

File No. 130433

Committee Item No. \_\_\_\_\_

Board Item No. 33

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date \_\_\_\_\_

Board of Supervisors Meeting

Date May 14, 2013

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

- |                          |                                     |                   |
|--------------------------|-------------------------------------|-------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Assembly Bill 840 |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____             |
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Completed by: \_\_\_\_\_ Date \_\_\_\_\_

Completed by: Alisa Miller Date May 9, 2013

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document can be found in the file.

1 [Urging the California State Legislature to Pass Assembly Bill 840]

2  
3 **Resolution urging the California State Legislature to pass Assembly Bill 840 to require**  
4 **the Department of Motor Vehicles to have driver's license applicants sign a statement**  
5 **implying they are aware of the dangers caused by distracted driving.**

6  
7 WHEREAS, California ranks first in the nation for the highest number of annual  
8 reported pedestrian fatalities and fourth in the nation behind New York, Hawaii, and New  
9 Jersey for the highest percentage of traffic fatalities that are pedestrians; and

10 WHEREAS, San Franciscans experience about 800 pedestrian injuries and 22 fatalities  
11 every year. This translates to 2 to 3 pedestrians per day; and

12 WHEREAS, In order to prosecute a person at fault in an accident, the District Attorney  
13 must usually prove "intent." If they cannot prove that a driver knew, or reasonably should  
14 have known, that their actions were dangerous before hitting someone with a car, then the  
15 District Attorney will have more difficulty prosecuting and reaching justice; and

16 WHEREAS, Assembly Bill (AB) 840 would require the Department of Motor Vehicles  
17 include a disclaimer on all driver's license tests upon the updating of their current system; and

18 WHEREAS, The disclaimer would state that the applicant is fully aware and recognizes  
19 the risks and personal liability of driving while distracted; and

20 WHEREAS, This bill will improve California's annual ranking of safety for pedestrians  
21 and bicyclists by making drivers more aware of their liability and duty as a California State  
22 Driver; now, therefore, be it

23 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
24 hereby urges the California State Legislature to pass AB 840.

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 840**

**Introduced by Assembly Member Ammiano**

February 21, 2013

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An act to amend Section ~~12804.9~~ 12800 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 840, as amended, Ammiano. Vehicles: driver's licenses: ~~driver's test: bicycles. application requirements.~~

*Existing law requires every application for an original or a renewal of a driver's license to contain specified information, including, but not limited to, a brief description of the applicant for the purpose of identification and a legible print of the thumb or finger of the applicant.*

*This bill would additionally require that every application for an original or a renewal of a driver's license also contain a statement requiring the applicant to acknowledge that he or she knows of the dangers of distracted driving.*

*Under existing law, an applicant for a driver's license is required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles the applicant desires to drive. The examination includes, among other things, a test of the applicant's knowledge and understanding of the law governing the operation of vehicles upon the highways, and the applicant's ability to read and understand simple English used in highway traffic and directional signs.*

*This bill would require the examination to also include a test of the applicant's knowledge and understanding of the provisions of the*

~~California Driver Handbook relating to bicycling, including, but not limited to, bicycle markings, bicycle lanes, and bicycles in travel lanes.~~

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 12800 of the Vehicle Code is amended to*  
2     *read:*

3     12800. Every application for an original or a renewal of a  
4     driver's license shall contain all of the ~~following information:~~  
5     *following:*

6     (a) The applicant's true full name, age, sex, mailing address,  
7     residence address, and social security account number.

8     (b) A brief description of the applicant for the purpose of  
9     identification.

10    (c) A legible print of the thumb or finger of the applicant.

11    (d) The type of motor vehicle or combination of vehicles the  
12    applicant desires to operate.

13    (e) Whether the applicant has ever previously been licensed as  
14    a driver and, if so, when and in what state or country and whether  
15    or not the license has been suspended or revoked and, if so, the  
16    date of and reason for the suspension or revocation.

17    (f) Whether the applicant has ever previously been refused a  
18    driver's license in this state and, if so, the date of and the reason  
19    for the refusal.

