

TITLE 13: DEPARTMENT OF MOTOR VEHICLES

Division 1, Chapter 1

Article 2.4 – Driver Safety

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to amend Sections 115.01, 115.04, 115.08, 115.10, and 115.13, and repeal Sections 115.06, 115.14 and 115.15, in Article 2.4, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to Driver Safety Hearings.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than **November 16, 2026**, the final day of the written comment period, for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code sections 1651 and 1801.2, and Government Code sections 11400.20, to implement, interpret, or make specific Vehicle Code sections 13558, 16070, and 16075, and Government Code sections 11440.20, 11440.30, 11440.60, 11450.05, 11450.30, 11455.30, and 11524.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The 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, their potential representatives, and hearing officers.

The department is proposing to make the following changes to its administrative hearing regulations:

§ 115.01. Definitions.

Amending the definition of “Hearing Officer” to a person or board of people appointed to hear the case and render decisions.

Amending the definition of “Representative” to mean the attorney or other person the driver has requested represent them.

§ 115.04. Hearing Requests and Late Hearing Requests.

Requires a hearing request to be made in writing on a form specified by the department and clarifies that a hearing request made by a representative can only be made by telephone.

Clarifies that failure to request a hearing within 10 days of the receipt of notice of suspension or revocation will be considered a waiver of the right to hearing and the department will take action without a hearing.

§ 115.06. Electronic Service.

Section 115.06 is proposed for repeal to avoid clarity issues related to recently passed legislation.

§ 115.08. Discovery.

Removes a provision that establishes deadlines for the transfer of information related to witnesses and discovery and, instead, relies on the deadlines established in Government Code section 11507.6 and in the Vehicle Code.

Clarifying changes related to late discovery requests and to the service of discovery by electronic means.

§ 115.10. Hearings.

Clarifying amendment to ensure that each party, in addition, to all witnesses have appropriate and necessary information to participate in the hearing.

§ 115.13. Motion for a Continuance of Hearing.

Allows a hearing officer to continue a hearing on their own motion as necessary to make an accurate determination, to obtain complete information regarding the case, or in the interest of justice.

§ 115.14. Hearing Officer Disqualification.

Repeals Section 115.14 in its entirety as it is duplicative of statute.

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

Repeals Section 115.15 in its entirety as it is duplicative of statute.

BENEFITS OF THE PROPOSED REGULATION

The department anticipates the changes made to the regulations will add clarity to existing regulations that were recently amended. The revisions will ensure the rules are easier to follow for drivers, their representatives and hearing officers. Adding clarity to existing regulations will also benefit the driver by removing barriers that cause hearings to be unnecessarily delayed.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department conducted a review of other state regulations and found there are no other regulations related to driver safety hearings conducted by the department, therefore, the department has determined this action is neither inconsistent nor incompatible with other state regulations.

COMPARABLE FEDERAL STATUTES OR STATE REGULATIONS

There are no comparable federal statutes or state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

The following document is incorporated by reference:

- Request for Driver Safety Hearing, form DS 2300 (NEW 3/2026)

The department is not publishing this document in the California Code of Regulations because it would be burdensome and cumbersome to do so, however, the document is available, upon request, by the department representative identified in this Notice.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- 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.
- Effects on Housing Costs: None.
- Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.: 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.
- Small Business Impact: This action may impact small businesses.
- Local Agency/School District Mandate: 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.
- Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: 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.

RESULTS OF THE ECONOMIC IMPACT STATEMENT

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

This proposed action is unlikely to impact 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, 3) the expansion of businesses currently doing

business within the State of California, or 4) worker safety or the state's environment.

This action may benefit the welfare of California residents by ensuring driver safety hearings progress efficiently.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Specialist

Department of Motor Vehicles

Legal Affairs Division

PO Box 932382, MS C-244

Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 282-7294

Facsimile: (916) 657-6243

E-Mail: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Peggy Gibson, Attorney IV

Department of Motor Vehicles

Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <https://www.dmv.ca.gov/portal/about-the-california-department-of-motor-vehicles/california-dmv-rulemaking-actions/>.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.