

Initial Statement of Reasons
Title 13, Division 1, Chapter 1
Article 2.4. Driver Safety

Assembly Bill 1578 (Chapter 401; Statutes of 2022) amended Government Code section 11440.20 to allow for the service of hearing documents to be transmitted electronically and amended Government Code section 11440.30 to allow a hearing officer, in circumstances where a party objects to a hearing being conducted electronically, to structure the hearing in a manner that addresses the party's specific objections.

As more driver safety hearings are being conducted electronically, the department determined it necessary to amend Article 2.4 to ensure its regulations related to administrative hearings are consistent with recent changes made to various statutes.

§ 115.00 Applicability.

The section number is changed and references to sections are updated to include all sections.

§ 115.01. Definitions.

Section 115.01 is adopted to clarify the terms used throughout these regulations.

Subsection (a) is adopted to make clear the definition of a 'driver' as being the person whose driver's license or driving privilege is at issue in the hearing.

Subsection (b) is adopted to make clear the definition of a hearing officer. Subsection (b)(1) is adopted to establish that a hearing officer or a hearing board is not an advocate for the department but is a neutral decision-maker. A hearing officer or hearing board determines whether a license should be issued, renewed, denied, revoked, or suspended under applicable statutes and regulations. This section is necessary to make clear the purpose of a hearing officer is to be an impartial arbiter who ultimately determines the outcome of the hearing.

Subsection (b)(2) is adopted to identify the methods by which a hearing officer may reach their conclusion such as by investigation, evidence gathering, or subpoenaing witnesses. This provision is necessary to identify different approaches a hearing officer may use to obtain complete information when making a decision.

Subsection (c) is adopted to establish the parties to a hearing and includes the department and its representatives, as adopted in subsection (c)(1), and the driver and their representative, as adopted in subsection (c)(2). These provisions are necessary to clearly establish the parties involved in a driver safety hearing.

Subsection (d) is adopted to define a ‘Representative’ as a hearing officer or board assigned to hear the case, as adopted in subsection (d)(1), and an attorney or other person the driver requested represent them at the hearing, as adopted in subsection (d)(2). This provision is necessary to provide clarity related to the meaning of a ‘representative.’

§ 115.02. Public Observation.

The purpose of Section 115.02 is to establish the process by which the public can observe departmental driver safety hearings. The amendments are made, in part, as a result of the passage of AB 1578.

Subsection (a) is adopted to make clear that all hearings will be open to public observation pursuant to Government Code section 11425.20. Recognizing that virtual hearings have been successful in California, AB 1578 made various amendments to ensure that virtual hearings continue, including amending Government Code section 11425.20 to specify that, to the extent a hearing is conducted by telephone, television or other electronic means, the public observation requirement will be satisfied if the members of the public have an opportunity to, among other things, be physically or virtually present at the place where the presiding officer is conducting the hearing. Additionally, amendments included in AB 1578 clarifies that “present” can be satisfied either by providing a designated location from which members of the public can observe the meeting via a live audio or video feed of the hearing made available to the public on the internet or by teleconference.

Subsection (b) is renumbered from subsection (a). Subsection (b)(2) is amended to make clear that a hearing officer may restrict attendance of the public if necessary due to physical limitations or if necessary to insure a fair hearing for the driver. This provision is necessary to ensure the hearing officer has the authority to restrict attendance not only to in-person hearings, but virtual hearings as well in circumstances where the participation of a non-party prevents the Department from conducting a full and fair hearing for the driver, including physical or technical limitations.

Subsection (b)(4) is adopted to make clear that a hearing officer may exclude persons or take actions necessary to protect the privacy or personal information of parties, witnesses, or other persons necessary to the hearing. This provision is necessary to give the hearing officer the authority to exclude persons from a hearing at times when it is necessary to protect the privacy or personal information of those required to be involved in the hearing.

Former subsection (b) established provisions related to hearings conducted by telephone. Because those provisions are now applicable to all hearings, subsections (b)(1), (b)(2), and (b)(3), are renumbered to subsections (c), (d), and (e), respectively.

