

PRELIMINARY COMMISSION AGENDA

March 11, 2025

IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

March 11, 2025

Materials Conference Room – Iowa DOT Complex

Ames, Iowa

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1:00 p.m.			
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	Commission Comments		
	DOT Comments		
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1:20 p.m.	Adjourn		

* Action Item

On Tuesday, March 11, the Commission and staff will meet informally at 9:30 a.m. in the Materials Conference Room. 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-2025-68
Submitted by Jill Smith Phone No. 515-239-1067 Meeting Date March 11, 2025
Title Approve Minutes of the February 11, 2025 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the February 11, 2025 Commission meeting.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division Director

Legal

State Director

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. D-2025-69
Submitted by Jill Smith Phone No. 515-239-1067 Meeting Date March 11, 2025
Title Meeting Dates from July 2025 through June 2026

DISCUSSION/BACKGROUND:

In March of every year, the Commission identifies their future meeting dates for the next fiscal year. These meeting dates are subject to change but will only be changed through formal Commission action. Below are the recommended meeting dates for the next fiscal year.

<u>2025</u>	<u>2026</u>
July 8	January 13
August 11/12*	February 10
September 9	March 10
October 13/14*	March 19**
November 12 (Wednesday)	April 13/14*
December 9	May 12
	June 8/9*

* Tour/Public Input Meeting
** Workshop Only

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the proposed July 2025 through June 2026 meeting dates.

		Aye	Vote Nay	Pass
COMMISSION ACTION:	Anderson	_____	_____	_____
	Arnold	_____	_____	_____
	Gaesser	_____	_____	_____
	Juckette	_____	_____	_____
	Mulgrew Gronen	_____	_____	_____
	Rielly	_____	_____	_____
	Stutsman	_____	_____	_____
Moved by _____	Seconded by _____			
Division Director	Legal			State Director

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Administrative Services Division Order No. AS-2025-70
Submitted by Lee Wilkinson Phone No. 515-239-1340 Meeting Date March 11, 2025
Title Administrative Rules—761 IAC Chapter 20, Procurement of Equipment, Materials, Supplies and Services

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 20 in accordance with Executive Order 10.

Proposed Chapter 20 establishes the procedure for the procurement of equipment, materials, supplies and services. The process requires competitive procurement with public advertising at a set threshold and defines exceptions.

The public comment period ended on January 7, 2025. The department did not receive any public comments.

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

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 20.

			Aye	Vote Nay	Pass
COMMISSION ACTION:		Anderson	_____	_____	_____
		Arnold	_____	_____	_____
		Gaesser	_____	_____	_____
		Juckette	_____	_____	_____
		Mulgrew Gronen	_____	_____	_____
		Rielly	_____	_____	_____
		Stutsman	_____	_____	_____
Moved by _____	Seconded by _____				
_____ Division Director	_____ Legal	_____ State Director			

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to procurement of equipment, materials, supplies and services and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 20, “Procurement of Equipment, Materials, Supplies and Services,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 8A.302(1) and 307.12(1)“j.”

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 8A.302(1), 8A.311(20), 8A.514(3), 73.15 through 73.21, 307.12(1)“j” and 307.21.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 20 in compliance with Executive Order 10. Proposed Chapter 20 establishes the procedure for the procurement of equipment, materials, supplies and services. The process requires competitive procurement with public advertising at a set threshold and defines exceptions.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 18, 2024. A public hearing was held on the following date(s):

- October 11, 2024

The Department received no comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 7, 2025. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way

Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

January 7, 2025 10 to 10:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 427 298 056
January 7, 2025 2 to 2:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 325 178 868

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 20 and adopt the following **new** chapter in lieu thereof:

CHAPTER 20 PROCUREMENT OF EQUIPMENT, MATERIALS, SUPPLIES AND SERVICES

761—20.1(307) General.

20.1(1) Scope. This chapter pertains only to the procurement of equipment, materials, supplies and services by the Iowa department of transportation with funds from the department's operating budget or from the materials and equipment revolving fund established in Iowa Code section 307.47 or other program funds authorized for department use.

20.1(2) Applicability. Rules 761—20.4(307) through 761—20.6(307) apply to professional and technical services procured using the general purchasing process where contracts are awarded competitively, and cost is a factor. Rule 761—20.9(307) applies to professional and technical services contracts that are awarded based on qualifications when the cost is negotiated after the vendor is selected.

20.1(3) Contact information. Questions regarding this chapter may be directed to the Resources and Acquisitions Bureau, Purchasing Section, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.239.1170.

761—20.2(307) Definitions. As used in this chapter, unless the context otherwise specifies:

"Bidder" means a respondent to a solicitation as a bidder, offeror or contractor.

"Competition" means the efforts of three or more parties acting independently to secure a contract with the department to provide equipment, materials, supplies or services to the department by offering or being in a position to offer the most favorable terms. "Favorable terms" includes, but is not limited to: price, speed of execution, anticipated quality of the product to be provided judged according to the expertise and experience of the provider, or ability to produce a desired result or to provide a desired commodity.

“Firm” means any bona fide contracting entity, including individuals, public mitigation banks and educational institutions. Except for educational institutions, the term is not to include governmental agencies or political subdivisions.

“Methods of procurement” means formal solicitation, informal solicitation, or negotiation as follows:

1. *“Formal solicitation”* means procurement by competition through public advertising of bid documents stating departmental needs.
2. *“Informal solicitation”* means procurement by obtaining a sufficient number of quotations, bids or proposals from qualified sources.
3. *“Negotiation”* means any method of procurement other than formal solicitation or informal solicitation to seek the best and final offer that is most advantageous to the department.

“Professional and technical services” means services that are unique, technical, or infrequent functions performed by independent contractors whose occupation is the rendering of such services. Contracts may go to partnerships, firms, or corporations as procured through formal and informal solicitation or negotiation methods outlined in rules 761—20.3(307) through 761—20.6(307). Architectural, landscape architectural, surveying, general engineering consultant, construction inspection, or engineering services and other related professional and technical services are outlined in rule 761—20.9(307).

“Response” means the submittal of written documents by a prospective bidder, offeror or contractor as a response to any type of solicitation issued by the department for a quotation, bid or proposal.

“Solicitation” means the request by the department for a quotation, bid or proposal. This includes but is not limited to the complete assembly of related documents (whether attached or incorporated by reference) furnished to prospective bidders for the purpose of responding to a solicitation.

761—20.3(307) Procurement policy. It is the policy of the department to procure equipment, materials, supplies and services in a way that is most advantageous to the department and competitive to the maximum practicable extent.

20.3(1) Formal solicitation. The formal solicitation method of procurement is to be used whenever feasible and practicable under the existing conditions and circumstances and the estimated, aggregate amount of the purchase equals or exceeds \$50,000.

20.3(2) Informal solicitation. The informal solicitation method of procurement may be used if formal solicitation is not feasible or practicable, or the estimated, aggregate amount of purchase is less than \$50,000. This method is to be used as deemed necessary to ensure that the procurement is fair to the department, considering the administrative costs of the procurement, and is to be consistent with the nature and needs of the particular procurement so that the procurement is competitive to the maximum practicable extent.

20.3(3) Negotiation. The negotiation method of procurement may be used if formal solicitation or informal solicitation is not feasible or practicable, or in any of the following instances:

- a. Procurement by negotiation is determined to be necessary and in the public interest during a period of man-made or natural disaster or emergency.
- b. The estimated, aggregate amount of the purchase is less than \$15,000.
- c. The procurement is for architectural, landscape architectural, engineering, or related professional and technical services.
- d. The procurement is for other professional and technical services.
- e. When cost is only one of many factors considered to determine the award.
- f. The procurement is for services to be rendered by an educational institution.
- g. It is impracticable to secure competition through formal solicitation or informal solicitation, such as when:

(1) Equipment, materials, supplies or services can be obtained from only one source, pursuant to rule 761—20.7(307).

(2) Competition is precluded because of the existence of patent rights, copyrights, secret processes, control of basic raw materials, or similar circumstances, pursuant to rule 761—20.7(307).

(3) Solicitations have been made available to prospective bidders and no responses to the solicitation have been received.

(4) Solicitations have been made available and the submitted responses do not cover the quantity needed. In this case, negotiation is permitted for the remaining quantity needed.

(5) The procurement is for electrical power or energy, natural or manufactured gas, water or other utility services, or the procurement is for construction of a part of a utility system or railroad and it would not be practicable to allow a contractor other than the utility or railroad company to perform the work.

(6) The procurement is for professional and technical services in connection with the assembly, installation or servicing (or the instruction of personnel therein) of equipment of a highly technical or specialized nature.

(7) The procurement involves maintenance, repair, alteration or inspection, and the exact nature or amount of work to be done is not known.

(8) The procurement is for commercial transportation.

(9) It is impossible to draft adequate specifications or any other adequately detailed description of the item or services to be procured.

(10) The procurement is for a part or component being procured as a replacement in support of equipment specially designed by the manufacturer, and the data available is not adequate to ensure that the part or component supplied by another manufacturer will perform the same function as the part or component it is to replace.

(11) The procurement involves construction where a contractor or group of contractors is already at work on the site, and either it would not be practicable to allow another contractor or an additional contractor to work on the same site or the amount of work involved is too small to interest other contractors to mobilize and demobilize.

h. The procurement is for experimental, developmental or research work or for the manufacture or furnishing of property for experimentation, development, research or testing.

i. It is determined that the responses received are not reasonable or have not been independently arrived at.

j. Procurement by negotiation is otherwise authorized by law including but not limited to Iowa Code section 73.19.

k. The manufacturer is willing to sell directly to the state at distributor cost.

761—20.4(307) Formal solicitation procedures.

20.4(1) *Bidders list.* The department's purchasing section will maintain current bidders lists by commodity classification.

a. These lists are generated from the department's electronic sourcing platform and will be actively managed to stay current with the relevant industry players and accurate commodity classifications to secure competition to the maximum practicable extent. Solicitations will be posted on the Iowa economic development authority's targeted small business website no later than 48 hours prior to the issuance of the solicitation.

b. Any firm legally doing business in Iowa may be placed on an appropriate bidders list or lists by registering as a vendor on the department's electronic sourcing platform.

c. Subject to concurrence of legal counsel, a bidder's name may be removed from a bidders list or lists for any of the following reasons:

(1) When the bidder has failed to meet prequalification as set forth in the bid solicitation.

(2) When the bidder has failed to meet the performance standards of a previous procurement.

(3) When the bidder has attempted to improperly influence the decision of any state employee involved in the procurement process.

(4) When there are reasonable grounds to believe that there is a collusive effort by bidders to restrain competition by any means.

(5) Where there is a determination by the civil rights commission that the bidder conducts discriminatory employment practices.

d. A bidder may protest removal from a bidders list or lists by submitting the appeal in writing pursuant to instructions in paragraph 20.4(6)“d.”

20.4(2) Solicitation documents. The department will prepare the solicitation documents complete with requirements, specifications and instructions, as applicable, to be publicly posted for the purpose of procuring goods or services.

a. In special situations (e.g., the procurement of new model equipment), the solicitation may be marked “preliminary” and sent to prospective bidders requesting their review of the solicitation to determine their ability to respond and meet the requirements of the procurement request. The “preliminary” solicitation process involves the following steps:

(1) A conference may be held to discuss the “preliminary” solicitation requirements with prospective bidders when the item in question is a new acquisition for the department.

(2) Written requests for variations, deviations or approved equal substitutions to the solicitation are to be accepted, evaluated and answered by the department.

(3) The solicitation requirements may be revised to incorporate approved changes.

(4) A final solicitation is to be sent to prospective bidders that participated in the preliminary process.

b. The solicitation is to be sent to a sufficient number of prospective bidders so as to promote adequate competition commensurate with the dollar value and nature of the procurement. The solicitation is to be furnished to others upon request.

c. The department will publicize the procurement by advertising in appropriate media, providing the date and time set for public opening of submitted responses, a general description of the item to be procured, and the name and address of the person to contact to obtain a copy of the solicitation.

20.4(3) Response instructions. Each bidder is to prepare the response to the solicitation in the manner prescribed and furnish all information and samples requested in the solicitation. All bidders are to adhere to the following when preparing and submitting responses:

a. *Response preparation.* Responses are to be submitted electronically in a secure authorized system as instructed in the solicitation. Telephonic, written, email or facsimile responses are not to be considered.

b. *Information to be provided by bidder.* In the space provided, the bidder is to denote brand name, manufacturer’s name, model number and any other necessary information to assist in identifying each item the bidder proposes to supply.

c. *New merchandise.* Unless otherwise specified, all items offered are to be new, of the latest model or manufacture, and at least equal in quality to that specified.

d. *Response price.* Where requested, the unit and total price for each separate item, and the total price for all items, is to be provided in the bidder’s response. Alternate prices for approved substitutions may be submitted by attaching a response marked as an alternate to the original response. In case of error, the unit price prevails. If unit price is not requested in the solicitation, the total price per item prevails.

e. *Discounts.* Bidders are to quote net discount price. No other discounts are to be considered in making the award.

f. *Time of acceptance.* The bidder is to hold the offered prices open for action by the department at least 30 days past the time set for public opening of submitted responses.

g. *Escalator clauses.* Unless specifically provided for in the solicitation, a response containing an escalator clause is not to be considered.

h. *Federal and state taxes.* Except for specific items that will be noted in the solicitation, the department is exempt from payment of federal and state taxes. These taxes are not to be included in the bidder’s response. Exemption certificates are to be furnished to bidders upon request.

i. *Delivery dates.* In the space provided, the bidder is to show the earliest date on which delivery can be made. When the solicitation shows the acceptable delivery date for an item, the proposed delivery date may be used as a factor in determining the successful bidder.

j. *Ties and reservations.* No ties or reservations by the bidder are permitted. Any tie or reservation stipulated by the bidder shall be sufficient grounds to reject the submitted response.

k. Changes and additions. No changes in or additions to the solicitation are to be permitted unless a written request for a change or an addition is submitted to the department's purchasing section in sufficient time to allow an appropriate analysis and response to all bidders, and the change or addition is approved by the purchasing section. The purchasing section will notify all bidders of approved changes or additions by means of addenda. Any unauthorized change in or addition to the solicitation is to be sufficient grounds to reject the submitted response.

l. Response submission. All responses are to be submitted electronically prior to the time set for public opening of submitted responses. Responses received are to be dated and time-stamped electronically by the purchasing section showing the date and hour received. By submitting a response, the bidder:

(1) Agrees that the contents of the response will become part of the contract if the bidder receives the award.

(2) Certifies that the bidder has become familiar with the contents and requirements of the solicitation.

m. Bid bond. A bid bond may be necessary as security that the bidder will execute the contract if awarded. If necessary, each response is to be supported by a bid bond in the form and amount prescribed in the solicitation. Responses not so supported are not to be read.

n. Withdrawal of responses prior to opening. Responses may be withdrawn prior to the time set forth in the solicitation. Prior to opening, a bidder who withdraws the response to a solicitation may submit a new response if desired.

o. Modification or withdrawal of responses after opening. After opening, no response is to be modified. A response may be withdrawn after opening only if:

(1) The bidder submits, at least three days prior to award, a sworn statement asserting that the response contains a substantial inadvertent error and that the bidder would suffer a serious financial loss if the bidder were to perform under the response, and

(2) The purchasing director approves the withdrawal. The purchasing director may base the decision to approve or deny the withdrawal on any factors the purchasing director deems relevant, including but not limited to the best interests of the agency, possible prejudice to other bidders or the bidding process, and the extent of financial hardship on the bidder if withdrawal is not allowed.

20.4(4) *Public opening of responses.* Responses are to be opened publicly and read aloud at the time stipulated in the solicitation.

20.4(5) *Consideration of responses.* The department reserves the right to accept or reject any or all responses. Individual responses may be rejected for any of the following reasons:

a. Noncompliance with the requirements of this rule or of the solicitation.

b. Financial insolvency of the bidder.

c. Evidence of unfair bidding practices.

d. For any other reason stated in this rule.

20.4(6) *Recommendation of award.*

a. Time frame. Unless otherwise specified by the department in the solicitation, an award is to be made within 30 days after the date and time set for public opening of submitted responses if it is in the best interest of the state. If an award is not made within the applicable time frame, the procurement is to be canceled unless an extension of time is mutually agreed to by the department and the apparent successful bidder.

b. Tied responses. Responses that are equal in all respects and are tied in price are to be resolved among the tied bidders by giving first preference to an Iowa bidder and second preference to the bidder who satisfactorily performed a contract the previous year for the same item at the same location. If the tie involves bidders with equal standing, the award is to be determined by lot among these bidders. A tied bidder or the bidder's representative may witness the determination by lot.

c. Tabulation of responses. A tabulation of responses with an award recommendation is to be sent to all interested parties including bidders at least ten days prior to award.

d. Protests. Any protest of the recommended award is to be submitted in writing to: Director of the Purchasing Section, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. A written

protest must be received by the director of purchasing within five days after the recommended award has been posted. The protest is to be considered by the authority making the award. This is not a contested case as defined in Iowa Code section 17A.2.

e. Return of bid bond. Unsuccessful bidders' bid bonds shall be promptly returned by the department after award is made. The bid bond of the successful bidder shall be returned in accordance with subrule 20.4(7).

20.4(7) Contract execution and performance.

a. Execution. The successful bidder is to make good effort to enter into (execute) a formal contract with the department within 14 days after award.

b. Performance bond and certificate of insurance. A performance bond or certificate of liability and property damage insurance, or both, may be needed for those contracts involving services or specially constructed equipment. If needed, the performance bond and certificate of insurance are to be filed with the department promptly after award and prior to contract execution.

c. Return of awarded bidder's bid bond. The bid bond of the successful bidder is to be returned following execution of the contract. However, if the successful bidder fails to execute the contract and file an acceptable performance bond and certificate of insurance (if needed) promptly after award and prior to contract execution, or fails to comply with Iowa Code chapter 490, the award may be annulled and the bid bond forfeited.

d. Assignment of contract. The contractor is not to assign the contract to another party without written authorization from the department's purchasing section.

e. Strikes, lockouts or acts of God. If the contractor's business or source of supply has been disrupted by a strike, lockout or act of God, the contractor is to promptly advise the department's purchasing section. The department may elect to cancel the contract without penalty to either the contractor or to the department.

f. Payment. Unless otherwise stated in the contract, payment terms shall be net following the department's receipt and acceptance of the item(s) procured and receipt of an original invoice, in accordance with Iowa Code section 8A.514(3).

g. Liquidated damages. The contract terms may provide for liquidated damages to be assessed if the contractor fails to complete the contract within the contract period or for any other reason as specified in the contract.

20.4(8) Additional requirements.

a. The department's standard specifications for highway and bridge construction, as available on the department's website at www.iowadot.gov, where applicable and not in conflict with this rule or with the needs of a particular procurement, shall apply to formal solicitation procurement activities.

b. If there are federal funds involved in a particular procurement, and the federal procurement regulations conflict with this rule, then the federal procurement regulations shall apply.

c. Procurement of motor vehicles is to be in accordance with Iowa Code section 8A.311(20).

761—20.5(307) Informal solicitation procedures.

20.5(1) Bidders lists. The department will use its current bidders lists (more information can be found in subrule 20.4(1)) to the extent feasible and practicable. However, the solicitation will also be offered to any qualified bidder that has requested an opportunity to participate.

20.5(2) Form of solicitation. The solicitation is to be as detailed and complete as practicable for the time and resources available.

20.5(3) Form of response. Responses are to be submitted in writing or electronically when practicable. Written responses will prevail over oral responses in case of discrepancies, disputes or errors. Following is the order of preference:

a. Original, signed submitted response.

b. Electronically submitted response (facsimile, email, Internet).

c. Oral response (e.g., telephonic).

20.5(4) Award. The award is to be offered to that responsible bidder whose response meets the requirements of the solicitation and is the most advantageous to the department. An Iowa bidder will be

given preference over an out-of-state bidder when responses are equal in all respects and are tied in price.

761—20.6(307) Professional and technical services. This rule applies to professional and technical services procured through the purchasing section using formal solicitation, informal solicitation or negotiation methods outlined in rules 761—20.3(307) through 761—20.6(307). The purchasing section will use the request for proposal (RFP) process, excluding cost evaluation, to ensure qualification-based selection for architectural, landscape architectural, and engineering services. Professional and technical services procured by the project management bureau are covered by rule 761—20.9(307).

20.6(1) RFP. A solicitation prepared by the department will include at least the minimum needs for the type of goods or services sought. The solicitation is sent to prospective offerors and is publicly posted on the department's website.

20.6(2) Evaluation committee. A committee is established for the purpose of reviewing and evaluating proposed responses based on a set of criteria as outlined in the RFP. "Evaluation criteria" will define categories with assigned weighted values to be used as a scoring measure to determine the best overall solution for the department based on technical expertise and price, including but not limited to:

- a. Overall content of written submitted proposal information.
- b. Business knowledge.
- c. Work experience in mandatory skill sets.
- d. Presentation or demonstration.
- e. Cost (will not be used for the selection of architectural, landscape architectural, or engineering services).

20.6(3) Award. The award is to be offered to a firm whose properly submitted compliant response best meets the needs of the solicitation and receives the highest overall score of the weighted criteria.

761—20.7(307) Sole source or emergency selection. Sole source or emergency selection applies to all services, including professional and technical services. The department will fully document and include in the contract file the justification for use of sole source or emergency selection, the basis on which a particular firm is selected and that appropriate approvals were obtained.

20.7(1) Sole source selection. The department may select a single firm qualified to perform the work with which to negotiate when one of the following conditions exists:

- a. Only a single firm is determined qualified or eligible to perform the contemplated services or is eminently more likely to most satisfactorily complete the work than another firm.
- b. The services involve work that is of such a specialized character or nature, or related to a specific geographical location, that only a single firm, by virtue of experience, expertise, proximity to or familiarity with the project or ownership of intellectual property rights, could most satisfactorily complete the work.

20.7(2) Emergency selection. The department may select a single firm qualified to perform the work when there is an emergency that will not permit the time necessary to use normal selection procedures. An emergency includes, but is not limited to, one of the following:

- a. A condition that threatens the public health, welfare or safety.
- b. A need to protect the health, welfare or safety of persons occupying or visiting a public improvement or property located adjacent to the public improvement.
- c. A situation in which the department must act to preserve critical services or programs.

761—20.8(307) Conflicts with federal requirements. If any provision of this chapter would cause a denial of federal funds or services or would otherwise be inconsistent with federal law, federal law shall be adhered to, but only to the extent necessary to prevent denial of the federal funds or services or to eliminate the inconsistency with federal law.

