

PRELIMINARY COMMISSION AGENDA

January 21, 2025

IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

January 21, 2025

Materials Conference Room – Iowa DOT Complex

Ames, Iowa

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
1:00 p.m.			
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	Commission Comments		
	DOT Comments		
MV-2025-45	* Administrative Rules – 761 IAC Chapter 401, Special Registration Plates	Kathleen Meradith-Eyers	4
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MV-2025-48	* Administrative Rules – 761 IAC Chapter 641, Financial Liability Coverage Cards	Kathleen Meradith-Eyers	23
TD-2025-49	* Administrative Rules – 761 IAC Chapter 101, Farm-to-Market Review Board	Charlie Purcell	27
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TD-2025-54	* Iowa’s Clean Air Attainment Program Funding Recommendations	Deb Arp	52

TD-2025-55	* Federal Recreational Trails Program Funding Recommendations	Deb Arp	53
TD-2025-56	* Statewide Transportation Alternatives Set-aside Program Funding Recommendations	Deb Arp	54
1:20 p.m.	Adjourn		

* Action Item

On Tuesday, January 21, 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-2025-44
Submitted by Charlie Purcell Phone No. 515-239-1592 Meeting Date January 21, 2025
Title Approve Minutes of the December 10, 2024 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the December 10, 2024 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 Motor Vehicle Division Order No. MV-2025-45
Submitted by Kathleen Meradith-Eyers Phone No. 515-231-1230 Meeting Date January 21, 2025
Title Administrative Rules–761 IAC Chapter 401, Special Registration Plates

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 401 in accordance with Executive Order 10. The title of the chapter is renamed Personalized and Special Registration Plates.

Proposed Chapter 401 implements Iowa Code section 321.34, which authorizes the issuance of certain specialty license plates. The proposed chapter does the following:

- Outlines how individuals seeking certain specialty license plates that have specific eligibility requirements under Iowa Code section 321.34 can obtain the license plates. This ensures that special license plates are only issued to individuals who are eligible for the plates;
- Provides clarity about which specialty license plates can be personalized and which cannot;
- Creates requirements that must be met to issue a nonprofit organizational decal for placement on a decal license plate; and
- Outlines procedures regarding the surrender and reassignment of special license plates and establishes the appeal process if a specialty plate is revoked in order to prevent fraud by ensuring unneeded plates do not remain in circulation and to ensure members of the public have clear guidelines to follow so they are not subject to enforcement action regarding improper use of license plates.

The public comment period ended on December 4, 2024. The department received a public comment from the Story County Treasurer’s Office. The commenter requested that the department amend subrule 401.2(1) to add the term “random” before “letter-number” to describe how regular registration plates are issued to individual customers and subrule 401.3(1) to indicate seven is the maximum number of characters on a personalized plate. The department agreed with the commenter’s request to add the term “random” in subrule 401.2(1) as that accurately describes how regular registration plates are issued. However, the department did not agree with the commenter’s request to amend subrule 401.3(1), because the proposed addition would be duplicative of Iowa Code section 321.34(5).

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 401.

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 personalized and special registration plates and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 401, “Special Registration Plates,” and to adopt a new Chapter 401, “Personalized and Special Registration Plates,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)“j,” 321.34(1), 321.34(13), 321.34(14) and 321.166(2).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 321.20; 321.34 as amended by 2024 Iowa Acts, House File 2579; 321.40; 321.105; and 321.166 and chapters 17A and 321L.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 401 in compliance with Executive Order 10. This proposed chapter implements Iowa Code section 321.34, which authorizes the issuance of certain specialty license plates. The proposed chapter does the following:

- Outlines how individuals seeking certain specialty license plates that have specific eligibility requirements under Iowa Code section 321.34 can obtain the license plates. This ensures that special license plates are only issued to individuals who are eligible for the plates;
- Provides clarity about which specialty license plates can be personalized and which cannot;
- Creates requirements that must be met to issue a nonprofit organizational decal for placement on a decal license plate; and
- Outlines procedures regarding the surrender and reassignment of special license plates and establishes the appeal process if a specialty plate is revoked in order to prevent fraud by ensuring unneeded plates do not remain in circulation and to ensure members of the public have clear guidelines to follow so they are not subject to enforcement action regarding improper use of license plates.

