

Motor Vehicle Division Informational Memo # 21-12

Annual Code of Federal Regulations Updates to Administrative Rules

DATE: May 10, 2021

FROM: Sara Siedsma, Compliance Officer, MVD

TO: All Motor Vehicle Division and Motor Vehicle Enforcement staff; County Treasurers and County Treasurer's Staff that issue commercial driver's licenses

SUBJECT

This informational memo explains the regular, annual update to administrative rules in 761 IAC chapters 520, 529 and 607 to adopt the most recent updates to the Code of Federal Regulations (CFR) dated October 1, 2020. The rule amendments also add the authority to allow us to accept a commercial driver's license (CDL) holder's medical certificate electronically from the Federal Motor Carrier Safety Administration (FMCSA) once the programming has been completed.

SUMMARY

Annual update. At the conclusion of each federal fiscal year (September 30), we initiate an administrative rulemaking to adopt the most recent CFR updates to chapter 520 – Regulations Applicable to Carriers; 529 – For-Hire Interstate Motor Carrier Authority; and 607 – Commercial Driver Licensing.

We are required to make updates to these rule chapters by the following Iowa Code sections:

- Iowa Code section 321.188 requires us to adopt rules to administer commercial driver's licenses in compliance with certain portions of 49 Code of Federal Regulations (CFR) Part 383.
- Iowa Code section 321.449 requires us to adopt rules consistent with the Federal Motor Carrier Safety Regulations (FMCSR) promulgated under United States Code, Title 49, and found in 49 CFR Parts 385 and 390 to 399.
- Iowa Code section 321.450 requires us to adopt rules consistent with the Federal Hazardous Materials Regulations (HMR) promulgated under United States Code, Title 49, and found in 49 CFR Parts 107, 171 to 173, 177, 178 and 180.

The rulemaking at the link below provides specific descriptions of the amendments to the FMCSRs and HMRS that have become final since the 2020 edition of the CFR that affects 761 IAC chapters 520, 529 and 607.

Federal medical certificate changes. The amendments to Chapter 607 will bring the rules in line with federal regulations governing the medical certificate form that certain CDL holders are required to submit as a condition of being licensed. Prior to the rule changes, a CDL holder could only submit a physical copy of the medical certificate form to us; however, FMCSA has adopted regulations and is currently programming a system by which the CDL holder's medical provider will submit the medical certificate to FMCSA, which will then transit the medical certificate electronically to the state driver's

license agency. Because the FMCSA programming to transmit electronic medical certificates is not yet complete, the amendments provide flexibility for the form to continue to be submitted as a physical copy until the programming is ready and FMCSA begins transmitting the form to the Department electronically.

While commercial vehicles transporting goods in interstate commerce and commercial vehicles transporting hazardous materials in interstate commerce or transporting certain hazardous materials intrastate are subject to the FMCSRs and the HMRs on the effective dates specified in the Federal Register (FR), respectively, **the state administrative rule amendments are effective May 12, 2021.**

LINK TO IOWA ADMINISTRATIVE RULES

<https://www.legis.iowa.gov/docs/aco/arc/5547C.pdf>

CURRENT

The above-referenced administrative rule chapters previously adopted the 2019 edition of the CFR and chapter 607 did not permit acceptance of an electronic medical certificate form from FMCSA.

NEW

As of May 12, 2021, the above-referenced administrative rule chapters will adopt the 2020 edition of the CFR and will also now authorize us to accept a CDL holder's medical certificate from FMCSA electronically once FMCSA has completed their programming.

BUSINESS IMPACT

This directive does not significantly impact the way that MVD functions, but it is important to know that these particular administrative rule chapters adopt the 2020 edition of the CFR, which is updated on an annual basis. There is also nothing changing for staff or CDL holders at this time because of the electronic medical certificate rule changes. As noted above, the rules still require a CDL holder to submit a required medical certificate to us as a physical copy until FMCSA has finished programming their system to transmit the medical certificate to us electronically. Once FMCSA has finished their programming and we are ready to begin accepting medical certificates electronically, we will send out additional guidance.