

AMENDED IN SENATE AUGUST 16, 2021

AMENDED IN SENATE JUNE 21, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 723**

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**Introduced by Assembly Member Low**  
*(Coauthors: Assembly Members Chau, Chen, Choi, and Quirk-Silva)*

February 16, 2021

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An act to amend Section 12804.9 of the Vehicle Code, relating to driver's licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 723, as amended, Low. 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.

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 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.

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

4 (D) An actual demonstration of the applicant’s ability to exercise  
5 ordinary and reasonable control in operating a motor vehicle by  
6 driving it under the supervision of an examining officer. The  
7 applicant shall submit to an examination appropriate to the type  
8 of motor vehicle or combination of vehicles the applicant desires  
9 a license to drive, except that the department may waive the driving  
10 test part of the examination for any applicant who submits a license  
11 issued by another state, territory, or possession of the United States,  
12 the District of Columbia, or the Commonwealth of Puerto Rico if  
13 the department verifies through any acknowledged national driver  
14 record data source that there are no stops, holds, or other  
15 impediments to its issuance. The examining officer may request  
16 to see evidence of financial responsibility for the vehicle before  
17 supervising the demonstration of the applicant’s ability to operate  
18 the vehicle. The examining officer may refuse to examine an  
19 applicant who is unable to provide proof of financial responsibility  
20 for the vehicle, unless proof of financial responsibility is not  
21 required by this code.

22 (E) A test of the hearing and eyesight of the applicant, and of  
23 other matters that may be necessary to determine the ~~applicant’s~~  
24 mental and physical fitness *of the applicant* to operate a motor  
25 vehicle upon the highways, and whether any grounds exist for  
26 refusal of a license under this code.

27 (2) (A) Before a class A or class B driver’s license, or class C  
28 driver’s license with a commercial endorsement, may be issued  
29 or renewed, the applicant shall have in the applicant’s driver record  
30 a valid report of a medical examination of the applicant given not  
31 more than two years before the date of the application by a health  
32 care professional. As used in this paragraph, “health care  
33 professional” means a person who is licensed, certified, or  
34 registered in accordance with applicable state laws and regulations  
35 to practice medicine and perform physical examinations in the  
36 United States. Health care professionals are doctors of medicine,  
37 doctors of osteopathy, physician assistants, and registered advanced  
38 practice nurses, or doctors of chiropractic who are clinically  
39 competent to perform the medical examination presently required  
40 of motor carrier drivers by the United States Department of

1 Transportation. The report shall be on a form approved by the  
2 department. In establishing the requirements, consideration may  
3 be given to the standards presently required of motor carrier drivers  
4 by the Federal Motor Carrier Safety Administration.

5 (B) The department may accept a federal waiver of one or more  
6 physical qualification standards if the waiver is accompanied by  
7 a report of a nonqualifying medical examination for a class A or  
8 class B driver's license, or class C driver's license with a  
9 commercial endorsement, pursuant to Section 391.41(a)(3)(ii) of  
10 Subpart E of Part 391 of Title 49 of the Code of Federal  
11 Regulations.

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

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

19 (1) Class A includes the following:

20 (A) Except as provided in subparagraph (H) of paragraph (3),  
21 a combination of vehicles, if a vehicle being towed has a gross  
22 vehicle weight rating or gross vehicle weight of more than 10,000  
23 pounds.

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

25 (C) A trailer bus.

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

27 (2) Class B includes the following:

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

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

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

35 (D) A farm labor vehicle.

36 (E) A single vehicle with three or more axles or a gross vehicle  
37 weight rating or gross vehicle weight of more than 26,000 pounds  
38 towing another vehicle with a gross vehicle weight rating or gross  
39 vehicle weight of 10,000 pounds or less.

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

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

4 (3) Class C includes the following:

5 (A) A two-axle vehicle with a gross vehicle weight rating or  
6 gross vehicle weight of 26,000 pounds or less, including when the  
7 vehicle is towing a trailer or semitrailer with a gross vehicle weight  
8 rating or gross vehicle weight of 10,000 pounds or less.

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

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

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

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

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

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

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

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

38 (i) Is operated by a farmer, an employee of a farmer, or an  
39 instructor credentialed in agriculture as part of an instructional

1 program in agriculture at the high school, community college, or  
2 university level.

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

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

6 (H) Firefighting equipment, provided that the equipment is  
7 operated by a person who holds a firefighter endorsement pursuant  
8 to Section 12804.11.

9 (I) A motorized scooter.

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

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

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

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

21 (B) Authority to operate vehicles included in class M2 may be  
22 granted by endorsement on a class A, B, or C license upon  
23 completion of an appropriate examination. Persons holding a class  
24 M1 license or endorsement may operate vehicles included in class  
25 M2 without further examination.

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

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

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

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

25 (g) The department may accept a certificate of satisfactory  
26 completion of a motorcyclist training program approved by the  
27 commissioner pursuant to Section 2932 in lieu of a driving test on  
28 class M1 or M2 applications, if the applicant has met the other  
29 examination requirements for the license for which the applicant  
30 is applying. The department shall review and approve the written  
31 and driving test used by a program to determine whether the  
32 program may issue a certificate of completion.

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

39 (i) A person under 21 years of age shall not be issued a class  
40 M1 or M2 license or endorsement unless the person provides

1 evidence satisfactory to the department of completion of a novice  
2 motorcycle safety training program that is operated pursuant to  
3 Article 2 (commencing with Section 2930) of Chapter 5 of Division  
4 2.

5 (j) A driver of a vanpool vehicle may operate with a class C  
6 license but shall possess evidence of a medical examination  
7 required for a class B license when operating vanpool vehicles. In  
8 order to be eligible to drive the vanpool vehicle, the driver shall  
9 keep in the vanpool vehicle a statement, signed under penalty of  
10 perjury, that the driver has not been convicted of reckless driving,  
11 drunk driving, or a hit-and-run offense in the last five years.

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

18 (A) The department has determined the driving examination  
19 required by the foreign nation is substantially similar to the driving  
20 examination required by the department.

21 (B) The foreign nation, in a memorandum of understanding,  
22 extends the same reciprocal privilege relating to the issuance of a  
23 driver's license to a person who holds a valid California driver's  
24 license.

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

29 (D) The applicant has submitted a copy of the applicant's foreign  
30 driver's license and an abstract of the applicant's foreign driving  
31 record covering no less than the previous five years, issued by the  
32 appropriate government entity from the foreign nation and, if  
33 applicable, the English translation of the driver's license and  
34 abstract of driving record. These documents shall all be notarized  
35 by a consulate general of the issuing foreign nation in this state.

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

37 (F) The applicant has submitted satisfactory proof of California  
38 residency.

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

1 (2) For purposes of this subdivision, an applicant may submit  
2 a driver's license issued by a foreign nation that is equivalent to a  
3 noncommercial or a commercial class A, class B, or class C  
4 California driver's license, but the California driver's license issued  
5 by the department to the applicant shall be a noncommercial class  
6 C driver's license only.

7 (3) For purposes of this subdivision, "foreign nation" means  
8 any jurisdiction other than a state, territory, or possession of the  
9 United States, the District of Columbia, or the Commonwealth of  
10 Puerto Rico.

O