

Motor Vehicle Division Policy Memo # 20-10

Driver's License Examination Administrative Rule Updates

DATE: June 22, 2020

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

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

SUBJECT

This policy memo explains updates to administrative rule chapter 761—604, License Examination and associated policy changes.

SUMMARY

This rule chapter was updated to align with existing legal authority and department practice related to driver's license examinations, including requirements for vision screenings, knowledge tests, driving tests and special reexaminations. Below is a more in-depth summary of the most significant rule amendments:

Vision screenings. The proposed amendments change several requirements related to vision screening and associated restrictions, including:

- Clarifying at what visual acuity score a person will be referred to a vision specialist for further screening (less than 20/40 with both eyes but at least 20/70 with at least one eye).
- Striking outdated language requiring the department to affix a sticker to an applicant's driver's license.
- Providing that a temporary driving permit issued to a person who needs a referral for a vision screening shall not be issued for more than 60 days from the end of the license validity, which aligns with the current grace period for an expired driver's license in Iowa Code section 321.196.
- Aligning the rules with Iowa Code section 321.196 and current department practice related to discretionary issuance of a driver's license, which requires a two-year license for an applicant who cannot attain a visual acuity of 20/40 and removes the outdated option for waiver of the two-year restriction based on a vision report.

Knowledge and driving tests. The rule amendments address certain knowledge and drive testing requirements, including:

- Aligning the rules with department practice related to knowledge and driving tests when an applicant is seeking to renew the applicant's driver's license within one year after its expiration date or within one year without a valid driver's license.
 - Iowa Code section 321.196(2) provides that a driver's license is renewable without a driving test or written examination within a period of one year after its expiration date and provides that once a person's driver's license has been expired for more than one year, testing is required to regain the license. It has been the department's policy for many years to extend this retesting requirement to any customer who has been without

a valid driver's license for more than one year, whether it is because the customer's license is simply expired or whether the customer has been without valid driving privileges due to a driver's license sanction. Accordingly, the rule amendments clarify that knowledge and driving tests are required to regain the license if it has been expired or invalid for more than one year.

- This policy change further clarifies that one-year means 365 days and that there is no specific "magic day" that a customer who served a one-year sanction can be reinstated without retesting. For example, a one-year suspension that begins on July 3, 2020 ends 365 days later, on July 2, 2021. On July 3, 2021, 366 days later (i.e., more than one year), the customer must retest in order to reinstate.
- Allowing a certificate of completion for motorcycle rider education to be used to waive the driving test for more than just the first time the license was issued.
 - This change accommodates applicants that would prefer to take another motorcycle rider education course rather than having to perform a motorcycle skills test with the Department to regain motorcycle operating privileges. One certificate of completion may only be used once to waive the driving test, and each subsequent waiver will require completion of a new course and a new certificate of completion. However, a certificate of completion does not waive any required testing required for a reexamination.

Special reexaminations. The rule amendments related to special reexaminations include:

- Aligning the rules with current department practice by adding cognitive screening to the list of requirements that may accompany a special reexamination.
 - Iowa Code section 321.186(3) authorizes the Department to examine an applicant for a driver's license, including a mental examination necessary to determine an applicant's fitness to operate a motor vehicle safely.
 - The Department currently utilizes the nationally-recognized Driver Orientation Screen for Cognitive Impairment (DOSCI) and the Safe Driving Basics (SDB) programs for cognitive screening.
- Aligning the rules with the department's current ability to require a special reexamination after a single accident when the accident report lists the underlying condition of the licensee as "fatigue or asleep."
- Adding circumstances that may be a contributing factor to an accident requiring a special reexamination for someone age 65 or older, including: loss of consciousness, illness that resulted in the accident, and vision regardless of whether the accident occurred during the day or at night.
- Clarifying that the Department can require a special reexamination if we receive evidence that a licensee may be physically or mentally incapable of operating a motor vehicle, in conformity with our authority to do so established in Iowa Code section 321.186. The way the rule previously read made it seem like the department could not initiate a reexam based on receipt of an accident report unless the law enforcement officer requested the reexamination.

The administrative rule amendments are effective July 8, 2020.

LINK TO ADMINISTRATIVE RULES

<https://www.legis.iowa.gov/docs/aco/arc/5048C.pdf>

HELPFUL QUESTIONS AND ANSWERS

The following questions and answers provide additional clarification for staff and customers.