20    (g) Whether the applicant, within the last three years, has  
21    experienced, on one or more occasions, either a lapse of  
22    consciousness or an episode of marked confusion caused by a  
23    condition that may bring about recurrent lapses, or whether the  
24    applicant has a disease, disorder, or disability that affects his or  
25    her ability to exercise reasonable and ordinary control in operating  
26    a motor vehicle upon a highway.

27    (h) Whether the applicant understands traffic signs and signals.

28    (i) Whether the applicant has ever previously been issued an  
29    identification card by the department.

30    (j) *A statement requiring the applicant to acknowledge that he*  
31    *or she knows of the dangers of distracted driving.*

32    (†)

1 (k) Any other information that is necessary to enable the  
2 department to determine whether the applicant is entitled to a  
3 license under this code.

4 SECTION 1. Section 12804.9 of the Vehicle Code is amended  
5 to read:

6 12804.9. (a) (1) The examination shall include all of the  
7 following:

8 (A) A test of the applicant's knowledge and understanding of  
9 the provisions of this code governing the operation of vehicles  
10 upon the highways:

11 (B) A test of the applicant's ability to read and understand  
12 simple English used in highway traffic and directional signs:

13 (C) A test of the applicant's understanding of traffic signs and  
14 signals, including the bikeway signs, markers, and traffic control  
15 devices established by the Department of Transportation:

16 (D) A test of the applicant's knowledge and understanding of  
17 the provisions of the California Driver Handbook relating to  
18 bicycling, including, but not limited to, bicycle markings, bicycle  
19 lanes, and bicycles in travel lanes:

20 (E) An actual demonstration of the applicant's ability to exercise  
21 ordinary and reasonable control in operating a motor vehicle by  
22 driving it under the supervision of an examining officer. The  
23 applicant shall submit to an examination appropriate to the type  
24 of motor vehicle or combination of vehicles he or she desires a  
25 license to drive, except that the department may waive the driving  
26 test part of the examination for any applicant who submits a license  
27 issued by another state, territory, or possession of the United States,  
28 the District of Columbia, or the Commonwealth of Puerto Rico if  
29 the department verifies through any acknowledged national driver  
30 record data source that there are no stops, holds, or other  
31 impediments to its issuance. The examining officer may request  
32 to see evidence of financial responsibility for the vehicle prior to  
33 supervising the demonstration of the applicant's ability to operate  
34 the vehicle. The examining officer may refuse to examine an  
35 applicant who is unable to provide proof of financial responsibility  
36 for the vehicle, unless proof of financial responsibility is not  
37 required by this code.

38 (F) A test of the hearing and eyesight of the applicant, and of  
39 other matters that may be necessary to determine the applicant's  
40 mental and physical fitness to operate a motor vehicle upon the

1 highways, and whether any grounds exist for refusal of a license  
2 under this code.

3 (2) (A) Before a class A or class B driver's license, or class C  
4 driver's license with a commercial endorsement, may be issued  
5 or renewed, the applicant shall have in his or her driver record a  
6 valid report of a medical examination of the applicant given not  
7 more than two years prior to the date of the application by a health  
8 care professional. As used in this paragraph, "health care  
9 professional" means a person who is licensed, certified, or  
10 registered in accordance with applicable state laws and regulations  
11 to practice medicine and perform physical examinations in the  
12 United States. Health care professionals are doctors of medicine,  
13 doctors of osteopathy, physician assistants, and registered advanced  
14 practice nurses, or doctors of chiropractic who are clinically  
15 competent to perform the medical examination presently required  
16 of motor carrier drivers by the United States Department of  
17 Transportation. The report shall be on a form approved by the  
18 department. In establishing the requirements, consideration may  
19 be given to the standards presently required of motor carrier drivers  
20 by the Federal Motor Carrier Safety Administration.

21 (B) The department may accept a federal waiver of one or more  
22 physical qualification standards if the waiver is accompanied by  
23 a report of a nonqualifying medical examination for a class A or  
24 class B driver's license, or class C driver's license with a  
25 commercial endorsement, pursuant to Section 391.41(a)(3)(ii) of  
26 Subpart E of Part 391 of Title 49 of the Code of Federal  
27 Regulations.

