

IOWA DEPARTMENT OF TRANSPORTATION

AGENDA ITEMS/COMMISSION ORDERS

Tuesday, August 10, 2010
King's Pointe Resort
1520 E. Lakeshore Drive
Storm Lake

<u>ITEM NUMBER</u>	<u>TITLE</u>	<u>SUBMITTED BY</u>	<u>PAGE</u>
D-2011-7 8:00 a.m.	*Approving Minutes of the July 13, 2010, Commission Meeting Commission Comments Staff Comments	Connie Page	1
MV-2011-8 8:05 a.m.	*Administrative Rules 761 IAC Chapters 400, 401, 405, 414, 425, 431, 450 and 480	Nancy Richardson	2
PPM-2011-9 8:10 a.m.	*Revitalize Iowa's Sound Economy (RISE) Application – City of Evansdale (Delegation)	Craig Markley	23
8:20 a.m.	Adjourn/Public Input Meeting		

*Action Item

On Monday, August 9, 2010, the Commission and staff will tour transportation projects in Northwest Iowa starting at 9:30 a.m. at the King's Pointe Resort, 1520 E. Lakeshore Drive, Storm Lake and returning to Storm Lake around 3 p.m. The Commission and staff will hold an informal meeting at King's Pointe beginning at 3:30 p.m. Transportation-related matters will be discussed but no action will be taken.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. D-2011-7
Submitted by Connie Page Phone No. 515-239-1242 Meeting Date August 10, 2010
Title Approve Minutes of the July 13, 2010, Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the July 13, 2010, Commission meeting.

COMMISSION ACTION:

Moved by Cleaveland Seconded by Durham

	Aye	Vote Nay	Pass
Blouin	<u>X</u>	_____	_____
Cleaveland	<u>X</u>	_____	_____
Durham	<u>X</u>	_____	_____
Miles	<u>X</u>	_____	_____
Reasner	<u>X</u>	_____	_____
Sawtelle	<u>X</u>	_____	_____
Wiley	<u>X</u>	_____	_____

Division Director Legal State Director

Note: Commissioner Loree Miles participated by telephone.

Commission Comments.

1. Commission Tour on Monday

Commission Chair Wiley welcomed everyone. The Commission had a tour on Monday and he expressed the Commission's appreciation to Tony Lazarowicz and Dakin Schultz, District 3 Office. We had an extensive tour of U.S. 20 and got to review the segments and how they are coming and what the future plans are. He said it was an extremely good tour.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. MV-2011-8
Submitted by Nancy J. Richardson Phone No. 515-239-1111 Meeting Date August 10, 2010
Title Administrative Rules 761 IAC Chapters 400, 401, 405, 414, 425, 431, 450 and 480

DISCUSSION/BACKGROUND:

The attached rule amendments will streamline processes where appropriate, clean up and clarify the rules, amend rules to conform to recent legislation, and rescind rules no longer valid.

There were no objections or comments received on these proposed rules.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the attached rule amendments.

COMMISSION ACTION:

Moved by Reasner Seconded by Sawtelle

	Aye	Vote Nay	Pass
Blouin	<u>X</u>	<u> </u>	<u> </u>
Cleveland	<u>X</u>	<u> </u>	<u> </u>
Durham	<u>X</u>	<u> </u>	<u> </u>
Miles	<u>X</u>	<u> </u>	<u> </u>
Reasner	<u>X</u>	<u> </u>	<u> </u>
Sawtelle	<u>X</u>	<u> </u>	<u> </u>
Wiley	<u>X</u>	<u> </u>	<u> </u>

Division Director Legal State Director

ITEM 1. Adopt the following **new** definition of “Social security number” in rule **761—400.1(321)**:

“*Social security number*” means a social security number issued by the United States government.

ITEM 2. Amend paragraph **400.3(3)“b”** as follows:

b. A firm, association, corporation, or trust that is not required to have a federal employer identification number shall disclose the social security number, Iowa driver’s license number or Iowa nonoperator’s identification card number of an authorized representative of the firm, association, corporation, or trust. The authorized representative of a trust is the trustee unless otherwise specified in the trust agreement or the certification of trust as defined in Iowa Code section 633A.4604.

ITEM 3. Amend subrule 400.4(9) as follows:

400.4(9) *Applications in the name of trusts.* An application in the name of a trust shall be accompanied by a copy of all documents creating or otherwise affecting the trust or the certification of trust as defined in Iowa Code section 633A.4604. The application shall be signed by each trustee unless otherwise specified in the trust agreement or the certification of trust. The signature shall be followed by the words “as trustee.”

ITEM 4. Amend subrule 400.6(3) as follows:

400.6(3) The Internet at the following address: ~~http://www.iamvd.com~~ http://www.iowadot.gov/mvd.

ITEM 5. Amend rule 761—400.11(321) as follows:

761—400.11(321) Sheriff’s levy, restitution lien, and forfeiture lien noted as a security ~~interest~~ interests.

400.11(1) A sheriff’s levy may be noted as a security interest on a certificate of title if the sheriff so desires. To apply for a notation of a security interest, the sheriff or the sheriff’s deputy shall complete an application form prescribed by the department. The sheriff or sheriff’s deputy shall sign the application in the space where the signature of the owner is ordinarily required. The signature of the owner is not required. The appropriate notation fee shall be submitted with the application form to the county treasurer of the county where the certificate of title was issued. If the certificate of title is not surrendered with the application, the county treasurer shall notify the holder of the certificate of title in the manner prescribed in Iowa Code section 321.50.

