

The 12 Days of California Labor and Employment Series – Day 2 “Requiring a Driver’s License May Not Be Wise”

2 min read

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In the spirit of the season, we are using our annual “12 Days of California Labor and Employment” blog series to address new California laws and their impact on employers. On the second day of the holidays, my labor and employment attorney gave to me two turtle doves and SB 1100.

What is SB 1100?

Every employer prefers to streamline their tasks, and job postings are one of them. Job postings are often recycled or briefly edited in order to market that job opening as quickly as possible. Over the years, it has been commonplace for employers to include items in job postings that may not be applicable to all jobs or that may be outdated. The requirement to have a driver’s license is one of those items.

As such, SB 1100 was enacted, which adds another layer of discrimination protection under the California Fair Employment and Housing Act (“FEHA”), prohibiting the requirement of a driver’s license for a job applicant with one exception.



Who Does SB 1100 Apply to?

SB 1100 goes into effect as of **January 1, 2025**. It applies to public and private employers, labor organizations, apprentice training programs, employment agencies, and licensing boards.

An “employer” can be one or more individuals, partnerships, corporations, or companies.

What Does SB 1100 Entail?

SB 1100 provides that an employer is prohibited from requiring a driver's license in any job advertisement, job posting, employment application, or other employment material unless an exception is met.

The employer can mandate a driver's license requirement only if the employer reasonably expects the duties of the job position to require driving, AND an alternative form of transportation would not be comparable in travel time or cost to the employer.

SB 1100 defines alternative forms of transportation as:

- Ride-hailing service
- Taxi
- Carpooling
- Bicycling
- Walking

What Steps Should California Employers Take to Ensure Compliance?

- **Employers operating in California should review and update their employment documentation** and remove all references to a driver's license requirement unless it meets the exception above.
- **Employers should also ensure that any job posting or advertisement as of January 1, 2025**, is edited so it does not include a driver's license requirement. If your job posting is for a position that requires driving as part of the job and the position meets the exception, no update would be necessary. The key is to evaluate each job position individually and only require what is absolutely required to do the job in order to avoid a discrimination claim.

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