28 (3) A physical defect of the applicant that, in the opinion of the  
29 department, is compensated for to ensure safe driving ability, shall  
30 not prevent the issuance of a license to the applicant.

31 (b) In accordance with the following classifications, an applicant  
32 for a driver's license shall be required to submit to an examination  
33 appropriate to the type of motor vehicle or combination of vehicles  
34 the applicant desires a license to drive:

35 (1) Class A includes the following:

36 (A) Except as provided in subparagraph (H) of paragraph (3),  
37 a combination of vehicles, if a vehicle being towed has a gross  
38 vehicle weight rating of more than 10,000 pounds.

39 (B) A vehicle towing more than one vehicle.

40 (C) A trailer bus.

1 ~~(D) The operation of all vehicles under class B and class C.~~

2 ~~(2) Class B includes the following:~~

3 ~~(A) Except as provided in subparagraph (H) of paragraph (3),~~  
4 ~~a single vehicle with a gross vehicle weight rating of more than~~  
5 ~~26,000 pounds.~~

6 ~~(B) A single vehicle with three or more axles, except any~~  
7 ~~three-axle vehicle weighing less than 6,000 pounds.~~

8 ~~(C) A bus except a trailer bus.~~

9 ~~(D) A farm labor vehicle.~~

10 ~~(E) A single vehicle with three or more axles or a gross vehicle~~  
11 ~~weight rating of more than 26,000 pounds towing another vehicle~~  
12 ~~with a gross vehicle weight rating of 10,000 pounds or less.~~

13 ~~(F) A house car over 40 feet in length, excluding safety devices~~  
14 ~~and safety bumpers.~~

15 ~~(G) The operation of all vehicles covered under class C.~~

16 ~~(3) Class C includes the following:~~

17 ~~(A) A two-axle vehicle with a gross vehicle weight rating of~~  
18 ~~26,000 pounds or less, including when the vehicle is towing a~~  
19 ~~trailer or semitrailer with a gross vehicle weight rating of 10,000~~  
20 ~~pounds or less.~~

21 ~~(B) Notwithstanding subparagraph (A), a two-axle vehicle~~  
22 ~~weighing 4,000 pounds or more unladen when towing a trailer~~  
23 ~~coach not exceeding 9,000 pounds gross.~~

24 ~~(C) A house car of 40 feet in length or less.~~

25 ~~(D) A three-axle vehicle weighing 6,000 pounds gross or less.~~

26 ~~(E) A house car of 40 feet in length or less or a vehicle towing~~  
27 ~~another vehicle with a gross vehicle weight rating of 10,000 pounds~~  
28 ~~or less, including when a tow dolly is used. A person driving a~~  
29 ~~vehicle may not tow another vehicle in violation of Section 21715.~~

30 ~~(F) (i) A two-axle vehicle weighing 4,000 pounds or more~~  
31 ~~unladen when towing either a trailer coach or a fifth-wheel travel~~  
32 ~~trailer not exceeding 10,000 pounds gross vehicle weight rating,~~  
33 ~~when the towing of the trailer is not for compensation.~~

34 ~~(ii) A two-axle vehicle weighing 4,000 pounds or more unladen~~  
35 ~~when towing a fifth-wheel travel trailer exceeding 10,000 pounds,~~  
36 ~~but not exceeding 15,000 pounds, gross vehicle weight rating,~~  
37 ~~when the towing of the trailer is not for compensation, and if the~~  
38 ~~person has passed a specialized written examination provided by~~  
39 ~~the department relating to the knowledge of this code and other~~

1 safety aspects governing the towing of recreational vehicles upon  
2 the highway.

3 The authority to operate combinations of vehicles under this  
4 subparagraph may be granted by endorsement on a class C license  
5 upon completion of that written examination.

