

Motor Vehicle Division Informational Memo # 21-36

Federal Bipartisan Infrastructure Bill and MVD impacts

ISSUE DATE: November 15, 2021
FROM: MVD Policy & Compliance Team
TO: All Motor Vehicle Division staff

SUBJECT

This informational memo explains the Infrastructure Investment and Jobs Act (IIJA), also referred to as the Bipartisan Infrastructure Bill, and its impacts on the Motor Vehicle Division.

BACKGROUND

The federal Infrastructure Investment and Jobs Act (IIJA), House Resolution 3684, was signed into law by President Biden on November 15, 2021. The new law will have numerous long-term impacts for the Iowa DOT. Overall, the bill reauthorizes surface transportation programs for five years (from 2022-2026), authorizes new transportation and safety programs, and significantly increases funding for existing transportation programs. While the major provisions of the bill will have the most impact on other areas of the DOT, such as highway and bridge construction, rail and transit programs, aviation, and waterway protection, there are a few areas of interest to the MVD, which are detailed below.

SUMMARY OF RELEVANT PROVISIONS

There are three provisions of the bill that are of more immediate importance to the MVD, concerning 1) the duration of restricted CDLs, 2) a new pilot program for 18-20-year old CDL holders to operate in interstate commerce, and 3) a new mileage-based user fees pilot program.

1. **Restricted CDL length (sec. 23019).** FMCSA is required to increase the maximum yearly validity of restricted CDLs from 180 days to 210 days, by amending 49 CFR 383.3(f)(3)(ii).
 - a. **MVD impact:** We intend to adopt this optional increase to the length of restricted CDL issuance. This will require ARTS programming and testing, administrative rule revisions, and changes to public-facing manuals and our website concerning restricted CDLs. We don't anticipate any safety impact nor an increase in the total number of restricted CDLs issued each year, we will simply be able to issue restricted CDLs for a longer cumulative period of time each calendar year.
 - b. This change impacts the ***Policy & Compliance Team, Driver Central Programs, Systems & Administration Bureau,*** and the ***Customer Services Bureau.*** More information on this change is included in the Q&A section below.
2. **CDL apprenticeship pilot program (sec. 23022).** Within 60 days of this bill becoming law, USDOT is required to create a commercial driver's license "Apprenticeship Pilot Program" allowing persons age 18, 19, and 20 who hold a CDL to operate CMVs in interstate commerce during and following successful completion of the pilot program. During the apprenticeship driving time, the apprentice (someone age 21 or under who holds a CDL) may drive a CMV in interstate commerce, and must be accompanied by an experienced driver in the passenger seat (someone age 26 who has held a CDL for at least two years, with a clean driving record). Once complete, the apprentice may drive a CMV in interstate commerce, provided they maintain a valid CDL.

This pilot grants participants relief from 49 CFR 391.11 which requires drivers to be at least 21 years old to drive in interstate commerce. The pilot program is limited to 3,000 apprentices at any one time, and includes 400 hours of on-duty experience. The apprentice is limited in the type of CMV they may operate and is prohibited from transporting passengers or hazardous cargo, and from operating a CMV in a special configuration or with a GVWR of more than 80,000 pounds.

- a. **MVD impact:** Both *Driver Central Programs* and the *Customer Services Bureau* will need to be aware of and closely monitor this pilot program, but we will not need to make any regulatory or procedural changes at this time. This pilot program is discussed in further detail in the Q&A section below.

3. **Mileage-based user fees.** Sections 13001 and 13002 of the Act direct the USDOT to work on testing the feasibility of a road usage fee, including establishing a pilot program for a national motor vehicle per-mile user fee. The intent of a mileage-based user fee would be for the user to pay based on miles driven rather than the current model of an excise tax paid on fuel consumed. Volunteers for the pilot program will be solicited from all 50 states.

- a. **MVD impact:** *Vehicle Central Programs* should monitor the national pilot project for awareness and for any potential impacts on the collection of annual vehicle registration fees.

ADDITIONAL PROVISIONS FOR AWARENESS

In addition, there are numerous portions of the bill we do not anticipate will impact the MVD anytime soon, but that certain MVD teams should be aware of. Brief descriptions of each provision, as well as the teams who should be aware, are listed below. We encourage each team to closely review any provision under which their name is identified *in bold and italics*.

4. **Commercial motor vehicle crash causation (sec. 23006).** USDOT is required to study the causes of commercial motor vehicle (CMV) crashes and identify data requirements and other measures that can improve the ability of states and USDOT to develop safety improvements.