Subsection (c) is further amended to remove the requirement that a written request to observe a hearing be submitted in a timely manner and adopt the requirement that the written request be received by the department ten or more business days before the date set for the commencement

of the hearing. The department determined that ten days is sufficient for the hearing arrangements to be made.

§ 115.03. Interpreters and Accommodation.

The purpose of Section 115.03 is to identify rules related to instances where a party, a party's representative, or a witness requires an interpreter or accommodation.

Subsection (e) is amended to remove reference to Evidence Code section 751, to change 'he or she' to 'they', and to change 'his or her' to 'their.'

§ 115.04. Hearing Requests and Late Hearing Requests.

Section 115.04 establishes the process by which a hearing will be requested and identifies information required when the driver is submitting a late hearing request.

Subsection (a) is amended to remove reference to Government Code section 11506 as it relates to filing a notice of defense upon receipt of an accusation. Instead, subsection (a) cites Vehicle Code section 14100 which requires a hearing to be requested within 10 days from when the department has given notice or has taken or proposes to take action. Subsection (a) also requires a request for hearing be made in writing, by telephone, or in person. This amendment is necessary to ensure the request for hearing is submitted to the department in the appropriate format and within the appropriate time requirements.

Subsection (a)(1) is amended to remove language related to a hearing request being submitted in writing, by telephone, or in person. This language is removed from subsection (a)(1) as it is adopted in the proposed amendments to subsection (a).

Subsections (a)(1)(A) through (a)(1)(E) identify the information required when making a hearing request. Subsection (a)(1)(A) is amended to require a hearing request to include the name, birthdate, driver's license number, current address, email, and current telephone number of the subject driver requesting the hearing. Much of the information contained in the proposed amendments to subsection (a)(1)(A) are consistent with current requirements.

Subsection (a)(1)(B) is amended to require an indication of the date of arrest, detention, or incident at issue in the hearing. This information is currently requested in subsection (a)(1)(D).

Subsection (a)(1)(C) is amended to require an indication of the name of the agency responsible for arresting, detaining, citing, contacting, and/or providing notice of an order of suspension to the person requesting the hearing. Currently, subsection (a)(1)(E) requires the name of the arresting agency. The amendment is expanded to be more inclusive of all circumstances under which contact is made with a driver.

Subsection (a)(1)(D) is amended to require an indication of the name, address, email, and telephone number of the subject driver's attorney or representative, if applicable. This

information is necessary to ensure the department can make contact with the driver's attorney or representative as early as possible.

Subsection (a)(1)(E) is amended to require an indication as to whether the driver consents to electronic service pursuant to Section 115.06. This information is necessary in the hearing request as it allows the immediate transfer of information electronically, if the driver or their representative agrees.

Subsection (a)(3) is adopted to make clear that a person requesting a hearing or their representative must inform the department of any change in the information provided in subsection (a)(1) within five days of the change. This provision is necessary to ensure there will be no unnecessary delay in corresponding or securing information necessary to conduct the hearing.

Subsection (b) is adopted for instances where a driver fails to request a hearing within ten days by allowing the department to grant a hearing when the driver submits information establishing that the driver was not responsible for the delay in requesting a hearing, as provided in subsection (b)(1), and the driver could not reasonably have made a timely request, as specified in subsection (b)(2). This information is necessary for the hearing officer to have information sufficient to determine whether a late hearing request should be accepted.

§ 115.06. Electronic Service.

Section 115.06 is adopted to establish the process by which a driver or their representative may consent to receive electronic service.

Vehicle Code section 1801.2 requires the department to mail, notify, deliver via certified mail or first-class mail, provide information in written form, or otherwise reference the use of paper, a writing, or the mail to convey information to a person. That requirement may be satisfied by electronic notification if, among other things, the driver consented to the electronic receipt of the document or information received.

Whether a driver consents to receive electronic service is established as part of the information required when making a hearing request and is identified in Section 115.05(a)(1)(E).

§ 115.07. Notice of Representation and Withdrawal of Representative.

