

**DEPARTMENT TRAFFIC COORDINATOR
TRANSIT SERVICES BUREAU**

NOTICE

December 17, 2024

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TO: All Department Personnel

FROM: Department Traffic Coordinator

SUBJECT: CALIFORNIA STATE ASSEMBLY BILL 3278 – PROHIBITION TO OPERATE A COMMERCIAL MOTOR VEHICLE FOR CERTAIN VIOLATIONS

PURPOSE

The purpose of this Notice is to advise of the passage of the California State Assembly Bill (AB) 3278 that will impact a commercial driver's licensing, effective January 1, 2025.

BACKGROUND

Assembly Bill 3278 makes modifications to regulations governing commercial driver's licensing (CDL). Pertinently, AB 3278 updates California State law to reflect changes in federal law related to convictions of human trafficking and federal Drug and Alcohol Clearinghouse (DACH) violations, including the following:

- Requiring California courts to report to the California Department of Motor Vehicles (DMV) a conviction using a commercial motor vehicle (CMV) in an act or practice of human trafficking;
- Disqualifying a driver from operating a CMV for life if convicted of human trafficking;
- Disqualifying a driver from operating a CMV if the DMV receives notice from the federal DACH that the driver is prohibited from operating a CMV; and,
- Prohibiting the DMV from issuing, renewing, or upgrading a commercial learner's permit or a CDL if the DMV receives notice from the federal DACH that the driver is prohibited from operating a CMV [Section 15303.5 of the California Vehicle Code (CVC)].

The DACH is an online federal database administered by the Department of Transportation that contains information violations on holders of CDLs with drug and alcohol testing violations. The Clearinghouse keeps records for five years or until the driver has completed the return-to-duty process, whichever is later.

Assembly Bill 3278 adds the following sections to the CVC:

Section 15303

- a) A driver shall not operate a commercial motor vehicle for the rest of their life if convicted of using a commercial motor vehicle in the commission of a felony involving an act or practice of severe forms of human trafficking, as described in Section 7102 of Title 22 of the United States Code; and,
- b) A driver shall not operate a commercial motor vehicle for the rest of their life if convicted of Section 236.1, "Human Trafficking," of the California Penal Code, while using a commercial motor vehicle.

Section 15303.3

Pursuant to Subpart E of Part 383 of Title 49 of the Code of Federal Regulations, a driver shall not operate a commercial motor vehicle if the department receives notice from the federal DACH that the driver is prohibited from operating a commercial motor vehicle. The term for which a driver shall not operate a commercial motor vehicle shall remain in effect for the period specified by Subpart E of Part 383 of Title 49 of the Code of Federal Regulations.

As a reminder, a commercial driver's license is defined by Section 15210(a) CVC and means a driver's license issued by a state or other jurisdiction, in accordance with the standards established by Part 383 of Title 49 of the Code of Federal Regulations, which authorizes the license holder to operate a class or type of commercial motor vehicle.

A commercial motor vehicle is defined by Section 15210(b)(1) CVC and means any vehicle or combination of vehicles that requires a Class A or B license, or a Class C license with an endorsement issued pursuant to paragraph (2), (3), (4), or (5) of subdivision (a) of Section 15278 CVC, as follows:

California Vehicle Code 15278.

(a) A driver is required to obtain an endorsement issued by the department to operate any commercial motor vehicle that is any of the following:

- (1) A double trailer;
- (2) A passenger transportation vehicle, which includes, but is not limited to, a bus, farm labor vehicle, or general public paratransit vehicle when designed, used, or maintained to carry more than 10 persons including the driver;
- (3) A school bus;
- (4) A tank vehicle; or,
- (5) A vehicle carrying hazardous materials, as defined in Section 353 CVC, that is required to display placards pursuant to Section 27903 CVC, unless the driver is exempt from the endorsement requirement as provided in subdivision (b). This paragraph does not apply to any person operating an implement of husbandry who is not required to obtain a driver's license under this code.

(b) This section does not apply to any person operating a vehicle in an emergency situation at the direction of a peace officer pursuant to Section 2800.

Note: California Vehicle Code Section 15210 (b)(2) additionally defines that a commercial motor vehicle does not include any of the following:

- (A) A recreational vehicle, as defined in Section 18010 of the Health and Safety Code;
- (B) An implement of husbandry operated by a person who is not required to obtain a driver's license under this code; or,
- (C) Vehicles operated by persons exempted pursuant to Section 25163 of the Health and Safety Code or a vehicle operated in an emergency situation at the direction of a peace officer pursuant to Section 2800.

PROCEDURE

Effective immediately, when stopping any commercial vehicle, officers shall take the following steps:

- Conduct a driver's license query;
- Determine the license status; and,
- Review the DMV return to determine whether the commercial license states, "License Not Valid For Commercial Operation/DACH Prohibited."

Note: Although the commercial license endorsement may be prohibited, a violator may continue to operate a non-commercial motor vehicle.

In the event the CDL is prohibited and the violator is operating a commercial vehicle, the following steps shall be taken:

- Issue a Traffic Notice to Appear, LAPD Form 04.50.00, or arrest the driver;
- Request the Registered Owner or Legal Owner to arrive at-scene to take possession of the vehicle;
- Indicate the name and driver's license number of the licensed driver that the vehicle is being released to in the narrative portion of the Traffic Notice to Appear; and,
- Determine whether the vehicle should be impounded and ensure compliance with the Community Caretaking Doctrine (See Department Manual Volume IV, Section 222.05)

If you have any questions, please contact Specialized Enforcement Section, Traffic Group, at (213) 486-0777.

APPROVED:


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