

Motor Vehicle Division Information Memo # 24-07

Commercial Driver's Licensing (CDL) and Motor Carrier Administrative Rule Updates

DATE: May 8, 2024

FROM: Kathleen Meradith-Eyers, MVD Deputy Director

TO: All Motor Vehicle Division staff, and all county treasurer staff who issue commercial driver's licenses (CDLs)

SUBJECT

This informational memo explains updates to administrative rule chapters 511 (oversize/overweight permits), 529 (interstate motor carrier authority), and 607 (commercial driver's licensing) occurring due to 2023 legislative changes and the annual adoption of federal regulations.

SUMMARY – RULE CHANGES DUE TO 2023 LEGISLATIVE UPDATES

The amendments to chapter 761—607 and chapter 761—511 conform to changes made by four bills passed during the 2023 legislative session. The bills and implementing administrative rules do the following:

- **[HF 257](#) allowed the department to establish rules to expand third-party CDL testing.** Chapter 607 is being amended to implement this legislation by:
 - Allowing the following entities to be eligible as a third-party tester: a college or university,* a community college, a government agency,* an Iowa business,* an Iowa nonprofit,* or a public or regional transit system (*newly added).
 - Eliminating the restriction that Iowa-based motor carriers may only administer tests to individuals enrolled in their training program.
 - Providing that any new third-party testers must administer at least 50% of all knowledge and skills tests to Iowa applicants to maintain certification. However, third-party testers will only be required to administer 10% of all knowledge and skills tests to Iowa applicants if the remainder of the tests are administered to current or prospective employees of the tester.
- **[HF 258](#) authorized the department to implement federal Drug and Alcohol Clearinghouse (DACH) requirements for CDL applicants and holders, which take effect November 18, 2024.** Chapter 607 is being amended to implement this legislation by:
 - Establishing the procedures the department will follow when issuing, renewing, upgrading, or transferring any type of CDL or commercial learner's permit (CLP), and when downgrading a CDL or CLP holder due to a notification from the DACH that a driver is in a "prohibited" status.
 - Clarifying which individuals are subject to DACH requirements and clarifying the scope of hearings and appeals concerning DACH-initiated denials or downgrades.
 - Adding definitions concerning CDL downgrades and the national Drug and Alcohol Clearinghouse.
- **[HF 335](#) expanded eligibility for the restricted commercial driver's license (CDL) to include drivers in all federally-eligible farm-related service industries.** Prior law only allowed "suppliers of agricultural inputs or their employees" to obtain a restricted CDL. Chapter 607 is being amended to implement this legislation by:

- Removing references to “agricultural inputs” and instead adopting the federal language for restricted CDL eligibility, which includes “employees of...agri-chemical businesses, custom harvesters, farm retail outlets and suppliers, and livestock feeders.”
- **SF 153 created a new option for the department to issue a single-trip permit for overweight loads in special or emergency situations.**
 - The proposed amendments to chapter 511 incorporate the amended law into existing provisions related to validity periods, issuance procedures, insurance requirements, and maximum dimensions for single-trip permits for indivisible loads. The amendments also provide an exemption from the existing single-trip permit weight limitations in 761-511.16 in accordance with the newly amended section 321E.9(2).

The administrative rule amendments become effective May 8, 2024. The legislation became effective July 1, 2023.

SUMMARY – ANNUAL FEDERAL REGULATION ADOPTION

At the conclusion of each federal fiscal year (September 30), we initiate an administrative rulemaking to adopt the most recent CFR updates to chapter 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 307.27 and 321.188, which generally state that the DOT must adopt rules consistent with the Federal Motor Carrier Safety Regulations (FMCSRs), which are revised frequently. Making this annual update ensures we remain in compliance with federal CDL and motor carrier regulations.

There is no business impact to MVD as a result of the annual adoption of the federal regulations, as both DOT and the impacted customers (CDL holders and interstate motor carriers) were already subject to these regulations. A list of the updates is contained at the end of this memo to provide additional detail.

The administrative rule amendments become effective August 14, 2024.

