

Senate File 2337 - Introduced

SENATE FILE 2337

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3132)

A BILL FOR

1 An Act relating to third-party testers and test examiners for
2 commercial driver's license knowledge and driving skills
3 tests.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.187, subsections 2 and 3, Code 2022,
2 are amended to read as follows:

3 2. The department may by rule designate community colleges
4 established under [chapter 260C](#) and other third-party testers to
5 administer the knowledge and driving skills test tests required
6 for a commercial learner's permit or commercial driver's
7 license, provided ~~that~~ all of the following occur:

8 a. The ~~driving skills~~ test is the same as that which
9 would otherwise be administered by the state. The fees for
10 administering a commercial driver's license driving skills test
11 as provided in [sections 321.187A](#) and [321M.6A](#) shall not apply
12 to a driving skills test administered by a third-party tester
13 under [this section](#).

14 b. The third-party tester contractually agrees to comply
15 with the requirements of 49 C.F.R. ~~§383.75~~ pts. 383 and 384
16 applicable to third-party knowledge and driving skills testing,
17 as adopted by rule by the department.

18 c. Any third-party ~~skills~~ test examiner used by the
19 third-party tester shall meet the requirements of 49 C.F.R.
20 ~~§383.75 and 49 C.F.R. §384.228~~ pts. 383 and 384 applicable to
21 third-party knowledge and driving skills testing, as adopted
22 by rule by the department. The department shall adopt rules
23 ~~requiring that a third-party tester, other than a community~~
24 ~~college established under [chapter 260C](#), either be an Iowa-based~~
25 ~~motor carrier, or its subsidiary, that has its principal office~~
26 ~~within this state and operates a permanent commercial driver~~
27 ~~training facility in this state, or be an Iowa nonprofit~~
28 ~~corporation that serves as a trade association for Iowa-based~~
29 ~~motor carriers~~ regarding who may qualify as a third-party
30 tester. The rules may also provide that a third-party tester
31 conduct a number of skills test examinations above the number
32 required under [49 C.F.R. §383.75](#) in order to remain qualified
33 as a third-party tester under [this section](#). A third-party
34 tester, other than a community college established under
35 chapter 260C, must be one of the following:

1 (1) An Iowa-based motor carrier, or its subsidiary, that has
2 its principal office within this state and operates a permanent
3 commercial driver training facility in this state.

4 (2) An Iowa nonprofit corporation that serves as a trade
5 association for Iowa-based motor carriers.

6 (3) A public transit system or regional transit system, as
7 those terms are defined in section 324A.1, in this state.

8 3. As used in this section, ~~"third-party tester"~~ and
9 ~~"third-party skills test examiner"~~ mean as defined in 49 C.F.R.
10 §383.5.:

11 a. "Third-party test examiner" means a person employed by
12 a third-party tester who is authorized by the department to
13 administer the knowledge and driving skills tests under this
14 section.

15 b. "Third-party tester" means a person designated by
16 the department to employ knowledge and driving skills test
17 examiners to administer knowledge and driving skills tests
18 under this section.

EXPLANATION

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

22 Under current law, the department of transportation (DOT) is
23 required to examine applicants for driver's licenses. However,
24 the DOT may designate community colleges and other third-party
25 testers to administer the driving skills test required for
26 a commercial driver's license (CDL). A third-party skills
27 test examiner used by a third-party tester must meet federal
28 regulatory requirements as adopted by rule by the DOT. The DOT
29 is required to adopt rules requiring that a third-party tester,
30 other than a community college, either be an Iowa-based motor
31 carrier, or its subsidiary, that has its principal office and
32 operates a permanent commercial driver training facility in
33 Iowa, or an Iowa nonprofit corporation that serves as a trade
34 association for Iowa-based motor carriers.

35 This bill authorizes third-party testers who comply with

1 federal regulatory requirements, and who are designated by
2 the DOT, to administer the knowledge and driving skills tests
3 required for commercial learner's permits and CDLs. The bill
4 authorizes Iowa public transit systems (an urban or regional
5 transit system providing transit services accessible to the
6 general public and receiving federal, state, or local tax
7 support) and Iowa regional transit systems (a public transit
8 system serving one county or all or part of a multicounty area
9 whose boundaries correspond to the same boundaries as those of
10 the regional planning areas designated by the governor except
11 as agreed upon by the county and the DOT) to be third-party
12 testers. The bill makes organizational changes to Code
13 section 321.187 and defines "third-party test examiner" and
14 "third-party tester".