400.11(2) A restitution or forfeiture lien may be noted as a security interest on a certificate of title if the county attorney so desires. To apply for a notation of a security interest, the county attorney or designee shall complete an application form prescribed by the department. The county attorney or designee shall sign the application in the space where the signature of the owner is ordinarily required. The signature of the owner is not required. A lien notation fee is not required. If the certificate of title is not surrendered with the application, the county treasurer shall notify the holder of the certificate of title in the manner prescribed in Iowa Code section 321.50.

This rule is intended to implement Iowa Code section 321.50 and chapter 809A.

ITEM 6. Amend paragraph **400.13(1)“a”** as follows:

a. The applicant shall submit a bond application to the office of vehicle services on a form prescribed by the department. The application shall be accompanied by ~~a copy of the written ownership document received at the time the vehicle was acquired~~ evidence of ownership of the vehicle.

ITEM 7. Amend paragraph **400.13(1)“d”** as follows:

d. After the cash deposit or surety bond has been deposited, a motor vehicle investigator of the department ~~shall~~ may examine the vehicle to verify the information submitted on the application is correct. After verifying the information, the investigator shall give to the applicant a document authorizing the county treasurer to issue a title for and register the vehicle. Should the vehicle not meet the equipment requirements of Iowa Code chapter 321, the investigator shall authorize the county treasurer to issue a title and registration but instruct the county treasurer to immediately suspend the registration until such time as the vehicle meets these equipment requirements. If applicable, the investigator shall also affix an assigned identification number to the vehicle and give to the applicant an assigned vehicle identification number (VIN) form.

ITEM 8. Amend paragraph **400.14(3)“b”** as follows:

b. When a vehicle is owned by a trust, the signature of each trustee is required, unless otherwise specified in the trust agreement or the certification of trust as defined in Iowa Code section 633A.4604. The signature shall be followed by the words “as trustee.” In addition, the title shall be accompanied by a copy of all documents creating or otherwise affecting the trust or the certification of trust.

ITEM 9. Amend rule 761—400.16(321), catchwords, as follows:

761—400.16(321) Application for certificate of title or original registration for a specially constructed, ~~or reconstructed,~~ street rod or replica motor vehicle.

ITEM 10. Amend subrule 400.16(2) as follows:

400.16(2) Procedures. This subrule describes the procedures for obtaining department approval to title and register a specially constructed, ~~or reconstructed,~~ street rod or replica motor vehicle. The procedures described are in addition to the regular procedures for titling and registering a vehicle.

a. The applicant shall apply to the county treasurer for a certificate of title and registration. The county treasurer, upon receiving an application that indicates the vehicle is a specially constructed, ~~or reconstructed,~~ street rod or replica motor vehicle, shall forward the application to a motor vehicle investigator of the department.

b. and c. No change.

ITEM 11. Amend subrule 400.16(4) as follows:

400.16(4) Model year. The model year of a specially constructed, ~~or reconstructed,~~ street rod or replica motor vehicle is the year the vehicle is approved by the department as a specially constructed, ~~or reconstructed,~~ street rod or replica motor vehicle.

ITEM 12. Amend subrule 400.21(4) as follows:

400.21(4) The department shall not register an all-terrain vehicle. The department shall not register a vehicle ~~manufactured only for off-road use~~ built on or after January 1, 1968, unless it was manufactured primarily for use on public streets, roads and highways except a vehicle operated exclusively by a person with a disability, which may be registered if the department, in its discretion, determines that the vehicle is not in an unsafe condition. This subrule does not apply to a specially constructed, reconstructed, street rod or replica motor vehicle as defined in Iowa Code section 321.1.

ITEM 13. Amend paragraph **400.27(3)“e”** as follows:

e. The vehicle ~~is not currently registered~~ registration fee was delinquent in Iowa at the time ~~of sale~~ the vehicle was acquired by the dealer. The delinquent fees and penalty shall be paid by the dealer from the first day the registration was due to the month the application for title is submitted.

ITEM 14. Amend subrule 400.27(5) as follows:

400.27(5) Registration fee required. A vehicle owned by a dealer and used as a work or service vehicle, or offered for lease, rent or hire, shall become subject to a registration fee in the month that the vehicle is first used for that purpose. The registration fee shall be due annually unless the vehicle is transferred to the dealer's inventory. To transfer the vehicle, the dealer shall surrender the registration plates that were issued for the vehicle ~~and assign the certificate of title to the dealership name, as provided in subrule 400.27(1).~~

ITEM 15. Amend rule 761—400.35(321) as follows:

761—400.35(321) Registration of vehicles equipped for persons with disabilities. The registration fee shall be reduced for ~~a~~ an automobile, multipurpose vehicle, or motor truck with an unladen weight of 10,000 pounds or less with permanent equipment for assisting a person with a disability or for ~~a~~ an automobile, multipurpose vehicle, or motor truck with an unladen weight of 10,000 pounds or less used by a person who uses a wheelchair as the person's only means of mobility. To qualify for the reduction, the owner of the vehicle must provide a written self-certification at the first registration and at each renewal:

400.35(1) That the automobile, multipurpose vehicle, or motor truck with an unladen weight of 10,000 pounds or less has permanently installed equipment manufactured for and necessary to assist a person with a disability, as defined in Iowa Code section 321L.1, to enter or exit the vehicle, or

400.35(2) No change.

