

Commission Minutes
August 14, 2018



IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

August 14, 2018
Eagle Point Lodge – Eagle Point Park
4101 North 3rd St, Clinton, IA

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
D-2019-7 8:00 a.m.	* Approve Minutes of the July10, 2018 Commission Meeting Commission Comments DOT Comments	Danielle Griggs	
MV-2019-8	* Administrative Rules – 761 IAC 400 and 405	Melissa Spiegel	
MV-2019-9	* Administrative Rules – 761 IAC 605 License Issuance	Melissa Spiegel	
MV-2019-10	* Administrative Rules – 761 IAC 620 OWI and Implied Consent	Melissa Spiegel	
MV-2019-11	* Administrative Rules – 761 IAC 625 Driver’s Licenses for Undercover Law Enforcement Officers	Melissa Spiegel	
H-2019-12	* Administrative Rules – 761 IAC 144 Automated Traffic Enforcement on the Primary Road System	Mitchell Dillavou	
H-2019-13	* I-80 Dallas County Corridor Preservation	Mitchell Dillavou	
H-2019-14	* US 63 Mahaska County Corridor Preservation	Mitchell Dillavou	
PPM-2019-15	* Revitalize Iowa’s Sound Economy (RISE) Policies	Craig Markley	
PPM-2019-16 8:20 a.m.	* Fiscal Year 2019 State Aviation Program Adjourn	Stuart Anderson	

*Action Item

On Monday, August 13, the Commission and staff will meet informally at 3:30 p.m. Eagle Point Lodge – Eagle Point Park in Clinton, Iowa. 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-2019-7
Submitted by Danielle Griggs Phone No. 515-239-1919 Meeting Date August 14, 2018
Title Approve Minutes of the July 10, 2018 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the July 10, 2018 Commission meeting.

COMMISSION ACTION:

Moved by Charese Yanney Seconded by Nancy Maher

	Aye	Vote Nay	Pass
Fehrman	x		
Maher	x		
Paulsen	x		
Putney	absent		
Rielly	x		
Rose	x		
Yanney	x		

Division Director Legal State Director

D-2019-7

Commissioner Yanney made a motion to approve the minutes as written. Commissioner Maher seconded the motion. Motion passes unanimously. Commissioner Putney, absent.

Commission Comments

Commissioner Rielly gave a summary on Monday's tour.

DOT Comments

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2019-8
Submitted by Melissa Spiegel Phone No. 515-237-3010 Meeting Date August 14, 2018
Title Administrative Rules — 761 IAC 400, Vehicle Registration and Certificate of Title and
761 IAC 405, Salvage

DISCUSSION/BACKGROUND:

The proposed amendments to Chapters 400 and 405 form a comprehensive update of the department's rules affecting or involving vehicle registration and certificate of title to better implement and align with existing legal authority and department practice and to eliminate outdated or irrelevant requirements or options.

A complete summary explaining the proposed amendments is included in the attached Notice of Intended Action.

The public comment period ended August 7. The department did not receive any comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve the rule amendments included in the attached Notice of Intended Action.

COMMISSION ACTION:

Moved by Charese Yanney Seconded by Nancy Maher

	Aye	Nay	Pass
Fehrman	x		
Maher	x		
Paulsen	x		
Putney	absent		
Rielly	x		
Rose	x		
Yanney	x		

Division Director Legal State Director

MV-2019-8

Director Lowe for Melissa Spiegel, Motor Vehicle Division; All these rules that we will talk about today were all presented in full at the workshop. The proposed amendments to Chapters 400 and 405 form a comprehensive update of the department's rules affecting or involving vehicle registration and certificate of title to better implement and align with existing legal authority and department practice and to eliminate outdated or irrelevant requirements or options.

A summary explaining the proposed amendments is in the attached Notice of Intended Action.

The public comment period ended August 7, no comments or requests for oral presentation.

It is recommended that the Commission approve the rule amendments included in the attached Notice of Intended Action.

Commissioner Yanney made a motion to approve the rule amendment. Commissioner Maher seconded the motion. Commissioner Putney, absent; Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to vehicle registration and certificate of title and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 400, “Vehicle Registration and Certificate of Title,” and Chapter 405, “Salvage,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.20 and 326.33.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 326 and sections 17A.3, 321.1(75), 321.13, 321.20, 321.31, 321.46A, 321.52, 321.126 and 423.26.

Purpose and Summary

The proposed amendments form a comprehensive update of the Department’s rules affecting or involving vehicle registration and certificate of title to better implement and align with existing legal authority and Department practice and to eliminate outdated or irrelevant requirements or options.

The term “proportional” is replaced with “apportioned” throughout Chapter 400 to conform to the language used within Iowa Code chapters 321 and 326 to describe registration fees under the International Registration Plan.

The electronic registration and titling (ERT) process is updated to remove the need for dealers to obtain a notarized power of attorney and instead to require the vehicle purchaser to provide the dealer with written authorization for each ERT transaction. The proposed amendments also reduce the record retention period for original documents from three years to six months. Requiring written authorization from the vehicle purchaser rather than a power of attorney and reducing the record retention period from three years to six months ensure the integrity of the ERT process without putting an undue burden on the participants in that process.

An Iowa Code change regarding salvage certificate registration fees for a motor vehicle that is expected to be transferred to an insurer as a result of a settlement with the owner(s) is incorporated into the rules. The amendments clarify that, as provided under Iowa Code section 321.52(4) as amended by 2017 Iowa Acts, chapter 31, section 2, an insurer obtaining a salvage certificate of title is not required to submit the last-issued certificate of title when applying for an Iowa certificate of title and that the title shall be issued free and clear of all liens and claims of ownership, including any outstanding registration fees or registration penalties.

The process for when a vehicle owner’s legal name has changed is clarified to provide that the vehicle owner is not required to obtain a corrected title with the owner’s new name but must obtain a replacement registration card that reflects the owner’s new name. Iowa Code section 321.20(1) requires both the title and the registration to reflect the owner’s correct legal name at initial application, but the Iowa Code does not require the title to be reissued if the owner’s name is subsequently changed. Rather, the Iowa Code requires the Department to properly maintain the record of ownership and to change the record as necessary to keep it accurate. Iowa Code section 321.31(1) requires the Department to maintain a record system that includes the name of the owner, to update information required to be kept in the record system within 48 hours of receipt of the information, and to include a record of the certificate of title that includes any information deemed necessary and makes the Department record system the permanent record of ownership for the vehicle. Iowa Code section 321.31 provides that the record system shall constitute the

permanent record of ownership of each vehicle titled under the laws of this state, and this, in essence, makes the Department the abstractor of the vehicle record. If a person changes the person's name, the person is required to report the name change to the Department, and the Department will change the person's record to reflect the name change. Ultimately, the Department's record, with the person's new name, becomes the record of ownership without a change of title, and the person's registration receipt for the vehicle is updated to match the Department's record.

The proposed amendments also eliminate outdated requirements to utilize paper forms when authorizing a record change and when submitting paper vehicle identification number forms for purposes of issuing a corrected title and eliminate the requirement for the county treasurer to notify the Department by regular mail or email of a title conversion and cancellation for a manufactured or mobile home converted to or from real property.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 7, 2018. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

A public hearing to hear requested oral presentations will be held as follows:

August 9, 2018
10 a.m.

Department of Transportation
Motor Vehicle Division
6310 SE Convenience Boulevard
Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **761—400.1(321)**, definition of “Manufacturer’s certificate of origin,” as follows:

“*Manufacturer’s certificate of origin*” means a certification signed by the manufacturer, distributor or importer that the vehicle described has been transferred to the person or dealer named and that the transfer is the first transfer of the vehicle in ordinary trade and commerce.

1. and 2. No change.

3. For 1992 and subsequent model year vehicles, the form used for manufacturers’ certificates of origin shall be the universal form adopted in 1990 by the American Association of Motor Vehicle Administrators (AAMVA). This requirement does not apply to trailer-type vehicles. A copy of this universal form ~~is on file in~~ may be obtained from the office of vehicle and motor carrier services at the address in subrule 400.6(1).

ITEM 2. Amend subrule 400.3(13) as follows:

400.3(13) Credits. See rule 761—400.60(321) for:

Credit for unexpired registration fee.

Credit for transfer to spouse, parent or child.

Credit from/to ~~proportional~~ apportioned registration.

Assignment of credit and registration plates from lessor to lessee.

ITEM 3. Amend subrule 400.3(14) as follows:

400.3(14) Leased vehicle. As required by Iowa Code section ~~423.7A~~ 423.26, the lessor shall list the lease price of the vehicle on the application form.

ITEM 4. Amend paragraph **400.3(16)“j”** as follows:

j. An application submitted electronically must meet all legal requirements for the transaction in question, and no requirement shall be excused or waived as a result of submitting the transaction electronically. However, wherever a signature is required, the signature may be an electronic signature, as determined by the department and according to methods approved by the department. Wherever an electronic solution approved by the department requires the submission of scanned documents, the scanned documents shall be of a quality and resolution determined by the department, which shall at a minimum meet any applicable state or federal standard or requirement, and shall completely capture and represent the original document. The department and any county treasurer processing an application retain the right under Iowa Code section 321.13 to determine the genuineness, regularity, and legality of the application and any scanned document submitted as part of the application and may withhold approval of the application and require presentation of the original document whenever the scanned document is of insufficient quality, content, or appearance to determine the same. An end user that submits a scan of an original document as part of an electronic application shall retain the original document for a period of ~~three years~~ six months. An end user shall make all such original documents available for inspection by the department at the department’s request. An end user that is a business entity shall retain the documents at the end user’s principal place of business in Iowa. Anything in this paragraph notwithstanding, lessors required to retain a damage disclosure statement under Iowa Code section 321.69(4), and authorized vehicle recyclers licensed under Iowa Code chapter 321H and motor vehicle dealers licensed under Iowa Code chapter 322 required to retain damage disclosure statements under Iowa Code section 321.69(6)

shall retain the original document for a period of five years from the date of the statement, as required therein.