- a. **MVD impact:** The *Records Team* may wish to be aware of this effort should the study end up having any impact on crash data being collected at the state level.

5. **Transporting persons for recreational purposes (sec. 23012).** 49 USC §13506(b) is amended to provide that certain transportation municipalities are exempt from USDOT authority for transportation by a motor vehicle designed or used to transport not fewer than 9 and not more than 15 passengers if the motor vehicle is operated by a person that provides recreational activities within a 150 air-mile radius.

- a. **MVD impact:** This provision does not impact when a CDL is required since this type of transportation is not subject to the requirement to obtain a CDL under current law. It is possible that this type of transportation would now be exempt from the requirement to obtain a USDOT number. Because of this, the *Customer Services Bureau* may want to be aware of this provision.

6. **Imminent hazard (sec 23014).** USDOT is required to publish a process in the federal register by which USDOT will review imminent hazard determinations issued by all states receiving MCSAP funding (including Iowa).

- a. **MVD impact:** The *Sanctions Team* should be aware of this provision because a state of record is required by federal regulation 49 CFR § 383.51 to place a disqualification on

the driving record upon being notified by FMCSA of a finding of a person to be imminent hazard.

7. **Vehicle recall awareness and vehicle registration (sec. 24103).** USDOT is required to establish a grant program to develop state processes for informing consumers of open vehicle recalls at the time of vehicle registration. States wanting to participate in the program shall apply for a grant. Section 24203 of the Act directs the Comptroller General of the U.S. to conduct a study to determine why people do not complete recalls and whether more engagement by 3rd parties, including state and local governments, could increase the rate at which vehicles owners make open recall vehicle repairs.
 - a. **MVD impact:** No impact unless ***Vehicle Central Programs*** plans to apply for a grant to participate in this new program. ***Vehicle Central Programs*** will also want to be aware of the Comptroller General Study in case it results in any recommendations to require states to notify vehicle owners of open recalls.

8. **Crash data collection and other public safety improvements (sec 24105).** The bill allows USDOT grant funds to be used to improve core highway safety databases, available for states that have:
 - Certain ignition interlock laws. Specifically, the IID grant requires eligible states to have an IID law that 1) requires all persons convicted of an OWI to have an IID, 2) does not grant driving privileges to any person convicted of an OWI until an IID is installed “on each motor vehicle registered, owned, or leased for operation” for a minimum of 180 days, or 3) requires all OWI test refusal offenders to have an IID on vehicles operated for a minimum of 180 days *and* a compliance-based removal law that requires persons convicted of OWI to have an IID for a minimum of 180 days, with a 40% of that period being violation-free immediately preceding removal.
 - Distracted driving awareness as part of the driver’s license examination of the state.
 - Certain distracted driving laws (different amounts based on whether the enforcement is primary or secondary, and what type of distracted driving is prohibited – i.e., just texting while driving, or totally hands-free)
 - A law requiring helmets for minor motorcycle riders (under 18)
 - a. **MVD impact:** The ***Records Team*** and ***Policy & Compliance Team*** should be aware of an increased focus in improving these areas through additional grant funding being made available. The ***Education & Outreach Team*** and ***Customer Services Bureau*** should be aware be aware of any possible impacts to the operator’s knowledge exam.

9. **Impaired driving data-sharing (sec. 24106).** The Comptroller General of the U.S. is required to conduct a study of the reporting of impaired driving arrest and citation data into federal databases and the interstate sharing of information relating to impaired-driving related convictions and license suspensions. The study shall include an assessment of the extent reporting is happening and barriers that exist. The report shall include recommendations for improvement of reporting of impaired driving data.
 - a. **MVD impact:** The ***Records Team*** and ***Policy & Compliance Team*** should be aware this study will be taking place.

10. **Crash data, personal conveyance vehicles & vulnerable road users (sec. 24108).** USDOT is required to revise its crash data collection system to include the collection of crash report data that distinguishes individual personal conveyance vehicles (i.e., electric scooters & bicycles) from other

vehicles involved in a crash. This section also provides a grant program for states to modernize reporting of model uniform crash data for vulnerable road users, which are those most at risk in traffic due to lack of protection from an outside shield. Examples of vulnerable road users include pedestrians, bicyclists, and motorcyclists.

- a. **MVD impact:** The *Records Team* and *Vehicle Central Programs* may want to be aware of this effort around crash data and personal conveyance vehicles, as well as the opportunity for a grant to modernize reporting of crash data for vulnerable road users.

