

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.12, 307A.2 and 321.187, the Iowa Department of Transportation, on April 20, 2016, adopted amendments to Chapter 607, “Commercial Driver Licensing,” Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the March 16, 2016, Iowa Administrative Bulletin as **ARC 2451C**.

Item 1 updates the facsimile number and adds a reference to the Department’s Web site. Items 2 to 5, 7 to 15, 18 to 20 and 24 update Iowa Code citations to remove references to the 2015 Iowa Acts. Item 16 implements third-party testing by Iowa-based motor carriers as authorized by Iowa Code section 321.187 and will increase access to commercial driver’s license skills testing for Iowa-based motor carriers and their trainee drivers. Item 17 authorizes the acceptance of skills test results from certified third-party testers. Item 18 corrects the implementation sentence to add a reference to Iowa Code section 321.187. Item 20 increases the period of time in which a commercial driver may renew a commercial driver’s license before license expiration from 30 days to 90 days, which conforms to current practice and gives drivers more time to complete their renewal transaction before license expiration. Item 20 also changes the period of time in which a driver may renew before license expiration when faced with circumstances that render doing so within 90 days before expiration impractical from one year to 364 days, which conforms with a Federal Motor Carrier Safety Administration interpretation of federal rules which dictates that a commercial driver’s license may not be valid more than eight years and 364 days. The amendments within Item 20 also correct a Code of Federal Regulations (CFR) citation and make changes for clarity. Item 21 corrects an Iowa Code citation. Item 22 addresses restricted commercial driver’s licenses and changes the definition of “good driving record” to add consistency in the identification and enumeration of disqualifying acts and violations, improve the safety of persons allowed to operate a commercial motor vehicle under a restricted commercial driver’s license, and make nonsubstantive changes to add clarity and create consistency. The amendments within Item 22 also change the attribution of the 180-day period of validity from two set periods, one during spring planting and one during fall harvest, to a flexible 180-day period that may be taken at any time during the calendar year and may be taken in up to three increments at the election of the driver. This change will be effective on January 1, 2017, and is in response to requests from suppliers of agricultural inputs that sought more flexibility in the administration of the 180-day period. Three individual periods of validity will allow suppliers and their drivers to craft periods of validity that correspond to yearly fluctuations in planting and harvest demands without being restricted to defined periods that may or may not correspond, and will also allow agricultural suppliers to add drivers in mid-year when needed to respond to demand or weather events that affect the application of agricultural inputs. Item 23 eliminates an outdated subrule concerning self-certification procedures which were required before January 30, 2014.

The amendments within Item 6 update the citation in 49 CFR Part 383. The amendments to 49 CFR Part 383 that have become effective since the 2014 edition of the CFR are listed in the information below. The parts affected are followed by Federal Register (FR) citations.

Part 383 (FR Vol. 79, No. 191, Pages 59450-59458, 10-02-14)

This final rule amends Federal Motor Carrier Safety Administration’s (FMCSA) regulations by making technical corrections throughout 49 CFR, Subtitle B, Chapter III. The FMCSA is making minor changes to correct errors and omissions, ensure conformity with the Office of the Federal Register style guidelines, update references, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations. Effective date: October 2, 2014.
Part 383 (FR Vol. 80, No. 78, Pages 22790-22825, 4-23-15)

This final rule amends the Federal Motor Carrier Safety Regulations (FMCSR) to require certified medical examiners performing physical examinations of commercial motor vehicle (CMV) drivers to use a newly developed Medical Examination Report Form, MCSA-5875, in place of the current form

and to use Form MCSA-5876 for the Medical Examiner's Certificate and to report results of all CMV drivers' physical examinations performed (including the results of examinations where the driver was found not to be qualified) to FMCSA by midnight (local time) of the next calendar day following the examination. The reporting of results includes all CMV drivers who are required to be medically certified to operate in interstate commerce, not only those who hold or apply for commercial learner's permits (CLP) or commercial driver's licenses (CDL), and results of any examinations performed in accordance with the FMCSRs with any applicable state variances (which will be valid for intrastate operations only). For holders of CLP/CDLs (interstate and intrastate), FMCSA will electronically transmit driver identification, examination results, and restriction information from examinations performed from the national registry to the state driver licensing agencies. FMCSA will also transmit medical variance information for all CMV drivers electronically to the state driver licensing agencies. Effective date: June 22, 2015.