ITEM 5. Amend paragraph **400.3(16)“k”** as follows:

k. An end user that is a motor vehicle dealer licensed by the department under Iowa Code chapter 322 or 322C and that electronically submits an application on behalf of the person to whom the dealer is transferring the vehicle shall disclose to the person that the application will be submitted electronically and shall obtain the person’s ~~power of attorney~~ written authorization to submit the application on the person’s behalf. The ~~power of attorney~~ written authorization shall be retained at the motor vehicle dealer’s principal place of business for a period of ~~three years~~ six months from the date of application and shall be available for inspection by the department at the department’s request. The motor vehicle dealer shall also review with and disclose to the person all details of the application, before submitting the application, and shall provide a complete, true, and accurate copy of the application to the person immediately after submitting the application. The ~~power of attorney~~ written authorization shall be submitted electronically as a scanned document with the electronic application.

ITEM 6. Amend paragraph **400.3(16)“l”** as follows:

l. An authorized ERT service provider shall retain all data, information, records, and electronic records associated with an electronic application or transaction submitted or transacted through the ERT service provider for a period of at least ~~three years~~ six months, or longer as required by applicable state or federal law or regulation, and shall make all such data, information, and records available to the department at the department’s request. This includes but is not limited to the identity of the end user that initiated the electronic application or transaction. Identity information for end users shall be maintained at the entity and individual level, meaning that the ERT service provider must implement and maintain secure profile management that is capable of authenticating and verifying the identity of any entity that initiated the application or transaction and the individual officer, employee, or agent within the entity that was authorized by the entity to initiate the application or transaction.

ITEM 7. Amend rule **761—400.3(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.1, 321.8, 321.20, 321.23 to 321.26, 321.31, 321.34, 321.46, 321.105A, 321.109, 321.122, ~~and~~ 322.19A and 423.26.

ITEM 8. Amend subrule 400.4(2) as follows:

400.4(2) *Used vehicle registered or titled in this state.* The last issued certificate of title, properly assigned to the applicant, shall be submitted, unless the applicant is an insurer applying for a salvage certificate of title under Iowa Code section 321.52(4). An uncanceled security interest noted on the face of the certificate of title shall be noted on the face of the certificate of title issued to the applicant, in addition to any security interest acknowledged by the applicant. If the vehicle is not subject to titling provisions, the last issued registration receipt or bill of sale, properly assigned to the applicant, shall be submitted.

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

400.4(3) *Used vehicle from a foreign jurisdiction.* If the vehicle was subject to the issuance of a certificate of title in the foreign jurisdiction, the certificate of title issued by the foreign jurisdiction to the applicant or properly assigned to the applicant shall be submitted, unless the applicant is an insurer applying for a salvage certificate of title under Iowa Code section 321.52(4).

ITEM 10. Amend subrule 400.4(4) as follows:

400.4(4) *Used vehicle acquired by a resident of this state from a government agency.* If the vehicle was acquired from an agency of the federal government, the applicant shall surrender the government bill of sale, General Services Administration Form 97 ~~or~~ 97A, or Internal Revenue Service Form 2435, properly assigned to the applicant. If the vehicle was acquired from the state of Iowa or a subdivision of government, the applicant shall surrender the Iowa certificate of title issued in the name of the agency, properly assigned to the applicant.

ITEM 11. Amend rule 761—400.5(321) as follows:

761—400.5(321) Where to apply for registration or certificate of title.

400.5(1) No change.

400.5(2) Application shall be made to the department's office of vehicle and motor carrier services for the following:

a. to *g.* No change.

400.5(3) Application for a certificate of title for a vehicle subject to ~~proportional~~ apportioned registration under Iowa Code chapter 326 may be made to either the county treasurer or to the department's office of vehicle and motor carrier services. ~~The office of motor carrier services may be contacted at the addresses listed in subrule 400.6(2) or by telephone at (515)237-3264.~~

400.5(4) Application for ~~proportional~~ apportioned registration shall be made to the department's office of vehicle and motor carrier services. See 761—Chapter 500.

This rule is intended to implement Iowa Code sections 321.18 to 321.23, 321.46(2), and 321.170.

ITEM 12. Amend rule 761—400.6(17A) as follows:

761—400.6(17A) Addresses, information and forms. Assistance under this chapter is available as follows:

400.6(1) Information and forms for vehicle registration, certificate of title, or other procedures covered under Iowa Code sections 321.18 to 321.173 may be obtained from the county treasurer or by mail from: the

400.6(1) Office of Vehicle and Motor Carrier Services, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at Iowa Department of Transportation, 6310 SE Convenience Blvd., Ankeny, Iowa 50021; by telephone at (515)237-3264; or on the department's website at www.iowadot.gov.

~~**400.6(2)** Office of Motor Carrier Services, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382. Information for investigations under this chapter may be obtained from the Bureau of Investigation and Identity Protection, Iowa Department of Transportation, 6310 SE Convenience Blvd., Ankeny, Iowa 50021; by telephone at (515)237-3050; or on the department's website at www.iowadot.gov.~~

~~**400.6(3)** The Internet at the following address: <http://www.iowadot.gov/mvd>.~~

This rule is intended to implement Iowa Code section 17A.3.

ITEM 13. Amend subrule 400.7(11) as follows:

400.7(11) Full legal name of owner.

a. When the name of an owner changes from that which is printed on the title or registration issued to the owner, the owner shall submit to the county treasurer ~~on a form prescribed by the department an application for a certificate of title or registration for a vehicle. The application must be accompanied by one of the following documents:~~

(1) to (3) No change.

b. ~~Paragraph "a" of this~~ This subrule does not apply to owners that are firms, associations, corporations, or trusts.

c. When the name of an owner changes from that which is printed on the registration card, the owner shall apply for a replacement registration card.

ITEM 14. Amend subrule 400.13(1) as follows:

400.13(1) Procedures. This subrule describes the procedures to be followed to obtain a "bonded" certificate of title. The procedures described are in addition to the regular procedures for titling and registering a vehicle.

a. The applicant shall submit a bond application to the office of vehicle and motor carrier services on a form prescribed by the department. The application shall be accompanied by evidence of ownership of the vehicle.

b. and *c.* No change.

d. After the cash deposit or surety bond has been deposited, a motor vehicle investigator of the department may examine the vehicle to verify the information submitted on the application is correct. The owner of the vehicle may drive or tow the vehicle to and from the examination location by after completing an affidavit to drive on a form provided by the department. The form shall state that the vehicle is reasonably safe for operation, and the form must be signed by the owner. After verifying the information, the investigator shall ~~give to the applicant a document authorizing~~ authorize 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 vehicle identification number to the vehicle ~~and give to the applicant an assigned vehicle identification number (VIN) form.~~

e. The applicant shall then ~~submit the authorization document and, if applicable, the VIN form to the county treasurer and~~ make application for a certificate of title and registration.

ITEM 15. Amend paragraph **400.16(2)“c”** as follows:

c. If the investigator determines that the vehicle complies with 761—Chapter 450, that the integral parts and components have been identified as to ownership, and that the application has been completed properly:

(1) The investigator shall approve the application, affix to the vehicle an assigned vehicle identification number, and return the application and ownership documents to the applicant. The investigator shall ~~also give to the applicant an assigned vehicle identification number (VIN) form that the applicant shall submit with the application to the county treasurer~~ authorize the county treasurer to issue a title and registration for the vehicle.

(2) No change.

(3) The applicant shall then submit the ~~approved application, ownership document for the vehicle, and VIN form~~ to the county treasurer and continue with the regular title and registration process.

ITEM 16. Amend rule **761—400.28(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~subsection 321.1(76)~~ sections 321.1(75) and section 321.121.

ITEM 17. Amend rule **761—400.39(321)**, implementation sentence, as follows:

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

ITEM 18. Amend subrule 400.40(1) as follows:

400.40(1) Conversion to real property. When a manufactured or mobile home is converted to real property under Iowa Code section 435.26, the assessor shall collect its vehicle certificate of title. The assessor shall note the conversion on the face of the certificate of title above the assessor’s signature, date the notation and deliver the title to the county treasurer. The county treasurer shall note the conversion on the vehicle record ~~in the county treasurer’s office, cancel the record, keep the certificate of title and notify the department of the cancellation. The department shall cancel its record for that manufactured or mobile home~~ and then cancel and retain the certificate of title.

ITEM 19. Amend subrule 400.43(2) as follows:

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)~~ section 321.126, and subrule 400.43(1) does not apply.

ITEM 20. Amend rule **761—400.45(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 252J.1, 252J.8, 252J.9, 261.126, 321.101, 321.101A and 321.127, ~~321.101 and 321.101A.~~

ITEM 21. Amend rule **761—400.47(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~section 321.466, subsections (5) and (6)~~ sections 321.466(4) and 321.466(5).

ITEM 22. Amend rule 761—400.50(321,326) as follows:

761—400.50(321,326) Refund of registration fees.

400.50(1) Vehicles registered by county treasurer.

a. and b. No change.

c. Registration plates shall be submitted with the claim if the vehicle is placed in storage or registered for ~~proportional~~ apportioned registration, if the owner of the vehicle moves out of state, or if the plates have not been assigned to a replacement vehicle. If one or both plates have been lost or stolen, the claimant shall certify this fact in writing.

d. No change.

e. If the claim for refund is for excess credit or no replacement vehicle:

(1) No change.

(2) The claim for refund shall be approved or denied by the office of vehicle and motor carrier services.

f. All other claims for refund shall be forwarded to the office of vehicle and motor carrier services for processing.

400.50(2) Vehicles registered by department. Forms and instructions for claiming a refund on apportioned registration fees under Iowa Code section 326.15 may be obtained from the office of vehicle and motor carrier services at the address in subrule ~~400.6(2)~~ 400.6(1). The claim for refund shall be filed at the same address.

~~**400.50(3) Disapproved claim.** Rescinded IAB 11/23/05, effective 12/28/05.~~

This rule is intended to implement Iowa Code sections 25.1, 321.126 to 321.128 and 326.15.

ITEM 23. Amend subrules 400.51(2) and 400.51(3) as follows:

400.51(2) Procedures.

a. *Request.* Whenever an assigned identification number is required under subrule 400.51(1) and the request does not apply to a specially constructed, 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~~ bureau of investigation and identity protection at the address in subrule ~~400.6(2)~~ and request the assignment of a number.

b. No change.

c. *Assigned vehicle identification number.*

(1) The investigator upon approval of the request shall affix to the vehicle an assigned vehicle identification number and ~~give to the owner an assigned vehicle identification number (VIN) form~~ authorize the county treasurer to issue a title and registration for the vehicle.

