

AMENDED IN SENATE JUNE 2, 2015

SENATE BILL

No. 344

Introduced by Senator Monning
(Coauthor: Senator Beall)
(Coauthor: Assembly Member Mark Stone)

February 24, 2015

An act to add Section 94874.3 to the Education Code, and to amend Section 15250 of the Vehicle Code, relating to commercial vehicle driver education.

LEGISLATIVE COUNSEL'S DIGEST

SB 344, as amended, Monning. Commercial driver's license: education.

Existing law prohibits the Department of Motor Vehicles from issuing a commercial driver's license to any person to operate a commercial motor vehicle unless the person has passed a written and driving test for the operation of a commercial motor vehicle that complies with the minimum standards established by the federal Commercial Motor Vehicle Safety Act of 1986 and specified federal regulations, and has satisfied all other requirements of that act as well as any other requirements imposed by state law.

This bill, commencing January 1, ~~2017~~, 2018, would also require a person to successfully complete a course of instruction from a commercial driver training institution *or program offered by an employer* with an approved ~~training program~~ *course of instruction* that has been certified by the department before he or she is issued a commercial driver's license, except as specified. The bill would require the ~~program~~ *course of instruction* to include, at a minimum, standards

necessary to ensure a driver is proficient in safely operating a commercial vehicle.

Existing law, the California Private Postsecondary Education Act of 2009, provides for the regulation of private postsecondary educational institutions by the Bureau for Private Postsecondary Education in the Department of Consumer Affairs. The act exempts an institution from its ~~provisions~~, *provision* if any of a list of specific criteria are met.

~~The~~

This bill, commencing January 1, ~~2017~~, *2018*, would remove the exemption from ~~its~~ *the* provisions *of the act* for an institution that is certified by the Department of Motor Vehicles to offer a course of instruction to prepare students to obtain a commercial driver’s license, thereby making the act applicable to the institution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 94874.3 is added to the Education Code,
- 2 to read:
- 3 94874.3. Commencing January 1, ~~2017~~, *2018*, an institution
- 4 that offers a course of instruction to prepare students to obtain a
- 5 commercial driver’s license that is certified by the Department of
- 6 Motor Vehicles pursuant to Section 15250 of the Vehicle Code,
- 7 may not claim an exemption from this chapter.
- 8 SEC. 2. Section 15250 of the Vehicle Code is amended to read:
- 9 15250. (a) (1) A person shall not operate a commercial motor
- 10 vehicle unless that person has in his or her immediate possession
- 11 a valid commercial driver’s license of the appropriate class.
- 12 (2) A person shall not operate a commercial motor vehicle while
- 13 transporting hazardous materials unless that person has in his or
- 14 her possession a valid commercial driver’s license with a hazardous
- 15 materials endorsement. An instruction permit does not authorize
- 16 the operation of a vehicle transporting hazardous materials.
- 17 (b) (1) Before an application for an original or renewal of a
- 18 commercial driver’s license with a hazardous materials
- 19 endorsement is submitted to the United States Transportation
- 20 Security Administration for the processing of a security threat
- 21 assessment, as required under Part 1572 of Title 49 of the Code
- 22 of Federal Regulations, the department shall complete a check of

1 the applicant's driving record to ensure that the person is not
2 subject to a disqualification under Part 383.51 of Title 49 of the
3 Code of Federal Regulations.

4 (2) (A) A person shall not be issued a commercial driver's
5 license until he or she has satisfied all of the following
6 requirements:

7 (i) (I) Commencing January 1, ~~2017,~~ 2018, successful
8 completion of a course of instruction from a commercial motor
9 vehicle driver training institution *or program offered by an*
10 *employer* that has been certified by the department, except as
11 provided in ~~subclauses (I) and~~ *subclause (II)*. The department shall
12 not certify a commercial motor vehicle driver training institution
13 *or program offered by an employer* until the institution *or program*
14 has submitted an approved ~~training program~~ *course of instruction*
15 that meets minimum standards set by the department. ~~The program~~
16 *course of instruction* shall include, at a minimum, standards
17 necessary to ensure a driver is proficient in safely operating a
18 commercial vehicle. The department shall, as necessary, update
19 the required standards to comply with the guidance or requirements
20 issued by the federal Motor Carrier Safety Administration.

21 ~~The~~

22 (II) ~~The~~ following persons ~~shall~~ *are* not be required to satisfy
23 the requirement described in ~~clause (i);~~ *this clause*:

24 (⊕)

25 (ia) A commercial motor vehicle driver with military motor
26 vehicle experience who is currently licensed with the United States
27 Armed Forces and who meets the waiver requirements in
28 subparagraph (B).

29 (⊕)

30 (ib) A commercial motor vehicle driver who presents a valid
31 certificate of driving skill from an approved employer-testing
32 program *that includes, and has submitted to the department, an*
33 *approved course of instruction that meets the minimum standards*
34 *set by the department.*

35 (ii) Successful completion of a written and driving test for the
36 operation of a commercial motor vehicle that complies with the
37 minimum federal standards established by the federal Commercial
38 Motor Vehicle Safety Act of 1986 (Public Law 99-570) and Part
39 383 of Title 49 of the Code of Federal Regulations.

