

Motor Vehicle Division Informational Memo # 23-04

2023 Legislation – 3rd Party CDL Testing Expansion

DATE: April 21, 2023

FROM: Kathleen Meradith-Eyers, MVD Director of Operations & Policy

TO: All Motor Vehicle Division staff, Iowa County Treasurers, and County Treasurers' staff that issue driver's licenses and non-operator's identification cards

SUBJECT

This memo explains a bill that was passed during the 2023 legislative session that expands third-party Commercial Driver License (CDL) testing by removing the current limitations on who is authorized to be a third-party CDL tester, and allowing the DOT to adopt rules regarding who may qualify as a third-party tester.

BACKGROUND

HF 257 amends Iowa Code section 321.187 to allow the DOT to adopt rules to approve entities to be third-party CDL knowledge and skills testers. Under current law, there are only a few types of entities authorized to conduct CDL knowledge or skills testing (such as community colleges and Iowa-based motor carriers).

Once the DOT adopts rules to implement this legislation, this change will allow entities such as private trucking schools, local governments, or school districts to offer CDL knowledge and skills testing. Any new third-party tester will still need to meet all CDL testing requirements established by the DOT and by the Federal Motor Carrier Safety Administration (FMCSA), including but not limited to:

- Use of DOT-approved skills testing pads and drive routes
- Completion of Certified Commercial Examiner (CCE) training and Certified Commercial Knowledge Examiner (CCKE) training (as applicable)
- Regular examiner auditing and recertification
- Signing a formal agreement with the MVD to ensure adherence to all state and federal CDL testing standards

This bill becomes effective on July 1, 2023, but the change will not occur immediately. The DOT must first adopt new administrative rules, execute agreements with any new CDL tester, and fully train any CDL new examiner. We estimate the earliest a brand new third-party tester could begin CDL testing is early 2024.

LINK TO LEGISLATION

<https://www.legis.iowa.gov/docs/publications/LGE/90/HF257.pdf>

CURRENT

Under current law, the only third-party entities that may conduct Commercial Learner's Permit (CLP) knowledge tests or CDL skills tests are community colleges, public and regional transit systems, Iowa-based motor carriers (e.g. TMC), and the Iowa Motor Trucking Association (IMTA).

NEW

Once the DOT adopts administrative rules to establish standards for new third-party CDL knowledge and skills testers (most likely late 2023 or early 2024), additional entities will be able to apply to the DOT to become third-party CDL knowledge and skills testers.

BUSINESS IMPACT

By expanding third-party testing, we may eventually see a reduction in CDL knowledge and skills tests administered by the DOT and county treasurers and an increase in the training and auditing of third-party examiners. Currently, more than 50% of CDL skills tests in Iowa are conducted by third-parties.

The process for transmission and retrieval of third-party CDL test results via AutoTest (knowledge tests) and the Commercial Skills Test Information Management System, CSTIMS (skills tests) will not change.

To ensure that staff and the public have access to an updated list of third-party testers, we will be adding a webpage to www.iowadot.gov that lists all current third-party testers approved to conduct CDL knowledge and/or skills testing in Iowa.

QUESTIONS AND ANSWERS:

HOW DOES A THIRD-PARTY ENTITY INDICATE THEIR INTEREST IN BECOMING A TESTER?

MVD'S CDL coordinator, Ronee Slagle, will maintain a list of prospective third-party testers. Ronee will work with interested parties to discuss the requirements and timeline for becoming a new third-party tester. Ronee can be reached at ronee.slagle@iowadot.us or 515-290-0283.

HOW DOES THIS IMPACT CURRENT THIRD-PARTY TESTERS?

All existing third-party testers can continue to operate their current testing. There may be minor changes as a result of future third-party tester administrative rule changes, but if that occurs, we will communicate with the testers to limit disruptions to current operations.

DOES THIS IMPACT ENTRY LEVEL DRIVER TRAINING (ELDT) PROVIDERS IN ANY WAY?

No; ELDT providers are regulated and approved by FMCSA, and third-party testers are regulated and approved by the DOT.

If a current ELDT provider wishes to become a third-party tester under the expanded law, they can apply to the DOT to do so once administrative rules are adopted. However, the certification to be a federally-authorized ELDT provider and a state-authorized third-party tester will remain completely separate and distinct.

WILL NEW CDL TESTERS BE REQUIRED TO ADHERE TO CERTAIN STANDARDS?

Yes. All federal and state CDL testing standards will apply to any new third-party tester, and all testers and examiners will be audited on a regular basis.

WILL THIS IMPACT CDL TEST MODERNIZATION?

No. "CDL test modernization" refers to the pending changes to CDL pre-trip and skills tests that were developed through the American Association of Motor Vehicle Administrators (AAMVA) and approved by FMCSA last year. CDL test modernization will proceed as planned with deployment of current examiner re-training tentatively set for Fall 2023. Our first priority will be to re-certify all existing state, county, and third-party examiners on the new modernized skills test before beginning to train any new third-party examiner.

WHAT ABOUT THE 2022 LEGISLATION THAT EXPANDED THIRD-PARTY TESTING?

As explained in IM 22-19, a bill passed during the 2022 legislative session added public and regional transit agencies to the list of third-party CDL testers, and allowed all third-parties to begin offering the CDL knowledge test (in addition to the skills test). HF 257 further expands third-party CDL testing, and does not negate the changes that were made in 2022 (i.e., public transit agencies can still be third-party testers and all third-parties can offer the CDL knowledge test).

WILL PRIVATE INDIVIDUALS BE ALLOWED TO BE A THIRD-PARTY TESTER?

Any prospective tester would need to meet the federal and state standards to become a third-party tester. Additionally, our intent in the administrative rules is to ensure that only entities registered with the Secretary of State (i.e., not private individuals) can become third-party testers.