11. Move over/slow down law (sec. 24106). The Comptroller General of the U.S. must conduct a study on the effectiveness of the move over/slow down law and related public awareness campaigns. The study must review each federal and state move over law, including penalties, level of enforcement, description of each public awareness campaign, and barriers to enforcement of move over/slow down laws.

- a. **MVD impact:** The *Policy & Compliance Team* and *Sanctions Team* will want to be aware of this effort in case there are any questions about license suspensions for violation of Iowa's move over/slow down law.

12. Illegal passing of school bus law (sec. 24110). USDOT is required to report on every states' illegal school bus passing laws, including penalties, level of enforcement, and barriers to enforcement of illegal school bus passing laws. USDOT must also review driver manuals, handbooks, road testing, and other state materials to determine whether illegal school bus passing is addressed and make recommendations on how states can improve their efforts.

- a. **MVD impact:** No immediate impact, but *Driver Central Programs*, the *Sanctions Team* and the *Customer Services Bureau* should be aware of this effort when the request comes in to review our materials addressing illegal school bus passing.

13. Connected and autonomous vehicles (sec. 11504 and sec. 24219). USDOT must study existing and future impacts of self-driving vehicles on transportation infrastructure, mobility, and safety. NHTSA and FHWA are required to expand vehicle-to-pedestrian research efforts to ensure bicyclists and other vulnerable road users will be incorporated into the safe deployment of connected vehicle systems report to Congress.

- a. **MVD impact:** *Vehicle Central Programs* and the *Policy & Compliance Team* will want to be aware of these efforts in case they result in any recommendations for states to modify regulation of connected or autonomous vehicles.

14. Impaired driving technology (sec. 24220). USDOT must issue a final rule prescribing a new federal motor vehicle safety standard (FMVSS) that requires passenger vehicles manufactured to be equipped with advanced drunk and impaired driving prevention technology.

- a. **MVD impact:** No impact, but *MVD management and program leaders* should be aware of this effort as it will generate significant interest from customers and stakeholders.

15. Drug-impaired driving data collection (sec. 25025). USDOT is required to develop a report identifying barriers that states encounter in submitting drug and alcohol toxicology results to the Fatality Analysis Reporting System (FARS) and provide recommendations on how to assist states in improving toxicology testing in cases of motor vehicle crashes.

- a. **MVD impact:** The *Records Team* should be aware of this effort in case there is an opportunity to provide USDOT with feedback on reporting this information to FARS.

LINK TO REGULATIONS:

The full bill is over 1,000 pages long, and can be found at: <https://www.congress.gov/bill/117th-congress/house-bill/3684>. You may find specific provisions in the full text by searching for the section number listed above within the bill (i.e. ctrl + F “sec. 25025”).

QUESTIONS AND ANSWERS

The following questions and answers provide additional information to you and to customers.

When will the new, longer-duration restricted CDL be available to customers?

While the bill directs FMCSA to change their regulations, it is not clear when FMCSA will officially make the changes to those regulations that currently list the maximum restricted CDL term at 180 days per year. Additionally, we anticipate that the programming efforts to implement this change will be extensive, so we don't plan on immediately being able to offer a 210-day restricted CDL to customers. We will inform staff when the changes are made to increase the restricted CDL duration from 180 days to 210 days.

Will the under-21 interstate pilot program impact issuance staff, or change how we issue CDLs to those under age 21? Will we even know if a customer is a pilot program participant?

No, during an issuance transaction we will not know who is participating in the under-21 interstate pilot program, and we will not need to do anything differently when we issue CDLs to those under age 21.

It may be helpful to know that FMCSA is already conducting an [Under 21 Military](#) pilot program, in which state driver's license agencies do not need to make any changes or issue credentials any differently than they currently do (i.e., placing a K restriction on the CDL of a driver who is under age 21). FMCSA maintains a list of approved motor carriers and covered drivers in its Query Central system for law enforcement to view, and the pilot participants are required to carry a copy of the exemption letter from FMCSA to the approved motor carrier and present the letter during inspections or encounters with law enforcement. We expect that this new pilot program will model the same structure, and we plan on closely monitoring the pilot for any implications on our business operations or CDL policies.

Finally, it is important to remember that nothing in this bill lowers the interstate CDL age from 21 to 18. It simply authorizes a pilot program to study the effects of allowing 18, 19, and 20-year-olds to operate in interstate commerce. Federal law would need to be changed to lower the interstate CDL age to 18.