

COMMISSION MINUTES

June 10, 2025

IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

June 10, 2025

West Des Moines Marriott

1250 Jordan Creek Parkway, West Des Moines, IA 50266

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
8:00 a.m.			
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D-2025-96	* Administrative Rules - 761 IAC Chapter 10, Administrative Rules	Scott Marler	4
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MV-2025-99	* Administrative Rules - 761 IAC Chapter 424, Transporter Plates	Kathleen Meradith-Eyers	21
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8:10 a.m.			
	Adjourn		

* Action Item

On Monday, June 9, the Commission and staff will meet informally at 3:30 p.m. in the West Des Moines Marriott. 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-2025-95
Submitted by Jill Smith Phone No. 515-239-1067 Meeting Date June 10, 2025
Title Approve Minutes of the May 13, 2025 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the May 13, 2025 Commission meeting.

COMMISSION ACTION:

Moved by Anderson Seconded by Rielly

	Aye	Vote Nay	Pass
Anderson	<u>x</u>	<u> </u>	<u> </u>
Arnold	<u>x</u>	<u> </u>	<u> </u>
Gaesser	<u>x</u>	<u> </u>	<u> </u>
Juckette	<u>x</u>	<u> </u>	<u> </u>
Mulgrew Gronen	<u>x</u>	<u> </u>	<u> </u>
Rielly	<u>x</u>	<u> </u>	<u> </u>
Stutsman	<u>x</u>	<u> </u>	<u> </u>

Division Director Legal State Director

Commissioner Stutsman called the meeting to order at 8:00 am on June 10, 2025, at the West Des Moines Marriott in West Des Moines, Iowa.

Commissioners present: Sally Stutsman, Ray Gaesser, Rich Arnold, Linda Juckette, Mary Mulgrew Gronen, Bill Anderson and Tom Rielly.

D-2025-95

Jill Smith, Executive Assistant

Commissioner Stutsman asked if there was a motion to approve the minutes from the May 13, 2025, Commission meeting.

Commissioner Anderson moved and Commissioner Rielly seconded a motion to approve.

There were no further questions or comments.

The vote to approve was unanimous.

Commission Comments

Commissioner Stutsman commented that while it may seem they are moving through these agenda items quickly, the Commission did have an opportunity to review and discuss everything at the workshop the day prior.

DOT Comments

Director Marler thanked District 1 for all their work putting together the great tour as well as a thank you to the host for the construction tour at the Des Moines International Airport. Also, Director Marler wanted to take the opportunity to say a special thank you to Commissioner Tom Rielly for his service to the state of Iowa, as this was his last meeting as a Transportation Commissioner. Director Marler noted that we had a special recognition yesterday during the workshop.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director Order No. D-2025-96
Submitted by Scott Marler Phone No. 515-239-1111 Meeting Date June 10, 2025
Title Administrative Rules–761 IAC Chapter 10, Administrative Rules

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 10 in accordance with Executive Order 10. The title of the chapter is renamed Procedure for Rulemaking and Petitions for Rulemaking,

Proposed Chapter 10 provides procedures for rulemaking and explains the process for petitions for rulemaking.

The public comment period ended on May 8, 2025. The department did not receive any public comments. The department is planning to make one change to the chapter from what was published in the Regulatory Analysis to update the name of the office for the department's rules administrator.

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 10.

COMMISSION ACTION:

Moved by Rielly Seconded by Gaesser

Division Director Legal State Director

	Aye	Vote Nay	Pass
Anderson	<u>x</u>	_____	_____
Arnold	<u>x</u>	_____	_____
Gaesser	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Mulgrew Gronen	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Stutsman	<u>x</u>	_____	_____

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to procedure for rulemaking and petitions for rulemaking and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 10, “Administrative Rules,” and to adopt a new Chapter 10, “Procedure for Rulemaking and Petitions for Rulemaking,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 17A and sections 307.12(1)“j,” 307A.2, 312.3 and 312A.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and sections 307.12(1)“j,” 307A.2 and 312.3.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 10 in compliance with Executive Order 10. Proposed Chapter 10 provides procedures for rulemaking and explains the process for petitions for rulemaking. The intended benefit is to provide clarity and transparency.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 22, 2025. A public hearing was held on the following date(s):

- February 13, 2025

The Department received no comments. The Department made one change to the chapter to update the name of the office for the Department’s rules administrator.

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 comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on May 8, 2025. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010

Phone: 515.239.1358
Email: tracy.george@iowadot.us

Public Hearing

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

May 6, 2025 10 to 10:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 636 704 457
May 8, 2025 11 to 11:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 713 691 108

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 10 and adopt the following **new** chapter in lieu thereof:

CHAPTER 10 PROCEDURE FOR RULEMAKING AND PETITIONS FOR RULEMAKING

761—10.1(17A) General.

10.1(1) Definitions.

"Commission" means the state transportation commission.

"Director" means the director of transportation or the director's designee.

10.1(2) Contact information for rules administrator. The mailing address of the department's rules administrator is: Rules Administrator, Office of the Director, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. The email address of the rules administrator may be found on the department's website at iowadot.gov/administrativerules.

761—10.2(17A) Procedure for rulemaking.

10.2(1) Incorporation by reference. The department incorporates by this reference all such matters in Iowa Code chapter 17A that relate to procedures for rulemaking.

10.2(2) Information.

a. Inquiries about rules and the rulemaking process may be directed to the rules administrator at the address in subrule 10.1(2).

b. Any public comment on a Notice of Intended Action or similar document relating to rules may be directed to the rules administrator or as directed in the Notice of Intended Action or similar document.

761—10.3(17A) Petitions for rulemaking.

10.3(1) The department will accept and consider, from any person or agency, petitions for rulemaking when submitted to the department's rules administrator by mail or email and prepared in conformance with the following:

a. Format:

IOWA DEPARTMENT OF TRANSPORTATION
800 Lincoln Way, Ames, Iowa 50010

PETITION BY (insert petitioner's name)
FOR THE (insert one: adoption,
amendment or repeal)
OF (insert current rule number, if
applicable, and brief description of subject
matter)



DOCKET NO. _____

PETITION FOR RULEMAKING

(In separate numbered paragraphs, the petition shall include the following.)

