

**Motor Vehicle Division Administrative Memo # 17-05 - REVISED**  
***Non-Domiciled CDL Training Students***

**DATE:** August 21, 2018

**FROM:** Darcy Doty, Director, Driver & Identification Services

**TO:** All DIS staff, Iowa County Treasurers and County Treasurers' staff that issue driver's licenses and nonoperator's identification cards

**SUBJECT**

This policy memo explains the discontinuation of the practice of issuing a commercial learner's permit (CLP) or a commercial driver's license (CDL) to a person who is from another state but is in Iowa to attend a CDL training program conducted by an Iowa-based motor carrier or its subsidiary. **This policy is a revision of the previous guidance issued in policy memo #17-05, "Non-Domiciled Commercial Driver's License Training Students."**

**EXPLANATION**

Iowa law generally provides that a person may not obtain an Iowa driver's license unless the person is a resident of the state of Iowa. However, in 2015, the Iowa legislature amended section 321.1A of the Iowa Code to allow a person residing in Iowa for the purpose of attending a CDL training program offered by an Iowa-based motor carrier to be eligible to obtain an Iowa CLP or CDL. This allowed the DOT to issue an Iowa driver's license to a person from another state who was in Iowa to attend a CDL training program offered by an Iowa-based motor carrier (as a non-domiciled student), and then to issue an Iowa CLP to the student after successful completion of the required CDL knowledge tests, and issue an Iowa CDL after successful completion of the required CDL skills tests.

After this law was enacted, the Federal Motor Carrier Safety Administration (FMCSA) advised this violated federal rules prohibiting a state from issuing a CLP or CDL to a person domiciled in another state. As a result, in January 2017, FMCSA issued a finding that Iowa was in substantial non-compliance with the domicile requirements of the federal regulations. To allow the department to work on alternative solutions to enable a student from another state to complete all CDL training and testing in Iowa, FMCSA granted the department an extension to the compliance deadline to continue this practice until September 30, 2018.

In March 2018, the department requested from FMCSA an extension of the September 30, 2018 deadline, which FMCSA subsequently denied. In order to become fully compliant with federal CDL domicile requirements prior to the established deadline of September 30, 2018, FMCSA is requiring Iowa to discontinue the practice of issuing CLP's and CDL's to persons domiciled in another state who are enrolled in a CDL training program offered by an Iowa-based motor carrier, by September 29, 2018. Therefore, we have developed a plan to cease issuance of CLP's and CDL's to non-domiciled students prior to September 29, 2018.

## **TIMELINE FOR THE DISCONTINUATION OF NON-DOMICILED CLP AND CDL ISSUANCE**

In order to achieve full compliance with federal regulations by September 29, 2018, we need to stop issuing CLPs to non-domiciled students before the September 29 deadline to allow time for those CLP holders to complete their skills test in advance of the deadline. The cutoff for CLP issuance to non-domiciled students enrolled in CDL training programs offered by an Iowa-based motor carrier is **August 31, 2018**. In other words, beginning September 1, 2018, we will no longer issue CLP's to non-domiciled students enrolled in an Iowa-based motor carrier's training program., For CLP's issued to non-domiciled students on or prior to August 31, the CLP's and base Iowa licenses **will still expire 60 days from issuance**. For example, a CLP issued on August 31 will expire on October 30. Staff should continue to utilize the current non-domicile CLP issuance process outlined in policy memo #17-05 until August 31, 2018.

The cutoff for CDL issuance to non-domiciled students enrolled in CDL training programs offered by an Iowa-based motor carrier is **September 21, 2018**. In other words, beginning on September 22, 2018 we will no longer issue CDL's to non-domiciled students enrolled in an Iowa-based motor carrier's training program. For CDL's issued to non-domiciled students on or prior to September 21, the CDL's and base Iowa licenses **will still expire 60 days from issuance**. For example, a CDL issued on September 21 will expire on November 20. Staff should continue to utilize the current non-domicile CDL issuance process outlined in policy memo #17-05 until September 21, 2018.

