

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to driver’s license issuance and examination
and providing an opportunity for public comment**

The Department of Transportation hereby proposes 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.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.180B, 321.188, 321.189 and 321.196.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.180B, 321.186, 321.188, 321.189, 321.194 and 321.196.

Purpose and Summary

This proposed rule making implements several efficiencies regarding the driver’s license issuance and examination process and aligns with existing legal authority and Department practice.

The proposed amendments conform the Department’s rules to 2020 Iowa Acts, House File 2360, section 1, which amended Iowa Code section 321.196 to increase the driver’s license expiration dates for customers aged 66 and older, thus allowing an eight-year credential to be issued, provided that it does not expire past the customer’s 80th birthday. Once a person reaches the age of 78, the person is eligible for a driver’s license that is effective for a period of two years. The amendments also align with Iowa Code section 321.186 to provide that a special reexamination may consist of the requirement to provide a medical report or a vision report or screening, in addition to or instead of the other testing and screening requirements.

A new subrule is proposed to address license extensions authorized under Iowa Code section 321.196 to specify that the six-month driver’s license extension period applies to a noncommercial driver’s license. However, federal regulation 49 CFR Section 383.153 allows for a 60-day extension if the person is a commercial driver’s license (CDL) holder. A person whose Iowa driver’s license expires is automatically afforded a 60-day grace period under Iowa Code section 321.196, but the Iowa grace period is not always recognized by other states, which can make the driver’s license extension an important option for customers, especially for CDL holders traveling across state lines.

The proposed amendments implement an online license upgrade process for persons subject to the graduated driver’s license (GDL) requirements under Iowa Code section 321.180B. The GDL program covers drivers younger than 18 years of age and requires them to progress through a series of license class privileges before being issued a full driver’s license. Currently, even though progressing to the next license class privilege under the GDL program is an upgrade, and is not a new license issuance or renewal, the upgrade to an intermediate license or full license still requires an in-person visit. However, with this rule change, the upgrade will be able to occur online if the applicant meets the eligibility criteria, including that the applicant was issued an intermediate license or minor’s school license in person. To comply with federal REAL ID regulations, if the person upgrades the license under the online process to a full driver’s license with an eight-year expiration date, the person will not be eligible to electronically renew the driver’s license at the next renewal period because the federal regulations require an in-person renewal and a new driver’s license photograph at least once every 16 years. Finally, the proposed amendments provide that if the person is upgrading from a minor’s school license and

the person has a secondary address on the driver's license because the person's parents are separated or divorced, the person will not be prevented from using the online system.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa beyond the impact estimated by the Legislative Services Agency for 2020 Iowa Acts, House File 2360.

Jobs Impact

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

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.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 2, 2021. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy Bureau
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear oral presentations will be held on February 4, 2021, via conference call from 9 to 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on February 2, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator and advise of specific needs.

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **602.11(1)“b”** as follows:

b. The license is issued for either two years or eight years.

(1) A qualified applicant who is at least 17 years, 11 months of age but not yet ~~72~~ 78 years of age shall be issued an eight-year license. However, the expiration date of the license issued shall not exceed the licensee's ~~74th~~ 80th birthday.

(2) A two-year license shall be issued to a qualified applicant who is under 17 years, 11 months of age or who is ~~72~~ 78 years of age or older.

(3) No change.

ITEM 2. Amend paragraph **602.12(1)“c”** as follows:

c. The license is issued for either two years or eight years.

(1) A qualified applicant who is at least 18 years of age but not yet ~~72~~ 78 years of age shall be issued an eight-year license. However, the expiration date of the license issued shall not exceed the licensee's ~~74th~~ 80th birthday.

(2) A two-year license shall be issued to a qualified applicant who is ~~72~~ 78 years of age or older.

(3) No change.

ITEM 3. Amend paragraph **602.13(1)“b”** as follows:

b. The license is issued for either two years or eight years.

(1) A qualified applicant who is at least 17 years, 11 months of age but not yet ~~72~~ 78 years of age shall be issued an eight-year license. However, the expiration date of the license issued shall not exceed the licensee's ~~74th~~ 80th birthday.

(2) A two-year license shall be issued to a qualified applicant who is under 17 years, 11 months of age or who is ~~72~~ 78 years of age or older.

(3) No change.

ITEM 4. Amend rule 761—604.50(321) as follows:

761—604.50(321) Special reexaminations.

