

Motor Vehicle Division Information Memo # 23-08

Annual Code of Federal Regulations (CFR) Update to Administrative Rules

DATE: May 9, 2023

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

TO: All Motor Vehicle Division staff, county treasurer staff who issue driver's licenses and nonoperator identification cards, and Motor Vehicle Enforcement staff

SUBJECT

This informational memo explains the regular, annual update to administrative rules in 761 IAC chapter 520, 529, and 607 to adopt the most recent updates to the Code of Federal Regulations (CFR) dated October 1, 2022. The rule amendments also update the maximum length of a restricted commercial driver's license (restricted CDL) from 180 days per calendar year to 210 days per calendar year.

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 Iowa Code sections 321.188, 321.449, and 321.450, which generally state that the DOT must adopt rules consistent with the Federal Motor Carrier Safety Regulations (FMCSRs) and the Hazardous Materials Regulations (HMR), which are revised frequently. The rulemaking at the link below provides specific descriptions of the amendments to the FMCSRs and HMRs that have become final since the 2022 edition of the CFR that affects 761 IAC chapters 520, 529 and 607.

Making this annual update ensures we remain in compliance with federal CDL and motor carrier regulations.

Restricted CDL update. The amendments to chapter 607 also adopt an increased validity period for restricted CDLs in accordance with newly revised 49 CFR 383.3 and Section 23019 of the federal Infrastructure Investment and Jobs Act. The rules now reflect that a restricted CDL:

- Has a maximum validity of 210 days in a calendar year (previously 180 days)
- Can be issued in increments of 70, 105, or 210 days (previously 60, 90, or 180 days)
- May have a 35-day extension added, not to exceed 210 days (previously 30-day extension not to exceed 180 days)

These changes to restricted CDL validity have been in effect in ARTS since January 1, 2023; these rules are simply being updated to align with the new practice as authorized by federal law.

The administrative rule amendments are effective May 10, 2023.

LINK TO ADMINISTRATIVE RULES

<https://www.legis.iowa.gov/docs/aco/arc/6970C.pdf>

CURRENT

These administrative rule chapters previously adopted the 2021 edition of the CFR. Additionally, chapter 607 previously stated that a restricted CDL could not be issued for more than 180 days per calendar year.

NEW

As of May 10, 2023, the above-referenced administrative rule chapters will adopt the 2022 edition of the CFR. Additionally, chapter 607 will now reflect that under revised federal rules, a restricted CDL can be issued for up to 210 days per calendar year.

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 2022 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 updates to the restricted CDL validity period. ARTS has already been updated to allow the extended restricted CDL issuance length, and those changes took effect on January 1, 2023. Please reference the email that was sent to all MVD and county treasurer issuance staff:



Restricted CDL
changes - MVD ann

QUESTIONS AND ANSWERS

HAVE CUSTOMERS AND STAKEHOLDERS BEEN INFORMED ABOUT THE RESTRICTED CDL CHANGES?

Yes, the CDL team and MVD administration contacted both external stakeholders via email and individual customers via mail of the restricted CDL changes in January 2023.

Additionally, our restricted CDL web page has been updated to include this change.