

Initial Statement of Reasons

Title 13, Division 1, Chapter 1

Article 2.4. Driver Safety

The Department of Motor Vehicles (department) is authorized by Vehicle Code section 13558 to conduct administrative hearings for drivers who receive a notice of an order of suspension or revocation. The department recently amended its administrative hearing regulations due to, among other things, changes to Government Code sections 11440.20 and 11440.30, related to the service of electronic documents and conducting hearings by telephone or other electronic means, respectively.

During the time the amended regulations have been effective, the department has found provisions that should be revised to ensure optimal clarity for impacted drivers and their potential representatives.

The department is proposing to make changes to its administrative hearing regulations to clarify definitions related to hearing officers and representatives, to clarify the process by which a hearing should be requested and the actions the department will take when no hearing is requested, removes discovery deadlines that could be confusing and in conflict with statute, allows a hearing officer to continue a hearing in specified circumstances, and repeals provisions that are duplicative of statute.

§ 115.01. Definitions.

Section 115.01 identifies the commonly used terms in this article.

Subsection (b) is amended to amend the hearing of "Hearing Officer" to mean a person or board of people appointed to hear the case and render decisions. This change is made to reflect the information in (b)(1) and to clarify that a hearing officer can also include a board of people. The remainder of the definition is retained for additional clarity.

Subsection (c) is amended to revise the definition of "Party" to mean the department and the driver/driver representative. This amendment provides clarification that a hearing officer who presides over the hearing is not a representative of nor an advocate for the department.

Subsection (d) is amended to revise the definition of "Representative" to mean the attorney or other person the driver has requested represent them at the hearing. This provision is necessary to remove the incorrect definition that the

department's representative is the hearing officer. The hearing officer is an unbiased arbiter of fact.

§ 115.04. Hearing Requests and Late Hearing Requests.

Subsection (a) specifies the methods by which a hearing demand can be made to the department. Subsection (a) is amended to add reference to Vehicle Code section 13558, requiring a hearing demand to be made to the department within 10 days of receipt of the notice of order of suspension or revocation.

Subsection (a)(1) is amended to require the hearing demand to be submitted to the department on a Request for Driver Safety Hearing, form DS 2300 (NEW 3/2026). The adopted form will facilitate the hearing process by ensuring consistent and thorough information is submitted to the department.

The form DS 2300 is a new departmental form used by drivers, or by a driver's representative, who are requesting a driver safety hearing. The DS 2300 is a three-page document consisting of nine sections.

The form begins with notification that the hearing can also be requested through the driver safety portal. An instruction paragraph is on the first page of the form and contains statements to the driver that failure to provide all the required information within 10 days of the arrest or suspension will result in the hearing request being denied. This provision is consistent with Section 115.04 and Vehicle Code section 14100. The form notifies the driver that, if the hearing request is made more than 10 days after receipt of the notice of suspension, they must provide information establishing that the driver or their representative is not responsible for the delay in requesting the hearing and that they could not have reasonably made a timely request. These provisions are consistent with Section 115.04(e)(1)(A) and (B).

Section 1 – Driver Information

Section 1 of the form requires an indication of the driver's name, date of birth, address, driver's license number, telephone, and email, if applicable. These requirements are consistent with existing regulations in Section 115.04, identifying the information required for a driver safety hearing. The information received from Section 1 will allow the department to access the correct driver's record.

Section 2 – Suspension/Revocation Information

Section 2 requires an indication of the reason for the hearing including DUI, physical or mental conditions, fraud, negligent operator, special certificate, or financial responsibility, and an indication of the effective date of the suspension

or revocation. The information solicited from this section will ensure the department sets the driver safety hearing for the correct action being take against the driver.

Section 3 – Incident Information

Section 3 requires an indication of the date of arrest, detention, or incident, and the name of the agency conducting the arrest, detention, or involved in the incident. This information will ensure the hearing officer can contact with the appropriate agency when preparing for hearing.