604.50(1) The As provided in Iowa Code section 321.186, the department may require a special reexamination consisting of a vision of any licensee. The reexamination may consist of one or more of the following:

a. Medical report.

b. Vision report.

c. Vision screening, ~~cognitive.~~

d. Cognitive screening, ~~knowledge.~~

e. Knowledge test ~~and driving.~~

f. Driving test ~~of any licensee.~~

~~**604.50(1)**~~ **604.50(2)** The department may require a special reexamination when a licensee has been involved in a fatal motor vehicle accident and the investigating officer's report of the accident indicates the licensee contributed to the accident.

~~**604.50(2)**~~ **604.50(3)** The department may require a special reexamination when a licensee has been involved in two accidents within a three-year period and the investigating officer's report of each accident lists one of the following “Driver/Vehicle Related Contributing Circumstances” for the licensee:

a. to j. No change.

~~**604.50(3)**~~ **604.50(4)** The department may require a special reexamination when a licensee has been involved in an accident and the investigating officer's report lists a driver condition for the licensee of “fatigue or asleep.”

~~**604.50(4)**~~ **604.50(5)** The department may require a special reexamination when a licensee who is 65 years of age or older has been involved in an accident and information in the investigating officer's or the person's own report of the accident indicates the need for reexamination. A circumstance that may indicate a need for reexamination includes, but is not limited to, any one of the following:

a. to i. No change.

~~**604.50(5)**~~ **604.50(6)** The department may require a special reexamination when the department receives an accident report or a recommendation by a peace officer, a court, or a properly documented

citizen's request. A factor that may indicate a need for reexamination includes, but is not limited to, any one of the following:

a. to g. No change.

This rule is intended to implement Iowa Code sections 321.177, 321.186 and 321.210.

ITEM 5. Amend subrule 605.15(1), introductory paragraph, as follows:

605.15(1) *Six-month extension.* An Iowa resident may apply for a noncommercial six-month extension of a license if the resident:

ITEM 6. Adopt the following new rule 761—605.26(321):

761—605.26(321) Graduated driver's license upgrades. An applicant subject to the graduated driver's license requirements under Iowa Code section 321.180B who is otherwise eligible for a driver's license is eligible to electronically apply to upgrade the applicant's driver's license under this rule.

605.26(1) Except for the requirements in subparagraphs 605.25(7) "a"(1) and 605.25(7) "a"(2), the applicant must meet the eligibility requirements listed in paragraph 605.25(7) "a" to upgrade the license electronically and must also meet the following criteria:

a. The applicant must have been issued an intermediate license under Iowa Code section 321.180B(2) or a minor's school license under Iowa Code section 321.194 in person.

b. The applicant must otherwise be eligible to upgrade a license class privilege under Iowa Code section 321.180B or 321.194.

605.26(2) The requirements in paragraphs 605.25(7) "c" and 605.25(7) "d" shall also apply to a license issued under this rule.

605.26(3) If an applicant upgrades the applicant's driver's license electronically under this rule to a driver's license with an eight-year expiration date, the applicant is ineligible to electronically renew the applicant's full driver's license at the next renewal period.

605.26(4) Notwithstanding any other provision of this rule to the contrary, the department may accept an electronic application to upgrade a license containing a "J" restriction if the "J" restriction is related only to a secondary address.

This rule is intended to implement Iowa Code sections 321.180B and 321.194.

ITEM 7. Amend paragraph **607.16(2)"e"** as follows:

e. A commercial driver's license valid for eight years shall be issued to a qualified applicant who is at least 18 years of age but not yet ~~72~~ 78 years of age. However, the expiration date of the license issued shall not exceed the licensee's ~~74th~~ 80th birthday.

ITEM 8. Amend paragraph **607.16(2)"f"** as follows:

f. A commercial driver's license valid for two years shall be issued to a qualified applicant ~~72~~ 78 years of age or older. A two-year license may also be issued, at the discretion of the department, to an applicant whose license is restricted due to vision or other physical disabilities.

ITEM 9. Adopt the following new subrule 607.16(5):

607.16(5) *License extension.*

a. As provided in 49 CFR Section 383.153, a person may apply for a 60-day extension of a commercial driver's license if the person:

- (1) Has a valid license,
- (2) Is eligible for further licensing, and
- (3) Is temporarily absent from Iowa or is temporarily incapacitated at the time for renewal.

b. The person shall apply for an extension by submitting Form 430027 to the department. The form may be obtained from and submitted to a driver's license service center. The person may also apply by letter to the address in 761—paragraph 605.12(1) "a."

c. A 60-day extension shall be added to the expiration date on the license. When the person appears to renew the license, the expiration date of the renewed license will be computed from the expiration date of the original license, notwithstanding the extension.

d. The department shall allow only one 60-day extension.