761—20.9(307) Negotiation—architectural, landscape architectural, engineering and related professional and technical services. This rule prescribes procedures followed by the project management bureau for the procurement of architectural, landscape architectural, surveying, general

engineering consultant, construction inspection, engineering and related professional and technical services by negotiation where selection is based on qualifications in compliance with 23 CFR Part 172. Contract costs are negotiated after a qualification-based selection.

20.9(1) *Registration of firms providing professional and technical services.*

a. A firm wishing to provide professional and technical services to the department as a consultant may register to receive information through the GovDelivery portal available at the department's website at www.iowadot.gov. The firm is responsible for keeping the firm's information updated. For information, persons may contact the consultant coordinator at the Project Management Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, or by telephone at 515.239.1803.

b. The department will maintain a list of work categories, descriptions and requirements for each work category online.

20.9(2) *Request for professional and technical services.* Prior to selecting a firm with which to initiate negotiations under this rule, the department will document the need for outside services, a description of the needed services, the time frame within which the work must be performed, and the method of selection to be used. One of the following methods is to be used to select a firm with which to initiate negotiations:

- a. Complete process. More information can be found in subrule 20.9(3).
- b. Small contract process. More information can be found in subrule 20.9(4).
- c. Sole source or emergency selection. More information can be found in rule 761—20.7(307).

20.9(3) *Complete process.* The complete process method will use the following process and will be used unless another selection method is justified:

a. *RFP.* The department will prepare an RFP that will include the scope of the work, duration of the contract, list of applicable work categories, evaluation criteria (excluding cost), any established disadvantaged business enterprise or targeted small business goal for the proposed work, type of contract anticipated, submission details including the point of contact for the RFP for any questions, the time by which the RFP should be received by the department and anticipated date of selection. The RFP will not request any cost information to be submitted by the proposing firms.

b. *Website.*

(1) The RFP will be posted on the department of administrative services' website no later than 48 hours prior to the issuance of the RFP.

(2) The RFP will be posted on the department's website. The notification of the RFP being posted will be sent to all users who have signed up to receive the notification via GovDelivery. The notification will include the link to the website where the RFP is posted. More information can be found in subrule 20.9(1).

(3) The department will post any questions received on the RFP and answers thereto on the website indicated in the GovDelivery notification.

c. *Selection committee.* The department will appoint a selection committee to become familiar with the RFP, review the firms that have responded to the RFP to determine if they meet the requirements of the work to be performed, and evaluate the firms that meet the qualifications per the evaluation criteria. The selection committee will, if necessary, interview the firms, score the firms, document the committee's decision and provide the scoring to the consultant steering committee.

d. *Evaluation criteria.* The selection committee is responsible for establishing criteria for evaluating each firm submitting a proposal, assigning weighted values to the criteria, and rating each firm on each criterion. Evaluation criteria are tailored to the needed services. Typical evaluation criteria are listed below. The list is intended as a guideline only; it is not exhaustive, nor is each criterion mandatory.

- (1) Staffing expertise consistent with special project needs.
- (2) Past experience with similar types of work.
- (3) Current workload and commitment of key personnel.
- (4) Specific qualifications of key staff who will be forming the firm's project team.

(5) Resources the firm has available and proposes to use on the project, including the firm's use of equipment and automated technology and the firm's compatibility with equipment and technology used by the department.

(6) Identification of proposed subconsultants and the work the subconsultants will perform.

e. Consultant steering committee. A consultant steering committee is responsible for reviewing the firms as scored by the selection committee, determining the order of preference for negotiations, and documenting its decision. The number of firms selected is to include at least two alternate firms. The committee is to document its reasoning when the number of selected firms is fewer than the minimum. The consultant steering committee is to consider not only the selection committee's scoring but other factors such as:

(1) A firm's ability to complete required tasks in the time allotted, taking into account other work currently under contract.

(2) The volume of work a firm has with the department, both existing and potential.

(3) The department's goal of having a breadth of experienced firms capable of providing quality services to the department.

(4) Other items unique to the particular contract.

f. Completion of selection process. After selection committee and consultant steering committee activities are complete, the department will determine whether negotiations may begin. If negotiations are approved, the department will proceed to negotiate with the firm that is first in order of preference.

g. Notification to firms. The department will post the results of the selection on the website identified in the GovDelivery notification. For firms not included on the ranked list of firms, the department will also provide a matrix showing the high, low and average scores for each item evaluated and that firm's score for each item.

20.9(4) *Small contract process.* The small contract process may be used to identify a single firm with which to negotiate when the estimated work under the contract can normally be completed within a 12-month period and the estimated cost of the contract will not exceed \$150,000.

a. Selection committee. The department will appoint a selection committee to identify at least three firms that meet the requirements of the work categories involved in performing the work; document the names of the firms considered, if necessary; interview the firms; select a firm with which to initiate negotiations; and document the committee's decision.

b. Completion of selection process. After selection committee activities are complete, the department will determine whether negotiations may begin. If negotiations are approved, the department will proceed to negotiate with the selected firm.

20.9(5) *Selection dispute resolution.* Any dispute of the recommended selection is to be submitted in writing to the consultant coordinator. A written notice of the dispute with supporting evidence must be received by the consultant coordinator within 15 calendar days from the date the selection is posted on the department's website. This is not a contested case as defined in Iowa Code section 17A.2. The department will inform the selected firm(s) of the dispute and inform the firm(s) that the department reserves the right to proceed with negotiations with the selected firm(s) pending resolution of the dispute or claim.

20.9(6) *Negotiation of contract.* The purpose of negotiations is to develop a contract that is mutually satisfactory to the department and the selected firm.

a. The firm must submit a detailed cost proposal, including a detailed cost proposal for each proposed subcontract. The department will prepare an independent estimate of the cost of the proposed services, including a detailed estimate of the firm's staff hours needed to complete the contract. Significant differences are to be evaluated and resolved to the satisfaction of both parties. If it is impractical to make an independent estimate, the department will evaluate the acceptability of the firm's cost proposal on the basis of the reasonableness of the individual elements of the price proposed.

b. The department may perform a preaudit. A preaudit typically includes:

(1) An analysis of the firm's cost proposal and financial records for the method of accounting in place to ensure that the firm has the ability to adequately segregate and accumulate reasonable and allowable costs to be charged against the contract.

(2) An analysis of the firm's proposed direct costing rates and indirect overhead factors to ensure the firm's propriety and allowability.

c. For contracts with federal funding, the department will verify federal suspension and debarment actions and eligibility status of firms prior to entering into an agreement or contract.

20.9(7) *Unsuccessful negotiations.*

a. If a mutually satisfactory contract cannot be negotiated, the department will formally terminate the negotiations and notify the firm in writing. Termination of negotiations is without prejudice and at the department's discretion. The substance of terminated negotiations is confidential.

b. The department will then initiate negotiations with the firm given next preference, and this procedure may be continued until a mutually satisfactory contract has been negotiated. If a satisfactory contract cannot be negotiated with any of the selected firms, the department will either:

(1) Direct the selection committee to select one or more firms with which to continue negotiations, or

(2) Redefine the scope of the project or work and start over. More information can be found in subrule 20.9(2). Once negotiations are terminated, negotiations cannot be reopened with the same firm.

20.9(8) *Evaluation of performance.*

a. The department will evaluate all firms under this rule annually based on the contracts that were active during the fiscal year. Both the firm's performance and quality of the final product shall be evaluated. The evaluation considers:

(1) The quality and adequacy of work performed.

(2) The ability to meet established schedules and budgets.

(3) General administration of the contract, including substantiation of cost billings, payments to subconsultants, and documentation of claims.

(4) Cooperation shown by the firm in responding to requests for information and in revising procedures and products according to directions.

(5) Coordination exhibited by the firm in communicating with the department, subconsultants, agencies and others to accomplish tasks and resolve problems.

(6) Ingenuity displayed in solving unique and unusual design problems encountered during performance of contract objectives.

(7) The ability to obtain an acceptable end product with appropriate department staff guidance.

b. The firm is to be given an opportunity to review, comment on and sign the evaluation.

These rules are intended to implement Iowa Code sections 8A.302(1), 8A.311(20), 8A.514(3), 73.15 through 73.21, 307.12(1) "j" and 307.21.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Administrative Services Division Order No. AS-2025-71
Submitted by Lee Wilkinson Phone No. 515-239-1340 Meeting Date March 11, 2025
Title Administrative Rules—761 IAC Chapter 25, Competition with Private Enterprise

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 25 in accordance with Executive Order 10.

Proposed Chapter 25 defines exemptions from Iowa Code section 23A.2(1). The intended benefit is cost savings to the Department by allowing competition with private enterprise in some circumstances.

The public comment period ended on January 7, 2025. The department did not receive any public comments.

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

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 25.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division Director _____ Legal _____ State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to competition with private enterprise and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 25, “Competition with Private Enterprise,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 23A.2 and 307.12(1) “j.”

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 23A.1 and 23A.2.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 25 in compliance with Executive Order 10. Proposed Chapter 25 defines exemptions from Iowa Code section 23A.2(1). The intended benefit is cost savings to the Department by allowing competition with private enterprise in some circumstances.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 18, 2024. A public hearing was held on the following date(s):

- October 11, 2024

The Department received no comments.

Fiscal Impact

The Department is unable to determine the fiscal impact of this rulemaking due to lack of historical data and an unpredictable market. However, the Department believes the impact will be positive.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 7, 2025. Comments should be directed to:

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

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

January 7, 2025 11 to 11:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 762 953 536
January 7, 2025 3 to 3:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 626 928 674

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 25 and adopt the following **new** chapter in lieu thereof:

CHAPTER 25 COMPETITION WITH PRIVATE ENTERPRISE

761—25.1(23A) Interpretation. This chapter is not to be interpreted to mean that the department will provide a good or service with or without qualification, restriction, or charge.

761—25.2(23A) Exemptions. Activities related to the items listed in this rule are exempted from the provisions of Iowa Code section 23A.2(1).

25.2(1) Transportation-related printing, publications and electronically generated materials, including but not limited to: forms; brochures; booklets; manuals; directories; periodicals; county, city and state transportation maps; video and audio materials; computer tapes and discs; microfilm and other instructional and informative materials.

25.2(2) Copies of records or other services provided to meet the standards of Iowa Code chapter 22.

25.2(3) Transportation-related studies, planning and research.

25.2(4) Disposal of surplus, obsolete or junked materials and supplies and equipment.

25.2(5) Matters of intergovernmental cooperation. Cooperating with other government bodies does not involve providing goods or services to the public except in the broadest sense. The term “government bodies” includes regional transit systems. Activities that involve intergovernmental cooperation include but are not limited to the following:

a. Use or consumption of departmental facilities, equipment, materials or supplies by other government bodies, including loans, rentals and sales of equipment, materials and supplies.

b. Services provided to or performed for other government bodies. These services include:

(1) Vehicle maintenance and repair services provided to other state agencies.

(2) Purchasing services provided to other government bodies.

(3) Purchases made by other government bodies through state contracts.

(4) Disposal of surplus, obsolete or junked materials and supplies and equipment belonging to other state agencies, counties or cities.

(5) Other services performed for government bodies. These services cover a wide range of activities and are performed primarily for county and city highway departments, agencies having park or institutional roads, county treasurers, public transit systems, publicly owned airports, law enforcement agencies, regional planning agencies, and transportation-related boards.

25.2(6) Acquisition and disposal of land and improvements or mitigation banks acquired for highways or facilities use.

25.2(7) Lease of right-of-way.

25.2(8) Design, construction, reconstruction, inspection and maintenance of highways, including but not limited to signs erected in the right-of-way and acknowledgment signs used in the adopt-a-highway program.

25.2(9) Use or consumption of specialized departmental equipment, materials, supplies or services to complete a contract with the department if the goods or services are not readily available on the open market and the department can provide the goods or services at a competitive price.

25.2(10) Use of departmental facilities to complete a contract with the department.

25.2(11) Activities related to emergencies, including but not limited to providing assistance to the public.

25.2(12) Goods or services for use or consumption by the department.

25.2(13) Use of departmental facilities or services by persons providing services to or representing departmental employees, including but not limited to the following services or persons: food, credit union and employee organizations.

25.2(14) Use of departmental conference rooms or grounds by civic groups and nonprofit organizations.

25.2(15) Personal protective items purchased by departmental employees through state contracts.

25.2(16) Goods or services promoting transportation or transportation safety.

25.2(17) Development, implementation, and licensing of software for use by governmental agencies, whether in Iowa or elsewhere, designed for crash data reporting and analysis; generating uniform citations and other forms for use in public safety; and transmission of such data, analysis, and forms to the appropriate agencies.

25.2(18) Development, implementation, and licensing of systems for use by governmental agencies, whether in Iowa or elsewhere, designed for situational incident response, resource management, and interagency communications.

25.2(19) Any other activity permitted or required by law.

These rules are intended to implement Iowa Code sections 23A.1 and 23A.2.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Administrative Services Division Order No. AS-2025-72
Submitted by Lee Wilkinson Phone No. 515-239-1340 Meeting Date March 11, 2025
Title Administrative Rules—761 IAC Chapter 180, Quotation Process for Governmental Entities for Public Improvement for Vertical Infrastructure

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 180 in accordance with Executive Order 10.

Proposed Chapter 180 establishes the process by which governmental entities are to obtain and evaluate competitive quotations relating to public improvement projects for vertical infrastructure. The intended benefit is to ensure competition and equal opportunity through a standardized process and to keep vendors accountable by permitting retained funds.

The public comment period ended on January 8, 2025. The department did not receive any public comments.

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

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 180.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to quotation process for governmental entities for public improvement for vertical infrastructure and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 180, “Quotation Process for Governmental Entities for Public Improvement for Vertical Infrastructure,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)“j” and 314.1A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 26.2, 26.14, 314.1A, 314.1B, 573.2 and 573.28.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 180 in compliance with Executive Order 10. Proposed Chapter 180 establishes the process by which governmental entities are to obtain and evaluate competitive quotations relating to public improvement projects for vertical infrastructure. The intended benefit is to ensure competition and equal opportunity through a standardized process and to keep vendors accountable by permitting retained funds.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 18, 2024. A public hearing was held on the following date(s):

- October 11, 2024

The Department received no comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 8, 2025. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations

800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

January 8, 2025 9 to 9:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 260 760 222
January 8, 2025 1 to 1:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 952 817 462

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 180 and adopt the following **new** chapter in lieu thereof:

CHAPTER 180 QUOTATION PROCESS FOR GOVERNMENTAL ENTITIES FOR PUBLIC IMPROVEMENT FOR VERTICAL INFRASTRUCTURE

761—180.1(26,314) Purpose and contact information.

180.1(1) The purpose of these rules is to prescribe the manner by which governmental entities are to administer competitive quotations for contracts pertaining to a public improvement for vertical infrastructure in accordance with Iowa Code section 26.14.

180.1(2) Questions regarding this chapter may be directed to the Resources and Acquisitions Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.239.1170.

761—180.2(26,314) Definitions.

“Estimated total cost” means the same as defined in Iowa Code section 26.2.

“Governmental entity” means the same as defined in Iowa Code section 26.2.

“Public improvement for vertical infrastructure” is a “public improvement” as defined in Iowa Code section 26.2(3) “a” and “b” but excludes those improvements in Iowa Code section 26.2(3) “b”(1) through 26.2(3) “b”(6).

“Responsible quotation” means a quotation submitted by a contractor who is capable of performing the work. To be considered responsible, the contractor must possess the necessary financial and technical capability to perform the work as well as the ability to complete the work as demonstrated by past performance or other appropriate considerations.

“Responsive quotation” means a quotation in which the contractor agrees to do everything required by the governmental entity’s solicitation of quotations and by the plans and specifications and other related documents without any conditions, qualifications or exclusions.

761—180.3(314,573) Solicitation of quotations.

180.3(1) A governmental entity is to solicit competitive quotations for a public improvement for vertical infrastructure when the estimated total cost of the public improvement for vertical infrastructure exceeds the competitive quotation threshold established in Iowa Code section 26.14, as adjusted pursuant to Iowa Code section 314.1B, but is less than the competitive bid threshold established in Iowa Code section 26.3, as adjusted pursuant to Iowa Code section 314.1B. The adjusted thresholds are published on the department’s website at www.iowadot.gov.

180.3(2) The governmental entity is to make a good-faith effort to obtain quotations for the work from at least two contractors regularly engaged in such work prior to letting a contract. Quotations are to be obtained by means of either an oral or a written solicitation directed to not less than two contractors.

180.3(3) Each solicitation is to include a description of the work to be performed, and plans and specifications for the work prepared by an architect or engineer if required by Iowa Code chapter 542B or 544A (additional guidelines can be found in 193B—Chapter 5 or rule 193C—1.5(542B)). In its solicitation, the governmental entity is to advise each contractor that it has an opportunity to inspect the work site. Each contractor requesting to inspect the work site is to be provided an equal and adequate opportunity to do so.

180.3(4) Additional information deemed pertinent by the governmental entity, or requested by a contractor, may be provided by the governmental entity if the same information is provided to all contractors from which quotations are solicited. If the information is provided in written form to a contractor, it is to be provided in the same form to all contractors from which quotations are solicited.

180.3(5) In its solicitation, the governmental entity is to:

- a. Specify the required form and content of quotations (more information can be found in rule 761—180.5(314)).
- b. Request quotations to be filed by a particular time, at a particular location and with a particular office or representative of the governmental entity.
- c. Establish the acceptable method(s) for delivery of quotations. The governmental entity may specify any or all of the following methods of delivery: mail, electronic mail, or delivery in-hand.

180.3(6) In accordance with Iowa Code section 573.2, the governmental entity is to utilize the solicitation to inform quoting contractors that the awarded contractor is to provide a performance and payment bond to secure the performance and timely completion of the work and to secure the payment of subcontractors and suppliers.

180.3(7) In its solicitation, the governmental entity may stipulate that each quoting contractor:

- a. Provide along with its quotation a bid bond, or other bid security or evidence of its responsibility, to ensure that it will enter into a contract to perform the work and that it will provide the necessary performance and payment bond.
- b. Commit to the execution of a contract for the work.
- c. Commit to commencement and completion dates for the work as directed by the governmental entity.
- d. File evidence of insurance, as specified by the governmental entity, with its quotation, or commit to filing such evidence of insurance upon award of the contract to perform the work.

180.3(8) In its solicitation, the governmental entity may provide that it will issue special sales tax exemption certificates to contractors and subcontractors pursuant to Iowa Code section 423.3(80).

761—180.4(314) Submission of competitive quotation by governmental entity. The governmental entity may itself file a competitive quotation to perform the work. The governmental entity’s quotation is to be filed in the same manner as quotations are to be filed by contractors except as provided in subrule 180.5(3).

761—180.5(314) Form and content of competitive quotations.

180.5(1) A competitive quotation filed by a contractor or by the governmental entity is to be in writing and include the total price for labor, equipment, materials and supplies necessary to perform the work. A contractor may include in its quotation or in individual quotation items a breakdown of costs for labor, materials, equipment and supplies. Competitive quotations filed by contractors are to include all other information, documentation or commitments requested by the governmental entity in its solicitation of quotations.

180.5(2) If the governmental entity in its solicitation indicates its intention to file a competing quotation, contractors are to also separately identify in their quotations the premium cost for the necessary performance and payment bond and an estimate of the sales and fuel taxes they will incur in performing the work. However, if in its solicitation the governmental entity provides for the issuance of sales tax exemption certificates to the contractor and subcontractors performing the work, quoting contractors are not to include or separately identify estimated sales tax in their quotations.

180.5(3) A quotation submitted by a governmental entity need not include the information, documents or commitments in subrule 180.3(7). A performance and payment bond is not mandatory for a governmental entity.

180.5(4) The governmental entity may insist that quotations from contractors be submitted on a form prescribed by the governmental entity, provided the form complies with these rules.

761—180.6(314) Evaluation of competitive quotations.

180.6(1) If a quoting contractor does not file a quotation in the form specified by the governmental entity, or does not provide all information or documentation or make all commitments requested by the governmental entity, or does not sign the quotation if required by the governmental entity, the quotation will be determined to be nonresponsive and be rejected by the governmental entity.

180.6(2) If the governmental entity submits a quotation to perform the work, paragraphs 180.6(2) “a” through “c” are applicable. If the governmental entity does not submit a quotation, these paragraphs do not apply.

a. Because the governmental entity is not required to pay sales tax or fuel tax or to submit a performance and payment bond in connection with work performed by governmental employees using governmental equipment, each contractor’s total quotation is to be adjusted to deduct the amounts identified in the quotation for estimated sales and fuel taxes and the bond premium. The amount of each contractor’s adjusted quotation is to then be compared to the amount of the quotation submitted by the governmental entity for the purpose of determining if the governmental entity’s quotation is the lowest responsive, responsible quotation.

b. If in its solicitation the governmental entity provides for the issuance of sales tax exemption certificates to the contractor and subcontractors performing the work, quoting contractors are not to include or separately identify estimated sales tax in their quotations, and the governmental entity is not to deduct estimated sales tax from the contractors’ quotations for the purpose of determining if the governmental entity’s quotation is the lowest responsive, responsible quotation.

c. The governmental entity may request that the contractor to which the work is awarded provide documentation of the premium cost incurred by it for the performance and payment bond and of all sales and fuel taxes paid by it and its subcontractors in connection with the work. The governmental entity may decline to pay the amounts identified by the contractor in its quotation for the bond premium and estimated sales and fuel taxes if these amounts are not properly documented as having been paid.

761—180.7(314) Award of contract and subsequent procedures.

180.7(1) Except as provided in subrule 180.7(3), the governmental entity is to award the contract for the work to the contractor submitting the lowest responsive, responsible quotation, subject to Iowa Code section 26.9, or the governmental entity may reject all of the quotations. A contract is to be considered awarded when the governmental entity unconditionally accepts and approves the lowest responsive, responsible quotation. The governing body of the governmental entity is to record the approved quotation in its meeting minutes.

180.7(2) The governing body of a governmental entity may delegate the authority to award and execute contracts, or to award contracts and authorize the work to proceed, to an officer or employee of the governmental entity, provided that an award approved outside a meeting of the governing body is to be reported in the meeting minutes of the next regular meeting of the governing body.

180.7(3) If no quotations are received from contractors to perform the work or if the governmental entity's estimated cost to do the work with its employees, as reflected in its quotation, is less than the lowest responsive, responsible quotation received from a contractor, the governmental entity may authorize its employees to perform the work.

180.7(4) Upon the submission of the necessary performance and payment bond by the contractor to which the contract has been awarded and upon approval of the bond by the governmental entity, the governmental entity is to execute a contract to perform the work or shall authorize the contractor to proceed with the work.

