person in truck load space
23127	Driving on trails and paths
23220	Drinking while driving
23222, 23222a, 23222b	Marijuana or open container/driving
23235	Ignition interlock verification
23244, 23244b	Defeating ignition interlock device
23253	Disobedience to toll highway officer
23270, 23270a	Unauthorized towing
23330, 23330c	Width/load of vehicle at crossing
23336	Disobedience to sign/vehicle crossing
24002, 24002a, 24002b	Unsafe/unlawfully equipped vehicle
24004	Operation after notice by officer
24250	Lighting equipment
24409, 24409a, 24409b	Failure to dim lights
24604	Lamps/flag for extended load
25103, 25103a, 25103b	Lamps on projecting load

26301, 26302, 26302a, 26302b, 26302c	Brakes
26303, 26304, 26304a, 26304b	Brakes/combination vehicles
26307	Forklift truck brakes
26311, 26311a, 26311b, 26311c	All wheel service brakes
26456, 26457	Brakes/stopping distance
26458, 26458a, 26458.5	Braking system/towing vehicles
26502a	Adjustment/use of air brakes
26503 - 26506, 26506a, 26507	Airbrake system
26508, 26508a - c, 26508e - k, 26508o	Emergency stopping system
26520, 26521, 26522	Vacuum brakes
27360, 27360a - c, 27360.5, 27360a - c	Child Passenger restraint
27363, 27363b	Child seat belt
27800, 27801, 27801a, 27801b	Motorcycle/passengers and equipment
29001, 29002	Fifth wheel connecting/locking device
29003a, 29003b, 29003c	Hitch and coupling device
29004, 29004a - c, 29006, 29006a	Towed vehicle coupling
29201	Pole dolly/load and length
31301, 31301a	Caldecott tunnel restrictions
31303, 31303b, 31303c, 31303e	Hazardous waste transportation
31402	Farm labor vehicle/unsafe operation
31540, 31504b	Removable containers/regulations
31614, 31614a, 3164b, 31614d - f 31614h, 31614i	Explosives transportation
32104, 32104a, 32104b, 32105, 32105a, 32105c-e	Inhalation hazard transportation
32106, 32106a - d	Inhalation hazard transportation

34102	Tank vehicle regulations
34501.2, 34501a, 34501c	Driving hours limitations
34506, 34506a - g	Driving hours, equipment, maintenance, operation
34506.3	Safety regulation violation
34509, 34509c, 34509d	Vanpool vehicle maintenance inspection
35784, 35784a, 35784b	Violation of special permit
35784.5, 35784a, 35784b	Extralegal load/weight
36400	Lift-carrier/speed
36705	Bale wagon load width during darkness

### Two Point Count California Vehicle Code Violations

Section	Violation
2800.2, 2800.3	Evading peace officer/reckless driving
14601, 14601a, 14601 b, 14601.1- 14601.4	Driving while suspended/revoked
14601.5	Driving, suspended/revoked for refusing test
20001, 20001a 20002, 20002a, 20002b	Hit and run/injury/property damage
21651b	Driving wrong side/divided highway
22348b	Speed over 100 MPH
23103, 23103a, 23103 b	Reckless driving
23104, 23104a	Reckless driving/causing bodily injury
23109a, 23109c	Speed contest /exhibition of speed
23140, 23140a, 23140b	Minor driving with BAC of 0.05% or more
23152, 23152a-d	DUI/alcoholic beverage or drugs
23153, 23153a-d	DUI/causing bodily injury or death
31602, 31602a, 31602b, 31602c	Explosives transportation

### Other Common California Code Violations Used In Negligent Operator Count

Section	Code	Violation	Points
49307 or 12059	Education	Disobedience to school safety patrol	1
191.5a, 192c1-192c4, 192.3c, 192.3d	Penal	Vehicular manslaughter with gross negligence	2
192c, 192.3, 192.3a, 192.3b	Penal	Vehicular manslaughter without gross negligence	1
27176	Streets and highways	Speeding on Golden Gate Bridge	1

