

To : Elder Bob Wong, Youth Director

From : Dennis Imai, HR/RM

Date : January 26, 2005

Re : Commercial Drivers License

Dear Elder Wong: Per your request, here are excerpts from the California Vehicle Code regarding the requirement for Commercial Driver License (CDL) when driving a commercial vehicle designed, maintained or used for more than ten (10) passengers (including the driver).

California Vehicle Code (VC) §[15210](#) defines a "commercial motor vehicle" as any vehicle for which a CDL is required under §[15278](#). VC § [15278](#) states

"[15278](#). (a) A driver is required to obtain an endorsement issued by the department to operate any **commercial** motor vehicle that is any of the following: (2) A passenger transportation vehicle. . . when **designed, used or maintained** to carry **more than 10 persons including the driver**." (Emphasis supplied by me.)

From this it is apparent that any commercial van or other passenger vehicle designed or used to transport more than 10 persons including the driver requires that the driver have a CDL. There three key points to keep in mind:

- 1) The ten person limit INCLUDES the driver.
- 2) The vehicle (van, bus, etc.) must be commercial. The courts have ruled that any vehicle used for hire or profit, or used by any non-profit organization or group (read that church or school) is a commercial vehicle. Normally a private 15-passenger van driver does not need to have a special license if the driver owns the van or has borrowed it for personal use. However, once the van is being used for a church or school activity, the driver must have a CDL.
- 3)The vehicle fits into this category even if there are ten or fewer passengers being transported. The key thing is that the vehicle is **designed** for more than ten persons, meaning the vehicle has seating (seatbelts) for more than ten. Some CHP officers interpret this to mean that a driver of a van which is designed for 15 passengers requires a CDL even if enough seats are taken out to leave only nine or ten seats available in the van. To change the design of the van may require a permanent change to the ability of the van to hold more than ten persons, e.g., by welding the bolt holes shut.

I have also highlighted for you another part of the definition section. California VC §[15210](#) (i)(1-3,5,7) states that

(i) "Serious traffic violation" includes any of the following:

(1) Excessive speeding,

(2) Reckless driving,

(3) A violation. . . with a fatal traffic accident.

**(5) Driving a commercial motor vehicle without a commercial driver's license.**

**(7) Driving a commercial motor vehicle when the driver has not met the minimum testing standards for that vehicle. . .**

Even I was surprised that driving a commercial vehicle such as a 15-passenger van without a CDL is placed in the same class as excessive speeding, reckless driving and violations involving a fatal traffic accident. Obviously there are serious consequences to driving a 15-passenger van without a CDL for the church or school.

Elder Wong, I hope this is helpful. Please let me know if you need more information.