

**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 307.12 and section 307A.2 as amended by 2015 Iowa Acts, House File 635, section 20, and 2015 Iowa Acts, House File 635, sections 50 and 53, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 602, “Classes of Driver’s Licenses,” Chapter 604, “License Examination,” Chapter 605, “License Issuance,” and Chapter 607, “Commercial Driver Licensing,” Iowa Administrative Code.

These proposed amendments implement 2015 Iowa Acts, House File 635, Division V, which requires the Department to adopt rules to implement changes in the Federal Motor Carrier Safety Administration’s federal regulations within 49 Code of Federal Regulations (CFR) Part 383 to commercial driver’s licenses (CDL) and commercial learner’s permits (CLP). The primary change within the rule making is the implementation of the CLP as a prerequisite to obtain a new CDL or to upgrade an existing CDL by adding an endorsement or removing a restriction if doing so requires a skills test. The purpose of the CLP is to allow accompanied behind-the-wheel training in a type and class of commercial motor vehicle that the individual’s current license (commercial or noncommercial) is not valid to operate. A CLP will be required before the applicant can take the required skills testing and obtain a new or upgraded CDL. Applicants must also meet eligibility requirements and must pass the general knowledge examination to obtain a CLP. The CLP must be held by the applicant for at least 14 days before skills testing can be administered, is valid for 180 days, and can be renewed for another 180-day period without retesting. A CLP is a separate document from the person’s underlying license containing the information and markings required by the Iowa Code.

Other proposed amendments make changes to definitions, endorsements, restrictions, testing requirements and military waivers and make other changes to conform rules to comply with 49 CFR Part 383 and 2015 Iowa Acts, House File 635, Division V. The Department is also adopting the applicable portions of the CFR as of October 1, 2014. The following Federal Register citations affect amendments to 49 CFR Part 383 that became effective between October 1, 2013, and October 1, 2014.

Amendments to Part 383, Federal Motor Carrier Safety Regulations

Part 383 (FR Vol. 79, No. 53, Pages 15245-15250, 3-19-2014)

This final rule amended the federal motor carrier safety regulations by revising the definition of “gross combination weight rating” (or GCWR) to clarify the applicability of the Federal Motor Carrier Safety Administration’s safety regulations for single-unit trucks (vehicles other than truck tractors) when they are towing trailers and when the GCWR information is not included on the vehicle manufacturer’s certification label. Effective Date: April 18, 2014.

Part 383 (FR Vol. 78, No. 190, Pages 60226-60234, 10-1-2013)

This final rule adopted certain Federal Motor Carrier Safety Administration regulations required by the Moving Ahead for Progress in the 21st Century surface transportation reauthorization legislation. The majority of the statutory changes were effective on October 1, 2012, while others were effective on October 1, 2013. Conforming changes were made to ensure that the regulations were current and consistent with the applicable statutes. Effective Date: October 1, 2013.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.

4. Be addressed to Tracy George, Rules Administrator, Iowa Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; e-mail: [tracy.george@dot.iowa.gov](mailto:tracy.george@dot.iowa.gov).

5. Be received by the Office of Policy and Legislative Services no later than August 25, 2015.

A meeting to hear requested oral presentations is scheduled for Friday, August 28, 2015, at 10 a.m. at the Iowa Department of Transportation's Motor Vehicle Division offices located at 6310 SE Convenience Boulevard, Ankeny, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

The proposed amendments may have an impact on small business. A request for a regulatory analysis pursuant to Iowa Code section 17A.4A must be submitted to the Office of Policy and Legislative Services at the address listed in this Notice by September 8, 2015.

The Department shall not grant any waivers under the provisions of these amendments since the amendments are needed to comply with 49 CFR Part 383 and 2015 Iowa Acts, House File 635, Division V.

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 2071C**, which became effective July 14, 2015. The purpose of this Notice is to solicit public comment on that submission, the subject matter of which is incorporated by reference.

After analysis and review of this rule making, these amendments will have a positive impact on jobs. Implementing these amendments allows Iowa's CDL program to continue under the new federal regulations and allows CDL drivers from Iowa to continue to drive out of state. Businesses will be able to maintain and rely on interstate drivers and drivers will be allowed to maintain employment as interstate drivers.

These amendments are intended to implement 2015 Iowa Acts, House File 635, Division V.