6 ~~(G) A vehicle or combination of vehicles with a gross~~  
7 ~~combination weight rating or a gross vehicle weight rating, as~~  
8 ~~those terms are defined in subdivisions (j) and (k), respectively,~~  
9 ~~of Section 15210, of 26,000 pounds or less, if all of the following~~  
10 ~~conditions are met:~~

11 ~~(i) Is operated by a farmer, an employee of a farmer, or an~~  
12 ~~instructor credentialed in agriculture as part of an instructional~~  
13 ~~program in agriculture at the high school, community college, or~~  
14 ~~university level.~~

15 ~~(ii) Is used exclusively in the conduct of agricultural operations.~~

16 ~~(iii) Is not used in the capacity of a for-hire carrier or for~~  
17 ~~compensation.~~

18 ~~(H) Firefighting equipment, provided that the equipment is~~  
19 ~~operated by a person who holds a firefighter endorsement pursuant~~  
20 ~~to Section 12804.11.~~

21 ~~(I) A motorized scooter.~~

22 ~~(J) Class C does not include a two-wheel motorcycle or a~~  
23 ~~two-wheel motor-driven cycle.~~

24 ~~(4) Class M1. A two-wheel motorcycle or a motor-driven cycle.~~  
25 ~~Authority to operate a vehicle included in a class M1 license may~~  
26 ~~be granted by endorsement on a class A, B, or C license upon~~  
27 ~~completion of an appropriate examination.~~

28 ~~(5) (A) Class M2 includes the following:~~

29 ~~(i) A motorized bicycle or moped, or a bicycle with an attached~~  
30 ~~motor, except a motorized bicycle described in subdivision (b) of~~  
31 ~~Section 406.~~

32 ~~(ii) A motorized scooter.~~

33 ~~(B) Authority to operate vehicles included in class M2 may be~~  
34 ~~granted by endorsement on a class A, B, or C license upon~~  
35 ~~completion of an appropriate examination, except that no~~  
36 ~~endorsement is required for a motorized scooter. Persons holding~~  
37 ~~a class M1 license or endorsement may operate vehicles included~~  
38 ~~in class M2 without further examination.~~

39 ~~(c) A driver's license or driver certificate is not valid for~~  
40 ~~operating a commercial motor vehicle, as defined in subdivision~~



(b) of Section 15210, any other motor vehicle defined in paragraph (1) or (2) of subdivision (b), or any other vehicle requiring a driver to hold any driver certificate or any driver's license endorsement under Section 15275, unless a medical certificate approved by the department that has been issued within two years of the date of the operation of that vehicle and a copy of the medical examination report from which the certificate was issued is on file with the department. Otherwise, the license is valid only for operating class C vehicles that are not commercial vehicles, as defined in subdivision (b) of Section 15210, and for operating class M1 or M2 vehicles, if so endorsed, that are not commercial vehicles, as defined in subdivision (b) of Section 15210.

(d) A license or driver certificate issued prior to the enactment of Chapter 7 (commencing with Section 15200) is valid to operate the class or type of vehicles specified under the law in existence prior to that enactment until the license or certificate expires or is otherwise suspended, revoked, or canceled. Upon application for renewal or replacement of a driver's license, endorsement, or certificate required to operate a commercial motor vehicle, a valid medical certificate on a form approved by the department shall be submitted to the department.

(e) The department may accept a certificate of driving skill that is issued by an employer, authorized by the department to issue a certificate under Section 15250, of the applicant, in lieu of a driving test, on class A or B applications, if the applicant has first qualified for a class C license and has met the other examination requirements for the license for which he or she is applying. The certificate may be submitted as evidence of the applicant's skill in the operation of the types of equipment covered by the license for which he or she is applying.

(f) The department may accept a certificate of competence in lieu of a driving test on class M1 or M2 applications, when the certificate is issued by a law enforcement agency for its officers who operate class M1 or M2 vehicles in their duties, if the applicant has met the other examination requirements for the license for which he or she is applying.

(g) The department may accept a certificate of satisfactory completion of a novice motorcycle training program approved by the commissioner pursuant to Section 2932 in lieu of a driving test on class M1 or M2 applications, if the applicant has met the

1 other examination requirements for the license for which he or she  
2 is applying. The department shall review and approve the written  
3 and driving test used by a program to determine whether the  
4 program may issue a certificate of completion.