Part 383 (FR Vol. 80, No. 119, Pages 35577-35596, 06-22-15)

This final rule makes corrections to a rule that appeared in the Federal Register on April 23, 2015 (80 FR 22790), which is summarized in the preceding paragraph. That final rule was a follow-on rule to the medical certification requirements as part of the CDL final rule, published on December 1, 2008, and the National Registry of Certified Medical Examiners final rule, published on April 20, 2012. Effective date: June 22, 2015.

Part 383 (FR Vol. 80, No. 190, Pages 59065-59075, 10-01-15)

This final rule amends FMCSA regulations by making technical corrections and ministerial corrections throughout 49 CFR, Subtitle B, Chapter III. The FMCSA is making minor changes to correct errors and omissions, ensure conformity with the Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories (UL) standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. Effective date: October 1, 2015.

These amendments do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Nonsubstantive changes were made to correct the facsimile number within Item 1 and to make minor grammatical changes from the Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 321.176B, 321.187 and 321.188.

These amendments will become effective June 15, 2016.

Rule-making actions:

ITEM 1. Amend rule 761—607.2(17A) as follows:

761—607.2(17A) Information.

607.2(1) Information and location. Applications, forms and information about the commercial driver's license (CDL) are available at any driver's license examination station. Assistance is also available by mail from the Office of Driver Services, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (800)532-1121 or (515)244-8725; or by facsimile at (515)~~237-3071~~ 239-1837; or on the department's Web site at www.iowadot.gov.

607.2(2) Manual. A copy of a study manual for the commercial driver's license tests is available upon request at any driver's license examination station and on the department's Web site.

This rule is intended to implement Iowa Code section 17A.3.

ITEM 2. Amend rule 761—607.3(321), introductory paragraph, as follows:

761—607.3(321) Definitions. The definitions in Iowa Code section 321.1 ~~as amended by 2015 Iowa Acts, House File 635, section 44,~~ apply to this chapter of rules. In addition, the following definitions are adopted:

ITEM 3. Amend rule **761—607.3(321)**, definition of “CDLIS,” as follows:

“CDLIS” means “commercial driver’s license information system” as defined in Iowa Code section 321.1 ~~as amended by 2015 Iowa Acts, House File 635, section 44.~~

ITEM 4. Amend rule **761—607.3(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.1 ~~as amended by 2015 Iowa Acts, House File 635, section 44,~~ 321.174, 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53,~~ 321.191, 321.193, 321.207 and 321.208.

ITEM 5. Amend rule **761—607.7(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 22.11, 321.12 ~~as amended by 2015 Iowa Acts, House File 635, section 46,~~ and 321.199.

ITEM 6. Amend paragraph **607.10(1)“c,”** introductory paragraph, as follows:

c. The following portions of 49 CFR Part 383 (October 1, ~~2014~~ 2015):

ITEM 7. Amend rule **761—607.10(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.187, 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53,~~ 321.207, 321.208 and 321.208A.

ITEM 8. Amend rule 761—607.15(321) as follows:

761—607.15(321) Application. An applicant for a commercial driver’s license shall comply with the requirements of Iowa Code sections 321.180(2)“e,” ~~as amended by 2015 Iowa Acts, House File 635, section 50,~~ 321.182 and 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53,~~ and 761—Chapter 601, and must provide the proofs of citizenship or lawful permanent residence and state of domicile required by 49 CFR Section 383.71. If the applicant is domiciled in a foreign jurisdiction and applying for a nondomiciled commercial driver’s license, the applicant must provide a document required by 49 CFR Section 383.71(f).