180.7(5) Upon execution of the contract by the contractor and the governmental entity or upon authorization to proceed by the governmental entity and acknowledgment thereof by the contractor, the governmental entity releases the bid bonds or other quotation security submitted with the quotations received.

180.7(6) If the governmental entity is a city and the cost of the work will exceed the amount provided for in Iowa Code section 380.4, the governing body is to pass a resolution approving the expenditure.

761—180.8(314,573) Retained funds. In addition to requiring the contractor to submit a performance and payment bond, the governmental entity also retains funds from each payment to the contractor for the benefit of subcontractors and suppliers, and applies or releases such funds, in accordance with Iowa Code chapter 573.

These rules are intended to implement Iowa Code sections 26.2, 26.14, 314.1A, 314.1B, 573.2, and 573.28.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2025-73
Submitted by Sara Siedsma Phone No. 515-237-3058 Meeting Date March 11, 2025
Title Administrative Rules—761 IAC Chapter 301, Driver's Privacy Protection—Motor Vehicle Records

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 301 in accordance with Executive Order 10.

Proposed Chapter 301 implements Iowa Code section 321.11, which explains Iowa's adoption of the federal Driver's Privacy Protection Act (DPPA) of 1994 (18 U.S.C. Section 2721 et seq.), and Iowa Code section 321A.3, which requires the department to provide operating record abstracts upon request. The chapter explains the requirements, procedures, and exceptions for requesting personal information and highly restricted personal information contained in motor vehicle records, including crash reports, vehicle information, and driver record information. This chapter also explains the requirements for obtaining bulk data that does not include personal information from the department's Motor Vehicle Division.

The public comment period ended on January 6, 2025, for the Notice of Intended Action. The department received one comment from the American Property Casualty Insurance Association (APCIA) during the Regulatory Analysis comment period. The department received a question from Lexis Nexis concerning Form 430030 during the Notice of Intended Action comment period. During the department's re-review of the proposed chapter, the department determined that a new subrule needed to be added to make sure that the department's current MOU practice is abundantly clear. The department plans to add the following new subrule within the adopted and filed rulemaking:

301.4(7) The department may also enter into a memorandum of understanding with an authorized requester for purposes of disclosing personal information or highly restricted personal information.

A complete summary explaining the proposed rulemaking and the comments received on the Regulatory Analysis is included in the attached Notice of Intended Action.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 301 with new subrule 301.4(7).

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to driver's privacy protection and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 301, "Driver's Privacy Protection —Motor Vehicle Records," Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)"j," 321A.3 and 321.11.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 18 U.S.C. Section 2721 et seq. and Iowa Code sections 321.1, 321.10, 321.11, 321.13 and 321A.3.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 301 in compliance with Executive Order 10. Proposed Chapter 301 implements Iowa Code section 321.11, which explains Iowa's adoption of the federal Driver's Privacy Protection Act of 1994 (18 U.S.C. Section 2721 et seq.), and Iowa Code section 321A.3, which requires the Department to provide operating record abstracts upon request. The chapter explains the requirements, procedures, and exceptions for requesting personal information and highly restricted personal information contained in motor vehicle records, including crash reports, vehicle information, and driver record information. This chapter also explains the requirements for obtaining bulk data that does not include personal information from the Department's Motor Vehicle Division.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 18, 2024. A public hearing was held on the following date(s):

- October 11, 2024

The Department received one written comment from the American Property Casualty Insurance Association (APCIA) seeking confirmation whether the chapter continued to allow insurance companies to obtain motor vehicle records as authorized requesters under the Driver's Privacy Protection Act (DPPA) without first having to obtain the express written consent from the subject of the record. The Department confirmed to APCIA that nothing in the chapter would prohibit insurance companies to continue to obtain motor vehicle records as permitted by the DPPA without first having to obtain the express written consent of the subject of the record.

Fiscal Impact

The Department anticipates that approximately \$90,951 will be collected in bulk data request fees annually due to the Department's authority under Iowa Code section 321.11 to collect reasonable fees for provisions of bulk records. Any other fees collected for motor vehicle records are set by statute, not rule, and thus would not cause a fiscal impact to the State beyond what is already required by the underlying statute.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 6, 2025. Comments should be directed to:

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

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

January 6, 2025 9 to 9:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 578 341 138
January 6, 2025 1 to 1:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 418 156 888

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 301 and adopt the following **new** chapter in lieu thereof:

VEHICLES

CHAPTER 301

DRIVER'S PRIVACY PROTECTION—MOTOR VEHICLE RECORDS

761—301.1(321) Applicability and adoption. This chapter applies to personal information and highly restricted personal information in motor vehicle records of the department. The department adopts the Driver's Privacy Protection Act of 1994 (18 U.S.C. §2721 and 2725 effective as of October 23, 2000, and 18 U.S.C. §2722 through 2724 effective as of September 13, 1994) for motor vehicle records. The department does not provide the waiver procedure described in the Driver's Privacy Protection Act (codified as 18 U.S.C. §2721(d) effective as of October 23, 2000).

This rule is intended to implement Iowa Code section 321.11; 18 U.S.C. §2721 and 2725 effective as of October 23, 2000; and 18 U.S.C. §2722 through 2724 effective as of September 13, 1994.

761—301.2(321) Definitions. The definitions in Iowa Code section 321.1 and 18 U.S.C. §2725 effective as of October 23, 2000, are hereby adopted and incorporated. In addition:

“*Certified abstract of operating record*” means the same as described in Iowa Code section 321A.3(1).

“*Driver’s license*” means the same as defined in Iowa Code section 321.1(20A).

“*Express written consent*” as used in Iowa Code section 321.11 means the same as “express consent” as defined in 18 U.S.C. §2725(5) effective as of October 23, 2000, and must either be notarized or accompanied by proof of identity of the requester.

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

“*Motor vehicle record*” as used in the Driver’s Privacy Protection Act and this chapter means any record that pertains to a driver’s license, nonoperator’s identification card, certificate of title, registration receipt, or registration renewal receipt issued by the department or a county treasurer. This also includes information on individuals who do not currently hold a driver’s license or nonoperator’s identification card, including but not limited to operating records and records of driver sanctions.

“*Proof of identity*” means a copy of the individual’s driver’s license or nonoperator’s identification card issued by the department or another state, the document discriminator number of a driver’s license or nonoperator’s identification card issued by the department, or an alternate form approved by the department.

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

“*Sanction*” means the same as defined in rule 761—615.1(321).

This rule is intended to implement Iowa Code sections 321.1 and 321.11; 18 U.S.C. §2721 and 2725 effective as of October 23, 2000; and 18 U.S.C. §2722 through 2724 effective as of September 13, 1994.

761—301.3(321) Information and addresses. Information and forms for records pertaining to motor vehicle records may be obtained at any driver’s license service center or by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.237.3110; by email at privacy.agreements@iowadot.us; or on the department’s website at www.iowadot.gov/mvd/vehicleregistration/records for vehicle records and www.iowadot.gov/mvd/driverslicense/records for driving records.

This rule is intended to implement Iowa Code section 321.11.

761—301.4(321) Requirements and procedures.

301.4(1) A requester seeking personal information or highly restricted personal information is required to:

a. Complete Form 431069, “Privacy Act Agreement for Request of Motor Vehicle Records,” and submit the form to any driver’s license service center or the motor vehicle division at the address in rule 761—301.3(321). Requests for information about another individual require completion of Parts A, B (if applicable), C, and D of Form 431069. Requests for an individual’s own information require completion of Part A.

b. Provide proof of identity and proof of eligibility to access the information. The department may request additional information to confirm that the requester is eligible under Iowa Code section 321.11; 18 U.S.C. §2721 and 2725 effective as of October 23, 2000; 18 U.S.C. §2722 through 2724 effective as of September 13, 1994; and this chapter to access the information.

301.4(2) A law enforcement agency that requests personal information or highly restricted personal information is to either follow the process in subrule 301.4(1) or complete and submit Form 431200, “Certified Motor Vehicle Record Request Form for Use by County Attorney’s Offices and Law Enforcement Agencies,” to any driver’s license service center or the motor vehicle division at the address in rule 761—301.3(321). Alternately, a law enforcement agency may enter into a memorandum of understanding with the department for the purposes of requesting personal information or highly restricted personal information.

301.4(3) Personal information and highly restricted personal information, except for an individual’s photograph or image, may be disclosed with the express written consent of the individual or vehicle owner to whom such information applies. When the requester has obtained the written consent of the individual or vehicle owner to whom the information applies, the requester must attach that written consent on a completed Form 431069, “Privacy Act Agreement for Request of Motor Vehicle Records,” and submit the form to any driver’s license service center or the motor vehicle division at the address in rule 761—301.3(321).

301.4(4) The statutory fee, if applicable, is due at the time the request for a motor vehicle record is submitted.

301.4(5) Requested information will be provided to the requester electronically unless the requester specifies otherwise. The department shall not release any personal information or highly restricted personal information if the request is made by plate number or validation sticker number, except as provided in Iowa Code section 321.11.

301.4(6) All requesters who obtain personal information or highly restricted personal information from the department are required to comply with Iowa Code section 321.11 and the Driver’s Privacy Protection Act.

This rule is intended to implement Iowa Code sections 321.10, 321.11 and 321.13; 18 U.S.C. §2721 and 2725 effective as of October 23, 2000; and 18 U.S.C. §2722 through 2724 effective as of September 13, 1994.

761—301.5(321) Online motor vehicle records access. Online access to motor vehicle records may be available to recurring authorized requesters upon approval by the department and upon payment of any applicable fees. The requester must complete and submit Form 430030 using a method provided for in rule 761—301.3(321), including any required attachments.

This rule is intended to implement Iowa Code section 321.11; 18 U.S.C. §2721 and 2725 effective as of October 23, 2000; and 18 U.S.C. §2722 through 2724 effective as of September 13, 1994.

761—301.6(321,321A) Certified abstract of operating records.

301.6(1) A certified abstract of the operating record includes the information that is on the face of an individual’s driver’s license, plus information on the individual’s sanctions, reportable vehicle accidents, and convictions. The certified abstract of operating record does not include the individual’s photograph, social security number, or medical or disability information.

a. In accordance with Iowa Code section 321A.3, a certified abstract of operating record can be obtained by following the process outlined in rule 761—301.4(321).

b. The statutory fee, if applicable, is due at the time of the request.

301.6(2) The single-use restriction in Iowa Code section 321A.3(8) applies only to the certified abstract of operating records and to persons who are subject to the fee listed in Iowa Code section 321A.3(1).

301.6(3) Any person who obtains a certified abstract of operating record from the department is required to comply with Iowa Code section 321.11 and the Driver’s Privacy Protection Act.

This rule is intended to implement Iowa Code sections 321.11, 321.13 and 321A.3; 18 U.S.C. §2721 and 2725 effective as of October 23, 2000; and 18 U.S.C. §2722 through 2724 effective as of September 13, 1994.

761—301.7(321) Fees for records. In addition to the statutory fees, the following fees related to motor vehicle records of the department provided pursuant to Iowa Code section 321.10 or 321.11 may include:

301.7(1) A \$5 fee for an audio recording of a contested case hearing.

301.7(2) A \$0.0003-per-record or -line of data bulk data request fee. However, no fee will be assessed to requesters that are government entities.

301.7(3) A one-time programming set-up fee for online data access or electronic data transfers, not to exceed the costs incurred in the set-up.

301.7(4) Fees commensurate with file size and complexity for other data file requests.

This rule is intended to implement Iowa Code sections 321.10 and 321.11.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2025-74
Submitted by Sara Siedsma Phone No. 515-237-3058 Meeting Date March 11, 2025
Title Administrative Rules—761 IAC Chapter 450, Motor Vehicle Equipment

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 450 in accordance with Executive Order 10. The title of the chapter is renamed Equipment and Inspection Requirements for Certain Motor Vehicles.

Proposed Chapter 450 implements Iowa Code section 321.23, which authorizes the registration and titling of specially constructed or reconstructed vehicles, street rods, or replica vehicles in Iowa. The proposed chapter also implements Iowa Code section 321.438, which requires the department to establish a minimum measurable standard of transparency for windshields, windows and sidewings, and Iowa Code section 321.445, regarding exemptions from seat belt requirements.

The public comment period ended on January 6, 2025. The department did not receive any public comments.

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

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 450.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to equipment and inspection requirements for certain motor vehicles and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 450, “Motor Vehicle Equipment,” and to adopt a new Chapter 450, “Equipment and Inspection Requirements for Certain Motor Vehicles,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)“j” and 321.438.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 307.12(1)“j,” 321.1, 321.23, 321.438 and 321.445.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 450 in compliance with Executive Order 10. Proposed Chapter 450 implements Iowa Code section 321.23, which authorizes the registration and titling of specially constructed or reconstructed vehicles, street rods, or replica vehicles in Iowa. The proposed chapter also implements Iowa Code section 321.438, which requires the Department to establish a minimum measurable standard of transparency for windshields, windows and sidewings, and Iowa Code section 321.445, regarding exemptions from seat belt requirements.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 18, 2024. A public hearing was held on the following date(s):

- October 10, 2024

The Department received no comments. The date certain of 49 CFR Section 571.205 within paragraphs 450.2(4)“a” and “b” and the date certain of 49 CFR Section 393.83 within subrule 450.4(7) were changed to October 1, 2024.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 6, 2025. Comments should be directed to:

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

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

January 6, 2025 10 to 10:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 750 118 245
January 6, 2025 2 to 2:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 741 069 091

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 450 and adopt the following **new** chapter in lieu thereof:

CHAPTER 450

EQUIPMENT AND INSPECTION REQUIREMENTS FOR CERTAIN MOTOR VEHICLES

761—450.1(307,321) Addresses information and application.

450.1(1) Information. Information for inspections may be obtained from the Bureau of Investigation and Identity Protection, Iowa Department of Transportation, 6310 SE Convenience Boulevard, Ankeny, Iowa; by email at www.iowadot.gov/biip/contact-us; or on the department's website at www.iowadot.gov/mvd/vehicleregistration/vehicle-inspections-for-titling.

450.1(2) Definitions. The definitions in Iowa Code section 321.1 and rule 761—400.16(321) are hereby made part of this chapter. In addition:

a. The exchange of compatible body parts does not meet the definition of a specially constructed, reconstructed, street rod, or replica motor vehicle; or of a specially constructed or reconstructed motorcycle or motorized bicycle; or of a specially constructed, reconstructed, street rod, or replica autocycle.

b. The removal, addition, or substitution of reconstructed motor vehicle parts that modifies the vehicle's external appearance so that it does not reflect the original make or manufacturer model for that model does meet the definition of a specially constructed, reconstructed, street rod, or replica motor vehicle.

c. The removal, addition, or substitution of a reconstructed motorcycle or motorized bicycle part that modifies the vehicle's external appearance so that it does not reflect the original make or

manufacturer model does meet the definition of a specially constructed, reconstructed, street rod, or replica motorcycle or motorized bicycle.

EXEMPTION: The conversion of a manufactured motorcycle from two-wheel to three-wheel operation by the addition or substitution of a bolt-on conversion kit does not meet the definition of a reconstructed motorcycle.

d. The removal, addition, or substitution of reconstructed autocycle parts that modifies the autocycle's external appearance so that it does not reflect the original make or manufacturer model for that model does constitute a specially constructed, reconstructed, street rod, or replica autocycle.

450.1(3) Application.

a. After receiving the application forms and exhibits outlined in rule 761—400.16(321), the department shall:

(1) Examine the vehicle and ownership documents.

(2) Determine if the motor vehicle complies with this rule, that the integral parts and components have been identified as to ownership, and that the application forms have been completed properly.

(3) If the provisions of paragraph 450.1(3) "b" are met, assign an identification number to the vehicle and certify that the motor vehicle is eligible for titling and registration.

b. If the frame or unibody specified on an application for a specially constructed, reconstructed, street rod, or replica motor vehicle; a specially constructed or reconstructed motorcycle or motorized bicycle; or a specially constructed, reconstructed street rod or replica autocycle is manufactured or designated "not for highway use," the application shall not be approved.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 321.1 and 321.23.

761—450.2(307,321) Equipment requirements for specially constructed, reconstructed, street rod, and replica motor vehicles other than autocycles, motorcycles and motorized bicycles. The following standards are minimum requirements to meet the definition of a specially constructed, reconstructed, street rod, and replica motor vehicle other than autocycles, motorcycles and motorized bicycles:

450.2(1) Defroster and defogging device. If the motor vehicle is a closed motor vehicle, it is equipped with a device capable of defogging or defrosting the windshield area.

450.2(2) Door latches. The motor vehicle that is equipped with doors leading directly into a compartment that contains one or more seating accommodations is equipped with mechanically actuated door latches that firmly and automatically secure the door when pushed closed and that allow each door to be opened from the inside by the actuation of a convenient lever, handle or other nonelectric device. Interior handles must be visible.

450.2(3) Floor pan. The motor vehicle is equipped with a floor pan under the entire passenger-carrying compartment that supports the weight of the number of occupants that the vehicle is designed to carry. The floor pan shall be so constructed that it prevents the entry of exhaust fumes.

450.2(4) Glazing.

a. *Windshields.* The motor vehicle is equipped with a laminated safety glass windshield that complies with and bears the approval marking of the American National Standards Institute (ANSI) Z 26.1-1996 Standard as set forth in 49 CFR Section 571.205 effective October 1, 2024. The windshield shall be in such a position that it affords continuous horizontal frontal protection to the driver and front seat occupants. The minimum vertical height of the unobstructed windshield glass shall be six inches. This paragraph does not preclude the use of a windshield that can be folded down to a horizontal position, provided that the windshield can be firmly fastened in both the vertical and horizontal positions.

b. *Side and rear glass.* Side and rear glass is not required in motor vehicles. If present, however, this glass must be either laminated or tempered safety glass bearing the approval of the ANSI Z 26.1-1996 Standard as set forth in 49 CFR Section 571.205 effective October 1, 2024.

450.2(5) Driver visibility. The motor vehicle provides the driver with a minimum outward horizontal vision capability of 90 degrees each side of a vertical plane passing through the fore and aft centerline of the vehicle. This plane of vision may be interrupted by window framing and windshield door support posts not exceeding four inches in width at each side location.

450.2(6) Hood latches. If a motor vehicle is equipped with a front-opening hood, that hood is equipped with a primary and secondary latching system to hold the hood in a closed position.

450.2(7) Instruments and controls. The motor vehicle is equipped with:

- a. An operating speedometer calibrated to indicate “miles per hour.”
- b. An operating odometer calibrated to indicate “total miles driven.”
- c. A steering wheel circular or nearly circular in shape, having an outside diameter of not less than 13 inches.
- d. An accelerator control system that returns the engine throttle to an idle position automatically when the driver removes the actuating force from the accelerator control.

450.2(8) Brakes. The motor vehicle is equipped with brakes acting upon all wheels, service brakes, and parking brakes that comply with Iowa Code sections 321.430 and 321.431.

450.2(9) Rearview mirror. The motor vehicle is equipped with two rearview mirrors, each having substantial unit magnification. One is mounted on the inside of the vehicle in such a position that it affords the driver a clear view to the rear. The other is mounted on the outside of the vehicle on the driver’s side in such a position that it affords the driver a clear view to the rear. When an inside mirror does not give a clear view to the rear, a right-hand outside mirror is required in lieu thereof. The mirror mounting provides a stable support for the mirror and provides for mirror adjustment by tilting in both horizontal and vertical directions. Each mirror has a minimum of ten square inches of reflective surface.

450.2(10) Seat belts. The motor vehicle complies with Iowa Code section 321.445(1).

450.2(11) Seating. All bench-type and individual seats in motor vehicles are firmly anchored to structural components or body parts.

450.2(12) Exhaust system. The motor vehicle has an exhaust system meeting the following requirements:

- a. The system is free of leaks, including the exhaust manifold (or headers), piping forward of the muffler, the muffler(s), and tail piping.
- b. Exhaust fumes are emitted to the extremity of the vehicle, behind the rear wheels, or to the extremity of the vehicle within six inches in front of the rear wheels. Exhaust fumes from trucks, other than enclosed vans, may be emitted to the rear of that part of the vehicle designed for and normally used for carrying the driver and passengers.
- c. Each exhaust system is equipped with a muffler that prevents excessive noise.
- d. No part of the exhaust system passes through any area of the vehicle that is used as a passenger-carrying compartment, and is constructed that persons entering the vehicle cannot make contact with the exhaust system.
- e. All exterior side exhaust pipes are fully shielded and any vertical truck exhaust stacks are shielded to the top of the cab.

450.2(13) Frame. The motor vehicle is equipped with a frame consisting of wall box tubing, round tubing, wall channel or unitized construction capable of supporting the vehicle, its load and the torque produced by the power source.

450.2(14) Fuel system. The motor vehicle has a fuel system in which all components are securely fastened with fasteners designed for this purpose, including the tank, tubing, hoses, clamps, etc. The filler from the system is located in a position not within the passenger-carrying compartment and is capped. The system is leakproof, and fuel lines are positioned so as not to come in contact with high temperature surfaces or moving parts.

450.2(15) Steering and suspension.

- a. The motor vehicle does not have any parts extending below the wheel rims in their lowest position, except for tires and electrical grounding devices designed for this purpose.
- b. The steering system remains unobstructed when turned from lock to lock.
- c. The steering wheel has no less than two turns and no more than six turns when turning the road wheels from lock to lock.
- d. While in a sharp turn at a speed between 5 and 15 MPH, release of the steering wheel results in a distinct tendency for the vehicle to increase its turning radius.

e. The motor vehicle is not constructed so that the weight on any axle is less than 20 percent of the gross weight of the vehicle and load.

f. The motor vehicle is equipped with a damping device at each wheel location providing a minimum relative motion between the unsprung axle and the chassis of plus or minus two inches.

g. When each corner of the vehicle is depressed and released, the damping device stops vertical body motion within two cycles.

h. There is no heating or welding on coil springs, leaf springs, or torsion bars.

450.2(16) Tires. Tires comply with Iowa Code section 321.440. Each tire has a load-bearing capacity in keeping with the size and weight of the vehicle.