Section 4 – Representative Information

Section 4 requires information related to the person who is representing the driver, if applicable, and requires the name of the representative, the representative's address, telephone number, and email address. This information is necessary as it will allow the department to interact with the appropriate person, if necessary.

Section 5 – Discovery

Section 5 provides notification that the department will, upon request, provide all discovery in its possession and will provide additional discovery as it is obtained. Section 5 also states that if discovery has already been sent, it will not be re-sent unless it is requested, and the driver or their representative is responsible for providing copies of all documents and evidence as it is obtained. Lastly, Section 5 makes clear that discovery can be sent electronically and additional copies can be requested through the Driver Safety Office. The information contained in Section 5 is consistent with Section 115.08, related to discovery, of the regulations. Section 5 also provides a box the driver or their representative can check as an indication that they are requesting discovery.

Section 6 – Electronic Communications

Section 6 provides notification that, upon consent, all notices and communications from the department will be made electronically through email, the online portal, or other electronic communications. If the driver or their representative does not consent, all communications from the department will be made by telephone and through the mail. Section 6 is consistent with Section 115.06, related to electronic service. Section 6 also provides a box the driver or their representative can check as an indication that they consent to electronic communications.

Section 7 – Objections, Motions, Other Requests

Section 7 allows space for the driver or their representative to establish objections, make motions, or identify other requests, at the time the hearing request is made. The information provided in this space will allow the hearing preparation to be conducted more efficiently. This space is also the appropriate space for a driver or their attorney to make a request for an interpreter or other accommodations that are needed to assist the driver or one of their witnesses.

Section 8 – Certification

Section 8 provides space for the driver or their representative to certify that the information provided is true and correct. The certification will be made with a signature and date.

Section 9 – Submission Instructions

Section 9 instructs the driver how to submit the completed form. The form can be submitted through the department's portal at www.dmv.ca.gov/driversafety, or by emailing or mailing the form to one of the department's driver safety offices. The form provides the mailing addresses and email addresses for the Sacramento, Fresno, and El Segundo Driver Safety Offices. Section 9 makes clear that the form cannot be submitted to any other DMV office or location. This will only delay the scheduling of the hearing and could prevent the driver from meeting the 10-day hearing request requirement. Section 9 also informs the driver that they can also request a driver safety hearing by telephone but only the driver can request a hearing by telephone. Representatives cannot request hearings by phone. This provision is consistent with Section 115.04. Lastly, Section 9 makes clear that a form submitted to any location or in a manner that is not provided on the form will not be accepted. This disclosure is important to make clear that the only acceptable hearing request methods are those specifically stated in Section 9.

Subsection (a)(2) is adopted to make clear that a request for hearing made by telephone can only be made by the driver. While the department prefers that hearing requests be made in writing it also recognizes that some drivers may not have access to the internet allowing them to email the form or the resources to print and mail the form. For this reason, the department will accept hearing requests by telephone from drivers. If the driver has a representative, the hearing request must be made in writing. Telephone requests do not allow for the same verification safeguards as written or electronic submissions; therefore, limiting such requests to the driver helps prevent unauthorized individuals from initiating hearings, reduces the risk of miscommunication or fraud, and ensures that the department receives information directly from the person whose driving privilege is affected.

Subsection (a)(3) is adopted to identify the information required when a person is making a hearing demand by any means. The information required in a hearing request is in existing regulation and includes, among other things, the name, birthday, driver's license number, address, email, and information related to the incident that caused a notice to be issued. The information requirements are listed in subsections (b)(3)(A) through (b)(3)(D). The information contained in these subsections are unchanged.

Current subsection (a)(1)(E) requires the hearing request to include an indication as to whether the driver and their representative consents to electronic service pursuant to Section 115.06. The department is proposing to repeal Section 115.06 in its entirety, requiring subsection (a)(1)(E) to also be repealed.