LINK TO ADMINISTRATIVE RULES

2023 legislative changes (effective 5/8/24) - <https://www.legis.iowa.gov/docs/aco/arc/7747C.pdf>

Annual adoption of federal regulations (effective 8/14/24) - <https://www.legis.iowa.gov/docs/aco/arc/7745C.pdf>

CURRENT

The administrative rules do not conform to 2023 legislative changes concerning CDL licensing, issuance, and third-party testing and the new emergency overweight permit. Additionally, the administrative rules adopt the 2022 edition of the FMCSA regulations.

NEW

As of May 8, 2024, the rules will align with the legislative changes described above. Additionally, as of August 14, 2024, the rules will adopt the 2023 edition of FMCSA regulations.

BUSINESS IMPACT

These changes do not significantly impact the way that MVD operates because we have already updated our internal policies and procedures to comply with the legislation, and we were already in substantial compliance with the adopted federal regulations.

However, as of May 8, 2024, we may begin to see an increase in the number of third-party CDL testers. The CDL team has been working diligently to onboard new testers, including CCE training, route approval, and signing agreements with MVD. As new testers are added, a list of currently-approved third-party testers will be maintained at: <https://iowadot.gov/mvd/cdl/How-to-get-a-CDL/Third-party-testers>

Any entity interested in becoming a third-party tester under the expanded rules should fill out the interest form at: <https://iowadot.gov/mvd/cdl/How-to-get-a-CDL/Third-party-testers> and MVD will get in touch.

QUESTIONS & ANSWERS

WHAT WERE THE CHANGES TO THE FEDERAL REGULATIONS THAT ARE ADOPTED BY THIS RULEMAKING?

Within chapter 607, this rulemaking adopted [49 CFR 383 subpart F](#) which does the following:

- Adopts vehicle group descriptions for combination vehicles (group A), heavy straight vehicles (group B), and small vehicles (group C), and provides illustrations and examples of such vehicles.
- Sets standards for applicants to take commercial driving skills tests in representative vehicles, according to the type of vehicle the applicant wishes to drive and the tests the applicant has already taken for prior commercial licensing.
- Establishes descriptions and testing requirements for vehicle endorsements and restrictions on a commercial learner's permit (CLP) or commercial driver's license (CDL).

Within chapter 529 the following federal regulatory changes were adopted by this rulemaking:

[Part 365 \(FR Vol. 87, No. 219 pages 68367-68381, 11/15/22\)](#)

This interpretive rule added appendices to the Federal Motor Carrier Safety Regulations (FMCSRs) to explain existing statutes and regulations FMCSA administers related to: the applicability of the FMCSRs, including the financial responsibility regulations, to motor carriers of passengers operating in interstate commerce, including limitations on such applicability based on characteristics of the vehicle operated or the scope of operations conducted; and the applicability of commercial operating authority registration based on the FMCSA's jurisdiction over motor carriers of passengers, regardless of vehicle characteristics, when operating for-hire in interstate commerce. Under certain conditions, motor carriers performing intrastate movements of passengers may still be operating in interstate commerce and, unless otherwise exempt, are subject to applicable FMCSA statutory and regulatory requirements. Effective 11/15/22.

[Part 365 \(FR Vol. 87, No. 227 page 72898, 11/28/22\)](#)

This notice corrected errors in the docket number, address section, and supplementary information section contained in the interpretive rule issued on 11/15/22. Effective 11/28/22.

[Part 367 \(FR Vol. 88, No. 119, pages 40719-40724, 6/22/23\)](#)

FMCSA amended the regulations for the annual registration fees states collect from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies for the Unified Carrier Registration (UCR) Plan and Agreement for the 2024 registration year and subsequent registration years. The fees for the 2024 registration year are approximately 9 percent less than the fees for the 2023 registration year, with varying reductions between \$4 and \$3,453 per entity, depending on the applicable fee bracket. Effective 7/24/23.

[Part 371 \(FR Vol. 88, No. 116, pages 39368-39373, 6/16/23\)](#)

This notice contained FMCSA's final guidance, in response to a mandate in the Infrastructure Investment and Jobs Act (IIJA) to inform the public and regulated entities about FMCSA's interpretation of the definitions of

“broker” and “bona fide agents” as it relates to all brokers of transportation by motor vehicle. Effective 6/16/23.