Section 115.07 is adopted to establish the process by which a driver's authorized representative is required to provide notice of that representation to the department. Section 115.05(a)(1)(D) requires the name, address, e-mail, and telephone number of the driver's attorney or representative if one has been designated at the time a hearing is requested. However, if an attorney or representative is not identified at the time, Section 115.07 requires notice of representation within ten days after assuming representation. The information required in the notice is adopted in subsection (a) and is consistent with the requirements of Section

115.05(a)(1)(D). The representative is required to provide the department with their name, address, telephone number, and e-mail. This information is necessary as it will allow the department to establish contact with the representative by whichever means they request.

Subsection (b) is adopted to make clear that an attorney or other representative may withdraw as counsel or representative by providing the department with notice of the withdrawal. This provision is necessary to establish the method by which an attorney or representative can withdraw. Departmental notification is necessary to ensure subsequent documents and contact are directed to the appropriate person. Subsection (c) is adopted to make clear that a withdrawal does not constitute grounds for continuance. This provision is necessary to clearly establish that, if a driver requests a hearing continuance based on the withdrawal of counsel alone, the request will not be granted.

§ 115.08. Discovery.

Section 115.08 is renumbered from Section 115.05 and the title is amended to “Discovery.”

The current rule requires a party, with approval of the department, to request discovery by telephone or in person at least ten days prior to the date set for commencement of the hearing. The current rule also provides that a request for discovery may be grounds for a continuance. These provisions, current subsections (a) through (c), are repealed.

Subsection (a) is adopted to require each party to provide the other party with discovery within 20 days of a hearing being requested or ten or more business days before the date set for the commencement of the hearing, whichever is earlier. This provision will ensure hearings are not unnecessarily delayed or continued because a party failed to submit a timely discovery request.

Subsections (a)(1) is adopted to establish that the transfer of discovery includes the name of witnesses to the extent known to the other party, including those intended to be called to testify at the hearing.

Subsection (a)(2) is adopted to establish that the transfer of discovery includes a true copy of any document, writing, or thing which is in the possession or custody or under the control of the party and which may be relevant and admissible in evidence.

Subsection (a)(2)(A) is adopted to require all digital photographs, video, documents, or other digital media to be provided in a format reasonably accessible to the other party. This provision is necessary to ensure each party is able to view the information being provided.

Subsection (a)(2)(B) is adopted to make clear that the department may order a party to provide the digital photographs, video, documents or other digital media in an alternate format. This provision is necessary to ensure each party is aware that they will be required to provide an alternate format if the originally submitted discovery is not reasonably accessible.

Subsection (a)(2)(C) is adopted to make clear that, if digital media cannot be accessed or viewed by the hearing officer, it will not be admitted.

Subsection (b) is adopted to make clear that evidence not provided within the time requirements of subsection (a) will not be admitted at the hearing unless the proponent of the evidence can show they did not have the document, writing, or thing in their possession, custody, or control, as specified in subsection (b)(1), and they provided the evidence as soon as reasonably possible after receiving the evidence, as specified in subsection (b)(2). This provision is necessary reduce instances where hearings are unnecessarily delayed or continued because a party failed to submit discovery in a timely manner.

Subsection (c) is adopted to allow for discovery to be served electronically by means prescribed by and in the discretion of the hearing officer.

§ 115.09. Change of Venue for In-Person Hearings.

Subsection 115.06 is renumbered to Section 115.09 and the title is amended from “Change of Venue” to “Change of Venue for In-Person Hearings.” The title change is necessary for clarity as the department now conducts many hearings virtually.

The purpose of Section 115.09 is to establish the process by which a change of venue is selected for in-person hearings. Subsection (a) is amended to clarify ‘in-person’ hearings.

Subsection (e) specified that a motion for a change in the place of hearing shall not stay the action by the department. Subsection (e) is repealed due to lack of necessity. With the department holding more hearings virtually, a motion to change the place of a hearing alone is not sufficient to stay any action by the department.

§ 115.10. Telephone Hearings.

Section 115.07 is renumbered to Section 115.10 and the title is amended from “Telephone Hearings” to “Hearings.” The title change is necessary as the revised provisions apply to all hearings and not just those held by telephone.