Subsection (b), renumbered from subsection (a)(2), and subsection (c) are amended, and additional language is added to make clear that a hearing request that does not comply with the requirements provided in subsection (a) will be considered an invalid hearing request. The procedures and information provided in subsection (a) ensure the information received from the driver is complete and thorough and in compliance with Vehicle Code sections 13558 and 14100. Subsection (c) is further amended to adopt reference to Vehicle Code section 13558.

Subsection (d) is amended to remove reference to the "person requesting the hearing" and replacing with reference to the driver or their representative. The amendment is necessary to clarify that the only individuals who are authorized to request a hearing is the driver or their representative. A non-substantive amendment is also made to subsection (d) to update a citation.

The provisions of subsection (b) are moved to subsection (e)(1).

Subsection (e) is adopted to make clear that failure to request a hearing within 10 days is a waiver of the driver's right to a hearing and the department will take action without a hearing. This provision is authorized by Vehicle Code section 14100, allowing a person the right to request an administrative hearing within 10 days after the receipt of the notice of suspension. For clarification, subsection (e) also states that a request is considered filed on the date it is received by the department. This provision is necessary to not only comply with statute, but to also make clear that failing to timely request a hearing will result in the department taking action against the driver's license.

Subsection (e)(1) allows the department to grant a late hearing request. This is an existing provision moved from former subsection (b). Subsections (b)(1) and (b)(2) are renumbered to subsections (e)(1)(A) and (e)(1)(B), respectively.

Note: Authority cited: Section 1651, Vehicle Code; and Section 11400.20, Government Code. Reference: Sections 16070 and 16075, and Article 3 (commencing with Section 14100) of Chapter 3 of Division 6, Vehicle Code; and Sections 11505 and 11506, Government Code.

§ 115.06. Electronic Service.

The purpose of Section 115.06 is to allow for the electronic service of notices and communications when agreed to by the hearing officer, the department, the driver, and the driver's representative.

Senate Bill 169 (Chapter 82; Statutes of 2026) amended Vehicle Code section 1801.2 to allow for the electronic exchange of information if the person has been identified by the department and has provided the department with an email address or other similar electronic address. The amendments also clarify that a person who provides an electronic address to the department shall be deemed to have consented to the electronic delivery of documents or information from the department to that address.

The department is proposing to repeal Section 115.06 to avoid duplication and to ensure there is no potential confusion to affected parties.

§ 115.08. Discovery.

Notwithstanding the provisions of Section 11507.6 of the Government Code, and in order to conform to the time constraints for hearings under Chapters 2 and 3 of Division 6 of the Vehicle Code:

Subsection (a) is amended to remove the current timeframes related to the exchange of discovery. As currently written, discovery is required to be exchanged between the parties within 20 days of a hearing being requested or 10 or more business days before the date set for the hearing, whichever is earlier. The department has found this provision to pose logistical problems due to the requirements being confusing to drivers, attorneys, and the department's hearing officers. The department is amending subsection (a) to simply require the exchange of discovery. The department anticipates the amendment will be clearer and streamline the hearing process for drivers, attorneys, and hearing officers.

As currently written, subsection (b) prohibits the admission of evidence when the evidence was not provided to the opposing party unless the proponent of the evidence can show they had no access to the records, as provided in subsections (b)(1) and (b)(2). Subsection (b) is amended to remove the term "within the time" as that is a reference to the exchange of discovery

requirements in subsection (a). The department is removing the time limits from subsection (a) so changing subsection (b) from “within the time” to “as required” will ensure consistency and clarity.

Subsection (b) is also amended to remove reference to “the proponent of the evidence can show” and replace with “the following is shown.”

Subsections (b)(1) and (b)(2) provide circumstances under which late discovery could be accepted as evidence despite that discovery being submitted outside the requirements of subsection (a). These provisions are necessary as there are circumstances where the proponent of the evidence does not have access to discovery that could be vital to their case. These provisions add a pathway to introduce those documents into the case.

Both subsections (b)(1) and (b)(2) contain a non-substantive amendment to remove the term “they” and replace with “the party.”

Subsection (b)(1) allows late discovery when the party shows that they did not have the document, writing, or thing in their possession. This subsection is amended to clarify that the discovery must have been inaccessible at the time the discovery was requested.