HOW DO THESE RULE AMENDMENTS AFFECT RETESTING IF A CUSTOMER'S LICENSE SANCTION WAS FOR LESS THAN ONE YEAR?

Under our current policy, if a customer's license is sanctioned (i.e., suspended, revoked, barred, canceled, denied or disqualified) for less than one year, then no retesting is required to reinstate.

A straightforward example of a sanction that lasts less than one year is a suspension for speeding 25 mph over the legal limit, which will result in a 60-day license suspension (SUS 76), say from June 1, 2020 to July 30, 2020. If a person in this example reinstates prior to June 1, 2021, then they will not have to complete retesting (assuming they otherwise held a valid driver's license prior to the suspension).

However, if a person's sanction is for less than one year, but they to wait to reinstate their driver's license until after they have been without a valid driver's license for longer than one year, then retesting will be required.

Please note: this policy does not impact the temporary policy (MVD PM #20-08) for customers whose driver's license suspension reinstatement dates were impacted by the COVID-19 reduction in DIS services.

HOW DO THESE RULE AMENDMENTS AFFECT RETESTING IF A CUSTOMER'S LICENSE SANCTION WAS FOR ONE YEAR OR LONGER?

Regarding driver's license sanctions lasting for one year, one year is calculated by counting 365 days from the day the sanction begins to the day the sanction ends. As referenced in the example above, if a customer's one-year driver's license sanction begins on July 3, 2020, it will end on July 2, 2021, which is 365 days from the begin date to the end date of the sanction. One year is not calculated from July 3, 2020 to July 3, 2021, as that would actually be 366 days.

We understand that for some, it has been a practice to allow a customer serving a one-year sanction to reinstate their driver's license without retesting if they appeared to reinstate on the date that seemed to be exactly one year from the end date of their sanction. This has even been referred to as the "magic day." However, that was actually an incorrect policy because, as demonstrated in the example above, a customer appearing on July 3, 2021 to reinstate is

actually appearing more than one year after the start date of their driver's license sanction (i.e., 366 days).

The driver's license sanctions unit uses ARTS programming to calculate the length of one-year driver's license suspensions as 365 days. We have included a few examples from a website that calculates the number of days in a period of time at the end of this memo to demonstrate how 365 days is calculated as well as an example from the ARTS Sanction Add/Edit screen.

Accordingly, with the release of this policy memo, the prior policy of allowing a customer to reinstate their driver's license after serving a one-year driver's license sanction without retesting is effectively ended.

As for driver's license sanctions issued for a duration greater than one year, or any customer seeking to regain licensure more than one year after having a valid license, the policy remains the same that retesting is required.

DO THESE RULE AMENDMENTS AFFECT RETESTING FOR COMMERCIAL DRIVER'S LICENSE HOLDERS?

Yes. Iowa administrative rule 761—607.25 provides that an applicant for commercial driver's license (CDL) must comply with the examination requirements under rule chapter 604 in addition to passing the knowledge and skills testing required in the federal regulations.

Therefore, the same logic above that a one-year driver's license sanction will result in retesting applies to a CDL disqualification of one year or longer. Accordingly, there is no magic day upon which CDL driver may have their CDL reinstated after serving a one-year disqualification without having to retest.

WHY ARE WE CHANGING THE POLICY ON RETESTING AFTER A ONE-YEAR SANCTION?

There are a couple of reasons we are changing the policy on retesting after a one-year sanction. The first reason is that allowing a person who was sanctioned for one year on July 3, 2020 to appear on July 3, 2021 to be reinstated without requiring retesting was an incorrect policy because that person was actually without a valid license for more than one year (i.e., 366 days). The second reason is that while the prior policy was certainly well-intentioned and customer-focused, by allowing only one particular day that a customer could reinstate without retesting, the very nature of the policy resulted in inconsistent application as almost immediately exceptions were requested when the "magic day" fell on a weekend, or a Monday, or another day when the service center or county issuance location was closed. Thus, a policy that seemed to be limited to allowing reinstatement on one year to the day of the beginning of the sanction, actually progressed to more than several days after the one-year mark due to times when services were not available. This understandably resulted in complaints and upset customers when some were informed that if they had only appeared on a certain day, they could have avoided having to retest.

WHY ARE WE INCREASING THE NUMBER OF KNOWLEDGE AND DRIVING TESTS WE WILL HAVE TO COMPLETE AT A TIME WHEN WE HAVE BEEN DEALING WITH REDUCED SERVICES DUE TO COVID-19?