450.2(17) Lighting and electrical system. The motor vehicle is equipped with approved lighting devices in sufficient number, type, and locations to meet the requirements of Iowa Code sections 321.384 through 321.423, including headlamps, rear lamps, license plate lamp, rear reflectors, parking lamps, stop lamps, turn signals, and high-low beam indicator. In addition, the motor vehicle is equipped with:

a. A driver-controlled switch capable of selecting high and low beams (dimmer switch).

b. A motor vehicle more than 40 inches in width is equipped with turn signal lamps and have a manually operated switch controlled by the driver that causes the turn signal lamps to function. This switch is self-canceling.

c. A horn that complies with Iowa Code section 321.433.

d. All wiring is done in an orderly and workmanlike fashion, with no wiring in contact with high temperature surfaces or moving parts.

e. Headlamps are in a plane that is perpendicular to a vertical plane through the longitudinal centerline of the vehicle. The headlamps are mounted not less than 24 inches, nor more than 54 inches, above the road surface when measured to the headlamp center.

f. A tail lamp or lamps are mounted on the rear of the motor vehicle or vehicle, exhibiting a red light plainly visible from a distance of 500 feet to the rear. The tail lamp or lamps are mounted not less than 15 inches, nor more than 72 inches, above the roadway.

g. All original lamps and lighting equipment provided on the motor vehicle by the manufacturer are maintained in working condition or shall be replaced with equivalent equipment.

This rule is intended to implement Iowa Code sections 307.12(1)“j” and 321.23.

761—450.3(307,321) Minimum requirements for constructing and equipping specially constructed or reconstructed motorcycles or motorized bicycles. The following standards are minimum requirements to meet the definition of a specially constructed or reconstructed motorcycle or motorized bicycle as defined in Iowa Code section 321.1:

450.3(1) Upgrade pulls—minimum speed. Iowa Code section 321.382 applies.

450.3(2) Frame/chassis. The motorcycle or motorized bicycle frame/chassis, including the suspension components and engine mountings, is of sufficient strength, capable of supporting the combined weight of all vehicle components and riders for which the vehicle was designed.

450.3(3) Front end assembly.

a. *Trail (extended fork measured in inches).* The reconstructed or specially constructed motorcycle or motorized bicycle does not have the front fork so extended as to place the center of the front wheel axle farther than 36 inches from a vertical plane through the steering axis.

b. *Rake (extended fork measured in degrees).* The reconstructed or specially constructed motorcycle or motorized bicycle does not have the front fork so extended as to exceed a 45-degree angle between the fork assembly and a vertical plane through the steering axis.

c. *Extensions.* The reconstructed or specially constructed motorcycle or motorized bicycle is not equipped with extension slugs. However, one-piece extension tubes and springer units, if approved, are acceptable.

d. *Wheelbase.* The reconstructed or specially constructed motorcycle or motorized bicycle does not have an overall wheelbase, measured from the center of the front axle to the center of the rear axle, of less than 40 inches.

e. Motorcycle front end geometry. A representation of the front end geometry of a motorcycle is depicted in the Appendix to this rule.

450.3(4) Brakes. The motorcycle and motorized bicycle is equipped with at least a rear brake. If the vehicle is also equipped with a front brake, all control cables, lines and hoses are located and secured so as not to become pinched between the fork and frame members when the wheel is turned completely to the left or right. Brake-actuating devices are in a readily accessible location, unencumbered by vehicle components. A suitable mechanism is provided for the purpose of automatically returning the actuating devices to a normal position upon release.

450.3(5) Tires, wheels, rims. The motorcycle tires are of pneumatic design with a minimum width of two and twenty-five hundredths inches and designed for highway use. Wheel rim diameters are not less than 10 inches and rims otherwise comply with applicable federal standards.

450.3(6) Steering and suspension.

a. Stability. The motorcycle or motorized bicycle steering and suspension provides the operator with the means of safely controlling vehicle direction.

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

c. Steering.

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

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

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

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

d. Handlebars. Handlebars are of sturdy construction, adequate in size (length) to provide proper leverage for steering, and capable of withstanding a minimum force of 100 pounds applied to each hand grip in any direction. The handlebars provide a minimum distance of 18 inches between grips after final assembly.

e. Hand grips. The motorcycle or motorized bicycle has handlebars equipped with hand grips of nonslip design or material.

f. Suspension. The motorcycle or motorized bicycle is equipped with a suspension system, and the suspension system applies to at least the front wheel. The suspension system(s) is designed for the purpose of maximum vehicle stability.

450.3(7) Fuel system. All fuel system components, including the tank, pump, tubing, hoses, clamps, etc., are securely fastened to the motorcycle or motorized bicycle so as not to interfere with vehicle operation and are leakproof when the vehicle is in its normal operating attitude. Fuel lines and tank are positioned in a manner so as to prevent their contact with the engine head, manifold, exhaust system, or other high temperature surfaces or moving components. The fuel system is adequately vented and provided with a fuel shutoff valve located between the fuel supply and the engine.

450.3(8) Exhaust system. The motorcycle or motorized bicycle with an internal combustion engine is equipped with an exhaust system incorporating a muffler or other mechanical device for the purpose of reducing engine noise. Cutouts and bypasses in the exhaust system are prohibited. The system is leakproof and all components are securely attached to the vehicle and located so as not to interfere with the operation of the motorcycle or motorized bicycle. Shielding is provided to prevent inadvertent contact with the exhaust system by the operator and/or passenger during normal operations.

450.3(9) Mirrors. The motorcycle and motorized bicycle is equipped with at least one mirror of unit magnification, securely affixed to the handlebar and capable of adjustment within a range that will reflect an image that includes at least the horizon and the road surface to the rear of the motorcycle or motorized bicycle. The mirror consists of a minimum reflective surface of ten square inches. All mirrors are regular in shape (circular, oval, rectangular, or square) and do not contain sharp edges or projections capable of producing injury.

450.3(10) Seat or saddle. A seat or saddle securely attached to the vehicle is provided for the use of the operator. The seat or saddle is not less than 20 inches above a level road surface when measured to the lowest point on top of the seat or saddle cushion with the driver seated in a driving position. The seat or saddle adjustment locking device prevents relative movement of the seat from its selected and secured position under all normal vehicle operating conditions.

450.3(11) Horn. The motorcycle or motorized bicycle complies with Iowa Code sections 321.432 and 321.433.

450.3(12) Speedometer and odometer. The motorcycle or motorized bicycle is equipped with a properly operating speedometer and odometer calibrated in miles per hour and miles respectively and is fully illuminated when the headlamp(s) is activated.

450.3(13) Lighting equipment. The motorcycle or motorized bicycle is equipped with at least one headlamp but not more than two, mounted securely. Headlamp(s) are mounted not less than 24 inches, nor more than 54 inches, above the level road surface. A headlight beam indicator light is located within the operator's field of vision and illuminated automatically when the high beam of the headlamp is actuated. The motorcycle or motorized bicycle is equipped with a tail and brake light assembly and a license plate light. All original lamps and lighting equipment provided on the motor vehicle by the manufacturer are maintained in working condition or are replaced with equivalent equipment.

450.3(14) Footrest. The motorcycle is equipped with two footrests, one on each side of the vehicle and footrests are provided for each designated seating position. Footrests are located so as to provide reasonable accessibility. Footrests are able to fold upward if they protrude beyond the side of the motorcycle's fixed items. The motorized bicycle is equipped with either two footrests or two pedals, one on each side of the vehicle, to provide reasonable accessibility.

450.3(15) Highway bars. If a motorcycle or motorized bicycle is so equipped, highway bars (alternate footrests) are located at a maximum distance of 26 inches from the foot controls and do not interfere with the operation of the foot controls.

This rule is intended to implement Iowa Code sections 307.12(1)“j” and 321.23.

761—450.4(307,321) Minimum requirements for constructing and equipping specially constructed or reconstructed autocycles. Minimum requirements to meet the definition of a specially constructed or reconstructed autocycle as defined in Iowa Code section 321.1 are as follows:

450.4(1) Seat belt. The autocycle complies with Iowa Code section 321.445(1).

450.4(2) Seat. A seat that is firmly attached to the autocycle and does not require the operator to straddle or sit astride is provided for the use of the operator.

450.4(3) Lighting equipment. The autocycle is equipped with at least one headlamp, at least one taillight, and either a taillight or a separate white light that illuminates the license plate if a taillight does not. All original lamps and lighting equipment provided on the autocycle by the manufacturer are maintained in working condition or are replaced with equivalent equipment.

450.4(4) Warning devices. The autocycle is equipped with at least one red reflector, either separate or as part of the taillight or taillights.

450.4(5) Brakes. The autocycle is equipped with a braking system, other than a parking brake, in accordance with Iowa Code section 321.431.

450.4(6) Horn. The autocycle is equipped with a horn that complies with Iowa Code section 321.433.

450.4(7) Exhaust system. The autocycle with an internal combustion engine is equipped with a muffler and emission control system in accordance with 49 CFR Section 393.83 as amended through October 1, 2024. When a muffler and emission control system are factory equipped, neither may be removed.

450.4(8) Mirrors. The autocycle is equipped with a mirror that shall consist of a minimum reflective surface of ten square inches. All mirrors are regular in shape (circular, oval, rectangular, or square) and do not contain sharp edges or projections capable of producing injury.

450.4(9) Tires. The autocycle is equipped with tires that comply with the requirements of Iowa Code section 321.440.

450.4(10) Floor pan. The autocycle is equipped with a floor pan under the entire passenger-carrying compartment. The floor pan supports the weight of the number of occupants that the autocycle is designed to carry. The floor pan is so constructed that it prevents the entry of exhaust fumes.

This rule is intended to implement Iowa Code sections 307.12(1)“j” and 321.23.

761—450.5(321) Front windshields, windows or sidewings.

450.5(1) “Excessively dark or reflective” means that the windshield, front side window or front sidewing does not meet a minimum standard of transparency of 70 percent light transmittance.

450.5(2) Motor vehicles operating with a dark window exemption issued prior to July 4, 2012, are subject to the provisions of rule 761—450.7(3) in effect April 13, 2022.

This rule is intended to implement Iowa Code section 321.438.

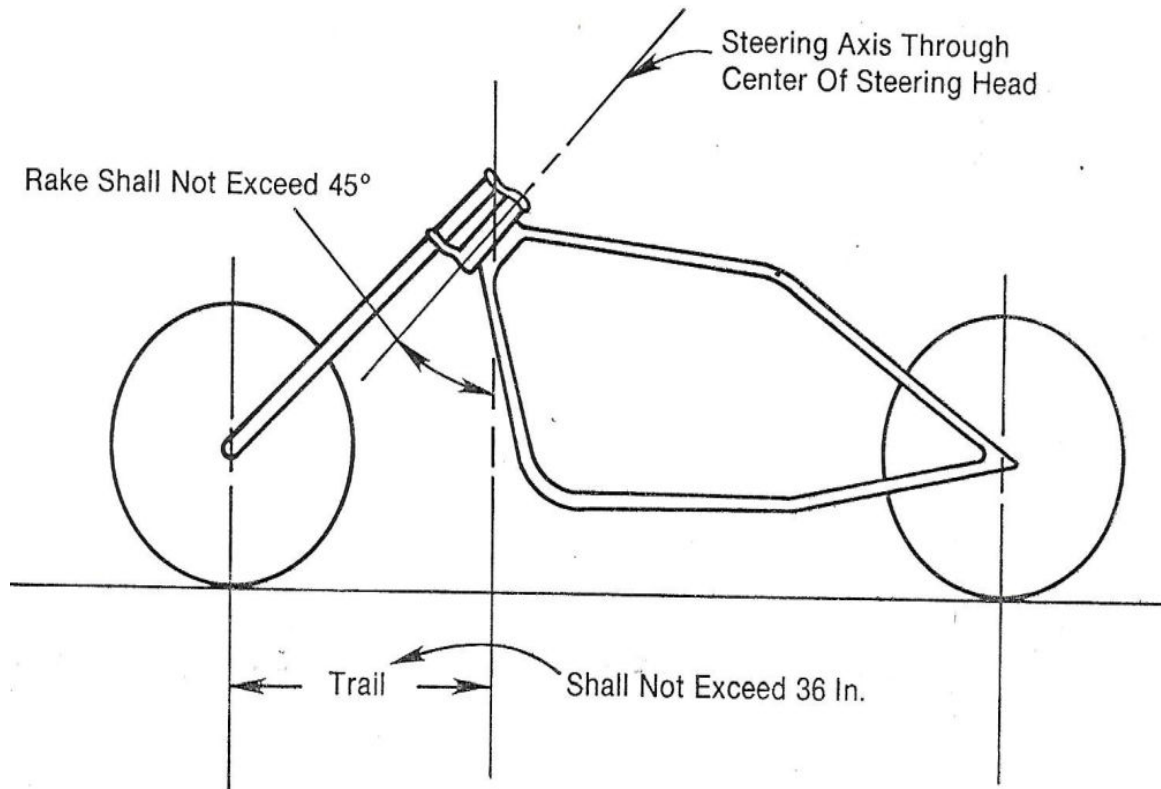
761—450.6(307,321) Seat belt exemptions.

450.6(1) A person who is unable to wear a safety belt or safety harness for physical or medical reasons may obtain a form to be signed by the person’s health care provider licensed under Iowa Code chapter 148 or 151. Form No. 432017, “Iowa Medical Safety Belt Exemption,” is available from the motor vehicle division.

450.6(2) Iowa Code sections 321.445(1) and 321.445(2) shall not apply to the front seats and front seat passengers of motor vehicles owned, leased, rented or primarily used by a person with a physical disability who uses a collapsible wheelchair.

This rule is intended to implement Iowa Code sections 307.12(1)“j” and 321.445.

APPENDIX TO RULE
761—450.3(321)
MOTORCYCLE FRONT END GEOMETRY



DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2025-75
Submitted by Sara Siedsma Phone No. 515-237-3058 Meeting Date March 11, 2025
Title Administrative Rules—761 IAC Chapter 615, Sanctions

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 615 in accordance with Executive Order 10. The department is also proposing to align this chapter with 2024 Iowa Acts, Senate File 2109, related to special minor's restricted licenses and minor's restricted work licenses issued pursuant to Iowa Code sections 321.178 and 321.194.

Proposed Chapter 615 establishes consistent requirements and transparency for the processes concerning all driver's license and driving privilege sanctions the Department is required or authorized to initiate under the Iowa Code (with the exception of commercial driver's license (CDL) disqualifications, operating while intoxicated (OWI) revocations, and financial responsibility law sanctions, which are covered in other applicable chapters). This chapter is intended to increase compliance with driver's license sanctions, which are by law intended to ensure highway safety.

The public comment period ended on January 7, 2025. The department did not receive any public comments. The department plans to make changes within subrule 615.16(1) to correct "child support recovery unit" to "child support services" to comply with 2023 Iowa Acts, Senate File 514.

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

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 615 with the changes in subrule 615.16(1).

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to sanctions and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 615, “Sanctions,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 252J.8, 307.12(1)“j,” 321.16, 321.208, 321.210, 321.210A, 321.210D, 321.211, 321.513 and 321.560 and sections 321.180B, 321.194(10) and 321.213B as amended by 2024 Iowa Acts, Senate File 2109.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A; sections 232.52(2), 321.1, 321.178, 321.180B, 321.191, 321.194 and 321.213B as amended by 2024 Iowa Acts, Senate File 2109; and sections 252J.1, 252J.8, 252J.9, 299.1B, 307.12(1)“j,” 321.16, 321.177, 321.178A through 321.180A, 321.181 through 321.190, 321.193, 321.195 through 321.201, 321.203 through 321.213A, 321.215, 321.216, 321.216C, 321.218, 321.261, 321.323A, 321.372, 321.445, 321.446, 321.491, 321.513, 321.555, 321.556, 321.560, 321A.4 through 321A.11, 321A.17, 321A.31, 321J.9, 321J.12, 321J.17, 321J.21 and 707.6A.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 615 in compliance with Executive Order 10. The Department is also proposing to align this chapter with 2024 Iowa Acts, Senate File 2109, related to special minor’s restricted licenses and minor’s restricted work licenses issued pursuant to Iowa Code sections 321.178 and 321.194. Proposed Chapter 615 establishes consistent requirements and transparency for the processes concerning all driver’s license and driving privilege sanctions the Department is required or authorized to initiate under the Iowa Code (with the exception of commercial driver’s license (CDL) disqualifications, operating while intoxicated (OWI) revocations, and financial responsibility law sanctions, which are covered in other applicable chapters). This chapter is intended to increase compliance with driver’s license sanctions, which are by law intended to ensure highway safety.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 18, 2024. A public hearing was held on the following date(s):

- October 10, 2024

The Department received no comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 7, 2025. Comments should be directed to:

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

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

January 7, 2025 10 to 10:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 970 160 824
January 7, 2025 2 to 2:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 227 968 616

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 615 and adopt the following **new** chapter in lieu thereof:

CHAPTER 615 SANCTIONS

761—615.1(321) Definitions. The following definitions apply to this chapter:

“*Accident free*” as used in Iowa Code section 321.180B means the driver has not been involved in a contributive accident.

“*Appropriate school authority*” means the superintendent of a public school or the superintendent’s designee; the chief administrator of an accredited nonpublic school, an alternative school, or an adult education program or designee; or the primary instructor of a student who receives competent private instruction or independent private instruction.

“*Contributive accident*” or “*contributed to an accident*” means the driver was involved in an accident for which there is evidence in departmental records that the driver performed an act which resulted in or contributed to the accident or failed to perform an act which would have avoided or contributed to the avoidance of the accident.

“Deny” or “denial” means a rejection of an application for a license or a refusal to issue, renew or reinstate a license.

“Involvement in a motor vehicle accident” as used in Iowa Code section 321.180B means involvement in a contributive accident.

“License” means “driver’s license” as defined in Iowa Code section 321.1(20A) as amended by 2024 Iowa Acts, Senate File 2109, unless the context otherwise requires.

“Moving violation,” unless otherwise provided in this chapter, means any violation of motor vehicle laws except:

1. Violations of equipment standards to be maintained for motor vehicles.
2. Parking violations as defined in Iowa Code section 321.210.
3. Child restraint and safety belt and harness violations under Iowa Code sections 321.445 and 321.446.
4. Violations of registration, weight and dimension laws.
5. Operating with an expired license.
6. Failure to appear.
7. Disturbing the peace with a motor vehicle.
8. Violations of Iowa Code section 321.20B for failure to provide proof of financial liability coverage.

“Sanction” means a license denial, cancellation, suspension, revocation, bar or disqualification.

This rule is intended to implement Iowa Code sections 321.1, 321.178 and 321.194 as amended by 2024 Iowa Acts, Senate File 2109, and sections 321.180A, 321.189, 321.210, 321.215, 321.445, 321.446 and 321.555.

761—615.2(321,321A,321J) Scope. This chapter of rules applies to any license. However:

615.2(1) Additional rules addressing denial, cancellation or disqualification of a commercial driver’s license are found in 761—Chapter 607, “Commercial Driver Licensing.”

615.2(2) Rules implementing Iowa Code chapter 321J are found in 761—Chapter 620, “OWI and Implied Consent.”

615.2(3) Rules implementing Iowa Code chapter 321A are found in 761—Chapter 640, “Financial Responsibility.”

This rule is intended to implement Iowa Code chapters 321, 321A and 321J.

761—615.3(307) Information and address. Applications, forms and information concerning license sanctions are available at any driver’s license service center or at www.iowadot.gov. Assistance is also available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; or by telephone at 515.244.9124.

This rule is intended to implement Iowa Code section 307.12(1) “j.”

761—615.4(321) Habitual offender.

615.4(1) A person is determined to be a habitual offender under Iowa Code section 321.555(1) in accordance with the following point system:

a. Points are assigned to convictions as follows:

<u>Conviction</u>	<u>Points</u>
Perjury or the making of a false affidavit or statement under oath to the department of public safety	2 points
Driving while under suspension, revocation or denial (except Iowa Code chapter 321J)	2 points
Driving while under Iowa Code chapter 321J revocation or denial	3 points
Driving while barred	4 points
Operating a motor vehicle in violation of Iowa Code	4 points

section 321J.2

An offense punishable as a felony under the motor vehicle laws of Iowa or any felony in the commission of which a motor vehicle is used 5 points

Failure to stop and leave information or to render aid as required by Iowa Code sections 321.261 and 321.263 5 points

Eluding or attempting to elude a pursuing law enforcement vehicle in violation of Iowa Code section 321.279 5 points

Serious injury by a vehicle in violation of Iowa Code section 707.6A(4) 5 points

Manslaughter resulting from the operation of a motor vehicle 6 points

b. Based on the points accumulated, the person is to be barred from operating a motor vehicle on the highways of this state as follows:

<u>Points</u>	<u>Length of bar</u>
6 – 7	2 years
8 – 9	3 years
10 – 12	4 years
13 – 15	5 years
16+	6 years

615.4(2) A person declared to be a habitual offender under Iowa Code section 321.555(2) is to be barred from operating a motor vehicle on the highways of this state for one year.

615.4(3) A revocation under Iowa Code section 321.560 will begin on the date the previous revocation expires.

This rule is intended to implement Iowa Code sections 321.555, 321.556 and 321.560.

761—615.5(321) Suspension of a habitually reckless or negligent driver.

615.5(1) The department may suspend a person's license for at least 60 days if the person is a habitually reckless or negligent driver of a motor vehicle. "Habitually reckless or negligent driver" means a person who has accumulated a combination of three or more contributive accidents and convictions for moving violations or three or more contributive accidents within a 12-month period.

615.5(2) In this rule, speeding violations specified in Iowa Code section 321.210(2)"d" and violations under Iowa Code section 321.276 are not included.

This rule is intended to implement Iowa Code section 321.210.

761—615.6(321) Suspension of a habitual violator.

615.6(1) The department may suspend a person's license when the person is a habitual violator of the traffic laws. "Habitual violator" means that the person has been convicted of three or more moving violations committed within a 12-month period.

615.6(2) The minimum suspension periods are as follows unless reduced by a driver's license hearing officer based on mitigating circumstances:

3 convictions in 12 months	90 days
4 convictions in 12 months	120 days
5 convictions in 12 months	150 days
6 convictions in 12 months	180 days
7 or more convictions in 12 months	1 year

615.6(3) In this rule, speeding violations specified in Iowa Code section 321.210(2)"d" and violations under Iowa Code section 321.276 are not included.

This rule is intended to implement Iowa Code section 321.210.

761—615.7(321) Suspension or denial for incapability. A person who is physically or mentally incapable of safely operating a motor vehicle is subject to license suspension or denial by the department.

615.7(1) Suspension or denial for incapability may be based on one or more of the following:

- a. Receipt of a medical report or vision report stating that the person is not physically or mentally capable of safely operating a motor vehicle.
- b. Failure of the person to appear for a required reexamination or failure to submit requested information within the specified time.
- c. Ineligibility for licensing under Iowa Code sections 321.177(4) through 321.177(7).