## **HELPFUL QUESTIONS AND ANSWERS**

The following questions and answers provide additional information.

### **WHY ARE WE ISSUING THIS REVISED POLICY GUIDANCE?**

This issuance practice is being changed to achieve full compliance with the FMCSA state-of-domicile regulations before September 30, 2018. It is important for us to achieve full compliance with FMCSA requirements to assure that we do not lose highway funding as a result of non-compliance.

### **WHAT ABOUT NON-DOMICILED STUDENTS WHO ARE ISSUED A CLP OR CDL LESS THAN 60 DAYS PRIOR TO SEPTEMBER 30, 2018?**

All credentials held by non-domiciled students will expire after 60 days, even if the expiration date extends past the September 29, 2018 compliance deadline.

A non-domicile student who is issued a CLP on August 31, the last day of allowable CLP issuance, would have a valid Iowa CLP through October 30. A non-domicile student who is issued a CDL on September 21, the last day of allowable CDL issuance, would have a valid Iowa CDL through November 20.

### **HOW WILL THE DEPARTMENT ENSURE THAT NO NON-DOMICILED STUDENT CREDENTIALS ARE ISSUED AFTER AUGUST 31 (CLP) AND AFTER SEPTEMBER 21 (CDL)?**

Under current policy for the issuance of non-commercial driver's licenses, commercial learner's permits, and commercial driver's licenses to non-domiciled students, the credentials are issued using only the following two residential addresses:

For students attending CRST (NADTA)'s training program: 3750 16th Ave SW, Cedar Rapids, IA 52404

For students attending TMC's training program: 6221 Willow Creek Avenue, Des Moines, IA 50321

Periodically, after the issuance cutoff dates, DOT IT Staff will run a report from the ARTS Issuance system identifying credentials issued to students with residential addresses corresponding to the approved training programs listed above. It is important that all issuance staff are aware of the cutoff dates for issuing CLP's or CDL's to non-domicile students enrolled in CDL training programs offered by an Iowa-based motor carrier.

**WHAT GUIDANCE SHOULD BE PROVIDED TO DRIVERS ISSUED UNDER THESE PROGRAMS AFTER SEPTEMBER 29, 2018?**

Drivers with an expired Iowa credential must transfer their license back to their state of domicile. Drivers' CDL skills test scores are entered into CSTIMS, so their state of domicile is capable of accessing the scores. Other states, however, may re-test drivers before issuing in their state, as provided by 49 CFR 383.73(h).

**WHAT MAY IOWA DO IF ANOTHER STATE WILL NOT ALLOW A VALID IOWA CREDENTIAL TO BE TRANSFERRED WITHOUT FIRST RE-TESTING THE DRIVER?**

Since issuance is ultimately the decision of the state of domicile, there is little Iowa can do for drivers whose state of domicile will not transfer a license without testing. If you believe a hardship is being imposed on the driver, or if the state of domicile is systematically requiring Iowa drivers transferring to re-test, you may notify your supervisor who will consult with CDL program management to reach out to FMCSA to address the situation.

**WILL THERE BE LESS CDL APPLICANTS TAKING THE SKILLS TEST IN IOWA?**

We are uncertain how this policy change may impact the volume of applicants who will take their CDL skills tests in Iowa. NADTA/CRST in Cedar Rapids has indicated that they will continue to assist trainees to obtain their CLPs in their state of domicile by offering online and in-person knowledge test prep and training in other states. They indicated that they will still recruit trainees to Iowa and will still have a need for those trainees to complete their CDL skills test in Iowa. The difference will be that those out-of-state trainees must already have a CLP from their state of domicile before they come to train for the CDL skills test in Iowa. Additionally, after the deadlines referenced above have passed, we will not be issuing credentials of any type to those students who are domiciled in other states; instead, they will need to go back to their state of domicile to upgrade their CLP to a CDL.