(2) The owner shall submit ~~the VIN form,~~ the certificate of title, and the registration receipt issued for the vehicle to the county treasurer. If the certificate of title is in the possession of a secured party, the county treasurer shall notify the secured party to return the certificate of title to the county treasurer for the purpose of issuing a corrected title. Upon receipt of the notification, the secured party shall submit the certificate of title within ten days. The county treasurer, upon receipt of the certificate of title, and the registration receipt ~~and the VIN form,~~ shall issue a corrected title and registration receipt listing as the vehicle identification number the assigned vehicle identification number.

d. and e. No change.

400.51(3) Fees. A certificate of title fee and a fee for a notation of a security interest, if applicable, shall be collected by the county treasurer upon issuance of a corrected certificate of title. A corrected certificate of title shall not be required for a name change.

ITEM 24. Amend rule ~~761—400.53(321)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.34, 321.40, 321.41, 321.121 ~~as amended by 2011 Iowa Acts, Senate File 312, section 3,~~ and 321.166.

ITEM 25. Amend rule 761—400.56(321) as follows:

761—400.56(321) Hearings. The department shall send notice by certified mail to a person whose certificate of title, vehicle registration, 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 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 and motor carrier 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 26. Amend subrule 400.60(3) as follows:

400.60(3) Credit from/to ~~proportional~~ apportioned registration.

a. Pursuant to Iowa Code section 321.46A, an owner may claim credit toward the registration fees due when changing a vehicle's registration from ~~proportional~~ apportioned registration under Iowa Code chapter 326 to registration under Iowa Code chapter 321. The owner shall surrender proof of ~~proportional~~ apportioned registration to the county treasurer. Credit shall be allowed for the unexpired complete calendar months remaining in the registration year from the date the application is filed with the county treasurer.

b. Pursuant to Iowa Code sections 321.126 and 321.127, the owner or lessee of a motor vehicle may claim credit for the ~~proportional~~ apportioned registration fees due when changing the vehicle's registration from registration by the county treasurer to ~~proportional~~ apportioned registration. Application for ~~proportional~~ apportioned registration shall be submitted to the department's office of vehicle and motor carrier services; see 761—Chapter 500.

ITEM 27. Adopt the following **new** paragraph **405.3(4)“c”**:

c. Notwithstanding any provision of this chapter to the contrary, an Iowa salvage title obtained by an insurer pursuant to the provisions under Iowa Code section 321.52(4) shall be issued free and clear of all liens and claims of ownership, including any outstanding registration fees or registration penalties.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2019-9
Submitted by Melissa Spiegel Phone No. 515-237-3010 Meeting Date August 14, 2018
Title Administrative Rules — 761 IAC 605, License Issuance

DISCUSSION/BACKGROUND:

The proposed amendments to Chapter 605 incorporate amendments that align with existing legal authority and department practice, and eliminate outdated or irrelevant requirements or options and accommodate modern, electronic procedures.

A complete summary explaining the proposed amendments is included in the attached Notice of Intended Action.

The public comment period ended July 24. The department did not receive any comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve the rule amendments included in the attached Notice of Intended Action.

COMMISSION ACTION:

Moved by Nancy Maher Seconded by David Rose

	Aye	Vote Nay	Pass
Fehrman	<u>x</u>	<u> </u>	<u> </u>
Maher	<u>x</u>	<u> </u>	<u> </u>
Paulsen	<u>x</u>	<u> </u>	<u> </u>
Putney	<u>absent</u>	<u> </u>	<u> </u>
Rielly	<u>x</u>	<u> </u>	<u> </u>
Rose	<u>x</u>	<u> </u>	<u> </u>
Yanney	<u>x</u>	<u> </u>	<u> </u>

Division Director Legal State Director

MV-2019-9

Director Lowe for Melissa Spiegel, Motor Vehicle Division; The proposed amendments to Chapter 605 incorporate amendments that align with existing legal authority and department practice, and eliminate outdated or irrelevant requirements or options and accommodate modern, electronic procedures.

A complete summary explaining the proposed amendments is included in the attached Notice of Intended Action.

The public comment period ended July 24. The department did not receive any comments or requests for oral presentations.

It is recommended that the Commission approve the rule amendments included in the attached Notice of Intended Action.

Commissioner Maher made a motion to approve the rule amendment. Commissioner Rose seconded the motion. Commissioner Putney, absent; motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to driver’s licenses and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 605, “License Issuance,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.196.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.182, 321.189 and 321.196.

Purpose and Summary

The Department is proposing to update Chapter 605 to incorporate amendments that align with existing legal authority and Department practice and to eliminate outdated or irrelevant requirements or options and accommodate modern electronic procedures.

The proposed amendments update the physical description related to eye color to align with eye color selections that already exist in the electronic license issuance system and strike outdated language related to the fee for a replacement license issued when a person no longer needs a license marked “under 18” or “under 21.” Previously, Iowa Code section 321.189(6) set the replacement fee for this type of license at \$1; however, the statute has since been amended to set the replacement fee at \$10.

The Department is proposing to simplify the address change process to clarify that an address change may be completed online at the Department’s website or at a driver’s license kiosk and to no longer require that a person renewing a driver’s license produce two forms of proof to notify the Department of a residential address change. The proposed amendments also allow the renewal of a person’s driver’s license within 180 days prior to the expiration date of the license, which provides more convenience and flexibility to the renewal process.

Finally, the proposed amendments expand the list of who can take advantage of the online license renewal option by allowing a person with a “J” restriction that corresponds directly to a “7” (minor’s school license), “Y” (intermediate license) or “I” (ignition interlock required) restriction on the back of the person’s driver’s license to be able to renew the license online because these combinations of restrictions do not affect the person’s eligibility to renew the license online.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 24, 2018. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

A public hearing to hear requested oral presentations will be held as follows:

July 26, 2018	Department of Transportation
1 p.m.	Motor Vehicle Division
	6310 SE Convenience Boulevard
	Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **605.2(3)“a”** as follows:

a. The licensee's eye color using these abbreviations: Blk-black, Blu-blue, Bro-brown, Dic-dichromatic, Gry-gray, Grn-green, Haz-hazel, ~~and~~ Pnk-pink and Unk-unknown.

ITEM 2. Amend paragraph **605.2(6)“b”** as follows:

b. ~~Beginning January 15, 2013, a~~ A driver's license that is not issued as a REAL ID license as defined in 761—601.7(321) may be marked as required by 6 CFR 37.71 and any subsequent guidance issued by the U.S. Department of Homeland Security.

ITEM 3. Amend rule **761—605.4(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.180 ~~as amended by 2015 Iowa Acts, House File 635, section 50,~~ and 321.189.

ITEM 4. Amend rule ~~761—605.5(321)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code chapter 321A and sections 321.178, 321.180 as amended by 2015 Iowa Acts, House File 635, section 50, 321.180A, 321.180B, 321.188 as amended by 2015 Iowa Acts, House File 635, section 53, 321.189, 321.193, 321.194, 321.215, 321J.4, and 321J.20.

ITEM 5. Amend subrule 605.11(3) as follows:

605.11(3) Fee. The fee to replace a license is \$10. ~~Anything in this rule, notwithstanding the fee for replacement of a license under paragraphs 605.11(2) “f” and 605.11(2) “g,” shall be as set forth in Iowa Code subsection 321.189(6).~~

ITEM 6. Amend subrule 605.12(1) as follows:

605.12(1) A licensee shall notify the department of a change in the licensee’s mailing address within 30 days of the change. Notice shall be given by:

a. Submitting the address change in writing to ~~the office of driver services, Driver and Identification Services, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204;~~ or

b. Completing the address change on the department’s website at www.iowadot.gov or at a driver’s license kiosk; or

~~*b. c.* Appearing in person to change the mailing address at any driver’s license examination station service center.~~

ITEM 7. Amend subrule 605.15(2), introductory paragraph, as follows:

605.15(2) Procedure. The licensee shall apply for an extension by submitting Form 430027 to the department. The form may be obtained from and submitted to a driver’s license ~~examination station service center~~. The licensee may also apply by letter to the address in ~~761—600.2(17A)~~; paragraph 605.12(1) “a.”

ITEM 8. Amend subrule 605.16(2) as follows:

605.16(2) Request for retention of record. A person with a military extension may request that the department retain the record of license issuance for the duration of the extension or reenter the record if it has been removed from department records. The request may be made by letter or by using Form 430081. The letter or Form 430081 shall be signed by the person’s commanding officer to verify the military service and shall be submitted to the department at the address in ~~761—600.2(17A)~~; paragraph 605.12(1) “a.”

ITEM 9. Amend rule 761—605.25(321) as follows:

761—605.25(321) License renewal.

605.25(1) No change.

605.25(2) A valid license may be renewed ~~30~~ within 180 days before the expiration date. If this is impractical, the department for good cause may renew a license earlier.

605.25(3) No change.

605.25(4) If the licensee’s current residential address, name, date of birth, or sex designation has changed since the previous license was issued, the licensee shall comply with the following:

a. Current residential address. The licensee shall ~~comply with the requirements of 761—subrule 601.5(3) to establish a change of~~ notify the department to establish the current residential address.

b. to d. No change.

605.25(5) and 605.25(6) No change.

605.25(7) The department may determine means or methods for electronic renewal of a driver’s license.

a. No change.

b. Notwithstanding any other provision of this subrule to the contrary, the department may accept an electronic renewal application if the license contains a single “J” restriction accompanied by a “7,” “I” or “Y” restriction.

~~b. c.~~ The department reserves the right to deny electronic renewal and to require the applicant to personally apply for renewal at a driver's license ~~examination station~~ service center if it appears to the department that the applicant may have a physical or mental condition that may impair the applicant's ability to safely operate a motor vehicle, even if the applicant otherwise meets the criteria in 605.25(7) "a."

~~e. d.~~ An applicant who has not previously been issued a driver's license that is compliant with the REAL ID Act of 2005, 49 U.S.C. Section 30301 note, as further defined in 6 CFR Part 37 (a REAL ID license) may not request a REAL ID driver's license by electronic renewal.

This rule is intended to implement Iowa Code sections 321.186 and 321.196 ~~as amended by 2013 Iowa Acts, House File 355, section 4,~~ the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.