615.7(2) A suspension or denial under this rule will remain in effect until the department receives satisfactory evidence that the licensee has been restored to capability.

615.7(3) A person whose license has been suspended or denied for incapability may be eligible for a special noncommercial instruction permit under rule 761—602.21(321).

615.7(4) A person who has a valid Iowa license that would otherwise be suspended for incapability shall, in lieu of a suspension, be denied further licensing if there is less than 30 days' validity on the license.

- a. The denial will take effect when the license is no longer valid.
- b. The license shall be surrendered to the department. The department shall issue a temporary driving permit that allows the person to drive until the effective date of the denial.

615.7(5) If a person who is denied licensing for incapability does not have a valid Iowa license, the department may refuse orally to issue a license, effective immediately, or may deny licensing in writing, effective on the date the denial notice is served.

This rule is intended to implement Iowa Code sections 321.177, 321.210, 321.212 and 321.216.

761—615.8(321) Suspension for unlawful use of a license. The department may suspend a person's license upon receipt of a conviction or written law enforcement report that the person has permitted unlawful or fraudulent use of the license. The suspension period will be at least 30 but no more than 60 days.

This rule is intended to implement Iowa Code sections 321.210, 321.212 and 321.216.

761—615.9(321) Suspension or revocation for out-of-state offense. The department may suspend or revoke a person's license when the department is notified by another state that the person committed an offense in that state that, if committed in Iowa, would be grounds for suspension or revocation. The notice may indicate either a conviction or a final administrative decision. The period of the suspension or revocation is to be the same as if the offense had occurred in Iowa.

This rule is intended to implement Iowa Code sections 321.205 and 321.210.

761—615.10(321) Suspension for a serious violation.

615.10(1) The department may suspend a person's license when the person has committed a serious violation of the motor vehicle laws.

615.10(2) "Serious violation" means that:

- a. The person's conviction for a moving violation was accompanied by a written report from the arresting officer, the prosecuting attorney or the court indicating that the violation was unusually serious. The suspension period will be at least 60 days.
- b. The person was convicted of a moving violation that contributed to a fatal motor vehicle accident. The suspension period will be at least 120 days.
- c. The person was convicted for speeding 25 miles per hour (mph) or more above the legal limit. The minimum suspension period is as follows unless reduced by the department based on mitigating circumstances:

25 mph over the legal limit	60 days
26 mph over the legal limit	65 days
27 mph over the legal limit	70 days

28 mph over the legal limit	75 days
29 mph over the legal limit	80 days
30 mph over the legal limit	90 days
31 mph over the legal limit	100 days
32 mph over the legal limit	110 days
33 mph over the legal limit	120 days
34 mph over the legal limit	130 days
35 mph over the legal limit	140 days
36 mph over the legal limit	150 days
37 mph over the legal limit	160 days
38 mph over the legal limit	170 days
39 mph over the legal limit	180 days
40 mph over the legal limit	190 days
41 mph over the legal limit	210 days
42 mph over the legal limit	230 days
43 mph over the legal limit	250 days
44 mph over the legal limit	270 days
45 mph over the legal limit	290 days
46 mph over the legal limit	310 days
47 mph over the legal limit	330 days
48 mph over the legal limit	350 days
49 mph or more over the legal limit	one year

d. The person was convicted of violating Iowa Code section 321.372(3) or a similar ordinance of any political subdivision. The suspension period will be:

- (1) 30 days for a first conviction.
- (2) 90 days for a second conviction.
- (3) 180 days for a third or subsequent conviction.

e. The person was convicted of violating Iowa Code section 321.323A or a similar ordinance of any political subdivision. The suspension period is established in Iowa Code section 321.323A(4) “c.”

This rule is intended to implement Iowa Code sections 321.210, 321.323A, 321.372 and 321.491.

761—615.11(321) Suspension under the nonresident violator compact. The department may suspend a person’s license when a report is received from another state under the nonresident violator compact that an Iowa licensee has failed to comply with the terms of a traffic citation. The suspension will continue until the department receives evidence of compliance with the terms of the citation, at which point the department shall issue a notice terminating the suspension.

This rule is intended to implement Iowa Code sections 321.210 and 321.513.

761—615.12(17A,321) Suspension for a charge of vehicular homicide; hearing and appeal process.

615.12(1) The department shall suspend a person’s license when the department receives notice from the clerk of the district court that an indictment or trial information has been filed charging the person with homicide by vehicle under Iowa Code section 707.6A(1) or 707.6A(2). The suspension takes effect ten days after the department’s suspension notice is issued.

615.12(2) In a contested case hearing, the sole issue is whether there is a possibility of a judgment being rendered against the person for homicide by vehicle under Iowa Code section 707.6A(1) or 707.6A(2). A suspension under this subrule will be upheld if there is evidence in department records that the indictment or trial information was found or approved by a grand jury, magistrate, or judge.

This rule is intended to implement Iowa Code chapter 17A and section 321.210D.

761—615.13(307,321) Suspension of a special minor’s restricted license and minor’s restricted work license.

615.13(1) *Suspension of a special minor’s restricted license.*

a. Suspensions issued under Iowa Code section 321.194(7) as amended by 2024 Iowa Acts, Senate File 2109, may be concurrent. Each suspension requires a separate three-month waiting period pursuant to Iowa Code section 321.194(7) “b” as amended by 2024 Iowa Acts, Senate File 2109.

b. A written report submitted to the department by a peace officer, parent, guardian, custodian, or appropriate school authority will constitute evidence that the licensee violated the restrictions of the license.

c. A suspension issued under this subrule terminates when the person attains age 18.

615.13(2) *Suspension of a minor’s restricted work license.* The department may suspend a minor’s restricted license for at least 30 days upon receiving notice of the licensee’s conviction for one moving violation or evidence that the licensee has violated the license restrictions.

This rule is intended to implement Iowa Code section 307.12(1) “j” and sections 321.178 and 321.194 as amended by 2024 Iowa Acts, Senate File 2109.

761—615.14(321) Suspension for nonpayment of fine, penalty, surcharge or court costs.

615.14(1) A suspension issued by the department under Iowa Code section 321.210A shall continue until the department receives notice from a clerk of the district court that all appropriate payments have been made, the person has entered into an executed installment agreement under Iowa Code section 321.210B, or the notice to suspend was submitted in error. Upon receipt of such notice, the department shall terminate the suspension.

615.14(2) An informal settlement, hearing or appeal to contest the suspension is limited to a determination of whether the facts required by Iowa Code section 321.210A and this subrule are true. The merits of the conviction will not be considered.

This rule is intended to implement Iowa Code sections 321.210A and 321.210B.

761—615.15(232,299,307,321) Suspensions for juveniles.

615.15(1) *Suspension for juveniles adjudicated delinquent for certain offenses.*

a. Pursuant to Iowa Code section 321.213A, the department will suspend the license of a person for one year upon receipt of an adjudication and dispositional order from the clerk of the juvenile court.

b. The department may issue to a person suspended under this subrule a temporary restricted license in accordance with rule 761—615.28(321) if issuance is permitted under Iowa Code section 321.215 and the person is otherwise eligible for the license. To obtain a temporary restricted license that is valid for educational or employment purposes, the applicant must meet the requirements for issuance of a special minor’s restricted license under Iowa Code section 321.194 as amended by 2024 Iowa Acts, Senate File 2109, and rule 761—602.26(321).

615.15(2) *Suspension for juvenile’s failure to attend school.*

a. The department shall suspend the driver’s license of a person of compulsory age upon receipt of notification from the appropriate school authority that the person is in violation of Iowa Code section 299.1B.

b. The suspension will continue until the person reaches the age of 18 or the department receives notification from the appropriate school authority that the person is no longer in violation of Iowa Code section 299.1B.

c. The department may issue to the person a minor’s restricted work license pursuant to Iowa Code section 321.178 as amended by 2024 Iowa Acts, Senate File 2109, and rule 761—602.25(321) if the person is eligible for the license.

This rule is intended to implement Iowa Code sections 232.52(2), 321.178 and 321.213B as amended by 2024 Iowa Acts, Senate File 2109, and sections 299.1B; 307.12(1) “j,” 321.213, 321.213A and 321.215.

761—615.16(252J) Suspension upon receipt of a certificate of noncompliance.

615.16(1) *From child support recovery unit.*

a. The department shall suspend a person's Iowa-issued driver's license upon receipt of a certificate of noncompliance from the child support recovery unit.

b. The suspension shall continue until receipt of a withdrawal of the certificate of noncompliance from the child support recovery unit.

c. The filing of an application pursuant to Iowa Code section 252J.9 stays the suspension pending the outcome of the district court hearing.

615.16(2) Reserved.

This rule is intended to implement Iowa Code sections 252J.1, 252J.8 and 252J.9.

761—615.17(307,321) Suspension for violation of a license restriction. The department may suspend a person's license when the department receives satisfactory evidence of a violation of a restriction imposed on the license. The suspension period is at least 30 days for the first violation and at least 90 days for subsequent violations.

This rule is intended to implement Iowa Code sections 307.12(1) "j" and 321.193.

761—615.18(307,321,707) Mandatory revocation.

615.18(1) A revocation issued by the department pursuant to Iowa Code section 321.209 shall be at least one year except as provided in Iowa Code section 321.212.

615.18(2) For purposes of issuing a revocation under Iowa Code section 321.209(2), "felony" includes a conviction that meets at least one of the following criteria:

a. The record provides specific factual findings by the court that a motor vehicle was used in the commission of the offense,

b. The record is accompanied by information from the prosecuting attorney indicating that a motor vehicle was used in the commission of the crime, or

c. The record indicates that the elements of the offense actually required the use of a motor vehicle.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 321.209, 321.212, 321.261 and 707.6A.

761—615.19(307,321J) Extension of suspension or revocation period under Iowa Code chapter 321J. The department is to extend the period of license suspension or revocation for an additional like period when the person is convicted of operating a motor vehicle while the person's license is suspended or revoked under Iowa Code chapter 321J.

This rule is intended to implement Iowa Code sections 307.12(1) "j" and 321J.21.

761—615.20(321) Effective date of sanction. Unless otherwise specified by statute or rule, a suspension, revocation, disqualification or bar shall begin 30 days after the department's notice of such action is served. However, a cancellation issued by the department under Iowa Code section 321.184, 321.185, 321.189 or 321.201 or section 321.191 as amended by 2024 Iowa Acts, Senate File 2109, will take effect ten days after the department's notice of cancellation is served.

This rule is intended to implement Iowa Code sections 321.208, 321.209, 321.210 and 321.556.

761—615.21(321,321J,331) Service of notice.

615.21(1) The department shall send a notice of a sanction by first-class mail to the person's mailing address as shown on departmental records.

615.21(2) In lieu of service by mail, the notice may be delivered by a peace officer, a departmental employee, or any person over 18 years of age.

a. The person serving the notice shall prepare a certificate of personal service certifying delivery, specifying the name of the receiver, the address and the date, or certifying nondelivery.

b. The department will pay fees for personal service of notice by a sheriff as specified in Iowa Code section 331.655. The department may also contract for personal service of notice when the department determines that it is in the best interests of the state.

615.21(3) The sanction shall become effective on the date specified in the notice.

615.21(4) The department may prepare an affidavit of mailing verifying the fact that a notice was mailed by first-class mail. To verify the mailing of a notice, the department may use its records in conjunction with U.S. Postal Service records available to the department. The department's affidavit of mailing may be attested to and certified in accordance with Iowa Code section 622.1.

This rule is intended to implement Iowa Code sections 321.16, 321.211, 321.211A, 321.556, 321J.9, 321J.12 and 331.655.

761—615.22(17A,321,321J) Hearing and appeal process.

615.22(1) *Applicability.* This rule applies to:

a. License denials, cancellations and suspensions under Iowa Code sections 321.177 through 321.215 and 321A.4 through 321A.11 except suspensions under Iowa Code section 321.213A and section 321.213B as amended by 2024 Iowa Acts, Senate File 2109.

b. License suspensions and revocations under Iowa Code sections 321.218 and 321J.21.

c. License revocations under Iowa Code sections 321.193 and 321.205.

d. Disqualifications from operating a commercial motor vehicle under Iowa Code section 321.208.

e. License bars under Iowa Code section 321.556.

615.22(2) *Submission of request.*

a. A person subject to a sanction listed in subrule 615.22(1) may contest the action by following the provisions of 761—Chapter 13 as supplemented by this rule.

b. A person may request an informal settlement, a contested case hearing, or an appeal of a presiding officer's decision by submitting a request in writing to the motor vehicle division at the address in rule 761—615.3(17A).

c. The request is to include the person's name, date of birth, driver's license or permit number, mailing address and telephone number and the name, address and telephone number of the person's attorney, if any.

d. A request for an informal settlement or a request for a contested case hearing will be deemed timely submitted if it is delivered to the motor vehicle division or postmarked within the time period specified in the department's notice of the sanction.

(1) Unless a longer time period is specified in the notice or another time period is specified by statute or rule, the time period will be 20 days after the notice is served.

(2) However, a request to appeal a sanction under rule 761—615.7(321) or a denial of a license may be submitted at any time.

615.22(3) *Informal settlement or hearing.*

a. The person may request an informal settlement. Following an unsuccessful informal settlement procedure, or instead of that procedure, the person may request a contested case hearing.

b. Notwithstanding paragraph 615.22(3)"a," a request received from a person who has participated in a driver improvement interview on the same matter shall be deemed a request for a contested case hearing.

615.22(4) *Appeal.* A request to appeal a presiding officer's decision shall be submitted in accordance with 761—subrule 13.5(3).

615.22(5) *Stay of sanction.*

a. Upon receipt of a properly submitted, timely request under this rule, the department will review its records to determine whether the sanction may be stayed pending the outcome of the settlement, hearing or appeal unless prohibited by statute or rule or unless otherwise requested by the requester/appellant.

(1) If the stay is granted, the department will send a notice indicating the effective date of the stay. The notice allows the person to drive while the sanction is stayed if the license is valid and no other sanction is in effect.

(2) A person whose stay authorizes driving privileges shall carry the notice of stay at all times while driving.

b. Of the sanctions listed in subrule 615.22(1), the department shall not stay the following, and the person's driving privileges do not continue:

(1) A suspension for incapability.

- (2) A denial.
- (3) A disqualification from operating a commercial motor vehicle.
- (4) A suspension under Iowa Code section 321.180B.
- (5) A suspension or revocation under Iowa Code section 321.218 or 321J.21.

This rule is intended to implement Iowa Code chapter 17A and sections 321.177 through 321.215, 321.218, 321.556, 321A.4 through 321A.11 and 321J.21.

761—615.23(307,321,321A) Surrender of license. A person whose Iowa license has been sanctioned shall surrender the license to the designated representative of the department on or before the effective date of the sanction.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321.201, 321.208, 321.210D, 321.212, 321.216, 321.556 and 321A.31.

761—615.24(321,321A,321J) License reinstatement or reissue. The department may reinstate the license when the sanction has ended if the person is otherwise eligible for issuance of the license and the person has:

615.24(1) Filed proof of financial responsibility under Iowa Code chapter 321A, when required, for all vehicles to be operated. Only the motor vehicles covered under the proof of financial responsibility filed by the applicant may be operated.

615.24(2) Paid the civil penalty when required by Iowa Code section 321J.17.

615.24(3) Complied with the specific instructions given in the department’s notice terminating the sanction.

615.24(4) Successfully completed any required driver license examinations.

615.24(5) Paid the reinstatement fee under Iowa Code section 321.191 when required.

615.24(6) Paid the appropriate license fee or duplicate license fee under Iowa Code section 321.191 as amended by 2024 Iowa Acts, Senate File 2109, and section 321.195.

This rule is intended to implement Iowa Code sections 321.186, 321.195, 321.208, 321.212, 321A.17 and 321J.17 and 321.191 as amended by 2024 Iowa Acts, Senate File 2109.

761—615.25(321) Investigation of convictions based on fraud. A person requesting investigation of fraudulent use of a person’s name or other fraudulent identification that resulted in a record of conviction for a scheduled violation under Iowa Code chapter 321 and listed in Iowa Code section 805.8A may submit a written application to the department using Form 420049. The department will review the application and determine whether investigation is warranted under Iowa Code section 321.200A.

This rule is intended to implement Iowa Code section 321.200A.

761—615.26(321) Remedial driver improvement.

615.26(1) Pursuant to Iowa Code section 321.180B(3) “a,” remedial driver improvement action means any or all of the following as determined by the department: suspension, safety advisory letter, additional restriction(s), safety consultation, educational program, knowledge examination, or driving examination.

615.26(2) A suspension period under Iowa Code section 321.180B(3) shall be at least 30 days for the first violation, at least 60 days for the second violation, and at least 90 days for a third or subsequent violation. A person whose driving privilege has been suspended under this rule is not eligible for a temporary restricted license.

615.26(3) Any action under this rule terminates when a person attains the age of 18.

This rule is intended to implement Iowa Code section 321.180B.

761—615.27(307,321) Driver improvement program.

615.27(1) *When required.*

a. In lieu of suspension, the department may require the following persons to attend and successfully complete, at the person’s own expense, a driver improvement program approved by the department:

(1) A habitual violator.
(2) A person who is convicted for speeding at least 25 but not more than 29 miles per hour over the legal limit.

(3) A person whose license is subject to suspension under Iowa Code section 321.210C.

(4) A person who is convicted of a first offense violation of Iowa Code section 321.372(3) or a similar ordinance of any political subdivision.

b. However, a person is not eligible to attend a driver improvement program in lieu of suspension more than once within a two-year period.

615.27(2) Scheduling. The department shall forward the person's contact information to the approved driver improvement program provider nearest the person's last known address. The provider will schedule the person's attendance at the provider's next available program opening.

a. One request for rescheduling may be granted by the provider if the program begins within 30 days of the originally scheduled date and if space is available.

b. A request to attend a program in another state may be granted if the curriculum is approved by the department.

615.27(3) Probation. When a person is required to attend and successfully complete a driver improvement program, the person must immediately thereafter complete a one-year probationary driving period. The department may suspend the person's license upon receipt of one conviction for a moving violation committed by the person during the probationary period. The suspension period will be for the length of the original underlying suspension.

615.27(4) Failure to attend. The department shall suspend the license of a person who is required to attend a driver improvement program and who does not attend, or does not successfully complete, the program. The suspension period will be for the length of the original underlying suspension.

This rule is intended to implement Iowa Code sections 307.12(1)"j," 321.210, 321.210C and 321.372.

761—615.28(252J,307,321,321J) Temporary restricted license (work permit).

615.28(1) A person is not eligible for a temporary restricted license under Iowa Code section 321.215 if the person is subject to the following sanctions:

a. License denial or cancellation.
b. License suspension for incapability.
c. License suspension for noncompliance with the financial responsibility law.
d. Suspension or revocation of a special minor's restricted license or minor's restricted work license.

e. License revocation under Iowa Code section 321.209(1) through 321.209(4) or revocation for a second or subsequent conviction for drag racing.

f. License bar under Iowa Code section 321.560 unless the applicant is declared to be a habitual offender under Iowa Code section 321.555(1)"c" or 321.555(2).

g. License suspension under Iowa Code section 252J.8.

h. License suspension under Iowa Code section 321.180B(3).

615.28(2) Application for a temporary restricted license is to be made online at www.iowadot.gov/mvd/driverslicense/Suspensions-and-Revocations#TempRL or using Form 430100 and submitted to the motor vehicle division at the address in rule 761—615.3(17A).

615.28(3) The application is to be accompanied by supporting documentation signed by each entity able to attest to the applicant's eligibility for each requested purpose authorized under Iowa Code section 321.215(1)"a"(1) through 321.215(1)"a"(6). An applicant under Iowa Code section 321.215(1)"a"(5) must also submit a copy of the court order for community service. Acceptable statements will explain the need for the license and list specific places and times for the activity that can be verified by the department.

615.28(4) A temporary restricted license issued for employment may include permission for the licensee to transport dependent children or adults between the licensee's residence and a child or dependent adult care location, provided the care is essential for continuation of the licensee's employment and the application includes a signed statement from the care provider.

- 615.28(5)** An applicant for a temporary restricted license is also required to do all of the following:
- a.* File proof of financial responsibility under Iowa Code chapter 321A, if required, for all motor vehicles to be operated under the temporary restricted license.
 - b.* Pay the civil penalty when required by Iowa Code section 321J.17.
 - c.* Pass the appropriate examination for the type of vehicle to be operated under the temporary restricted license.
 - d.* Pay any applicable reinstatement and license fees.

615.28(6) The department will determine the restrictions to be imposed by the temporary restricted license based on the documents submitted. The licensee may apply at any time to the department in writing with a justification for any requested change in license restrictions.

615.28(7) An applicant who has been denied a temporary restricted license or who contests the license restrictions imposed by the department may contest the decision in accordance with rule 761—615.22(321).

This rule is intended to implement Iowa Code chapter 321A; sections 252J.8, 307.12(1) “j,” 321.177, 321.184, 321.185, 321.186, 321.189, 321.193, 321.195, 321.201, 321.205, 321.209, 321.210, 321.210A, 321.212, 321.213A, 321.215, 321.218, 321.513, 321.560 and 321J.17; and sections 321.178, 321.191, 321.194 and 321.213B as amended by 2024 Iowa Acts, Senate File 2109.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2025-76
Submitted by Sara Siedsma Phone No. 515-237-3058 Meeting Date March 11, 2025
Title Administrative Rules—761 IAC Chapter 634, Driver Education

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 634 in accordance with Executive Order 10.

Proposed Chapter 634 implements the Department's rulemaking authority granted in Iowa Code section 321.178, which explains driver education course requirements for school districts and private and commercial driver education schools, including the qualification, application, and certification requirements for behind-the-wheel instructors. The proposed chapter also implements Iowa Code section 321.178A, which explains the requirements for a teaching parent to provide driver education as an alternative to a driver education course offered by a course provider.

The public comment period ended on January 9, 2025. The department did not receive any public comments.

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

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 634.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to driver education and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 634, “Driver Education,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)“j,” 321.178 and 321.178A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 321.13, 321.178, 321.178A, 321.180B and 321.194.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 634 in compliance with Executive Order 10. Proposed Chapter 634 implements the Department’s rulemaking authority granted in Iowa Code section 321.178, which explains driver education course requirements for school districts and private and commercial driver education schools, including the qualification, application, and certification requirements for behind-the-wheel instructors. The proposed chapter also implements Iowa Code section 321.178A, which explains the requirements for a teaching parent to provide driver education as an alternative to a driver education course offered by a course provider.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 2, 2024. A public hearing was held on the following date(s):

- October 25, 2024

The Department received no comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 9, 2025. Comments should be directed to:

Tracy George
Department of Transportation

DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

January 9, 2025 9 to 9:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 824 420 750
January 9, 2025 1 to 1:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 668 291 488

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 634 and adopt the following **new** chapter in lieu thereof:

CHAPTER 634 DRIVER EDUCATION

761—634.1(321) Information and location. Applications, forms and information regarding this chapter are available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Boulevard, Ankeny, Iowa 50021; by telephone at 515.244.8725; by facsimile at 515.239.1837; or on the department's website at www.iowadot.gov/mvd/drivereducation.