This rule is intended to implement Iowa Code sections 321.109, 321.124 and 321L.1.

ITEM 16. Amend rule 761—400.39(321) as follows:

761—400.39(321) ~~Automobile converted to truck~~ Conversion of motor vehicles.

400.39(1) An automobile converted to a truck with a carrying capacity of 1000 pounds or more shall be registered as a reconstructed motor vehicle.

400.39(2) A vehicle manufactured as a truck tractor shall not be registered as a motor home.

This rule is intended to implement Iowa Code sections 321.23, 321.124, and 321.111.

ITEM 17. Amend rule 761—400.43(321) as follows:

761—400.43(321) Storage of vehicles.

400.43(1) The owner of a vehicle upon which the registration fee is not delinquent may surrender all registration plates for the vehicle to the county treasurer where the vehicle is registered and shall have the right to register the vehicle later upon payment of the annual registration fee due at the time of removal of the vehicle from storage. Payment of a registration fee shall not be required when the vehicle is removed from storage within the current registration year provided that registration fees have not been refunded. ~~However, if a vehicle was placed in storage any month prior to the expiration of the registration, Plates that have been surrendered shall be destroyed. When a vehicle is removed from storage, the fee is \$5 for a set of replacement plates.~~

~~**400.43(2)** The registration plates which have been surrendered shall be retained and reissued to the owner if the vehicle is registered again within 30 days from the date of surrender of the plates. If the vehicle is not registered within the 30 day period, the plates shall be destroyed and new plates assigned to the owner when the vehicle is registered.~~

~~**400.43(3)**~~ **400.43(2)** The owner of a motor vehicle which is placed in storage when the owner enters the military service of the United States shall comply with Iowa Code subsection 321.126(3), and subrule 400.43(1) does not apply.

This rule is intended to implement Iowa Code sections 321.126 and 321.134.

ITEM 18. Amend paragraph **400.51(1)“c”** as follows:

c. The vehicle is a specially constructed, ~~or reconstructed,~~ street rod or replica motor vehicle. See rule 400.16(321) for the requirements and procedures applicable to specially constructed, ~~or reconstructed,~~ street rod or replica motor vehicles.

ITEM 19. Amend paragraph **400.51(2)“a”** as follows:

a. *Request.* Whenever an assigned identification number is required under subrule 400.51(1) and the request does not apply to a specially constructed, ~~or reconstructed,~~ street rod or replica motor vehicle, the owner of the vehicle, component part, fence-line feeder, grain cart or tank wagon, or the person holding lawful custody, shall contact the department's office of motor vehicle enforcement and request the assignment of a number.

ITEM 20. Amend rule 761—400.56(321) as follows:

761—400.56(321) Hearings. ~~A~~ The department shall send notice by certified mail to a person whose certificate of title, vehicle registration, license, or permit ~~has been~~ is to be revoked, suspended, canceled, or denied may contest the decision under Iowa Code chapter 17A and rules 761—Chapter 13, Iowa Administrative Code. The notice shall be mailed to the person's mailing address as shown on departmental records and shall become effective 20 days from the date mailed. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13. The request shall be submitted in writing to the director of the office of vehicle services at the address in subrule 400.6(1). The request for a contested case shall be deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice of revocation, suspension, cancellation, or denial.

This rule is intended to implement Iowa Code sections 17A.10 to 17A.19, 321.101 and 321.102.

ITEM 21. Amend paragraph **401.2(1)“b”** as follows:

b. Collegiate plates, personalized plates, and special registration plates that have eligibility requirements must be requested using an application form prescribed by the department. Unless otherwise specified, completed application forms for these plates shall be submitted to the department at the following address: Office of Vehicle Services, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. Application forms may be obtained from the office of vehicle services or from any county treasurer's office. Application forms are also available on the department's Web site at ~~http://www.iamvd.com~~ http://www.iowadot.gov/mvd.

ITEM 22. Amend subrule 401.15(6) as follows:

401.15(6) If the department approves the application, the applicant shall be advised that 500 paid special plate applications must be submitted to the department before the new plate will be manufactured and issued. If 500 paid applications are not submitted within one year after the date the department approved the plate, the department ~~shall~~ may cancel its approval or grant an extension.

ITEM 23. Amend rule 761—401.19(321) as follows:

761—401.19(321) Legion of Merit plates. Application for special plates with a Legion of Merit processed emblem shall be submitted to the department on a form prescribed by the department. The applicant shall attach a copy of the official government document verifying receipt of the Legion of Merit. Personalized plates with a Legion of Merit processed emblem are not available. Pursuant to Iowa Code section 321.34, an applicant is eligible for one set of Legion of Merit plates at a reduced annual registration fee of \$15 for one vehicle owned. However, an applicant may obtain additional Legion of Merit plates upon payment of the regular annual registration fee.

ITEM 24. Amend subrule 405.3(4) as follows:

405.3(4) Registration fees.

a. An Iowa salvage title may be obtained without payment of the current registration fees or any delinquent registration fees or registration penalties. If the registration fees are delinquent at the time of issuance of an Iowa salvage title, no additional penalty shall accrue after issuance.

