321.188 Commercial driver’s license requirements.

1. The department shall adopt rules to administer commercial driver’s licenses in compliance with the procedures set forth in 49 C.F.R. §383.73. Before the department issues, renews, or upgrades a commercial driver’s license and in addition to the requirements of section 321.182, the license applicant shall do all of the following:

   a. Certify whether the applicant is subject to and meets applicable driver qualifications of 49 C.F.R. pt. 391 as adopted by rule by the department.

   b. Certify the applicant is not subject to any commercial driver’s license disqualification and has committed no offense and has not acted in a manner which either alone or with previous actions or offenses could result in commercial driver’s license disqualification.

   c. Successfully pass knowledge tests and driving skills tests, provide self-certification of type of driving, provide a medical examiner’s certificate prepared by a medical examiner, as defined in 49 C.F.R. §390.5, and provide all other required information, proofs, and certificates, as required by rule by the department. The rules adopted shall substantially comply with the federal minimum testing and licensing requirements in 49 C.F.R. pt. 383, subpts. E, G, and H, as adopted by rule by the department. Except as required under 49 C.F.R. pt. 383, subpt. E, G, or H, a commercial driver’s license is renewable without a driving skills test within one year after its expiration date.

   d. Certify the vehicle to be operated in the driving skills tests is representative of the class of motor vehicle the applicant will operate on the highway.

   e. Certify that the applicant is a resident of Iowa or a resident of a foreign jurisdiction.

   f. Identify all states where the applicant has been licensed to drive any type of motor vehicle during the previous ten years.

2. An applicant for a commercial driver’s license may substitute for a driving skills test the applicant’s operating record and previous passage of a driving skills test or the applicant’s operating record and previous driving experience if all of the following conditions exist:

   a. The applicant is currently licensed to operate a commercial motor vehicle.

   b. The applicant certifies that during the two years immediately preceding application all of the following apply:

      (1) The applicant has not held driver’s licenses valid for the operation of commercial motor vehicles from more than one state simultaneously.

      (2) The applicant has not had any convictions which are federal commercial driver’s license disqualifying offenses under 49 C.F.R. §383.51 as adopted by rule by the department while operating any type of vehicle.

      (3) The applicant has not committed a traffic violation, other than a parking violation, arising in connection with a traffic accident.

      (4) No record of an accident exists for which the applicant was convicted of a moving traffic violation.

      (5) The applicant has not had any driver’s license suspended, revoked, or canceled.

   c. The applicant provides evidence of and certifies that the applicant is employed in a job requiring operation of a commercial motor vehicle and the applicant has done one of the following:

      (1) Has previously passed a driving skills test given by this state or its designee in a motor vehicle representative of the class of motor vehicle the applicant will operate.

      (2) Has operated during the two-year period immediately preceding the application a motor vehicle representative of the class of motor vehicle the applicant will operate.

   3. An applicant for a hazardous material endorsement must pass a knowledge test as required under 49 C.F.R. §383.121 as adopted by rule by the department to obtain or retain the endorsement. However, an applicant for license issuance who was previously issued a commercial driver’s license from another state may retain the hazardous material endorsement from the previously issued license if the applicant successfully passed the endorsement test within the preceding twenty-four months. Pursuant to procedures established by the department, an applicant for a hazardous material endorsement must also comply with the application and security threat assessment requirements established under 49 C.F.R. pt. 383, 384, and 1572. A hazardous material endorsement shall be revoked
or denied if the department determines that the applicant has not complied with or met the
security threat assessment standards.

4. The department shall check the applicant’s driving record as maintained by the
applicant’s current licensing state, the national commercial driver’s license information
system, and the national driver register to determine whether the applicant qualifies to be
issued a commercial driver’s license. The department shall notify the national commercial
driver’s license information system of the issuance, renewal, or upgrade of a commercial
driver’s license and shall post the driver’s self-certification of type of driving as required by
rule. The department shall also post information from the medical examiner’s certificate
required under subsection 1, paragraph “c”, to the national commercial driver’s license
information system, if required by rule.

5. A resident of this state holding a commercial driver’s license issued by a former
state of residence in conformity with the federal commercial driver testing and licensing
standards shall not be required to take a knowledge or driving skills test prior to issuance of
a commercial driver’s license in this state, except a basic Iowa rules of the road knowledge
test and, when applicable, motorcycle operator knowledge and driving skills tests. The
commercial driver’s license issued by this state shall be valid for operation of the same class
of vehicles with the same endorsements and restrictions as in the former state of license.
However, a person with a hazardous materials endorsement must comply with subsection 3.

6. a. The department may waive the requirement that an applicant pass a driving skills
test specified in this section for an applicant who is on active duty in the military service,
or who has separated from such service in the past year, who certifies that during the
two-year period immediately preceding application for a commercial driver’s license, all of
the following apply:

(1) The applicant has not had more than one driver’s license, other than a military license.
(2) The applicant has not had any driver’s license suspended, revoked, or canceled.
(3) The applicant has not been convicted of an offense committed while operating any
type of motor vehicle that is listed as a disqualifying offense in 49 C.F.R. §383.51(b).
(4) The applicant has not had more than one conviction for an offense committed while
operating any type of motor vehicle that is listed as a serious traffic violation in 49 C.F.R.
§383.51(c).

(5) The applicant has not had a conviction for a violation of a military, state, or local law
relating to motor vehicle traffic control, other than a parking violation, arising in connection
with any traffic accident and has no record of a traffic accident in which the applicant was at
fault.

b. An applicant for a waiver of the driving skills test under this subsection shall certify
and provide evidence as required by the department that the following apply:

(1) The applicant is regularly employed or was regularly employed within the past year
in a military position requiring operation of a commercial motor vehicle.
(2) The applicant was exempt from commercial driver licensing requirements pursuant to
section 321.176A, subsection 3, or a comparable law of another state implementing 49 C.F.R.
§383.3(c).

(3) The applicant was operating a motor vehicle representative of the class of motor
vehicle the applicant operates or expects to operate for at least two years immediately
preceding honorable separation from military service as evidenced by the person’s certificate
of release or discharge from active duty, commonly referred to as a DD214.

(4) An applicant who obtains a driving skills test waiver under this subsection shall take
and successfully pass the knowledge test required pursuant to subsection 1.

90 Acts, ch 1230, §34; 92 Acts, ch 1175, §21; 98 Acts, ch 1073, §9, 10; 99 Acts, ch 96, §30 –
ch 90, §79; 2015 Acts, ch 123, §53

Referred to in §321.180, §321.196, §321.207