

Motor Vehicle Division Policy Memo # 23-02

Commercial learner's permit (CLP) grace period for issuing CDL

DATE: January 20, 2023

FROM: Kathleen Meradith-Eyers, Director of Operations & Policy

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: Immediately

SUBJECT

This memo explains the MVD's policy on issuing a commercial driver's license (CDL) to customers who have an expired commercial learner's permit (CLP).

SUMMARY

The process for obtaining a CDL requires the following steps to be completed in order: 1) take the CLP knowledge test(s), 2) be issued a CLP, 3) complete ELDT (if CLP was issued on or after February 7, 2022), 4) pass CDL skills test, and 4) be issued a CDL. The MVD previously interpreted federal CDL guidance to mean that the entire CDL licensing process must be completed during the validity of the 1-year CLP, and that as soon as the CLP expires, the process must be restarted even if the person has already taken ELDT and passed the CDL skills test.

However, we confirmed with the Federal Motor Carrier Safety Administration (FMCSA) that we can use discretion when issuing a CDL to a driver whose CLP has expired, provided that the driver completed ELDT and the CDL skills test while the CLP was valid and issuance is completed within a reasonable time frame of the CDL expiring.

Therefore, effective immediately, we will allow issuance of a CDL to a driver with an expired CLP if both of the following are true:

- 1. The driver completed both ELDT (if applicable) and the CDL skills tests while the CLP was valid.**
- 2. The CLP has been expired for 60 days or less.**

Note: ARTS will generate a DE requiring supervisor approval. Additionally, if the skills test results have not yet been entered into ARTS (due to testing with a third party), staff will need to call the help desk (515-239-1075) and start a SNOW ticket. The Systems & Administration team will be in contact with the caller and let them know when the skills test results can be entered and the CDL issued.

CURRENT

Currently, a driver is required to complete the entire CDL process (including completing ELDT, passing the CDL skills test, and being issued the CDL) while the CLP is still valid.

NEW

Effective immediately, a driver who holds a CLP that has expired within the last 60 days can be issued the CDL, provided the driver completed ELDT and the CDL skills test while the CLP was still valid.

QUESTIONS AND ANSWERS

WHY IS THE CHANGE BEING MADE?

Since there is no federal or state regulation prohibiting issuance of a CDL after a CLP expires, we are offering flexibility to the benefit of drivers who have completed the entire CDL process correctly, but who were just unable to complete the CDL issuance transaction before the CLP expired. We have confirmed with FMCSA that this policy is acceptable and compliant with the federal regulations.

WHAT IF THE DRIVER WANTS TO RENEW THE CLP AFTER IT EXPIRES?

Our policy for renewing CLPs has not changed. Once a CLP expires, the driver must re-take the CLP knowledge test(s), be issued a new CLP, complete ELDT (if applicable) and start the skills testing process from scratch. Federal regulations prohibit test “banking,” meaning that once a CLP expires, all prior CDL skills tests results from the prior CLP are no longer usable and any previously passed tests must be retaken on a new CLP.

WHAT IF THE DRIVER TOOK THE CDL SKILLS TEST WITH A THIRD-PARTY TESTER AFTER THE CLP EXPIRED?

In this case, the third-party tester should not have administered the skills test to a driver with an expired CLP and the CDL skills test results are invalid. The driver will need to re-do the entire CDL process, starting from taking the CDL knowledge test and being issued a new CLP.