The prior chapter had numerous statutory redundancies, inconsistent verbiage, and several unnecessary restrictions that have been corrected. Rather than having a separate rule for each type of special registration plate with specific requirements separated by plate type as in the prior chapter, the proposed chapter is streamlined by combining like content and eliminating redundant requirements.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 21, 2024. A public hearing was held on the following date(s):

- September 12, 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 December 4, 2024. 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:

December 4, 2024 9 to 9:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 326 633 131
December 4, 2024 3 to 3:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 187 373 482

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

CHAPTER 401 PERSONALIZED AND SPECIAL REGISTRATION PLATES

761—401.1(307,321) Definitions.

“*Current firefighter*” means a member of a paid or volunteer fire department who has at least one year of service and is in good standing, as determined by the fire chief.

“*Retired firefighter*” means a former member of a paid or volunteer fire department who has a minimum of ten years’ total service in good standing, as determined by the fire chief.

“*Service director*” means a service director as defined in rule 641—132.1(147A).

“*Special registration plates*” means registration plates issued under Iowa Code section 321.34 or 321.105 other than regular or sample plates.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 321.34 and 321.105.

761—401.2(307,321,321L) Application and requirements for certain special registration plates.

401.2(1) *Plates available without application.* Except for the special registration plates listed in subrules 401.2(2) and 401.2(3) and collegiate plates issued under Iowa Code sections 321.34(7) and 321.34(7A), all special registration plates authorized under Iowa Code section 321.34 are available as letter-number designated plates at the county treasurer’s office of the county of registration without separate application.

401.2(2) *Special registration plates requiring separate application.* The following special registration plates require that a separate application with any applicable supporting documentation be submitted to the department on Form 411260. Applications are to be submitted by mail to Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; by email to dot.plates@iowadot.us, or electronically at www.iowadot.gov/mvd/vehicleregistration/vehicleregistration/plates/plates. Form 411260 may be obtained by contacting the motor vehicle division using the information in this subrule, by phone at 515.237.3110, by fax at 515.237.3056, or at any county treasurer’s office.

a. Amateur radio call letter plate applications under Iowa Code section 321.34(3) require the number of the amateur radio license issued by the Federal Communications Commission.

b. Medal of honor plate applications under Iowa Code section 321.34(8) require an official government document verifying the applicant’s receipt of the medal of honor.

c. Ex-prisoner of war plate applications under Iowa Code section 321.34(8A) require a copy of an official government document verifying that the applicant was a prisoner of war or a signed statement from a person who has knowledge that the person was a prisoner of war.

d. Firefighter plates issued under Iowa Code section 321.34(10) require a certification signed by the fire chief of the paid or volunteer fire department confirming that the applicant is a current or retired firefighter member of the fire department. Renewal for a current firefighter requires a new certification be submitted to the county treasurer’s office. Renewal for a retired firefighter does not require a new certification.

e. Emergency medical services plate applications under Iowa Code section 321.34(10A) require a signature from the applicant’s service director certifying that the applicant is a current member of a paid or volunteer emergency medical services agency.

f. Legion of Merit plate applications under Iowa Code section 321.34(15) require a copy of the official government document verifying receipt of the Legion of Merit. An eligible applicant who wishes to receive such plates for more than one vehicle is subject to the regular annual registration fee for each additional vehicle.

g. National guard plate applications under Iowa Code section 321.31(16) require certification from the applicant’s unit commander on unit letterhead confirming the applicant’s eligibility.

h. Pearl Harbor plate applications under Iowa Code section 321.34(17) require a copy of an official government document verifying that the applicant was stationed at Pearl Harbor, Hawaii, as a member of the armed forces on December 7, 1941.

i. Purple heart, silver star, and bronze star plate applications under Iowa Code sections 321.34(18) and 321.34(20) require an official military order, the report of discharge, or DD Form 214 confirming the applicant’s receipt of the award.

j. Gold star plate applications under Iowa Code section 321.34(24) require written approval from the Iowa department of veterans affairs confirming the lineage of applicant to the deceased veteran and documentation that the veteran is deceased due to military service.

k. U.S. armed forces retired special plates under Iowa Code section 321.34(19) require documentation that the U.S. armed forces recognizes the person as retired from the U.S. armed forces, in the form of the official military order confirming the applicant’s retirement, report of discharge, or DD Form 214.