This rule is intended to implement Iowa Code sections 321.180 ~~as amended by 2015 Iowa Acts, House File 635, section 50,~~ 321.182 and 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53.~~

ITEM 9. Amend subrule 607.17(3) as follows:

607.17(3) Tank vehicle. A tank vehicle endorsement (N) is required to operate a tank vehicle as defined in Iowa Code section 321.1 ~~as amended by 2015 Iowa Acts, House File 635, section 44.~~ A vehicle transporting a tank, regardless of the tank’s capacity, which does not otherwise meet the definition of a commercial motor vehicle in Iowa Code section 321.1 is not a tank vehicle.

ITEM 10. Amend rule **761—607.17(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.1 ~~as amended by 2015 Iowa Acts, House File 635, section 44,~~ 321.176A, and 321.189.

ITEM 11. Amend rule **761—607.18(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.189 and 321.191 ~~as amended by 2015 Iowa Acts, House File 635, section 55.~~

ITEM 12. Amend rule 761—607.20(321) as follows:

761—607.20(321) Commercial learner’s permit.

607.20(1) Validity.

a. A commercial learner's permit allows the permit holder to operate a commercial motor vehicle when accompanied as required by Iowa Code section 321.180(2) "d." ~~as amended by 2015 Iowa Acts, House File 635, section 50.~~

b. A commercial learner's permit is valid for 180 days and may be renewed for an additional 180 days without retaking the general and endorsement knowledge tests required by Iowa Code section 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53.~~

c. to e. No change.

607.20(2) Requirements.

a. An applicant for a commercial learner's permit must hold a valid Class A, B, C, or D driver's license issued in this state ~~other than that is not~~ an instruction permit, a special instruction permit, a motorized bicycle license or a temporary restricted license; must be at least 18 years of age; and must meet the requirements to obtain a valid commercial driver's license, including the requirements set forth in Iowa Code section 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53.~~ However, the applicant does not have to complete the driving skills tests required for a commercial driver's license to obtain a commercial learner's permit.

b. No change.

607.20(3) Endorsements. A commercial learner's permit may include the following endorsements. All other endorsements are prohibited on a commercial learner's permit.

a. An applicant for a passenger endorsement (P) must take and pass the passenger endorsement knowledge test. A commercial learner's permit holder with a passenger endorsement is prohibited from operating a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2) "d." ~~as amended by 2015 Iowa Acts, House File 635, section 50.~~

b. An applicant for a school bus endorsement (S) must take and pass the school bus endorsement knowledge test. A commercial learner's permit holder with a school bus endorsement is prohibited from operating a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2) "d." ~~as amended by 2015 Iowa Acts, House File 635, section 50.~~

c. No change.

607.20(4) Restrictions. A commercial learner's permit may include the air brake (L), medical variance (V), Class A passenger vehicle (M), Class A and B passenger vehicle (N) and intrastate only (K) restrictions described in rule 761—607.18(321). In addition, a commercial learner's permit may include the following restrictions that are specific to the commercial learner's permit:

a. *Passenger.* The passenger restriction (P, no passengers in CMV bus) applies to a permit holder who has a commercial learner's permit with a passenger or school bus endorsement and prohibits the operation of a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2) "d." ~~as amended by 2015 Iowa Acts, House File 635, section 50.~~

b. No change.

This rule is intended to implement Iowa Code sections 321.180 ~~as amended by 2015 Iowa Acts, House File 635, section 50~~, 321.186, and 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53.~~

ITEM 13. Amend rule **761—607.27(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.186 and 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53.~~

ITEM 14. Amend subrule 607.28(6) as follows:

607.28(6) Military waiver. The department may waive the requirement that an applicant pass a required skills test for an applicant who is on active duty in the military service or who has separated

from such service in the past year, provided the applicant meets the requirements of Iowa Code subsection 321.188(6) as amended by 2015 Iowa Acts, House File 635, section 53.

ITEM 15. Amend rule ~~761—607.28(321)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~section~~ sections 321.186 and ~~section~~ 321.188 as amended by 2015 Iowa Acts, House File 635, section 53.

ITEM 16. Adopt the following new rule 761—607.30(321):

761—607.30(321) Third-party testing.

