

CHAPTER 6
CERTIFICATE ACTIONS
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CHAPTER 6

CERTIFICATE ACTIONS

1. POLICY. The eligibility requirements, training, and laws and regulations governing applicants/drivers of a school bus, youth bus, general public paratransit vehicle (GPPV), school pupil activity bus (SPAB), and vehicle for developmentally disabled persons are essential to providing pupils greater safety than is ordinarily afforded to others. Therefore, critically examining the actions of these applicants and drivers is necessary to maintain the high standards of safety required of them, as well as the continuing goal to reduce school bus and school bus-related collisions, and other school bus safety violations outlined in Sections 13369, 13370, and 13376 of the California Vehicle Code (CVC).

2. REVIEW AND AUTHORITY FOR CERTIFICATE ACTIONS – THE DEPARTMENT OF MOTOR VEHICLES. The Department of Motor Vehicles' (DMV) Driver Safety Actions Review Unit is responsible for reviewing cases forwarded to them by the California Highway Patrol (CHP), to determine an applicant's eligibility to receive a special driver certificate, and/or take action against a driver's existing certificate.

NOTE: The CHP is not permitted to make a determination regarding a driver's eligibility; take direct action against, or confiscate a driver's special driver certificate. All requests for determination or action against a driver's certificate must be submitted through the CHP to the DMV. All certificate confiscations must be at the direction of the DMV to the CHP. A driver may, however, freely surrender or be directed by the DMV to surrender their certificate directly to the CHP.

3. PREPARING AND FORWARDING CASES FOR REVIEW. When a School Bus Officer/Coordinator (SBO/C) determines it necessary (based on Sections 13369, 13370, or 13376 CVC) to submit a case to the DMV for review, the SBO/C shall consider the policies and procedures outlined in this chapter and relevant laws and regulations. All cases prepared for submission to DMV must be forwarded through Research and Planning Section (RPS). When submitting a case for review, the SBO/C shall prepare an eligibility case to include, but not limited to the following:

- a. CHP 51, Memorandum (signed by the Area commander or designee) containing, at a minimum, the following:
 - (1) Name of the driver.
 - (2) Driver license number.

(3) The name and address of the driver's employer.

(4) A brief statement of facts.

b. Supporting Documents. Supporting documents may be included in the case file, when applicable (collision report, fingerprint background results, training certificate, incident report, CHP 295, Special Certificate Application, CHP 295A, Pre-trip and Driving Test, etc.).

c. Forwarding Eligibility Cases. All eligibility cases shall be forwarded to RPS via departmental mail to location code 061, or United States Postal Service to the address below. Due to the confidential and sensitive nature of some cases, the address shall contain to the attention of: Statewide School Bus Program Coordinator. When received, RPS will review, log, and forward each case to the DMV for determination of eligibility.

California Highway Patrol
Research and Planning Section
P. O. Box 942898
Sacramento, CA 94298-0001
Attention: Statewide School Bus Program Coordinator

d. Timely Submissions. The DMV **may** not accept cases that are received more than 60 days from the date of the incident/concern. Therefore, the SBO/C should make a concerted effort to process cases to RPS in a timely manner. Nonetheless, late cases shall still be forwarded for review.

(1) Urgent Matters. In cases when an immediate action appears necessary, due to the seriousness of the offense, the package shall be marked "EXPEDITE" and forwarded to RPS. If necessary, and requested by the SBO/C, the case may be faxed to RPS with a hard copy to follow.

4. NOTIFICATIONS. The DMV and the CHP are required to make the following notifications regarding the determination of a driver's eligibility to receive or maintain a special driver certificate.

a. Driver and Employer Notifications. The SBO/C shall notify the driver and employer, in writing, when a driver's case is forwarded for review. The initial notification may be made verbally, but must be followed by written notification within five business days of the verbal notification, or as soon as practicable. Written notification means electronic mail or a letter on departmental letterhead.

(1) The Department of Motor Vehicles. The DMV shall notify the driver and the CHP, in writing, of the final determination regarding the driver's certificate.

(2) The California Highway Patrol. The SBO/C shall notify the employer, in writing, of the final determination of the driver's certificate. In writing means, the SBO/C shall forward a copy of the DMV letter stating the final determination to the employer. The initial notification may be made verbally, but must be followed by written notification (a copy of the DMV letter received) within five business days, or as soon as practicable.