l. Distinguished service, navy, or air force cross plates under Iowa Code section 321.34(20A) require an official military order, the report of discharge, or DD Form 214 confirming the applicant's receipt of the award.

m. Soldier's, navy and marine corps, or airman's medal plates under Iowa Code section 321.34(20B) require an official military order, the report of discharge, or DD Form 214 confirming the applicant's receipt of the award.

n. U.S. veteran plate applications under Iowa Code section 321.34(27) require a certification from the Iowa department of veterans affairs that the applicant qualifies as an honorably discharged veteran.

o. Disabled veteran plate applications under Iowa Code section 321.166(6) require a certification from the U.S. Department of Veterans Affairs that the United States government has provided or has assisted in providing the motor vehicle to the disabled veteran. A separate certification may be required for any subsequently acquired vehicle or when the veteran moves to another county.

p. Notwithstanding any provision of this rule to the contrary, an applicant seeking any military or armed forces special registration plate may submit alternate documentation if approved by the Iowa office of the adjutant general or the Iowa department of veterans affairs.

401.2(3) *Persons with disabilities special registration plates.* Plates issued under Iowa Code section 321.34(14) are available from the department or county treasurer and require the application and statement of disability prescribed by 761—subrule 411.3(2), including certification that the applicant meets the eligibility requirements of Iowa Code section 321.34(14). If applicable, the application also requires certification of residency on Form 411120. In lieu of the statement of disability, a veteran may submit a certification of disability from the U.S. Department of Veteran's Affairs.

401.2(4) *Plates with minimum ordering requirements.* Applicants seeking a combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, combat medical badge, or civil war sesquicentennial plate under Iowa Code section 321.34(20C) or 321.34(25) are to apply to the department.

a. Applications for combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge plates require a copy of an official government document verifying that the applicant received such award.

b. Applications for civil war sesquicentennial plates do not require additional documentation.

401.2(5) *Fees due.* The applicable statutory issuance fee for each special registration plate under Iowa Code section 321.34 is due at the time of application.

401.2(6) *Vehicles eligible.* Unless otherwise specified in Iowa Code section 321.34, special registration plates are available for motor vehicles subject to registration under Iowa Code section 321.109(1), autocycles, motor trucks, motor homes, multipurpose vehicles, motorcycles, trailers, and travel trailers.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 321.34 and 321.105 and chapter 321L.

761—401.3(321) Character limits. In addition to the character requirements of Iowa Code sections 321.34(5), 321.34(12), and 321.166, the following provisions apply to all personalized and special registration plates:

401.3(1) Plates will be issued with a minimum of two characters.

401.3(2) Plates with a processed emblem, and plates issued under Iowa Code section 321.34(13), are limited to five characters whether personalized or issued as a letter-number designated plate.

This rule is intended to implement Iowa Code sections 321.34 and 321.166.

761—401.4(17A,321) Nonprofit organization decal approval and issuance.

401.4(1) *Application.* An organization meeting the criteria of Iowa Code sections 321.34(13) "a" and 321.34(13) "b" must apply to the department for approval of the decal design and issuance on Form 411346. The department is to notify the organization of approval or denial of the proposed decal within 60 days of application receipt.

401.4(2) *Decal design.* In addition to satisfying the requirements of Iowa Code section 321.34(13) "d," an approved decal will be limited to dimensions of 2.875" in width and 3" in height and designed to

be placed in the space reserved for the decal on the nonprofit organizational decal plate. The department may consult with other organizations, law enforcement authorities, and the public regarding approval or denial of the decal design.

401.4(3) Revocation. If, following approval of the decal, the department determines a false application was submitted or that the decal or the issuing organization is in violation of Iowa Code section 321.34(13) or this chapter, the department shall revoke the organization's approval to issue the decal.

401.4(4) Notice. If the department denies or revokes the decal design, the department will send notice of the denial or revocation by certified mail to the organization at the address listed on the application. The revocation or denial takes effect 20 days from the date of mailing. The organization may contest the decision in accordance with 761—Chapter 13. The request will be deemed timely if it is delivered or postmarked on or before the effective date specified in the notice.