~~— *b.* The previous fees due and the year the vehicle became salvage shall be entered below the “in lieu” field on an Iowa salvage title.~~

~~*e- b.*~~ Any registration fees or registration penalties due at the time of issuance of an Iowa salvage title, together with the current registration fees if not already paid, shall be paid upon issuance of a regular title. However, a dealer is not required to pay current registration fees to obtain a regular title for a vehicle held for resale or trade. See rule 761—400.27(321,322) for any exceptions.

ITEM 25. Amend subrule 415.1(1) as follows:

415.1(1) This chapter applies to personal information about vehicle owners in records pertaining to certificates of title, registration receipts and registration renewal receipts issued by the department or ~~the a~~ county ~~treasurers~~ treasurer.

ITEM 26. Amend subrule 415.1(2) as follows:

415.1(2) Rules regarding personal information and highly restricted personal information in records pertaining to drivers' licenses and nonoperators' identification cards are found in 761—~~Chapter~~ Chapters 610 and 611.

ITEM 27. Amend rule 761—415.3(321) as follows:

761—415.3(321) Definitions.

~~“Driver’s license” is defined in Iowa Code section 321.1.~~

“Driver’s Privacy Protection Act” or “Act” means the Act adopted in rule 761—415.2(321).

“Highly restricted personal information” means an individual’s photograph or image, social security number, or medical or disability information.

“Law enforcement agency” includes, but is not limited to, offices of county attorneys, ~~federal district attorneys,~~ offices of United states attorneys, attorneys general offices, state and federal departments of justice, and a division or unit of a governmental agency if the division’s or unit’s primary responsibility is to prevent or detect crime or enforce ~~a criminal law of this state~~ laws.

“Motor vehicle record” as used in the Act means any record that pertains to a driver’s license, nonoperator’s identification card, certificate of title, registration receipt, or registration renewal receipt issued by the department or ~~the~~ a county treasurer.

“Person” means an individual, organization or entity.

“Personal information” means information that identifies an individual, including the items listed in Iowa Code section 321.11 and 18 U.S.C. § 2725(3) of the Act adopted in rule 761—415.2(321). “Personal information” also includes information on an individual’s nonoperator’s identification card ~~number.~~

“Requestor” means an individual or entity that seeks from the department access to personal information or highly restricted personal information contained in the individual’s own or another individual’s motor vehicle record. A requestor does not include an individual who is an authorized employee of the department or a county treasurer acting within the scope of the employee’s office or employment.

“Vehicle owner” as used in this chapter means a vehicle owner who is an individual, not a company, organization or other legal entity.

ITEM 28. Amend rule 761—415.4(321) as follows:

761—415.4(321) Requirements and procedures. Notwithstanding Iowa Code chapter 22 and 761—Chapter 4, the following procedures implement the Driver’s Privacy Protection Act and Iowa Code section 321.11 as they pertain to records relating to certificates of title, registration receipts and registration renewal receipts. The department does not provide the waiver procedure described in the Act (codified as 18 U.S.C. § 2721(d)).

415.4(1) The department or ~~the a~~ county treasurer ~~may~~ shall require a ~~person or entity that requests personal information about a vehicle owner~~ requestor to:

a. Submit the request in writing Complete Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," and submit it to the office of vehicle services.

b. Provide proof of identity and authority to secure access to the information by completing Form 431069 and attaching a legible photocopy of the requestor's driver's license or nonoperator's identification card.

c. Provide proof of authority to secure access to the personal information or highly restricted personal information by completing Part C of Form 431069 and providing the department with proof of the requestor's status or other additional information the department may request.

~~e- d.~~ Sign a certified statement, affidavit or contract listing the specific reasons justifying access to the information Complete the certification at Part D of Form 431069 and provide any proof necessary to establish relevant facts.

e. Pay the statutory fee, if applicable, for the requested motor vehicle record.

415.4(2) Form ~~411069~~ 431069, "~~Privacy Act Agreement for Request of Motor Vehicle Record(s),~~" must be completed by ~~an applicant~~ a requestor and approved by the department before the department may disclose personal information or highly restricted personal information to the ~~applicant without the express written consent of the vehicle owner to whom such information applies~~ requestor. ~~On the form, the applicant shall indicate the provision of law that allows the release of personal information to that applicant. For the purpose of this subrule, "applicant" means a person who is not an authorized employee of the department or a county treasurer.~~ The department may deny requests for such information if a requestor refuses to complete Form 431069 or if the department is not satisfied that the requestor provided adequate and truthful information in Form 431069 or in the documents that the requestor attached to Form 431069.

415.4(3) Personal information and highly restricted personal information, except for an individual's photograph or image, may be disclosed with the express written consent of the vehicle owner to whom such information applies. ~~To obtain this consent, a requester may complete Form 411213, "Request for Release of Personal Information," and submit the form to the department. The department shall forward a copy of the completed form to the vehicle owner to obtain the owner's express written consent. If the form is returned~~

~~signed by the owner approving the release of the owner's personal information, the department will release the information to the requester. When the requestor has obtained the written consent of the vehicle owner to whom the information applies, the requestor must attach that written consent to a completed Form 431069 and submit it to the office of vehicle services, along with the statutory fee, if applicable.~~

415.4(4) An individual may obtain the individual's own motor vehicle record by completing Part A of Form 431069, providing proof of identity by attaching a legible photocopy of the requestor's driver's license or nonoperator's identification card, submitting both to the office of vehicle services, and paying the statutory fee, if applicable.

