



## **Iowa Department of Transportation's Regulatory Plan**

**July 11, 2023**

### **Regulatory Objectives**

The department's current regulatory objectives are to adopt rules that:

- Comply with enabling statutes and Executive Order 10 (EO 10).
- Protect the public health, safety, welfare, and environment.
- Are reasonable and are not arbitrary, capricious or beyond the authority of the agency.

### **Proposed Regulatory Actions**

The department's regulatory plan includes future rulemakings that:

- Comply with legislation.
- Annually adopt the current Code of Federal Regulations within Chapters 529, 607, 800, 810 and 911.



## SECTION 1, MOTOR VEHICLE RELATED

### **For-Hire Interstate Motor Carrier Authority – Annual Update**

Description: Amend rules regarding for-hire interstate motor carrier authority by adopting the most recent annual codifications of 49 CFR Parts 365-368 and 370-379. This affects 761 IAC 529.1.

Legal Basis: Iowa Code chapter 327B.

Need: The department annually adopts the specified parts of the most recent annual edition of 49 CFR.

Contemplated Schedule: Initiate rulemaking in calendar year 2023. This will be an exception to EO 10.

Contact Person: Kelli Huser, Motor Vehicle Division, 515-237-3031.

### **Commercial Driver Licensing – Annual Update**

Description: Amend rules regarding commercial driver licensing by adopting the most recent annual codifications of 49 CFR Section 391.11, 49 CFR Section 392.5 and the following portions of 49 CFR Part 383: (1) Section 383.51(b), Disqualification for major offenses, and Section 383.51(a)(5), Reinstatement after lifetime disqualification; (2) Subpart E—Testing and Licensing Procedures, which contains Sections 383.71-383.77; (3) Subpart G—Required Knowledge and Skills, which contains Sections 383.110-383.123; (4) Subpart H—Tests, which contains Sections 383.131-383.135. This affects 761 IAC 607.10.

Legal Basis: Iowa Code sections 321.187, 321.188, 321.207, 321.208 and 321.208A.

Need: The department annually adopts the specified parts of the most recent annual edition of 49 CFR.

Contemplated Schedule: Initiate rulemaking in calendar year 2023. This will be an exception to EO 10.

Contact Person: Kathleen Meradith-Eyers, Motor Vehicle Division, 515-237-3241.

### **Single Statewide System for Issuing Applications and Permits**

Description: Establish rules to implement a single statewide system to receive applications for and issue permits authorized under Iowa Code chapter 321 that allow for the operation of vehicles of excessive size or weight on highways or streets under state or local jurisdiction. Requires the fees be established by rule. This affects 761 IAC 511.

Legal Basis: 2019 Iowa Acts, Senate File 629, section 2, amended Iowa Code section 321E.3.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: Initiate rulemaking in calendar year 2025 as part of the review of Chapter 511.

Contact Person: Kelli Huser, Motor Vehicle Division, 515-237-3031.



## **Annual Permits to Move Cranes on Highways**

Description: Amend rules concerning the movement of cranes on highways specified by the permit issuing authority. This affects 761 IAC 511.

Legal Basis: 2022 Iowa Acts, House File 2518, section 1, amended Iowa Code sections 321E.8 and requires the department to adopt rules.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: This bill was effective January 1, 2023. Rulemaking is in process and expected to be effective on November 8, 2023.

Contact Person: Kelli Huser, Motor Vehicle Division, 515-237-3031.

## **Annual All-Systems Permits and Permits for Special Mobile Equipment**

Description: Amend rules concerning annual all-systems permits and permits for special mobile equipment allowing for divisible loads. This affects 761 IAC 511.

Legal Basis: 2022 Iowa Acts, Senate File 2376, section 1, adds a new subsection within Iowa Code section 312.2 which requires the department to adopt rules concerning the distribution of fees received for issuing all-systems permits. Senate File 2376, section 2, amends Iowa Code section 321E.2 allowing for divisible loads when issuing permits for special mobile equipment, and sections 3 thru 6 amend Iowa Code chapter 321E concerning all-systems permits.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: This bill was effective January 1, 2023. Rulemaking is in process and expected to be effective on November 8, 2023.

Contact Person: Kelli Huser, Motor Vehicle Division, 515-237-3031.

## **Vehicle Registration Process**

Description: Amend rules concerning the vehicle registration process in relation to discharge of security interest using the electronic registration and titling (ERT) system, authorization to title and register then immediately suspend registration for individuals whose vehicle registration privileges are suspended under Iowa Code sections 321A.5 or 321A.17. Also amend rules relating to the odometer disclosure process for transfers following the owner's death with or without a will. This affects 761 IAC 400.

Legal Basis: 2023 Iowa Acts: House File 583, House File 592, and House File 593.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: These bills were all effective July 1, 2023. These changes will be incorporated in calendar year 2024 when the department reviews Chapter 400 as part of EO 10.

