

Motor Vehicle Division Informational Memo # 23-14

2023 Legislation—Restricted Commercial Driver’s License (RCDL) Eligibility Expansion

DATE: May 2, 2023

FROM: Kasey Lee, MVD Compliance Officer

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

EFFECTIVE: July 1st, 2023

SUBJECT

This informational memo explains legislation passed during the 2023 legislative session which expands eligibility for restricted commercial driver’s license holders up to the maximum extent allowed by federal CDL regulations.

SUMMARY

HF335, enacted in the 2023 legislative session, expands who is eligible to be issued a restricted driver’s license (RCDL).

Federal regulations currently allows for the issuance of RCDLs to a larger group of farm-related service industries than what Iowa law currently allows. This legislation brings the Iowa law into alignment with the federal regulations.

Iowa Code section 321.176B and Iowa Administrative Rule 761.607.49(321) as currently written limit the issuance of RCDLs to those working with agricultural inputs only. Agricultural inputs are defined as suppliers or applicators of agricultural chemicals, fertilizer, seed, or animal feeds.

Federal regulation under 49 CFR 383.3(f)(1) allows for RCDLs to be issued to employees of agri-chemical businesses, custom harvesters, farm retail outlets and suppliers, and livestock feeders.

This legislation adopts what is currently allowed in federal regulations. **There** are no changes being made to the process of applying for a RCDL, the duration of the RCDL, or what type of vehicle the RCDL can be used to operate. Rather, this change relates only to who is eligible for a RCDL based on their farming-related use of the license.

The legislation is effective July 1, 2023.

LINK TO LEGISLATION

<https://www.legis.iowa.gov/legislation/BillBook?ga=90&ba=hf335>

CURRENT

Currently, a restricted commercial driver’s license allows a licensee to drive a commercial motor vehicle for agricultural input purposes.

Agricultural inputs are defined as suppliers or applicators of agricultural chemicals, fertilizer, seed, or animal feeds.

NEW

Effective July 1st, 2023, a restricted commercial driver's license will allow a licensee to drive a commercial motor vehicle for the purpose of employment in the following farm-related service industries:

- Agri-chemical businesses
- Custom harvesters
- Farm retail outlets and suppliers
- Livestock feeders

BUSINESS IMPACT

This legislation does not impact the current process for issuance of restricted driver's licenses. The issuance process in ARTS as well as the requirement of a clean driving record for a customer to be issued the RCDL remain the same.

Staff should be prepared to answer customer questions about RCDL eligibility if they are asked. Our restricted CDL web page and the CDL Quick Guide will be updated with the law change and is a great resource to direct customers to for more information about the RCDL:

<https://iowadot.gov/mvd/cdl/restricted-cdl> and <https://iowadot.gov/pubs/CDL-QuickGuide.pdf>

QUESTIONS AND ANSWERS

WHY IS THIS CHANGE BEING MADE?

Prior to this legislation, Iowa law authorizing the RCDL was more restrictive than was permitted in federal regulations. Certain customers that were eligible for a RCDL at the federal level were not eligible under Iowa law. This legislation brings Iowa in line with what is allowed in federal regulations.

DOES THIS CHANGE OUR ISSUANCE PROCESS?

No, there are no changes in ARTS needed to implement this legislation. Staff will follow the existing process for issuance of RCDL laid out in the online manual.

WHO WILL BE IMPACTED BY THIS CHANGE?

This legislation will positively impact farmers and the agricultural industry by making more drivers eligible for the RCDL during the peak planting and harvest season.

For example, we have frequently been asked whether individuals employed for custom harvest companies can use the RCDL to perform their work. Under prior law, custom harvesters could not use the RCDL, since they didn't qualify as a "supplier or applicator of agricultural inputs," but under the new law, custom harvesters can use the RCDL.

HOW DO WE DETERMINE IF A PERSON IS ELIGIBLE FOR THE RESTRICTED CDL?

It is not part of the current process to determine whether the customer's intended use of the RCDL is permitted by law, as that is determined by roadside enforcement. However, please be prepared to answer customer questions about what constitutes an appropriate use of the RCDL. Customers can find specific information about the purpose and use of the RCDL on our website or in the CDL Quick Guide.