1 (iii) Satisfaction of all other requirements of ~~that~~ *the federal act*
2 *referenced in clause (ii)* as well as any other requirements imposed
3 by this code.

4 (B) The driving skills test as specified in Section 383.113 of
5 Title 49 of the Code of Federal Regulations may be waived for a
6 commercial motor vehicle driver with military commercial motor
7 vehicle experience who is currently licensed with the United States
8 Armed Forces at the time of his or her application for a commercial
9 driver’s license, and whose driving record in combination with his
10 or her driving experience meets, at a minimum, the conditions
11 required by Section 383.77(a) and (b) of Title 49 of the Code of
12 Federal Regulations.

13 (c) The tests shall be prescribed and conducted by or under the
14 direction of the department. The department may allow a
15 third-party tester to administer the driving test part of the
16 examination required under this section and Section 15275 if all
17 of the following conditions are met:

18 (1) The tests given by the third party are the same as those that
19 would otherwise be given by the department.

20 (2) The third party has an agreement with the department that
21 includes, but is not limited to, the following provisions:

22 (A) Authorization for the United States Secretary of
23 Transportation, or his or her representative, and the department,
24 or its representative, to conduct random examinations, inspections,
25 and audits without prior notice.

26 (B) Permission for the department, or its representative, to
27 conduct onsite inspections at least annually.

28 (C) A requirement that all third-party testers meet the same
29 qualification and training standards as the department’s examiners,
30 to the extent necessary to conduct the driving skill tests in
31 compliance with the requirements of Part 383 of Title 49 of the
32 Code of Federal Regulations.

33 (D) The department may cancel, suspend, or revoke the
34 agreement with a third-party tester if the third-party tester fails to
35 comply with the standards for the commercial driver’s license
36 testing program, or with any other term of the third-party
37 agreement, upon 15 days’ prior written notice of the action to
38 cancel, suspend, or revoke the agreement by the department to the
39 third party. Any action to appeal or review any order of the
40 department canceling, suspending, or revoking a third-party testing

1 agreement shall be brought in a court of competent jurisdiction
2 under Section 1085 of the Code of Civil Procedure, or as otherwise
3 permitted by the laws of this state. The action shall be commenced
4 within 90 days from the effective date of the order.

5 (E) Any third-party tester whose agreement has been canceled
6 pursuant to subparagraph (D) may immediately apply for a
7 third-party testing agreement.

8 (F) A suspension of a third-party testing agreement pursuant to
9 subparagraph (D) shall be for a term of less than 12 months as
10 determined by the department. After the period of suspension, the
11 agreement shall be reinstated upon request of the third-party tester.

12 (G) A revocation of a third-party testing agreement pursuant to
13 subparagraph (D) shall be for a term of not less than one year. A
14 third-party tester may apply for a new third-party testing agreement
15 after the period of revocation and upon submission of proof of
16 correction of the circumstances causing the revocation.

17 (H) Authorization for the department to charge the third-party
18 tester a fee, as determined by the department, that is sufficient to
19 defray the actual costs incurred by the department for administering
20 and evaluating the third-party testing program, and for carrying
21 out any other activities deemed necessary by the department to
22 ensure sufficient training for the drivers participating in the
23 program.

24 (3) Except as provided in Section 15250.3, the tests given by
25 the third party shall not be accepted in lieu of tests prescribed and
26 conducted by the department for applicants for a passenger vehicle
27 endorsement specified in paragraph (2) of subdivision (a) of
28 Section 15278, if the applicant operates or will operate a tour bus.

29 (d) Commercial driver's license applicants who take and pass
30 driving tests administered by a third party shall provide the
31 department with certificates of driving skill satisfactory to the
32 department that the applicant has successfully passed the driving
33 tests administered by the third party.

34 (e) If a driving test is administered to a commercial driver's
35 license applicant who is to be licensed in another state pursuant
36 to Section 383.79 of Subpart E of Part 383 of Title 49 of the Code
37 of Federal Regulations, the department may impose a fee on the
38 applicant that does not exceed the reasonable cost of conducting
39 the tests and reporting the results to the driver's state of record.

1 (f) Implementation dates for the issuance of a commercial
2 driver’s license pursuant to this chapter may be established by the
3 department as it determines is necessary to accomplish an orderly
4 commercial driver’s license program.

5 (g) Active duty members of the United States Armed Forces,
6 members of the military reserves, members of the National Guard
7 who are on active duty, including personnel on full-time National
8 Guard duty, personnel on part-time National Guard training, and
9 National Guard military technicians (civilians who are required to
10 wear military uniforms), and active duty personnel of the United
11 States Coast Guard are exempt from all commercial driver’s license
12 requirements and sanctions, as provided in Section 383.3(c) of
13 Subpart A of Part 383 of Title 49 of the Code of Federal
14 Regulations when operating motor vehicles for military purposes.
15 This exception shall not apply to United States Armed Forces
16 reserve technicians.