1. The petitioner's name, address and telephone number.
2. The nature of the petitioner's interest in the matter.
3. The text or the essential terms and conditions of a proposed new rule, or the rule number and text of a rule proposed for amendment or a repeal. In addition, proposed amendments are to be illustrated to portray the changes in wording requested: Deletions are to be indicated by strikethroughs, and additions by underscoring.
4. The reasons for seeking the requested action, including any facts, views, data or arguments relevant to the request. Copies of statutes, rules or other supporting documents referenced in the petition are to be submitted as appendices to the petition or made available to the department upon request.
5. If desired, a request to meet informally with the department to discuss the petition.

(Signature of petitioner)

b. A petition for amendment or repeal of a rule is to pertain to a rule currently in effect at the time the petition is received by the department.

c. Petitions should be typewritten, although petitions legibly hand-printed in ink will be accepted.

10.3(2) The date of receipt of a petition is the day it reaches the department's rules administrator. The administrator will within five days of receipt notify the petitioner of the date of receipt and the assigned docket number.

10.3(3) If requested in the petition, the department will schedule an informal meeting with the petitioner to discuss the petition.

10.3(4) The department will notify the petitioner of the director's or commission's determination to grant or deny the petition. If the petition is denied, the notification will include the reasons for denial.

These rules are intended to implement Iowa Code chapter 17A and sections 307.12(1) "j," 307A.2, 312.3 and 312A.3.

D-2025-96

Scott Marler, Director

The rulemaking proposes to rescind and repromulgate Chapter 10 in accordance with Executive Order 10. The title of the chapter is renamed Procedure for Rulemaking and Petitions for Rulemaking. This chapter provides procedures for rulemaking and explains the process for petitions for rulemaking.

The public comment period ended on May 8, 2025. We did not receive any public comments. We are proposing to make one change to the chapter from what was published in the Regulatory Analysis to update the name of the office for the department's rules administrator.

A complete summary is included and it is recommended that the Commission approve repromulgating Chapter 10.

Commissioner Rielly moved and Commissioner Gaesser seconded a motion to approve.

There were no further questions or comments.

The vote to approve was unanimous.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director Order No. D-2025-97
Submitted by Scott Marler Phone No. 515-239-1111 Meeting Date June 10, 2025
Title Administrative Rules—761 IAC Chapter 11, Waiver of Rules

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 11 in accordance with Executive Order 10.

Proposed Chapter 11 establishes a general process for granting waivers from the requirements of Department rules in accordance with Iowa Code section 17A.9A.

The public comment period ended on May 8, 2025. The department did not receive any public comments. The department is planning to make one change to the chapter from what was published in the Regulatory Analysis to update the name of the office for the department's rules administrator.

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 11.

COMMISSION ACTION:

Moved by Mulgrew Gronen Seconded by Anderson

	Aye	Vote Nay	Pass
Anderson	<u>x</u>	<u> </u>	<u> </u>
Arnold	<u>x</u>	<u> </u>	<u> </u>
Gaesser	<u>x</u>	<u> </u>	<u> </u>
Juckette	<u>x</u>	<u> </u>	<u> </u>
Mulgrew Gronen	<u>x</u>	<u> </u>	<u> </u>
Rielly	<u>x</u>	<u> </u>	<u> </u>
Stutsman	<u>x</u>	<u> </u>	<u> </u>

Division Legal State Director
Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to waiver of rules and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 11, “Waiver of Rules,” 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 17A.9A and 307.12(1)“j.”

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 17A.9A.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 11 in compliance with Executive Order 10. Proposed Chapter 11 establishes a general process for granting waivers from the requirements of Department rules in accordance with Iowa Code section 17A.9A.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 22, 2025. A public hearing was held on the following date(s):

- February 13, 2025

The Department received no comments. The Department made one change to the chapter to update the name of the office for the Department’s rules administrator.

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 comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on May 8, 2025. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: tracy.george@iowadot.us

Public Hearing

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

May 6, 2025 11 to 11:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 583 323 417
May 8, 2025 1 to 1:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 666 200 90

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 11 and adopt the following **new** chapter in lieu thereof:

CHAPTER 11 WAIVER OF RULES

761—11.1(17A) General.

11.1(1) Purpose. The purpose of this chapter is to establish a general process for granting waivers from the requirements of department rules in accordance with Iowa Code section 17A.9A.

11.1(2) Scope. This chapter does not:

- a. Preclude the granting of waivers using another process if a statute or another department rule so provides. If the rule for which a waiver is sought has a specific waiver process of its own, this chapter is applicable only when it is specifically cited.
- b. Apply to contested case proceedings.
- c. Apply to rules that merely define the meaning of a statute or other provision of law if the department does not possess the delegated authority to bind the courts to any extent with its definition.

11.1(3) Definition.

“Director” means the director of transportation or the director’s designee.

761—11.2(17A) Petition for waiver.

11.2(1) Petitioner. Any person with a real and direct interest in the matter may petition the department for a waiver from the requirements of a rule.

11.2(2) Form of petition. A petition for a waiver from the requirements of a rule must be in writing and state clearly at the top of the petition that it is a “petition for waiver of a rule.” The petition shall contain the following information where applicable and known to the petitioner:

- a. The name, address and telephone number of the petitioner, and any license, permit or case number applicable to the requested waiver.
- b. A description of and citation to the specific rule from which a waiver is requested.
- c. The specific waiver requested, including its scope and duration.

d. The relevant facts and reasons the petitioner believes would justify the requested waiver and address each of the following:

- (1) Why applying the rule will result in an undue hardship to the petitioner.
 - (2) Why waiving the rule will not prejudice the substantial legal rights of any other person.
 - (3) Whether the provisions of the rule are specifically mandated by statute or another law other than the rule.
 - (4) How substantially equal protection of the public health, safety and welfare will be afforded by means other than those prescribed by the rule.
- e. A history of any prior contacts between the petitioner and the department that are related to the requested waiver.
- f. Whether the petitioner is currently a party to a rulemaking, declaratory order, contested case, judicial proceeding or any other proceeding related to the requested waiver.
- g. Information regarding the department's treatment of similar situations.
- h. The name, address and telephone number of any public agency or political subdivision that also regulates the activity in question or that may be affected if the waiver were granted.
- i. The name, address and telephone number of any person or entity that may be adversely affected if the waiver were granted.
- j. The name, address and telephone number of any person who has knowledge of facts relevant to the requested waiver.
- k. Releases authorizing persons with knowledge of relevant facts to furnish that information to the department.
- l. The signature of the petitioner and the date signed.

