

**Senate Study Bill 1069 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
TRANSPORTATION BILL)

**A BILL FOR**

1 An Act relating to matters under the purview of the department  
2 of transportation, providing fees, and including effective  
3 date provisions.

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

1 DIVISION I  
2 AVIATION

3 Section 1. Section 23A.2, subsection 9, Code 2015, is  
4 amended to read as follows:

5 9. The state department of transportation may, in  
6 accordance with chapter 17A, provide for exemption from  
7 the application of subsection 1 for the activities related  
8 to highway maintenance, highway design and construction,  
9 publication and distribution of transportation maps, ~~state~~  
10 ~~aircraft pool operations,~~ inventory sales to other state  
11 agencies and political subdivisions, equipment management and  
12 disposal, vehicle maintenance and repair services for other  
13 state agencies, and other similar essential operations.

14 Sec. 2. REPEAL. Section 328.38, Code 2015, is repealed.

15 DIVISION II  
16 TRANSPORTATION DEPARTMENT AND COMMISSION  
17 DEPARTMENT OF TRANSPORTATION

18 Sec. 3. Section 307.8, Code 2015, is amended to read as  
19 follows:

20 **307.8 Expenses.**

21 ~~Members of the commission, the~~ The director, and other  
22 employees of the department shall be allowed their actual and  
23 necessary expenses incurred in the performance of their duties.  
24 All expenses and salaries shall be paid from appropriations for  
25 such purposes and the department shall be subject to the budget  
26 requirements of chapter 8.

27 Sec. 4. Section 307.12, subsection 1, paragraphs g and p,  
28 Code 2015, are amended to read as follows:

29 g. Appoint the ~~deputy director of transportation and the~~  
30 administrators ~~of~~ within the department.

31 p. ~~Administer chapter 327J~~ Apply for, accept, and expend  
32 federal, state, or private funds for the improvement of  
33 transportation.

34 Sec. 5. Section 307.12, subsection 1, Code 2015, is amended  
35 by adding the following new paragraph:

1 NEW PARAGRAPH. *g.* Coordinate the transportation research  
2 activities within the department.

3 Sec. 6. Section 307.12, subsection 2, Code 2015, is amended  
4 to read as follows:

5 2. If in the interest of the state, the director may allow a  
6 subsistence expense to an employee under the supervision of the  
7 department's administrator ~~for highways~~ responsible for highway  
8 programs and activities for continuous stay in one location  
9 while on duty away from established headquarters and place  
10 of domicile for a period not to exceed forty-five days; and  
11 allow automobile expenses in accordance with section 8A.363,  
12 for moving an employee and the employee's family from place of  
13 present domicile to new domicile, and actual transportation  
14 expense for moving of household goods. The household goods for  
15 which transportation expense is allowed shall not include pets  
16 or animals.

17 Sec. 7. Section 307.21, subsection 1, unnumbered paragraph  
18 1, Code 2015, is amended to read as follows:

19 The department's administrator ~~of administrative services~~  
20 responsible for the operations and finances of the department  
21 shall:

22 Sec. 8. Section 307.21, subsection 7, Code 2015, is amended  
23 to read as follows:

24 7. The administrator ~~of administrative services~~ may  
25 purchase items from the department of administrative services  
26 and may cooperate with the director of the department of  
27 administrative services by providing purchasing services for  
28 the department of administrative services.

29 Sec. 9. Section 307.22, Code 2015, is amended to read as  
30 follows:

31 **307.22 Planning and ~~research~~ programming activities.**

32 1. The department's administrator ~~of~~ responsible for  
33 transportation planning and ~~research~~ infrastructure program  
34 development shall:

35 *a.* Assist the director in planning all modes of

1 transportation in order to develop an integrated transportation  
2 system providing adequate transportation services for all  
3 citizens of the state.

4 *b.* Develop and maintain transportation statistical data for  
5 the department.

6 *c.* Assist the director in establishing, analyzing, and  
7 evaluating alternative transportation policies for the state.

8 *d.* Coordinate planning ~~and research~~ duties and  
9 responsibilities with the planning functions carried on by  
10 other administrators of the department.

11 *e.* (1) Annually report by July 1 of each year, for both  
12 secondary and farm-to-market systems, miles of earth, granular,  
13 and paved surface roads; the daily vehicle miles of travel;  
14 and lineal feet of bridge deck under the jurisdiction of each  
15 county's secondary road department, as of the preceding January  
16 1, taking into account roads whose jurisdiction has been  
17 transferred from the department to a county or from a county  
18 to the department during the previous year. The annual report  
19 shall include those roads transferred to a county pursuant to  
20 section 306.8A.

21 (2) Miles of secondary and farm-to-market roads shall not  
22 include those miles of farm-to-market extensions within cities  
23 under five hundred population that are placed under county  
24 secondary road jurisdiction pursuant to section 306.4.

25 (3) The annual report of updated road and bridge data of  
26 both the secondary and farm-to-market roads shall be submitted  
27 to the Iowa county engineers association service bureau.

28 *f.* Advise and assist the director to study and develop  
29 highway transport economics to assure availability and  
30 productivity of highway transport services.

31 ~~*f.*~~ *g.* Perform such other planning functions as may be  
32 assigned by the director.

33 2. The ~~functions~~ function of planning ~~and research~~ do does  
34 not include the detailed design of highways or other modal  
35 transportation facilities, but ~~are~~ is restricted to the needs

1 of this state for multimodal transportation systems.

2 Sec. 10. Section 307.24, Code 2015, is amended to read as  
3 follows:

4 **307.24 Administration of ~~highways~~ highway programs and**  
5 **activities.**

6 The department's administrator ~~of highways~~ is responsible  
7 for the planning responsible for highway programs and  
8 activities shall plan, design, construction construct, and  
9 ~~maintenance of~~ maintain the state primary highways and shall  
10 administer chapters 306 ~~to~~ through 306C, chapters 309 through  
11 314, chapters 316 through 318, and chapter 320 and perform  
12 other duties as assigned by the director. The ~~administration~~  
13 ~~of highways~~ department shall be:

14 1. Be organized to provide administration assistance for  
15 urban systems, ~~for~~ and secondary roads, and to provide other  
16 categories of ~~administration~~ assistance as necessary.

17 2. Devise and adopt standard plans of highway construction  
18 and furnish the same to the counties and provide information  
19 to the counties on the maintenance practices and policies of  
20 the department.

21 3. Order the removal or alteration of any lights or  
22 light-reflecting devices, whether on public or private  
23 property, other than railroad signals or crossing lights,  
24 located adjacent to a primary road and within three hundred  
25 feet of a railroad crossing at grade, which in any way  
26 interfere with the vision of or may be confusing to a person  
27 operating a motor vehicle on such primary road in observing  
28 the approach of trains or in observing signs erected for the  
29 purpose of giving warning of such railroad crossing.

30 4. Order the removal or alteration of any lights or  
31 light-reflecting devices, whether on public or private  
32 property, located adjacent to a primary road and within  
33 three hundred feet of an intersection with another primary  
34 road, which in any way interfere with the vision of or may be  
35 confusing to a person operating a motor vehicle on such primary

1 road in observing the approach of other vehicles or signs  
2 erected for the purpose of giving warning of such intersection.

3 5. Construct, reconstruct, improve, and maintain state  
4 institutional roads and state park roads which are part of  
5 the state park, state institution, and other state land road  
6 system as defined in section 306.3, and bridges on such roads,  
7 roads located on state fairgrounds as defined in chapter 173,  
8 and the roads and bridges located on property of community  
9 colleges as defined in section 260C.2, upon the request of the  
10 state board, department, or commission which has jurisdiction  
11 over such roads. This shall be done in such manner as may be  
12 agreed upon by the state transportation commission and the  
13 state board, department, or commission which has jurisdiction.  
14 The commission may contract with any county or municipality for  
15 the construction, reconstruction, improvement, or maintenance  
16 of such roads and bridges. Any state park road which is an  
17 extension of either a primary or secondary highway which both  
18 enters and exits from a state park at separate points shall  
19 be constructed, reconstructed, improved, and maintained as  
20 provided in section 306.4. Funds allocated from the road  
21 use tax fund for the purposes of this subsection shall be  
22 apportioned in the following manner and amounts:

23 a. For department of natural resources facility roads,  
24 forty-five and one-half percent.

25 b. For department of human services facility roads, six and  
26 one-half percent.

27 c. For department of corrections facility roads, five and  
28 one-half percent.

29 d. For national guard facility roads, four percent.

30 e. For state board of regents facility roads, thirty  
31 percent.

32 f. For state fair board facility roads, two percent.

33 g. For department of administrative services facility roads,  
34 one-half percent.

35 h. For department of education facility roads, six percent.

1     Sec. 11. Section 307.26, Code 2015, is amended to read as  
2 follows:

3     **307.26 Rail and water Administration of modal programs and**  
4 **activities.**

5     The department's administrator responsible for rail and  
6 water modal programs and activities shall:

7     1. Advise and assist the director in conducting research on  
8 the basic railroad problems and identify the present capability  
9 of the existing railroads in order to determine the present  
10 obligation of the railroads to provide acceptable levels of  
11 public service the development of aeronautics, including but  
12 not limited to the location of air terminals, accessibility  
13 of air terminals by other modes of public transportation,  
14 protective zoning provisions considering safety factors, noise,  
15 and air pollution, facilities for private and commercial  
16 aircraft, air freight facilities, and such other physical and  
17 technical aspects as may be necessary to meet present and  
18 future needs.