~~415.4(4)~~ 415.4(5) The department shall not release any personal information ~~regarding a motor vehicle record~~ or highly restricted personal information if the request is made by plate number or validation sticker number, except as provided in Iowa Code section 321.11.

415.4(6) All persons who obtain personal information or highly restricted personal information from the department are required to comply with Iowa Code section 321.11 and the Driver's Privacy Protection Act.

ITEM 29. Amend paragraph **425.1(2)“b”** as follows:

b. Information about dealer plates and the licensing of motor vehicles and travel trailer dealers, manufacturers, distributors and wholesalers is available from the office of vehicle services or on the department's Web site at ~~http://www.iamvd.com~~ http://www.iowadot.gov/mvd.

ITEM 30. Amend rule ~~761—425.3(322)~~, definition of “Designated location,” as follows:

~~“Designated location~~ Principal place of business” means a building actually occupied where the public and the department may contact the owner or operator during regular business hours. In lieu of a building, a travel trailer dealer may use a manufactured or mobile home as an office if taxes are current or a travel trailer as an office if registration fees are current.

ITEM 31. Adopt the following new paragraph **425.10(2)“e”**:

e. If an applicant whose dealer's license was revoked pursuant to paragraph “d” establishes that the applicant obtained a reinstated or new bond meeting the requirements of subrule 425.10(2) that was effective on or before the date of cancellation, but due to mistake or inadvertence failed to file the original bond with the office of vehicle services, the applicant may file the original of the reinstated or new bond. Upon filing, the department will rescind the revocation of the dealer's license.

ITEM 32. Amend subparagraph **425.10(3)“b”(3)** as follows:

(3) The applicant’s area of responsibility as stipulated in the franchise and certified on a form prescribed by the department.

ITEM 33. Amend subrule 425.10(5) as follows:

425.10(5) ~~Place~~ Principal place of business. The applicant shall maintain a ~~place of business at a designated location~~ principal place of business, which must be staffed during regular business hours. See rules 761—425.12(322) and 761—425.14(322) for further requirements.

ITEM 34. Amend subrule 425.10(8) as follows:

425.10(8) *Financial liability*. The applicant for a motor vehicle dealer’s license shall certify on the application that the applicant has the required financial liability coverage in the limits as set forth in Iowa Code ~~section 322.4(8)~~ subsection 322.4(1). It is the applicant’s responsibility to ensure the required financial liability coverage is continuous with no lapse in coverage as long as the applicant maintains a valid dealer’s license.

ITEM 35. Amend subrule 425.12(1) as follows:

425.12(1) ~~Verification of compliance; temporary license~~. Before a motor vehicle dealer’s license is issued, an investigator from the department shall physically inspect an applicant’s principal place of business to verify compliance with this rule. ~~The department may issue a temporary license upon receipt of certification by the applicant that the place of business complies with this rule. The temporary license shall be in effect until an on-site inspection is completed.~~

ITEM 36. Amend subrule 425.24(1) as follows:

425.24(1) The department shall not issue a license under Iowa Code chapter 322 or 322C to any other person at a principal place of business ~~or designated location~~ of a person currently licensed under Iowa Code chapter 322 or 322C.

ITEM 37. Amend rule **761—425.31(322)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~Supplement~~ subsection 322.5(5).

ITEM 38. Amend subrule 425.62(4) as follows:

425.62(4) The department shall send notice by certified mail to a person whose certificate, license or permit is to be revoked, suspended, canceled or denied. The notice shall be mailed to the person's mailing address as shown on departmental records or, if the person is currently licensed, to the principal place of business, and shall become effective 20 days from the date mailed. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13. The request shall be submitted in writing to the director of the office of vehicle services at the address in subrule 425.1(2). The request shall be deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice of revocation, suspension, cancellation or denial.

ITEM 39. Amend subrule 431.1(1) as follows:

431.1(1) *Information.* Information and blank forms relating to this chapter may be obtained from and completed forms shall be submitted to the Office of Vehicle Services, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. Information and forms are also available on the department's Web site at <http://www.iowadot.gov/mvd>.

ITEM 40. Amend subrule **431.1(2)**, definition of "Designated location," as follows:

~~"Designated location~~ Principal place of business" means a building actually occupied where the public and the department ~~can~~ may contact the owner or operator during regular business hours.

ITEM 41. Amend paragraph **431.2(1)"a"** as follows:

a. Maintain regular business hours and telephone service at ~~a designated location~~ the principal place of business which shall include separate and adequate office space for the recycler's business records. Telephone service must be a land line and not cellular phone service.

ITEM 42. Amend rule 761—450.2(321), introductory paragraph, as follows:

761—450.2(321) Equipment requirements for specially constructed, reconstructed, ~~and kit~~ street rod, and replica motor vehicles, other than motorcycles and motorized bicycles. The following standards are minimum requirements for constructing and equipping specially constructed, reconstructed, ~~and kit~~ street rod, and replica motor vehicles other than motorcycles and motorized bicycles.

ITEM 43. Amend subrule 450.2(1) as follows:

450.2(1) Definitions. The definitions in Iowa Code section 321.1 and ~~rules 761—Chapter 400 rule 761—~~400.16(321) are hereby made part of this chapter.

