

AMENDED IN SENATE JUNE 21, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 723

Introduced by Assembly Member Low

February 16, 2021

An act to amend ~~Section 4980.02 of the Business and Professions Code, relating to healing arts. Section 12804.9 of the Vehicle Code, relating to driver's licenses.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 723, as amended, Low. ~~Marriage and family therapy: scope of practice. Foreign driver's licenses.~~

Existing law prohibits a person from having in the person's possession or otherwise under the person's control more than one driver's license. Existing law prohibits the Department of Motor Vehicles from issuing a driver's license, or renewing a driver's license, of a person who holds a valid driver's license issued by a foreign jurisdiction unless the license has been surrendered to the department, or is lost or destroyed. Except as specified, existing law requires the department to require an applicant for an original driver's license to submit satisfactory proof of California residency and that the applicant's presence in the United States is authorized under federal law.

Existing law requires the department, upon application for an original driver's license, except a student license, to require an examination of the applicant. Existing law requires the examination to test, among other things, the applicant's knowledge and understanding of the provisions of the Vehicle Code governing the operation of vehicles upon the highways, an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in operating a motor vehicle

by driving it under the supervision of an examining officer, and a test of the hearing and eyesight of the applicant, as specified. Existing law authorizes the department to waive the driving test part of the examination for an applicant who submits a license issued by another state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico if the department verifies through any acknowledged national driver record data source that there are no stops, holds, or other impediments to its issuance.

This bill would authorize the department, for purposes of the issuance of a noncommercial class C driver's license, to the extent not prohibited by federal law or treaty, to waive the driving test part of the examination for an applicant who submits a driver's license issued by a foreign nation, as defined, under specified conditions, including a requirement that the foreign nation, in a memorandum of understanding, extends the same reciprocal privilege relating to the issuance of a driver's license to a person who holds a valid California driver's license. The bill would require an applicant to be 18 years of age or older, to submit satisfactory proof of California residency and specified documents issued by the foreign nation, and to have no stops, holds, or other impediments to issuance in the person's driving record. The bill would specify that an applicant may submit a driver's license issued by a foreign nation that is equivalent to a noncommercial or a commercial class A, class B, or class C California driver's license, but would require the California driver's license issued by the department to the applicant to be a noncommercial class C driver's license only.

~~Existing law, the Licensed Marriage and Family Therapist Act, provides for the regulation of the practice of marriage and family therapy by the Board of Behavioral Sciences. A violation of the act is a crime.~~

~~Existing law defines the practice of marriage and family therapy as that service performed with individuals, couples, or groups wherein interpersonal relationships are examined for the purpose of achieving more adequate, satisfying, and productive marriage and family adjustments, including relationship and premarriage counseling. Existing law also specifies how marriage and family therapy principles may be applied, including, among others, psychotherapeutic techniques and the use, application, and integration of coursework and training required for licensed marriage and family therapists.~~

~~This bill would recast those provisions to include within this scope of practice the application of psychotherapeutic and family systems and theories, principles, and methods in the delivery of services to~~

~~individuals, couples, or groups in order to assess evaluate, and treat relational issues, emotional disorders, behavioral problems, mental illness, alcohol and substance use, and to modify intrapersonal and interpersonal behaviors. The bill would make conforming changes relating to the various ways in which marriage and family therapy principles may be applied.~~

~~By expanding the scope of practice for marriage and family therapists and thus expanding the application and breadth of the related crimes, this bill would impose a state-mandated local program.~~

~~This bill would declare that these provisions are declaratory of existing law and would also declare the intent of the Legislature that this bill not be construed to expand or constrict the scope of practice of a licensed marriage and family therapist.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: *yes-no*.

The people of the State of California do enact as follows:

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

3 12804.9. (a) (1) The examination shall include all of the
4 following:

5 (A) A test of the applicant’s knowledge and understanding of
6 the provisions of this code governing the operation of vehicles
7 upon the highways.