19     2. Advise and assist the director in the study of local and  
20 regional transportation of goods and people including intracity  
21 and intercity bus systems, dial-a-bus facilities, rural and  
22 urban bus and taxi systems, the collection of data from these  
23 systems, the study of the feasibility of increased government  
24 subsidy assistance and the allocation of such subsidies to each  
25 mass transportation system, the study of such other physical  
26 and technical aspects which may be necessary to meet present  
27 and future needs, and the application for, acceptance of,  
28 and expending of federal, state, or private funds for the  
29 improvement of mass transit.

30     ~~2.~~ 3. Advise and assist the director in the development  
31 of rail transportation systems and programs for expansion of  
32 improving passenger and freight services.

33     ~~3.~~ 4. Advise and assist the director in developing programs  
34 in anticipation of railroad abandonment, including:

35     a. Development and evaluation of programs which will

1 encourage improvement of rail freight and the upgrading of rail  
2 lines in order to improve freight service.

3 ~~b. Development of alternative modes of transportation to~~  
4 ~~areas and communities which lose rail service.~~

5 ~~c.~~ b. Advise Advising the director when it may appear in  
6 the best interest of the state to assume the role of advocate  
7 in railroad abandonments and railroad rate schedules.

8 ~~4.~~ 5. Develop and maintain a federal-state relationship  
9 of programs relating to railroad safety enforcement, track  
10 standards, rail equipment, operating rules, and transportation  
11 of hazardous materials.

12 6. Make surveys, plans, and estimates of cost for the  
13 elimination of danger at railroad crossings on highways, and  
14 confer with local and railroad officials with reference to  
15 elimination of the danger.

16 ~~5.~~ 7. Advise and assist the director in the conduct of  
17 research on railroad-highway grade crossings and encourage  
18 and develop a safety program in order to reduce injuries or  
19 fatalities including, but not limited to, the following:

20 ~~a. The implementation of a program of constructing rumble~~  
21 ~~strips at grade crossings on selected hard surface roads.~~

22 ~~b.~~ a. The establishment of standards for warning devices  
23 for particularly hazardous crossings or for classes of  
24 crossings on highways, which standards are shall be designed  
25 to reduce injuries, fatalities, and property damage. Such  
26 standards shall regulate the use of warning devices and  
27 signs, which shall be in addition to the requirements of  
28 section 327G.2. Implementation of such standards shall be  
29 the responsibility of the government agency or department  
30 or political subdivision having jurisdiction and control of  
31 the highway and such implementation shall be deemed adequate  
32 for the purposes of railroad grade crossing protection. The  
33 department, or the political subdivision having jurisdiction,  
34 may direct the installation of temporary protection while  
35 awaiting installation of permanent protection. A railroad



1 crossing shall not be found to be particularly hazardous for  
2 any purpose unless the department has determined it to be  
3 particularly hazardous.

4 ~~e.~~ b. The development and adoption of classifications of  
5 crossings on public highways based upon their characteristics,  
6 conditions, and hazards, and standards for warning devices,  
7 signals, and signs of each crossing classification. The  
8 department shall recommend a schedule for implementation  
9 of the standards to the government agency, department, or  
10 political subdivision having jurisdiction of the highway and  
11 shall provide an annual report to the general assembly on the  
12 development and adoption of classifications and standards under  
13 this paragraph and their implementation, including information  
14 about financing installation of warning devices, signals, and  
15 signs. The department shall not be liable for the development  
16 or adoption of the classifications or standards. A government  
17 agency, department, or political subdivision shall not be  
18 liable for failure to implement the standards. A crossing  
19 warning or improvement installed or maintained pursuant to  
20 standards adopted by the department under this paragraph shall  
21 be deemed an adequate and appropriate warning for the crossing.

22 ~~6. Apply for, accept, and expend federal, state or private  
23 funds for the improvement of rail transportation.~~

24 ~~7.~~ 8. Advise and assist the director ~~on studies for~~  
25 ~~coordination of railway service with that of other~~ to assure  
26 availability, efficiency, and productivity of freight and  
27 passenger services and to promote the coordination of service  
28 between all transportation modes.

29 ~~8.~~ 9. Advise and assist the director with studies of  
30 regulatory changes deemed necessary to effectuate economical  
31 and efficient railroad service.

32 ~~9.~~ 10. Advise and assist the director regarding agreements  
33 with railroad corporations for the restoration, conservation,  
34 or improvement of railroad as defined in section 327D.2,  
35 subsection 3, on such terms, conditions, rates, rentals, or

1 subsidy levels as may be in the best interest of the state.  
2 The commission may enter into contracts and agreements which  
3 are binding only to the extent that appropriations have been  
4 or may subsequently be made by the legislature to effectuate  
5 the purposes of this subsection.

6 ~~10.~~ 11. Administer chapters 324A, 327C through 327H, 327J,  
7 328, 329, and 330.

8 12. Administer programs and activities in chapters 306D,  
9 307C, 308A, and 315.

10 ~~11.~~ 13. Perform such other duties and responsibilities as  
11 may be assigned by the director ~~and the commission.~~

12 ~~12. Advise and assist in the establishment and development~~  
13 ~~of railroad districts upon request.~~

14 ~~13. Conduct innovative experimental programs relating to~~  
15 ~~rail transportation problems within the state.~~

16 ~~14. Enter the role of "applicant" pursuant to the Railroad~~  
17 ~~Revitalization and Regulatory Reform Act of 1976, Pub. L. No.~~  
18 ~~94-210, and take such actions as are necessary to accomplish~~  
19 ~~this role.~~

20 ~~15. Identify those segments of railroad trackage which, if~~  
21 ~~improved, may provide increased transportation services for~~  
22 ~~the citizens of this state. The department shall develop and~~  
23 ~~implement programs to encourage the improvement of rail freight~~  
24 ~~services on such railroad trackage.~~

25 ~~16.~~ 14. Promote river transportation and coordinate river  
26 programs with other transportation modes.

27 ~~17.~~ 15. Advise and assist the director in the development  
28 of river transportation and port facilities in the state.

29 Sec. 12. Section 307.27, Code 2015, is amended to read as  
30 follows:

31 **307.27 Motor vehicles, motor carriers, and drivers.**

32 The department's administrator responsible for the  
33 enforcement and regulation of motor carriers, registration of  
34 motor vehicles, and licensing of drivers shall:

35 1. Administer and supervise the registration of motor

1 vehicles and the licensing of drivers pursuant to chapter 321.

2 2. Administer and supervise the licensing of motor vehicle  
3 manufacturers, distributors, and dealers pursuant to chapter  
4 322.

5 3. Administer the inspection of motor vehicles pursuant to  
6 chapter 321.

7 4. Administer motor vehicle registration reciprocity  
8 pursuant to chapter 326.

9 5. Administer the provisions of chapters 321A, 321E, 321F,  
10 and 321J relating to motor vehicle financial responsibility,  
11 the implied consent law, the movement of vehicles of excessive  
12 size and weight, and the leasing and renting of vehicles.

13 6. Administer the regulation of motor vehicle franchisers  
14 pursuant to chapter 322A.

15 7. Administer the regulation of motor carriers pursuant to  
16 ~~chapter~~ chapters 325A, 326, and 327B.

17 8. Administer the registration of interstate authority  
18 of motor carriers pursuant to chapter 327B as provided in 49  
19 U.S.C. §14504a and United States department of transportation  
20 regulations.

21 9. Administer chapters 321C, 321D, 321H, 321L, 321M, and  
22 322C.

23 Sec. 13. Section 307.45, Code 2015, is amended to read as  
24 follows:

25 **307.45 State-owned lands — assessment.**

26 1. Cities and counties may assess the cost of a public  
27 improvement against the state when the improvement benefits  
28 property owned by the state and under the jurisdiction  
29 and control of the ~~department's administrator of highways~~  
30 department. The director shall pay from the primary road fund  
31 the portion of the cost of the improvement which would be  
32 legally assessable against the land if privately owned.

33 2. Assessments against property under the jurisdiction of  
34 the ~~department's administrator of highways~~ department shall be  
35 made in the same manner as those made against private property,

1 except that the city or county making the assessment shall  
2 cause a copy of the public notice of hearing to be mailed to the  
3 director by certified mail.

4 3. Assessments against property owned by the state and  
5 not under the jurisdiction and control of the ~~department's~~  
6 ~~administrator of highways~~ department shall be made in the same  
7 manner as those made against private property and payment shall  
8 be subject to authorization by the executive council. There  
9 is appropriated from moneys in the general fund not otherwise  
10 appropriated an amount necessary to pay the expense authorized  
11 by the executive council.

12 Sec. 14. Section 307.47, subsections 1 and 3, Code 2015, are  
13 amended to read as follows:

14 1. The highway materials and equipment revolving fund  
15 is created from moneys appropriated out of the primary road  
16 fund. From this fund shall be paid all costs for materials  
17 and supplies, inventoried stock supplies, maintenance and  
18 operational costs of equipment, and equipment replacements  
19 incurred in the operation of centralized purchasing under the  
20 supervision of the ~~department's administrator of highways~~  
21 administrator responsible for highway programs and activities.  
22 Direct salaries and expenses properly chargeable to direct  
23 salaries shall be paid from the fund. For each month the  
24 ~~director~~ administrator responsible for the operations and  
25 finances of the department shall render a statement to each  
26 highway unit ~~under the supervision of the administrator~~  
27 ~~of highways~~ for the actual cost of materials and supplies,  
28 operational and maintenance costs of equipment, and equipment  
29 depreciation used. The expense shall be paid by the  
30 ~~administrator of highways~~ responsible for the operations  
31 and finances of the department in the same manner as other  
32 interdepartmental billings are paid ~~and when the expense is~~  
33 ~~paid by the administrator of highways, the.~~ The sum paid shall  
34 be credited to the highway materials and equipment revolving  
35 fund.

