

761—607.31(321) Test results.

607.31(1) *Period of validity.* Passing knowledge and skills test results shall remain valid for a period of one year.

607.31(2) *Retesting.* Subject to rule 761—607.28(321), an applicant shall be required to repeat only the knowledge test(s) or part(s) of the skills test that the applicant failed. An applicant who fails a test shall not be permitted to repeat that test the same day. An applicant may be required to repeat a test if the department determines the test was improperly administered.

607.31(3) *Skills test results from other states.* As required by 49 CFR Section 383.79, the department shall accept the valid results of a skills test administered to an applicant who is domiciled in the state of Iowa and that was administered by another state, in accordance with 49 CFR Part 383, Subparts F, G and H, in fulfillment of the applicant's testing requirements under 49 CFR Section 383.71 and the state's test administration requirements under 49 CFR Section 383.73. The results must be transmitted directly from the testing state to the department as required by 49 CFR Section 383.79.

607.31(4) *Knowledge and skills test results from certified third-party testers.* A third-party tester certified under rule 761—607.30(321) shall transmit the 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 knowledge or skills test administered by a certified third-party tester if it appears to the department that the knowledge or skills test administered by the third-party tester was administered fraudulently or improperly, and as needed to meet the third-party test examiner oversight requirements of 49 CFR Parts 383 and 384 applicable to knowledge and skills testing.

607.31(5) *Downgrade or cancellation when retesting is required.*

a. When retesting is required under subrule 607.31(2) or 607.31(4), the department shall notify the person of the requirement to retake the applicable knowledge or skills test.

b. If the person fails to contact the department within 30 days after receipt of the notice, fails to appear for a scheduled retest, or fails the knowledge or skills test, the department shall, in accordance with the authority in 49 CFR Section 383.5 and Iowa Code section 321.201, take one of the following actions:

(1) Downgrade the person's commercial driver's license or commercial learner's permit if the person held valid noncommercial driving privileges prior to obtaining the license or permit.

(2) Cancel the person's commercial driver's license or commercial learner's permit pursuant to 761—subrule 615.7(3) if the applicant did not hold valid noncommercial driving privileges prior to obtaining the license or permit.

c. When a person's commercial driver's license or commercial learner's permit has been downgraded or canceled under this subrule, the person must comply with all applicable retesting requirements in order to regain the license or permit, in addition to any other applicable requirements for licensure.

This rule is intended to implement Iowa Code sections 321.180, 321.186, 321.187 as amended by 2022 Iowa Acts, Senate File 2337, section 1, 321.188 and 321.201.

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