11.2(3) *Submission of petition.* A petition for waiver from the requirements of a rule shall be submitted to the rules administrator either by mail to Rules Administrator, Office of the Director, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by email to the rules administrator's email address listed on the department's website at iowadot.gov/administrativerules.

761—11.3(17A) Action on petition and decision on waiver.

11.3(1) The director may, in response to a written petition submitted in accordance with rule 761—11.2(17A), grant a waiver from the requirements of a rule. The decision to grant a waiver is made at the sole discretion of the director and is final agency action.

11.3(2) The following is the procedure for responding to a petition for a waiver from the requirements of a rule:

- a. The department will acknowledge receipt of a petition within five days of receipt.
- b. Before a waiver is granted or denied, the department may request a petitioner to furnish additional information related to the petition.
- c. The director will issue a written decision to grant or deny a waiver within 120 days after the department acknowledges receipt of the petition unless the petitioner agrees to a later time. However, if the matter is also the subject of a contested case proceeding, the decision to grant or deny a waiver need not be issued until after the final decision in the contested case is issued.
- d. The director's decision to grant or deny a waiver in response to a written petition will be in writing and contain:
 - (1) The name of the person to whom the decision pertains.
 - (2) A citation to the rule or portion thereof to which the decision pertains and a brief summary of the rule's requirements that are pertinent to the requested waiver.
 - (3) The relevant facts and reasons upon which the decision is based. If a waiver is granted, the decision needs to include the findings set out in Iowa Code section 17A.9A(2).
 - (4) The scope and duration of a waiver if one is granted.
 - (5) Any other conditions placed on a waiver if one is granted.
- e. Within seven days after the decision is issued, the department will transmit it to the petitioner.
- f. Failure to grant a waiver within the time specified in paragraph 11.3(2) "c" is deemed a denial.
- g. A petition for a waiver from the requirements of a rule is independent of a contested case proceeding. Submission of a petition does not delay the time to request a contested case hearing, to

appeal a proposed decision in a contested case, or to file a petition for judicial review of a final decision in a contested case.

h. A petition for a waiver from the requirements of a rule is not needed to exhaust administrative remedies before judicial review of a department action under Iowa Code section 17A.19.

761—11.4(17A) Modification or cancellation of waiver. The department may, after notice and opportunity for hearing, modify or cancel a waiver granted pursuant to this chapter if the director finds any of the following:

1. A material fact upon which the waiver is based is not true or has changed.
2. The petitioner withheld or knowingly misrepresented a material fact relevant to the propriety or desirability of the waiver.
3. The petitioner has failed to comply with the conditions set forth in the decision granting the waiver.
4. The alternate means for ensuring that the public health, safety and welfare will be adequately protected after the waiver is granted are insufficient.

761—11.5(17A) Records.

11.5(1) All records relating to waivers granted or denied under this chapter are open records. However, if a record contains personal information that is confidential, only the portion of the record that is nonconfidential will be made available for public inspection.

11.5(2) The department's rules administrator will, at a minimum, retain for five years records relating to waivers granted or denied under this chapter.

These rules are intended to implement Iowa Code section 17A.9A.

D-2025-97

Scott Marler, Director

The rulemaking proposes to rescind and repromulgate Chapter 11.

Chapter 11 establishes a general process for granting waivers from the requirements of Department rules in accordance with Iowa Code section 17A.9A.

The public comment period ended on May 8, 2025. The department did not receive any public comments. It is recommended that the Commission approve repromulgating Chapter 11.

Commissioner Mulgrew Gronen moved and Commissioner Anderson seconded a motion to approve.

There were no further questions or comments.

The vote to approve was unanimous.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to declaratory orders and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 12, “Declaratory Orders,” 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 17A.9, 17A.19 and 307.12(1)“j.”

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 17A.9 and 17A.19.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 12 in compliance with Executive Order 10. Proposed Chapter 12 explains the process for filing with the Department a petition for a declaratory order and how the Department will respond to that petition.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 22, 2025. A public hearing was held on the following date(s):

- February 13, 2025

The Department received no comments. The Department made one change to the chapter to update the name of the office for the Department’s rules administrator.

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 comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on May 8, 2025. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: tracy.george@iowadot.us

Public Hearing

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

May 6, 2025 1 to 1:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 335 886 842
May 8, 2025 10 to 10:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 918 166 406

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 12 and adopt the following **new** chapter in lieu thereof:

CHAPTER 12 DECLARATORY ORDERS

761—12.1(17A) Definitions.

“*Declaratory order*” means the department’s interpretation of a statute, rule or order as applied to specified circumstances. A declaratory order is issued in response to a petition for declaratory order.

“*Director*” means the director of transportation or the director’s designee.

“*Petition for declaratory order*” means a formal request from a person or agency to the department asking how the department will apply a statute, rule or order based on a specific set of facts contained in the petition. The purpose of the petition is to seek binding advice from the department, not to challenge a decision that the department has already made.

761—12.2(17A) Petition for declaratory order.

12.2(1) Any person or agency may file with the department a petition for declaratory order.

12.2(2) The petition is to be submitted to the rules administrator either by mail to Rules Administrator, Office of the Director, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by email to the rules administrator’s email address listed on the department’s website at iowadot.gov/administrativerules.

12.2(3) The petition is to be typewritten or legibly handwritten in ink and is to substantially conform to the following form:

IOWA DEPARTMENT OF TRANSPORTATION
800 Lincoln Way, Ames, Iowa 50010

PETITION BY (insert petitioner’s name)
FOR DECLARATORY ORDER ON
(insert number of statute, rule, etc. and
brief description of subject matter)



DOCKET NO. _____
PETITION FOR DECLARATORY
ORDER

(In separate numbered paragraphs, the petition shall include the following.)

1. The petitioner's name, address and telephone number.
2. The exact words, passages, sentences or paragraphs of statutes, rules, etc. that are the subject of the inquiry.
3. A clear, concise and complete statement of all relevant facts for which the order is requested.
4. The uncertainties or conflicting interpretations that arise when the cited statutes, rules, etc. are applied to the facts.
5. (Optional) The interpretation urged based upon the facts set forth.
6. The reasons for the petition and a full disclosure of the petitioner's interest.
7. Whether the petitioner is currently a party to a rulemaking, contested case or judicial proceeding involving the controversy or uncertainty.
8. The names and addresses, when known, of other persons who may be affected by the declaratory order.