1 3. When ~~the units under the supervision of the administrator~~  
2 ~~of highways share~~ a highway unit shares equipment with ~~other~~  
3 another administrative units unit of the department, the  
4 director shall prorate the costs of the equipment among the  
5 administrative units using the equipment.

6 Sec. 15. REPEAL. Sections 307.3, 307.4, 307.5, 307.6,  
7 307.7, 307.9, 307.10, 307.25, 307.35, and 307.43, Code 2015,  
8 are repealed.

9 STATE TRANSPORTATION COMMISSION

10 Sec. 16. NEW SECTION. 307A.1A **Transportation commission.**

11 1. There is created a state transportation commission which  
12 shall consist of seven members, not more than four of whom  
13 shall be from the same political party. The governor shall  
14 appoint the members of the state transportation commission  
15 for a term of four years beginning and ending as provided by  
16 section 69.19, subject to confirmation by the senate.

17 2. The commission shall meet in May of each year for the  
18 purpose of electing one of its members as chairperson.

19 Sec. 17. Section 307A.2, subsections 1 and 2, Code 2015,  
20 are amended by striking the subsections and inserting in lieu  
21 thereof the following:

22 1. Develop, coordinate, and annually update a comprehensive  
23 transportation policy and plan for the state.

24 2. Promote the coordinated and efficient use of all  
25 available modes of transportation for the benefit of the state  
26 and its citizens including but not limited to the designation  
27 and development of multimodal public transfer facilities if  
28 carriers or other private businesses fail to develop such  
29 facilities.

30 Sec. 18. Section 307A.2, subsections 3, 4, 5, 6, 7, 8, 9,  
31 10, and 11, Code 2015, are amended by striking the subsections.

32 Sec. 19. Section 307A.2, subsection 12, Code 2015, is  
33 amended to read as follows:

34 12. Prepare, adopt, and cause to be published a long-range  
35 program for the primary road system, in conjunction with the

1 state transportation plan adopted by the commission. Such  
2 program shall be prepared for a period of at least five years  
3 and shall be revised, brought up-to-date, and republished at  
4 least once every year in order to have a continuing five-year  
5 program. The program shall include, insofar as such estimates  
6 can be made, an estimate of the money expected to become  
7 available during the period covered by the program and a  
8 statement of the construction, maintenance, and other work  
9 planned to be performed during such period. The commission  
10 shall conduct periodic reinspections of the primary roads in  
11 order to revise, from time to time, its estimates of future  
12 needs to conform to the physical and service conditions  
13 of the primary roads. ~~The commission shall annually cause~~  
14 ~~to be published a sufficiency rating report showing the~~  
15 ~~relative conditions of the primary roads.~~ Before the last  
16 day of December of each year, the commission shall adopt and  
17 cause to be published from its long-range program, a plan of  
18 improvements to be accomplished during the next calendar year.  
19 However, in years when the federal government is reauthorizing  
20 federal highway funding, the commission shall not be required  
21 to adopt and publish the annual plan of improvements to be  
22 accomplished until at least ninety days from the enactment  
23 of the new federal funding formula. This annual program  
24 shall list definite projects in order of urgency and shall  
25 include a reasonable year's work with the funds estimated to  
26 be available. The annual program shall be final and followed  
27 by the commission in the next year except that deviations may  
28 be made in case of disaster or other unforeseen emergencies  
29 or difficulties. The relative urgency of the proposed  
30 improvements shall be determined by a consideration of the  
31 physical condition, safety, and service characteristics of the  
32 various primary roads.

33 Sec. 20. Section 307A.2, Code 2015, is amended by adding the  
34 following new subsection:

35 NEW SUBSECTION. 15. Approve all rules prior to their

1 adoption by the director pursuant to section 307.12, subsection  
2 1, paragraph "j".

3 Sec. 21. NEW SECTION. 307A.3 **Conflict of interest.**

4 A person shall not serve as a member of the commission if  
5 the person has an interest in a contract or job of work or  
6 material or the profits thereof or service to be performed  
7 for the department. Any member of the commission who accepts  
8 employment with or acquires any stock, bonds, or other  
9 interest in any company or corporation doing business with the  
10 department shall be disqualified from remaining a member of the  
11 commission.

12 Sec. 22. NEW SECTION. 307A.4 **Vacancies on commission.**

13 Any vacancy in the membership of the commission shall  
14 be filled in the same manner as regular appointments are  
15 made for the unexpired portion of the regular term. In the  
16 event the governor fails to make an appointment to fill a  
17 vacancy or fails to submit the appointment to the senate for  
18 confirmation as required by section 2.32, the senate may make  
19 the appointment prior to adjournment of the general assembly.

20 Sec. 23. NEW SECTION. 307A.5 **Compensation — commission**  
21 **members.**

22 Each member of the commission shall be compensated as  
23 provided in section 7E.6.

24 Sec. 24. NEW SECTION. 307A.6 **Commission meetings.**

25 The commission shall meet at the call of the chairperson or  
26 when any four members of the commission file a written request  
27 with the chairperson for a meeting. Written notice of the  
28 time and place of each meeting shall be given to each member  
29 of the commission. A majority of the commission members shall  
30 constitute a quorum.

31 Sec. 25. NEW SECTION. 307A.7 **Expenses.**

32 Members of the commission shall be allowed their actual and  
33 necessary expenses incurred in the performance of their duties.  
34 All expenses and salaries shall be paid from appropriations for  
35 such purposes and the commission shall be subject to the budget

1 requirements of chapter 8.

2 Sec. 26. NEW SECTION. 307A.8 Removal from office.

3 Any member of the commission may be removed for any of  
4 the causes and in the manner provided in chapter 66 and such  
5 removal shall not be in lieu of any other punishment that may  
6 be prescribed by the laws of this state.

7 CONFORMING AMENDMENTS

8 Sec. 27. Section 173.16, unnumbered paragraph 1, Code 2015,  
9 is amended to read as follows:

10 All expenses incurred in maintaining the state fairgrounds  
11 and in conducting the annual fair on ~~it~~ the state fairgrounds,  
12 including the compensation and expenses of the officers,  
13 members, and employees of the board, shall be recorded by the  
14 secretary and paid from the state fair receipts, unless a  
15 specific appropriation has been provided for that purpose. The  
16 board may request special capital improvement appropriations  
17 from the state and may request emergency funding from the  
18 executive council for natural disasters. The board may request  
19 that the department of transportation provide maintenance in  
20 accordance with section ~~307A.2~~ 307.24, subsection ~~11~~ 5.

21 Sec. 28. Section 312.2, subsection 2, unnumbered paragraph  
22 1, Code 2015, is amended to read as follows:

23 The treasurer of state shall before making the allotments  
24 in subsection 1 credit annually to the highway grade crossing  
25 safety fund the sum of seven hundred thousand dollars, credit  
26 annually from the road use tax fund the sum of nine hundred  
27 thousand dollars to the highway railroad grade crossing surface  
28 repair fund, credit monthly to the primary road fund the  
29 dollars yielded from an allotment of sixty-five hundredths of  
30 one percent of all road use tax funds for the express purpose  
31 of carrying out section ~~307A.2~~ 307.24, subsection ~~11~~ 5, section  
32 313.4, subsection 2, and section 307.45, and credit annually  
33 to the primary road fund the sum of five hundred thousand  
34 dollars to be used for paying expenses incurred by the state  
35 department of transportation other than expenses incurred for



1 extensions of primary roads in cities. All unobligated funds  
2 provided by this subsection, except those funds credited to the  
3 highway grade crossing safety fund, shall at the end of each  
4 year revert to the road use tax fund. Funds in the highway  
5 grade crossing safety fund shall not revert to the road use tax  
6 fund except to the extent they exceed five hundred thousand  
7 dollars at the end of any biennium. The cost of each highway  
8 railroad grade crossing repair project shall be allocated in  
9 the following manner:

10 Sec. 29. Section 312.4, subsection 5, Code 2015, is amended  
11 to read as follows:

12 5. The amount of the road use tax fund which has been  
13 credited to carry out the provisions of section ~~307A.2~~ 307.24,  
14 subsection ~~5~~, section 313.4, subsection 2, and section  
15 307.45.

16 Sec. 30. Section 313.4, subsection 2, Code 2015, is amended  
17 to read as follows:

18 2. Such fund is also appropriated and shall be used for the  
19 construction, reconstruction, improvement and maintenance of  
20 state institutional roads and state park roads and bridges on  
21 such roads and roads and bridges on community college property  
22 as provided in section ~~307A.2~~ 307.24, subsection ~~5~~, for  
23 restoration of secondary roads used as primary road detours and  
24 for compensation of counties for such use, for restoration of  
25 municipal streets so used and for compensation of cities for  
26 such use, and for the payments required in section 307.45.

