

Final Statement of Reasons

1) Update to the Initial Statement of Reasons

This action is removing the former title and authorities cited portion of Section 20.02, Definition of Motor Vehicles Documents, that was repealed in 1996.

Section 20.02 prohibits the audio or video recording of driving examinations conducted by the department, but also allows for recording if explicit authorization is provided by the department in writing. The department's rationale for allowing recording when given written authorization by the department is necessary for circumstances where recording a driving test may be beneficial to the department or the driving applicant. While the department is unable to provide a situation where such an event would occur, it is necessary that the department have a mechanism by which it could allow for recording if the need should arise.

Subsection (c) is adopted to make clear the department will cancel the driving test if the applicant is unable to or chooses not to make the recording device inoperable by powering off, unplugging, disabling, or covering the device. The department's rationale for this provision is to clearly establish the department's actions when a driver chooses not to comply. The department is not aware of a device that cannot be disconnected to ensure compliance with Section 20.02, but if such a device exists, the department will allow a device to be covered up, as provided in subsection (b).

2) Imposition of Mandate of Local Agencies or School Districts

The department's regulatory action adopting Section 20.02 in Article 2.0, Chapter 1, Division 1, of Title 13, does not impose any mandate on local agencies or school districts and imposes (1) no cost or savings to any state agency, (2) no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, (3) no other discretionary cost or savings to local agencies, and (4) no cost or savings in federal funding to the state. No studies or data were relied upon to make this determination.

3) Summary of Comments Received and the Department's Response

The proposal was noticed on August 11, 2023, and made available to the public from August 11, 2023 through September 25, 2023. The department received no comments during the 45-day comment period.

4) Determination of Alternatives

The department has determined that no reasonable 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 as effective and less cumbersome 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.