

Date of Hearing: July 10, 2017

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

SB 158 (Monning) – As Amended July 3, 2017

**SENATE VOTE:** 37-0

**SUBJECT:** Commercial driver's license: education

**SUMMARY:** Requires the Department of Motor Vehicles (DMV) to establish entry-level driver training requirements for a person applying for a commercial driver's license (CDL), pursuant to federal regulations. Specifically, **this bill:**

- 1) Makes findings and declarations relating to the safety of commercial drivers.
- 2) Requires DMV, no later than June 5, 2020, to adopt regulations related to entry-level driver training requirements for drivers of commercial motor vehicles, in compliance with federal regulations.
- 3) Requires the course of instruction for entry-level drivers to include, but not be limited to the following:
  - a) 30 hours of behind-the-wheel training, with at least 10 hours on an off-highway facility and 10 hours on a public road, for an applicant for a Class A CDL, except for an applicant participating in an employer testing program, who must complete 15 hours of behind-the-wheel testing, as specified.
  - b) 15 hours of behind-the-wheel training, with at least 7 hours on a public road, for an applicant for a Class B CDL, as specified.

**EXISTING LAW:**

- 1) Defines "commercial driver's license" as a driver's license which authorizes the licensee to operate a class of commercial motor vehicle, and defines "commercial motor vehicle" as any vehicle or combination of vehicles that requires a Class A or Class B license.
- 2) Prohibits an individual from operating a commercial motor vehicle unless he or she has in his or her immediate possession a valid CDL of the appropriate class.
- 3) Requires an applicant for a driver's license to complete an examination including the following:
  - a) A test of the applicant's knowledge and understanding of the Vehicle Code;
  - b) A test of the applicant's ability to read and understand simple English used in highway traffic and directional signs;
  - c) A test of the applicant's understanding of traffic signs and signals;

- d) An actual demonstration of the applicant's ability to exercise ordinary and reasonable control in operating a motor vehicle, as specified, commonly known as a driving test; and,
  - e) A test of the applicant's hearing and eyesight.
- 4) Requires the examination to be appropriate for the type of motor vehicle or combination of vehicles that the applicant desires a license to drive, based on classifications including Class A and Class B.
- 5) Provides that Class A includes the following:
- a) A combination of vehicles, if the vehicle being towed has a gross vehicle weight rating (GVWR) of more than 10,000 pounds;
  - b) A vehicle towing more than one vehicle;
  - c) A trailer bus; and,
  - d) All vehicles under Class B and Class C.
- 6) Provides that Class B includes the following:
- a) A single vehicle with a GVWR of more than 26,000 pounds;
  - b) A single vehicle with three or more axles, except any three-axle vehicle weighing less than 6,000 pounds;
  - c) A bus with a GVWR of more than 26,000 pounds, except a trailer bus;
  - d) A farm labor vehicle;
  - e) A single vehicle with three or more axles or a GVWR of more than 26,000 pounds towing another vehicle with a GVWR of 10,000 pounds or less;
  - f) A house car over 40 feet in length; and,
  - g) All vehicles covered under Class C.
- 7) Authorizes DMV to allow third-party testers to administer the driving test part of the CDL examination if the tests given by the third party are the same as those given by DMV and the third party has an agreement with DMV that includes specified conditions.
- 8) At the federal level, generally sets standards for CDLs and, in federal regulations, establishes training requirements for entry-level CDL drivers and minimum content for theory and behind-the-wheel training curricula, beginning June 5, 2020, pursuant to the federal Moving Ahead for Progress in the 21st Century Act (MAP-21).

**FISCAL EFFECT:** Unknown

**COMMENTS:** A CDL is required to operate commercial vehicles such as buses or heavy duty trucks. In order to obtain a CDL, an applicant must complete an examination that includes a behind-the-wheel driving test demonstrating their ability to drive a commercial vehicle. For Class A and Class B licenses, the driving test must be performed on a vehicle of the class license being sought and, under federal law, must be administered either by DMV or by an approved third party. Often times, an applicant will enroll in some form of commercial driving school at their own expense to prepare for the driving test, but this training has historically not been a required part of obtaining a CDL. Additionally, commercial driving schools vary in the type and quality of instruction they provide; for example, training programs may provide hourly training covering only enough training to pass the driving skills test, whereas other programs offer full courses encompassing several hours of training covering numerous topics in classroom and behind-the-wheel settings. Differences can also include variations in instructor expertise and training equipment used by schools even when the instruction is for the same CDL class or endorsement.

In 2012, President Obama signed MAP-21, which directed the Federal Motor Carrier Safety Administration (FMCSA) to develop regulations on commercial motor vehicle safety and prescribe minimal safety standards for the commercial trucking industry. After establishing an Entry-Level Driver Training Advisory Committee, FMCSA adopted a final rule establishing mandatory training requirements for entry-level CDL drivers and minimum content for theory and behind-the-wheel training curricula in late 2016, with states required to comply beginning in 2020.

Early versions of FMCSA's rule included the mandatory behind-the-wheel component that is included in this bill, but those provisions were removed when FMCSA could not determine the effectiveness of that particular requirement. According to the author, leaving the mandatory behind-the-wheel component out of the entry-level training is "inadequate because trainers, either employers or a paid training institution, may have an incentive to expedite the training course before the driver has the road experience to gain proficiency."

This bill would implement the FMCSA training requirements for California CDL applicants, and also require Class A and Class B complete specified hours of behind-the-wheel training as part of the entry-level requirements, beyond what is currently required of the states by the federal government. The author cites a 2014 accident on Highway 17 in Santa Cruz County, in which a 25 year-old Santa Cruz resident was killed and several other motorists injured when a big rig truck operated by a truck driver who had only held a CDL for three months crashed into approximately 10 vehicles after losing control when the brakes on two trailers failed. The author suggests that if the driver had received adequate driver's training, he may have been better equipped to manage the brake failure and avoided the tragic accident.

While California must comply with the FMCSA rule regardless of if this bill is enacted, the mandatory behind-the-wheel component is not required at the federal level and may constitute an additional barrier to obtaining a CDL that applicants would not experience in other states. According to some estimates, the trucking industry faces a shortage of approximately 38,000 drivers in the United States, with economic growth and an aging driver population requiring a net average increase of 89,000 positions per year to meet demand through 2025. To the extent this additional requirement makes entry in to the trucking industry more difficult for drivers, it could exacerbate that shortage.

*Suggested amendment:* The FMCSA rule gives states broad authority to exempt specified CDL applicants from requirements of the rule at the discretion of each individual state, including drivers of ambulances, snow plows, and agricultural vehicles. Specifically, states are authorized exempt from federal CDL requirements drivers of vehicles that are controlled and operated by a farmer, used to transport agricultural products, farm machinery, or farm supplies, are not used in the operations of a for-hire motor carrier, and are used within 150 miles of the farmer's farm. Given the burden placed on farmers who would be required to attend commercial driver education and complete 30 hours of behind-the-wheel training to be lawfully licensed to carry out for everyday activities, such as connecting a pickup truck to a standard bumper pull trailer to haul agricultural product, the author may wish to amend the bill to apply the federal exemption for agricultural vehicles. The exemption should sunset on January 1, 2024, over three years after the state must comply with the FMCSA rule, and require DMV to report on the safety impact of the exemption one year prior, in order to determine if the exemption should be continued into the future. The author intends to make these amendments.

*Related legislation:* AB 301 (Rodriguez and Patterson) would require DMV to establish performance goals related to administering the driving skills test required to obtain a CDL. AB 301 is set to be heard by the Senate Transportation and Housing Committee on July 11, 2017.

*Previous legislation:* SB 344 (Monning) would have required an individual to successfully complete a course of instruction approved by DMV, as specified, in order to obtain a CDL. SB 344 was held on the Assembly Appropriations Committee Suspense File.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Advocates for Highway and Auto Safety  
Amalgamated Transit Union  
California Association of Highway Patrolmen  
California Bus Association  
California Teamsters Public Affairs Council  
City of Capitola  
City of San Jose  
City of Santa Cruz  
Owner-Operator Independent Drivers Association  
Consumer Attorneys of California  
Santa Clara County District Attorney's Office  
Santa Cruz County Board of Supervisors  
Santa Cruz County Regional Transportation Commission  
Transportation Agency for Monterey County  
Truck Safety Coalition  
Walk San Francisco

### **Opposition**

California Cattlemen's Association  
California Farm Bureau Federation

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