8 (B) A test of the applicant’s ability to read and understand
9 simple English used in highway traffic and directional signs.

10 (C) A test of the applicant’s understanding of traffic signs and
11 signals, including the bikeway signs, markers, and traffic control
12 devices established by the Department of Transportation.

13 (D) An actual demonstration of the applicant’s ability to exercise
14 ordinary and reasonable control in operating a motor vehicle by
15 driving it under the supervision of an examining officer. The
16 applicant shall submit to an examination appropriate to the type
17 of motor vehicle or combination of vehicles the applicant desires

1 a license to drive, except that the department may waive the driving
2 test part of the examination for any applicant who submits a license
3 issued by another state, territory, or possession of the United States,
4 the District of Columbia, or the Commonwealth of Puerto Rico if
5 the department verifies through any acknowledged national driver
6 record data source that there are no stops, holds, or other
7 impediments to its issuance. The examining officer may request
8 to see evidence of financial responsibility for the vehicle before
9 supervising the demonstration of the applicant's ability to operate
10 the vehicle. The examining officer may refuse to examine an
11 applicant who is unable to provide proof of financial responsibility
12 for the vehicle, unless proof of financial responsibility is not
13 required by this code.

14 (E) A test of the hearing and eyesight of the applicant, and of
15 other matters that may be necessary to determine the applicant's
16 mental and physical fitness to operate a motor vehicle upon the
17 highways, and whether any grounds exist for refusal of a license
18 under this code.

19 (2) (A) Before a class A or class B driver's license, or class C
20 driver's license with a commercial endorsement, may be issued
21 or renewed, the applicant shall have in the applicant's driver record
22 a valid report of a medical examination of the applicant given not
23 more than two years before the date of the application by a health
24 care professional. As used in this paragraph, "health care
25 professional" means a person who is licensed, certified, or
26 registered in accordance with applicable state laws and regulations
27 to practice medicine and perform physical examinations in the
28 United States. Health care professionals are doctors of medicine,
29 doctors of osteopathy, physician assistants, and registered advanced
30 practice nurses, or doctors of chiropractic who are clinically
31 competent to perform the medical examination presently required
32 of motor carrier drivers by the United States Department of
33 Transportation. The report shall be on a form approved by the
34 department. In establishing the requirements, consideration may
35 be given to the standards presently required of motor carrier drivers
36 by the Federal Motor Carrier Safety Administration.

37 (B) The department may accept a federal waiver of one or more
38 physical qualification standards if the waiver is accompanied by
39 a report of a nonqualifying medical examination for a class A or
40 class B driver's license, or class C driver's license with a

1 commercial endorsement, pursuant to Section 391.41(a)(3)(ii) of
2 Subpart E of Part 391 of Title 49 of the Code of Federal
3 Regulations.

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

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

11 (1) Class A includes the following:

12 (A) Except as provided in subparagraph (H) of paragraph (3),
13 a combination of vehicles, if a vehicle being towed has a gross
14 vehicle weight rating or gross vehicle weight of more than 10,000
15 pounds.

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

17 (C) A trailer bus.

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

19 (2) Class B includes the following:

20 (A) Except as provided in subparagraph (H) of paragraph (3),
21 a single vehicle with a gross vehicle weight rating or gross vehicle
22 weight of more than 26,000 pounds.

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

25 (C) A bus with a gross vehicle weight rating or gross vehicle
26 weight of more than 26,000 pounds, except a trailer bus.

27 (D) A farm labor vehicle.

28 (E) A single vehicle with three or more axles or a gross vehicle
29 weight rating or gross vehicle weight of more than 26,000 pounds
30 towing another vehicle with a gross vehicle weight rating or gross
31 vehicle weight of 10,000 pounds or less.

32 (F) A house car over 40 feet in length, excluding safety devices
33 and safety bumpers.