607.30(1) Purpose and definitions. The skills test required by rule 761—607.28(321) may be administered by third-party testers and third-party skills test examiners approved and certified by the department. For the purpose of administering third-party skills testing and this rule, the following definitions shall apply:

“*Community college*” means an Iowa community college established under Iowa Code chapter 260C.

“*Iowa-based motor carrier*” means a motor carrier or its subsidiary that has its principal place of business in the state of Iowa and operates a permanent commercial driver training facility in the state of Iowa.

“*Motor carrier*” means the same as defined in 49 CFR Section 390.5.

“*Permanent commercial driver training facility*” means a facility dedicated to a program of commercial driving instruction that is offered to employees or potential employees of the motor carrier as incident to the motor carrier’s commercial operations, that requires at least 40 hours of instruction, and that includes fixed and permanent structures and facilities for the off-road portions of commercial driving instruction, including classroom, pretrip inspection, and basic vehicle control skills. A permanent commercial driver training facility must include a fixed and paved or otherwise hard-surfaced area for basic vehicle control skills testing that is permanently marked and capable of inspection and measurement by the department.

“*Skills test*” means the skills test required by rule 761—607.28(321).

“*Subsidiary*” means a company that is partly or wholly owned by a motor carrier that holds a controlling interest in the subsidiary company.

“*Third-party skills test examiner*” means the same as defined in 49 CFR Section 383.5.

“*Third-party tester*” means the same as defined in 49 CFR Section 383.5.

607.30(2) Certification of third-party testers.

a. The department may certify as a third-party tester a community college or Iowa-based motor carrier to administer skills tests. A community college or Iowa-based motor carrier that seeks certification as a third-party tester shall contact the department’s office of driver services and schedule a review of the proposed testing program, which shall include the proposed testing courses and facilities, information sufficient to identify all proposed third-party skills test examiners, and any other information necessary to demonstrate compliance with 49 CFR Section 383.75.

b. No community college or Iowa-based motor carrier shall be certified to conduct third-party testing unless and until the community college or Iowa-based motor carrier enters an agreement with the department that meets the requirements of 49 CFR Section 383.75 and demonstrates sufficient ability to conduct skills tests in a manner that consistently meets the requirements of 49 CFR Section 383.75.

c. The department shall issue a certified third-party tester a certificate of authority that identifies the classes and types of vehicles for which skills tests may be administered. The certificate shall be valid for the duration of the agreement executed pursuant to paragraph 607.30(2) “b,” unless revoked by the department for engaging in fraudulent activities related to conducting skills tests or failing to comply with the requirements, qualifications, and standards of this chapter, the agreement, or 49 CFR Section 383.75.

607.30(3) Certification of third-party skills test examiners.

a. A certified third-party tester shall not employ or otherwise use as a third-party skills test examiner a person who has not been approved and certified by the department to administer skills tests.

Each certified third-party tester shall submit for approval the names of all proposed third-party skills test examiners on a form provided by the department. The department shall not approve as a third-party skills test examiner a person who does not meet the requirements, qualifications and standards of 49 CFR Sections 383.75 and 384.228, including but not limited to all required training and examination and a nationwide criminal background check. The criteria for passing the nationwide criminal background check shall include no felony convictions within the last ten years and no convictions involving fraudulent activities.

b. The department shall issue a certificate of authority for each person certified as a third-party skills test examiner that identifies the certified third-party tester for which the person will administer skills tests and the classes and types of vehicles for which the person may administer skills tests. The certificate shall be valid for a period of four years from the date of issuance of the certificate.

c. The department shall revoke the certificate if the person holding the certificate does not administer skills tests to at least ten different applicants per calendar year; does not successfully complete the refresher training required by 49 CFR Section 384.228 every four years; is involved in fraudulent activities related to conducting skills tests; or otherwise fails to comply with and meet the requirements, qualifications and standards of this chapter or 49 CFR Sections 383.75 and 384.228.

d. A third-party skills test examiner who is also a skills instructor shall not administer a skills test to an applicant who received skills training from that third-party skills test examiner.

