

SF 2156 Commercial Driver's Licenses

The amendments included in SF 2156 bring Iowa into alignment with federal commercial driver's licensing (CDL) requirements and are necessary for Iowa to maintain compliance with the national CDL program.

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| Section 1 | Amends Code section 321.1, subsection 11, to define the term "employer" for purposes of administering and enforcing commercial driver's license provisions. Federal regulations require Iowa to impose penalties on employers who knowingly allow or direct drivers to violate out-of-service orders or railroad crossing regulations. |
| Section 2 | Amends Code section 321.1, subsection 11, to exclude portable tanks with a rated capacity of less than 1,000 gallons and permanent tanks with a rated capacity of 119 gallons or less from the definition of "tank vehicle." |
| Section 3 | Amends Code section 321.1, subsection 15, to include a final administrative ruling or determination in the definition of "conviction." |
| Section 4 | Amends Code section 321.1, subsection 42, to eliminate an obsolete reference to trackless trolleys from the definition of "motor vehicle." |
| Section 5 | Amends Code section 321.208, subsection 1, paragraph d, to strike reference to "a moving traffic violation that contributes to a fatality." Iowa law currently disqualifies a person from operating a commercial motor vehicle (CMV) for one year if the person operates a CMV involved in a fatal accident and is convicted of a moving traffic violation that contributed to the fatality, manslaughter or vehicular homicide. A lesser penalty for a similar offense is retained in Code section 321.208. |
| Sections 6 and 7 | Amend Code sections 321.208, subsections 6 and 7, to create one Code section related to disqualification from operating a CMV of persons convicted within a three-year period of two or more offenses committed while operating a CMV or while operating a noncommercial vehicle and holding a CDL. The amendment strikes Code section 321.208, subsection 7. |

- Section 8 Amends Code section 321.208, subsection 8, related to the period of disqualification under Code section 321.208, subsection 6, to provide that multiple periods of disqualification shall be applied consecutively.
- Section 9 Amends Code section 321.208, subsection 10, paragraph a, to increase the length of time that a driver is disqualified from operating a CMV if convicted of violating an out-of-service order. The length of disqualification is increased to no less than 180 days and no more than one year upon conviction of a first offense; no less than two and not more than five years upon conviction of a second violation in separate incidents within a ten-year period; and not less than three and not more than five years upon conviction for a third or subsequent violation of an out-of-service order in separate incidents within a ten-year period.
- Sections 10 Amends Code section 321.208A to provide that a driver who is convicted of violating an out-of-service order is subject to a fine of not less than \$2,500 for the first violation and not less than \$5,000 for a second or subsequent violation in separate incidents within a ten-year period. An employer who knowingly allows, requires, permits, or authorizes an employee to drive a CMV in violation of an out-of-service order is subject to a fine of not less than \$2,750 and not more than \$25,000. The current penalty for violating Code section 321.208A is a scheduled fine of \$100.
- Section 11 Creates Code section 321.343A to establish a penalty for an employer who knowingly allows, requires, permits, or authorizes a driver to operate a CMV in violation of Code sections 321.341 or 321.343 or any federal or local law or regulation pertaining to railroad grade crossings. An employer who violates this section is subject to a fine of not more than \$10,000.
- Section 12 Amends Code section 321.344A, subsection 2, to allow a citation to be issued to the employer of a person driving a CMV if the driver fails to stop at a railroad crossing and the peace officer is unable to identify the driver. This provision is in addition to current law which allows a citation to be issued to the owner of any vehicle that fails to stop at a railroad crossing if the peace officer is unable to identify the driver.

Section 13

Amends Code section 805.8A, subsection 13, paragraph c, to strike the scheduled fine for a violation of Code section 321.208A.