

Date of Hearing: May 4, 2020

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 2141 (Mathis) – As Amended March 4, 2020

SUBJECT: Department of Motor Vehicles

SUMMARY: Adopts federal regulations permitting certain current and former members of the armed forces to be able to get a commercial driver's license (CDL) without having to take a knowledge test. Specifically, **this bill**:

- 1) Permits the Department of Motor Vehicles (DMV) to waive the knowledge test for a CDL for the following current and former members of the armed forces that meet the following conditions:
 - a) In the previous year the member was employed and designated as a motor transport operator, a PATRIOT launching station operator, a fueler, a vehicle operator, a pavement and construction equipment operator, or an equipment operator, amongst other positions.
 - b) They were operating a vehicle representative of the commercial vehicle type the applicant expects to operate upon separation from the military.
 - c) They have not held more than one civil license in addition to a military license.
 - d) They have not had any license suspended, revoked or cancelled.
 - e) They have not had any convictions for certain crimes like driving under the influence, using a vehicle in the commission of a crime, or vehicular manslaughter.
- 2) Removes a prohibition on DMV to waive fees for military members (but does not require them to waive fees).

EXISTING LAW:

Existing State law:

- 1) 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.
- 2) Requires a Class A license to operate a vehicle towing another vehicle with a gross vehicle weight of more than 10,000 pounds, a vehicle towing more than one vehicle, a trailer bus.
- 3) Requires a Class B license to operate a single vehicle with a gross vehicle weight of more than 26,000 pounds, a single vehicle with three or more axles that weighs more than 6,000 pounds. A bus with a gross vehicle weight rating or weight of more than 26,000 pounds (except a trailer bus), a farm labor vehicle and a house car over 40 feet in length.
- 4) Requires a CDL for a variety of trucks weighing more than 26,000 lbs., passenger buses, and vehicles carrying hazardous materials.

- 5) Requires an individual, in order to obtain a CDL, to successfully complete both a written and driving test that comply with the minimum federal standards to operate a commercial motor vehicle.
- 6) 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.
- 7) Requires DMV to prescribe and conduct commercial written and driving tests, but authorizes DMV to enter into agreements with third-party testers to administer the driving test (the Employer Testing Program).
- 8) Exempts members and reservists of the U.S. Armed Forces, National Guard, and U.S. Coast Guard from all CDL requirements and sanctions.

Existing federal regulations:

- 9) Permits states to waive the knowledge and skills test for certain individuals with military commercial motor vehicle experience.

FISCAL EFFECT: Unknown

COMMENTS:

In California, a CDL is required to operate a vehicle that has a gross vehicle weight rating (GVWR) of 26,001 pounds or more; a single vehicle with a GVWR less than 26,000 pounds which is designed, used, or maintained to transport more than 10 passengers; a vehicle towing any vehicle with a GVWR of 10,001 pounds or more; any vehicle that tows more than one vehicle or a trailer bus, and any vehicle which requires hazardous material placards or transports hazardous waste.

Commercial vehicles are significantly heavier than your standard vehicle. As a result, an accident involving a commercial vehicle is more likely to cause serious injury or death.

According to the Federal Motor Carrier Safety Administration (FMCSA), in 2016 there were 4,440 large trucks and buses involved in fatal crashes nationwide, a 29% increase from its low in 2009. The number of injury crashes has increased 62% since 2009 to 119,000. In total, nearly 30,000 individuals have died in an accident caused by a large truck or bus since 2010.

Fatal crashes involving large trucks tend to occur in rural areas and on interstate highways. Approximately 61% of all fatal crashes involving large trucks occurred in rural areas, 27% occurred on interstate highways, and 15% fell into both categories by occurring on rural interstate highways.

Congress recognized that many members of the U.S. Armed Forces received training to drive a commercial vehicle during the course of their service. In order to provide for an easier transition into civilian life, Congress provided that a member of the Armed Forces that received training to drive a commercial vehicle may be authorized to get a CDL without having to take the

knowledge exam and the driving test, so long as they have not received any convictions for certain crimes, including some driving related offenses.

California allows members of the U.S. Armed Forces that meet the federal criteria to waive the behind the wheel test, while still requiring them to take the knowledge test. The knowledge test for a Class B commercial license consists of 50 questions, while a Class A License exam consists of the same 50 questions plus an additional combination test with an additional 20 questions. An additional 20 questions are added if the driver is looking to add a hazardous materials endorsement. If the licensee does not already have a Class C license (the standard license for passenger vehicles) then they must also take the knowledge test for Class C licenses, an additional 36 questions.

All 50 states permit certain active duty military and former military members to waive the skills test for a CDL. According to FMCSA, 11 states have waived the knowledge test, none of which are neighboring states of California. Another nine states are in the process of waiving the knowledge test, none of which are neighbor the state of California.

California law also explicitly prohibits DMV from waiving any fees for veterans relating to a CDL. This bill does not require DMV to waive fees, but it does remove the prohibition against charging fees. However, it also does not authorize DMV to waive the fees, likely resulting in DMV's inability to waive the fees anyway.

The fees for a CDL are as follows:

Commercial Class A or B	Original license	\$82
	Renewal	\$48
	Commercial driving or skill retest	\$37
	Duplicate	\$36
	Name change	\$30
	Removing an air brake or automatic transmission restriction (requires a driving test)	\$82
	Adding a passenger endorsement	
	Adding the following endorsements: <ul style="list-style-type: none"> • Tank • Doubles/triples • Hazmat 	\$48
	Adding a motorcycle license (Class M1/M2)	
	Adding a firefighter endorsement	\$30
Commercial Class C	<ul style="list-style-type: none"> • Original • Renewal 	\$48

DMV estimates between 200-300 military members participate in the current Troops to Trucks Program, which waives the driving test. If a fee waiver were to be granted, it could cost DMV up to \$24,600 for new applicants.

According to the author, "There should be no legislative statutes explicitly requiring our veterans to pay fees. These individuals have given so much to our country; the least we could do is allow

for a waiving of fees should DMV choose to do so. Moreover, recent federal regulatory changes to the Troops to Trucks program have sought to remove additional barriers to employment; this measure codifies these changes. With these small steps, we can further streamline a path to employment for our veterans.”

Committee comments: Millions of Californians have applied for unemployment benefits since the state has issued a shelter-at-home order in mid-March as a result of the novel coronavirus pandemic. DMV ceased behind-the-wheel tests, including for CDLs, at the end of March in order to protect DMV workers. Waiving the knowledge test for military members that have already been professionally trained to drive a truck could both help relieve unemployment for recently separated military members while also helping fill essential jobs in the freight sector.

Previous legislation:

AB 2659 (Bloomfield) Chapter 406, statutes of 2012, required DMV to waive the skills test for certain military members applying for a CDL.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file

Opposition

None on file

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