27 DIVISION III

28 MOTOR VEHICLES

29 Sec. 31. Section 321.19, subsection 1, unnumbered paragraph  
30 2, Code 2015, is amended to read as follows:

31 The department shall furnish, on application, free of  
32 charge, distinguishing plates for vehicles thus exempted,  
33 which plates except plates on state patrol vehicles shall bear  
34 the word "official" and the department shall keep a separate  
35 record. Registration plates issued for state patrol vehicles,

1 except unmarked patrol vehicles, shall bear two red stars  
2 on a yellow background, one before and one following the  
3 registration number on the plate, which registration number  
4 shall be the officer's badge number. Registration plates  
5 issued for county sheriff's patrol vehicles shall display one  
6 seven-pointed gold star followed by the letter "S" and the call  
7 number of the vehicle. However, the director of the department  
8 of administrative services or the director of transportation  
9 may order the issuance of regular registration plates for  
10 any exempted vehicle used by peace officers or federal law  
11 enforcement officers in the enforcement of the law, persons  
12 enforcing chapter 124 and other laws relating to controlled  
13 substances, persons in the department of justice, the alcoholic  
14 beverages division of the department of commerce, disease  
15 investigators of the Iowa department of public health, the  
16 department of inspections and appeals, and the department of  
17 revenue, who are regularly assigned to conduct investigations  
18 which cannot reasonably be conducted with a vehicle displaying  
19 "official" state registration plates, persons who are  
20 federal agents or officers regularly assigned to conduct  
21 investigations which cannot reasonably be conducted with a  
22 vehicle displaying "official" registration plates, persons in  
23 the Iowa lottery authority whose regularly assigned duties  
24 relating to security or the carrying of lottery tickets cannot  
25 reasonably be conducted with a vehicle displaying "official"  
26 registration plates, persons in the economic development  
27 authority who are regularly assigned duties relating to  
28 existing industry expansion or business attraction, and mental  
29 health professionals or health care professionals who provide  
30 off-site or in-home medical or mental health services to  
31 clients of publicly funded programs. For purposes of sale of  
32 exempted vehicles, the exempted governmental body, upon the  
33 sale of the exempted vehicle, may issue for in-transit purposes  
34 a pasteboard card bearing the words "Vehicle in Transit", the  
35 name of the official body from which the vehicle was purchased,

1 together with the date of the purchase plainly marked in at  
2 least one-inch letters, and other information required by the  
3 department. The in-transit card is valid for use only within  
4 forty-eight hours after the purchase date as indicated on the  
5 bill of sale which shall be carried by the driver.

6 Sec. 32. Section 321.189, subsection 6, Code 2015, is  
7 amended to read as follows:

8 6. *Licenses issued to persons under age twenty-one.* A  
9 driver's license issued to a person under eighteen years of  
10 age shall contain the same information as any other driver's  
11 license except that the words "under eighteen" shall appear  
12 prominently on the face of the license. A driver's license  
13 issued to a person eighteen years of age or older but less than  
14 twenty-one years of age shall contain the same information  
15 as any other driver's license except that the words "under  
16 twenty-one" shall appear prominently on the face of the  
17 license. Upon attaining the age of eighteen or upon attaining  
18 the age of twenty-one, and upon payment of a ~~one~~ ten dollar  
19 fee, the person shall be entitled to a new driver's license  
20 or nonoperator's identification card for the unexpired months  
21 of the driver's license or card. An instruction permit or  
22 intermediate license issued under section 321.180B, subsection  
23 1 or 2, shall include a distinctive color bar. An intermediate  
24 license issued under section 321.180B, subsection 2, shall  
25 include the words "intermediate license" printed prominently on  
26 the face of the license.

27 Sec. 33. Section 321.215, Code 2015, is amended by adding  
28 the following new subsection:

29 NEW SUBSECTION. 5. Notwithstanding any provision of  
30 this chapter to the contrary, the department may issue a  
31 temporary restricted license to a person eligible for a  
32 temporary restricted license under this section if the person  
33 is also eligible for a temporary restricted license under  
34 section 321J.20, provided the requirements of each section are  
35 satisfied.

1     Sec. 34. Section 321J.20, Code 2015, is amended by adding  
2 the following new subsection:

3     NEW SUBSECTION. 9. Notwithstanding any provision of  
4 this chapter to the contrary, the department may issue a  
5 temporary restricted license to a person eligible for a  
6 temporary restricted license under this section if the person  
7 is also eligible for a temporary restricted license under  
8 section 321.215, provided the requirements of each section are  
9 satisfied.

10    Sec. 35. Section 326.14, subsection 3, Code 2015, is amended  
11 to read as follows:

12    3. An application for renewal of registration shall  
13 be postmarked or received in the office of motor carrier  
14 services of the department no later than the last day of the  
15 registration expiration month. A ~~five percent~~ late filing  
16 penalty equal to five percent of the fees due to the state of  
17 Iowa shall be assessed to an application for renewal postmarked  
18 or received on or after the first day following the last day  
19 of the registration expiration month, with an additional five  
20 percent penalty assessed the first of each month thereafter  
21 until the application is filed. The enforcement deadline  
22 for failure to display a registration plate and registration  
23 is 12:01 a.m. of the first day following the last day of the  
24 registration expiration month.

25    Sec. 36. Section 326.16, subsections 2 and 3, Code 2015, are  
26 amended to read as follows:

27    2. A ~~five percent~~ late payment penalty equal to five percent  
28 of the fees due to the state of Iowa shall be assessed if an  
29 invoice is not paid within thirty days of the invoice date,  
30 with an additional five percent penalty assessed the first of  
31 each month thereafter until all fees and penalties are paid.  
32 In addition, the fees due for registration in this state shall  
33 be a debt due to the state of Iowa.

34    3. Failure to receive a renewal notice or an invoice by  
35 mail, facsimile transmission, or any other means of delivery

1 does not relieve the registrant of the financial responsibility  
2 for the renewal fees, invoiced amount, or accrued penalties.  
3 Late penalties calculated by the department in accordance with  
4 this chapter shall remain due to the state of Iowa until the  
5 fees and penalties are received.

6 Sec. 37. EFFECTIVE DATE. The following provisions of this  
7 division of this Act take effect January 1, 2016:

- 8 1. The section of this Act amending section 326.14.
- 9 2. The section of this Act amending section 326.16.

10 DIVISION IV

11 RAIL TRANSPORTATION

12 Sec. 38. Section 327G.25, Code 2015, is amended to read as  
13 follows:

14 **327G.25 Closing of crossing for repair or upgrade.**

15 A railway corporation shall not close a railway crossing  
16 to the traveling public for more than thirty days for the  
17 purpose of repairing or upgrading the crossing. The railway  
18 corporation shall give notice of the location and expected  
19 duration of the closing to the highway authority responsible  
20 for the affected highway, road, street, or alley. The railway  
21 corporation shall give notice to the highway authority a  
22 reasonable amount of time before the date of the closing for  
23 all expected repairs and upgrades, and as soon as practicable  
24 for all unexpected repairs and upgrades. A railway corporation  
25 violating this section shall, upon conviction, be subject to a  
26 schedule "one" penalty.

27 Sec. 39. Section 327G.69, Code 2015, is amended to read as  
28 follows:

29 **327G.69 Connections with original spurs.**

30 Whenever such spur track is so connected with the main line,  
31 as provided in this chapter, at the expense of the owner of  
32 such proposed or existing mill, elevator, storehouse, dock,  
33 wharf, pier, manufacturing establishment, and any person,  
34 firm, corporation, or association shall desire a connection  
35 with such spur track, the parties may enter into an agreement

1 to establish such a connection. If the parties are unable  
2 to enter into an agreement, application therefor shall be  
3 made to the department, and such person, firm, corporation,  
4 or association shall be required to pay to the person,  
5 firm, corporation, or association that shall have paid or  
6 contributed to the primary cost and expense of acquiring the  
7 right-of-way for such original spur track, and of constructing  
8 the same, an equitable proportion thereof, to be determined  
9 by the department, upon such application and notice, to the  
10 persons, firms, corporations, or associations that have paid or  
11 contributed toward the original cost and expense of acquiring  
12 the right-of-way and constructing the same.

13 Sec. 40. REPEAL. Sections 327F.14, 327F.18, 327F.19,  
14 327F.20, 327F.26, 327F.34, 327F.35, 327G.13, 327G.14, 327G.22,  
15 327G.23, 327G.28, and 327H.25, Code 2015, are repealed.

16 DIVISION V

17 COMMERCIAL LEARNER'S PERMITS

18 Sec. 41. Section 321.1, subsections 11 and 20A, Code 2015,  
19 are amended to read as follows:

20 11. For purposes of administering and enforcing the  
21 commercial driver's license provisions:

22 a. "*Commercial driver*" means the operator of a commercial  
23 motor vehicle.

24 b. "*Commercial driver's license*" means a ~~driver's license~~  
25 ~~valid for the operation of a commercial motor vehicle~~  
26 commercial driver's license as defined in 49 C.F.R. §383.5.

27 c. "*Commercial driver's license information system*" means  
28 the national information system established to serve as a  
29 clearinghouse for locating information related to the licensing  
30 and identification of commercial motor vehicle drivers.

31 d. "*Commercial learner's permit*" means commercial learner's  
32 permit as defined in 49 C.F.R. §383.5.

33 ~~d.~~ e. "*Commercial motor carrier*" means a person responsible  
34 for the safe operation of a commercial motor vehicle.