MV-2019-10

Director Lowe for Melissa Spiegel, Motor Vehicle Division; The proposed amendments to Chapter 620 incorporate requirements for a new statewide sobriety and drug monitoring program (24/7 program) established by 2017 Iowa Acts, Chapter 76. Because of this legislative change, the department is aligning its administrative rules in anticipation of the program being implemented in 2018. A complete summary explaining the proposed amendments is included in the attached Notice of Intended Action.

The public comment period ended August 7. The department did not receive any comments or requests for oral presentations.

It is recommended that the Commission approve the rule amendments included in the attached Notice of Intended Action.

Commissioner Yanney made a motion to approve the rule amendment. Commissioner Maher seconded the motion. Commissioner Putney, absent; Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to the statewide sobriety and drug monitoring program and operating while intoxicated revocations and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 620, “OWI and Implied Consent,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321J.20.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 901D and sections 321.201 and 321J.20.

Purpose and Summary

The Department is proposing to update Chapter 620 to incorporate requirements for a new statewide sobriety and drug monitoring program (24/7 program) established by 2017 Iowa Acts, chapter 76. Because of this legislation, the Department is amending its rules to align with the legislation in anticipation of the implementation of the program in 2018.

The Department of Public Safety (DPS) is charged with creating the 24/7 program in Iowa under Iowa Code chapter 901D as enacted by 2017 Iowa Acts, chapter 76. The program requires participants to complete daily alcohol or drug testing in participating jurisdictions according to rules governed by DPS. The Department is also required to adhere to the program requirements as they relate to the issuance of temporary restricted licenses (TRLs) and regular licenses to an OWI offender who committed an eligible OWI offense in a participating jurisdiction. Eligible OWI offenses are defined in Iowa Code section 901D.2(4) and include a first offense OWI in which the person’s blood alcohol content exceeds .15, a first offense OWI in connection with an accident, a first offense OWI test refusal or any second or subsequent OWI offense. Participating jurisdictions must be approved by DPS and may be counties or other governmental entities that choose to participate in the program. There are not currently any participating jurisdictions as DPS is still finalizing an agreement for the development of web-based software to support this program; however, Woodbury County has indicated an interest in participating in a pilot of the 24/7 program in 2018.

As specifically related to the Department, the legislation amended Iowa Code section 321J.20 to allow a TRL to be issued for the purpose of traveling to and from a person’s home to a 24/7 testing location. Also, Iowa Code section 321J.20(10) was newly created and requires a person to be a participant in and in compliance with the 24/7 program if the person committed an eligible offense in a participating jurisdiction, unless participation has been excused by court order, whenever the Department requires the installation of an ignition interlock device (IID) as a condition of the person’s driver’s license or driving privilege. The person must remain in compliance with the program for as long as the person is required to have the IID, unless otherwise provided by Iowa Code chapter 901D or section 321J.20.

The proposed amendments:

- Amend the rule related to issuance of a TRL as follows:
 - Provide that a TRL issued for any purpose may include permission for the licensee to participate in the 24/7 program if required under the law and provide that the licensee must notify the Department which jurisdiction the licensee is reporting to in compliance with the program.

- Eliminate an outdated requirement for a person to appear before a driver's license examiner to be issued a TRL. This change aligns with Department practice of allowing any properly trained driver's license issuance employee, rather than a specific classification of employee, to assist the person.

- Strike subrule 620.3(6), which encompasses requirements for TRLs issued to repeat offenders, because the subrule is no longer necessary. The subrule was initially adopted in 2009 to comply with federal law related to consequences for repeat OWI offenders who previously were not allowed to obtain a TRL except strictly for work purposes in the first year of the revocation period. In the intervening years, the federal requirements regarding repeat OWI offenders and TRL restrictions were changed, and this subrule no longer reflects the requirements in federal law nor the Department's current practice. Therefore, the subrule is being removed to avoid the implication that a repeat offender cannot use a TRL to participate in a 24/7 program, which is clearly anticipated as a permissible use of a TRL under 23 U.S.C. §164(5)(A)(iii).

- Amend the rule related to reinstatement of a person's driver's license after a revocation has ended as follows:

- Eliminate an outdated requirement for a person to appear before a driver's license examiner to reinstate the person's driver's license. This change aligns with Department practice of allowing any properly trained driver's license issuance employee, rather than a specific classification of employee, to assist the person.

- Strike an outdated requirement for a person to provide proof of deinstallation of an IID to reinstate the person's driver's license, unless the IID is still required under Iowa Code section 321J.17(3). The Department's existing practice does not require the person to provide proof of deinstallation of the IID as that requirement was previously removed from Iowa Code section 321J.20. There is no valid safety reason to require proof of deinstallation of an IID, and a person may choose to continue to drive with an IID installed.

- Provide that a person's participation in and compliance with the 24/7 program may be a condition of license reinstatement in accordance with Iowa Code section 321J.20(10), which requires the Department to ensure a person who is required to install an IID as a condition of the person's license or driving privilege to also be a participant in and in compliance with the 24/7 program if the person committed an eligible offense in a participating jurisdiction, unless participation has been excused by court order.

- Amend the rules related to substance abuse evaluation and treatment and the drinking drivers course to reflect the current practice of providers reporting completion to the Department electronically rather than with a paper form. The amendments also clarify that providers of the drinking drivers course are those listed under Iowa Code section 321J.22(2)"a," since community colleges are not the only permitted providers of the drinking drivers course.

- Add a new rule to incorporate the Department's responsibilities relating to the 24/7 program as follows:

- Outline when participation in the 24/7 program will be a condition of a person's license. The person must have committed an eligible offense as defined in Iowa Code section 901D.2(4) in a participating jurisdiction. An eligible first offense means the person has no previous revocation under Iowa Code chapter 321J, and an eligible second or subsequent offense means the person has had a previous revocation under Iowa Code chapter 321J. Participation will not be required if the person obtains a court order excusing the person's participation in the program. In conformance with Iowa Code chapter 901D, the person must also otherwise be eligible for a TRL or a license in order to be required to participate in the 24/7 program, meaning the person must comply with the prerequisites for obtaining a TRL or a license, such as paying outstanding civil penalties, filing SR-22 insurance, passing any required examination and otherwise being physically and mentally capable of operating a motor vehicle safely. The person must also not be under another sanction that would prevent the person from being able to obtain a TRL or license.

- Explain that the duration of participation in the 24/7 program, unless otherwise provided in Iowa Code chapter 901D or Iowa Code section 321J.20, will last as long as the person with an eligible

offense in a participating jurisdiction is required to install and maintain an IID in the person's vehicle. This requirement is consistent with the requirement in Iowa Code section 321J.20(10).

- Clarify that if the Department receives a court order excusing the person's participation in the 24/7 program, the Department will not require participation as a condition of the TRL or license.

- Provide that if the Department receives notification that a participant in the 24/7 program never completed enrollment in the program with the participating jurisdiction, the Department will cancel the license because the person is not entitled to the license if the person does not comply with a condition of the license. Iowa Code section 321.201 authorizes the Department to cancel the license when the Department determines the person was not entitled to issuance of the license.

- Outline what will happen if the Department receives notification of the person's noncompliance with the 24/7 program. Upon receipt of notification of noncompliance pursuant to Iowa Code section 901D.9, the Department will revoke the person's license following existing notice and hearing provisions associated with revoking a person's license. This aligns with the following Iowa Code requirements:

- ◇ Iowa Code section 321.193 authorizes the Department to impose restrictions on the license and revoke the license upon receiving satisfactory proof that any of the restrictions on the license were violated.

- ◇ Iowa Code section 901D.9 states that the court may notify the Department of the participant's noncompliance and direct the Department to withdraw the TRL issued to the participant.

- ◇ Iowa Code section 321J.20(3) requires the Department to revoke the participant's TRL if the person operates a motor vehicle while not in compliance with the 24/7 program.

- ◇ Iowa Code section 321J.20(10) requires compliance with the 24/7 program as a condition of the person's license or driving privilege.

- Amend the chapter's implementation sentence to add references to Iowa Code section 321.193, which authorizes the Department to revoke a license when the licensee violates a restriction of the license; Iowa Code section 321.201, which authorizes the Department to cancel a license when the Department determines the person is not entitled to the license; and Iowa Code chapter 901D, which relates to the sobriety and drug monitoring program.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 7, 2018. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

A public hearing to hear requested oral presentations will be held as follows:

August 9, 2018
11 a.m.

Department of Transportation
Motor Vehicle Division
6310 SE Convenience Boulevard
Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 761—620.2(321J) as follows:

761—620.2(321J) Information and location. Applications, forms, information, assistance, and answers to questions relating to this chapter are available by mail from ~~the Office of Driver and Identification Services~~, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at ~~(800)532-1121~~ (515)244-8725; or by facsimile at ~~(515)237-3074~~ (515)239-1837.

ITEM 2. Amend rule 761—620.3(321J) as follows:

761—620.3(321J) Issuance of temporary restricted license.

620.3(1) Eligibility and application.

a. No change.

b. To apply for a temporary restricted license, an applicant shall, at any time before or during the revocation period, submit application Form 430100 to ~~the office of driver and identification services~~ at the address in 761—620.2(321J). The application form should be furnished by the arresting officer. It may also be obtained upon oral or written request to ~~the office of driver and identification services~~ or by submitting Form 432018 to ~~driver and identification services~~ with the appropriate box checked.

c. No change.

d. A temporary restricted license issued for any purpose may include permission for the licensee to participate in the sobriety and drug monitoring program established pursuant to Iowa Code chapter 901D. For purposes of this chapter, a sobriety and drug monitoring program means the sobriety and drug monitoring program established pursuant to Iowa Code chapter 901D. If the licensee is required to participate in and comply with the sobriety and drug monitoring program as a condition of the license, the licensee shall notify the department of the jurisdiction to which the licensee is reporting in compliance with the program.

620.3(2) and **620.3(3)** No change.

620.3(4) *Issuance and restrictions.*

a. ~~When the application is approved and all requirements are met, the applicant shall be notified by the department to appear before a driver's license examiner. The applicant shall pass the appropriate examination for the type of vehicle to be operated under the temporary restricted license. An Iowa resident shall also pay the reinstatement and license fees. The department shall not issue the temporary restricted license until the application is approved, all requirements are met, the applicable reinstatement and license fees have been paid, and the applicant has passed the appropriate examination for the type of vehicle to be operated under the temporary restricted license.~~

b. No change.