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

35 (3) Class C includes the following:

36 (A) A two-axle vehicle with a gross vehicle weight rating or
37 gross vehicle weight of 26,000 pounds or less, including when the
38 vehicle is towing a trailer or semitrailer with a gross vehicle weight
39 rating or gross vehicle weight of 10,000 pounds or less.

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

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

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

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

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

14 (ii) A two-axle vehicle weighing 4,000 pounds or more unladen
15 when towing a fifth-wheel travel trailer exceeding 10,000 pounds,
16 but not exceeding 15,000 pounds, gross vehicle weight rating,
17 when the towing of the trailer is not for compensation, and if the
18 person has passed a specialized written examination provided by
19 the department relating to the knowledge of this code and other
20 safety aspects governing the towing of recreational vehicles upon
21 the highway.

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

25 (G) A vehicle or combination of vehicles with a gross
26 combination weight rating or a gross vehicle weight rating, as
27 those terms are defined in subdivisions (j) and (k), respectively,
28 of Section 15210, of 26,000 pounds or less, if all of the following
29 conditions are met:

30 (i) Is operated by a farmer, an employee of a farmer, or an
31 instructor credentialed in agriculture as part of an instructional
32 program in agriculture at the high school, community college, or
33 university level.

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

35 (iii) Is not used in the capacity of a for-hire carrier or for
36 compensation.

37 (H) Firefighting equipment, provided that the equipment is
38 operated by a person who holds a firefighter endorsement pursuant
39 to Section 12804.11.

40 (I) A motorized scooter.

1 (J) A bus with a gross vehicle weight rating or gross vehicle
2 weight of 26,000 pounds or less, except a trailer bus.

3 (K) Class C does not include a two-wheel motorcycle or a
4 two-wheel motor-driven cycle.

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

9 (5) (A) Class M2 includes a motorized bicycle or moped, or a
10 bicycle with an attached motor, except an electric bicycle as
11 described in subdivision (a) of Section 312.5.

12 (B) Authority to operate vehicles included in class M2 may be
13 granted by endorsement on a class A, B, or C license upon
14 completion of an appropriate examination. Persons holding a class
15 M1 license or endorsement may operate vehicles included in class
16 M2 without further examination.

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

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

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

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

16 (g) The department may accept a certificate of satisfactory
17 completion of a motorcyclist training program approved by the
18 commissioner pursuant to Section 2932 in lieu of a driving test on
19 class M1 or M2 applications, if the applicant has met the other
20 examination requirements for the license for which the applicant
21 is applying. The department shall review and approve the written
22 and driving test used by a program to determine whether the
23 program may issue a certificate of completion.

24 (h) Notwithstanding subdivision (b), a person holding a valid
25 California driver's license of any class may operate a short-term
26 rental motorized bicycle without taking any special examination
27 for the operation of a motorized bicycle, and without having a
28 class M2 endorsement on that license. As used in this subdivision,
29 "short-term" means 48 hours or less.

30 (i) A person under 21 years of age shall not be issued a class
31 M1 or M2 license or endorsement unless the person provides
32 evidence satisfactory to the department of completion of a novice
33 motorcycle safety training program that is operated pursuant to
34 Article 2 (commencing with Section 2930) of Chapter 5 of Division
35 2.

36 (j) A driver of a vanpool vehicle may operate with a class C
37 license but shall possess evidence of a medical examination
38 required for a class B license when operating vanpool vehicles. In
39 order to be eligible to drive the vanpool vehicle, the driver shall
40 keep in the vanpool vehicle a statement, signed under penalty of

1 perjury, that the driver has not been convicted of reckless driving,
2 drunk driving, or a hit-and-run offense in the last five years.

3 (k) (1) For purposes of the issuance of a noncommercial class
4 C driver's license, notwithstanding subparagraph (D) of paragraph
5 (1) of subdivision (a), and to the extent not prohibited by federal
6 law or treaty, the department may waive the driving test part of
7 the examination for an applicant who submits a driver's license
8 issued by a foreign nation under all of the following conditions:

9 (A) The department has determined the driving examination
10 required by the foreign nation is substantially similar to the driving
11 examination required by the department.

