

## **Motor Vehicle Division Informational Memo # 20-15**

### ***2020 Legislation – Commercial Driver’s License Disqualification for Human Trafficking Conviction***

**DATE:** June 18, 2020

**FROM:** Sara Siedsma, Compliance Officer, MVD

**TO:** All Driver and Identification Services staff, Iowa County Treasurers and County Treasurer’s staff that issue driver’s licenses and non-operator’s identification cards

#### **SUBJECT**

This informational memo explains legislation enacted during the 2020 legislative session adding a new lifetime disqualification for a commercial driver’s licenses (CDL) if the holder is convicted of a felony human trafficking violation as defined in Iowa Code section 710A.1 while operating a commercial motor vehicle (CMV).

#### **SUMMARY**

House File 2235 conforms Iowa Code section 321.208 to Federal Motor Carrier Safety Administration (FMCSA) regulation 49 CFR §383.51(b), which added a felony conviction for human trafficking to the list of lifetime disqualifications affecting a CDL holder.

**The legislation is effective July 1, 2020.**

#### **LINK TO LEGISLATION**

<https://www.legis.iowa.gov/docs/publications/LGE/88/HF2235.pdf>

#### **CURRENT**

Under current Iowa law, a human trafficking conviction will not result in a lifetime disqualification of a person’s CDL.

#### **NEW**

The new legislation conforms Iowa Code to FMCSA regulations by requiring a lifetime disqualification of a person’s CDL if the person is convicted of a felony human trafficking violation as defined in Iowa Code section 710A.1 while operating a CMV.

#### **BUSINESS IMPACT**

This directive will cause us to issue a new lifetime CDL disqualification (DIS 174) when we receive notification from the clerk of court that the CDL holder has been convicted of a felony human trafficking violation while operating a CMV. We will be updating Section H of the ARTS examiner manual (Sanctions and Reinstatements) to reflect the new disqualification as well as the reason code list and ACD list.

#### **HELPFUL QUESTIONS AND ANSWERS**

The following questions and answers provide additional information that will be helpful to you and to customers.

**SOME LIFETIME DISQUALIFICATIONS ARE ELIGIBLE FOR A REINSTATEMENT AFTER 10 YEARS, IS THIS NEW DISQUALIFICATION FOR HUMAN TRAFFICKING ALSO ELIGIBLE FOR REINSTATEMENT TO A CDL?**

No. The FMCSA regulations do not include a lifetime disqualification due to a felony human trafficking conviction in the list of lifetime disqualifications eligible for reinstatement to a CDL after 10 years.