12.2(4) The petition is to be dated and signed by the petitioner or, if applicable, petitioner's representative.

12.2(5) If applicable, the petition is also to include the name, address and telephone number of the petitioner's representative and a statement indicating the person to whom communications concerning the petition should be directed.

12.2(6) The date of receipt of the petition is the day it reaches the department's rules administrator. The administrator will within five days of receipt send an acknowledgment of receipt with the assigned docket number to the petitioner or, if applicable, petitioner's representative.

761—12.3(17A) Action on petition.

12.3(1) A declaratory order or an order declining to issue a declaratory order is issued by the director.

12.3(2) The director may issue an order declining to issue a declaratory order on some or all of the questions raised in the petition for any of the following reasons:

- a. The petition does not substantially comply with the required form.
- b. The petition does not contain facts sufficient to demonstrate that the petitioner will be aggrieved or adversely affected by the failure of the department to issue a declaratory order.
- c. The department does not have jurisdiction over the questions presented in the petition.
- d. The questions presented in the petition are also presented in a current rulemaking, contested case, or other agency or judicial proceeding that may definitively resolve them.
- e. The questions presented in the petition would more properly be resolved in a different type of proceeding or by another body with jurisdiction over the matter.
- f. The questions posed or facts presented in the petition are unclear, vague, incomplete, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue a declaratory order.
- g. There is no need to issue a declaratory order because the questions raised in the petition have been settled due to a change in circumstances.
- h. The petition is not based upon facts calculated to aid in the planning of future conduct but is, instead, based solely upon prior conduct in an effort to establish the effect of that conduct or to challenge a department decision already made.
- i. The petition requests a declaratory order that would necessarily determine the legal rights, duties or responsibilities of other persons who have not joined in the petition or filed a similar petition and whose position on the questions presented may fairly be presumed to be adverse to that of the petitioner.
- j. The petitioner requests the department to determine whether a statute is unconstitutional on its face.

12.3(3) If the director issues an order declining to issue a declaratory order, the order needs to indicate the specific grounds for declining to issue a declaratory order and constitutes final agency action on the petition.

761—12.4(17A) Effect of a declaratory order. A declaratory order is binding on the department and the petitioner and is applicable only in circumstances where the relevant facts and the law involved are indistinguishable from those on which the order was based. As to all other persons, a declaratory order serves only as precedent and is not binding on the department. The issuance of a declaratory order constitutes final agency action on the petition.

These rules are intended to implement Iowa Code sections 17A.9 and 17A.19.

D-2025-98

Scott Marler, Director

Chapter 12 explains the process for filing with the Department a petition for a declaratory order and how the Department will respond to that petition.

This rulemaking proposes to rescind and repromulgate Chapter 12. The public comment period ended on May 8, 2025. The department did not receive any public comments. It is recommended that the Commission approve repromulgating Chapter 12.

Commissioner Juckette moved and Commissioner Arnold seconded a motion to approve.

There were no further questions or comments.

The vote to approve was unanimous.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2025-99
Submitted by Kathleen Meradith-Eyers Phone No. 515-231-1230 Meeting Date June 10, 2025
Title Administrative Rules—761 IAC Chapter 424, Transporter Plates

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 424 in accordance with Executive Order 10.

Proposed Chapter 424 implements Iowa Code sections 321.57 through 321.63, which address the eligibility to use transporter plates.

The public comment period ended on May 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 424.

COMMISSION ACTION:

Moved by Gaesser Seconded by Juckette

	Aye	Vote Nay	Pass
Anderson	<u>x</u>	<u> </u>	<u> </u>
Arnold	<u>x</u>	<u> </u>	<u> </u>
Gaesser	<u>x</u>	<u> </u>	<u> </u>
Juckette	<u>x</u>	<u> </u>	<u> </u>
Mulgrew Gronen	<u>x</u>	<u> </u>	<u> </u>
Rielly	<u>x</u>	<u> </u>	<u> </u>
Stutsman	<u>x</u>	<u> </u>	<u> </u>

Division Director Legal State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to transporter plates and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 424, “Transporter Plates,” 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 section 307.12(1)“j.”

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 307.12(1)“j” and 321.57 through 321.63.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 424 in compliance with Executive Order 10. Proposed Chapter 424 implements Iowa Code sections 321.57 through 321.63, which address the eligibility to use transporter plates.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 22, 2025. A public hearing was held on the following date(s):

- February 14, 2025

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 comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on May 8, 2025. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: tracy.george@iowadot.us

Public Hearing

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

May 7, 2025 1 to 1:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 369 983 88
May 8, 2025 1 to 1:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 213 892 773

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 424 and adopt the following **new** chapter in lieu thereof:

CHAPTER 424 TRANSPORTER PLATES

761—424.1(307,321) Definitions.

“Operating authority” means the authority issued by the department or the Federal Motor Carrier Safety Administration under Iowa Code chapter 325A or 327B that is required for the delivery of a vehicle for compensation.

“Transporter” means a person who is engaged in the business of delivering vehicles owned by the person or delivering vehicles owned by other persons for compensation and who has an established place of business for such purpose in this state. An authorized vehicle recycler under Iowa Code chapter 321H who delivers vehicles in the course of the recycler's business meets this definition.

“Transporter plate” means a special plate for transporters as authorized by Iowa Code sections 307.12(1) “j” and 321.57 through 321.63.

761—424.2(307,321) Application and requirements for transporter plates.

424.2(1) Application. A transporter may obtain transporter plates from the department by submitting an application on Form 417003 to the department with the applicable statutory fees under Iowa Code sections 321.58 through 321.60. Applications are to be submitted by mail to Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. Form 417003 may be obtained by contacting the motor vehicle division by phone at 515.237.3156, by email to dealer.programs@iowadot.us or on the department's website at iowadot.gov/mvd/buyingselling/buyingselling/misc.

424.2(2) Required information. Each application shall include the following information:

- a. The transporter's business name, bona fide address and telephone number.
- b. The legal name, bona fide address and phone number of an owner when the owner of the business is an individual, or the name, bona fide address and phone number of at least two partners or officers if the business is a partnership or corporation.

c. The federal employer identification number of the business. However, if the business is owned by an individual who is not required to have a federal employer identification number, the application is to include the individual's social security number, Iowa nonoperator's identification number or Iowa driver's license number.

d. Certification on the application that the applicant possesses all necessary operating authority to conduct business as a transporter in the state.