620.3(5) *Denial.* A person who has been denied a temporary restricted license or who contests the restrictions imposed by the department may request an informal settlement conference by submitting a written request to the director of the office of driver and identification services at the address given in 761—620.2(321J). Following an unsuccessful informal settlement or instead of that procedure, the person may request a contested case hearing in accordance with rule 761—620.4(321J).

~~**620.3(6)** *Issuance of temporary restricted license to repeat offender whose driving privilege is revoked under Iowa Code section 321J.4(2).*~~

~~*a.*— It is the opinion of the department that the amendment to Iowa Code section 321J.4(2) by 2009 Iowa Acts, Senate File 419, section 13, was undertaken in response to changes to 23 U.S.C. § 164, “Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence,” effected by the SAFETEA-LU Technical Corrections Act of 2008, Public Law No. 110-244, § 115, 122 Stat. 1572 (June 6, 2008), and that Iowa Code section 321J.4(2) as amended by 2009 Iowa Acts, Senate File 419, section 13, is intended to remain and be interpreted in conformance with the requirements of 23 U.S.C. § 164, including the requirements for restricted driving privileges after 45 days.~~

~~*b.*— Accordingly, any provision in subrules 620.3(1) to 620.3(5) notwithstanding, any temporary restricted license issued to a person whose driving privilege is revoked under Iowa Code section 321J.4(2) shall be limited during the first year of the two-year revocation period to driving to and from work when necessary to maintain the person's present employment, and shall not be allowed for any other purpose, including but not limited to transporting dependent children to and from a location for child care. After the first year of the two-year revocation period, a temporary restricted license issued to a person whose driving privilege is revoked under Iowa Code section 321J.4(2) may permit the person to drive to and from work as well as for any other work purpose when necessary to maintain the person's present employment and may permit the person to transport dependent children to and from a location for child care when that activity is essential to continuation of the person's employment.~~

~~*c.*— All pleadings and orders submitted by the department under Iowa Code section 321J.4(9) in regard to a person whose driving privilege is revoked under Iowa Code section 321J.4(2) will be in accord with the requirements of this subrule, and the department shall enforce any order authorizing the department to issue a temporary restricted license to a person whose driving privilege is revoked under Iowa Code section 321J.4(2) according to the requirements of this subrule.~~

~~d. The department interprets 2009 Iowa Acts, Senate File 419, section 13, as applying to convictions entered on or after July 1, 2009, and accordingly this subrule shall apply to revocations arising from convictions entered on or after July 1, 2009.~~

ITEM 3. Amend rule 761—620.4(321J) as follows:

761—620.4(321J) Hearings and appeals.

620.4(1) Contested case hearing.

a. A person may request a contested case hearing by checking the appropriate box on Form 432018 and submitting it to the department or by submitting a written request to the director of ~~the office of driver and identification~~ services at the address given in 761—620.2(321J). The request shall include the person's name, date of birth, driver license number, complete address and telephone number.

b. No change.

c. A request for a hearing to contest a revocation shall be submitted within ten days after receipt of the revocation notice. The request shall be deemed timely submitted if it is delivered to the director of ~~the office of driver and identification~~ services or properly addressed and postmarked within this time period.

d. and e. No change.

620.4(2) Appeal. A decision by a presiding officer shall become the final decision of the department and shall be binding on the department and the person who requested the hearing unless either appeals the decision in accordance with this subrule.

a. and b. No change.

c. An appeal of the presiding officer's decision shall be submitted in writing by sending the original and one copy of the appeal to the director of ~~the office of driver and identification~~ services at the address given in 761—620.2(321J).

d. An appeal shall be deemed timely submitted if it is delivered to the director of ~~the office of driver and identification~~ services or properly addressed and postmarked within ten days after receipt of the presiding officer's decision.

e. The director of ~~the office of driver and identification~~ services shall forward the appeal to the director of transportation. The director of transportation may affirm, modify or reverse the decision of the presiding officer, or may remand the case to the presiding officer.

f. No change.

620.4(3) and 620.4(4) No change.

620.4(5) Petition to reopen a hearing.

a. A petition to reopen a hearing pursuant to Iowa Code section 17A.16 shall be submitted in writing to the director of ~~the office of driver and identification~~ services at the address in 761—620.2(321J). If a petition is based on a court order, a copy of the court order shall be submitted with the petition. If a petition is based on new evidence, the petitioner shall submit a concise statement of the new evidence and the reason(s) for the unavailability of the evidence at the original hearing.

b. No change.

c. A person may appeal a denial of the petition to reopen. The appeal shall be deemed timely if it is delivered to the director of ~~the office of driver and identification~~ services at the address in 761—620.2(321J) or properly addressed and postmarked within 20 days after issuance of the decision denying the petition to reopen.

ITEM 4. Amend rule 761—620.5(321J) as follows:

761—620.5(321J) Reinstatement. ~~When the revocation period has ended, a person shall be notified by the department to appear before a driver's license examiner to obtain a motor vehicle license. The license may be issued~~ The department may reinstate the license when the revocation has ended if the person has:

620.5(1) to 620.5(6) No change.

620.5(7) ~~Provided proof of deinstallation of the ignition interlock device if one was installed for a temporary restricted license.~~ Provided, if required by Iowa Code section 321J.17(3), proof of installation

of an approved ignition interlock device or proof the person remains in compliance with the ignition interlock device requirement if the device was installed for a temporary restricted license.

620.5(8) Provided, if required in accordance with Iowa Code section 321J.20, proof of participation in and compliance with the sobriety and drug monitoring program.

ITEM 5. Amend subrule 620.15(1) as follows:

620.15(1) Reporting.

~~a. A provider of a substance abuse program shall report to the department on a form and in a manner approved by the department when~~ When a person who has been ordered to attend the a substance abuse program has satisfactorily completed the program, the program provider shall electronically report completion to the department in a manner approved by the department.

b. Reporting to the department shall be in accordance with Iowa Code sections 125.37, 125.84 and 125.86 and the federal confidentiality regulations, “Confidentiality of Alcohol and Drug Abuse Patient Records,” 42 CFR Part 2, ~~effective June 9, 1987.~~

ITEM 6. Amend subrule 620.16(1) as follows:

620.16(1) Reporting.

~~a. A community college conducting a drinking drivers course shall report to the department on a form and in a manner approved by the department when~~ When a person who has been ordered to attend the a drinking drivers course has successfully completed it the course, the program provider under Iowa Code section 321J.22(2) “a” shall electronically report completion to the department in a manner approved by the department.

b. Reserved.

ITEM 7. Adopt the following **new** rule 761—620.17(321J):

761—620.17(321J) Sobriety and drug monitoring program. When the department revokes a person’s driver’s license under Iowa Code chapter 321J, and the person seeks a temporary restricted license, or the person seeks reinstatement of the person’s driver’s license under Iowa Code section 321J.17, the department shall, if applicable, require the person to participate in and comply with the sobriety and drug monitoring program.

620.17(1) Condition of license. Participation in and compliance with the sobriety and drug monitoring program shall be a condition of the license if all of the following apply:

a. The person committed an eligible offense as defined in Iowa Code section 901D.2(4). A first offense means the person has no previous revocation under Iowa Code chapter 321J, and a second or subsequent offense means the person has had a previous revocation under Iowa Code chapter 321J.

b. The eligible offense was committed in a participating jurisdiction.

620.17(2) Duration. Unless otherwise provided in Iowa Code chapter 901D or Iowa Code section 321J.20, the person shall be required to participate in the sobriety and drug monitoring program for the length of time that an ignition interlock device is required as provided in Iowa Code section 321J.20.

620.17(3) Excuse from participation and compliance. Participation in and compliance with the sobriety and drug monitoring program shall not be required as a condition of the person’s driver’s license if the court enters an order finding the person is not required to participate in and comply with the program.

620.17(4) Cancellation. If the department is notified that a person required to participate in the sobriety and drug monitoring program has not completed enrollment in the program, the department shall cancel the person’s driver’s license in accordance with the department’s existing provisions for cancellation of a license.

620.17(5) Noncompliance. If the department is notified pursuant to Iowa Code section 901D.9 that a person required to participate in the sobriety and drug monitoring program is no longer in compliance with the program, the department shall revoke the person’s driver’s license in accordance with the department’s existing provisions for revocation of a license.

ITEM 8. Amend **761—Chapter 620**, implementation sentence, as follows:
These rules are intended to implement Iowa Code chapters 17A, ~~and~~ 321J and 901D and sections 321.193, 321.201, 321.376 and 707.6A.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2019-11
Submitted by Melissa Spiegel Phone No. 515-237-3010 Meeting Date August 14, 2018
Title Administrative Rules — 761 IAC 625, Driver’s Licenses for Undercover Law Enforcement Officers

DISCUSSION/BACKGROUND:

The proposed amendments to Chapter 625 incorporate amendments that align with existing legal authority and department practice, and eliminate outdated or irrelevant requirements or options.

A complete summary explaining the proposed amendments is included in the attached Notice of Intended Action.

The public comment period ended July 24. The department did not receive any comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve the rule amendments included in the attached Notice of Intended Action.

COMMISSION ACTION:

Moved by David Rose Seconded by Tom Rielly

	Aye	Vote Nay	Pass
Fehrman	<u>x</u>	<u>_____</u>	<u>_____</u>
Maher	<u>x</u>	<u>_____</u>	<u>_____</u>
Paulsen	<u>x</u>	<u>_____</u>	<u>_____</u>
Putney	<u>absent</u>	<u>_____</u>	<u>_____</u>
Rielly	<u>x</u>	<u>_____</u>	<u>_____</u>
Rose	<u>x</u>	<u>_____</u>	<u>_____</u>
Yanney	<u>x</u>	<u>_____</u>	<u>_____</u>

Division Director Legal State Director

MV-2019-11

Director Lowe for Melissa Spiegel, Motor Vehicle Division; The proposed amendments to Chapter 625 incorporate amendments that align with existing legal authority and department practice, and eliminate outdated or irrelevant requirements or options.

A complete summary explaining the proposed amendments is included in the attached Notice of Intended Action.

The public comment period ended July 24. The department did not receive any comments or requests for oral presentations.