607.30(4) Bond. As a condition of certification, an Iowa-based motor carrier must maintain a bond in the amount of \$50,000 to pay for the retesting of drivers in the event that the third-party tester or one or more of its third-party skills test examiners are involved in fraudulent activities related to conducting skills tests of applicants for a commercial driver's license.

607.30(5) Limitation applicable to Iowa-based motor carriers. An Iowa-based motor carrier certified as a third-party tester may only administer the skills test to persons who are enrolled in the Iowa-based motor carrier's commercial driving instruction program and shall not administer skills tests to persons who are not enrolled in that program.

607.30(6) Training and refresher training for third-party skills test examiners. All training and refresher training required under this rule shall be provided by the department, in form and content that meet the recommendations of the American Association of Motor Vehicle Administrators' International Third-Party Examiner/Tester Certification Program.

This rule is intended to implement Iowa Code section 321.187.

ITEM 17. Adopt the following new subrule 607.31(4):

607.31(4) Skills test results from certified third-party testers. A third-party skills tester certified under rule 761—607.30(321) shall transmit the skills test results of tests administered by the third-party tester through secure electronic means determined by the department. The department may retest any person who has passed a skills test administered by a certified third-party tester if it appears to the department that the skills test administered by the third-party tester was administered fraudulently or improperly, and as needed to meet the third-party skills test examiner oversight requirements of 49 CFR Section 383.75(a)(5).

ITEM 18. Amend rule **761—607.31(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~section~~ sections 321.186, 321.187 and section 321.188 as amended by 2015 Iowa Acts, House File 635, ~~section 53~~.

ITEM 19. Amend rule 761—607.35(321) as follows:

761—607.35(321) Issuance of commercial driver's license and commercial learner's permit. A commercial driver's license or commercial learner's permit issued by the department shall include the information and markings required by Iowa Code section 321.189(2) "*b.*" as amended by 2015 Iowa Acts, House File 635, ~~section 54~~.

This rule is intended to implement Iowa Code section 321.189 as amended by 2015 Iowa Acts, House File 635, ~~section 54~~.

ITEM 20. Amend rule 761—607.37(321) as follows:

761—607.37(321) Commercial driver’s license renewal. The department shall administer commercial driver’s license renewals as required by 49 CFR Section 383.73.

607.37(1) Licensee requirements. To renew a commercial driver’s license, the licensee shall apply at a driver’s license examination station and complete the following requirements:

a. ~~Make~~ The licensee shall ~~make~~ a written self-certification of type of driving as required by rule 761—607.50(321) and provide a current medical examiner’s certificate if required.

b. No change.

c. ~~Provide~~ The licensee shall ~~provide~~ proof of citizenship or lawful permanent residency and state of domicile as required by rule 761—607.15(321) and ~~49 CFR 383.71(d)(7)~~ 49 CFR 383.73(d)(7). Proof of citizenship or lawful permanent residency is not required if the licensee provided such proof at initial issuance or a previous renewal or upgrade of the license and the department has a notation on the licensee’s record confirming that the required proof of legal citizenship or legal presence check was made and the date on which it was made.

d. If the ~~applicant~~ licensee is domiciled in a foreign jurisdiction and renewing a non-domiciled commercial driver’s license, the ~~applicant~~ licensee must provide a document required by 49 CFR 383.71(f) at each renewal.

607.37(2) Early renewal. A valid commercial driver’s license may be renewed ~~30~~ 90 days before the expiration date. If this is impractical, the department for good cause may renew a license earlier, not to exceed ~~one year~~ 364 days prior to the expiration date. The department may allow renewal earlier than ~~one year~~ 364 days prior to the expiration date for active military personnel being deployed due to actual or potential military conflict.

This rule is intended to implement Iowa Code sections 321.186, 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53,~~ and 321.196.

ITEM 21. Amend subrule 607.39(2) as follows:

607.39(2) Notice. A 30-day advance notice of disqualification shall be served by the department in accordance with rule 761—615.37(321). Pursuant to Iowa Code subsection ~~321.208(9)~~ 321.208(12), a peace officer on behalf of the department may serve the notice of disqualification immediately.