This rule is intended to implement Iowa Code chapter 17A and section 321.34.

761—401.5(307,321) Personalized plates.

401.5(1) Personalized plates under Iowa Code section 321.34(5) are available to order online through the department's website at www.iowadot.gov/mvd/personalizedplates/home.aspx. An applicant unable to order online may contact the motor vehicle division at the address or phone number listed in subrule 401.2(2) to apply in an alternate manner.

401.5(2) An application for a personalized plate will be rejected if the requested combination of characters is issued to another vehicle or is reserved for any other vehicle plate series under Iowa Code chapter 321.

401.5(3) The department shall not issue any combination of characters it determines is:

- a. Denoting a government agency;
- b. Sexual in connotation;
- c. A term of vulgarity, contempt, prejudice, hostility, insult, or racial or ethnic degradation;
- d. Recognized as a swear word;
- e. A reference to an illegal substance;
- f. A reference to a criminal act;
- g. Offensive; or
- h. A foreign word falling into any of these categories.

401.5(4) Personalized plates are not available for the plates listed in paragraphs 401.2(2) "a" through "c," "f," and "o."

This rule is intended to implement Iowa Code sections 307.12(1) "j," 321.34 as amended by 2024 Iowa Acts, House File 2579, and 321.166.

761—401.6(307,321) Issuance of special registration plates.

401.6(1) Only a person who is an owner or lessee of a vehicle with current registration is eligible to receive special registration plates. The registration plates previously issued to the vehicle are to be surrendered to the county treasurer prior to issuance of new special registration plates.

401.6(2) Special registration plate fees are not eligible to be prorated.

401.6(3) Special registration plates are void if they are not assigned to a vehicle within 90 days after the date the county receives the plates, or if they are replacement plates issued as part of a periodic replacement cycle, within 90 days after the last day of the month of expiration of registration. If the plates are not picked up within the 90-day period, the plates are to be destroyed and a new application and a new issuance fee are to be submitted.

401.6(4) When an applicant provides proof to the department that a special registration plate has been lost or damaged, the applicant may obtain replacement plates containing the applicant's previous plate number upon payment of the statutory fee.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 321.26, 321.34 and 321.42.

761—401.7(307,321) Renewal.

401.7(1) Registration plates under this chapter are to be renewed at the office of the applicable county treasurer. All applicable annual statutory fees for the special registration plate or personalized plate are due at the same time the regular annual registration fee is due and are in addition to the regular annual registration fee.

401.7(2) If renewal of a personalized registration plate is delinquent beyond the period authorized under Iowa Code section 321.40(1), a new application and new statutory issuance fee(s) are required. In addition, the department may issue the combination of characters on personalized plates to another applicant.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 321.20, 321.34, 321.40 and 321.105.

761—401.8(307,321) Reassignment or surrender of special registration plates.

401.8(1) *Reassignment.*

a. A vehicle owner or lessee who has special registration plates assigned to a currently registered vehicle may request that the plates or the plate character sequence be reassigned to another currently registered vehicle owned or leased by that person or owned or leased by another person, provided the assignee is eligible for the special registration plates.

b. To reassign plates to a vehicle owned or leased by another person, a written request for reassignment signed by both the assignor and assignee must be submitted to the county treasurer of the assignee’s county of residence. The special registration plates will be issued to the assignee by the county treasurer in exchange for the registration plates previously issued.

401.8(2) *Qualifying events requiring surrender or reassignment.* Special registration plates issued to a person are to be surrendered to the county treasurer in exchange for regular registration plates within 30 days of a qualifying event. Alternatively, a person may request reassignment of the plates within 30 days of a qualifying event. A qualifying event includes the following:

- a.* The person is no longer eligible for the plates.
- b.* The person has sold or transferred the vehicle to another person.
- c.* The person was the lessee of the vehicle and the lease was terminated.
- d.* The person died, except to the extent that Iowa Code section 321.34 permits another person to retain such plates on the vehicle.

401.8(3) *Fees due.* If the vehicle was exempt from the payment of regular registration fees due to the type of special registration plates issued, the vehicle becomes subject to the payment of regular registration fees on the first day of the month following the date of the event that made the person ineligible or the person’s death. The regular registration fees will be prorated for the remaining unexpired months of the registration year.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 321.34 and 321.40.