Subsection (a) is adopted to make clear that department hearings can be held in-person, or virtually by telephone, videoconference or other electronic means. This provision is necessary as it establishes all the methods by which the department can hold a hearing.

Subsection (a)(1) is renumbered from subsection (a) and continues to require that hearings be sufficiently audible that it can be clearly recorded. Non-substantive edits are made to add the words “virtually” and “videoconference” and remove the word “television.” These amendments ensure language is consistent throughout the regulations and remove a term that is no longer used in department hearings.

Subsection (a)(2) is adopted to establish procedures related witnesses called by party in a hearing held virtually. This provision is necessary to establish requirements that are unique to hearings held virtually by ensuring witnesses have all necessary information prior to appearing at the hearing.

Subsection (a)(2)(A) is adopted to require a witness called by a party to have access to appropriate equipment to participate in the hearing.

Subsection (a)(2)(B) is adopted to require a witness called by a party to have all information necessary to log in, connect, or otherwise participate in the hearing, including web links, passwords, or telephone numbers.

Subsection (a)(2)(C) is adopted to require a witness called by a party to have in their possession a copy of all exhibits and discovery and requires the discovery to be provided to the witness ten or more business days before the date of the commencement of the hearing.

Subsections (a)(2)(A) through (C) are necessary to ensure witnesses are provided with all information necessary for them to follow the hearing and provide competent testimony based on the information provided to them.

Subsection (a)(2)(D) is adopted to make clear that failure to follow the provisions of this section may result in the exclusion of the evidence and/or witness. This provision is necessary to reduce instances of unnecessary hearing delays or continuances due to witnesses not being adequately prepared for the hearing by their respective party.

Subsection (b) is amended to repeal current language preventing a hearing officer from conducting all or part of a hearing by telephone, television, or other electronic means if a party objects. Subsection (b) is amended to ensure that this section is consistent with current language of Government Code section 11440.30 and make clear that a party may object to all or part of a hearing being held by telephone, videoconference, or other electronic means. Subsection (b)(1) is adopted to require that any objection all or part of a hearing held virtually must be made at the time the hearing is requested. This requirement is necessary to uphold the legislative intent enacted in Government Code section 11440.30. The legislative analysis shows that the legislator believed the changes to the statute were necessary to utilize the technology and experience gained during the pandemic and utilize them to achieve efficiencies in the administrative hearings process in the future. (*ASSEMBLY FLOOR ANALYSIS*, AB 1578 (Committee on Judiciary), As Amended September 3, 2021.) This also ensures that remote administrative hearings and the associated best-practices and efficiencies may continue. (*Id.*) This section promotes this intent by providing for remote hearings while protecting the rights of the driver by ensuring the driver can object if a remote process would prevent a fair hearing.

The objection must include a showing of facts, as required by subsection (b)(2). The showing of facts must demonstrate an actual prejudice arising from holding the hearing virtually, as specified in subsection (b)(2)(A), and that no reasonable actions could be taken to avoid the prejudice, as specified in subsection (b)(3)(B). This section is necessary to enact the updated language of Government Code section 11440.30 requiring the hearing officer to consider and address the specific objections to a remote hearing raised by the party in order to structure the hearing, in the hearing officer's discretion, to address the specific issues raised. This section necessarily requires that the objecting party provide a specific objection to the remote hearing rather than a simple general objection. Any objection to the hearing taking place remotely that is supported by facts will necessarily allege that the remote hearing cannot be accomplished in a

fair manner to the objecting party. In other words, the objecting party will need show how a remote hearing prejudices their ability to have a fair hearing. A showing of prejudice specified by the facts of the objection is necessary to provide the hearing officer with information to best exercise their discretion and address the specific issue raised. If there is no prejudice to the driver, then there is nothing the hearing officer can remedy to provide a full and fair hearing. Thus, to meet the requirements of Government Code section 11440.30, the objection must be both specific and provide information on how the issue prejudices the driver.

Subsection (b)(3) is adopted to make clear the hearing officer may grant or deny the objection, or in their discretion deny the objection and make such orders to structure the hearing to address the specific issues. This provision is necessary to allow for virtual hearings yet allow hearing officers flexibility to ensure the hearing can accommodate all parties.

Subsection (b) is consistent with Government Code section 11440.30 requiring, upon an objection to a hearing being held by electronic means, a hearing officer shall consider the objection and may structure the hearing to address the party's specific objection. For the hearing officer to consider the objection and structure the hearing accordingly, the hearing officer must be provided with information sufficient to make a determination. The department has determined the requirements of subsection (b)(2) will allow the hearing officer to make a determination.

Former subsection (d) authorized the department to allow a late objection to conducting all or part of a hearing by telephone, television, or other electronic means for good cause. This provision is repealed. The department is adopting subsection (b) to provide greater clarity related to objecting to virtual hearings.

§ 115.11. Motions.

Section 115.08 is renumbered to Section 115.11.

The purpose of Section 115.11 is to establish rules related to motions during departmental hearings, including the contents of a motion, service of a motion, and arguments on a motion, if applicable.

Subsection (a) is amended to allow motions to be made orally, in writing, or electronically if the parties have agreed to electronic service, as specified in Section 115.06. An amendment is also made to add reference to the sections in Article 2.4 related to motions, including Section 115.12, related to a motion to seal, section 115.13, related to a motion for continuance, and Government Code section 11450.30, related to a motion to quash and a motion for a protective order.

Former subsection (b) related to a motion to continue. This language is repealed and adopted in Section 115.13. Former subsection (c) is renumbered to subsection (b) and the language is unchanged.

Former subsection (d) specified that a motion shall be made and filed at least 5 business days before the date set for the commencement of the hearing. This provision is repealed. The adoption of subsection (c) establishes alternate rules related to when motions are made.

Subsection (c) is adopted to make clear that all motions shall be made either orally on the record or in writing served on the hearing officer either in person or electronically, as required in Section 115.06, related to electronic service, if the person has consented to electronic service. This provision is to ensure all motions are served in a manner consistent with other documents that are being served in a driver safety hearing proceeding. Furthermore, subsection (c)(1) is adopted to make clear that a motion not made in compliance with subsection (c) will be denied. This provision is necessary to clearly establish that a hearing officer will deny any motion that is not served either orally or electronically. Subsection (c)(2) is adopted to make clear that a hearing officer has to discretion to allow an oral motion to be made in-person and virtually.

Subsection (e) is renumbered to subsection (d) and is further amended to removed reference to a motion “filed pursuant to this section” for lack of necessity.

Subsection (f) is renumbered to subsection (e). The regulatory text is unchanged.

§115.12. Motion to Seal Evidence.

The purpose of Section 115.12 is to allow sensitive or confidential information to be filed without becoming a matter of public record. This can only happen if a requestor provides information showing the harm that would occur if the information wasn't kept confidential. The adoption of rules related to a motion to seal evidence is consistent with the provisions of Government Code section 11450.30, related to subpoenas and allowing a presiding officer to make an order that is appropriate to protect the parties or the witness from unreasonable or oppressive demands, including violations of the right to privacy.

Subsection (a) is adopted to make clear that any person who receives a subpoena may file a motion to seal the evidence subpoenaed and subsection (a)(1) is adopted to require the motion to state the reason for the motion, including the information or items that need to be sealed and the harm that would result if the evidence is not sealed. This provision is necessary to allow for a process by which evidence can be sealed yet also ensure sufficient information that will allow the hearing officer to make an informed decision as to grant or deny the motion to seal evidence.

Subsection (b) is adopted to establish the process when a motion to seal evidence is granted by the hearing officer and requires the hearing officer to provide notice to all parties that the motion has been granted, as adopted in subsection (b)(1); the requested evidence is under seal, as adopted in subsection (b)(2); and the evidence may not be copied, disseminated, or used for any purpose outside of the hearing, as adopted in subsection (b)(3). This information is necessary to make clear that all parties will not only receive notice upon the granting of a motion to seal evidence and to establish in regulation rules to ensure the evidence is not released.