5 (h) ~~Notwithstanding subdivision (b), a person holding a valid~~  
6 ~~California driver's license of any class may operate a short-term~~  
7 ~~rental motorized bicycle without taking any special examination~~  
8 ~~for the operation of a motorized bicycle, and without having a~~  
9 ~~class M2 endorsement on that license. As used in this subdivision,~~  
10 ~~"short-term" means 48 hours or less.~~

11 (i) ~~A person under the age of 21 years shall not be issued a class~~  
12 ~~M1 or M2 license or endorsement unless he or she provides~~  
13 ~~evidence satisfactory to the department of completion of a~~  
14 ~~motorcycle safety training program that is operated pursuant to~~  
15 ~~Article 2 (commencing with Section 2930) of Chapter 5 of Division~~  
16 ~~2.~~

17 (j) ~~A driver of a vanpool vehicle may operate with a class C~~  
18 ~~license but shall possess evidence of a medical examination~~  
19 ~~required for a class B license when operating vanpool vehicles. In~~  
20 ~~order to be eligible to drive the vanpool vehicle, the driver shall~~  
21 ~~keep in the vanpool vehicle a statement, signed under penalty of~~  
22 ~~perjury, that he or she has not been convicted of reckless driving,~~  
23 ~~drunk driving, or a hit-and-run offense in the last five years.~~

Miller, Alisa

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**From:** Scanlon, Olivia  
**Sent:** Thursday, May 09, 2013 12:11 PM  
**To:** Caldeira, Rick; BOS Legislation  
**Subject:** RE: yee - ab\_840\_bill\_20130321\_amended\_asm\_v98[1].pdf - Adobe Acrobat Professional

Rick,  
No oppose or support legislations from any other organizations.  
Thanks for all your help.

Olivia Scanlon  
Legislative Aide to Supervisor Norman Yee  
District 7  
1 Dr. Carlton B. Goodlett Place  
Room 244  
San Francisco, CA 94102  
415 554 6519

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**From:** Caldeira, Rick  
**Sent:** Wednesday, May 08, 2013 8:36 AM  
**To:** BOS Legislation  
**Cc:** Scanlon, Olivia  
**Subject:** yee - ab\_840\_bill\_20130321\_amended\_asm\_v98[1].pdf - Adobe Acrobat Professional  
**Importance:** High

Please find attached AB840 which should have been accompanied with this introduction.

Olivia,

Pursuant to Board Rule 2.8.2, Each Resolution which would support or oppose legislation pending before the Legislature shall be accompanied, at the time of introduction, by a copy of the bill under consideration. Sponsors are also requested to provide information at the time of introduction, as to whether such organizations as the CSAC, League of CA Cities, National League of Cities have taken position in support of or opposed to pending bills.

I have provided the bill, I need to know from you whether there are any supporting or opposing positions from the above referenced.

Rick.

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- ☒ 2. Request for next printed agenda without reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning "Supervisor [ ] inquires"
- ☐ 5. City Attorney request.
- ☐ 6. Call File No. [ ] from Committee.
- ☐ 7. Budget Analyst request (attach written motion).
- ☐ 8. Substitute Legislation File No: [ ]
- ☐ 9. Request for Closed Session (attach written motion).
- ☐ 10. Board to Sit as A Committee of the Whole.
- ☐ 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission    ☐ Youth Commission    ☐ Ethics Commission
- ☐ Planning Commission    ☐ Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

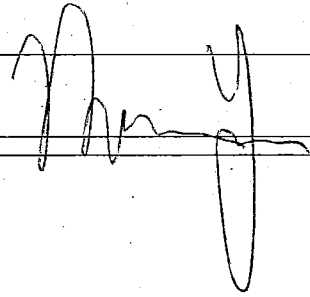
**Sponsor(s):**

Supervisor Norman Yee

**Subject:**

Resolution urging passage of AB 840

**The text is listed below or attached:**

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: