

Express Terms
Title 13, Division 1, Chapter 1
Article 2.4 – Driver Safety

§ 115.04. Hearing Requests.

(a) Notwithstanding the requirement of a written request for hearing under subdivision (a) of Section 11506 of Part 1 of Division 3 of Title 2 of the Government Code, a respondent may, with the approval of the department, request a hearing by telephone or in person.

(1) Any request for hearing submitted in writing, by telephone or in person shall contain all of the following information:

- (A) The true full name of the subject driver;
- (B) The current mailing address of the subject driver;
- (C) The subject driver's date of birth;
- (D) The date of arrest, for which the hearing is being requested, if applicable;
- (E) The name of the arresting agency, if applicable; and
- (F) The subject driver's California driver license number.

(2) Any request for hearing that does not contain all the information specified in subsection (a)(1) will not be considered a valid request for a hearing pursuant to Vehicle Code section 14100.

Note: Authority cited: Section 1651, Vehicle Code; and Section 11400.20, Government Code. Reference: Sections 16070 and 16075, and Article 3 (commencing with Section 14100) of Chapter 3 of Division 6, Vehicle Code; and Sections 11505 and 11506, Government Code.

§ 115.07. Telephone Hearings.

(a) Any hearing conducted all or in part by telephone, television, or other electronic means must be sufficiently audible that it can be clearly recorded and made part of the official record of the hearing. The hearing officer will grant a continuance of the hearing if at any time the audibility is such that it cannot be clearly recorded.

(b) The hearing officer ~~shall not~~ may conduct all or part of a hearing by telephone, television, or other electronic means, ~~if a party objects.~~

~~(c) Any objection to conducting all or part of a hearing by telephone, television, or other electronic means must be made at the time the hearing is requested or scheduled. All participants shall have the opportunity to participate in the proceedings to the full extent allowed by law, including, but not limited to, examination and cross-examination of witnesses, and the exchange of party exhibits.~~

~~(d) Notwithstanding the requirement of subdivision (c), the department may allow a late objection to conducting all or part of a hearing by telephone, television, or other electronic means for good cause.~~

Note: Authority cited: Section 1651, Vehicle Code; and Section 11400.20, Government Code. Reference: Sections 13558, 16070 and 16075, and Article 3 (commencing with Section 14100) of Chapter 3 of Division 6, Vehicle Code; and Section 11440.30, Government Code.