424.2(3) *Permitted uses of a transporter plate.* The person delivering the vehicle must carry evidence issued by the owner of the vehicle authorizing the delivery. The evidence shall include the origin and destination of the vehicle delivery, the vehicle owner's name and address and a description of the vehicle being delivered. Subject to these stipulations, a transporter plate may be displayed on a vehicle being operated or moved on the highway for the purpose of delivery to a place designated by the owner of the vehicle.

424.2(4) *Prohibited uses of a transporter plate.* A transporter plate shall not be displayed on a vehicle being delivered or displayed in any manner not specifically permitted under Iowa Code section 321.57 or subrule 424.2(3).

These rules are intended to implement Iowa Code sections 307.12(1) "j," 321.1 and 321.57 through 321.63.

MV-2025-99

Stuart Anderson, Director, Transportation Development Division, on behalf of Kathleen Meredith-Eyers, Director, Motor Vehicle Division

The rulemaking proposes to rescind and repromulgate Chapter 424 in accordance with Executive Order 10.

Proposed Chapter 424 implements Iowa Code sections 321.57 through 321.63, which address the eligibility to use transporter plates.

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

A complete summary explaining the proposed rulemaking is included in the Notice of Intended Action which is attached to the commission order. It is recommended that the Commission approves repromulgating Chapter 424.

Commissioner Gaesser moved and Commissioner Juckette seconded a motion to approve. There were no further questions or comments.

The vote to approve was unanimous.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2025-100
Submitted by Kathleen Meradith-Eyers Phone No. 515-231-1230 Meeting Date June 10, 2025
Title Administrative Rules—761 IAC Chapter 430, Motor Vehicle Leasing License

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 430 in accordance with Executive Order 10.

Proposed Chapter 430 implements Iowa Code chapter 321F, which requires individuals engaged in the business of leasing motor vehicles to obtain a leasing license from the department. Iowa Code chapter 321F requires the department to adopt rules administering leasing licenses. The purpose of this chapter is to provide clarity and consistency on the requirements for leasing licenses and encourage compliance with the statutory requirements.

The public comment period ended on May 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 430.

COMMISSION ACTION:

Moved by Arnold Seconded by Mulgrew Gronen

Division Director Legal State Director

	Aye	Vote Nay	Pass
Anderson	<u>x</u>	_____	_____
Arnold	<u>x</u>	_____	_____
Gaesser	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Mulgrew Gronen	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Stutsman	<u>x</u>	_____	_____

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to motor vehicle leasing licenses and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 430, “Motor Vehicle Leasing Licenses,” 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 section 321F.11.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 321F.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 430 in compliance with Executive Order 10. Proposed Chapter 430 implements Iowa Code chapter 321F, which requires individuals engaged in the business of leasing motor vehicles to obtain a leasing license from the Department. Iowa Code chapter 321F requires the Department to adopt rules administering leasing licenses. The purpose of this chapter is to provide clarity and consistency on the requirements for leasing licenses and encourage compliance with the statutory requirements.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 22, 2025. A public hearing was held on the following date(s):

- February 14, 2025

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 comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on May 9, 2025. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: tracy.george@iowadot.us

Public Hearing

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

May 8, 2025 10 to 10:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 956 613 250
May 9, 2025 1 to 1:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 755 874 408

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 430 and adopt the following **new** chapter in lieu thereof:

CHAPTER 430 MOTOR VEHICLE LEASING LICENSES

761—430.1(321F) General.

430.1(1) Information. Information and forms relating to this chapter may be obtained from the Motor Vehicle Division, Iowa Department of Transportation, by mail at P.O. Box 9278, Des Moines, Iowa 50306-9278; by telephone at 515.237.3156; by email at dealer.programs@iowadot.us; or from the department's website at www.iowadot.gov/mvd/buyingselling.

430.1(2) Definition.

"Engage in the business" means leasing two or more motor vehicles that are subject to registration in a 12-month period if the lessee is a resident of this state and first takes possession of the vehicle in this state, or if the lessor's business address is located in this state. A person is not considered to be engaged in the business if the business address is located outside of this state and the lessee first takes possession of the motor vehicle outside of this state.

761—430.2(321F) Application.

430.2(1) Form and submission. Application for a motor vehicle leasing license shall be made on Form 417034 and submitted to the address provided in subrule 430.1(1).

430.2(2) Required information. Each application is to include the following information:

a. The applicant's business name, bona fide address and telephone number under which the applicant will engage in the business and where an individual, partner or corporate officer can be reached during normal business hours.

b. The legal name, bona fide address and phone number of the owner when the owner of the business is an individual, or the name, bona fide address and phone number of at least two partners or officers if the business is a partnership or corporation.

c. The federal employer identification number of the business, or, if the business is owned by an individual who is not required to have a federal employer identification number, the individual's social security number, Iowa nonoperator's identification number or Iowa driver's license number.

430.2(3) *Supplemental statements.* The licensee shall notify the department, in writing, within ten days, at the address shown in subrule 430.1(1), of any change in the information required on the original application.

761—430.3(321F) Separate licenses required. A separate license is required for:

430.3(1) Each address under which a single business entity will conduct business under Iowa Code chapter 321F and these rules.

430.3(2) Each address that will be used for titling or registering vehicles subject to registration in Iowa.

These rules are intended to implement Iowa Code chapter 321F.

MV-2025-100

Stuart Anderson, Director, Transportation Development Division, on behalf of Kathleen Meredith-Eyers, Director, Motor Vehicle Division

The rulemaking proposes to rescind and repromulgate Chapter 430 in accordance with Executive Order 10.

Proposed Chapter 430 implements Iowa Code chapter 321F, which requires individuals engaged in the business of leasing motor vehicles to obtain a leasing license from the department. Iowa Code Chapter 321F requires the department to adopt rules administering leasing licenses. The purpose of this chapter is to provide clarity and consistency on the requirements for leasing licenses and encourage compliance with the statutory requirements.

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

A complete summary explaining the proposed rulemaking is attached to the Commission Order. It is recommended that the Commission approve repromulgating Chapter 430.

Commissioner Arnold moved and Commissioner Mulgrew Gronen seconded a motion to approve.

There were no further questions or comments.