Commissioner Rose made a motion to approve the rule amendment. Commissioner Rielly seconded the motion. Commissioner Putney, absent; remaining Commissioners voted aye.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to undercover driver’s licenses and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 625, “Driver’s Licenses for Undercover Law Enforcement Officers,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.189A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 80G.3 and 321.189A and 6 CFR Part 37.

Purpose and Summary

The Department is proposing to update Chapter 625 to incorporate amendments that align with existing legal authority and Department practice and to eliminate outdated or irrelevant requirements or options.

The office name and address are corrected to accurately identify the Bureau of Investigation and Identity Protection as the office responsible for the review associated with the issuance of undercover licenses under this chapter, and the amendments clarify that an investigation of an application for an undercover driver’s license will consist of verification of the applicant’s employment with the sponsoring law enforcement agency and will no longer include a check of a fictitious social security number as those numbers are no longer being used.

The process of issuing a driver’s license to an undercover law enforcement officer is amended to align the rule with the current practice of requiring an applicant to appear at the Motor Vehicle Division headquarters in Ankeny, Iowa, in order to be issued the initial undercover driver’s license; to clarify that the requirements of rule 761—601.5(321), related to proofs submitted with an application, are waived in conformance with the authority in the federal REAL ID regulations in 6 CFR Part 37 for issuance of credentials to undercover law enforcement officers; and to rescind rule 761—625.4(321), relating to renewal of an undercover driver’s license, and move the content of that rule to new subrule 625.3(3). An undercover driver’s license may not be renewed, but a new application may be submitted and, if accepted, the Department may issue a new undercover license for an individual who continues to meet the undercover license criteria.

Finally, the proposed amendments add cross references to Iowa Code section 80G.3, which relates to the confidential treatment of undercover law enforcement records, and to 6 CFR Part 37, which relates to the documentation required for issuance of a credential to undercover law enforcement officers in accordance with the federal REAL ID regulations.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 24, 2018. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

A public hearing to hear requested oral presentations will be held as follows:

July 26, 2018	Department of Transportation
2 p.m.	Motor Vehicle Division
	6310 SE Convenience Boulevard
	Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department’s rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **625.2(1)“e”** as follows:

e. Be submitted to the ~~office of driver services at the address in rule 761—600.2(17A)~~ Bureau of Investigation and Identity Protection, Iowa Department of Transportation, 6310 SE Convenience Blvd., Ankeny, Iowa 50021.

ITEM 2. Amend subrule 625.2(2) as follows:

625.2(2) All applications shall be investigated by the department. An investigation shall include, but not be limited to, a 50-state check of the fictitious name and, ~~if provided, fictitious social security number~~ verification of the applicant’s employment with the sponsoring law enforcement agency.

ITEM 3. Amend rule 761—625.3(321) as follows:

761—625.3(321) Issuance.

625.3(1) To obtain an undercover license after the application is approved, the applicant must appear at ~~a driver's license examination station that has record capabilities~~ the Motor Vehicle Division offices, Iowa Department of Transportation, 6310 SE Convenience Blvd., Ankeny, Iowa, with all applicable documents necessary for the issuance of an undercover license.

625.3(2) A two-year license will be issued. The applicant must pay all fees and meet all requirements for the class of license applied for, except that ~~761—subrule 601.5(1)~~ rule 761—601.5(321) is waived in accordance with the provisions in 6 CFR Part 37.

625.3(3) An undercover license may not be renewed. The department may issue a subsequent new undercover license to an applicant who submits a new application and continues to meet the requirements of rule 761—625.2(321).

ITEM 4. Rescind and reserve rule **761—625.4(321)**.

ITEM 5. Amend subrule 625.6(1) as follows:

625.6(1) Applications, forms and other records of the department that establish the true identity of an applicant or licensee under this chapter are confidential public records under Iowa Code sections 22.7, 80G.3 and 321.189A. The fictitious license information itself is not confidential, except as provided in Iowa Code section 321.11.

ITEM 6. Amend **761—Chapter 625**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 22.7, 80G.3 and 321.189A, and 6 CFR Part 37.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Highway Division, Office of Traffic and Safety Order No. H-2019-12
Submitted by Mitchell J. Dillavou Phone No. 515-239-1124 Meeting Date August 14, 2018
Title Administrative Rules — 761 IAC 144, Automated Traffic Enforcement on the Primary Road System

DISCUSSION/BACKGROUND:

The department is proposing to rescind Chapter 144 because the Iowa Supreme Court concluded that the department does not have the statutory authority to adopt or enforce the rules.

A complete summary explaining the proposed amendment is included in the attached Notice of Intended Action.

The public comment period ended July 24. The department did not receive any comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve the rule amendment included in the attached Notice of Intended Action.

COMMISSION ACTION:

Moved by Charese Yanney Seconded by David Rose

	Aye	Vote Nay	Pass
Fehrman	<u>x</u>	<u> </u>	<u> </u>
Maher	<u>x</u>	<u> </u>	<u> </u>
Paulsen	<u>x</u>	<u> </u>	<u> </u>
Putney	<u>absent</u>	<u> </u>	<u> </u>
Rielly	<u>x</u>	<u> </u>	<u> </u>
Rose	<u>x</u>	<u> </u>	<u> </u>
Yanney	<u>x</u>	<u> </u>	<u> </u>

Division Director Legal State Director

H-2019-12

Mitch Dillavou, Highway Division; As discussed yesterday at the Commission Workshop, the department is proposing to rescind Chapter 144 because the Iowa Supreme Court concluded that the department does not have the statutory authority to adopt or enforce the rules.

A complete summary explaining the proposed amendment is included in the attached Notice of Intended Action.

The public comment period ended July 24. The department did not receive any comments or requests for oral presentations.

It is recommended that the Commission approve the rule amendment included in the attached Notice of Intended Action.

Commissioner Yanney made a motion to approve rescinding and reserving 761 – Chapter 144. Commissioner Rose seconded the motion. Commissioner Putney, absent; motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to automated traffic enforcement and providing an opportunity for public comment

The Department of Transportation hereby proposes to rescind Chapter 144, “Automated Traffic Enforcement on the Primary Road System,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 307.12.

State or Federal Law Implemented

This rule making does not implement a state or federal law but instead rescinds rules determined by the Iowa Supreme Court to be beyond the Department’s rule-making authority.

Purpose and Summary

On April 27, 2018, the Iowa Supreme Court, in Case No.17-0686, *City of Des Moines, City of Muscatine and City of Cedar Rapids v. Iowa DOT*, ruled that the Department did not have the statutory authority to adopt or enforce the rules set forth in Chapter 144. Consistent with this ruling, the Department proposes to rescind this chapter.

Fiscal Impact

The Department is unable to determine the fiscal impact of rescinding this chapter. Individual cities and counties will determine whether and to what extent they maintain existing automated traffic enforcement systems and locations or add new systems or locations.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because the Department is rescinding the chapter.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 24, 2018. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

A public hearing to hear requested oral presentations will be held as follows:

July 26, 2018
10 a.m.

Department of Transportation
Administration Building
Third Floor Conference Room
800 Lincoln Way
Ames, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Rescind and reserve **761—Chapter 144**.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Highway Division, Office of Location & Environment Order No. H-2019-13
 Submitted by Mitchell J. Dillavou Phone No. 515-239-1124 Meeting Date August 14, 2018
 Title I-80 Dallas County Corridor Preservation

DISCUSSION/BACKGROUND:

In February 2018, a general Corridor Preservation Zone was approved adjacent to I-80 between Veterans Memorial Drive interchange (Van Meter) to the Grand Prairie Parkway interchange. This area is experiencing increased development. This corridor preservation zone was implemented and subsequent to this action, additional development pressure has taken place further west in the vicinity of the DeSoto interchange.

Expansion of capacity in this area is consistent with the department's long-term vision for Interstate 80 and a corridor preservation zone will assist in ensuring appropriate coordination with local public agencies and developers as development occurs throughout the corridor, ensuring consistency with the long-term plans for I-80.

The area of the proposed Corridor Preservation Zone for Dallas County is shown in blue on the attached aerial display with the existing Corridor Preservation Zone circled in yellow and the proposed expansion area circled in orange. Procedures per Iowa Code 306.19 will be followed and if a decision is made to acquire property under the Corridor Preservation Zone, the DOT will use Emergency and Contingency Funds in the transportation improvement program or funds that are programmed for project right-of-way acquisition. Commission approval of the Corridor Preservation Zone will provide condemnation authority for this area to the DOT.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the expansion of the Corridor Preservation Zone on I-80 in Dallas County between Veterans Memorial Drive interchange (Van Meter) to the Grand Prairie Parkway interchange to include portions further West between Veteran's Memorial interchange (Van Meter) to the DeSoto interchange.

COMMISSION ACTION:

Moved by David Rose Seconded by Tom Rielly

	Aye	Vote Nay	Pass
Fehrman	x		
Maher	x		
Paulsen	x		
Putney	absent		
Rielly	x		
Rose	x		
Yanney	x		

