

Motor Vehicle Division Information Memo # 19-13

2019 Legislation – Commercial Driver’s License Updates

DATE: June 17, 2019

FROM: Sara Siedsma, Compliance Officer, MVD

TO: All Driver and Identification Services staff, Iowa County Treasurers and County Treasurer’s staff
the issue driver’s licenses and non-operator’s identification cards

SUBJECT

This informational memo explains legislation enacted during the 2019 legislative session impacting various provisions related to commercial driver’s licenses (CDL).

SUMMARY

House File 418 conforms Iowa Code to Federal Motor Carrier Safety Administration (FMCSA) regulations effective in 2020 regarding entry-level driver training (ELDT) and the national drug and alcohol clearinghouse (DACH). The bill provides that the Iowa Motor Truck Association (IMTA) is eligible to be approved as a 3rd party CDL skills tester and gives us authority to adopt administrative rules authorizing a person age 18 years old or older to be licensed to drive a commercial motor vehicle interstate if federal law changes to allow this. Finally, the bill requires us to conduct a study on access to the CDL skills testing and to report our findings and recommendations to the legislature by December 31, 2019.

The legislative is effective July 1, 2019.

LINK TO LEGISLATION

<https://www.legis.iowa.gov/docs/publications/LGE/88/HF418.pdf>

CURRENT

Under current law, confirmation of ELDT completion and checking the DACH are not required prior to administering a CDL skills or knowledge test, or prior to issuing a CLP or CDL. Also, current law restricts 3rd party CDL skills testers to either an Iowa community college or an Iowa-based motor carrier with an established driver training facility in the state (i.e., CRST and TMC). Current law does not address authorizing a person age 18 years old or older to be licensed to drive a commercial motor vehicle in interstate commerce if federal remove the 21-year old age requirement. The Iowa Code also currently does not have a requirement for us to conduct a study on access to CDL skills testing.

NEW

ELDT. The new legislation conforms Iowa Code to FMCSA regulations effective in 2020 regarding ELDT. Those federal regulations apply to an applicant applying for a Class A or Class B CDL, an upgrade of their CDL, or a hazardous material (H), passenger (P), or school bus (S) endorsement for the first time and requires completion of ELDT prior to taking the applicable CDL knowledge test (hazardous materials only) or skills test (all other ELDT required training).

DACH. The new legislation conforms Iowa Code to FMCSA regulations effective in 2020 requiring us to check the DACH for a violation of FMCSA’s drug and alcohol testing program prior to issuing a CDL.

IMTA as 3rd party CDL skills testers. IMTA will be added to the list of entities eligible under Iowa Code section 321.187 to provide 3rd party CDL skills testing, however IMTA must enter into an agreement with us before they can begin administering skills tests.

CDL skills test access study. The legislation requires us to study access to CDL skills testing in the state and evaluate and recommend additional testing options to increase access. We are required to submit the report to the legislature by December 31, 2019.

Rule authority for 18-year-old CMV drivers in interstate commerce. There has been movement at the federal level to broadly amend the driver age qualifications law to lower the current age for an interstate CDL from 21 years old to 18 years old. While the federal law has not changed yet, the legislature wanted to give us the authority to adopt rules authorizing an 18-year-old to obtain an interstate CDL once the federal does change.

BUSINESS IMPACT

This directive does not significantly impact the way that DIS operates at this time.

ELDT and DACH. Neither the EDLT nor the DACH business processes or IT infrastructure have been fully developed by FMCSA and the regulations are not effective until early 2020. Therefore, at this time, there are no new steps you will need to take prior to performing a CDL knowledge or skills test or issuing a CLP or a CDL because of this legislation. Once FMCSA is closer to implementing ELDT and the DACH, we will issue another memo outlining any new steps you will be required to take, including any programming changes.

IMTA as 3rd Party CDL Skills Tester. While the legislature granted authority to IMTA to be approved as a 3rd party CDL skills tester, we have not received any additional information from IMTA to begin the authorization process as this time.

CDL skills test access study. DOT/MVD/DIS management will be leading the study that is required to be submitted to the legislature by the end of calendar year 2019.

Rule authority for 18-year-old CMV drivers in interstate commerce. Federal rules do not yet allow 18-year-olds to operate a CMV across state lines. If this change is made at the federal level, we will have the authority to conform our administrative rules at that time and will include programming changes.

HELPFUL QUESTIONS AND ANSWERS

The following questions and answers provide additional information that will be helpful to you and to customers.

WHAT IS ELDT?

According to FMCSA regulations, no “entry-level driver” may take a CDL skills test to receive a Class A or Class B CDL, or a passenger (P) or school bus (S) endorsement unless the driver has

successfully completed a mandatory theory (knowledge) and behind-the-wheel (BTW) training program. For a Hazardous materials (H) endorsement, the driver must have successfully completed mandatory theory (knowledge) training prior to taking the Hazardous Materials knowledge test. However, please keep in mind that these requirements will not take effect until FMCSA has established the Training Provider Registry (TPR) for us to check if ELDT has been completed for each applicable driver wanting to test. We will issue additional guidance with any required steps you must take closer to when FMCSA is ready to implement ELDT. The link below is to an FMCSA frequently asked questions (FAQ) site regarding ELDT:

<https://www.fmcsa.dot.gov/registration/commercial-drivers-license/eltd/faqs>

WHO MAY PROVIDE ELDT TRAINING?

According to FMCSA regulations, ELDT must be administered by training entities that self-register to the TPR, are certified by FMCSA, and are subsequently listed on the TPR.

WHO MONITORS ELDT TRAINING PROVIDERS?

FMCSA.

ARE THERE ANY EXAMPLES OF WHO MAY BECOME AN APPROVED ELDT TRAINING PROVIDER?

It is anticipated that FMCSA will approve eligible training schools, educational institutions, motor carriers, state/local governments, school districts, joint labor management programs, owner-operators and individuals, but there is also indication that any training provider that meets FMCSA's eligibility requirements could be qualified to provide the required training. Training may be provided either on a "for hire" or "not for hire" basis. Training providers will not be required to offer both theory and behind-the-wheel training, but they may choose to do so.

ONCE THE NEW ELDT TRAINING REQUIREMENT IS FULLY IMPLEMENTED, WILL IT ELIMINATE THE REQUIREMENT TO OBTAIN A COMMERCIAL LEARNER'S PERMIT (CLP) BEFORE OBTAINING A CDL?

No. CDL applicants that are already required to obtain and hold a CLP for at least 14 days before completing the skills test necessary to obtain a CDL will still be required to do so. However, those that are required to completed ELDT before taking the skills test will have to complete that training after they receive their CLP and before they take the required skills test.

HOW LONG WILL ELDT TRAINING TAKE?

FMCSA indicates there are no minimum number of days or hours for the training, so the length of time will depend upon the complexity of the level of CDL or endorsement sought and the amount of time it takes the applicant to demonstrate proficiency in the required skills and knowledge. We have been advised that the training provider is required to post driver training records to the TPR no later than midnight of the second business day following completion of the training.

WHAT IS THE DACH?

The DACH is a database operated by FMCSA that will contain information about violations of FMCSA's drug and alcohol testing program for CDL holders. The link below is to an FMCSA frequently asked questions (FAQ) site regarding DACH:

https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/CDL-D-A-Clearinghouse_FAQs-V05-1-508.pdf

WHEN DO I CHECK THE DACH?

FMCSA regulations require us to check the DACH prior to issuing a CDL. However, please keep in mind that the requirement to check the DACH will not take effect until FMCSA's database is ready, and we will issue additional guidance with any required steps you must take closer to the time FMCSA is ready to implement this requirement.