

Initial Statement of Reasons
Title 13, Division 1, Chapter 1
Article 2.1. Commercial Driver Licenses

§ 26.03. Commercial Driver's License Entry-Level Driver Training Requirements.

The Department of Motor Vehicles (department) proposes to amend Section 26.03 in Article 2.1, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to the entry-level driver training requirements for a commercial driver's license.

Subpart F of Part 380, Title 49 of the Code of Federal Regulations, requires specified commercial driver's license applicants to fulfill entry-level driver training requirements. Section 380.605 in Title 49 defines an entry-level driver as an individual who must complete the commercial driver's license skills test prior to receiving a commercial driver's license for the first time, a person who is upgrading to a Class A or Class B commercial driver's license, or a person who is obtaining a hazardous materials, passenger, or school bus endorsement for the first time.

Senate Bill (SB) 1236 (Chapter 984; Statutes of 2018) adopted Vehicle Code section 15250.1, requiring the department to adopt regulations related to the entry-level driver training requirements for drivers of commercial motor vehicles to ensure compliance with Parts 380, 383, and 384 Title 49, Code of Federal Regulations. In addition, an applicant for a class A or B commercial driver's license is required to complete a minimum of 15 hours behind the wheel training.

§ 26.03. Commercial Driver's License Entry-Level Driver Training Requirements.

Subsection (a) was adopted to make clear in state regulations the federal rules requiring an applicant to complete the entry level driver training prescribed in Parts 380, 383, and 384 of Title 49 of the Code of Federal Regulations before taking the skills test for a Class A or B commercial driver's license for the first time, a skills test for a passenger or school bus endorsement for the first time, or the knowledge test for a hazardous materials endorsement for the first time.

Subsection (b) was adopted to require the behind the wheel verification to be submitted to the department by submitting a California Commercial Driver Behind the Wheel Training Certification, form DL 1236.

The department proposes to amend subsection (b) by updating the revision date of the Commercial Driver Behind the Wheel Training Certification, form DL 1236, from 6/2020 to 8/2021. Since its adoption in July 2020, the department has been made aware the DL 1236 may be confusing to some applicants. The department has made clarifying edits to ensure the form and the processes contained in the form are clear to applicants. The current version notes the applicant must submit the completed form prior to being administered a skills test. The revised form clarifies the applicant must submit the

completed form prior to being issued a commercial driver's license. The form amendment is necessary to better accommodate those commercial driver's license applicants who complete behind-the-wheel training and take the skills test out of state. The current version of the form DL 1236 contains instructions that requires the complete DL 1236 to be submitted to the department prior to a skills test being administered. A commercial driver who takes behind the wheel training in another state would be required to return to California and submit the form. Since applicants are authorized to take the skills test out of state, they would likely have to return to the state where the testing is conducted. This back and forth would be burdensome to these applicants. The revised form instructs the applicant to submit the DL 1236 prior to the issuance of a commercial driver's license. The amendment will allow an out-of-state commercial driver's license applicant to complete the behind-the-wheel training and take the skills test in the other state. The test results are uploaded into the Commercial Skills Testing Information Management System. Once the applicant returns to California, the department can access the test results, the applicant will submit the form, and the department will issue the commercial driver's license.

**DEPARTMENTAL DOCUMENTATION SUPPORTING GOVERNMENT CODE SECTIONS
11346.2(b)(3) THROUGH (b)(S)**

Studies, Reports or Documents - Gov. Code Sec. 11346.2(b)(3)

- No studies, reports or other documents were relied upon.

Reasonable Alternatives and Department's Response - Gov. Code Sec. 11346.2(b)(4)(A)

- No alternatives have yet been presented that would be as effective.

Reasonable Alternatives That Would Lessen Any Adverse Impact on Small Businesses - Gov. Code Sec. 11346.2(b)(4)(B)

- No alternatives have yet been presented that would lessen any adverse impact on small businesses.

Evidence Supporting Determination of No Significant Adverse Economic Impact on Business - Gov. Code Sec. 11346.2(b)(5)

- This regulation will not have an adverse economic impact on businesses. This proposed action allows additional time for a commercial driver's license applicant to submit the form referenced in the regulations. There is no impact on businesses.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

Cost or Savings to Any State Agency

- None

Other Non-Discretionary Cost or Savings to Local Agencies

- None

Costs or Savings in Federal Funding to the State

- None

Cost Impact on Representative Private Persons or Businesses

- None. There is no cost related to the proposed regulation. The rule allows the adopted form to be submitted prior to the issuance of a commercial driver's license rather than prior to the skills test being administered. The revised process does not impose a cost on private persons, nor does the revision impact businesses.

Effect on Housing Costs

- None

Local Agency/School District Mandates

- The proposed regulatory action will not impose any costs on local agencies or school districts that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Small Business Impact

- This proposed action will not impact small businesses. The rule allows the adopted form to be submitted prior to the issuance of a commercial driver's license rather than prior to the skills test being administered. There is no impact on a small business.

Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states

- The department has made the initial determination that this action will not have a significant statewide adverse economic impact directly affecting business nor will it impact the ability of California businesses to compete with businesses in other states. This proposed rule impacts individuals, not businesses.

**ECONOMIC IMPACT ANALYSIS
(Government Code Section 11346.3(b))**

The department has made the following determination related to this proposed regulatory action:

Creation or Elimination of Jobs Within the State of California

- This action will not create or eliminate jobs within California. The proposed rule amends the process by which a commercial driver's applicant submits to the department the Commercial Driver Behind the Wheel Training Certification, form DL 1236. Instead of requiring the DL 1236 to be submitted prior to the skills test, the department will require submission of the form at a time prior to the issuance of a commercial driver's license.

Creation or Elimination of Businesses Within the State of California

- This action will not create or eliminate businesses within California. The proposed rule amends the process by which a commercial driver's applicant submits to the department the Commercial Driver Behind the Wheel Training Certification, form DL 1236. There is no impact to businesses.

Expansion of Businesses Currently Doing Business Within the State of California

- This action will not expand businesses currently doing business in California. The proposed rule amends the process by which a commercial driver's applicant submits to the department the Commercial Driver Behind the Wheel Training Certification, form DL 1236. There is no impact to businesses.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

- This action will benefit worker safety and the health, welfare, and safety of California residents by ensuring applicants issued a commercial driver's license in California have received sufficient behind-the-wheel training and demonstrate their knowledge and ability as it relates to the safe operation of a commercial motor vehicle. This proposed action is unlikely to benefit the state's environment.