HOUSE FILE 828
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 521)
(SUCCESSOR TO HSB 102)

(As Amended and Passed by the House March 23, 2021)
[= New Language by the House

A BILL FOR

An Act relating to commercial driver's license driving skills tests, providing fees, and including effective date provisions.

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

Section 1. Section 321.145, subsection 2, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Revenues derived from trailer registration fees collected pursuant to sections 321.105 and 321.105A, fees charged for driver's licenses and nonoperator's identification cards, fees charged for commercial driver's license driving skills tests pursuant to section 321.187A, fees charged for the issuance of a certificate of title, the certificate of title surcharge collected pursuant to section 321.52A, and revenues credited pursuant to section 423.43, subsection 2, and section 423C.5 shall be deposited in a fund to be known as the statutory allocations fund under the control of the department and credited as follows:

Sec. 2. Section 321.186, subsection 1, Code 2021, is amended to read as follows:

1. The department may examine every new applicant for a driver's license or any person holding a valid driver's license when the department has reason to believe that the person may be physically or mentally incompetent to operate a motor vehicle, or whose driving record appears to the department to justify the examination. The department shall make every effort to accommodate a functionally illiterate applicant when the applicant is taking a knowledge test. ~~The department shall make every effort to have an examiner conduct the commercial driver's license driving skills tests at other locations in this state where skills may be adequately tested when requested by a person representing ten or more drivers requiring driving skills testing.~~

Sec. 3. Section 321.186, subsection 2, Code 2021, is amended by striking the subsection.

Sec. 4. Section 321.187, subsection 2, paragraph a, Code 2021, is amended to read as follows:

a. The driving skills test is the same as that which would otherwise be administered by the state. The fees for administering a commercial driver's license driving skills test

as provided in sections 321.187A and 321M.6A shall not apply to a driving skills test administered by a third-party tester under this section.

Sec. 5. NEW SECTION. **321.187A Commercial driver's license driving skills tests — fees.**

1. The department shall make every effort to accommodate a commercial driver's license applicant's need to arrange an appointment for a driving skills test at an established test site other than where the applicant passed the required knowledge test. The department shall report to the governor and the general assembly on any problems, extraordinary costs, and recommendations regarding the appointment scheduling process.

2. The department shall make every effort to have an examiner conduct the commercial driver's license driving skills tests at other locations in this state where skills may be adequately tested when requested by a person representing ten or more drivers requiring driving skills testing.

3. *a.* The driving skills test for a commercial driver's license shall consist of three parts that must be completed in the following order:

(1) The pre-trip vehicle inspection test.

(2) The basic vehicle control skills test.

(3) The on-road driving skills test.

b. If the applicant fails one part of the test, the applicant shall not continue to the next part of the test, in accordance with 49 C.F.R. pt. 383, subpts. E, G, and H.

4. The department may charge a scheduling fee not to exceed twenty-five dollars to a commercial driver's license applicant for the pre-trip vehicle inspection test. The department shall not charge a fee to schedule or administer the basic vehicle control or on-road driving skills tests. [The department shall not charge a fee under this section to an applicant who is an employee or volunteer of a government agency, as defined in section 553.3, and who provides reasonable proof that a

commercial driver's license is necessary for the applicant's employment or volunteer duties for the government agency.]

5. Fees authorized under this section are nonrefundable. If the applicant fails to appear for the pre-trip vehicle inspection test, the appointment shall be canceled. This section shall not be construed to prohibit an applicant from scheduling a new test appointment upon payment of a new fee.

6. All fees authorized in this section are in addition to any other fees imposed by law.

7. The department shall remit all fees collected pursuant to this section monthly to the treasurer of state for deposit in the statutory allocations fund.

8. The department may adopt rules pursuant to chapter 17A to administer this section.

Sec. 6. NEW SECTION. **321M.6A Commercial driver's license driving skills tests — fees.**

1. A county certified to issue commercial driver's licenses under section 321M.6 may charge any of the following fees to a commercial driver's license applicant related to the administration of a driving skills test:

a. A fee not to exceed twenty-five dollars to administer the pre-trip vehicle inspection test.

b. A fee not to exceed twenty-five dollars to administer the basic vehicle control skills test.

c. A fee not to exceed twenty-five dollars to administer the on-road driving skills test.

2. Fees authorized under this section may be assessed for each test and any fees collected are nonrefundable. The fee to administer the pre-trip vehicle inspection test is due at the time the appointment is scheduled. All other fees are due upon the completion of the test for which the fee was assessed. If the applicant fails to appear for the pre-trip vehicle inspection test, the appointment shall be canceled and no other fees shall be due. If the applicant fails one part of the driving skills test, no fees shall be due for subsequent

parts of the test. [A county shall not charge a fee under this section, other than the fee to administer the pre-trip vehicle inspection test, to an applicant who is an employee or volunteer of a government agency, as defined in section 553.3, and who provides reasonable proof that a commercial driver's license is necessary for the applicant's employment or volunteer duties for the government agency, or that the fee is paid by the government agency.] This section shall not be construed to prohibit an applicant from scheduling a new test appointment upon payment of a new fee.

3. All fees authorized in this section are in addition to any other fees imposed by law.

Sec. 7. Section 321M.9, subsection 1, Code 2021, is amended to read as follows:

1. *Fees to counties.*

a. Notwithstanding any other provision in the Code to the contrary, the county treasurer of a county authorized to issue driver's licenses under this chapter shall retain for deposit in the county general fund ~~seven~~ all of the following:

(1) Seven dollars of fees received for each issuance or renewal of driver's licenses and nonoperator's identification cards, but shall not retain any moneys for the issuance of any persons with disabilities identification devices.

(2) Twenty-five dollars of fees collected for each part of a commercial driver's license driving skills test pursuant to section 321M.6A.

(3) The five dollar processing fee charged by a county treasurer for collection of a civil penalty under section 321J.17 ~~shall be retained for deposit in the county general fund~~.

b. The county treasurer shall remit the balance of fees and all civil penalties to the department.

Sec. 8. EFFECTIVE DATE. This Act takes effect January 1, 2022.