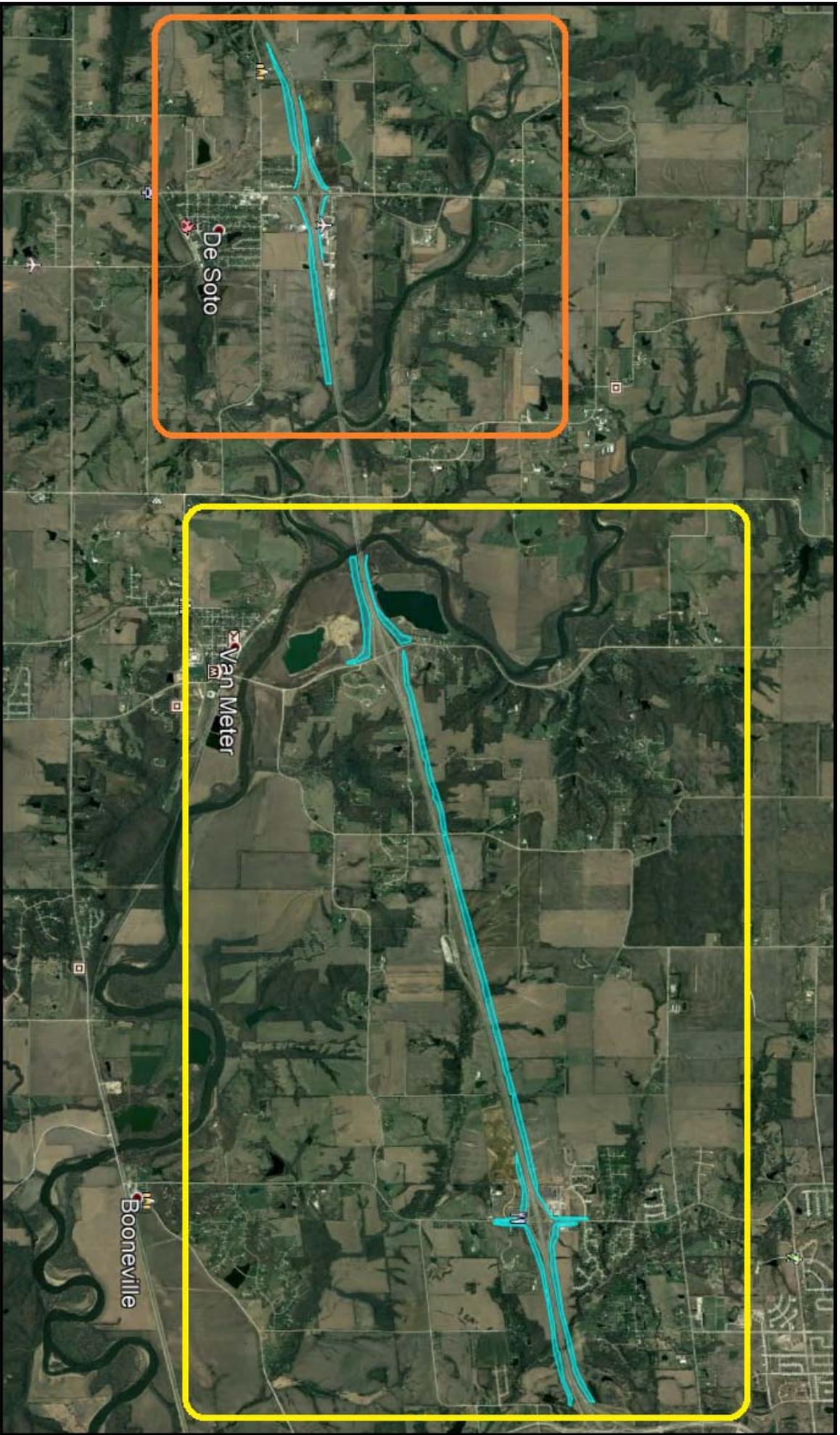
Division Director Legal State Director

H-2019-13

Mitch Dillavou, Highway Division; In February of this year, a general Corridor Preservation Zone was approved adjacent to I-80 between Veterans Memorial Drive interchange (Van Meter) to the Grand Prairie Parkway interchange. This area is experiencing increased development. This corridor preservation zone was implemented and subsequent to this action, additional development pressure has taken place further west in the vicinity of the DeSoto interchange.

It is recommended the Commission approve the expansion of the Corridor Preservation Zone on I-80 in Dallas County between Veterans Memorial Drive interchange (Van Meter) to the Grand Prairie Parkway interchange to include portions further West between Veteran's Memorial interchange (Van Meter) to the DeSoto interchange.

Commissioner Yanney made a motion to approve the I-80 Dallas County Corridor Preservation. Commissioner Rose seconded the motion. Commissioner Putney, absent; motion passes unanimously.



DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Highway Division, Office of Location & Environment Order No. H-2019-14
 Submitted by Mitchell J. Dillavou Phone No. 515-239-1124 Meeting Date August 14, 2018
 Title US 63 Mahaska County Corridor Preservation

DISCUSSION/BACKGROUND:

Iowa DOT is developing an overall improvement strategy for U.S. 63 bypassing Oskaloosa. The strategy will improve safety and traffic operations along the existing route through town, sending freight traffic more directly to Iowa 163, in lieu of a circuitous route through Oskaloosa.

There is potential for development pressure throughout the corridor, but this potential is higher near the proposed interchange location between Iowa 163 and U.S. 63 west of Oskaloosa. The location of this interchange is somewhat inflexible due to gas lines and an airport in the vicinity of the project area.

Per Iowa Code 306.19, the DOT may implement corridor preservation. Procedures include notifying a city or county of the area subject to corridor preservation, notifying adjacent property owners and publishing a map of the proposed area. Then, with any application for a building permit, subdivision plat or zoning change within the corridor preservation zone, the city or county must notify the DOT. The DOT has 30 days to review the application. If the decision to acquire the affected property is made, the DOT will notify the city or county and begin negotiations with the property owner.

The area of the proposed Corridor Preservation Zone for Mahaska County is shown on the attached aerial display encompassed in red. Procedures per Iowa Code 306.19 will be followed and if a decision is made to acquire property under the Corridor Preservation Zone, the DOT will use Emergency and Contingency Funds in the transportation improvement program or funds that are programmed for project right-of-way acquisition. Commission approval of the Corridor Preservation Zone will provide condemnation authority for this area to the DOT.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve a Corridor Preservation Zone encompassing the proposed relocation of U.S. 63 north and west of Oskaloosa in Mahaska County between 200th Street north of Oskaloosa to Iowa 163 west of Oskaloosa.

COMMISSION ACTION:

Moved by Charese Yanney Seconded by David Rose

	Aye	Vote Nay	Pass
Fehrman	x		
Maher	x		
Paulsen	x		
Putney	absent		
Rielly	x		
Rose	x		
Yanney	x		

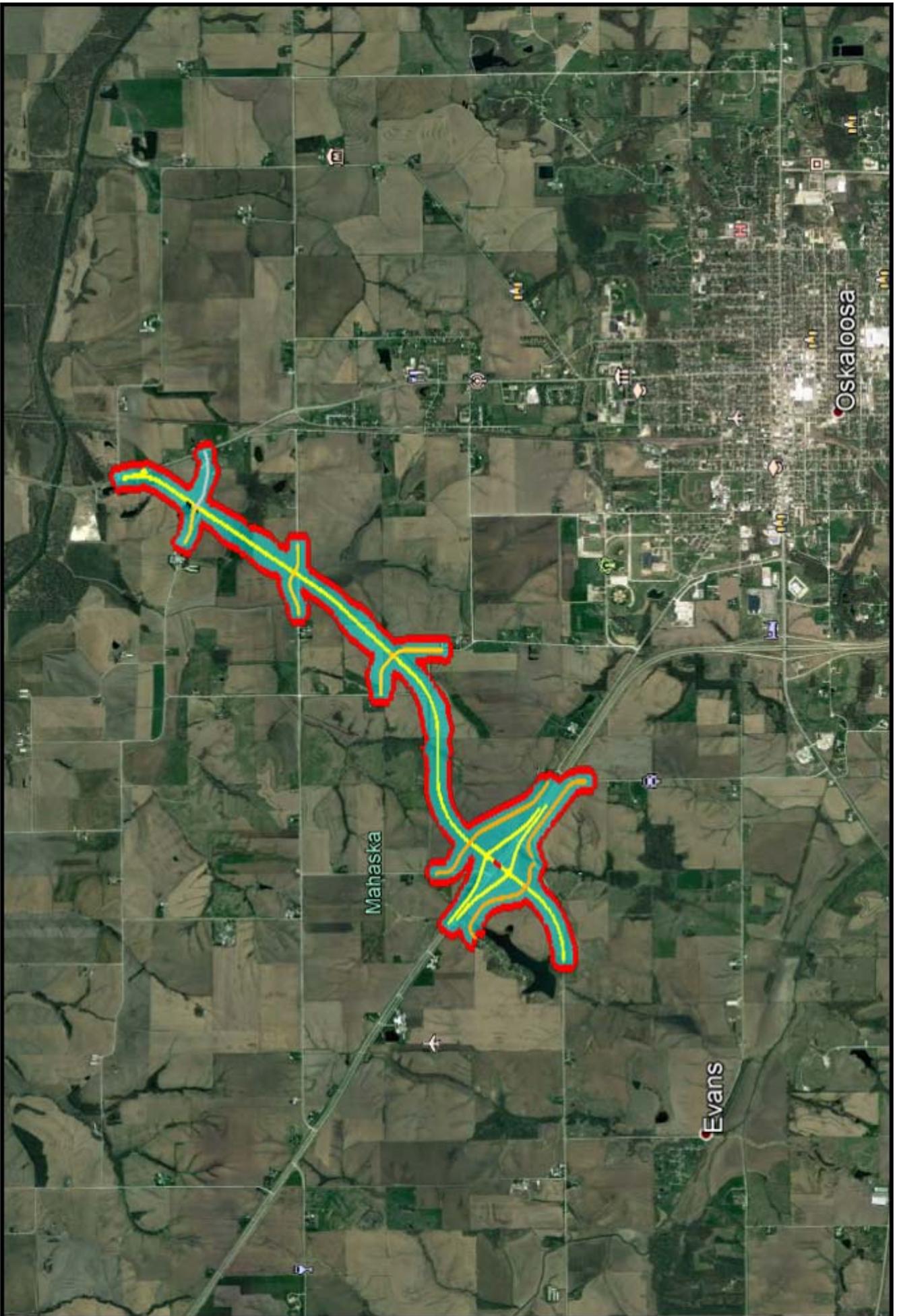
Division Director Legal State Director

H-2019-14

Mitch Dillavou, Highway Division; Iowa DOT is developing an overall improvement strategy for U.S. 63 bypassing Oskaloosa. The strategy will improve safety and traffic operations along the existing route through town, sending freight traffic more directly to Iowa 163, in lieu of a circuitous route through Oskaloosa.

It is recommended the Commission approve a Corridor Preservation Zone encompassing the proposed relocation of U.S. 63 north and west of Oskaloosa in Mahaska County between 200th Street north of Oskaloosa to Iowa 163 west of Oskaloosa.

Commissioner Yanney made a motion to approve the US 63 Mahaska County Corridor Preservation. Commissioner Rose seconded the motion. Commissioner Putney, absent; remaining Commissioners voted aye.



DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2019-15
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date August 14, 2018
Title Revitalize Iowa's Sound Economy (RISE) Policies

DISCUSSION/BACKGROUND:

Policies used to evaluate and administer RISE projects have been reviewed by department staff. The attached document describes those policies. Changes to the RISE policies will take effect on RISE projects approved by the Commission starting with the September 2018 Local Development round of applications.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the attached RISE policies.

COMMISSION ACTION:

Moved by Nancy Maher Seconded by Charese Yanney
*Motion to table vote to next month.

Division Director Legal State Director

	Aye	Vote Nay	Pass
Fehrman	<u>x</u>	_____	_____
Maher	<u>x</u>	_____	_____
Paulsen	<u>abstain</u>	_____	_____
Putney	<u>absent</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Rose	<u>x</u>	_____	_____
Yanney	<u>x</u>	_____	_____

PPM-2019-15

Craig Markley, Office of Systems Planning; After discussion at Monday's workshop, the RISE policies will be presented to you again next month.

Commissioner Maher made a motion to table the RISE policy vote until the September meeting. Commissioner Yanney seconded the motion. Motion passes unanimously. Commissioner Putney, absent.

Revitalize Iowa's Sound Economy (RISE) Policies
Effective August 14, 2018, Iowa Transportation Commission Business Meeting

Annual laborshed wage rate

- A company's ability to meet 100 percent of the annual laborshed rate for their area will be used to assist in determining RISE participation.

Project Completion Settlement Process

- First 50 percent of RISE funding not subject to settlement calculation.
- Settlement prorated against RISE funding beyond first 50 percent.
- In evaluating job contingency requirements, consideration will be given to jobs created from a different company that locates at the site of the original RISE-supported development. These jobs are subject to the same monitoring period as the original RISE development and will be evaluated based on wage rate, benefits and other RISE eligibility requirements.
- If at least 90 percent of the job creation and/or retention contingency is met at the wage rate established at the time of project approval, the project is considered substantially complete.
- Settlement installment payments calculated based on the prime interest rate minus 3 percent.

Monitoring process

- In monitoring job contingency requirements, initial payroll is required to establish baseline data.
- Three years after the roadway is open to traffic, the job creation and/or retention along with the wage rate contingencies must be met. Review and calculate average number of jobs created and/or retained using payrolls from the beginning and end of any six-month period from the time funding is awarded to three years after the RISE infrastructure improvement is complete.
- Submittal of documentation in cases of job turnover for establishing compliance with agreement contingency is allowable.

RISE cost per job increase

- \$12,000 per job maximum.

Local development funding

- Funding used for speculative RISE-eligible (nonretail) development.
- RISE participation held to 50 percent of eligible project costs.

Iowa's Certified Sites Program (IEDA) RISE Local Development applications

- Maximum RISE participation awarded is variable depending on the acreage of the Certified Site:
 - 50-499 acres; up to 60 percent RISE participation
 - 500-999 acres; up to 65 percent RISE participation
 - 1,000 acres or more; up to 70 percent RISE participation
- A funding commitment may be considered by the Commission following receipt and review of an application for RISE funding. Final details of RISE project scope and maximum RISE award dollar amount will be finalized and brought for consideration by the Commission as a modification to the RISE award once determined through further discussion between the applicant and Iowa DOT staff.
- Projects awarded RISE Local Development assistance may be modified in the event that a business location decision is imminent. Following submission of the necessary information, the roadway project may be converted at the Commission's discretion to a more typical RISE Immediate Opportunity project qualifying for up to 80 percent RISE participation.
- A RISE Local Development funding commitment for a Certified Site under these policies will expire according to the same schedule as the certification of the site expires through the IEDA Certified Sites program.

University Research Park RISE Local Development applications

- RISE participation held to 70 percent of eligible project costs

- Project monitoring will be accomplished through the submission of annual reports by the research park documenting business development and job creation in the park and the relocation of businesses and jobs to other locations in Iowa.

Double access issue

- Interpretation has been to not fund RISE projects that create more than one access unless necessary to support additional entrances to a business or the project is the last link in the street/highway network. RISE funding will not be provided for more than one access unless necessary to support RISE-eligible development or where necessary to support an IEDA designated Certified Site.

Loan interest rate

- RISE loan installment payments calculated using an interest rate between zero percent and the 10-year U.S. Treasury bond rate based on the quality of the RISE project.

Addition of RISE funding to a previously awarded project

- Allow the addition of RISE funding by Iowa Transportation Commission approval if the road construction has not started yet or the RISE-supported company construction has not been completed.

Roads/streets previously improved with RISE funding

- Additional funding for previously RISE-funded projects not allowed. However, new projects for capacity improvements necessary to support immediate job creation decision will be considered.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Planning, Programming and Modal Division

Division/Bureau/Office Office of Aviation Order No. PPM-2019-16

Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date August 14, 2018

Title Fiscal Year 2019 State Aviation Program

DISCUSSION/BACKGROUND:

The Office of Aviation requests approval for the fiscal year (FY) 2019 State Aviation Program, including project recommendations for the Commercial Service Vertical Infrastructure, General Aviation Vertical Infrastructure, and the Airport Improvement Program. The recommended program with project costs is attached.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FY 2019 State Aviation Program as attached.

COMMISSION ACTION:

Moved by David Rose Seconded by Tom Rielly

	Aye	Vote Nay	Pass
Fehrman	x	_____	_____
Maher	x	_____	_____
Paulsen	x	_____	_____
Putney	absent	_____	_____
Rielly	x	_____	_____
Rose	x	_____	_____
Yanney	x	_____	_____

Division Director Legal State Director

PPM-2019-16

Stuart Anderson, Planning, Program, and Modal Division; The Office of Aviation presented to you the fiscal year (FY) 2019 State Aviation Program, including project recommendations for the Commercial Service Vertical Infrastructure, General Aviation Vertical Infrastructure, and the Airport Improvement Program. The recommended program with project costs is attached.

It is recommended the Commission approve the FY 2019 State Aviation Program as attached.

Commissioner Rose made a motion to approve the FY 2019 State Aviation Program as attached to the Commission Order. Commissioner Rielly seconded the motion. The motion passed unanimously. Commissioner Putney, absent.

FY 2019 State Aviation Program

Airport Improvement Program	4,616,091
Aviation Safety AWOS maintenance and data link, runway marking, immediate safety enhancements, obstruction mitigation, wildlife mitigation, windsocks, education and outreach	521,314
Aviation planning and development Airport development projects, air service development, statewide planning and research	4,094,777
Commercial Service Vertical Infrastructure	1,500,000
General Aviation Vertical Infrastructure	731,990
Total Aviation Program	\$6,848,081

Airport Development projects

Airport	Project	Total Project Cost	State Amount
Algona Municipal Airport	3 Stall Hangar Approach Paving	57,000	42,750
Ankeny Regional Airport	South Apron Access Road and Utilities - Phase 1	520,000	225,000
Boone Municipal Airport	Construct Apron for 8 Unit T-Hangar	172,104	146,288
Carroll - Arthur N Neu Airport	Entrance Sign and Landscaping	20,000	10,000
Creston Municipal Airport	Install Wind Cone	50,000	42,500
Des Moines International Airport	South Quadrant FBO Site Development Phase 2	982,000	392,800
Des Moines International Airport	Taxilane Repair	308,769	154,384
Estherville Municipal Airport	Repaint Beacon Tower	9,450	5,670

Airport Development projects (continued)

Airport	Project	Total Project Cost	State Amount
Fairfield Municipal Airport	Airfield Pavement Rehabilitation - Phase 2	195,000	165,750
Fort Dodge Regional Airport	Install Subdrain System for T-Hangar	40,000	34,000
Iowa City Municipal Airport	Reconstruct Terminal Apron and Taxiway	249,900	228,800
Mason City Municipal Airport	Construct Taxilane	310,000	217,000
Northeast Iowa Regional Airport	Replace Airport Beacon	50,000	40,000
Ottumwa Regional Airport	Apron Reconstruction	335,500	285,175
Perry Municipal Airport	Apron for 100x100 Hangar	73,200	62,220
Red Oak Municipal Airport	Fuel System Upgrade	42,000	31,500
Sioux County Regional Airport	Terminal Area Paving & Vehicle Parking	500,000	425,000
Sioux Gateway Airport	Rehabilitate North GA Ramp Taxilane	525,000	367,500
Sioux Gateway Airport	North GA Ramp Pavement Island	580,000	425,000
Southeast Iowa Regional Airport	Reconstruct T-Hangar Taxilane - Phase 1	108,740	91,340
The Eastern Iowa Airport	Replace 14 Thermoplastic Surface Hold Signs	146,000	124,100
Total		\$5,274,663	\$3,516,777

General Aviation Vertical Infrastructure projects

Airport	Project	Total Project Cost	State Amount
Algona Municipal Airport	3 Stall Hangar Extension	282,000	149,460
Boone Municipal Airport	Construct 8 Unit T-Hangar	480,250	150,000
Cherokee County Regional Airport	Paint and Repair Hangars	75,000	37,500
Estherville Municipal Airport	Hangar Paint and Roof Repairs	24,800	14,880
Perry Municipal Airport	Construct 100x100 Hangar	656,500	150,000
Red Oak Municipal Airport	Rehabilitate Hangar Doors	65,000	48,750
Sioux County Regional Airport	Construct 100x100 Hangar	600,000	150,000
Spencer Municipal Airport	Rehabilitate Hanger Bi-fold Doors	20,500	16,400
Webster City Municipal Airport	Terminal Building and Hangar Repairs	30,000	15,000
Total		\$2,234,050	\$731,990

Commercial Service Vertical Infrastructure projects

Airport	Project	Total Project Cost	Allocated State Share
Des Moines International Airport	South Quadrant FBO Site Development Phase 1	995,000	593,616
Dubuque Regional Airport	Relocate Airfield Infrastructure and GA Terminal Renovations	105,815	105,815
Fort Dodge Regional Airport	Renovate Maintance Facility, Hangars and AFSS Building	96,061	96,061
Mason City Municipal Airport	Boiler Replacement	170,000	96,208
Sioux Gateway Airport	Hangar Repair	105,330	105,330
Southeast Iowa Regional Airport	Terminal Upgrades	96,002	96,002
The Eastern Iowa Airport	Install Overhead Roadway Signs	322,000	304,613
Waterloo Regional Airport	Hangar and Terminal Improvements	102,354	102,354
Total		\$1,992,562	\$1,500,000