35 ~~e.~~ f. "*Commercial motor vehicle*" means a motor vehicle

1 or combination of vehicles used to transport passengers or  
2 property if any of the following apply:

3 (1) The combination of vehicles has a gross combination  
4 weight rating or gross combination weight, whichever is  
5 greater, of twenty-six thousand one or more pounds ~~provided~~  
6 ~~the, including a towed vehicle or vehicles have~~ having a gross  
7 weight rating or gross ~~combination~~ vehicle weight rating,  
8 whichever is greater, of ten thousand one or more pounds.

9 (2) The motor vehicle has a gross vehicle weight rating  
10 or gross vehicle weight, whichever is greater, of twenty-six  
11 thousand one or more pounds.

12 (3) The motor vehicle is designed to transport sixteen  
13 or more persons, including the operator, or is of a size and  
14 design to transport sixteen or more persons, including the  
15 operator, but is redesigned or modified to transport less than  
16 sixteen persons with disabilities.

17 (4) The motor vehicle is used in the transportation of  
18 hazardous material of a type or quantity requiring vehicle  
19 placarding.

20 ~~f.~~ g. "Employer" means any person, including the United  
21 States, a state, the District of Columbia, or a political  
22 subdivision of a state, who owns or leases a commercial motor  
23 vehicle or assigns an employee to operate such a vehicle.

24 ~~g.~~ h. "Foreign jurisdiction" means a jurisdiction outside  
25 the fifty United States, and the District of Columbia, ~~and~~  
26 Canada.

27 ~~h.~~ i. "Nonresident commercial driver's license" means a  
28 commercial driver's license issued to a person ~~who is not~~  
29 ~~a resident of the United States or Canada~~ domiciled in a  
30 foreign jurisdiction meeting the requirements of 49 C.F.R.  
31 §383.23(b)(1), or to a person domiciled in another state  
32 meeting the requirements of 49 C.F.R. §383.23(b)(2).

33 j. "Nonresident commercial learner's permit" means a  
34 commercial learner's permit issued to a person domiciled in  
35 a foreign jurisdiction meeting the requirements of 49 C.F.R.

1 §383.23(b)(1), or to a person domiciled in another state  
2 meeting the requirements of 49 C.F.R. §383.23(b)(2).

3 ~~i, k.~~ "Tank vehicle" means a commercial motor vehicle  
4 that is designed to transport any liquid or gaseous materials  
5 within a tank or tanks having an individual rated capacity  
6 of more than one hundred nineteen gallons and an aggregate  
7 rated capacity of one thousand gallons or more that is either  
8 permanently or temporarily attached to the vehicle or chassis.  
9 ~~For purposes of this paragraph, "tank" does not include a~~  
10 ~~portable tank with a rated capacity of less than one thousand~~  
11 ~~gallons or a permanent tank with a rated capacity of one~~  
12 ~~hundred nineteen gallons or less. A commercial motor vehicle~~  
13 transporting an empty storage container tank not designed for  
14 transportation with a rated capacity of one thousand gallons  
15 or more that is temporarily attached to a flatbed trailer is  
16 not considered a tank vehicle.

17 20A. "Driver's license" means any license or permit issued  
18 to a person to operate a motor vehicle on the highways of this  
19 state, including but not limited to a temporary restricted or  
20 temporary license and an instruction, chauffeur's instruction,  
21 ~~commercial driver's instruction~~ learner's permit, or temporary  
22 permit. For purposes of license suspension, revocation, bar,  
23 disqualification, cancellation, or denial under this chapter  
24 and chapters 321A, 321C, and 321J, "driver's license" includes  
25 any privilege to operate a motor vehicle.

26 Sec. 42. Section 321.12, subsection 2, Code 2015, is amended  
27 to read as follows:

28 2. Operating records relating to a person who has been  
29 issued a commercial driver's license or commercial learner's  
30 permit shall be maintained on file in accordance with rules  
31 adopted by the department.

32 Sec. 43. Section 321.56, subsection 3, Code 2015, is amended  
33 to read as follows:

34 3. For purposes of this section, "commercial motor vehicle"  
35 means as defined in section 321.1, subsection 11, paragraph "e"



1 “f”, subparagraph (2).

2 Sec. 44. Section 321.174, subsections 2 and 3, Code 2015,  
3 are amended to read as follows:

4 2. a. A person operating a commercial motor vehicle shall  
5 not have more than one driver’s license. A nonresident may  
6 operate a commercial motor vehicle in Iowa if the nonresident  
7 has been issued a license by another state, a nonresident  
8 commercial driver’s license or nonresident commercial learner’s  
9 permit, or a driver’s license issued by a foreign jurisdiction  
10 which the federal highway administration has determined to be  
11 issued in conformity with the federal commercial driver testing  
12 and licensing standards, if the license, commercial driver’s  
13 license, commercial learner’s permit, or driver’s license is  
14 valid for the vehicle operated.

15 b. A person who operates a commercial motor vehicle upon the  
16 highways of this state without having been issued a driver’s  
17 license valid for the vehicle operated commits a simple  
18 misdemeanor.

19 c. A person who operates a commercial motor vehicle upon the  
20 highways of this state after the person’s commercial driver’s  
21 license or commercial learner’s permit has been downgraded to  
22 a noncommercial status pursuant to section 321.207 commits a  
23 simple misdemeanor.

24 3. A licensee shall have the licensee’s driver’s license  
25 in immediate possession at all times when operating a motor  
26 vehicle and shall display the same upon demand of a judicial  
27 magistrate, district associate judge, district judge, peace  
28 officer, or examiner of the department. If the licensee has  
29 been issued a commercial learner’s permit, the licensee’s  
30 driver’s license includes both the licensee’s commercial  
31 learner’s permit and the licensee’s underlying commercial or  
32 noncommercial driver’s license. However, a person charged  
33 with violating this subsection shall not be convicted and the  
34 citation shall be dismissed by the court if the person produces  
35 to the clerk of the district court, prior to the licensee’s

1 court date indicated on the citation, a driver's license issued  
2 to that person and valid for the vehicle operated at the time  
3 of the person's arrest or at the time the person was charged  
4 with a violation of this section. Upon dismissal, the court or  
5 clerk of court shall assess the costs of the action against the  
6 defendant named on the citation.

7 Sec. 45. Section 321.177, subsection 8, Code 2015, is  
8 amended to read as follows:

9 8. To any person to operate a commercial motor vehicle  
10 unless the person is eighteen years of age or older and the  
11 person qualifies under federal and state law to be issued a  
12 commercial driver's license or commercial learner's permit in  
13 this state.

14 Sec. 46. Section 321.180, subsection 2, Code 2015, is  
15 amended by striking the subsection and inserting in lieu  
16 thereof the following:

17 2. *a.* The department shall adopt rules to administer  
18 commercial learner's permits in compliance with the procedures  
19 set forth in 49 C.F.R. §383.73. An applicant for a commercial  
20 learner's permit must hold a valid class A, B, C, or D driver's  
21 license issued in this state, must be at least eighteen years  
22 of age, and must meet the qualifications to obtain a valid  
23 commercial driver's license, including the requirements set  
24 forth in section 321.188, except for the required driving  
25 skills test.

26 *b.* A commercial learner's permit shall be a separate  
27 document from a commercial or noncommercial driver's license.  
28 A person operating a vehicle pursuant to a commercial learner's  
29 permit shall have both the commercial learner's permit and the  
30 commercial or noncommercial driver's license issued to the  
31 person within the person's possession.

32 *c.* A commercial learner's permit shall be valid for a period  
33 not to exceed one hundred eighty days. A commercial learner's  
34 permit may be renewed for an additional one hundred eighty days  
35 without retaking the general and endorsement knowledge tests

1 required by section 321.188.

2 *d.* A commercial learner's permit shall be valid for the  
3 operation of a commercial motor vehicle only when the permit  
4 holder is accompanied by a holder of a valid commercial  
5 driver's license with the proper commercial driver's license  
6 group designation and endorsements necessary to operate the  
7 commercial motor vehicle, and who is at all times physically  
8 present in the front passenger seat of the vehicle, or in the  
9 case of a passenger vehicle, directly behind or in the first  
10 row behind the permit holder in a position to directly observe  
11 and supervise the permit holder.

12 (1) When a commercial learner's permit is issued to the  
13 holder of a commercial driver's license, this paragraph "*d*"  
14 only applies to the operation of a commercial motor vehicle for  
15 which the permit holder's commercial driver's license is not  
16 valid.

17 (2) When a commercial learner's permit is issued to the  
18 holder of a noncommercial driver's license, this paragraph "*d*"  
19 only applies to the operation of a commercial motor vehicle.

20 *e.* The issuance of a commercial learner's permit is a  
21 precondition to the initial issuance of a commercial driver's  
22 license. The issuance of a commercial learner's permit is also  
23 a precondition to the upgrade of a commercial driver's license  
24 if the upgrade requires a driving skills test. The holder of a  
25 commercial learner's permit is not eligible to take a driving  
26 skills test required by section 321.188 for the first fourteen  
27 days after the permit holder is issued the permit.

28 *f.* A commercial learner's permit is not valid for the  
29 operation of a vehicle transporting hazardous materials as  
30 defined in 49 C.F.R. §383.5.

31 Sec. 47. Section 321.180, subsection 4, Code 2015, is  
32 amended to read as follows:

33 4. The instruction permit, chauffeur's instruction permit,  
34 and commercial ~~driver's instruction~~ learner's permit are  
35 subject to suspension or revocation for the same reasons and

1 in the same manner as suspension or revocation of a driver's  
2 license.