761—634.2(321) Definitions.

"Approved course" means a driver education curriculum approved by the department that meets the requirements of Iowa Code section 321.178A and is appropriate for teaching parent-directed driver education and related behind-the-wheel instruction.

"Behind-the-wheel instruction" means the street or highway driving instruction component of an approved driver education course.

"Clear driving record" means the person currently and during the prior two-year period has not been identified as a candidate for suspension or revocation of a driver's license under the habitual offender or habitual violator provisions of rule 761—615.4(321) or rule 761—615.6(321); is not subject to a driver's license suspension, revocation, denial, cancellation, disqualification, or bar; has no record of a contributive motor vehicle accident that caused the death or serious injury of another person; and has no record of two or more contributive motor vehicle accidents in a two-year period.

"Course vendor" means a third-party vendor that makes available commercially an approved course.

“Driver education school” means any school district, area education agency, merged area school, or other agency or person planning to offer driver education.

“Instructor,” for purposes of this chapter, means a person certified to provide behind-the-wheel instruction.

“Laboratory instruction” includes instruction received by a student while the student is in the driver education vehicle or adjacent to it as referred to in paragraphs 634.3(2) *“c”* and *“d”* and may also include range or simulation as referred to in paragraphs 634.3(2) *“h”* and *“i.”*

“Serious injury” means the same as defined in Iowa Code section 702.18.

“Student” means the same as defined in Iowa Code section 321.178(1) *“d.”*

“Teacher” means the same as defined in Iowa Code section 256.145(16).

“Teaching parent” means the same as defined in Iowa Code section 321.178A(2) *“c.”*

761—634.3(321) Driver education course standards and requirements.

634.3(1) *Course approval.* Any school district, area education agency, merged area school, or other entity planning to offer a driver education course must apply for and receive departmental approval, including approval of all teachers, instructors, and course curriculum. Approvals remain valid for a calendar year, expiring December 31, and must be renewed annually. The application for course renewal shall be submitted to the department within 60 days of the expiration date unless otherwise approved by the department.

634.3(2) *Course requirements.*

a. The instruction provided under Iowa Code section 321.178(1) *“a”* is to be performed in a dual-controlled motor vehicle and exclusive of observation time.

b. Except upon showing of good cause, laboratory instruction shall not conclude later than 45 days after classroom instruction has been completed. When the driver education course provider determines there is good cause, the laboratory instruction shall not conclude later than 90 days after classroom instruction has been completed. For the purpose of this paragraph, “good cause” means an unanticipated event causing a delay in the student’s ability to complete the laboratory instruction if the event is beyond the student’s control.

c. Behind-the-wheel instruction shall be limited to a maximum of 30 minutes per student per session and a maximum of 60 minutes in a single day.

d. Two or more students shall be scheduled for all behind-the-wheel instruction to ensure that appropriate observation time is experienced.

e. Routine maintenance and operation of motor vehicles to maximize energy efficiency and safety will be included in classroom instruction.

f. Each school district will provide students who are absent from instruction an opportunity to make up a reasonable amount of time and coursework.

g. When driving simulators are used for part of the behind-the-wheel driving experience, four hours of simulator experience will be considered equal to one hour of behind-the-wheel driving in the car. However, in addition to simulator time, a minimum of three hours of on-street, behind-the-wheel driving must be completed.

h. When driving ranges are used in driver education courses, two hours of range experience will be considered equal to one hour of on-street, behind-the-wheel driving. However, in addition to range time, a minimum of three hours of on-street, behind-the-wheel driving must be completed.

i. Motor vehicles that are designed primarily for carrying nine or fewer occupants, excluding motorcycles and mopeds, are the only motor vehicles approved for use in driver education courses, and each shall be equipped with a dual control. Vehicles must bear a manufacturer’s label pursuant to 49 CFR §567.4 effective as of October 1, 2023.

j. The driver education teacher or instructor is to verify at the beginning of each course that each student possesses a valid instruction permit or driver’s license. Each student is responsible for possessing an instruction permit or driver’s license throughout all laboratory instruction and is to report any suspension, revocation or cancellation of the instruction permit or driver’s license to the driver education teacher or instructor prior to attending laboratory instruction.

634.3(3) *Experimental program.* The department may approve an experimental program based on student or school district need for improved instruction. The maximum duration of an experimental program is three years. Annual documentation of the effectiveness of instruction must be submitted to the department.

761—634.4(321) Instructor qualifications, application, and certification.

634.4(1) *Behind-the-wheel instructor qualifications.* Behind-the-wheel instructors must:

a. Hold a valid driver's license that permits unaccompanied driving, other than a motorized bicycle license or a temporary restricted license.

b. Have a clear driving record for the previous two years.

634.4(2) *Behind-the-wheel instructor's certification requirements.* Except as otherwise provided in this chapter, the following requirements apply to a behind-the-wheel instructor:

a. An applicant for a behind-the-wheel instructor's certification will apply to the department using Form 431160.

(1) An initial behind-the-wheel instructor's certification is to be submitted annually within 60 days of the expiration date unless otherwise approved by the department. The instructor approval expires on December 31 but remains valid for an additional 30 days after the expiration date.

(2) To renew a behind-the-wheel instructor's certification, a person will do all of the following:

1. Apply to the department annually. Instructor approval is valid for a calendar year or the remainder of a calendar year. The instructor approval expires on December 31 but remains valid for an additional 30 days after the expiration date. An application for renewal of instructor approval shall be submitted within 60 days of the expiration date unless otherwise approved by the department.

2. Provide behind-the-wheel instruction for a minimum of 12 clock hours during each calendar year.

b. A behind-the-wheel instructor will complete at least one state-sponsored or state-approved behind-the-wheel instructor refresher course biennially. Approved courses may include electronic completion or remote attendance options. The department may develop a special course for licensed teachers or peace officers who qualify to provide behind-the-wheel instruction under subrule 634.4(3) or 634.4(5).

c. Upon certification, but prior to providing behind-the-wheel instruction, the person will be:

(1) Authorized by the Iowa board of educational examiners to provide behind-the-wheel driving instruction unless exempt under Iowa Code section 321.178.

(2) Employed by a public or licensed commercial or private provider of the approved driver education course.

634.4(3) *Instructor's certification for licensed teachers.* A teacher licensed by the Iowa board of educational examiners as provided in 282—subrule 13.28(4) will be included as an approved instructor on an annual driver education course approval as referenced in subrules 634.3(1) and 634.6(1) and shall meet the requirements in paragraph 634.4(2) "b" to be certified by the department to provide behind-the-wheel instruction.

634.4(4) *Instructor application and certification for a teacher with an expired teacher's license.* A teacher who holds an expired initial, standard, exchange, or master educator license with an endorsement for driver education as provided in 282—subrule 13.28(4) shall meet the requirements in subrule 634.4(2) to be certified by the department to provide behind-the-wheel instruction.

634.4(5) *Instructor application and certification for active peace officers and retired peace officers.*

a. An applicant for behind-the-wheel instructor certification who is an active peace officer or a retired peace officer as referenced in Iowa Code section 321.178 shall:

(1) Be at least 25 years of age.

(2) Submit Form 431233 certifying the person's status as an active or retired peace officer.

(3) Meet all other requirements of subrule 634.4(2), except peace officers or retired peace officers who otherwise qualify under this subrule are not required to meet the requirement of subparagraph 634.4(2) "c" (1).

b. A retired peace officer is only required to submit Form 431233, required under paragraph 634.4(5) “a,” to the department once unless the form is invalid or not accepted by the department.

634.4(6) *Instructor application and certification for persons other than licensed teachers, peace officers or retired peace officers.* A person who is not licensed by the Iowa board of educational examiners to provide classroom driver education as provided in 282—subrule 13.28(4), who does not hold an expired teacher’s license as referenced in subrule 634.4(4), or who is not a peace officer or a retired peace officer as referenced in Iowa Code section 321.178 must satisfy all of the following to be certified by the department to provide behind-the-wheel instruction:

- a. Be at least 25 years of age.
- b. Meet the requirements in subrule 634.4(2).
- c. Successfully complete a department-approved instructor preparation course within 12 months of application for behind-the-wheel instruction certification. The instructor preparation course will:
 - (1) Be a driver education teacher preparation program that is designed to observe, coach, and evaluate behind-the-wheel instructor candidates.
 - (2) Be approved by the Iowa board of educational examiners.
 - (3) Consist of 24 hours of classroom instruction in sessions not exceeding 4 hours that covers, at minimum, the psychology of the young driver, behind-the-wheel teaching techniques, and driving route selection.
 - (4) Consist of 12 hours of behind-the-wheel instruction in sessions not exceeding 4 hours in a dual-controlled vehicle with a licensed driver education instructor.

634.4(7) *Behind-the-wheel certification—reissuance.*

a. Completion of the behind-the-wheel instructor preparation course will be required to re-issue a behind-the-wheel instructor certification that has expired and is past the renewal date unless the applicant has:

- (1) Held a valid behind-the-wheel certification within the two years immediately preceding the application.
- (2) Provided a minimum of 12 clock hours of behind-the-wheel instruction within the two years immediately preceding the application.
- (3) Completed at least one state-sponsored or state-approved behind-the-wheel instructor refresher course within the two calendar years immediately preceding the application unless otherwise exempt under this chapter.
- (4) Completed a minimum of 12 clock hours shadowing a teacher licensed by the Iowa board of educational examiners as provided in 282—subrule 13.28(4) through a department-approved driver education program within 90 days immediately preceding the application.

b. Upon recertification but prior to providing behind-the-wheel instruction, the person will:

- (1) Be authorized by the Iowa board of educational examiners to provide behind-the-wheel driving instruction unless otherwise exempt under this chapter.
- (2) Be employed by a public or licensed commercial or private provider of the approved driver education course and work under the supervision of a person licensed by the Iowa board of educational examiners as provided in 282—subrule 13.28(4).

761—634.5(321) Instructor disqualification, investigation, and cancellation.

634.5(1) *Disqualifications.* A person will be disqualified by the department from certification as a behind-the-wheel driving instructor for any of the reasons for which the chair of the Iowa board of educational examiners would deny an application for licensure, certification or authorization as provided in rule 282—11.35(256).

634.5(2) *Investigation.* The department may investigate an applicant for a behind-the-wheel instructor’s certification or an instructor to determine if the applicant or instructor meets the requirements for certification. The investigation may include but is not limited to an inquiry into the applicant’s or instructor’s criminal history from the department of public safety.

634.5(3) *Cancellation.* The department shall cancel the behind-the-wheel instructor’s certification of an individual who no longer qualifies under this chapter.

761—634.6(321) Private and commercial driver education schools. The department licenses private and commercial driver education schools as follows:

634.6(1) *Course approval.* A driver education school will receive course approval, which includes approval of all teachers and instructors listed on the application, from the department prior to the beginning of the first class that is offered and annually thereafter. Behind-the-wheel instruction must be provided by a person who meets the instructor requirements in rule 761—634.4(321). Evidence of the approvals and certifications will be submitted to the department upon application for a license, upon renewal of a license, and upon reinstatement of a license following cancellation.

634.6(2) *Application and fees.* Application for license issuance or renewal is \$25. The fee will be made to the department in a manner determined by the department.

634.6(3) *Issuance and renewal.* A license to teach driver education shall be issued for a calendar year or remainder of a calendar year. The license expires on December 31 but remains valid for an additional 30 days after the expiration date. The application for renewal will be submitted to the department within 60 days of the expiration date unless otherwise approved by the department.

634.6(4) *Cancellation.* A license to teach driver education shall be canceled if the course, teacher, or instructor is no longer approved or the person providing only behind-the-wheel instruction for driver education is no longer certified by the department and authorized by the Iowa board of educational examiners.

761—634.7(321) Driver education—teaching parent. As an alternative to a driver education course offered by a course provider approved under rule 761—634.3(321), a teaching parent may instruct a student in an approved course of driver education.

634.7(1) *Instruction by a teaching parent.*

- a. A teaching parent will instruct the student using an approved course.
- b. The teaching parent will select the course to be used from the list of approved courses posted at www.iowadot.gov/mvd/driverseducation/Parent-taught/Step-2 and will purchase the course directly from the applicable course vendor.
- c. No person will provide driver education as a teaching parent unless the person meets the definition of a teaching parent, and the department will not recognize driver education that was:
 - (1) Provided by a person who does not meet the definition of a teaching parent.
 - (2) Provided to a person who is not a student as defined in rule 761—634.2(321).
 - (3) Offered under a course other than an approved course.

634.7(2) *Course completion—certificate of completion.*

- a. Upon the student's completion of an approved course, the teaching parent will apply for a certificate of completion on behalf of the student pursuant to Iowa Code section 321.178A.
- b. The department will deny issuance of a certificate of completion if:
 - (1) The course was not conducted by a person meeting the definition of a teaching parent.
 - (2) The application does not properly identify a student eligible to be instructed in driver education by the teaching parent.
 - (3) The application and evidence do not demonstrate the student's successful completion of an approved course.
 - (4) The application and evidence do not include all documentation, statements, certifications, and logs required by Iowa Code section 321.178A in adequate and proper form and content.
 - (5) The department has determined that the application should be rejected for any reason listed in Iowa Code section 321.13.
- c. If the application is denied, the department will issue a letter of denial to the teaching parent explaining the reason for the denial.
- d. If the application is approved, the department will issue a certificate of completion to the student. A certification of completion issued by the department under this subrule constitutes proof of successful completion of an Iowa-approved course in driver education but shall not be grounds for waiver of a driving test under 761—subrule 604.31(2).

634.7(3) *Course approval.*

a. For a course to become an approved course under Iowa Code section 321.178A, a vendor of a driver education curriculum will submit an application on a form provided by the department to the address in rule 761—634.1(321), along with a copy of all proposed curriculum materials.

b. To be designated as an approved course, the curriculum submitted must, at a minimum, meet the requirements of Iowa Code section 321.178A, be appropriate for teaching-parent-directed driver education and related street or highway instruction, and meet or exceed the required content set forth in the Appendix to this rule.

c. If the proposed curriculum does not meet the requirements for an approved course, the department will issue a letter of denial to the course vendor explaining the reason for denial.

d. If the proposed curriculum is approved, the department will issue a certificate of approval to the vendor designating the curriculum as an approved course and will list the approved course on the department's website. Course approval will be issued for one calendar year or for the remainder of a calendar year. The approval expires on December 31 and must be renewed annually by the submission of an application on a form provided by the department and all required materials as set forth in this subrule at least 60 days prior to the expiration date unless otherwise approved by the department.

These rules are intended to implement Iowa Code sections 321.13, 321.178, 321.178A, 321.180B and 321.194.

Appendix to Rule 761—634.7(321)

To be designated as an approved course, a curriculum must, at a minimum, meet the requirements of Iowa Code section 321.178A, be appropriate for teaching-parent-directed driver education and related street or highway instruction, and meet or exceed the required content listed below:

1. *Duration and required content.* The course must provide for both classroom and behind-the-wheel instruction. As used in this rule, “*classroom instruction*” means instruction provided by a teaching parent in a private setting using printed or electronic course materials, and “*behind-the-wheel instruction*” means street or highway driving instruction provided by a teaching parent or a person who is qualified to provide street or highway driving instruction pursuant to Iowa Code section 321.178 in a motor vehicle operated by the student.
 - a. Classroom instruction shall include all of the following:
 - i. Instruction concerning distracted driving and substance abuse.
 - ii. Instruction concerning railroad crossing safety.
 - iii. Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as provided in Iowa Code chapter 142C.
 - iv. Instruction providing awareness about sharing the road with pedestrians, bicycles and motorcycles.
 - b. Behind-the-wheel instruction shall consist of at least 40 hours of street or highway driving, including 4 hours of driving after sunset and before sunrise while accompanied by the teaching parent or a person who is qualified to provide street or highway driving instruction pursuant to Iowa Code section 321.178.
2. *Required topics.* The course may follow any format the vendor determines, provided all of the following topics are properly and adequately covered, as detailed in the course application form provided by the department:
 - a. Traffic law – *classroom instruction*
 - i. Introduction to driver education and driving laws and privileges.
 - ii. Understanding your license to drive.
 - iii. Right-of-way.
 - iv. Traffic control devices.
 - v. Controlling traffic flow.
 - vi. Alcohol and other drugs.
 - vii. Cooperating with other roadway users.
 - b. Driver preparation – *classroom and behind-the-wheel instruction*
 - i. Pre-drive tasks.
 - ii. Occupant protection.
 - iii. Symbols and devices.
 - iv. Starting tasks.
 - v. Vehicle operation and control tasks.
 - vi. Post-drive tasks.
 - vii. In-car progress assessment.
 - viii. Driving plan (*classroom instruction*).
 - c. Vehicle movements – *classroom and behind-the-wheel instruction*
 - i. Visual attention, mental attention and communication.
 - ii. Reference points.
 - iii. Vehicle balance.

- iv. Vehicle maneuvers.
 - v. In-car progress assessment (*behind-the-wheel instruction*).
- d. Driver readiness – *classroom and behind-the-wheel instruction*
 - i. Driving practices.
 - ii. Fatigue.
 - iii. Aggressive driving.
 - iv. In-car progress assessment (*behind-the-wheel instruction*).
- e. Risk reduction – *classroom and behind-the-wheel instruction*
 - i. Risk factors.
 - ii. Space management.
 - iii. In-car progress assessment (*behind-the-wheel instruction*).
- f. Environmental factors – *classroom and behind-the-wheel instruction*
 - i. Environmental characteristics.
 - ii. Environmental risk factors.
 - iii. In-car progress assessment (*behind-the-wheel instruction*).
- g. Distractions – *classroom and behind-the-wheel instruction*
 - i. Distractions.
 - ii. Multi-task performances.
 - iii. In-car progress assessment (*behind-the-wheel instruction*).
- h. Alcohol and other drugs – *classroom instruction*
 - i. Introduction of alcohol and other drug problems.
 - ii. Nature of alcohol-related crash problems.
 - iii. Physiological effects of alcohol.
 - iv. Psychological effects of alcohol.
 - v. Other drug effects on the driving task.
 - vi. Zero-tolerance in the driving environment.
- i. Vehicle movement and reference points – *behind-the-wheel instruction*
 - i. Vehicle movements and reference points (entering and exiting traffic and parking).
 - ii. In-car progress assessment (*behind-the-wheel instruction*).
- j. Adverse conditions – *classroom instruction*
 - i. Adverse weather and reduced visibility conditions.
 - ii. Traction loss.
 - iii. Emergencies.
- k. Vehicle requirements – *classroom and behind-the-wheel instruction*
 - i. Vehicle malfunctions (*classroom instruction*).
 - ii. Vehicle maintenance (*classroom instruction*).
 - iii. Trip planning (*classroom instruction*).
 - iv. Adverse conditions and vehicle requirements – off-street simulated practice (*behind-the-wheel instruction*).
 - v. In-car progress assessments (*behind-the-wheel instruction*).
- l. Consumer responsibility – *classroom and behind-the-wheel instruction*
 - i. Vehicle use and ownership (*classroom instruction*).
 - ii. Vehicle insurance (*classroom instruction*).
 - iii. Environmental protection and litter prevention (*classroom instruction*).

- iv. Anatomical gift Act – organ donor (*classroom instruction*).
- m. Personal responsibility (*classroom and behind-the-wheel instruction*).
 - i. Comprehensive classroom progress assessment (testing) (*classroom instruction*).
 - ii. Driver licensing (*classroom instruction*).
 - iii. In-car progress assessment (*behind-the-wheel instruction*).

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2025-77
Submitted by Sara Siedsma Phone No. 515-237-3058 Meeting Date March 11, 2025
Title Administrative Rules—761 IAC Chapter 635, Motorcycle Rider Education

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 635 in accordance with Executive Order 10.

Proposed Chapter 635 complies with Iowa Code sections 321.179 and 321.180B(5). The chapter outlines the application, renewal, and eligibility requirements for motorcycle rider education (MRE) courses, sponsors and instructors in the state. The department is also required to establish the framework under which MRE sponsors may be reimbursed from the Motorcycle Rider Education Fund for the costs of providing MRE courses.

The public comment period ended on January 9, 2025. The department did not receive any public comments.

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

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 635.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to motorcycle rider education and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 635, “Motorcycle Rider Education (MRE),” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)“j” and 321.179.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 307.12(1)“j,” 321.179 and 321.180B.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 635 in compliance with Executive Order 10. Proposed Chapter 635 complies with Iowa Code sections 321.179 and 321.180B(5). The chapter outlines the application, renewal, and eligibility requirements for motorcycle rider education (MRE) courses, sponsors and instructors in the state. The Department is also required to establish the framework under which MRE sponsors may be reimbursed from the Motorcycle Rider Education Fund for the costs of providing MRE courses.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 18, 2024. A public hearing was held on the following date(s):

- October 10, 2024

The Department received no comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 9, 2025. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations

800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

January 9, 2025 10 to 10:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 631 843 106
January 9, 2025 2 to 2:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 629 845 33

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 635 and adopt the following **new** chapter in lieu thereof:

CHAPTER 635 MOTORCYCLE RIDER EDUCATION (MRE)

761—635.1(307,321) Information and location. Applications, forms and information regarding this chapter are available by mail from the Motor Vehicle Division, 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 515.244.8725; by facsimile at 515.239.1837; or by email at mre.dot@iowadot.us.

761—635.2(307,321) Definitions.

“*Approved course*” means the motorcycle rider education course approved by the department.

“*Instructor*” means a person licensed by the department to instruct an approved course.

“*MRE*” means motorcycle rider education.

“*Sponsor*” means an entity that provides the approved course.

761—635.3(307,321) Application, renewal and fees.

635.3(1) Application and renewal.

a. An applicant for a sponsor license must apply to the department in a manner determined by the department prior to the beginning of the first class offered in the approved course and annually thereafter.

b. An applicant for an instructor license must apply to the department in a manner determined by the department prior to the beginning of the first class of the approved course taught by the instructor and annually thereafter. However, an individual who meets the qualifications for a license except for paragraph 635.5(2) “*d*” or whose license is denied under subrule 635.6(2) may teach the approved course as provided in paragraph 635.6(2) “*b*.”

c. A sponsor or instructor license is valid for a calendar year or remainder of a calendar year and expires on December 31 but remains valid for an additional 30 days after the expiration date.

d. Unless otherwise approved by the department, an application for license renewal is due to the department within 60 days of the expiration date.

