

4(l)(c) Employer/Employee Duties

Employee Reporting of Conviction of an Offense Committed in a Commercial Motor Vehicle: Veh. C. §15222 reads:

Any driver of a commercial motor vehicle, who has a driver's license issued by the department, and who is convicted of any offense involving the safe operation of a motor vehicle, shall notify his or her employer of the conviction, within 30 days of the date of conviction.

Veh. C. §15220 is similar, except that it covers out of state offenses.

Note first off that these statutes only apply to a "driver of a commercial motor vehicle". This is not the same as "a person holding a commercial driver's license". That phrase is defined in the nearby Veh. C. § 15210, subdivision (a), showing that the legislature knows how to use it when appropriate. But they didn't use that phrase in these statutes. Instead, they said, "driver of a commercial vehicle". It would seem that these statutes only apply to a person who committed the reportable offense while driving a commercial vehicle.

In addition, the statutes apply to anyone "who has a driver's license issued by the department".

The term "commercial motor vehicle" is defined in Veh. C. § 15210, subdivision (b), paragraph (1).

Summing up, anyone who commits a reportable offense while driving a commercial motor vehicle, and has a California driver's license, regardless of whether or not the person has a commercial driver's license, must report that conviction within 30 days.

Employer Monitoring of Commercial Driver Employee's Driver's License Record:

Employers must participate in the "pull notice system" described in Veh. C. § 1808.1, subdivision (b). This system sends a notice to an employer whenever a commercial driver employee is convicted of any offense, or is the subject of any license action. In addition, § 1808.1, subdivision (c), requires that the employer obtain a driver's license record printout on every commercial driver employee at least once every six months (one year if 500 or more drivers are employed). Subdivision (e) requires commercial vehicle owner-operators to participate in the pull notice system and the periodic record checking requirement "as if they were employees". A non-employee who also drives a commercial vehicle as more than a "casual driver" shall also participate in the pull notice system and periodic record checks (subdivisions (e) and (k)).

Reporting Requirement for a Driving Privilege Action : Veh. C. § 15224 reads:

Any driver who has a driver's license or privilege suspended, revoked, or canceled by any state for any period, or who is disqualified from driving a commercial motor vehicle for any period, shall notify his or her employer of the suspension, revocation, cancellation, or disqualification, before the end of the business day following the action.

In contrast to the conviction reporting requirement, this reporting requirement applies to any licensed driver employee of any employer when that employee is "suspended, revoked, or canceled by any state for any period, or who is disqualified from driving a commercial motor vehicle". Not only does the employee not need to be a commercial driver, the employer doesn't even have to be one that employs commercial drivers or operates commercial vehicles. Taken literally, the statute applies to all employees and their employers. But perhaps it should be read in conjunction with Veh. C. § 15200, setting forth the legislative intent of the Chapter 7 - Commercial Motor Vehicle

Safety Program, of which §15224 is a part. The intent relates only to the commercial vehicle industry, and would confine the application of the §15224 reporting requirements to commercial vehicle businesses.

When is the “day following the action”? Is it the day following notice of the action, or the day following the day that the suspension takes effect? The question answers itself - the day following the notice of the action is just that, the day after notice. So the action itself need not be reported until the day after it takes effect.

Also note that §15224 does not require the reporting of a driver’s license restriction.