3 Sec. 48. Section 321.182, subsection 3, Code 2015, is  
4 amended to read as follows:

5 3. Certify that the applicant has no other driver's license  
6 and certify that the applicant is a resident of this state  
7 as provided in section 321.1A. However, certification of  
8 residency is not required for an applicant for a nonresident  
9 commercial driver's license ~~who is a foreign national~~  
10 ~~temporarily present in this state, as determined by the~~  
11 department or nonresident commercial learner's permit.

12 Sec. 49. Section 321.188, subsections 1 and 6, Code 2015,  
13 are amended to read as follows:

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

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

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

28 c. Successfully pass knowledge tests and driving skills  
29 tests, provide self-certification of type of driving, and  
30 provide a medical examiner's certificate prepared by a medical  
31 examiner, as defined in 49 C.F.R. §390.5, and provide all other  
32 required information, proofs, and certificates, as required by  
33 rule by the department. The rules adopted shall substantially  
34 comply with the federal minimum testing and licensing  
35 requirements in 49 C.F.R. pt. 383, subpts. E, G, and H, as

1 adopted by rule by the department. Except as required under  
2 49 C.F.R. pt. 383, subpt. E, G, or H, a commercial driver's  
3 license is renewable without a driving skills test within one  
4 year after its expiration date.

5 *d.* Certify the vehicle to be operated in the driving skills  
6 tests ~~represents the largest class of vehicle~~ is representative  
7 of the class of motor vehicle the applicant will operate on the  
8 highway.

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

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

14 6. *a.* The department may waive the requirement that an  
15 applicant pass a driving skills test specified in this section  
16 for an applicant who is on active duty in the military service,  
17 or who has separated from such service in the ~~last ninety~~  
18 days past year, who certifies that during the two-year period  
19 immediately preceding application for a commercial driver's  
20 license, all of the following apply:

21 (1) The applicant has not had more than one driver's  
22 license, other than a military license.

23 (2) The applicant has not had any driver's license  
24 suspended, revoked, or canceled.

25 (3) The applicant has not been convicted of an offense  
26 committed while operating any type of motor vehicle that is  
27 listed as a disqualifying offense in 49 C.F.R. §383.51(b).

28 (4) The applicant has not had more than one conviction for  
29 an offense committed while operating any type of motor vehicle  
30 that is listed as a serious traffic violation in 49 C.F.R.  
31 §383.51(c).

32 (5) The applicant has not had a conviction for a violation  
33 of a military, state, or local law relating to motor vehicle  
34 traffic control, other than a parking violation, arising in  
35 connection with any traffic accident and has no record of a

1 traffic accident in which the applicant was at fault.

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

5 (1) The applicant is regularly employed or was regularly  
6 employed within the ~~last ninety days~~ past year in a military  
7 position requiring operation of a commercial motor vehicle.

8 (2) The applicant was exempt from commercial driver  
9 licensing requirements pursuant to section 321.176A, subsection  
10 3, or a comparable law of another state implementing 49 C.F.R.  
11 §383.3(c).

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

18 *c.* An applicant who obtains a driving skills test waiver  
19 under this subsection shall take and successfully pass the  
20 knowledge test required pursuant to subsection 1.

21 Sec. 50. Section 321.189, subsection 2, paragraph b, Code  
22 2015, is amended to read as follows:

23 *b.* A commercial driver's license shall include the  
24 licensee's address as required under federal regulations, and  
25 the words "commercial driver's license" or "CDL" shall appear  
26 prominently on the face of the license. A commercial learner's  
27 permit shall include the permit holder's address as required  
28 under federal regulations, and the words "commercial learner's  
29 permit" or "CLP" with a statement that the permit is invalid  
30 unless accompanied by the permit holder's underlying driver's  
31 license shall appear prominently on the face of the permit. If  
32 the applicant is a nonresident, the license must conspicuously  
33 display the word "~~nonresident~~" "nondomiciled".

34 Sec. 51. Section 321.191, subsections 1, 4, 7, and 9, Code  
35 2015, are amended to read as follows:

1 1. *Instruction permits.* The fee for an instruction  
2 permit, other than a special instruction permit, chauffeur's  
3 instruction permit, or commercial ~~driver's instruction~~  
4 learner's permit, is six dollars. The fee for a special  
5 instruction permit is ten dollars. The fee for a chauffeur's  
6 instruction permit or commercial ~~driver's instruction~~ learner's  
7 permit is twelve dollars.

8 4. *Commercial driver's licenses.* The fee for a commercial  
9 driver's license, other than an ~~instruction~~ a commercial  
10 learner's permit, for the operation of a commercial motor  
11 vehicle is eight dollars per year of license validity.

12 7. *Endorsements and removal of ~~air brake~~ restrictions.* The  
13 fee for a double/triple trailer endorsement, tank vehicle  
14 endorsement, ~~and~~ or hazardous materials endorsement is  
15 five dollars for each endorsement. The fee for a passenger  
16 endorsement or a school bus endorsement is ten dollars. The  
17 fee for removal of an air brake, full air brake, manual  
18 transmission, tractor-trailer, or passenger vehicle restriction  
19 on a commercial driver's license or commercial learner's  
20 permit is ten dollars. Fees imposed under this subsection  
21 for endorsements or removal of restrictions are valid for the  
22 period of the license. Upon renewal of a commercial driver's  
23 license, no fee is payable for retaining endorsements or the  
24 removal of ~~the air brake~~ a restriction for those endorsements  
25 or restrictions which do not require the taking of either a  
26 knowledge or a driving skills test for renewal.

27 9. *Upgrading a license class privilege — fee adjustment.*

28 a. If an applicant wishes to upgrade a license class  
29 privilege, the fee charged shall be prorated on full-year  
30 fee increments of the new license in accordance with rules  
31 adopted by the department. The expiration date of the new  
32 license shall be the expiration date of the currently held  
33 driver's license. The fee for a commercial driver's license  
34 endorsement, the removal of an ~~air brake~~ a restriction, or a  
35 commercial ~~driver's license instruction~~ learner's permit shall

1 not be prorated.

2     *b.* As used in this subsection "to upgrade a license class  
3 *privilege*" means to add any privilege to a valid driver's  
4 license. The addition of a privilege includes converting  
5 from a noncommercial to a commercial license, converting from  
6 a noncommercial class C to a class D license, converting an  
7 instruction or learner's permit to a class license, adding any  
8 privilege to a section 321.189, subsection 7, license, adding  
9 an instruction or learner's permit privilege, adding a section  
10 321.189, subsection 7, license to an instruction or learner's  
11 permit, and adding any privilege relating to a driver's license  
12 issued to a minor under section 321.194 or 321.178.

13     Sec. 52. Section 321.196, subsections 1 and 4, Code 2015,  
14 are amended to read as follows:

15     1. Except as otherwise provided, if the licensee is between  
16 the ages of seventeen years eleven months and seventy-two years  
17 on the date of issuance of the license, a driver's license,  
18 other than an instruction permit, chauffeur's instruction  
19 permit, or commercial ~~driver's instruction~~ learner's permit  
20 issued under section 321.180, expires eight years from the  
21 licensee's birthday anniversary occurring in the year of  
22 issuance, but not to exceed the licensee's seventy-fourth  
23 birthday. If the licensee is under the age of seventeen  
24 years eleven months or age seventy-two or over, the license  
25 is effective for a period of two years from the licensee's  
26 birthday anniversary occurring in the year of issuance. A  
27 licensee whose license is restricted due to vision or other  
28 physical deficiencies may be required to renew the license  
29 every two years. If a licensee is a foreign national who is  
30 temporarily present in this state, the license shall be issued  
31 only for the length of time the foreign national is authorized  
32 to be present as verified by the department, not to exceed two  
33 years.

34     4. The department in its discretion may authorize the  
35 renewal of a valid driver's license other than a commercial



1 driver's license or commercial learner's permit upon  
2 application without an examination provided that the applicant  
3 meets one of the following conditions:

4 a. The applicant satisfactorily passes a vision test as  
5 prescribed by the department.

6 b. The applicant files a vision report in accordance with  
7 section 321.186A which shows that the applicant's visual acuity  
8 level meets or exceeds those required by the department.

9 c. The applicant is eligible for license renewal  
10 electronically, pursuant to rules adopted by the department.

11 An applicant shall not be eligible for electronic renewal of  
12 a driver's license if the most recent previous renewal of the  
13 applicant's driver's license occurred electronically.

14 Sec. 53. Section 321.201, subsection 2, Code 2015, is  
15 amended to read as follows:

16 2. a. Upon cancellation of a commercial driver's license or  
17 commercial learner's permit for providing false information or  
18 committing fraud in the application, the applicant shall not  
19 operate a commercial motor vehicle in this state and shall not  
20 be issued a license valid to operate a commercial motor vehicle  
21 for a period of sixty days.

22 b. The department shall disqualify the commercial driver's  
23 license or commercial learner's permit of a person convicted or  
24 suspected of fraud related to the testing for or issuance of  
25 a commercial driver's license or commercial learner's permit.  
26 The department shall adopt rules to administer this paragraph  
27 that substantially comply with 49 C.F.R. §383.73(k).

28 Sec. 54. Section 321.204, subsection 2, Code 2015, is  
29 amended to read as follows:

30 2. The department shall notify the commercial driver's  
31 license information system and the commercial motor vehicle  
32 administrator in the licensing state, if applicable, of the  
33 disqualification of a commercial driver within ten days of any  
34 of the following:

35 a. The disqualification of the commercial driver under

1 section 321.201 or section 321.208 if the disqualification is  
2 for sixty days or more.