635.3(2) Fees. The initial application and annual renewal fee are \$25 for a private or a commercial sponsor. The fee is to be paid in a manner approved by the department.

761—635.4(307,321) Approved course in MRE.

635.4(1) Course requirements.

a. Only an MRE course approved by the department using nationally recognized, research-based curriculum is to be taught by any sponsor providing MRE.

b. On-cycle instruction of the approved course must meet the following requirements:

(1) The student is at least 14 years of age; possesses a valid driver's license as defined in Iowa Code section 321.1; is able to touch the ground with the balls of both feet while sitting astride the training motorcycle; wears a U.S. DOT-approved helmet, an eye-protective device, and protective clothing including gloves, a long-sleeved shirt or jacket, long pants, and shoes or boots that cover the feet and ankles; and completes the motorcycle safety course waiver form, including the signature of a parent or legal guardian if the student is under the age of 18.

(2) The scheduled time for classroom or on-cycle instruction, or a combination of both, does not exceed eight hours in any one calendar day.

(3) The student-instructor ratio for classroom instruction does not exceed 36 to 1. The student-instructor ratio for on-cycle instruction does not exceed 6 to 1; however, no more than 12 students may receive on-cycle instruction at one time on a single full-size range.

(4) The driving range used for on-cycle instruction is paved, free of hazards to motorcycle travel, and has an unobstructed, paved runoff of at least 20 feet in all directions.

(5) The sponsor provides for each student engaged in on-cycle instruction one fully operational motorcycle manufactured for highway use that has not been modified, does not contain aftermarket equipment, and meets at least two of the following criteria:

1. Has an engine displacement of 500 cubic centimeters or less, or an electric motor of 30 kW or less.

2. Has a curb (wet) weight of 440 pounds or less.

3. Has a seat height of 30 inches or less.

635.4(2) Certificate of completion. Only persons successfully completing all elements of the approved course will be issued an Iowa certificate of completion for MRE by the sponsor to be submitted to the department by the methods provided in 761—subrule 602.2(1). The driving test for a Class M driver's license or a motorcycle endorsement may be waived under 761—subrule 604.31(2) within two years of the issuance of a certificate of completion.

761—635.5(307,321) Instructor and sponsor qualifications.

635.5(1) Instructor license. To qualify for an instructor's license, an individual must:

a. Possess a valid Class M driver's license or a motorcycle endorsement or equivalent license or endorsement that is valid for a two-wheel motorcycle.

b. Successfully complete a nationally recognized, research-based instructor preparation course approved by the department.

c. Possess a current instructor certification from a nationally recognized motorcycle safety organization approved by the department.

d. Before a license is granted, teach one class of the approved course under the guidance of an experienced, licensed instructor approved by the department.

e. After the year in which a license is granted, teach at least one nationally recognized, research-based motorcycle rider preparation course approved by the department in Iowa or another state each calendar year.

f. After the year in which a license is granted, complete at least one state-sponsored or state-approved instructor update each calendar year. The update must be completed in Iowa every other year.

g. Have a clear driving record for the previous two years. A clear driving record means the individual has:

(1) Not been identified as a candidate for driver's license suspension under the habitual violator provisions of rule 761—615.13(321) or the serious violation provisions of rule 761—615.17(321).

(2) No driver's license suspensions, revocations, denials, cancellations, disqualifications or bars.

(3) Not committed an offense that would result in driver's license suspension, revocation, denial, cancellation, disqualification or bar.

(4) No record of a law enforcement investigative report indicating a contributive motor vehicle accident that caused the death or serious injury of another person.

(5) No record of two or more contributive motor vehicle accidents in a two-year period.

h. Comply with any department review and verification of the instructor's qualifications under this subrule.

635.5(2) Sponsor license. To qualify for a sponsor's license, an entity must:

a. Use only a course approved under rule 761—635.4(307,321).

b. Use only instructors licensed by the department to teach the approved course.

c. Maintain liability insurance in an amount of not less than \$1 million, combined single limit, with an aggregate limit of not less than \$2 million, and file a certificate of this insurance with the department verifying coverage for scheduled courses of instruction. The certificate shall name the department and its officers, agents, representatives and employees as additional insureds with respect to all work, deliveries or services performed for the department by the named insured, and specify that the department's motor vehicle division shall be given at least 30 days' prior notice of any material change in or cancellation of the insurance.

d. Provide written verification of self-insurance to the department if the sponsor is a state agency or public educational institution.

e. Maintain complete instructional accident report files and furnish this information to the department in a manner determined by the department.

f. Maintain a record of costs incurred in providing the approved course.

g. Allow the department or the department's designee to audit any class of the approved course, either announced or unannounced.

h. Involve a program administrator in an annual department-sponsored, in-service seminar.

i. Provide and maintain adequate instructional facilities and equipment to accommodate all components of the approved course, including but not limited to the lecture, audio-visual, and on-cycle components.

761—635.6(307,321) Cancellation or denial.

635.6(1) Cancellation. The department shall cancel the license if the sponsor or instructor fails to comply with the applicable provisions of this chapter or Iowa Code section 321.179 or 321.180B(5) or if the course or instructors are no longer approved.

635.6(2) Denial. The department shall deny an initial or renewal application if the applicant does not meet the criteria for issuance of a license under this chapter. A denial for an instructor's failure to comply with the provisions of paragraph 635.5(1) "c," "e" or "f" will remain in effect until the instructor completes the following requirements, as applicable:

a. Presents an unexpired instructor certification from a nationally recognized motorcycle safety organization approved by the department.

b. Teaches one class of the approved course under the guidance of an experienced, licensed instructor approved by the department.

c. Completes at least one state-sponsored or state-approved instructor update.

761—635.7(321) Use of MRE fund. The MRE fund may be used for the following purposes:

635.7(1) Course development. New or current sponsors may apply to the department for funds to establish delivery of the approved course at an unserved site. Current sponsors may apply for funds to expand delivery at an existing site.

a. Expenditures eligible for funding are limited to:

(1) Acquisition of necessary classroom furnishings and audio-visual systems if used exclusively to deliver the approved course.

(2) Required curriculum materials including necessary audio and visual components.

(3) Range development and maintenance excluding land acquisition, surfacing and resurfacing.

(4) Training motorcycles and motorcycle maintenance equipment if the equipment is to be used exclusively for the upkeep of the motorcycles.

(5) On-cycle safety equipment limited to helmets, eye-protective devices and gloves.

b. Application for funds shall be made in a manner determined by the department. Departmental approval will be based on the geographical area, the number of students to be served and the availability of moneys in the MRE fund. The number of students to be served is determined by range size, the number of courses to be offered, and the number of sponsors providing the course.

c. Payment to the sponsor for course development expenditures will be on a cost-reimbursement basis and made after claims under subrule 635.7(5) are paid.

635.7(2) *Instructor preparation.* The department will sponsor and accept applications for enrollment in initial instructor preparation courses.

a. An instructor preparation course is open to any individual who:

(1) Possesses a valid Class M driver's license or a motorcycle endorsement or equivalent license or endorsement that is valid for a two-wheel motorcycle.

(2) Submits verification from an approved sponsor of employment as an instructor of the approved course to be offered within the next 12 months.

b. Upon proof of successful completion of the instructor preparation course, an individual may be reimbursed for course tuition.

635.7(3) *Instructor updates.* The department will sponsor and fund instructor updates held in Iowa. Instructor updates are open to all state-licensed MRE instructors and instructor trainers.

635.7(4) *Instructor trainer preparation.*

a. An experienced, state-licensed MRE instructor may apply to the department for funding assistance on forms provided by the department if both the following occur:

(1) The instructor is accepted for enrollment in a nationally recognized instructor trainer preparation course approved by the department.

(2) The instructor agrees to be an instructor trainer in a department-sponsored instructor preparation course within 12 months following successful completion of the instructor trainer preparation course.

b. The department may approve the application if the department determines there is a need for additional instructor trainers.

c. If the department approves the application, then all the following apply:

(1) Funding assistance is limited to course tuition, travel, and subsistence (meals and lodging).

(2) Upon approval of the application, the department will pay for course tuition and travel to the training site.

(3) Upon receipt by the department of evidence of successful completion accompanied by documentation of subsistence expenses incurred, the department will reimburse the instructor for food and lodging based on the in-state reimbursement limits established for state employees by the department of administrative services.

(4) If the instructor fails to attend the training, the instructor must repay the department both the course tuition and the travel purchased.

(5) If the instructor fails to successfully complete the course, the instructor must repay the department one-half the course tuition and one-half the travel purchased. Meal and lodging expenses will not be reimbursed.

635.7(5) *Reimbursement of per pupil costs.* The department will reimburse a sponsor for each student who completes the approved course contingent upon the availability of moneys in the MRE fund.

a. Reimbursement will be paid twice each calendar year, once for training provided from January to June and once for training provided from July to December.

b. The reimbursement will be based on a per pupil rate determined semiannually by the department. The rate will be based on the amount of moneys available in the MRE fund, less the

administrative and instructor training costs, and will be distributed to sponsors based on the total number of students who complete the approved course.

c. Claims for reimbursement shall be submitted in a manner determined by the department and include a summary of courses taught with site, date, and instructor information; a report for each class taught that provides the name, age, and driver's license number of each student; and any other information required by the department.

d. Failure to provide course, instructor and student information; failure to meet instructor certification and licensure requirements; failure to comply with applicable provisions of this chapter in providing the course; or failure to meet prescribed instructor-student ratios shall result in the forfeiture of reimbursement for those courses and students involved.

These rules are intended to implement Iowa Code sections 307.12(1)“j,” 321.179 and 321.180B(5).

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Transportation Development Division Order No. SO-2025-78
Submitted by Dave Lorenzen Phone No. 515-239-1205 Meeting Date March 11, 2025
Title Administrative Rules—761 IAC Chapter 131, Signing on Primary Highways

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 131 in accordance with Executive Order 10. The title of the chapter is renamed Signing for Iowa Medal of Honor Highway.

Proposed Chapter 131 lays out uniform requirements, responsibilities, and procedures for requesting the installation of Medal of Honor signs on U.S. Route 20 across Iowa. The purpose of these signs is to raise awareness of the brave members of the U.S. armed forces that defend our country,

The public comment period ended on January 6, 2025. The department did not receive any public comments.

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

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 131.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to signing for Iowa medal of honor highway and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 131, “Signing on Primary Highways,” and to adopt a new Chapter 131, “Signing for Iowa Medal of Honor Highway,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)“j” and 314.31.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 314.31.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 131 in compliance with Executive Order 10. Proposed Chapter 131 lays out uniform requirements, responsibilities, and procedures for requesting the installation of Medal of Honor signs on U.S. Route 20 across Iowa. The purpose of these signs is to raise awareness of the brave members of the U.S. armed forces that defend our country.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 18, 2024. A public hearing was held on the following date(s):

- October 11, 2024

The Department received no comments. The title of the proposed chapter and the catchwords for rule 761—131.2(314) were changed.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 6, 2025. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way

Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

January 6, 2025 9 to 9:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 884 467 433
January 6, 2025 2 to 2:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 369 976 022

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 131 and adopt the following **new** chapter in lieu thereof:

CHAPTER 131 SIGNING FOR IOWA MEDAL OF HONOR HIGHWAY

761—131.1(314) Contact information. Information regarding the signing addressed in this chapter is available from: Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. Submissions to the traffic and safety bureau may also be sent or delivered to this address. Additional information and guidance may be found at www.iowadot.gov/traffic/Library/Traffic-and-Safety-Manual.

761—131.2(314) Signing. This rule establishes the conditions and procedures for private entities to purchase and pay for the installation of signs designating the Iowa medal of honor highway.

131.2(1) Definition.

"Iowa medal of honor highway" means the segment of the highway known as United States Highway 20, as designated as of June 17, 2020, that crosses this state from Sioux City to Dubuque.

131.2(2) Conditions.

a. The number of signs within the highway right-of-way is limited to one sign at each end of the Iowa medal of honor highway for traffic entering the state and one sign at each entry point of the corporate limits of each city through which the Iowa medal of honor highway passes.

b. Each sign is to match the design approved and provided by the department, and the sign materials are to comply with departmental standard specifications as they exist at the time of fabrication. The departmental standard specifications can be found on the department's electronic reference library at www.iowadot.gov/erl.

c. Once signs are installed at one of the approved locations, no additional requests will be accepted for that location. When signs have been installed at all locations identified in paragraph 131.2(2) "a," no further requests will be accepted.

d. The applicant may purchase a sign from the department's sign shop or from a private sign fabricator. If an applicant chooses to obtain a sign from a private sign fabricator, the department will furnish the sign design and approve the construction prior to purchase. The department will also inspect the sign as stated in subrule 131.2(5).

e. Signs designating the Iowa medal of honor highway are furnished and paid for by the applicants, including any replacements needed due to sign deterioration or damage. Each applicant is responsible for providing the traffic and safety bureau with the applicant's current contact information so the applicant can be contacted when a replacement sign is needed. Failure to provide current information may result in removal of all signs the applicant purchased. This would allow a new private entity to sponsor the signing.

f. The applicant is responsible for the cost to install the sign, including the posts and hardware.

g. The department will install the sign.

131.2(3) Procedures. Requests to purchase or install a sign are submitted to the traffic and safety bureau and contain the following:

a. The applicant's name and contact information.

b. A description of the location where the sign is to be installed.

c. A statement as to whether the sign will be purchased from the department or from a private sign fabricator.

131.2(4) Approval. If the request complies with this rule, the traffic and safety bureau will respond to the applicant with approval of the proposed location or modified location and an estimate of the costs for the sign and installation. Following inspection of the sign in compliance with subrule 131.2(5), the department will install the sign and bill the applicant.

131.2(5) Inspection. If a sign is not purchased from the department's sign shop, the applicant is to deliver the sign to the department's sign shop for inspection. Upon receipt of the sign, the department will inspect the sign for compliance with the approved sign design and departmental specifications and notify the applicant.

These rules are intended to implement Iowa Code section 314.31.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Systems Operations Division Order No. SO-2025-79
Submitted by Dave Lorenzen Phone No. 515-239-1205 Meeting Date March 11, 2025
Title Administrative Rules—761 IAC Chapter 454, Towing Wrecked or Disabled Vehicles

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 454 in accordance with Executive Order 10.

Proposed Chapter 454 aims to provide a clearer definition of the terms “tow” and “wrecked or disabled vehicle” within the context of Iowa Code section 321.463. Specifically, the chapter limits the weight exemption under Iowa Code section 321.463 to situations where a disabled vehicle is being removed from a crash scene to a location for repair or storage. Additionally, this chapter ensures compliance with federal law (specifically 23 U.S.C. Section 141(a) and (b)), which pertains to the enforcement of vehicle size and weight laws.

The public comment period ended on January 7, 2025. The department did not receive any public comments.

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

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 454.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to towing wrecked or disabled vehicles and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 454, “Towing Wrecked or Disabled Vehicles,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)“j” and 321.463.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 321.463 and 23 U.S.C. Section 141(a) and (b).

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 454 in compliance with Executive Order 10. Proposed Chapter 454 aims to provide a clearer definition of the terms “tow” and “wrecked or disabled vehicle” within the context of Iowa Code section 321.463. Specifically, the chapter limits the weight exemption under Iowa Code section 321.463 to situations where a disabled vehicle is being removed from a crash scene to a location for repair or storage.

Additionally, this chapter ensures compliance with federal law (specifically 23 U.S.C. Section 141(a) and (b)), which pertains to the enforcement of vehicle size and weight laws.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 18, 2024. A public hearing was held on the following date(s):

- October 9, 2024

The Department received no comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 7, 2025. Comments should be directed to:

Tracy George
Department of Transportation

DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

January 6, 2025 1 to 1:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 827 964 961
January 7, 2025 1 to 1:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 652 740 49

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 454 and adopt the following **new** chapter in lieu thereof:

CHAPTER 454 TOWING WRECKED OR DISABLED VEHICLES

761—454.1(307,321) Definitions. For the purpose of Iowa Code section 321.463, the following definitions are established:

“*Tow*” means the transportation by a vehicle designed to tow or transport wrecked or disabled vehicles directly from the scene of a crash, disablement, or impoundment to any place of repair, storage, or safekeeping.

“*Wrecked or disabled vehicle*” means a vehicle upon a highway involved in a crash or having mechanical failure, broken parts, or other defects, any of which prevent the vehicle from moving safely under its own power, or any vehicle impounded by the order of a peace officer.

This rule is intended to implement Iowa Code sections 307.12(1)“j” and 321.463 and 23 U.S.C. §141(a) and (b).

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Systems Operations Division Order No. SO-2025-80
Submitted by Dave Lorenzen Phone No. 515-239-1205 Meeting Date March 11, 2025
Title Administrative Rules—761 IAC Chapter 145, Automated Traffic Enforcement Mobile Systems

DISCUSSION/BACKGROUND:

The rulemaking proposes to adopt new Chapter 145 in accordance with 2024 Iowa Acts, House File 2681 (new Iowa Code chapter 321P).

Proposed Chapter 145 establishes conditions, procedures, and responsibilities for the use of automated traffic enforcement mobile systems to issue citations for violations of the speed limit. These rules apply to local authorities using or planning to use an automated traffic enforcement mobile system.

The public comment period ended on January 28, 2025, for the Notice of Intended Action. The department did not receive any comments during the Notice of Intended Action comment period. However, the department did receive comments from the city of Cedar Rapids during the Regulatory Analysis comment period.

A complete summary explaining the proposed rulemaking and the comments received on the Regulatory Analysis is included in the attached Notice of Intended Action.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve the adoption of Chapter 145.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to automated traffic enforcement mobile systems and providing an opportunity for public comment

The Transportation Department hereby proposes to adopt new Chapter 145, “Automated Traffic Enforcement Mobile Systems,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)“j” and 321P.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 321P.

Purpose and Summary

Proposed Chapter 145 establishes conditions, procedures, and responsibilities for the use of automated traffic enforcement mobile systems to issue citations for violations of the speed limit. These rules apply to local authorities using or planning to use an automated traffic enforcement mobile system.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 16, 2024. A public hearing was held on the following date(s):

- November 8, 2024

The Department received nine written comments from the city of Cedar Rapids. The nine comments included:

1. A request for the Department to add a permit application review time frame to rule 761—145.3(321P);
2. A statement that the Department is exceeding its authority by implementing a mobile location reevaluation process in subrule 145.5(1);
3. A request for the Department to establish a requirement for itself to issue a reevaluation report;
4. A request that the Department clarify in the rules that a local authority may continue to use a mobile system until an official decision is issued by the Department deeming the mobile location no longer necessary;
5. A request to revise paragraph 145.5(1)“e” to replace the term “implementation” with the term “consideration of”;
6. A request to delete paragraph 145.5(1)“f” as redundant;
7. A request to remove language in subrule 145.5(2) authorizing the Department to rescind a permit;
8. A request to modify the language in subrule 145.5(2) to state that the Department’s authority to request modification of a mobile system be limited to the exterior physical appearance of the mobile system; and
9. A request to remove the phrase “as deemed appropriate” from subrule 145.5(2).

The Department revised the rules in response to comments 1, 4, 5, 7 and 9, including adding a 180-day time frame for application review to subrule 145.3(3), specifying in new subrule 145.5(3) that a mobile system may continue to be operated at a location in the original permit until five days after the Department rescinds the permit or issues an amended permit with the disapproved location removed, clarifying in paragraph 145.5(1)“d” that safety countermeasures that were considered may factor into the

Department's reevaluation analysis, clarifying in subrule 145.5(2) that only a mobile location can be removed from a permit under these rules, and removing the unnecessary phrase "as deemed appropriate" from subrule 145.5(2). The Department declined to revise the rules in response to comments 2, 3, 6 and 8.

The Department also revised rule 761—145.6(321P) to clarify that the Department will schedule a contested case hearing within 45 days of receipt of an appeal request and that the decision by the Department's presiding officer is final agency action.

Fiscal Impact

This rulemaking has no fiscal impact beyond the impact estimated by the Legislative Services Agency for 2024 Iowa Acts, House File 2681.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 28, 2025. Comments should be directed to:

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

Public Hearing

A public hearing at which persons may present their views orally will be held as follows:

January 28, 2025	Microsoft Teams link
9 to 10 a.m.	Or dial: 515.817.6093
	Conference ID: 535 185 780

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 rulemaking.

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

ITEM 1. Adopt the following **new** 761—Chapter 145:

CHAPTER 145
AUTOMATED TRAFFIC ENFORCEMENT MOBILE SYSTEMS

761—145.1(321P) General.

145.1(1) Purpose and applicability. This chapter establishes conditions, procedures, and responsibilities for the use of automated traffic enforcement mobile systems to issue citations for violations of the speed limit. These rules apply to local authorities using or planning to use an automated traffic enforcement mobile system.

145.1(2) Overview.

- a. Mobile systems must comply with Iowa Code chapter 321P.
- b. A local authority's use of a mobile system is subject to the population limit identified in Iowa Code section 321P.3(2). However, a local authority of any population may use a mobile system to issue warnings in accordance with Iowa Code section 321P.3(3).
- c. Use of a mobile system is limited to locations identified in Iowa Code section 321P.3(2).
- d. Mobile systems are to be situated in a manner that:
 - (1) Maintains a safe environment for all road users.
 - (2) Allows for free passage along the roadway right-of-way.
 - (3) Minimizes the potential to cause backups or delays.
 - (4) Does not obstruct the view of other road users or traffic control devices.

145.1(3) Contact information. Information relating to this chapter may be obtained from the Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, or at www.iowadot.gov/traffic.

145.1(4) Definitions. The definitions in Iowa Code section 321P.1 apply to this chapter. In addition: "Automated traffic enforcement mobile system" or "mobile system" means a vehicle, trailer, or other portable apparatus containing one or more automated or remote systems for traffic law enforcement.

"Interstate road" means the same as "interstate roads" as defined in Iowa Code section 306.3.

"Location" means a street address, a block number, an intersection, or a mile marker and includes the direction of traffic being monitored.

"Primary road" means the same as "primary roads" as defined in Iowa Code section 306.3.

761—145.2(321P) Conditions for mobile systems.

145.2(1) Placement.

