**Senate Study Bill 1062 - Introduced**

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

## A BILL FOR

1 An Act relating to commercial driver's licenses and commercial
2 learner's permits, including compliance with federal
3 regulations, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

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

4. *a.* The department shall check the applicant's driving record as maintained by the applicant's current licensing state, the national commercial driver's license information system, ~~the national drug and alcohol clearinghouse if required under 49 C.F.R. §383.73,~~ and the national driver register to determine whether the applicant qualifies for the issuance, renewal, or upgrade of a commercial driver's license, as applicable. The department shall notify the national commercial driver's license information system of the issuance, renewal, or upgrade of a commercial driver's license and shall post the driver's self-certification of type of driving as required by rule. The department shall also post information from the medical examiner's certificate required under subsection 1, paragraph *"d"*, to the national commercial driver's license information system, if required by rule.

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

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

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

The department shall adopt rules for downgrading a commercial driver's license or commercial learner's permit to a noncommercial status upon a driver's failure to provide a

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

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

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

1. A person required to hold a commercial driver's license or commercial learner's permit to operate a commercial motor vehicle shall not operate a commercial motor vehicle on the highways of this state in violation of an out-of-service order issued by a peace officer for a violation of the out-of-service rules adopted by the department. A driver who violates an out-of-service order commits a simple misdemeanor and shall be subject to ~~a~~ the applicable fine ~~of not less than two thousand five hundred dollars~~ in an amount in accordance with the civil penalty provided in 49 C.F.R. pt. 386, Appendix B(b)(1), upon conviction for the first violation of an out-of-service order ~~and not less than five thousand dollars for a second~~ or subsequent violation of an out-of-service order in separate incidents within a ten-year period.

2. An employer shall not knowingly allow, require, permit, or authorize an employee to drive a commercial motor vehicle in violation of an out-of-service order. An employer who violates this subsection commits a simple misdemeanor and shall be subject to a fine ~~of not less than two thousand seven hundred~~

~~fifty dollars and not more than twenty-five thousand dollars~~ in an amount in accordance with the civil penalty provided in 49 C.F.R. pt. 386, Appendix B(b)(2).

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

**321.343A Employer violations — penalty.**

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

EXPLANATION

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

This bill aligns relevant provisions of Code chapter 321 (motor vehicles and law of the road) with federal regulations relating to the national drug and alcohol clearinghouse, commercial driver's licenses (CDL), and commercial learner's permits (CLP).

Under federal regulations, prior to issuing a CDL to a person, a state must, among other things, initiate and complete a check of the applicant's driving record to ensure that the person is not subject to disqualification and does not have a driver's license from more than one state or jurisdiction. The record check provides information about an applicant's driving record and relevant criminal history, if any. The record check must include a check of the applicant's driving record as maintained by the applicant's current state of licensure, a check with the commercial driver's license information system (CDLIS), and a check with the problem driver pointer system.

Beginning November 18, 2024, a state must request information from the national drug and alcohol clearinghouse,

and if in response to the request the state receives notification that the applicant is prohibited from operating a commercial motor vehicle, the state must not issue, renew, or upgrade the person's CDL or CLP. A state must, upon receiving notification that a CDL or CLP holder is prohibited from operating a commercial motor vehicle, initiate established procedures for downgrading the CDL or CLP. The downgrade must be completed and recorded on the CDLIS driver record within 60 days of the state's receipt of such notification.

A state will be required to terminate a downgrade process, reinstate a CDL or CLP, make a person eligible for a CDL or CLP, and expunge from the CDLIS driver record any reference related to a person's erroneous prohibited status upon receiving appropriate notification that the person is no longer prohibited from operating a commercial motor vehicle.

The bill provides that certain violations will result in a fine in accordance with the civil penalty provided in federal regulations. An individual who violates an out-of-service order commits a simple misdemeanor and is subject to a fine of not less than $3,471 for a first conviction and not less than $6,943 for a second or subsequent conviction within 10 years. An employer of a CDL holder who knowingly allows, requires, permits, or authorizes an employee to operate a commercial motor vehicle during any period in which the CDL holder is subject to an out-of-service order is subject to a fine of not less than $6,269 or more than $34,712. An employer of a CDL holder who knowingly allows, requires, permits, or authorizes that CDL holder to operate a commercial motor vehicle in violation of a federal, state, or local law or regulation pertaining to railroad-highway grade crossings is subject to a fine of not more than $17,995.

The bill amends Code citations to conform to applicable federal regulations.