761—401.9(17A,307,321) Revocation of plates—appeal.

401.9(1) A special registration plate or personalized plate shall be revoked if the department determines it has been issued in conflict with the statutes or rules governing the plate’s issuance. The department shall send the notice of revocation to a person’s mailing address by certified mail, and the revocation takes effect 20 days from the date of mailing. Revoked plates must be surrendered to the county treasurer within ten days of the date of receipt of the notice.

401.9(2) The person may contest the decision of the department in accordance with 761—Chapter 13. The request will be deemed timely if it is delivered or postmarked on or before the effective date specified in the notice.

This rule is intended to implement Iowa Code chapter 17A and sections 307.12(1)“j” and 321.34.

761—401.10(307,321) Refund of fees. No refund of fees for special or personalized registration plates shall be allowed unless the plates were issued in error or in conflict with the statutes or rules governing their issuance.

This rule is intended to implement Iowa Code sections 307.12(1)“j” and 321.34.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2025-46
Submitted by Kathleen Meradith-Eyers Phone No. 515-231-1230 Meeting Date January 21, 2025
Title Administrative Rules—761 IAC Chapter 451, Emergency Vehicle Certificate

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 451 in accordance with Executive Order 10. The title of the chapter is renamed Authorized Emergency Vehicle Certificate of Designation.

Proposed Chapter 451 implements Iowa Code section 321.451 by outlining the procedures for certain persons to obtain a certificate of designation as an authorized emergency vehicle for certain persons' privately owned vehicles. An authorized emergency vehicle certificate allows its holder, for example, a fire chief or sheriff, to operate the holder's privately owned vehicle to the scene of an emergency, in parades or events, or to display certain flashing lights.

The public comment period ended on December 4, 2024. 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 451.

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 authorized emergency vehicle certificate of designation and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 451, “Emergency Vehicle Certificate,” and to adopt a new Chapter 451, “Authorized Emergency Vehicle Certificate of Designation,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)“j,” 321.16 and 321.451.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 307.12(1)“j,” 321.2, 321.3, 321.13, 321.16, 321.231, 321.231A, 321.324A and 321.451.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 451 in compliance with Executive Order 10. Proposed Chapter 451 implements Iowa Code section 321.451 by outlining the procedures for certain persons to obtain a certificate of designation as an authorized emergency vehicle for certain persons’ privately owned vehicles. An authorized emergency vehicle certificate allows its holder, for example, a fire chief or sheriff, to operate the holder’s privately owned vehicle to the scene of an emergency, in parades or events, or to display certain flashing lights.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 21, 2024. A public hearing was held on the following date(s):

- September 12, 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 December 4, 2024. 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:

December 4, 2024 10 to 10:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 267 747 030
December 4, 2024 2 to 2:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 159 280 274

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

CHAPTER 451

AUTHORIZED EMERGENCY VEHICLE CERTIFICATE OF DESIGNATION

761—451.1(307,321) Information. Information about certificates of designation for authorized emergency vehicles is available 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 515.237.3156; by email at dealer.programs@iowadot.us; or on the department's website at www.iowadot.gov.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 321.2 and 321.3.

761—451.2(307,321) Certificate application and expiration.

451.2(1) Application for a certificate of designation as an authorized emergency vehicle is to be submitted to the motor vehicle division in the form and manner prescribed by the department.

451.2(2) The certificate of designation expires on the thirty-first day of December five years from the year in which it was issued.

This rule is intended to implement Iowa Code sections 307.12(1)“j” and 321.451.

761—451.3(321) Towing and recovery vehicles. In addition to the provisions of Iowa Code sections 321.231(2), 321.231(4), 321.231A, 321.324A(4) and 321.451, a towing or recovery vehicle with a valid certificate of designation may only display illuminated emergency lights in one of the following circumstances:

451.3(1) When the vehicle is at the scene of an emergency, which includes an incident dangerous to the public or roadside operations where increased visibility will mitigate risk of traffic hazards.

451.3(2) When otherwise authorized by a law enforcement officer.

This rule is intended to implement Iowa Code sections 321.231, 321.231A, 321.324A(4) and 321.451.

761—451.4(17A,307,321) Denial or revocation.