ITEM 22. Amend subrules 607.49(5) and 607.49(6) as follows:

607.49(5) Good driving record. A “good driving record” means a driving record showing:

a. and b. No change.

c. No convictions in any type of motor vehicle for:

(1) to (4) No change.

(5) Reckless driving, drag racing, or eluding or attempting to elude a law enforcement officer.

(6) and (7) No change.

(8) ~~Accident-connected traffic law violations~~ A moving violation that contributed to a motor vehicle accident.

(9) A violation deemed serious under rule 761—615.17(321).

d. No record of ~~at-fault accidents~~ contributive accidents, as defined in rule 761—615.1(321).

607.49(6) Issuance.

a. No change.

b. A restricted commercial driver’s license shall be coded with restriction “W” on the face of the driver’s license, with the restriction explained in text on the back of the driver’s license. In addition, the license shall be issued with a restriction stating the license’s period of validity.

c. to e. No change.

f. ~~There~~ On or before December 31, 2016, there are two periods of validity for commercial motor vehicle operation: March 15 through June 30, and October 4 through December 14. ~~These are referred to as “seasonal periods.”~~ Validity shall not exceed 180 days in any 12-month period. Any period of validity authorized previously by another state’s license shall be considered a part of the 180-day maximum period of validity.

g. On or after January 1, 2017, a licensee may have up to three individual periods of validity for a restricted commercial driver's license, provided the cumulative period of validity for all individual periods does not exceed 180 days in any calendar year. An individual period of validity may be 60, 90, or 180 consecutive days, at the election of the licensee. A licensee may add 30 days to an individual period of validity by applying for an extension, subject to the 180-day cumulative maximum period of validity. A request for extension must be made no later than the date of expiration of the individual period of validity for which an extension is requested; a request for extension made after that date shall be treated as a request for a new individual period of validity. An extension shall be calculated from the date of expiration of the individual period of validity for which an extension is requested. Any period of validity authorized previously by another state's license shall be considered a part of the 180-day cumulative maximum period of validity.

~~g.~~ h. A restricted commercial driver's license must be validated for commercial motor vehicle operation for each ~~seasonal~~ individual period of validity. This means that the applicant/licensee must ~~appear at a driver's license examination station during the current seasonal period or not more than 30 days before the beginning of the period to~~ have the person's good driving record confirmed at each application for an individual period of validity. Upon confirmation, the department shall issue a replacement license with a restriction validating the license for that ~~seasonal~~ individual period of validity, provided the person is otherwise eligible for the license. The fee for a replacement license shall be as specified in Iowa Code section 321.195.

~~h.~~ i. The same process must be repeated for each ~~seasonal~~ individual period of validity within a calendar year.

ITEM 23. Amend rule 761—607.50(321) as follows:

761—607.50(321) Self-certification of type of driving and submission of medical examiner's certificate.

607.50(1) No change.

~~**607.50(2)** Enrollment of existing CDL holders.~~ Every person who holds a commercial driver's license on or after January 30, 2012, and up to January 30, 2014, and who has not otherwise made a self-certification of type of driving under subrule 607.50(1) shall make to the department a self-certification of type of driving. The self-certification may be made on or after January 30, 2012, but must be made no later than January 29, 2014.

~~**607.50(3)**~~ **607.50(2)** *Submission of medical examiner's certificate by persons certifying to non-excepted interstate driving.* Every person who self-certifies to non-excepted interstate driving must give the department a copy of the person's current medical examiner's certificate. A person who fails to provide a required medical examiner's certificate shall not be allowed to proceed with an initial issuance, transfer, renewal, or upgrade of a license until the person gives the department a medical examiner's certificate that complies with the requirements of this subrule, or changes the person's self-certification of type of driving to a type other than non-excepted interstate driving. For persons submitting a current medical examiner's certificate, the department shall post a medical certification status of "certified" on the person's CDLIS driver's record. A person who self-certifies to a type of driving other than non-excepted interstate shall have no medical certification status on the CDLIS driver's record.