- a. Except when used in a construction zone, a mobile system shall not be placed or parked:
 - (1) Less than 15 feet from any traffic lane of an interstate road unless shielded by a crashworthy barrier.
 - (2) On the outside shoulder of any non-interstate primary road for longer than 72 hours unless shielded by a crashworthy barrier.
 - (3) Within the median or on the inside shoulder of any road.
 - (4) Less than two feet behind the back of a curb on any road.
 - (5) Less than two feet from the edge of any traffic lane on any road.
- b. When used in a construction zone, a mobile system shall be shielded by a crashworthy barrier unless it is placed or parked more than 15 feet from any active traffic lane.

145.2(2) Duration of use. Except when used in a construction zone, a mobile system shall not be used in one location for longer than three consecutive weeks or be used in one location for more than 21 days in any 45-day period. When used in a construction zone, a mobile system may be used in one location for the duration of construction activities.

145.2(3) Public notice. A local authority operating a mobile system shall provide information regarding where and when a mobile system will be used on the local authority's Internet site or social media outlets.

145.2(4) Vehicles and trailers. A vehicle or trailer used as a mobile system shall be operated by a law enforcement agency, marked with distinguishing decals, and identified by a distinguishing license plate affixed to the vehicle or trailer.

761—145.3(321P) Permitting.

145.3(1) *Initial permit.* A local authority may apply for a permit by submitting a request to the department, following the procedure outlined in Iowa Code section 321P.2(2), for each location where a mobile system is proposed to be used. The department will not issue an initial permit before July 1, 2026.

145.3(2) *Updating an existing permit.* A local authority holding a permit may apply to update the permit with one or more additional locations by submitting a request to the department, following the procedure outlined in Iowa Code section 321P.2(2), for each location where a mobile system is proposed to be used.

145.3(3) *Department review.* The department will review the application within 180 days of receipt and will approve or deny each requested location based on the department's determination that use of a mobile system is appropriate, necessary, and the least restrictive means to address the critical traffic safety issues at that location. Incomplete applications will be returned to the applicant. If approval is granted, the department will issue a permit listing all approved locations.

145.3(4) *Exception for warnings.* Use of a mobile system at a location solely for the issuance of warnings does not require a permit.

761—145.4(321P) Annual report.

145.4(1) A local authority using a mobile system shall submit to the department and post an annual report as described in Iowa Code section 321P.5(2).

145.4(2) The report must also include the following information from the previous calendar year for each location listed in the permit:

- a. Number of days the mobile system was in use.
- b. Count of all vehicles traveling past the mobile system while it was in use.
- c. Speed distribution data for all vehicles traveling past the mobile system while it was in use.
- d. Description of any changes in traffic patterns, roadway infrastructure, zoning, or land use.
- e. Identification of any other safety countermeasures that have been implemented.

761—145.5(321P) Continued use of mobile system.

145.5(1) *Reevaluation.* The department will utilize information collected from the annual report to assist in annually evaluating the ongoing need for a mobile system at each location listed in the permit. Continued approval of each location will be contingent on the effectiveness of the mobile system in addressing the critical traffic safety issues and the local authority's compliance with these rules and Iowa Code chapter 321P. The department may also consider the following factors in the reevaluation:

- a. Changes in traffic speeds, volumes, or patterns.
- b. Changes in roadway infrastructure.
- c. Changes in zoning or land use.
- d. Implementation or consideration of other safety countermeasures.
- e. Appropriate administration of the mobile system by the local authority.

145.5(2) *Reserve the right.* The department reserves the right to rescind a permit, remove a mobile location from a permit, or require modification of a mobile system.

145.5(3) *Continued use.* A local authority may continue to operate a mobile system at a location listed in the original permit until five days after the date the department rescinds the permit or amends the permit to remove the mobile location.

761—145.6(321P) Appeal process. A local authority may appeal a decision made by the department under this chapter by submitting a written explanation of the issues for appeal and any supporting information to the director of transportation or director's designee (director). Once the director receives the appeal, the department will schedule a contested case hearing within 45 days. The decision by the department's presiding officer is final agency action.

These rules are intended to implement Iowa Code chapter 321P.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Transportation Development Division Order No. TD-2025-81
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date March 11, 2025
Title Administrative Rules—761 IAC Chapter 103, Secondary Road Fund Distribution Methodology

DISCUSSION/BACKGROUND:

The rulemaking proposes to adopt new Chapter 103 in accordance with 2024 Iowa Acts, Senate File 2385. Proposed Chapter 103 sets forth requirements for the adoption of the formulas to be used for distribution of moneys in the Secondary Road Fund and the Farm-to-Market Road Fund and to formalize the process by which the Transportation Commission will administer its duties.

The public comment period ended on January 6, 2025. The department did not receive any public comments.

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

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission adopt new Chapter 103.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to secondary road fund distribution methodology and providing an opportunity for public comment

The Transportation Department hereby proposes to adopt a new Chapter 103, “Secondary Road Fund Distribution Methodology,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)“j” and 312.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 7E.3(3) as amended by 2024 Iowa Acts, Senate File 2385, section 69; 312.2; 312.3 as amended by 2024 Iowa Acts, Senate File 2385, section 303; 312.3B as amended by 2024 Iowa Acts, Senate File 2385, section 304; 312.5 as amended by 2024 Iowa Acts, Senate File 2385, section 305; and 312.16 as amended by 2024 Iowa Acts, Senate File 2385, section 306.

Purpose and Summary

This rulemaking proposes to adopt new Chapter 103 in accordance with 2024 Iowa Acts, Senate File 2385. Proposed Chapter 103 sets forth requirements for the adoption of the formulas to be used for distribution of moneys in the Secondary Road Fund and the Farm-to-Market Road Fund and to formalize the process by which the Transportation Commission (Commission) will administer its duties.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 2, 2024. A public hearing was held on the following date(s):

- October 24, 2024

The Department received no comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 6, 2025. Comments should be directed to:

Tracy George
Department of Transportation

DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

A public hearing at which persons may present their views orally will be held as follows:

January 6, 2025
10 to 10:30 a.m.

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 242 813 366

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 rulemaking.

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

ITEM 1. Adopt the following **new** 761—Chapter 103:

CHAPTER 103 SECONDARY ROAD FUND DISTRIBUTION METHODOLOGY

761—103.1(312) General.

103.1(1) Purpose. The purpose of these rules is to adopt the formulas to be used for distribution of moneys in the secondary road fund and the farm-to-market road fund and to formalize the process by which the commission will administer its duties in accordance with Iowa Code section 312.3 as amended by 2024 Iowa Acts, Senate File 2385, section 303.

103.1(2) Contact information. Questions regarding this chapter may be directed to the Systems Planning Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone, 515.239.1664.

103.1(3) Definitions. As used in this chapter:

“*Bridges*” means those structures under the jurisdiction of a county secondary roads department that are included in the National Bridge Inventory System.

“*Commission*” means the same as defined in Iowa Code section 312.16 as amended by 2024 Iowa Acts, Senate File 2385, section 306.

“*Committee*” means an ad hoc committee as described in rule 761—103.2(7E,312).

“*Daily vehicle miles of travel*” means the product of a road segment's length, in miles, multiplied by the daily traffic count thereon, in vehicles per day, reported for that segment by department, based on the most recent counts available.

“*Earth surfaced*” means roads under the jurisdiction of a county secondary roads department that are not surfaced.

“*Formula*” means the appropriate secondary road fund distribution formula or farm-to-market road fund distribution formula as described in subrules 103.3(1) and 103.3(2).

“*Granular surfaced*” means roads under the jurisdiction of a county secondary roads department that have crushed rock, gravel, or oiled earth surfaces.

“*Paved surfaced*” means roads under the jurisdiction of a county secondary roads department with hot mix asphalt, Portland cement concrete, or stabilized base with waterproof surfacing.

“*Rural population*” means the count, taken from the most recently certified decennial federal census, of persons who reside in the unincorporated areas of a county.

761—103.2(7E,312) Composition and membership of the ad hoc secondary road fund distribution committee.

103.2(1) The committee is composed of six county engineers, six county supervisors, two representatives of the department, and the executive director of the Iowa county engineers association service bureau.

103.2(2) The county engineers are appointed by the president of the Iowa county engineers association, the county supervisors are appointed by the president of the Iowa state association of county supervisors, and the department representatives are appointed by the department.

103.2(3) The county engineer members and the county supervisor members are selected according to the population of their counties, as follows:

- a. Two county engineers and two county supervisors from large counties.
- b. Two county engineers and two county supervisors from medium counties.
- c. Two county engineers and two county supervisors from small counties.

103.2(4) To the extent possible, the committee is geographically diverse, and no county will have both an engineer and a supervisor as members simultaneously.

103.2(5) All county members are voting members. The department representatives and the executive director of the Iowa county engineers association service bureau are nonvoting members.

103.2(6) The committee selects from its membership a chair and a vice-chair. The vice-chair presides at a meeting in the absence of the chair.

761—103.3(312) Formulas.

103.3(1) *Formula for determining secondary road fund allocation factors.* The Iowa county engineers association service bureau annually computes percentage allocation factors for the allocation of secondary road fund revenues among the counties by using the methodology determined by the commission and calculating and summing the following percentage subtotals for each county:

- a. Thirty percent times the ratio that the total area of each county bears to the total area of the state.
- b. Ten percent times the ratio that the rural population of each county bears to the total rural population of the state.
- c. Twelve and one-half percent times the ratio that the total daily vehicle miles of travel on each county’s secondary roads bear to the total daily vehicle miles of travel on all secondary roads in the state.
- d. One-half percent times the ratio that the earth-surfaced miles of secondary roads of each county bear to the total miles of earth-surfaced secondary roads in the state.
- e. Twenty percent times the ratio that the granular-surfaced miles of secondary roads of each county bear to the total miles of granular-surfaced secondary roads in the state.
- f. Thirteen percent times the ratio that the paved-surfaced miles of secondary roads of each county bear to the total miles of paved-surfaced secondary roads in the state.
- g. Fourteen percent times the ratio that the length, in lineal feet, of secondary road bridges of each county bears to the total length of secondary road bridges in the state.

103.3(2) *Formula for determining farm-to-market road fund allocation factors.* The Iowa county engineers association service bureau annually computes percentage allocation factors for the allocation of farm-to-market road fund revenues among the counties by using the methodology determined by the commission and calculating and summing the following percentage subtotals for each county:

- a. Thirty percent times the ratio that the total area of each county bears to the total area of the state.
- b. Fifteen percent times the ratio that the rural population of each county bears to the total rural population of the state.

c. Ten percent times the ratio that the total daily vehicle miles of travel on each county's farm-to-market roads bear to the total daily vehicle miles of travel on all farm-to-market roads in the state.

d. Nine percent times the ratio that the granular-surfaced miles of farm-to-market roads of each county bear to the total miles of granular-surfaced farm-to-market roads in the state.

e. Twenty-three percent times the ratio that the paved-surfaced miles of farm-to-market roads of each county bear to the total miles of paved-surfaced farm-to-market roads in the state.

f. Thirteen percent times the ratio that the length, in lineal feet, of farm-to-market road bridges of each county bears to the total length of farm-to-market road bridges in the state.

103.3(3) *Considerations for a new or modified distribution formula.* A distribution formula that is proposed in accordance with rule 761—103.4(312) should substantially meet the following objectives:

a. Funding levels to counties should be relatively stable, with only small changes occurring from year to year.

b. The formula should be able to factor in changes in population, mileages, the centerline lineal feet of bridges, and traffic levels as they occur over time, without needing to be revised.

761—103.4(312) Process for approval of a new or modified distribution formula.

103.4(1) Proposals to adopt a new or modified distribution formula may be initiated by the executive board of either the Iowa county engineers association or the Iowa state association of county supervisors upon request to the commission.

103.4(2) When a formula change has been initiated or requested, the commission directs the committee to develop a work plan and set up a work schedule.

103.4(3) The committee is to evaluate the proposal and, within 18 months after initiation or receipt of the proposal, publish an official report outlining the committee's findings and recommendations.

103.4(4) If the official report recommends adoption of a new or modified distribution formula, the chair communicates the details of the committee's recommendations to all county engineers, all county supervisors and the department in such a manner as the committee deems appropriate. This communication solicits comments on the committee's recommendations.

103.4(5) After receipt and consideration of comments from counties, the committee may adopt a resolution that formally proposes a distribution formula and places it into official consideration.

103.4(6) The chair forwards the resolution to the executive boards of both the Iowa county engineers association and the Iowa state association of county supervisors, with a request for endorsement of the proposed distribution formula.

103.4(7) If both executive boards endorse the proposed distribution formula, the chair requests each individual county to consider and adopt a resolution in favor of or in opposition to the proposed distribution formula.

103.4(8) If at least 66 counties adopt resolutions in favor of the proposed distribution formula, the chair forwards the distribution formula to the commission for action.

103.4(9) If the distribution formula is adopted by the commission, the committee chair notifies the following organizations and groups when the distribution formula has been approved:

a. The executive board of the Iowa county engineers association.

b. The executive board of the Iowa state association of county supervisors.

c. The systems planning and local systems bureaus of the department.

d. The office of the treasurer of state.

e. All county engineers and county supervisors.

f. The Iowa county engineers association service bureau.

761—103.5(312) Judicial review. Any county that is aggrieved or adversely affected by a decision of the commission may seek judicial review of such agency action under the provisions of Iowa Code section 17A.19.

761—103.6(312) Severability clause. If any section, provision, or part of these rules is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of these rules as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

These rules are intended to implement Iowa Code sections 7E.3(3) as amended by 2024 Iowa Acts, Senate File 2385, section 69; 312.2; 312.3 as amended by 2024 Iowa Acts, Senate File 2385, section 303; 312.3B as amended by 2024 Iowa Acts, Senate File 2385, section 304; 312.5 as amended by 2024 Iowa Acts, Senate File 2385, section 305; and 312.16 as amended by 2024 Iowa Acts, Senate File 2385, section 306.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Transportation Development Division Order No. TD-2025-82
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date March 11, 2025
Title Administrative Rules—761 IAC Chapter 162, Surface Transportation Block Grant Program

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 162 in accordance with Executive Order 10.

Proposed Chapter 162 establishes requirements for the distribution of federal Surface Transportation Block Grant (STBG) funds as required in Iowa Code section 8.41(3). This Iowa Code section requires that federal funds associated with a block grant be deposited in a special fund in order to allocate funds. Federal authorization laws appropriate funds to states to support transportation investments. A portion of these funds is made available through STBG funds. STBG funds can be used for any federal-aid highway, bridge or tunnel on any public road and may also be used on pedestrian bicycle infrastructure and transit improvements.

These funds may also be swapped with primary road funds in accordance with Iowa Code section 313.4(1). These funds are administered by the department and are made available on a fair and equitable basis. The department, through consultation with city, county and local planning agency officials, makes these funds available to Iowa's transportation management areas, metropolitan planning organizations and regional planning affiliations, counties, cities and the department. Allocation of these funds is based on distribution methodology approved by the Iowa Transportation Commission upon passage of each federal authorization act. Funds allocated to cities and counties to support the Federal-aid Highway Bridge Program are made in accordance with Instructional Memorandum 1.100. All allocations of the STBG funds are made in accordance with the Federal Highway Administration's regulations and include the allocations of the Surface Transportation Program (STP) Set-Aside for transportation alternatives as established in 23 U.S.C. Section 133(h).

The public comment period ended on January 6, 2025. The department did not receive any public comments.

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

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 162.

		Aye	Vote Nay	Pass
COMMISSION ACTION:	Anderson	_____	_____	_____
	Arnold	_____	_____	_____
	Gaesser	_____	_____	_____
	Juckette	_____	_____	_____
	Mulgrew Gronen	_____	_____	_____
	Rielly	_____	_____	_____
Moved by _____ Seconded by _____		Stutsman	_____	_____
Division Director	Legal	State Director		

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to surface transportation block grant program and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 162, “Surface Transportation Block Grant Program,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 8.41(3)“c” and 307.12(1)“j.”

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 8.41(3)“c,” 307.44 and 313.4(1).

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 162 in compliance with Executive Order 10. Proposed Chapter 162 establishes requirements for the distribution of federal Surface Transportation Block Grant (STBG) funds as required in Iowa Code section 8.41(3). This Iowa Code section requires that federal funds associated with a block grant be deposited in a special fund in order to allocate funds. Federal authorization laws appropriate funds to states to support transportation investments. A portion of these funds is made available through STBG funds. STBG funds can be used for any federal-aid highway, bridge or tunnel on any public road and may also be used on pedestrian bicycle infrastructure and transit improvements. These funds may also be swapped with primary road funds in accordance with Iowa Code section 313.4(1). These funds are administered by the Department and are made available on a fair and equitable basis. The Department, through consultation with city, county and local planning agency officials, makes these funds available to Iowa’s transportation management areas, metropolitan planning organizations and regional planning affiliations, counties, cities and the Department. Allocation of these funds is based on distribution methodology approved by the Iowa Transportation Commission upon passage of each federal authorization act. Funds allocated to cities and counties to support the Federal-aid Highway Bridge Program are made in accordance with Instructional Memorandum 1.100. All allocations of the STBG funds are made in accordance with the Federal Highway Administration’s regulations and include the allocations of the Surface Transportation Program (STP) Set-Aside for transportation alternatives as established in 23 U.S.C. Section 133(h).

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 2, 2024. A public hearing was held on the following date(s):

- October 24, 2024

The Department received no comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa. This chapter allows for the expenditure of federal funds that are deposited in a special fund pursuant to Iowa Code section 8.41(3). Any costs incurred would be associated with the requirements of federal law in 23 U.S.C. Section 133(h). Costs typically associated with federal aid projects include those necessary to plan, develop and administer projects; the benefits of which ensure the reimbursement of nearly \$100 million annually for investments in Iowa’s transportation system.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 6, 2025. Comments should be directed to:

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

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

January 6, 2025 11 to 11:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 302 560 536
January 6, 2025 3 to 3:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 838 751 499

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 162 and adopt the following **new** chapter in lieu thereof:

CHAPTER 162 SURFACE TRANSPORTATION BLOCK GRANT PROGRAM

761—162.1(8,307) Purpose and information.

162.1(1) Federal authorization acts appropriate funds to states to support surface transportation investments. A portion of these funds are provided to the state of Iowa for the Surface Transportation

Block Grant Program. The purpose of these rules is to establish requirements for the Surface Transportation Block Grant Program.

162.1(2) Information relating to this chapter may be obtained from the Program Management Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.239.1288; or on the department's website at www.iowadot.gov.

761—162.2(8,307) Source of funds. The Surface Transportation Block Grant Program established in 23 U.S.C. Section 133 provides for the use of federal funds to preserve and improve the condition and performance of any federal-aid highway, bridge or tunnel project on any public road. Surface Transportation Block Grant funds may also be used on pedestrian and bicycle infrastructure and transit capital projects, including intercity bus terminals.

761—162.3(8,313) Swapping of funds. Surface Transportation Block Grant funds allocated to city and county road or bridge construction projects may be swapped with primary road funds in accordance with Iowa Code section 313.4(1).

761—162.4(8,307) Administration of funds. Surface Transportation Block Grant funds are administered by the department and will be made available for obligation throughout the state on a fair and equitable basis. The department, in consultation with city, county and local planning agency officials, through their representative organizations, will allocate these funds to Iowa's transportation management areas, metropolitan planning organizations, regional planning affiliations, incorporated cities, counties and the department. Allocation of these funds is to be based upon a distribution methodology approved by the commission. The commission reviews and approves the distribution methodology upon passage of each federal authorization act. Funds allocated to cities and counties to support the Federal-Aid Highway Bridge Program will be made in accordance with Instructional Memorandum 1.100 dated June 12, 2024, available at www.iowadot.gov/local_systems/publications/im/1100.pdf. All allocations of the Surface Transportation Block Grant funds are made in accordance with the Federal Highway Administration's regulations and include the allocations of the Surface Transportation Program (STP) Set-Aside for transportation alternatives as established in 23 U.S.C. Section 133(h) in effect as of December 4, 2015.

These rules are intended to implement Iowa Code sections 8.41(3) "c," 307.44 and 313.4(1).

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
Division/Bureau/Office Program Management Bureau Order No. TD-2025-83
Submitted by Shawn Majors Phone No. 515-239-1288 Meeting Date March 11, 2025
Title Statewide Line Items (2026-2030 Highway Program)

DISCUSSION/BACKGROUND:

Prior to identifying specific roadway construction projects for the 2026-2030 Highway Program, funding targets for statewide line items are determined that come off-the-top of funding available for programming. These line items are for funding categories that are used to support specific statewide activities. Attached is the list of statewide line items with the targeted annual funding level.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the Statewide Line Items and funding targets as shown on the attached list.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

Statewide Line Items (2026-2030 Highway Program)

County	Line Item	Type Of Work	2026	2027	2028	2029	2030
Statewide	Non-Interstate Pavement Modernization	Pavement Rehab		205,000	220,000	230,000	235,000
Statewide	Statewide Safety Specific	Paving		35,000	36,000	37,000	38,000
Statewide	Americans with Disabilities Act	Pedestrian Improvement	5,000	5,500	6,000	6,500	7,000
Statewide	Construction Industry Training Program	Training	1,300	1,300	1,300	1,300	1,300
Statewide	Cooperative City/County/State Highway Research	Research	2,500	2,500	2,500	2,500	2,500
Statewide	Emergency & Contingency (U-STEP/C-STEP)	Construction	6,000	6,000	6,000	6,000	6,000
Statewide	Post Letting Project Cost	Construction	30,000	30,000	30,000	30,000	30,000
Statewide	Prevocational Training and DBE Support Services	Training	360	360	360	360	360
Statewide	Scenic Byway Program	Signs	500	500	500	500	500
Statewide	Statewide Consultant Services	Outside Services Engineering	72,000	74,000	74,000	74,000	74,000
Statewide	Statewide Contract Maintenance	Construction	42,850	43,350	48,500	49,000	49,500
Statewide	Statewide Railroad Crossings	Construction	500	500	500	500	500
Statewide	Statewide Roadside Improvement	Landscaping	2,500	2,500	2,500	2,500	2,500
Statewide	Statewide Traffic Control Devices/Signs/Lighting	Traffic Signs and Lighting	5,000	5,000	5,000	5,000	5,000
Statewide	Statewide Operations	Outside Services Engineering	16,000	16,000	16,000	16,000	16,000
Statewide	Statewide ITS	Equipment	8,000	8,000	8,000	8,000	8,000
Statewide	Winter Operations Materials	Materials	15,000	15,000	15,000	15,000	15,000
Statewide	Summer Infrastructure Rehabilitation Materials	Materials	1,500	1,500	1,500	1,500	1,500
Statewide	Pavement Marking Materials	Paint	7,700	7,700	7,700	7,700	7,700