5. COMMON CASES FORWARDED TO THE DEPARTMENT OF MOTOR VEHICLES FOR REVIEW AND DETERMINATION. Diverse types of cases are forwarded to the DMV for review to determine the eligibility of a driver to receive a special driver certificate, or to take action against a driver's existing certificate. A few common cases are listed below. While each case will contain the same primary information (name of driver, driver license number, and name and address of [prospective] employer), each will contain differing statements of facts and supporting documents based on the type of case submitted.

a. School Bus Collisions. The SBO/C shall research the appropriate California vehicle code and/or Title 13, California Code of Regulations (13 CCR) sections to determine the appropriate violated sections, and prepare an eligibility case (as outlined in paragraphs 1. and 2. above) for forwarding to RPS. The case shall contain, at a minimum, the following:

(1) A CHP 51, Memorandum (signed by the Area commander or designee). Containing, at a minimum, the following information:

- (a) Name of the driver.
- (b) Driver license number.
- (c) The name and address of the driver's employer.
- (d) A brief statement of facts.

(2) Supporting Documents. It may be necessary to include supporting documents with the cases.

- (a) A copy of the associated collision investigation report(s).
- (b) Copies of any other available documents or relevant information; e.g., citations, court disposition, newspaper articles, photos, etc.

NOTE: The DMV may take action against a special driver certificate holder, if the driver is involved in a preventable traffic collision in a regulated vehicle. The DMV may choose to send the driver a warning letter or a notice of

suspension or revocation of the special driver certificate. Great care should be taken in the evaluation of traffic collisions caused by special driver certificate holders. This is an area in which the Department may significantly impact the safety of school pupil transportation.

b. Criminal History. If the fingerprint background investigation of a driver reveals criminal activity, or if the driver answers “yes” to any of the three questions listed on the DL 45, California Special Driver Certificate, the SBO/C shall prepare an eligibility case for forwarding to RPS. The case shall contain, at a minimum, the following information:

(1) A CHP 51, Memorandum (signed by the Area commander or designee) containing the following:

- (a) Name of the driver.
- (b) Driver license number.
- (c) The name and address of the driver’s employer.
- (d) A brief statement of facts (indicate the year the crime occurred, the code violated, if applicant/driver is on probation, etc.).

(2) Supporting Documents. It may be necessary to include supporting documents.

- (a) A copy of the associated fingerprint background investigation from the Department of Justice and/or the Federal Bureau of Investigations.
- (b) All pages of the DL 45 (if the applicant answered “yes” to any of the three questions listed on the DL 45).
- (c) Copies of any other available documents or relevant information; e.g., citations, court disposition, newspaper articles, photos, etc.
- (d) Copy of all pages of the CHP 295.

c. Fails Written or Driving Test Three Times. When a driver fails a written or driving test three consecutive times, the SBO/C shall prepare an eligibility case for forwarding to RPS. The case shall contain, at a minimum, the following:

(1) A CHP 51 (signed by the Area commander or designee) containing the following:

- (a) Name of the driver.

- (b) Driver license number.
- (c) The name and address of the driver's employer.
- (d) A brief statement of facts (include the date of the third test failure and the date the applicant will be eligible to reapply [45 days from the date of third failure]).
- (e) All pages of the DL 45 (except the Applicant's Receipt copy [yellow]).
- (f) A copy of the CHP 295, Special Certificate Application (showing the test failures/dates). Include this form for a written test failure only.
- (g) A copy of the CHP 295A, Pre-Trip and Driving Test (showing the test failures/dates). Include this form for a driving test failure only.

d. Failure to Meet Prescribed Training Requirements. Upon receiving verified information from an employer or upon inspecting driver records and discovering that a driver has not received the required training during any 12-month period of certificate validity, as specified in Sections 12523 or 12523.5 CVC, or Sections 38161 or 38162 of the Education Code (EC), the SBO/C shall do the following:

- (1) First Occurrence: Notify the driver and employer that the driver must make up the training hours and submit to the CHP, within 30 days of notification of the delinquent training hours, proof that the required training has been accomplished, and that failure to submit proof within 30 days, will result in the case being forwarded to RPS for review. This provision will apply even if a driver has missed more than one training period.
- (2) Subsequent Occurrences. When a subsequent account of delinquent training occurs, the SBO/C shall immediately submit the case to RPS for review and forwarding to DMV.
- (3) Exceptions: These provisions will not apply to a driver on an extended leave of absence due to illness or lack of employment as a driver. In those instances, the SBO/C will notify the employer that when the driver returns to work, proof of receiving the training must be submitted to the local CHP office within 30 days of returning to work. Failure to submit proof within 30 days, will result in the case being forwarded for review.
- (4) Notification of Make Up Training Hours. Carriers are required to notify the CHP of any employee who fails to receive required training pursuant Sections 40082, 40083, 40084, 40085, 40086 EC, and Section 12523 CVC, and to request make up hours.

(5) If a driver fails to submit the required training within 30 days of notification, the SBO/C shall submit a case for DMV review.

- (a) A CHP 51, Memorandum (signed by the Area commander or designee) containing the following:
- (b) Name of the driver.
- (c) Driver license number.
- (d) The name and address of the driver's employer.
- (e) A brief statement of facts. (Include the date the employee/employer was notified or the date the CHP became aware of the delinquent hours and the date proof of the make up hours was due to the CHP Area office).

e. Other Incidents for Review by the Department of Motor Vehicles. Below is a list of other incidents (not all inclusive) which may warrant case review by the Department of Motor Vehicles.

- (1) The applicant fails to obtain a valid driver license or permit of the appropriate class.
- (2) The applicant fails to submit an acceptable medical report or certificate.
- (3) The applicant fails to pay the proper fee for certificate issuance, or submits a check with insufficient funds (refer to Chapter 2, California Special Driver Certificate Processing, of this manual).
- (4) The applicant fails to submit a valid first aid card.

f. Employer Actions. Employers often take remedial actions against their school bus, youth bus, GPPV, or SPAB drivers involved in collisions and other incidents. The SBO/C shall not recommend to employers any disciplinary actions or remedial training. Also, the SBO/C shall not participate in any employer collision review committee; however, they may give employers information concerning such collisions. The employer's disciplinary actions do not relieve the Department of its responsibility to submit cases to the DMV for review.

g. Independent Certificate Actions by the Department of Motor Vehicles. The DMV has authority to, and may, initiate an action against a driver's special driver certificate, based on a subsequent arrest notification received directly from the Department of Justice. Should this occur, the DMV will notify the applicant and appropriate CHP office in writing.

6. CERTIFICATE CANCELLATION.

a. Department of Motor Vehicles Authority. The DMV, pursuant to Section 13369(c) CVC, may cancel the special certificate of a driver of a school bus, youth bus, GPPV, or SPAB without prejudice. When DMV cancels a driver's special certificate, DMV will direct the driver to surrender their special certificate to the appropriate CHP Area office. The SBO/C shall maintain the driver's certificate in the driver's file at the CHP Area office until DMV reinstates the driver or the driver reapplies, whichever occurs first.

b. Voluntary Cancellation by Driver. Should the driver request the DMV to cancel the special certificate, the permanent certificate shall be maintained in the driver's file at the CHP Area office until the driver reapplies or the certificate expires, whichever occurs first.

7. REINSTATEMENT AFTER CANCELLATION. Upon receiving evidence a driver has corrected a deficiency that resulted in a cancellation, the SBO/C shall prepare a brief memorandum for DMV review indicating the deficiency has been corrected. When the DMV receives the memorandum of the corrected deficiency, the DMV will forward a letter to the driver, employer, and the CHP Area office advising the cancellation has been set aside. Upon receipt of the letter from DMV setting aside the cancellation, the SBO/C shall return the permanent/temporary certificate to the driver (if it was surrendered to the CHP Area office). No tests are required as long as the reinstatement occurs prior to the expiration date of the certificate. If the driver was still in possession of the special certificate during the cancellation period, and lost or mutilated the certificate, the SBO/C shall prepare a "duplicate" certificate. (Refer to Chapter 2 of this manual.) The driver will be responsible for paying the applicable fees for a duplicate certificate. Any certificate lost by the CHP or the DMV during the cancellation period shall be replaced at no cost to the driver.

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