### One Point Count Out of State Violations

Section	Violation	Section	Violation
01	Speed/too fast or over speed limit	34	Entering/exiting from thoroughfare
03	Speed/too slow or failure to turn out	40	Illegally modified vehicle
04	Passing/illegal, improper or unsafe	45	Explosives transportation
05	Following too close	51	Equipment/unsafe, illegal or defective
06	Failure to yield right-of-way	58	Driving while impaired
07	Illegal/unsafe use or change of lanes	61	Child passenger seat restraint
08	Turns/illegal or unsafe	67	Defective headlights
09	Signaling/improper or no signal	69	Following emergency vehicle unlawfully
10	Failure to obey traffic control device	70	Using vehicle for felony/aiding or abetting
11	Crossing double lines/markers/dividers	72	Erratic driving/suddenly changing speeds
12	Wrong way on one-way street	73	Fleeing scene or evading arrest by turning lights off when lights required

13	Brakes	74	Unsafe operation of a motor vehicle
14	Lights	75	Driving off road/on shoulder/on sidewalk
21	Violation of restricted license	77	No required equipment/using prohibited equipment
26	Negligent/careless/inattentive driving	86	Felony involving commercial vehicle
27	Starting or backing/illegal or unsafe	87	Felony controlled substance/commercial vehicle
28	Driving in a prohibited area	88	Speeding 15 mph plus/commercial vehicle
30	Disobedience of lawful order	91	Illegal lane change/commercial vehicle
31	Towing/improper, unsafe or illegal	92	Following too closely/commercial vehicle
32	Obstructing driver's view or interfering	93	Fatal accident violation/commercial vehicle
33	Unlawful riding on motor vehicle		

### Two Point Count Out of State Violations

Section	Violation	Section	Violation
02	Speed contest/aiding or abetting	38	DUI/dangerous drugs not narcotics
15	Reckless driving	46	Manslaughter without gross negligence
16	Reckless driving/injury	47	Manslaughter with gross negligence
17	Drunk driving	81	DUI/BAC 0.04% aor more/commercial vehicle
18	Drunk driving/injury	82	DUI/commercial vehicle
19	Hit and run	84	DUI/controlled substance/commercial vehicle
20	Driving while suspended or revoked	85	Hit and run/commercial vehicle
37	DUI/narcotics	89-90	Reckless driving/commercial vehicle

**Code of Federal Regulations Violations**

<b>Section</b>	<b>Violation</b>	<b>Points</b>
36423 or 36FR46	DUI/alcoholic beverage or any drug	2

## V C Section 12810.5 Negligent Operator Violation Points

### Negligent Operator: Violation Points

12810.5. (a) Except as otherwise provided in subdivision (b), a person whose driving record shows a violation point count of four or more points in 12 months, six or more points in 24 months, or eight or more points in 36 months shall be prima facie presumed to be a negligent operator of a motor vehicle. In applying this subdivision to a driver, if the person requests and appears at a hearing conducted by the department, the department shall give due consideration to the amount of use or mileage traveled in the operation of a motor vehicle.

(b) (1) A class A or class B licensed driver, except persons holding certificates pursuant to Section 12517, 12519, 12523, 12523.5, or 12527, or an endorsement issued pursuant to paragraph (2) or (5) of subdivision (a) of Section 15278, who is presumed to be a negligent operator pursuant to subdivision (a), and who requests and appears at a hearing and is found to have a driving record violation point count of six or more points in 12 months, eight or more points in 24 months, or 10 or more points in 36 months is presumed to be a prima facie negligent operator. However, the higher point count does not apply if the department reasonably determines that four or more points in 12 months, six or more points in 24 months, or eight or more points in 36 months are attributable to the driver's operation of a vehicle requiring only a class C license, and not requiring a certificate or endorsement, or a class M license.

(2) For purposes of this subdivision, each point assigned pursuant to Section 12810 shall be valued at one and one-half times the value otherwise required by that section for each violation reasonably determined by the department to be attributable to the driver's operation of a vehicle requiring a class A or class B license, or requiring a certificate or endorsement described in this section.

(c) The department may require a negligent operator whose driving privilege is suspended or revoked pursuant to this section to submit proof of financial responsibility, as defined in Section 16430, on or before the date of reinstatement following the suspension or revocation. The proof of financial responsibility shall be maintained with the department for three years following that date of reinstatement.

Amended Sec. 18, Ch. 451, Stats. 2003. Effective January 1, 2004

Amended Sec. 4, Ch. 630, Stats. 2007. Effective January 1, 2008.