

House File 258 - Enrolled

House File 258

AN ACT

RELATING TO COMMERCIAL DRIVER'S LICENSES AND COMMERCIAL LEARNER'S PERMITS, INCLUDING COMPLIANCE WITH FEDERAL REGULATIONS, AND MAKING PENALTIES APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321.180, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. A commercial learner's permit shall be valid for a period not to exceed the period provided in [49 C.F.R. §383.25\(c\)](#) and [49 C.F.R. ~~§383.73\(a\)\(2\)\(iii\)~~ §383.73\(a\)\(3\)](#).

Sec. 2. Section 321.188, subsection 4, Code 2023, is amended to read as follows:

4. a. 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, ~~the national drug and alcohol clearinghouse if required under [49 C.F.R. §383.73](#)~~, and the national driver register to determine whether the applicant qualifies for the issuance, renewal, or upgrade of a commercial driver's license, as applicable. 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 "d", to the national commercial

driver's license information system, if required by rule.

b. The department shall request information from the national drug and alcohol clearinghouse if required under 49 C.F.R. §383.73 and shall not issue, renew, or upgrade the commercial driver's license if the response indicates the applicant is prohibited from operating a commercial motor vehicle pursuant to 49 C.F.R. §382.501(a).

Sec. 3. Section 321.207, Code 2023, is amended to read as follows:

**321.207 Downgrade of commercial driver's license or commercial learner's permit.**

The department shall adopt rules for downgrading a commercial driver's license or commercial learner's permit to a noncommercial status upon a driver's failure to provide a medical examiner's certificate as required pursuant to section 321.188, subsection 1, paragraph "d", ~~or~~ upon a driver's failure to provide a self-certification of type of driving as required pursuant to section 321.188, subsection 1, paragraph "d", or upon receiving notification of the driver's prohibited status pursuant to 49 C.F.R. §383.73(q). The rules shall include procedures regarding notification of downgrade status to the commercial driver's license information system, termination of a downgrade process, and reinstatement of a commercial learner's permit or commercial driver's license after a downgrade, and shall substantially comply with 49 C.F.R. §383.71 and 383.73, as adopted by rule by the department.

Sec. 4. Section 321.208A, Code 2023, is amended to read as follows:

**321.208A Operation in violation of out-of-service order — penalties.**

1. A person required to hold a commercial driver's license or commercial learner's permit to operate a commercial motor vehicle shall not operate a commercial motor vehicle on the highways of this state in violation of an out-of-service order issued by a peace officer for a violation of the out-of-service rules adopted by the department. A driver who violates an out-of-service order commits a simple misdemeanor and shall be subject to a the applicable fine of not less than two thousand five hundred dollars in an amount in accordance with the civil

penalty provided in 49 C.F.R. pt. 386, Appendix B(b)(1),  
upon conviction for the first violation of an out-of-service  
order ~~and not less than five thousand dollars for a second or~~  
subsequent violation of an out-of-service order in separate  
incidents within a ten-year period.

2. An employer shall not knowingly allow, require, permit,  
or authorize an employee to drive a commercial motor vehicle in  
violation of an out-of-service order. An employer who violates  
this subsection commits a simple misdemeanor and shall be  
subject to a fine ~~of not less than two thousand seven hundred  
fifty dollars and not more than twenty-five thousand dollars~~ in  
an amount in accordance with the civil penalty provided in 49  
C.F.R. pt. 386, Appendix B(b)(2).

Sec. 5. Section 321.343A, Code 2023, is amended to read as  
follows:

**321.343A Employer violations — penalty.**

An employer shall not knowingly allow, require, permit, or  
authorize a driver to operate a commercial motor vehicle in  
violation of [section 321.341](#) or [321.343](#) or any other federal or  
local law or regulation pertaining to railroad grade crossings.  
An employer who violates [this section](#) shall be subject to a  
fine ~~of not more than ten thousand dollars~~ in an amount in  
accordance with the civil penalty provided in 49 C.F.R. pt.  
386, Appendix B(b)(3).

---

PAT GRASSLEY  
Speaker of the House

---

AMY SINCLAIR  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 258, Ninetieth General Assembly.

---

MEGHAN NELSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 2023

---

KIM REYNOLDS  
Governor