12 (B) The foreign nation, in a memorandum of understanding,
13 extends the same reciprocal privilege relating to the issuance of
14 a driver's license to a person who holds a valid California driver's
15 license.

16 (C) The department verifies through the applicant's abstract of
17 driving record provided pursuant to subparagraph (D) that there
18 are no stops, holds, or other impediments to the issuance of a
19 driver's license.

20 (D) The applicant has submitted a copy of the applicant's
21 foreign driver's license and an abstract of the applicant's foreign
22 driving record covering no less than the previous five years, issued
23 by the appropriate government entity from the foreign nation and,
24 if applicable, the English translation of the driver's license and
25 abstract of driving record. These documents shall all be notarized
26 by a consulate general of the issuing foreign nation in this state.

27 (E) The applicant is 18 years of age or older.

28 (F) The applicant has submitted satisfactory proof of California
29 residency.

30 (G) The driver's license issued by the foreign nation has been
31 surrendered to the department or has been destroyed.

32 (2) For purposes of this subdivision, an applicant may submit
33 a driver's license issued by a foreign nation that is equivalent to
34 a noncommercial or a commercial class A, class B, or class C
35 California driver's license, but the California driver's license
36 issued by the department to the applicant shall be a noncommercial
37 class C driver's license only.

38 (3) For purposes of this subdivision, "foreign nation" means
39 any jurisdiction other than a state, territory, or possession of the

1 *United States, the District of Columbia, or the Commonwealth of*
2 *Puerto Rico.*

3 ~~SECTION 1. Section 4980.02 of the Business and Professions~~
4 ~~Code is amended to read:~~

5 ~~4980.02. (a) For the purposes of this chapter, the practice of~~
6 ~~marriage and family therapy shall mean the application of~~
7 ~~psychotherapeutic and family systems theories, principles, and~~
8 ~~methods in the delivery of services to individuals, couples, or~~
9 ~~groups in order to assess, evaluate, and treat relational issues,~~
10 ~~emotional disorders, behavioral problems, mental illness, alcohol~~
11 ~~and substance use, and to modify intrapersonal and interpersonal~~
12 ~~behaviors.~~

13 ~~(b) The application of marriage and family therapy principles~~
14 ~~and methods includes, but is not limited to, all of the following:~~

15 ~~(1) Assessment, evaluation, and prognosis.~~

16 ~~(2) Treatment, planning, and evaluation.~~

17 ~~(3) Individual, relationship, family, or group therapeutic~~
18 ~~interventions.~~

19 ~~(4) Relational therapy.~~

20 ~~(5) Psychotherapy.~~

21 ~~(6) Client education.~~

22 ~~(7) Clinical case management.~~

23 ~~(8) Consultation.~~

24 ~~(9) Supervision.~~

25 ~~(10) Use, application, and integration of the coursework and~~
26 ~~training required by Sections 4980.36, 4980.37, and 4980.41, as~~
27 ~~applicable.~~

28 ~~SEC. 2. The amendments to Section 4980.02 of the Business~~
29 ~~and Professions Code made by this act do not constitute a change~~
30 ~~in, but are declaratory of, existing law. It is the intent of the~~
31 ~~Legislature that this act shall not be construed to expand or~~
32 ~~constrict the existing scope of practice of a person licensed pursuant~~
33 ~~to Chapter 13 (commencing with Section 4980) of Division 2 of~~
34 ~~the Business and Professions Code.~~

35 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
36 ~~Section 6 of Article XIII B of the California Constitution because~~
37 ~~the only costs that may be incurred by a local agency or school~~
38 ~~district will be incurred because this act creates a new crime or~~
39 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
40 ~~for a crime or infraction, within the meaning of Section 17556 of~~

1 ~~the Government Code, or changes the definition of a crime within~~
2 ~~the meaning of Section 6 of Article XIII B of the California~~
3 ~~Constitution.~~

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