The vote to approve was unanimous.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2025-101
Submitted by Kathleen Meradith-Eyers Phone No. 515-231-1230 Meeting Date June 10, 2025
Title Administrative Rules—761 IAC Chapter 431, Vehicle Recyclers

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 431 in accordance with Executive Order 10.

Proposed Chapter 431 complies with Iowa Code chapter 321H by outlining the application and eligibility requirements to become a licensed vehicle recycler in the state.

The public comment period ended on May 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 431.

COMMISSION ACTION:

Moved by Anderson Seconded by Rielly

	Aye	Vote Nay	Pass
Anderson	<u>x</u>	<u> </u>	<u> </u>
Arnold	<u>x</u>	<u> </u>	<u> </u>
Gaesser	<u>x</u>	<u> </u>	<u> </u>
Juckette	<u>x</u>	<u> </u>	<u> </u>
Mulgrew Gronen	<u>x</u>	<u> </u>	<u> </u>
Rielly	<u>x</u>	<u> </u>	<u> </u>
Stutsman	<u>x</u>	<u> </u>	<u> </u>

Division Director Legal State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to vehicle recyclers and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 431, “Vehicle Recyclers,” 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 321H.4A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 307.12(1)“j” and chapter 321H.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 431 in compliance with Executive Order 10. Proposed Chapter 431 complies with Iowa Code chapter 321H by outlining the application and eligibility requirements to become a licensed vehicle recycler in the state.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 22, 2025. A public hearing was held on the following date(s):

- February 14, 2025

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 comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on May 8, 2025. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: tracy.george@iowadot.us

Public Hearing

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

May 7, 2025 10 to 10:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 258 660 198
May 8, 2025 2 to 2:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 406 465 405

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 431 and adopt the following **new** chapter in lieu thereof:

CHAPTER 431 VEHICLE RECYCLERS

761—431.1(307,321H) Definitions.

“NMVTIS” means the National Motor Vehicle Title Information System.

“Principal place of business” means a building actually occupied where the public and the department may contact the owner or operator during regular business hours. The principal place of business must be located in this state.

“Regular business hours” means to be consistently open to the public on a weekly basis at hours reported to the motor vehicle division. Regular business hours shall include a minimum of 32 posted hours between 7 a.m. and 9 p.m., Monday through Friday.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 321H.2 and 321H.4.

761—431.2(307,321,321H) Authorized vehicle recycler.

431.2(1) *General requirements.* Every authorized vehicle recycler shall:

a. Maintain a principal place of business that includes separate and adequate office space for the recycler's business records and a working telephone service provided specifically for business use, which will allow the public, the department and law enforcement to contact the licensee during business hours.

b. Maintain regular business hours at the principal place of business.

c. Comply with local zoning laws.

d. Comply with the provisions of Iowa Code chapter 306C, relating to the Iowa junkyard control law, when applicable.

e. If subject to the requirements of 28 CFR Section 25.56, effective July 1, 2023, as adopted in Iowa Code section 321H.4A(2) “a,” do all of the following:

(1) Obtain and maintain a registered account with the NMVTIS.

(2) Report, or verify reporting of, inventory to the NMVTIS.

(3) If applicable, verify the seller of a vehicle purchased by the recycler has complied with 28 CFR Section 25.56, effective July 1, 2023, and document such verification on a form prescribed by the department if third-party electronic records are insufficient to verify compliance with 28 CFR Section 25.56, effective July 1, 2023, because the vehicle has been crushed or flattened by mechanical means as stated in Iowa Code section 321H.4A.

(4) Retain records of compliance, including verification forms completed under subparagraph 431.2(1)“e”(3), at the vehicle recycler’s principal place of business for at least three years after the purchase of the vehicle. Records may be stored either in hard copy or electronically.

f. Only represent or advertise the business under the name or style that appears on the recycler’s license.

g. Allow any peace officer to inspect vehicles or component parts of vehicles and the records and documents required to be kept under Iowa Code chapter 321H and this chapter.

431.2(2) *Vehicle rebuilder qualifications.* For every licensed location, a vehicle rebuilder must have:

a. An unobstructed area inside a building for rebuilding and restoring vehicles. The inside measurement of the unobstructed area must be at least 14 feet by 24 feet.

b. Sufficient storage for all vehicles in the rebuilder’s inventory.

c. Equipment necessary to perform rebuilding and restoring of vehicles in the inventory, such as frame-straightening equipment, a hydraulic jack, alignment and calibration equipment, and tools.

431.2(3) *Used vehicle parts dealer qualifications.* For every licensed location, a used vehicle parts dealer must have sufficient storage for the vehicle parts in the dealer’s inventory.

431.2(4) *Vehicle salvager qualifications.* For every licensed location, a vehicle salvager must have:

a. Sufficient storage for vehicles, vehicle parts and vehicle bodies included in the salvager’s inventory.

b. Sufficient equipment necessary to perform dismantling, scrapping or storing of vehicles and vehicle parts in the inventory.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 321.95, 321H.4 and 321H.4A.

761—431.3(307,321H) Application and requirements for license.

431.3(1) *Application submission.* Application for an authorized vehicle recycler’s license shall be made on Form 411117 and submitted to the department with the applicable statutory fee by mail to Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. Form 411117 may be obtained by contacting the motor vehicle division, by phone at 515.237.3156, by email to dealer.programs@iowadot.us or on the department’s website at www.iowadot.gov/mvd/buyingselling/buyingselling/recycler.

431.3(2) *Required information.* Each application shall include all information required by Iowa Code section 321H.4 and the following information:

a. The business’s name, bona fide address and telephone number.

b. The legal name, bona fide address and telephone number of an owner when the owner of the business is an individual, or the name, bona fide address and phone number of at least two partners or officers if the business is a partnership or corporation.

c. The federal employer identification number of the business. If the business is owned by an individual who is not required to have a federal employer identification number, the application shall include the individual’s social security number, Iowa nonoperator’s identification number or Iowa driver’s license number.

d. The address of any extension of the applicant’s place of business.

e. Certification the applicant complies with the requirements for the type of business the applicant engages in as specified under Iowa Code section 321H.4(2)“b.”

f. A letter from the appropriate city or county zoning official stating that the business, or any extension of the applicant’s business, complies with all applicable zoning provisions or is a legal nonconforming use. The letter must include acknowledgment by the zoning official of the type, or types, of business the applicant is engaged in.

g. A statement of the previous criminal history of the applicant. If the applicant is a corporation, the statement is required from each officer. If the applicant is a partnership, the statement is required from each partner.

h. The unique NMVTIS identification number as proof of compliance with registration requirements.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 321H.4 and 321H.4A.