ITEM 44. Amend subrule 450.2(2) as follows:

450.2(2) Application. As outlined in rule ~~761—400.16(321)~~, the applicant shall submit the required application forms and exhibits to the county treasurer. The vehicle and ownership documents shall be examined by the department. If the department determines that the motor vehicle complies with this rule, that the integral parts and components have been identified as to ownership, and that the application forms have been completed properly, the department shall assign an identification number to the vehicle and certify that the motor vehicle is eligible for titling and registration. If the frame or unibody specified on an application for a specially constructed, reconstructed, street rod, or replica motor vehicle is designated “not for highway use.” the application shall not be approved. The exchange of compatible body parts does not constitute a specially constructed, reconstructed, street rod, or replica motor vehicle. The removal, addition, or substitution of reconstructed motor vehicle parts modifies the vehicle’s external appearance so that it does not reflect the original make or manufacturer model for that model.

ITEM 45. Amend subrule 450.2(3) as follows:

450.2(3) Defroster and defogging device. Every closed motor vehicle, ~~and every such open vehicle equipped with a convertible top,~~ shall be equipped with a device capable of defogging or defrosting the windshield area.

ITEM 46. Amend subrule 450.2(4) as follows:

450.2(4) Door latches. Every motor vehicle that is equipped with doors leading directly into a compartment that contains one or more seating accommodations shall be equipped with mechanically actuated door latches which firmly and automatically secure the door when pushed closed and which allow each door to be opened from the inside by the actuation of a convenient lever, handle or other ~~suitable~~ nonelectric device. ~~Exterior and interior~~ Interior handles must be visible.

ITEM 47. Amend subrule 450.2(13) as follows:

450.2(13) Seating. All bench-type and individual seats in motor vehicles shall be ~~attached~~ firmly anchored to structural components or body parts.

ITEM 48. Rescind and reserve subrules **450.2(14)** and **450.2(15)**.

ITEM 49. Amend subrule 450.2(17) as follows:

450.2(17) Frame. Every vehicle shall be equipped with a frame consisting of a wall box tubing, round tubing, wall channel or unitized construction capable of supporting the vehicle, its load and the torque produced by the power source.

ITEM 50. Amend subrule 450.2(19) as follows:

450.2(19) Steering and suspension.

a. No change.

b. ~~These vehicles shall have a right turn and left turn minimum turning radius of 20 feet measured from the center of the turning circle to the outside front wheel track.~~ The steering system shall remain unobstructed when turned from lock to lock.

c. to h. No change.

~~i. Motor vehicles shall be capable of stable, controlled operation while traversing, at a minimum velocity of 25 miles per hour, a slalom type path passing alternately to the left and right of at least four cones or markers arranged in a straight line and spaced at a distance of 40 feet greater than the length of the motor vehicle.~~

ITEM 51. Amend rule 761—450.4(321), introductory paragraph, as follows:

761—450.4(321) Minimum requirements for constructing and equipping specially constructed or reconstructed motorcycles or motorized bicycles. Minimum requirements for constructing and equipping specially constructed or reconstructed motorcycles or motorized bicycles as defined in Iowa Code section 321.1 are as follows:

ITEM 52. Amend subrule 450.4(1) as follows:

450.4(1) Application. ~~Reserved.~~ As outlined in rule 761--400.16(32), the applicant shall submit the required application forms and exhibits to the county treasurer. The vehicle and ownership documents shall be examined by the department. If the department determines that the motor vehicle complies with this rule, that the integral parts and components have been identified as to ownership, and that the application forms have

been completed properly, the department shall assign an identification number to the vehicle and certify that the motor vehicle is eligible for titling and registration. If the frame specified on an application for a specially constructed or reconstructed motorcycle or motorized bicycle is designated “not for highway use,” the application shall not be approved. The exchange of compatible body parts does not constitute a specially constructed or reconstructed motorcycle or motorized bicycle. The removal, addition, or substitution of a reconstructed motorcycle or motorized bicycle part modifies the vehicle’s external appearance so that it does not reflect the original make or manufacturer model. EXEMPTION: The conversion of a manufactured motorcycle from two wheels to three-wheel operation by the addition or substitution of a bolt-on conversion kit shall not constitute a reconstructed motorcycle.

ITEM 53. Rescind and reserve subrule **450.4(3)**.

ITEM 54. Amend subrule 450.4(4) as follows:

450.4(4) *Frame/chassis.* A motorcycle or motorized bicycle frame/chassis, including the suspension components and engine mountings, shall be of sufficient strength, capable of supporting the combined weight of all vehicle components and riders for which the vehicle was designed.

ITEM 55. Amend subrule 450.4(5) as follows:

450.4(5) *Front end assembly.*

a. Trail (extended fork measured in inches). No reconstructed or specially constructed motorcycle or motorized bicycle shall have the front fork so extended as to place the center of the front wheel axle farther than 36 inches from a vertical plane through the steering axis.

b. Rake (extended fork measured in degrees). No reconstructed or specially constructed motorcycle or motorized bicycle shall have the front fork so extended as to exceed a 45-degree angle between the fork assembly and a vertical plane through the steering axis.

c. Extensions. No reconstructed or specially constructed motorcycle or motorized bicycle shall be equipped with extension slugs. However, one-piece extension tubes and springer units, if approved, are acceptable.

d. Wheelbase. No reconstructed or specially constructed motorcycle or motorized bicycle shall have an overall wheelbase, measured from the center of the front axle to the center of the rear axle, of less than 40 inches.

e. No change.