Subsection (b)(2) is amended to remove the term “as soon as reasonably possible” to “within a reasonable time.”

Subsection (c) allows for discovery to be served electronically. Subsection (c) is amended to make clear that electronic discovery may be served electronically. This amendment is necessary to clarify the right to electronic service without the hearing officer’s permission.

§ 115.10. Hearings.

Subsection (a)(2) contains a non-substantive clarifying edit adding the words “they and.” The clarification ensures party who is also a witness also has access to the requirements in subsections (a)(2)(A) through (D).

§ 115.13. Motion for a Continuance of Hearing.

The purpose of Section 115.13 is to establish reasons for which a motion for continuance of a hearing should be made.

Subsection (g) is adopted allow for a hearing officer to make a continuance on their own motion and provides the reasons for which the hearing officer would order such a continuance. The ability for a hearing officer to continue a hearing will ensure due process requirements are met by potentially ensuring all documents, evidence, or witnesses are present, to allow both sides time to

review any new information that arises, or if additional interpreter or other accommodations are necessary to ensure a fair hearing.

§ 115.14. Hearing Officer Disqualification.

Section 115.14 is repealed. All provisions duplicate existing statutes and could cause confusion.

Subsection (a) is repealed as the provisions exist in Government Code section 11512(c).

Subsections (b) and (b)(1) through (b)(3) are repealed as the provisions exist in Government Code section 11425.40(b).

§ 115.15. Request for the Disqualification of a Hearing Officer.

Section 115.15 is repealed as the provisions are already addressed in Government Code sections 11425.40, 11425.50, and 11512 and that duplication could cause confusion.

DEPARTMENTAL DETERMINATIONS

- Technical, Theoretical and/or Empirical Studies, Reports or Documents: None.
- Reasonable Alternatives That Would Lessen Any Adverse Impact on Small Business: No alternatives were considered or presented that would lessen any adverse impact on small businesses.
- Evidence Supporting Determination of No Significant Adverse Economic Impact on Business, Including the Ability to Compete: This action streamlines the process in which driver hearings are conducting allowing the hearings to progress more efficiently. The changes will not likely have an adverse economic impact.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department does not anticipate this action will impact representative private persons or businesses as there are no costs to the driver to have a driver safety hearing.

- Effect on Housing Costs: None.
- Local Agency/School District Mandates: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Small Business Impact: This proposed action will not impact small businesses as the provisions amend administrative hearings only for drivers.
- Potential Significant Statewide Adverse Economic Impact on Business: The department does not anticipate this action will have a significant statewide adverse economic impact directly affecting businesses, including the ability of California to compete with businesses in other states. This action streamlines the process in which driver hearings are conducting allowing the hearings to progress more efficiently. The changes will not likely have an adverse economic impact.

ECONOMIC IMPACT ASSESSMENT

(Government Code section 11346.3)

The department has made the following determinations related to this proposed regulatory action:

- Creation or Elimination of Jobs Within the State of California

This proposed action updates the department's driver safety hearing regulations to allow for more hearing process to be completed electronically and virtually. It is unlikely that any of the proposed amendments will either create or eliminate jobs within the State of California.

- Creation or Elimination of Existing Businesses Within the State of California

This proposed action updates the department's driver safety hearing regulations to allow for more hearing process to be completed electronically and virtually. It is unlikely that any of the proposed amendments will either create or eliminate businesses within the State of California.

- Expansion of Businesses Currently Doing Business Within the State of California

This proposed action updates the department's driver safety hearing regulations to allow for more hearing process to be completed electronically and virtually.

It is unlikely that any of the proposed amendments will expand businesses currently doing business in the State of California.

- Benefits of Regulation to the Health and Welfare of California Residents, Worker Safety and the State's Environment

This proposed action is unlikely to impact worker safety, the state's environment, or the health of California residents, however, this action may benefit the welfare of California residents by ensuring driver safety hearings progress efficiently.