761—431.4(17A,307,321H) Denial, suspension or revocation.

431.4(1) *Denial.* The department shall deny an application if the applicant fails to meet the criteria for issuance of a license under this chapter and is authorized to deny the application for any of the reasons stated in Iowa Code section 321H.6.

431.4(2) *Suspension or revocation.* The department may suspend or revoke the recycler’s license for failure to comply with the provisions of this chapter or for any of the reasons stated in Iowa Code section 321H.6.

431.4(3) *Appeal.* A person aggrieved by a decision of the department may contest the decision pursuant to 761—Chapter 13 by submitting an appeal request in writing to the director of the motor vehicle division.

This rule is intended to implement Iowa Code chapter 17A and sections 307.12(1)“j” and 321H.6.

MV-2025-101

Stuart Anderson, Director, Transportation Development Division, on behalf of Kathleen Meredith-Eyers, Director, Motor Vehicle Division

The rulemaking proposes to rescind and repromulgate Chapter 431 in accordance with Executive Order 10.

Proposed Chapter 431 complies with Iowa Code chapter 321H by outlining the application and eligibility requirements to become a licensed vehicle recycler in the state.

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

A complete summary explaining the proposed rulemaking is included in the Notice of Intended Action attached to the Commission Order. Therefore it is recommended that the Commission approve the repromulgating of Chapter 431.

Commissioner Anderson moved and Commissioner Rielly seconded a motion to approve.

There were no further questions or comments.

The vote to approve was unanimous.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2025-102
Submitted by Kathleen Meradith-Eyers Phone No. 515-231-1230 Meeting Date June 10, 2025
Title Administrative Rules—761 IAC Chapter 600, General Information

DISCUSSION/BACKGROUND:

The rulemaking proposes to permanently rescind Chapter 600.

The department reviewed this chapter in accordance with Executive Order 10 and determined rules 761—600.1(321) (definitions) and 761—600.2(17A) (information and location) can be rescinded because the content is unnecessary or duplicative. The content in rule 761—600.3(321) (seat belt exemptions) was moved to Chapter 450, “Motor Vehicle Equipment,” but the language was not changed.

The public comment period ended on May 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 rescission of Chapter 600.

COMMISSION ACTION:

Moved by Juckette Seconded by Gaesser

	Aye	Vote Nay	Pass
Anderson	<u>x</u>	<u> </u>	<u> </u>
Arnold	<u>x</u>	<u> </u>	<u> </u>
Gaesser	<u>x</u>	<u> </u>	<u> </u>
Juckette	<u>x</u>	<u> </u>	<u> </u>
Mulgrew Gronen	<u>x</u>	<u> </u>	<u> </u>
Rielly	<u>x</u>	<u> </u>	<u> </u>
Stutsman	<u>x</u>	<u> </u>	<u> </u>

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to general information and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 600, “General Information,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)“j” and 321.445.

State or Federal Law Implemented

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

Purpose and Summary

The Department proposes to permanently rescind Chapter 600. Rules 761—600.1(321) (definitions) and 761—600.2(17A) (information and location) will be rescinded because the content is unnecessary or duplicative. The content in rule 761—600.3(321) (seat belt exemptions) will be moved to Chapter 450, “Motor Vehicle Equipment,” but the language will not change.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 22, 2025. A public hearing was held on the following date(s):

- February 14, 2025

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 comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on May 8, 2025. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: tracy.george@iowadot.us

Public Hearing

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

May 7, 2025 11 to 11:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 904 555 110
May 8, 2025 3 to 3:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 429 069 001

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 and reserve **761—Chapter 600**.

MV-2025-102

Stuart Anderson, Director, Transportation Development Division, on behalf of Kathleen Meredith-Eyers, Director, Motor Vehicle Division

The rulemaking proposes to permanently rescind Chapter 600.

The department reviewed this chapter in accordance with the requirements of Executive Order 10 and determined rules regarding definitions and information and location can be rescinded because the content is unnecessary or duplicative. The content in the seat belt exemption rule was moved to Chapter 450, "Motor Vehicle Equipment". The language was not changed when it was moved to that chapter. Therefore with all those rules either being eliminated because they are duplicative or being moved to other chapters, we are proposing to rescind this chapter.

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

A complete summary is included in the Notice of Intended Action attached to the Commission Order. It is recommended that the Commission approve the rescission of Chapter 600.

Commissioner Juckette moved and Commissioner Gaesser seconded a motion to approve.

There were no further questions or comments.

The vote to approve was unanimous.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
Division/Bureau/Office Local Systems Bureau Order No. TD-2025-103
Submitted by Debra Arp Phone No. 515-239-1681 Meeting Date June 10, 2025
Title Revitalize Iowa's Sound Economy (RISE) Application – Marshall County

DISCUSSION/BACKGROUND:

Marshall County submitted a RISE Immediate Opportunity application requesting a grant to assist in paving of approximately 2,610 feet of Binford Avenue and 3,610 feet of 245th Street and turn lanes on U.S. 30 at Binford Avenue located southwest of State Center. This project is anticipated to be completed by June 2027.

Because this project will provide improved access to more than 30 acres for industrial purposes and to maximize RISE support for this project, staff evaluated the application as a RISE Local Development project.

The evaluation and rating for the project will be discussed.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on the capital investment commitment and potential for future job creation, reclassify the project as a RISE Local Development project in the February 2025 round of applications and award a RISE grant of \$1,016,483 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the county share of the RISE Fund.

		Vote		
		Aye	Nay	Pass
COMMISSION ACTION:	Anderson	<u>x</u>	<u> </u>	<u> </u>
	Arnold	<u>x</u>	<u> </u>	<u> </u>
	Gaesser	<u>x</u>	<u> </u>	<u> </u>
	Juckette	<u>x</u>	<u> </u>	<u> </u>
	Mulgrew Gronen	<u>x</u>	<u> </u>	<u> </u>
	Rielly	<u>x</u>	<u> </u>	<u> </u>
Moved by <u>Rielly</u> Seconded by <u>Gaesser</u>		Stutsman	<u>x</u>	<u> </u>
<u> </u> Division Director	<u> </u> Legal	<u> </u> State Director		

TD-2025-103

Debra Arp, Local Systems Bureau

Marshall County submitted a RISE Immediate Opportunity application requesting a grant to assist in paving of approximately 2,610 feet of Binford Avenue and 3,610 feet of 245th Street as well as turn lanes on U.S. 30 at Binford Avenue located southwest of State Center. Because this project will provide improved access to more than 30 acres for industrial purposes and to maximize RISE support for this project, staff evaluated the application as a RISE Local Development project.