While the timing of the rule and policy changes may be awkward considering what staff are currently dealing with due to the COVID-19 service disruptions, the need for these rule amendments have been under discussion for quite some time, long before COVID-19 became an issue. We understand that this change may be difficult for some under the circumstances, but on the other hand, these changes are necessary to remedy a policy that should have never been instituted in the first place.

WHAT CHANGES ARE BEING MADE TO THE WAIVER OF A DRIVING TEST FOR A MOTORCYCLE LICENSE APPLICANT?

The rules related to driving test waivers following completion of an approved motorcycle rider education course were amended to clarify that a certificate of completion for motorcycle rider education may be used to waive the drive test for more than just the first time the license was issued. This means that if the applicant chooses to attend a subsequent motorcycle rider education course, they may use that new certificate of completion to waive a subsequent skills test. We are making this change to accommodate applicants that would prefer to take another motorcycle rider education course rather than having to perform a motorcycle skills test with the department. However, it is important to note that a certificate of completion does not waive any testing required due to a reexamination.



Days Calculator: Days Between Two Dates

How many days, months, and years are there between two dates?

Count Days Add Days Workdays Add Workdays Weekday Week No

Start Date

Month: Day: Year: Date:
3 / 1 / 2020

Today

Include end date in calculation (1 day is added)

[Add time fields](#)
[Add time zone conversion](#)

Calculate Duration

End Date

Advertising

Month: Day: Year: Date:
3 / 1 / 2021

Today

Count only workdays

From and including: **Sunday, March 1, 2020**
To and including: **Monday, March 1, 2021**

Result: 366 days

It is **366** days from the start date to the end date, end date included.

Or 1 year, 1 day including the end date.

Or 12 months, 1 day including the end date.

Alternative time units

366 days can be converted to one of these units:

- 31,622,400 seconds
- 527,040 minutes
- 8784 hours
- 366 days
- 52 weeks and 2 days
- 100.27% of a common year (365 days)

◀ Make adjustment and calculate again

Start Again ▶



Days Calculator: Days Between Two Dates

How many days, months, and years are there between two dates?

Count Days Add Days Workdays Add Workdays Weekday Week Ne

Start Date Advertising

Month: Day: Year: Date:

4 / 1 / 2020

Today

Include end date in calculation (1 day is added)

[Add time fields](#) [Count only workdays](#)

[Add time zone conversion](#)

Calculate Duration

From and including: **Wednesday, April 1, 2020**
To and including: **Wednesday, March 31, 2021**

Result: 365 days

It is 365 days from the start date to the end date, end date included.

Or 1 year including the end date.

Or 12 months including the end date.

Alternative time units

365 days can be converted to one of these units:

- 31,536,000 seconds
- 525,600 minutes
- 8760 hours
- 365 days
- 52 weeks and 1 day
- 100.00% of a common year (365 days)

[◀ Make adjustment and calculate again](#) [Start Again ▶](#)

Sanction Add/Edit

Customer Name [Test, Test This](#) **Customer #** 6429170
Residency Address 800 Lincoln Way Ames IA 500106915 **Customer Type** Individual
Identification Drivers License - 956AL0203 (IA) **Date of Birth** 11/06/2001

Current Class C; ; REST: B; ISS: 05-04-2020; EXP: 11-06-2027
Previous Class C; ; REST: B; ISS: 05-04-2020; EXP: 11-06-2027

ID DL Sp Sp

Sanction Data Related Cases Code Section(s) AAMVA Consequences Triggering Events

Sanction Reason Code and ACD
 Sanction Reason Code: SUS033 ACD: W01 Issuing State: IA Forwarding State: Reference Number: example

Sanction Duration
 Duration: 1 Duration Rule: Years Sanction Start Date: 7/3/2020 Sanction Completion Date: 7/2/2021 Reinstatement Date:

Waived Advance Notice Sanction Comment:

Sanction Data
 Eligible For TRL TRL Requires Special Approval Appeal Advance Notice In Days: 20 Starting Appeal Level: 1-Informal appeal
 Eligible For Appeal Personally Served Stay Date: Past Time Accrued In Days:
 Not Served

Sanction Notice Choices
 Print New Sanction Notice Print Amended Sanction Notice Print Lift/Rescind Notice

Dispose Reason: Dispose Comment: Discard Reason:

Created By: Created Date: Updated By: Updated Date: