

Date of Hearing: April 26, 2021

ASSEMBLY COMMITTEE ON TRANSPORTATION
Laura Friedman, Chair
AB 660 (Cooper) – As Introduced February 12, 2021

SUBJECT: Department of Motor Vehicles: records: pull-notice system

SUMMARY: Adds delivery companies to the list of entities eligible and required to enroll in the Department of Motor Vehicles (DMV) Employer Pull Notice program (EPN). Specifically, **this bill:**

- 1) Adds delivery network company (DNC) to the list of companies required to participate in the DMV EPN program;
- 2) Restates current law requiring charter party carriers and transportation network companies (TNCs) to participate in the DMV EPN system; and
- 3) Requires that any company that contracts with any person who is not an employee to drive a vehicle operated for compensation for fulfillment of any delivery, meaning the pickup from any location of any item or items and the delivery of the items, to participate in the EPN program.

EXISTING LAW:

- 1) Establishes the EPA system in the DMV to enable commercial and government employers to monitor the driving records of specified employees.
- 2) Defines a TNC as an entity operating in California that provides prearranged transportation services for compensation using an online-enabled application or platform to connect passengers with drivers using a personal vehicle.
- 3) Requires TNCs to participate in the DMV EPN system to regularly check the driving records of a participating driver regardless of whether the participating driver is an employee or an independent contractor of the TNC.
- 4) Defines a DNC as a business entity that maintains an online-enabled application or platform used to facilitate delivery services within the state on an on-demand basis.
- 5) Defines “charter-party carrier of passengers” as every person engaged in the transportation of persons by motor vehicle for compensation, whether in common or contract carriage, over any public highway in the state.
- 6) Exempts an employer of a “casual driver” from participating in the EPN program but an employer must have the driver’s current record before a casual driver works for specified companies such as a charter party carrier or TNC.

FISCAL EFFECT: Unknown

COMMENTS:

The DMV's EPN System enables commercial and government organizations to monitor the driving records of employees who drive for them. Each employer enrolled in the EPN program is assigned a requester code. The requester code is added to applicable employees' driver license records. When an employee's driver license record is updated due to an action or activity, an electronic check occurs to determine if an EPN is on file. If the action or activity is one that must be reported under the EPN program a driver record is generated and mailed to the employer.

By monitoring their employees' driving records, organizations can ensure that each driver has a valid driver license and does not have driving-related convictions on their records that may pose safety concerns, including driving under the influence, reckless driving or other safety related offenses on their record.

Under existing law, employers or contractors are required to enroll anyone driving a vehicle that requires a commercial class A or B driver's license, a commercial class C driver's license with a special endorsement (hazardous materials, passenger vehicles that carry 16 or more people, tank vehicles), charter party carriers, a passenger stage corporation, TNCs, limousines or taxi cabs. Companies which must or choose to enroll drivers in the EPN program often use a third-party company to enroll drivers and monitor the DMV records on their behalf.

In 2020, California voters approved Proposition 22, which classified workers that otherwise would likely have been employees subject to minimum wage, healthcare, workers compensation and other benefits as independent contractors with some additional benefits otherwise not afforded to independent contractors. One of those classifications were workers for DNCs, which is a business entity that maintains an online-enabled application or platform used to facilitate delivery services within the state on an on-demand basis.

According to the author, "AB 660 expands the driving population of the EPN program to include DNCs as defined under Business and Professions Code 7463 and companies that contract with a person who is not an employee to drive a vehicle operated for compensation for fulfillment of delivery requests. AB 660 will ensure only safe drivers are participating in delivery activities while improving public safety."

Previous legislation: AB 1422 (Cooper) required TNCs to enroll in the EPN. (Chapter 791, Statutes of 2015.)

REGISTERED SUPPORT / OPPOSITION:**Support**

Explore Information Services (UNREG)
Sambasafety

Opposition

None on file

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