~~**607.50(4)**~~ **607.50(3)** *Maintaining certified status.* To maintain a medical certification status of "certified," a person who self-certifies to non-excepted interstate driving must give the department a copy of each subsequently issued medical examiner's certificate valid for the person. The copy must be given to the department at least ten days before the previous medical examiner's certificate expires.

~~**607.50(5)**~~ **607.50(4)** *CDL downgrade.* If the medical examiner's certificate or medical variance for a person self-certifying to non-excepted interstate driving expires or if the Federal Motor Carrier Safety Administration notifies the department that the person's medical variance was removed or rescinded, the department shall post a medical certification status of "not certified" to the person's CDLIS driver's record and shall initiate a downgrade of the person's commercial driver's license or commercial learner's permit. The medical examiner's certificate of a person who fails to maintain a medical certification status of "certified" as required by subrule ~~607.50(4)~~ **607.50(3)** shall be deemed to be expired on the date of

expiration of the last medical examiner's certificate filed for the person as shown by the person's CDLIS driver's record. The downgrade will be initiated and completed as follows:

a. to c. No change.

d. If the person fails to take the action in either paragraph ~~607.50(5)~~ 607.50(4) "b" or "c" before the end of the 60-day period, the department shall remove the commercial motor vehicle privileges from the person's commercial driver's license or commercial learner's permit and shall leave the person's medical certification status as "not certified" on the person's CDLIS driver's record.

~~**607.50(6)** *CDL downgrade of existing CDL holders who fail to enroll before January 30, 2014.* Every person subject to subrule 607.50(2) who fails to make a self-certification of type of driving or fails to give the department a copy of the person's medical examiner's certificate as required by subrule 607.50(3) before January 30, 2014, shall be subject to a CDL downgrade. The department shall post a medical certification status of "not certified" to the CDLIS driver's record and shall initiate a downgrade of the driver's commercial driver's license following the procedure set forth in subrule 607.50(5). In such cases, the 60-day period shall begin January 30, 2014, and the person shall be required to make an initial self-certification of type of driving to terminate the CDL downgrade and to avoid removal of the commercial driver's license privilege. The person's status and privilege under subrule 607.50(5) shall be determined according to the certification made or not made.~~

~~**607.50(7)** 607.50(5) *Establishment or reestablishment of "certified" status.* A person who has no medical certification status or whose medical certification status has been posted as "not certified" on the person's CDLIS driver's record may establish or reestablish the status as "certified" by submitting a current medical examiner's certificate or medical variance to the department. A person who has failed to self-certify to a type of driving or has self-certified to a type of driving other than non-excepted interstate must also make a self-certification of type of driving to non-excepted interstate driving. The department shall then post a medical certification status of "certified" on the person's CDLIS driver's record.~~

~~**607.50(8)** 607.50(6) *Reestablishment of the CDL privilege.* A person whose commercial motor vehicle privileges have been removed from the person's commercial driver's license or commercial learner's permit under the provisions of paragraph ~~607.50(5)~~ 607.50(4) "d" may reestablish the commercial motor vehicle privileges by either of the following methods:~~

a. and b. No change.

~~**607.50(9)** 607.50(7) *Change of type of driving.* A person may change the person's self-certification of type of driving at any time. As required by subrule ~~607.50(3)~~ 607.50(2), a person certifying to non-excepted interstate driving must give the department a copy of the person's current medical examiner's certificate prepared by a medical examiner.~~

~~**607.50(10)** 607.50(8) *Record keeping.* The department shall comply with the medical record-keeping requirements set forth in 49 CFR Section 383.73.~~

~~This rule is intended to implement Iowa Code sections 321.182, 321.188 as amended by 2015 Iowa Acts, House File 635, section 53, and 321.207 as amended by 2015 Iowa Acts, House File 635, section 60.~~

ITEM 24. Amend rule ~~761—~~**607.51(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 321.1 as amended by 2015 Iowa Acts, House File 635, section 44.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/11/16.