3 *b.* The suspension or revocation of a commercial driver's  
4 license or commercial learner's permit if the suspension or  
5 revocation is for sixty days or more.

6 *c.* The cancellation of a commercial driver's license or  
7 commercial learner's permit.

8 Sec. 55. Section 321.206, Code 2015, is amended to read as  
9 follows:

10 **321.206 Surrender of license — duty of court.**

11 If a person is convicted in court of an offense for which  
12 this chapter requires mandatory revocation of the person's  
13 driver's license or, if the person's license is a commercial  
14 driver's license or commercial learner's permit and the  
15 conviction disqualifies the person from operating a commercial  
16 motor vehicle, the court shall require the person to surrender  
17 the driver's license held by the person and the court shall  
18 destroy the license or forward the license together with a  
19 record of the conviction to the department as provided in  
20 section 321.491.

21 Sec. 56. Section 321.207, Code 2015, is amended to read as  
22 follows:

23 **321.207 Downgrade of commercial driver's license or**  
24 **commercial learner's permit.**

25 The department shall adopt rules for downgrading a  
26 commercial driver's license or commercial learner's permit to  
27 a noncommercial status upon a driver's failure to provide a  
28 medical examiner's certificate as required pursuant to section  
29 321.188, subsection 1, paragraph "c", or upon a driver's failure  
30 to provide a self-certification of type of driving as required  
31 pursuant to section 321.188, subsection 1, paragraph "e" "f".  
32 The rules shall substantially comply with 49 C.F.R. §383.71 and  
33 383.73, as adopted by rule by the department.

34 Sec. 57. Section 321.208, subsection 1, paragraph b, Code  
35 2015, is amended to read as follows:

1     *b.* Operating a commercial motor vehicle when, as a result  
2 of prior violations committed while operating a commercial  
3 motor vehicle, the person's commercial driver's license or  
4 commercial learner's permit is revoked, suspended, or canceled  
5 or the person is disqualified from operating a commercial motor  
6 vehicle.

7     Sec. 58. Section 321.208, subsection 2, unnumbered  
8 paragraph 1, Code 2015, is amended to read as follows:

9     A person is disqualified from operating a commercial motor  
10 vehicle for one year upon a conviction or final administrative  
11 decision that the person has committed any of the following  
12 acts or offenses in any state or foreign jurisdiction while  
13 operating a commercial motor vehicle or while operating a  
14 noncommercial motor vehicle and holding a commercial driver's  
15 license or commercial learner's permit:

16     Sec. 59. Section 321.208, subsections 3, 5, and 6, Code  
17 2015, are amended to read as follows:

18     3. A person is disqualified from operating a commercial  
19 motor vehicle for three years if an act or offense described  
20 in subsection 1 or 2 occurred while the person was operating  
21 a commercial motor vehicle transporting hazardous ~~material of~~  
22 ~~a type or quantity requiring vehicle placarding~~ materials as  
23 defined in 49 C.F.R. §383.5.

24     5. A person is disqualified from operating a commercial  
25 motor vehicle for life upon a conviction that the person used a  
26 commercial ~~or noncommercial~~ motor vehicle in the commission of  
27 a felony or aggravated misdemeanor involving the manufacturing,  
28 distributing, or dispensing of a controlled substance as  
29 defined in section 124.101. A person is disqualified from  
30 operating a commercial motor vehicle for life upon a conviction  
31 that the person used a noncommercial motor vehicle in the  
32 commission of a felony or aggravated misdemeanor involving the  
33 manufacturing, distributing, or dispensing of a controlled  
34 substance as defined in section 124.101 and held a commercial  
35 driver's license or commercial learner's permit at the time the

1 offense was committed.

2 6. A person is disqualified from operating a commercial  
3 motor vehicle if the person receives convictions for committing  
4 within any three-year period two or more of the following  
5 offenses while operating a commercial motor vehicle, or  
6 while operating a noncommercial motor vehicle and holding a  
7 commercial driver's license or commercial learner's permit  
8 if the convictions result in the revocation, cancellation,  
9 or suspension of the person's commercial driver's license,  
10 commercial learner's permit, or noncommercial motor vehicle  
11 driving privileges:

12 a. Operating a commercial motor vehicle upon a highway  
13 when not issued a commercial driver's license or commercial  
14 learner's permit.

15 b. Operating a commercial motor vehicle upon a highway when  
16 not issued the proper class of commercial driver's license,  
17 commercial learner's permit, or endorsements for the specific  
18 vehicle group being operated or for the passengers or type of  
19 cargo being transported.

20 c. Operating a commercial motor vehicle upon a highway  
21 without immediate possession of a commercial driver's license  
22 or commercial learner's permit valid for the vehicle operated.

23 d. Speeding fifteen miles per hour or more over the legal  
24 speed limit.

25 e. Reckless driving.

26 f. Any violation of the traffic laws, except a parking  
27 violation or a vehicle weight violation, which arises in  
28 connection with a fatal traffic accident.

29 g. Following another motor vehicle too closely.

30 h. Improper lane changes in violation of section 321.306.

31 i. Violating a state or local law or ordinance on motor  
32 vehicle traffic control prohibiting texting while driving a  
33 commercial motor vehicle.

34 j. Violating a state or local law or ordinance on motor  
35 vehicle traffic control restricting or prohibiting the use of

1 a hand-held mobile telephone while driving a commercial motor  
2 vehicle.

3 Sec. 60. Section 321.208, subsection 9, paragraph b, Code  
4 2015, is amended to read as follows:

5 b. For one year upon conviction for the first violation  
6 and for not less than three years and not more than five years  
7 upon conviction for a second or subsequent violation of an  
8 out-of-service order while transporting hazardous materials  
9 ~~required to be placarded as defined in 49 C.F.R. §383.5,~~  
10 or while operating a commercial motor vehicle designed to  
11 transport more than fifteen passengers including the driver.

12 Sec. 61. Section 321.208, subsection 12, paragraph b, Code  
13 2015, is amended to read as follows:

14 b. The effective date of disqualification shall be thirty  
15 days after notification. Immediate notice of disqualification  
16 may be served on a person operating a commercial motor vehicle  
17 who refused to submit to a test or whose test results indicate  
18 an alcohol concentration of 0.04 or more by the peace officer  
19 administering the chemical test or, notwithstanding chapter  
20 17A, the department may notify the person by first class  
21 mail. If immediate notice is served, the peace officer shall  
22 take the commercial driver's license or commercial learner's  
23 permit of the driver, if issued within the state, and issue a  
24 temporary commercial driver's license or commercial learner's  
25 permit effective for only thirty days. The peace officer shall  
26 immediately send the person's commercial driver's license or  
27 commercial learner's permit to the department in addition to  
28 the officer's certification required by this subsection.

29 Sec. 62. Section 321.208, subsection 13, Code 2015, is  
30 amended to read as follows:

31 13. Upon notice, the disqualified person shall surrender  
32 the person's commercial driver's license or commercial  
33 learner's permit to the department and the department may issue  
34 a driver's license valid only to operate a noncommercial motor  
35 vehicle upon payment of ~~a one-dollar~~ the fee for a replacement

1 driver's license under section 321.195. The department shall  
2 notify the commercial driver's license information system  
3 of the disqualification if required to do so under section  
4 321.204.

5 Sec. 63. Section 321.208A, subsection 1, Code 2015, is  
6 amended to read as follows:

7 1. A person required to hold a commercial driver's license  
8 or commercial learner's permit to operate a commercial motor  
9 vehicle shall not operate a commercial motor vehicle on the  
10 highways of this state in violation of an out-of-service order  
11 issued by a peace officer for a violation of the out-of-service  
12 rules adopted by the department. A driver who violates an  
13 out-of-service order commits a simple misdemeanor and shall  
14 be subject to a fine of not less than two thousand five  
15 hundred dollars upon conviction for the first violation of an  
16 out-of-service order and not less than five thousand dollars  
17 for a second or subsequent violation of an out-of-service order  
18 in separate incidents within a ten-year period.

19 Sec. 64. Section 321.215, subsection 4, Code 2015, is  
20 amended to read as follows:

21 4. The temporary restricted license is not valid to operate  
22 a commercial motor vehicle if a commercial driver's license  
23 or commercial learner's permit is required for the person's  
24 operation of the commercial motor vehicle.

25 Sec. 65. Section 321.218, subsection 4, Code 2015, is  
26 amended to read as follows:

27 4. A person who operates a commercial motor vehicle upon  
28 the highways of this state when disqualified from operating the  
29 commercial motor vehicle under section 321.208 or the imminent  
30 hazard provisions of 49 C.F.R. §383.52 commits a serious  
31 misdemeanor if a commercial driver's license or commercial  
32 learner's permit is required for the person to operate the  
33 commercial motor vehicle.

34 Sec. 66. Section 321J.1, subsection 7, Code 2015, is amended  
35 to read as follows:

1 7. "Driver's license" means any license or permit issued  
2 to a person to operate a motor vehicle on the highways of this  
3 state, including but not limited to a driver's, commercial  
4 driver's, temporary restricted, or temporary license and an  
5 instruction, chauffeur's instruction, commercial ~~driver's~~  
6 ~~instruction~~ learner's, or temporary permit.

