Initial Statement of Reasons

Title 13, Division 1, Chapter 1

Article 2.1 – Commercial Driver's Licenses

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

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. Section 380.609 in Title 49 requires the training be conducted by a provider listed on the Training Provider Registry, a federal repository of all authorized training providers in each state.

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. Vehicle Code section 15250.1 also requires entry-level drivers to complete a minimum of 15 hours behind the wheel training, at least 10 hours of which shall be on a public road.

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

The purpose of Section 26.03 is to make clear the federal entry-level driver training requirements in the department's regulations and to identify the method by which the commercial driver's license applicant shall submit proof to the department of having met the training requirements, as specified in Vehicle Code section 15250.1.

Subsection (a) is adopted to make clear that a person must complete the entry level driver training prior to taking the skills test for a Class A or B commercial driver's license or a passenger or school bus endorsement, or before taking the knowledge test for a hazardous materials endorsement. While the provisions of Section 26.03(a) are duplicative of the federal rules, the department has determined that the duplication is necessary to satisfy the clarity standard of Government Code section 11349.1(a)(3). The duplication will allow the interested party to have a single source of information related to whether or not they are required to fulfill the entry-level driver training requirements and also provide additional clarity in its association with subsection (b) identifying the form that an applicant is required to provide proof of having fulfilled the training requirements. This duplication will alleviate the need for the potential

applicant to have to reference several sources to determine their entry-level driver training requirements.

Subsection (b) is adopted to make clear that, effective on the date of federal compliance, the department will require applicant's to submit proof that they have fulfilled the entry-level driver training requirements by submitting an California Commercial Driver Behind the Wheel Training Certification, form DL 1236. Vehicle Code section 15250.1 requires specified commercial driver's license applicants to complete a minimum of 15 hours of behind the wheel driving, at least 10 hours of which shall be on a public road. Because completion of the driver training is a prerequisite of being issued a commercial driver's license, the department ultimately determined the best way to ensure the applicant has met the requirements is by having those training hours documented on a departmental form.

- *California Commercial Driver Behind the Wheel Training Certification, form DL 1236*

The form DL 1236 is the department-designated form used by a commercial driver's license applicant to provide proof that they have not only met the 15 hour behind the wheel training requirement, but also to prove that at least 10 of those hours were on a public road.

The form DL 1236 consists of three sections. Section 1 (Applicant Information) requires the applicant to provide their name, address, driver's license number, the class of license for which they are applying, and their date of birth. This information is necessary for the department to retrieve the correct applicant's licensing record.

Section 2 (Behind the Wheel Training Log) consists of seven columns and allows the applicant to log all behind the wheel hours. The first column requires an identification of the date of training and is necessary for verification purposes, if needed. The second column requires an indication of the class of license for which the applicant is applying and is necessary to ensure the applicant is required to complete entry-level driver training. Completion of the form is limited to original Class A or Class B applicants as required by Vehicle Code section 15250.1. While endorsement applicants are required to fulfill the entry-level driver training under the federal rules, they are not required to complete the form DL 1236. The third column requires disclosure of training hours on a public road and the fourth column requires an indication of the hours driven on private roads. It is necessary for the department to capture information related to the hours trained on private roads and the hours trained on public roads, as Vehicle Code section 15250.1 requires at least 10 hours to be on a public road. The fifth column requires an indication of the training totals, both on private and public roads, during the date identified in the first column. The sixth column requires the instructors name and the last column requires the instructor's commercial driver's license number. This information is necessary to ensure the instructor is an approved instructor whose name appears on the training provider registry.

Section 3 (Certification) requires the applicant to certify or declare under penalty of perjury that the information contained on the form is true and correct.

DEPARTMENTAL DOCUMENTATION SUPPORTING GOVERNMENT CODE SECTIONS 11346.2(b)(3) THROUGH (b)(5)

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 been 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 requires specified commercial driver's license applicants to fulfill entry-level driver training requirements prior to taking a skills test or knowledge test. These rules impact individual applicants and not 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

- This action does not impose any costs on representative private persons or businesses. While a training provider would likely charge a fee to train an applicant, it is not required, and any fees charged by a training provider to train an applicant is outside the scope of this action. This proposed action has no associated costs to private persons or 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 is unlikely to impact small business as this proposed action affects individuals applying to the department for a commercial driver's license.

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

- The department does not anticipate this action will create or eliminate jobs within California. The proposed rule imposes federally mandated entry-level driver training requirements. None of the provisions being adopted in this action impact jobs.

Creation or Elimination of Businesses Within the State of California

- The department does not anticipate the creation or elimination of businesses within California. The proposed rule imposes federally mandated entry-level driver training requirements. None of the provisions in this proposed action impact businesses in California.

Expansion of Businesses Currently Doing Business Within the State of California

- The department does not anticipate the expansion of businesses currently doing business in California. The proposed rule imposes federally mandated entry-level driver training requirements. None of the provisions in this proposed action impact businesses currently doing business in California.

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

- This proposed action is unlikely to benefit worker safety or the state's environment, however, this action may benefit the welfare of California residents. The proposed rule imposes federally mandated entry-level driver training requirements and state law ensures sufficient hours of experience by requiring applicants to driver for a minimum of fifteen hours, with ten of those hours being on a public roadway. The state and federal rules, together, ensure that commercial driver's license applicants have adequate behind-the-wheel training as part of the licensing process.