

OFFICE OF THE DIRECTOR
DEPARTMENT OF MOTOR VEHICLES
P.O. BOX 932328
SACRAMENTO, CA 94232-3280



TITLE 13: DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

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 behind the wheel driver training requirements for commercial driver's license applicants.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than **March 30, 2020**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt these regulations under the authority granted by Vehicle Code sections 1651 and 15250.1, in order to implement, interpret, or make specific Vehicle Code section 15250.1 and Parts 380, 383, and 384 in Title 49, Code of Federal Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

The department is proposing to adopt Section 26.03 as a means by which it can make clear that specified commercial driver's license applicants are required to complete federal behind the wheel driver training requirements, but to also identify the means by which the applicant can provide proof to the department of training completion. Proof of training completion will allow the applicant to continue with the commercial driver's license application process.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department conducted a review of other regulations and has determined there are no other regulations related to the testing and licensing of commercial driver's license applicants. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COMPARABLE FEDERAL STATUTES OR STATE REGULATIONS

Part 380 in Title 49 of the Code of Federal Regulations adopts rules related to the behind the wheel testing for specified commercial driver's license applicants. This action clarifies the federal testing rule and identifies the method by which an applicant can provide proof of completion, as required by statute. The department is adopting rules to clarify the requirements in the federal rules.

DOCUMENTS INCORPORATED BY REFERENCE

The following document is incorporated by reference in Section 26.03:

- California Commercial Driver Behind the Wheel Training Certification, form DL 1236, (New 6/2020)

This document will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the document is readily available to interested parties by contacting the department representative identified below.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- *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.
- *Effects on Housing Costs:* None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.:* 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.
- *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.
- *Local Agency/School District Mandate:* The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- *Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states:* 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.

RESULTS OF THE ECONOMIC IMPACT STATEMENT

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

The department has determined that this action will not impact 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, or 3) the expansion of businesses currently doing business within the State of California, or 4) worker safety or the state's environment.

This proposed 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 complete a minimum of fifteen hours of behind the wheel training, 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.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Analyst
Department of Motor Vehicles
Legal Affairs Division
PO Box 932382, MS C-244
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-8898
Facsimile: (916) 657-6243
E-Mail: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Shelly Johnson Marker, Chief of Staff
Department of Motor Vehicles
Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <http://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions>.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.