Contact Person: Kelli Huser, Motor Vehicle Division, 515-237-3031.

## **Commercial Movement**

Description: Amend rules involving third-party commercial driver's license (CDL) testing, restricted CDLs, Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse, and the new single-trip permit for special/emergency situations. This affects 761 IAC 511 and 607.

Legal Basis: 2023 Iowa Acts: House File 257, House File 258, House File 335 and Senate File 153.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: These bills were all effective July 1, 2023. Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 15, 2023. This will be an exception to EO 10.

Contact Person: Kathleen Meradith-Eyers, Motor Vehicle Division, 515-237-3241.

## **Temporary Restricted License – Eluding Law Enforcement**

Description: Amend rule related to issuance of a temporary restricted license for individuals serving a revocation for eluding law enforcement. This affects 761 IAC 615.45(1)"f."

Legal Basis: 2023 Iowa Acts, House File 358, sections 1 and 2 amended Iowa Code section 321.215.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: This bill was effective July 1, 2023. These changes will be incorporated in calendar year 2024 when the department reviews Chapter 615 as part of EO 10.

Contact Person: Kathleen Meradith-Eyers, Motor Vehicle Division, 515-237-3241.



## SECTION 2, MISCELLANEOUS

### **Motor Vehicle Enforcement Moving to Department of Public Safety**

Description: Amend rules that refer to Motor Vehicle Enforcement or 761—Chapter 520. This affects 761 IAC 524, 607, and 810.

Legal Basis: 2023 Iowa Acts, Senate File 513 amended Iowa Code sections 321.449, 321.449B, 321.450 and 325A.10 to give rule authority to the Department of Public Safety.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: This bill was effective July 1, 2023. The changes needed were made editorially and are expected to be effective on July 26, 2023.

Contact Person: Tracy George, Government and Community Relations, 515-239-1358.

### **Fees Established by Department**

Description: The department will be reviewing all fees which we establish as required in House File 688.

Legal Basis: 2023 Iowa Acts, House File 688, section 4, amended Iowa Code section 17A.2(11)(g), and House File 688, section 9, adopted new Iowa Code section 17A.6C.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: Division I of this bill is effective January 1, 2024. These changes will be incorporated in calendar year 2024 or 2025 when the department reviews the affected chapters as part of EO 10.

Contact Person: Tracy George, Government and Community Relations, 515-239-1358.



## **Publications Adopted by Reference**

Description: The department will be reviewing rules that include publications that are adopted by reference.

**Note**: This does not include the chapters already identified in the Regulatory Plan that will be amended to include an updated date certain to adopt the affected Code of Federal Regulations as an exception to EO 10.

Legal Basis: 2023 Iowa Acts, House File 688, section 8, amended Iowa Code section 17A.6.

Need: The department is amending the rules to remain consistent with the statutory directive and current procedures.

Contemplated Schedule: Division I of this bill is effective January 1, 2024. These changes will be incorporated in calendar year 2024 or 2025 when the department reviews the affected chapters as part of EO 10.

Contact Person: Tracy George, Government and Community Relations, 515-239-1358.

## **State Government Realignment**

Description: The department will be reviewing rules that were affected by state government realignment.

Legal Basis: 2023 Iowa Acts, Senate File 514.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: This bill has various effective dates. These changes will be incorporated in calendar year 2024 or 2025 when the department reviews the affected chapters as part of EO 10.

Contact Person: Tracy George, Government and Community Relations, 515-239-1358.



## SECTION 3, RAIL RELATED

### **Items of General Application for Railroads – Annual Update**

Description: Update references to federal regulations. This affects 761 IAC 800.20(1).

Legal Basis: Iowa Code section 327G.24.

Need: The department annually adopts the most recent edition of 49 CFR Part 1152.

Contemplated Schedule: Initiate rulemaking in calendar year 2023. This will be an exception to EO 10.

Contact Person: Amanda Martin, Modal Transportation Bureau, 515-239-1653.

### **Railroad Safety Standards – Annual Update**

Description: Update references to federal regulations. This affects 761 IAC 810.1.

Legal Basis: Iowa Code section 327C.2.

Need: The department annually adopts the most recent edition of 49 CFR Part 213.

Contemplated Schedule: Initiate rulemaking in calendar year 2023. This will be an exception to EO 10.

Contact Person: Amanda Martin, Modal Transportation Bureau, 515-239-1653.



## SECTION 4, PUBLIC TRANSIT RELATED

### **School Transportation Services Provided by Regional Transit Systems – Annual Update**

Description: Update references to federal regulations for 49 CFR Parts 38, 571 and 655. This affects 761 IAC 911.5.

Legal Basis: Iowa Code section 321.377.

Need: The department annually adopts the specified parts of the most recent edition of 49 CFR.

Contemplated Schedule: Initiate rulemaking in calendar year 2023. This will be an exception to EO 10.

Contact Person: Kristin Haar, Modal Transportation Bureau, 515-233-7875.