ITEM 56. Amend subrule 450.4(6) as follows:

450.4(6) Brakes. Every motorcycle and motorized bicycle shall be equipped with at least a rear brake. If the vehicle is also equipped with a front brake, all control cables, lines and hoses shall be located and secured so as not to become pinched between the fork and frame members when the wheel is turned completely to the left or right. Brake-actuating devices shall be in a readily accessible location, unencumbered by vehicle components. A suitable mechanism shall be provided for the purpose of automatically returning the actuating devices to a normal position upon release.

ITEM 57. Amend subrule 450.4(8) as follows:

450.4(8) Steering and suspension.

a. *Stability.* Motorcycle or motorized bicycle steering and suspension shall provide the operator with the means of safely controlling vehicle direction.

b. *Wheel alignment.* The rear wheel of a two-wheel motorcycle or motorized bicycle shall track behind the front wheel within 1 inch with both wheels in a vertical plane when the vehicle is operating on a straight course. On a three-wheel motorcycle or motorized bicycle, the two wheels mounted on the rear axle shall have a wheel track distance not less than 30 inches and the midpoint of the rear wheel track distance shall be within 1 inch of the front wheel track when the vehicle is proceeding on a straight course.

c. *Steering head.*

(1) The steering head shall be provided with a bearing or similar device that will allow the steering shaft to turn freely in rotational motion only. All handlebar-mounted control cables, wires, lines and hoses shall be located and secured so as not to become pinched between the fork and frame members when the wheel is turned completely to the right or the left.

(2) A steering wheel may be used on a three-wheel reconstructed or specially constructed motorcycle or motorized bicycle provided:

1. The steering wheel is circular or nearly circular in shape, having an outside diameter of not less than 13 inches.

2. The steering wheel shall have no less than two turns and no more than six turns when the road wheels are turned from lock to lock.

d. Handlebars. Handlebars shall be of sturdy construction, adequate in size (length) to provide proper leverage for steering, and capable of withstanding a minimum force of 100 pounds applied to each hand grip in any direction. ~~Handlebar grips shall be located no more than 15 inches above the occupied seat with the handlebars located in a straight ahead steering position. The handlebars shall be capable of vertical adjustment.~~ The handlebars shall provide a minimum distance of 18 inches between grips after final assembly.

e. Hand grips. Motorcycles or motorized bicycles shall have handlebars equipped with hand grips of nonslip design or material.

f. Suspension. Motorcycles or motorized bicycles shall be equipped with a suspension system, and the suspension system shall be applicable to at least the front wheel. The suspension system(s) shall be designed for the purpose of maximum vehicle stability.

ITEM 58. Amend subrule 450.4(9) as follows:

450.4(9) Fuel system. All fuel system components, including the tank, pump, tubing, hoses, clamps, etc., shall be securely fastened to the motorcycle or motorized bicycle so as not to interfere with vehicle operation and be leakproof when the vehicle is in its normal operating attitude. Fuel lines and tank shall be positioned in a manner so as to prevent their contact with the engine head, manifold, exhaust system, or other high temperature surfaces or moving components. The fuel system shall be adequately vented and provided with a fuel shutoff valve located between the fuel supply and the engine.

ITEM 59. Amend subrule 450.4(10) as follows:

450.4(10) Exhaust system. Motorcycles or motorized bicycles with an internal combustion engine shall be equipped with an exhaust system incorporating a muffler or other mechanical device for the purpose of reducing engine noise. Cutouts and bypasses in the exhaust system are prohibited. The system shall be leakproof and all components shall be securely attached to the vehicle and located so as not to interfere with the operation of the motorcycle or motorized bicycle. Shielding shall be provided to prevent inadvertent contact with the exhaust system by the operator and/or passenger during normal operations.

ITEM 60. Amend subrule 450.4(11) as follows:

450.4(11) Mirrors. Every motorcycle and motorized bicycle shall be equipped with at least one mirror of unit magnification, securely affixed to the handlebar and capable of adjustment within a range that will reflect

an image that includes at least the horizon and the road surface to the rear of the motorcycle or motorized bicycle. The mirror shall consist of a minimum reflective surface of 10 square inches. All mirrors shall be regular in shape (circular, oval, rectangular, or square) and shall not contain sharp edges or projections capable of producing injury.

ITEM 61. Rescind and reserve subrule **450.4(12)**.

ITEM 62. Amend subrule 450.4(14) as follows:

450.4(14) Horn. Every motorcycle and motorized bicycle shall be equipped with at least one horn. The horn shall be electrically operated and shall operate from a control device located on the handlebar. When operated the horn shall be audible for at least 200 feet.

ITEM 63. Amend subrule 450.4(15) as follows:

450.4(15) Speedometer and odometer. Every motorcycle and motorized bicycle shall be equipped with a properly operating speedometer and odometer calibrated in miles per hour and miles respectively and shall be fully illuminated when the headlamp(s) is ~~(are)~~ activated.

ITEM 64. Amend subrule 450.4(16) as follows:

450.4(16) Lighting equipment. Every motorcycle and motorized bicycle shall be equipped with at least one headlamp but not more than two, mounted securely. Headlamp(s) shall be mounted not less than 24 inches, nor more than 54 inches, above the level road surface. A headlight beam indicator light shall be located within the operator's field of vision and illuminated automatically when the high beam of the headlamp is actuated. Every motorcycle and motorized bicycle shall be equipped with a tail and brake light assembly and a license plate light. All original lamps and lighting equipment provided on the motor vehicle by the manufacturer shall be maintained in working condition or shall be replaced with equivalent equipment.