Subsection (c) is adopted to require all parties return all copies of the evidence to the hearing officer at the conclusion of the hearing. This provision is also necessary to ensure the evidence remains confidential after the hearing has concluded.

Subsection (d) is adopted to make clear the hearing officer may grant a motion in whole or in part, and subsection (d)(1) is adopted to make clear that, if a motion is granted in part, the complete, original evidence will be sealed and a redacted copy will be provided to all parties. This provision is necessary to allow for the partial sealing evidence.

Subsection (e) is adopted make clear that evidence ordered under seal shall not be subject to public inspection absent a court order. This provision is consistent with the California Evidence Code section 1063 requiring that sealed evidence shall not be unsealed absent an order of the court.

§115.13. Motion for a Continuance of Hearing.

The purpose of Section 115.13 is to reduce instances where hearings are unnecessarily delayed. The provisions adopted in Section 115.13 are consistent with Government Code section 11524 authorizing an agency to grant continuances upon a showing of good cause.

Subsection (a) is adopted to make reference to the Government Code section that allows an agency to accept a motion for a continuance.

Subsection (b) is adopted to make clear that no motion for a continuance will be granted absent a showing of good cause. This requirement is consistent with Government Code section 11524 and is necessary to allow the hearing officer to make an informed determination whether to grant or deny a motion for a continuance.

Subsection (c) is adopted to establish the information required in a motion for a continuance and includes the nature of the conflict, event, or occurrence, as adopted in subsection (c)(1); the date of the conflict, event, or occurrence arose or was discovered, as adopted in subsection (c)(2); and the steps or actions taken by the requesting party to avoid the conflict, as adopted in subsection (c)(2). This information will be sufficient to allow the hearing officer to determine whether good cause exists for a motion for a continuance to be granted.

Subsection (d) is adopted to make clear that a motion for a continuance made more than ten business days following the time the party discovered or reasonably should have discovered the conflict and subsection (d)(1) is adopted to establish that a motion for a continuance made more than 10 business days following the time the party discovered or should have discovered the conflict will not be granted. These provisions are necessary to ensure last minute hearing delays that inconvenience all parties and make clear that all motions for continuance should be made immediately following the time at which the party determined there to be a conflict.

Subsection (d)(2) is adopted to establish a process for late motions for continuance when a party had no foreseeable way to know that a conflict existed prior to the 10 day requirements in subsection (d). Subsection (d)(2) authorizes a hearing officer to grant a motion for continuance

made more than 10 business days following the time a party discovered or should have discovered the conflict if the party demonstrates facts supporting the requesting party could not reasonably have requested the continuance any sooner, as adopted in subsection (d)(2)(A); the requesting party is not at fault for the conflict necessitating the continuance, as adopted in subsection (d)(2)(B); and the requesting party has made reasonable, diligent efforts to avoid the conflict, as adopted in subsection (d)(2)(C). These provisions are necessary to allow for a process by which a party can submit a late motion for continuance and provide information sufficient to allow the hearing officer to establish whether good cause exists for the motion for continuance to be granted.

Subsection (e) is adopted to make clear that failure to provide information identified in this section will result in the denial of a request for continuance. This provision is necessary to make clear that, absent sufficient information to establish good cause for a motion for continuance, the hearing officer will deny the request for continuance.

Subsection (f) is adopted and necessary to make clear that any request for judicial review will comply with Government Code section 11524(c) requiring a party seeking judicial review to, within 10 working days of the denial, make application for appropriate judicial relief in the superior court or be barred from judicial review thereof as a matter of jurisdiction and requires the party applying for judicial relief from the denial to provide notice to the department and other parties.

§115.14. Hearing Officer Disqualification.

The section number is changed from Section 115.09 to Section 115.14. There are no changes to the regulatory text with exception to subsection (a) where the department is making a non-substantive amendment to remove the words ‘himself or herself’ and replace with ‘themselves’.

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

The section number is changed from Section 115.10 to Section 115.15. There are no changes to the regulatory text.

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 may affect small business.
- 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.