

AMENDED IN ASSEMBLY JUNE 23, 2015

AMENDED IN SENATE JUNE 2, 2015

**SENATE BILL**

**No. 344**

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

February 24, 2015

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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, 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 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 course of instruction to include, at a minimum, standards necessary to ensure a driver is proficient in

safely operating a commercial vehicle. *This bill would also require a commercial driver’s license applicant to successfully complete a written and driving test, as specified.*

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 provision if any of a list of specific criteria are met.

This bill, commencing January 1, 2018, would remove the exemption from 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, 2018, an institution that
- 4 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~~ *an original* commercial  
5 driver’s license until he or she has satisfied all of the following  
6 requirements:

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

20 (II) The following persons are not required to satisfy the  
21 requirement described in this clause:

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

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

32 (ic) *A commercial motor vehicle driver who presents a*  
33 *certificate issued by the Department of the California Highway*  
34 *Patrol pursuant to Section 12517 or a department Transit Driver*  
35 *Training Record DL 260 form signed by an employer trainer*  
36 *certified by the Transportation Safety Institute of the United States*  
37 *Department of Transportation’s Motor Carrier Training, commonly*  
38 *referred to as the Federal Transit Administration’s*  
39 *“Train-the-Trainer” program.*

1     *(id)* A commercial motor vehicle driver who has received and  
2     documented training in compliance with Chapter 3 (commencing  
3     with Section 40080) of Part 23.5 of Division 3 of Title 2 of the  
4     Education Code.

5     (III) In addition to the requirements of subclause (I), issuance  
6     of a commercial driver's license shall require the successful  
7     completion of a written and driving test, conducted by the  
8     department, that complies with clause (ii).

9     (ii) Successful completion of a written and driving test for the  
10    operation of a commercial motor vehicle that complies with the  
11    minimum federal standards established by the federal Commercial  
12    Motor Vehicle Safety Act of 1986 (Public Law 99-570) and Part  
13    383 of Title 49 of the Code of Federal Regulations.

14    (iii) Satisfaction of all other requirements of the federal act  
15    referenced in clause (ii) as well as any other requirements imposed  
16    by this code.

17    (B) The driving skills test as specified in Section 383.113 of  
18    Title 49 of the Code of Federal Regulations may be waived for a  
19    commercial motor vehicle driver with military commercial motor  
20    vehicle experience who is currently licensed with the United States  
21    Armed Forces at the time of his or her application for a commercial  
22    driver's license, and whose driving record in combination with his  
23    or her driving experience meets, at a minimum, the conditions  
24    required by Section 383.77(a) and (b) of Title 49 of the Code of  
25    Federal Regulations.

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

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

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

35    (A) Authorization for the United States Secretary of  
36    Transportation, or his or her representative, and the department,  
37    or its representative, to conduct random examinations, inspections,  
38    and audits without prior notice.

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

1 (C) A requirement that all third-party testers meet the same  
2 qualification and training standards as the department's examiners,  
3 to the extent necessary to conduct the driving skill tests in  
4 compliance with the requirements of Part 383 of Title 49 of the  
5 Code of Federal Regulations.

6 (D) The department may cancel, suspend, or revoke the  
7 agreement with a third-party tester if the third-party tester fails to  
8 comply with the standards for the commercial driver's license  
9 testing program, or with any other term of the third-party  
10 agreement, upon 15 days' prior written notice of the action to  
11 cancel, suspend, or revoke the agreement by the department to the  
12 third party. Any action to appeal or review any order of the  
13 department canceling, suspending, or revoking a third-party testing  
14 agreement shall be brought in a court of competent jurisdiction  
15 under Section 1085 of the Code of Civil Procedure, or as otherwise  
16 permitted by the laws of this state. The action shall be commenced  
17 within 90 days from the effective date of the order.

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

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

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

30 (H) Authorization for the department to charge the third-party  
31 tester a fee, as determined by the department, that is sufficient to  
32 defray the actual costs incurred by the department for administering  
33 and evaluating the third-party testing program, and for carrying  
34 out any other activities deemed necessary by the department to  
35 ensure sufficient training for the drivers participating in the  
36 program.

37 (3) Except as provided in Section 15250.3, the tests given by  
38 the third party shall not be accepted in lieu of tests prescribed and  
39 conducted by the department for applicants for a passenger vehicle

1 endorsement specified in paragraph (2) of subdivision (a) of  
2 Section 15278, if the applicant operates or will operate a tour bus.

3 (d) Commercial driver’s license applicants who take and pass  
4 driving tests administered by a third party shall provide the  
5 department with certificates of driving skill satisfactory to the  
6 department that the applicant has successfully passed the driving  
7 tests administered by the third party.

8 (e) If a driving test is administered to a commercial driver’s  
9 license applicant who is to be licensed in another state pursuant  
10 to Section 383.79 of Subpart E of Part 383 of Title 49 of the Code  
11 of Federal Regulations, the department may impose a fee on the  
12 applicant that does not exceed the reasonable cost of conducting  
13 the tests and reporting the results to the driver’s state of record.

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

18 (g) Active duty members of the United States Armed Forces,  
19 members of the military reserves, members of the National Guard  
20 who are on active duty, including personnel on full-time National  
21 Guard duty, personnel on part-time National Guard training, and  
22 National Guard military technicians (civilians who are required to  
23 wear military uniforms), and active duty personnel of the United  
24 States Coast Guard are exempt from all commercial driver’s license  
25 requirements and sanctions, as provided in Section 383.3(c) of  
26 Subpart A of Part 383 of Title 49 of the Code of Federal  
27 Regulations when operating motor vehicles for military purposes.  
28 This exception shall not apply to United States Armed Forces  
29 reserve technicians.