7 Sec. 67. Section 321J.8, subsection 1, paragraph c,  
8 subparagraph (2), Code 2015, is amended to read as follows:

9 (2) If the person is operating a noncommercial motor  
10 vehicle and holding a commercial driver's license or commercial  
11 learner's permit as defined in section 321.1 and either refuses  
12 to submit to the test or submits to the test and the results  
13 indicate the presence of a controlled substance or other drug  
14 or an alcohol concentration equal to or in excess of the level  
15 prohibited by section 321J.2, the person is disqualified from  
16 operating a commercial motor vehicle for the applicable period  
17 under section 321.208 in addition to any revocation of the  
18 person's driver's license or nonresident operating privilege  
19 which may be applicable under this chapter.

20 Sec. 68. Section 321J.13, subsection 6, paragraph c, Code  
21 2015, is amended to read as follows:

22 c. Such a holding by the court in the criminal action is  
23 binding on the department, and the department shall rescind  
24 the revocation. If the offense for which the revocation  
25 was imposed was committed while the person was operating a  
26 noncommercial motor vehicle and holding a commercial driver's  
27 license or commercial learner's permit and the department  
28 disqualified the person from operating a commercial motor  
29 vehicle under section 321.208, subsection 2, paragraph "a" or  
30 "b", as a result of the revocation, the department shall also  
31 rescind the disqualification.

32 Sec. 69. Section 321J.20, subsection 5, Code 2015, is  
33 amended to read as follows:

34 5. A person holding a temporary restricted license issued  
35 by the department under this section shall not operate a

1 commercial motor vehicle on a highway if a commercial driver's  
2 license or commercial learner's permit is required for the  
3 person's operation of the commercial motor vehicle.

4 Sec. 70. Section 321M.1, subsections 1 and 5, Code 2015, are  
5 amended to read as follows:

6 1. "*Commercial driver's license*" means a driver's license  
7 valid for the operation of a commercial motor vehicle,  
8 including a commercial learner's permit, as regulated by  
9 chapter 321.

10 5. "*Driver's license*" means any license or permit issued  
11 to a person to operate a motor vehicle on the highways of this  
12 state, including but not limited to a driver's, commercial  
13 driver's, temporary restricted, or temporary license and an  
14 instruction, chauffeur's instruction, ~~commercial driver's~~  
15 ~~instruction~~ learner's, or temporary permit.

16 Sec. 71. EMERGENCY RULES. The department of transportation  
17 may adopt rules on an emergency basis as provided in section  
18 17A.4, subsection 3, and section 17A.5, subsection 2,  
19 paragraph "b", to implement the provisions of this division  
20 of this Act relating to the department's administration of  
21 commercial learner's permits and commercial driver's licenses  
22 in compliance with the procedures set forth in 49 C.F.R.  
23 §383.73 pursuant to this division of this Act, and the rules  
24 shall be effective immediately upon filing unless a later  
25 date is specified in the rules. Any emergency rule adopted  
26 in accordance with this section shall also be published as  
27 a notice of intended action as provided in section 17A.4,  
28 subsection 1.

29 Sec. 72. EFFECTIVE UPON ENACTMENT. The provisions of this  
30 division of this Act relating to emergency rules, being deemed  
31 of immediate importance, take effect upon enactment.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with  
34 the explanation's substance by the members of the general assembly.

35 This bill relates to matters under the purview of the



1 department of transportation (DOT).

2 DIVISION I — AVIATION. Generally, state agencies may  
3 not compete with private enterprise. Under current law, the  
4 DOT may compete with private enterprise in aircraft pool  
5 operations. The bill eliminates that exception.

6 Under current law, certain persons with a certificate  
7 of registration for aircraft are required to display the  
8 registration and present the registration to the DOT upon  
9 request. The bill eliminates these requirements.

10 DIVISION II — TRANSPORTATION DEPARTMENT AND COMMISSION.

11 DEPARTMENT OF TRANSPORTATION. Code chapter 307, which  
12 establishes the DOT, is amended and reorganized to reflect  
13 the current structure and responsibilities of the department  
14 and its divisions. Provisions which relate to the state  
15 transportation commission are repealed from Code chapter  
16 307 and moved to Code chapter 307A, which relates to the  
17 commission.

18 The bill also repeals a Code section establishing the DOT's  
19 responsibility to train construction inspectors to perform  
20 several inspection functions and a Code section establishing  
21 the DOT's authority to receive and apportion federal donations.

22 STATE TRANSPORTATION COMMISSION. Code chapter 307A,  
23 which contains some of the duties of the state transportation  
24 commission, is amended to include provisions establishing the  
25 commission and providing for its organization and membership.  
26 Provisions which relate to the duties performed by the DOT are  
27 repealed from Code chapter 307A and moved to Code chapter 307.

28 DIVISION III — MOTOR VEHICLES. The bill expands the  
29 provision governing the issuance of regular registration  
30 plates rather than "official" registration plates to certain  
31 persons exempt from registration fees to include federal law  
32 enforcement officers.

33 The bill increases the fee for issuance of a replacement  
34 driver's license which does not identify a person as "under 18"  
35 or "under 21" upon attaining such age from \$1 to \$10.

1 The bill provides that a person whose driver's license was  
2 suspended or revoked for certain motor vehicle violations and  
3 was also suspended or revoked for operating-while-intoxicated  
4 is eligible for a temporary restricted license if the person  
5 meets the eligibility requirements of both provisions.

6 The bill amends provisions relating to vehicle registrations  
7 pursuant to registration reciprocity apportionment agreements.  
8 The bill alters the late filing penalty for registration fees  
9 imposed by the department from five percent of fees due to  
10 all states to five percent of the fees due to the state of  
11 Iowa. The bill also provides that late penalties calculated  
12 by the department will remain due to the state until the fees  
13 and penalties are received. The effective date of these fee  
14 provisions is January 1, 2016.

15 DIVISION IV — RAIL TRANSPORTATION. The bill requires  
16 railway corporations repairing a railroad crossing to provide  
17 notice of the location and duration of the repair to the  
18 highway authority responsible for any roads closed due to the  
19 repair. The notice is required within a reasonable time before  
20 the date of the closing.

21 Current law provides that when parties wish to establish  
22 a connection with a spur track connected to a main line, the  
23 parties must apply to the DOT to establish cost sharing. The  
24 bill provides that the parties may first attempt to enter into  
25 an agreement before applying to the DOT.

26 The bill repeals Code sections requiring headlights and  
27 windshields on track power cars and the accompanying penalties,  
28 governing cabooses standards, requiring establishment and  
29 maintenance of freight offices that are accessible to the  
30 public, requiring horns on locomotives that must be sounded  
31 at road crossings and the accompanying penalties, requiring  
32 roadbeds of railways constructed near the Mississippi river  
33 to be constructed above the high-water mark, establishing the  
34 DOT's jurisdiction over all crossings at grade of railways  
35 within the state, establishing the DOT's authority to

1 require safety devices at railroad crossings, junctions, and  
2 drawbridges, and establishing the DOT's authority to carry out  
3 agreements for railroad assistance entered into by the energy  
4 policy council and railroads or other persons.

5       DIVISION V — COMMERCIAL LEARNER'S PERMITS. The bill  
6 redefines commercial driver's license and defines commercial  
7 learner's permit as the terms are defined in the United  
8 States code of federal regulations. The bill alters weight  
9 calculations for commercial motor vehicles and tank vehicles.  
10 The bill also expands Code sections that refer to commercial  
11 driver's licenses to also refer to commercial learner's  
12 permits.

13       The bill requires the DOT to adopt rules to administer  
14 commercial learner's permits in compliance with the procedures  
15 set forth by federal law. The bill allows the DOT to adopt  
16 such rules on an emergency basis, with such provision taking  
17 effect upon enactment. The bill provides for qualifications  
18 and requirements for holders of a commercial learner's permit,  
19 including operation of the vehicle accompanied by a holder  
20 of a commercial driver's license in certain circumstances.  
21 The bill also provides that commercial learner's permits  
22 are preconditions to the initial issuance or upgrade of a  
23 commercial driver's license, permit holders are not eligible to  
24 take driver's tests required for a commercial driver's license  
25 for 14 days after issuance of the permit, and commercial  
26 learner's permits are not valid for the operation of vehicles  
27 transporting hazardous material.

28       The bill requires the DOT to adopt rules to administer  
29 commercial driver's licenses in compliance with the procedures  
30 set forth by federal law. The bill allows the DOT to adopt  
31 such rules on an emergency basis, with such provision taking  
32 effect upon enactment. The bill also allows the DOT to  
33 administer rules requiring additional information, proofs, or  
34 certifications in order to qualify for a commercial driver's  
35 license.

1 Current law provides that the DOT may waive the requirement  
2 of a driving skills test if the applicant has separated  
3 from military service in the past 90 days, except where the  
4 applicant has violated a state or local traffic law. The bill  
5 extends the military separation limit to one year, and expands  
6 the exception to include violations of military traffic laws.

7 The bill provides that the fee for removing full air brake,  
8 manual transmission, tractor-trailer, or passenger vehicle  
9 restrictions on a commercial driver's license or commercial  
10 learner's permit is \$10. The bill also requires the DOT to  
11 disqualify the commercial driver's license or commercial  
12 learner's permit of a person suspected or convicted of fraud  
13 related to the testing for or issuance of the license or  
14 permit, and to adopt rules governing such disqualification.

15 The bill provides that the term "hazardous materials" means  
16 hazardous materials as the term is defined in the United States  
17 code of federal regulations.