ITEM 65. Amend subrule 450.4(17) as follows:

450.4(17) Footrest. ~~Two~~ Every motorcycle shall be equipped with two footrests, one on each side of the vehicle, and shall be provided for each designated seating position. Footrests shall be located so as to provide reasonable accessibility. Footrests shall be able to fold upward if they protrude beyond the side of the motorcycle's fixed items. Every motorized bicycle shall be equipped with either two footrests or two pedals, one on each side of the vehicle, to provide reasonable accessibility.

ITEM 66. Amend subrule 450.4(18) as follows:

450.4(18) Highway bars. If a motorcycle or motorized bicycle is so equipped, highway bars (alternate footrests) shall be located at a maximum distance of 26 inches from the foot controls and shall not interfere with the operation of the foot controls.

ITEM 67. Rescind “Appendix to Rule 761—450.2(321), Fender Requirements,” in **761—Chapter 450**.

ITEM 68. Adopt the following **new** definition of “Abandoned vehicle” in rule **761—480.1(321)**:

“*Abandoned vehicle*,” when used in Iowa Code section 321.89 and this chapter of rules, means only those vehicles subject to registration as referred to in Iowa Code section 321.18.

ITEM 69. Amend rule 761—480.2(321) as follows:

761—480.2(321) Location. Information, forms and instructions are available from: Office of Vehicle Services, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278 or the department’s Web site at <http://www.iowadot.gov/mvd>.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2011-9
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date August 10, 2010
 Title Revitalize Iowa's Sound Economy (RISE) Application – Evansdale (Delegation)

DISCUSSION/BACKGROUND:

The city of Evansdale submitted a RISE Immediate Opportunity application requesting a grant to assist in the construction of approximately 595 feet of Doris Drive located in the eastern portion of town near the intersection of Evansdale Drive and Interstate 380 in the Prairie Industrial Park.

Because this project will provide access to almost 14 acres of RISE eligible development and to maximize RISE support for this project, staff evaluated the application as a RISE Local Development.

The evaluation and rating for the project will be discussed.

PROPOSAL/ACTION RECOMMENDATION:

Based on the capital investment commitment and potential for future job creation, it is recommended the Commission reclassify the project as a RISE Local Development project in the February 2010 round of applications and award a RISE grant of \$145,522 or up to 50 percent of the total RISE eligible project cost, whichever is less, from the city share of the RISE fund.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Blouin	_____	_____	_____
Cleveland	_____	_____	_____
Durham	_____	_____	_____
Miles	_____	_____	_____
Reasner	_____	_____	_____
Sawtelle	_____	_____	_____
Wiley	_____	_____	_____

 Division Director Legal State Director

PPM-201-9

Craig Markley, Office of Systems Planning, said the city of Evansdale submitted a RISE Immediate Opportunity application to construct approximately 595 feet of Doris Drive located in the eastern portion of town near the intersection of Evansdale Drive and Interstate 380. This roadway improvement will provide a paved access to almost 14 acres of land for industrial and manufacturing use in the Prairie Industrial Park. However, based on the capital investment, job creation, and land opened up by the proposed roadway, the project is better suited as a RISE local development project. Based on RISE local development criteria, the project scored 43 points. The total estimated cost is \$291,044. The city is requesting a RISE grant of \$142,522 and will provide a 50 percent local match. He introduced Jerry Shoss, Evansdale City Engineer.

Mr. Shoss said Evansdale has a history with RISE grants. The industrial park was started about ten years ago and filled up last year. The city is grateful for the Commission's consideration of their application.

Commissioner Sawtelle moved, Commissioner Durham seconded the Commission, based on the capital investment commitment and potential for future job creation, reclassify the project as a RISE local development project in the February 2010 round of applications and award a RISE grant of \$145,522 or up to 50 percent of the total RISE eligible project cost, whichever is less, from the city share of the RISE fund. All voted aye.

Business meeting adjourned at 8:10 a.m.

RISE LOCAL DEVELOPMENT FUNDING
February 2010
SUMMARY

Applicant: City of Evansdale

Multiyear?: No
Multijurisdiction?: No

ROAD PROJECT LOCATION AND DESCRIPTION: Grade and pave approximately 595 feet of Doris Drive located in the eastern portion of town near the intersection of Evansdale Drive and Interstate 380.

ASSOCIATED ECONOMIC DEVELOPMENT: The new roadway will provide paved access to almost 14 acres for industrial, manufacturing and warehousing development in the Prairie Industrial Park.

PROJECT FINANCING:

Roadway Project Cost:	\$291,044	Local Match (Total):	\$145,522
RISE (Total):	\$145,522	Up-Front:	\$145,522
Grant:	\$145,522	NPV of Loan Repayment:	0
Loan:	0	Effective Match Percent:	50
Loan Terms:	Yrs. 0	Up-front Participation Sources:	
	Int.: 0 %	Private:	
		Public:	\$145,522
		Local Match (Total):	\$145,522

PROJECT EVALUATION:

Development Potential (35):	20
Economic Impact and Cost Effect. (20):	5
Local Commit. and Initiative (35):	13
Transportation Need (4):	2
Local Economic Need (6):	3

Total Rating: 43

Jobs: 8

STAFF RECOMMENDATION:

Award a grant of \$145,522 or up to 50 percent of the RISE eligible project cost, whichever is less. Funding will come from the city share of the RISE fund.

Evansdale

