

Date of Hearing: June 29, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

SB 344 (Monning) – As Amended June 23, 2015

SENATE VOTE: 38-1

SUBJECT: Commercial driver's license: education.

SUMMARY: Requires an individual to successfully complete a course of instruction that is approved by the Department of Motor Vehicles (DMV), as specified, in order to obtain a commercial driver's license (CDL). Specifically, **this bill:**

- 1) Provides that starting January 1, 2018, in order to obtain a commercial driver's license, an individual must successfully complete a course of instruction from either a commercial motor vehicle driver training institution or a program offered by an employer that has been certified by DMV, in addition to existing testing requirements.
- 2) Prohibits DMV from certifying a commercial motor vehicle training institution or employer-provided program until the institution or program has submitted to DMV an approved course of instruction that meets the minimum standards set by DMV.
- 3) Requires DMV to update its commercial driving training safety standards and curriculum as necessary to comply with guidance or requirements established by the Federal Motor Carrier Safety Administration (FMCSA).
- 4) Exempts from the course requirement:
 - a) A commercial motor vehicle driver with military motor vehicle experience who is currently licensed with the U.S. Armed Forces, provided that his or her driving record and driving experience meet the minimum federal standards.
 - b) A commercial motor vehicle driver who presents a valid certificate of driving skill issued through a DMV-approved employer testing program that offers a course of instruction that has been submitted to DMV and meets minimum DMV standards.
 - c) School pupil activity bus drivers, school bus drivers, public transit bus drivers, and farm labor vehicle drivers subject to certain training requirements, as specified.
- 5) Provides that an institution that is certified by DMV to offer a commercial driver instruction course may not claim an exemption from the Department of Consumer Affairs' Bureau for Private Postsecondary Education (BPPE) regulations.

EXISTING LAW:

- 1) Prohibits an individual from operating a commercial motor vehicle unless he or she has in his or her immediate possession a valid commercial driver's license of the appropriate class.

- 2) Requires an individual, in order to obtain a commercial driver's license, to successfully complete both a written and driving test that complies with the minimum federal standards to operate a commercial motor vehicle.
- 3) Requires DMV to prescribe and conduct commercial written and driving tests. Further authorizes DMV to enter into agreements with third-party testers to administer the driving test, otherwise known as the Employer Testing Program.
- 4) Authorizes DMV to waive the driving test for an individual with military commercial motor vehicle experience if the individual is currently licensed with the U.S. Armed Forces and his or her driving record and experience meet the minimum federal standards.
- 5) Requires the State Department of Education to develop or approve courses for training drivers operating a school pupil bus, school bus, transit bus, and farm labor vehicles in order to obtain an operating certificate issued by DMV, as specified.
- 6) Prohibits a person from operating a student pupil activity bus, school bus, transit bus, or a farm labor vehicle unless they obtain the appropriate operating certificate issued by DMV.
- 7) At the federal level, the Moving Ahead for Progress in the 21st Century Act (Map-21) requires the FMCSA to develop entry-level testing requirements for drivers of commercial vehicles. Provides that FMCSA's final rulemaking identifying the abovementioned requirements will be completed in 2016.
- 8) Establishes BPPE within the Department of Consumer Affairs to protect students and provide regulatory oversight of private postsecondary (post-high school) educational and vocational institutions. Requires BPPE to review, investigate, and approve private postsecondary institutions, programs, and courses of instruction and authorizes BPPE to take formal action against institutions to ensure compliance.
- 9) Exempts from BPPE regulation an institution that does not award degrees and that solely provides educational programs for total charges of less than \$2,500, provided that no part of the charges is paid from state or federal student financial aid programs.

FISCAL EFFECT: Unknown

COMMENTS: On July 10, 2014, a fatal accident occurred on Highway 17 involving a big-rig and several cars in Santa Cruz County. The accident resulted in a 25-year-old Santa Cruz resident being fatally injured and several other motorists suffering a range of injuries. Crashing into approximately 10 vehicles, the big-rig was being operated by a truck driver who only had a CDL for three months when the brakes on two trailers failed resulting in the driver losing control traveling northbound on Highway 17. 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.

The author introduced SB 344 in response to this accident in order to establish a set of training standards a person must obtain prior to testing for a CDL. Currently, a person interested in obtaining a CDL is required to take a written and driving skills test. While many applicants

enroll in some form of commercial driving school at their own expense, enrollment and completion is not a requirement in the process of attaining a CDL.

However, commercial driving schools vary in the type and quality of instruction they provide. For example, training programs may provide hourly training that only provides enough training to pass the driving skills test whereas others offer full courses encompassing several hours of training covering numerous topics. Other differences include: variations in instructor expertise and training equipment used by schools even when the instruction is for the same CDL class or endorsement. Additionally, course curriculum differs in the amount, content, topics that may be provided to commercial driving students. The author claims this deficiency in standardized training increases the risk of additional tragic and fatal commercial vehicle accidents.

The idea of commercial driver training requirements prior to testing and obtaining a CDL has and continues to be discussed and evaluated at the federal level. As far back as 1991 with the enactment of the Intermodal Surface Transportation Efficiency Act, the quality and standardization of commercial driver's training began to be discussed and studied. More recent, enacted in 2012, MAP-21 directed FMCSA to develop regulations on commercial motor vehicle safety and prescribe minimal safety standards for the commercial trucking industry. Ultimately, FMCSA established the Entry-Level Driver Training Advisory Committee (ELDTAC) to conduct a negotiated rulemaking process on entry-level training for drivers of commercial motor vehicles. Currently, ELDTAC is in the process of discussing and drafting recommendations on minimum training requirements for individuals applying for a commercial driver's license. It is anticipated that FMCSA will issue its final ruling sometime in late 2016 and provide commercial driving schools and states a period of time to reach compliance with the final rule.

SB 344 will, starting January 1, 2018, require a person to complete a commercial driver training course in addition to successfully completing the commercial driving written exam and driving skills test in order to obtain a CDL. SB 344 also requires DMV to set curriculum standards and certify commercial driving schools that will offer commercial driving instruction and will additionally exempt certain drivers that currently receive driver's training under existing requirements. Lastly, SB 344 requires that these certified schools will be subject to oversight by BPPE. The author asserts that the state needs to act now to ensure that new commercial vehicle drivers receive effective training and operate safely on California roads.

It is important to point out that SB 344 may be duplicative of the existing federal rulemaking process and could potentially create implementation issues for DMV. Under SB 344, DMV is to develop and establish curriculum standards and a certification process for commercial driving schools. However, federal requirements ultimately may differ from DMV-issued training standards. For example, DMV-approved training institutions may not be similarly approved by FMCSA, drivers exempted under SB 344 may be required to enroll in commercial driver's training under federal regulations, or curriculum content may conflict based on differing state and federal requirements. As a result, DMV would be required to establish an entire new set of safety and curriculum standards in order to conform with federal regulations.

Double referral: This bill will be referred to the Assembly Higher Education Committee should it pass out of this committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Highway Patrolman
California Bus Association
City of Capitola
City of Scotts Valley
City of Watsonville
Consumer Attorneys of California
County of Santa Cruz
Honorable Sam Liccardo, Mayor, City of San Jose
Jeffery F. Rosen, District Attorney, Santa Clara County
Metropolitan Transportation Commission
Peace Officers Research Association of California
Public Advocates Inc.
Truck Safety Coalition
University of San Diego
Young Invincibles

Opposition

None on file

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