Under our RISE Local Development criteria, this project received a rating of 73 points.

The total RISE-eligible roadway project cost is estimated to be \$2,032,965 and Marshall County has requested \$1,016,483 or 50% in RISE funding.

It is recommended the Commission, based on the capital investment commitment and potential for future job creation, reclassify the project as a RISE Local Development project in the February 2025 round of applications and award a RISE grant of \$1,016,483 from the county share of the RISE Fund or up to 50 percent of the total RISE-eligible project cost, whichever is less.

Commissioner Rielly moved and Commissioner Gaesser seconded a motion to approve.

There were no further questions or comments.

The vote to approve was unanimous.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Transportation Development Division
Program Management Bureau Order No. TD-2025-104
Submitted by Shawn Majors Phone No. 515-239-1288 Meeting Date June 10, 2025
Title 2026-2030 Iowa Transportation Improvement Program

DISCUSSION/BACKGROUND:

The 2026-2030 Iowa Transportation Improvement Program will be presented for final review and action.

In addition to approving the use of condemnation authority, if necessary, to acquire property for the projects in the highway section, approval of this Commission Order also authorizes the temporary transfer of funds from the RISE fund to the Primary Road Fund, if necessary, to meet anticipated road construction costs. Pursuant to Iowa Code Section 315.3(3)(b), attached is the letter from Iowa DOT Director Scott Marler certifying the cash flow funding of the department may be inadequate to meet anticipated road construction costs. Any funds transferred shall be repaid to the RISE fund within six months of transfer.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve and authorize distribution of the 2026-2030 Iowa Transportation Improvement Program. It is also recommended the Commission approve the use of condemnation, if necessary, to acquire property for the projects in the highway section. Finally, it is recommended the Commission authorize the temporary transfer of funds from the RISE fund to the Primary Road Fund, if necessary.

COMMISSION ACTION:

Moved by Rielly Seconded by Juckette

	Aye	Vote Nay	Pass
Anderson	<u>x</u>	<u> </u>	<u> </u>
Arnold	<u>x</u>	<u> </u>	<u> </u>
Gaesser	<u>x</u>	<u> </u>	<u> </u>
Juckette	<u>x</u>	<u> </u>	<u> </u>
Mulgrew Gronen	<u>x</u>	<u> </u>	<u> </u>
Rielly	<u>x</u>	<u> </u>	<u> </u>
Stutsman	<u>x</u>	<u> </u>	<u> </u>

Division
Director

Legal

State Director

May 13, 2025

Iowa Transportation Commission

Sally Stutsman, Chair	Ray Gaesser, Vice-Chair	Bill Anderson	Rich Arnold
Linda Juckette	Mary Mulgrew Gronen	Tom Rielly	
<i>Delivered electronically</i>			

Re: Request for Authorization to Borrow Funds from the RISE Fund

Dear Commissioners,

We are requesting your authorization to temporarily transfer funds from the RISE fund to the Primary Road Fund (PRF) during state fiscal year 2026. This request is made pursuant to section 315.3(3)(b) of the Iowa Code, which states:

If the state transportation commission receives and files a letter from the director of transportation certifying that the cash flow funding of the department may be inadequate to meet anticipated road construction costs, the commission may authorize the temporary transfer of funds from the RISE fund to the primary road fund. Funds transferred under this paragraph shall be repaid to the RISE fund within six months of transfer.

By this letter, I am certifying the cash flow funding of the department may be inadequate to meet anticipated road construction costs during fiscal year 2026. As we have discussed in the past, it is not a certainty that we will need to borrow RISE funds to meet cash flow needs in the highway program, but there is enough uncertainty to revenue and construction costs in fiscal year 2026 to suggest it is possible borrowing RISE funds may be necessary. Therefore, we believe it's prudent to request your authorization to do so.

We will continue to provide monthly updates throughout the year on the status of PRF revenue and expenditures and will advise you if it proves necessary to borrow RISE funds. If we do borrow RISE funds, we do not expect that would impact your ability to continue to award RISE funding to all eligible projects. In addition, as required by Iowa Code, any funds borrowed and transferred will be repaid to the RISE fund within six months of transfer.

Our request for your authorization will be part of our recommendation for Commission approval of the 2026-2030 Iowa Transportation Improvement Program, and your authorization would be memorialized in the order approving the program. A copy of the proposed order is included with this letter. The authorization to borrow will apply through the end of fiscal year 2026 which is June 30, 2026.

Please let me know if you have any questions or would like additional information. I look forward to seeing you all in June.

Sincerely,



Scott C. Marler, Director

TD-2025-104

Shawn Majors, Director, Program Management Bureau

The 2026-2030 Iowa Transportation Improvement Program was provided to the Commission yesterday for final review.

In addition to approving the use of condemnation authority, if necessary, to acquire property for the projects included in the highway section, approval of this Commission Order also authorizes the temporary transfer of funds from the RISE fund to the Primary Road Fund, if necessary, to meet anticipated road construction costs. Pursuant to Iowa Code Section 315.3(3)(b), attached is the letter from Iowa DOT Director Marler certifying the cash flow funding of the department may be inadequate to meet anticipated road construction costs. Any funds transferred shall be repaid to the RISE fund within six months of transfer.

No public comments were received on the Iowa Transportation Improvement Program. Therefore, it is recommended the Commission approve and authorize distribution of the 2026-2030 Iowa Transportation Improvement Program. It is also recommended the Commission approve the use of condemnation, if necessary, to acquire property for the projects in the highway section. Finally, it is recommended the Commission authorize the temporary transfer of funds from the RISE fund to the Primary Road Fund, if necessary.

Commissioner Rielly moved and Commissioner Juckette seconded a motion to approve.

There were no further questions or comments.

The vote to approve was unanimous.

The meeting was adjourned at 8:14 a.m.