

CHAPTER 1124

COMMERCIAL DRIVER'S LICENSE TESTING — THIRD-PARTY TESTERS AND TEST EXAMINERS

S.F. 2337

AN ACT relating to third-party testers and test examiners for commercial driver's license knowledge and driving skills tests.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. [Section 321.187, subsections 2 and 3](#), Code 2022, are amended to read as follows:

2. The department may by rule designate community colleges established under [chapter 260C](#) and other third-party testers to administer the knowledge and driving skills test tests required for a commercial learner's permit or commercial driver's license, provided ~~that~~ all of the following occur:

a. The driving skills test is the same as that which would otherwise be administered by the state. The fees for administering a commercial driver's license driving skills test as provided in [sections 321.187A](#) and [321M.6A](#) shall not apply to a driving skills test administered by a third-party tester under [this section](#).

b. The third-party tester contractually agrees to comply with the requirements of 49 C.F.R. ~~§383.75~~ [pts. 383 and 384](#) applicable to third-party knowledge and driving skills testing, as adopted by rule by the department.

c. Any third-party ~~skills~~ test examiner used by the third-party tester shall meet the requirements of 49 C.F.R. ~~§383.75 and 49 C.F.R. §384.228~~ [pts. 383 and 384](#) applicable to third-party knowledge and driving skills testing, as adopted by rule by the department. ~~The department shall adopt rules requiring that a third-party tester, other than a community college established under chapter 260C, either be an Iowa-based motor carrier, or its subsidiary, that has its principal office within this state and operates a permanent commercial driver training facility in this state, or be an Iowa nonprofit corporation that serves as a trade association for Iowa-based motor carriers regarding who may qualify as a third-party tester.~~ The rules may also provide that a third-party tester conduct a number of skills test examinations above the number required under [49 C.F.R. §383.75](#) in order to remain qualified as a third-party tester under [this section](#). A third-party tester, other than a community college established under [chapter 260C](#), must be one of the following:

(1) An Iowa-based motor carrier, or its subsidiary, that has its principal office within this state and operates a permanent commercial driver training facility in this state.

(2) An Iowa nonprofit corporation that serves as a trade association for Iowa-based motor carriers.

(3) A public transit system or regional transit system, as those terms are defined in [section 324A.1](#), in this state.

3. As used in [this section](#), ~~“third-party tester” and “third-party skills test examiner” mean as defined in [49 C.F.R. §383.5](#):~~

a. “Third-party test examiner” means a person employed by a third-party tester who is authorized by the department to administer the knowledge and driving skills tests under [this section](#).

b. “Third-party tester” means a person designated by the department to employ knowledge and driving skills test examiners to administer knowledge and driving skills tests under [this section](#).

Approved June 14, 2022