

Date of Hearing: June 25, 2018

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

SB 1236 (Monning) – As Amended June 19, 2018

SENATE VOTE: 38-0

SUBJECT: Commercial driver's license: education

SUMMARY: Requires the Department of Motor Vehicles (DMV) to adopt federal regulations to strengthen commercial driver training requirements and to require a minimum number of hours of behind-the-wheel (BTW) training for commercial drivers. Specifically, **this bill:**

- 1) Requires DMV, no later than June 5, 2020, to adopt regulations related to entry-level driving training requirements for commercial motor vehicle drivers in compliance with federal Entry Level Driver Training regulations.
- 2) Requires the DMV-approved course of instruction for entry-level drivers to include, but not be limited to:
 - a) A minimum of 15 hours of BTW training, including at least 10 hours on a public road, for an applicant for a Class A or class B commercial driver's license (CDL).
 - b) Every 50 minutes of driving is deemed to be one hour of training.

EXISTING LAW:

Existing Federal Regulations:

- 1) Establishes minimum training standards for individuals applying for their CDL for the first time; applying for an upgrade of their CDL; or applying for a hazardous materials, passenger, or school bus endorsement for the first time.
- 2) Requires applicants to complete a prescribed program of instruction provided by an entity that is listed on the Federal Motor Carrier Safety Administration's (FMCSA) Training Provider Registry.
- 3) Requires that, in order to be eligible for listing on the Training Provider Registry, an entity must:
 - a) Utilize a curriculum, facilities, vehicles, and driver training instructors that meet specified criteria.
 - b) Be licensed, certified, registered, or authorized to provide training in accordance with applicable laws and regulations of any state where in-person training is conducted, unless instruction is only offered online.
- 4) Authorizes FMCSA to audit or investigate the training provider's operations to ensure it meets all existing criteria.

- 5) Requires the entity to register each of its campuses with the Training Provider Registry and to attest that each meets all applicable requirements.

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 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) Defines a farm labor vehicle as a motor vehicle designed, used, or maintained for the transportation of nine or more farmworkers, in addition to the driver, to or from a place of employment, excluding a vehicle carrying only members of the immediately family, or being operated under specific author by the Public Utilities Commission.
- 5) Requires a CDL for a variety of trucks weighing more than 26,000 lbs., passenger buses, and vehicles carrying hazardous materials.
- 6) 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.
- 7) 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.
- 8) 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).
- 9) Exempts members and reservists of the U.S. Armed Forces, National Guard, and U.S. Coast Guard from all CDL requirements and sanctions.

FISCAL EFFECT: Unknown

COMMENTS:

Purpose: According to the Author, “Californians seeking a commercial driver’s license (CDL) are currently not required to take any safety training courses, or complete any minimum number of hours of training behind-the-wheel of a commercial vehicle. CDL applicants must simply pass a written test, and a short driving test to receive their license.

“Applicants for a barber’s license in California are required to log 1,500 hours of training before being licensed to cut hair, estheticians must complete 600 hours, and manicurist 400 hours of training. Even teens seeking a general Class C provisional driver’s license must log at least 50 hours of training behind the wheel. When it comes to a commercial license, however, California requires no minimum number of hours of behind-the-wheel training for a license to drive an 80,000 pound semi-truck.

“Californians deserve the right to know that the operators of large trucks and vehicles driving next to their families on our public roadways are properly trained and proficient in their understanding of the vehicle. SB 1236 will ensure this, by requiring the Department of Motor Vehicles to adopt regulations to comply with a new federal rule that will require those seeking a CDL, to first complete a certified course of instruction from a commercial driving institution or program offered by an employer. In addition, the bill will require that a minimum number of behind-the-wheel training hours be completed as part of the newly established and required training courses.”

Who Needs a CDL? 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 1 vehicle or a trailer bus, and any vehicle which requires hazardous material placards or transports hazardous waste.

Commercial Vehicle Safety: 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 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.

MAP-21 Federal Regulations: Since the 1980s the federal government has been working on a way to strengthen requirements for obtaining a CDL. In 2012, President Obama signed the Moving Ahead for Progress in the 21st Century Act (MAP-21). As part of MAP-21, FMCSA was tasked with establishing extensive entry-level driver training (ELDT) requirements. The rule became final on March 21, 2017, and gives states until February 7, 2020 to implement the rules. Failure to do so can risk federal highway funding.

The rules established new training standards for new applicants for a Class A or B CDL, those seeking to upgrade their CDL, or someone seeking a hazardous materials, passenger, or school bus endorsement for the first time. The curricula is subdivided into theory (knowledge) and BTW segments. BTW curricula is comprised of range and public road segments and include discrete maneuvers which each driver must proficiently demonstrate to the satisfaction of the

instructor. Federal regulations established no minimum number of hours that driver-trainees must spend on any portion of the curricula.

Anyone who is required to have a CDL is required to comply with the new training requirements, including drivers of agricultural vehicles.

Anyone offering a training course must register with FMCSA's Training Provider Registry, and must offer and teach a curriculum that meets all FMCSA standards. Providers must also meet requirements related to course administration, instructor qualifications, assessments, issuance of training certificates, and training vehicles and equipment. Instructors self-certify under penalty of perjury that they are complying with the requirements.

Behind-The-Wheel Requirement: While the federal rule provides no minimum amount of time to complete BTW training, this bill establishes a minimum BTW training requirement that is substantially similar to a proposed regulation that was ultimately removed from the final rule. Rather, the federal government provided a proficiency standard that must be adopted by the test giver.

Under this bill, an applicant for a Class A or Class B CDL must complete a minimum of 15 hours of BTW training, at least 10 of which must be on public roads. 50 minutes counts toward an hour, so technically a driver could receive 12.5 hours of BTW training and be compliant.

Argument in Support: The California Teamsters Public Affairs Council, states that "BTW training is a necessary component of a good training program. Driving an 80,000 –pound vehicle is not easy and the more experience we can give drivers before they are out on their own significantly enhances the safety of those who will ultimately share the road with them and the drivers themselves."

Related Legislation: SB 158 (Monning) of 2017, would have required the DMV to adopt regulations relating to entry-level driver training requirements for commercial truck drivers, including specified behind-the-wheel training requirements. SB 158 also would have exempted agricultural drivers from these requirements. SB 158 was held on the Assembly Appropriations Committee suspense file.

SB 344 (Monning) of 2015, would have required an individual to successfully complete a DMV-approved course of instruction in order to obtain a CDL. SB 344 was held on the Assembly Appropriations Committee suspense file.

REGISTERED SUPPORT / OPPOSITION:

Support

AAA Northern California, Nevada & Utah
Automobile Club of Southern California
Amalgamated Transit Union
California Bus Association
California Teamsters Public Affairs Council
Consumer Attorneys of California
County of Santa Cruz
Owner-Operator Independent Drivers Association

Santa Cruz County Regional Transportation Commission
UPS
Walk San Francisco

Opposition

None on file

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