451.4(1) The department shall deny an application if the applicant does not establish that the vehicle will be used as an authorized emergency vehicle or if the applicant does not meet the criteria for issuance of a certificate pursuant to Iowa Code section 321.451.

451.4(2) The department shall revoke a certificate of designation if the holder fails to comply with the applicable provisions of this chapter or Iowa Code section 321.231, 321.231A, 321.324A(4) or 321.451 or if the certificate holder is no longer eligible for the certificate.

451.4(3) When the department denies or revokes a certificate of designation, notice will be sent in accordance with Iowa Code section 321.16. The revocation or denial takes effect 20 days from the date mailed. A person who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13. The request will be submitted in writing to the director of the motor vehicle division and deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice.

This rule is intended to implement Iowa Code chapter 17A and sections 307.12(1)“j,” 321.13, 321.16, 321.231, 321.231A, 321.324A(4) and 321.451.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2025-47
Submitted by Kathleen Meradith-Eyers Phone No. 515-231-1230 Meeting Date January 21, 2025
Title Administrative Rules—761 IAC Chapter 640, Financial Responsibility

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 640 in accordance with Executive Order 10.

Proposed Chapter 640 implements Iowa Code section 321A.2 and explains the financial responsibility requirements following an accident involving an uninsured driver or vehicle and how vehicle operators and owners can satisfy the requirements or meet an exception.

The public comment period ended on December 5, 2024. The department received oral and written clarifying questions from Emily Gamb, Acuity Insurance. The department answered her questions, and no changes were made to the chapter.

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 640.

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 financial responsibility and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 640, “Financial Responsibility,” 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 321A.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 321A and sections 321.266, 321.269 and 321.493.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 640 in compliance with Executive Order 10. Proposed Chapter 640 implements Iowa Code section 321A.2 and explains the financial responsibility requirements following an accident involving an uninsured driver or vehicle and how vehicle operators and owners can satisfy the requirements or meet an exception.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 21, 2024. A public hearing was held on the following date(s):

- September 13, 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 December 5, 2024. 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:

December 5, 2024
9 to 9:30 a.m.

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 449 594 470

December 5, 2024
1 to 1:30 p.m.

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 190 667 211

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

CHAPTER 640 FINANCIAL RESPONSIBILITY

761—640.1(321A) General.

640.1(1) Definitions. The definitions contained in Iowa Code section 321A.1 are hereby adopted. In addition:

“*License*” means “driver’s license” as defined in Iowa Code section 321.1(20A) unless the context otherwise requires.

“*Security*” means an amount of money sufficient in the determination of the department to satisfy any judgment or judgments for damages resulting from the accident as may be recovered against an operator or owner. Security is subject to the limitations and requirements of Iowa Code sections 321A.5 and 321A.9.

640.1(2) Exceptions. Except for accident reporting requirements, this chapter does not apply to the owners or operators of motor vehicles excepted by Iowa Code section 321A.33. To establish availability of an exception, a person required to show proof is to submit to the department a letter from the owner of the motor vehicle authorizing the person to use the motor vehicle.

640.1(3) Submissions. Except as otherwise provided in this chapter, required submissions are to be either mailed to the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; delivered in person to 6310 SE Convenience Blvd., Ankeny, Iowa; emailed to accident.support@iowadot.us; or sent by facsimile to 515.239.1837.

This rule is intended to implement Iowa Code sections 321A.1, 321A.2 and 321A.33.

761—640.2(17A,321A) Hearing and appeal process. A person who is aggrieved by an action of the department implementing Iowa Code sections 321A.4 through 321A.11 may contest the action in accordance with rule 761—615.38(17A,321). The administrative law judge in a contested case hearing may subpoena witnesses and conduct any investigation deemed necessary to:

640.2(1) Determine if the person is properly identified with the accident.

640.2(2) Determine if there is any reasonable possibility that judgment could be rendered against the person.

640.2(3) Determine if the person is entitled to any exceptions provided by law.

640.2(4) Determine if the security required following an accident is reasonable and make adjustments deemed necessary or proper.

This rule is intended to implement Iowa Code chapter 17A and section 321A.2.

761—640.3(321,321A) Accident reporting requirements. Accident reporting requirements are specified in Iowa Code section 321.266 and on Form 433002, “Iowa Accident Report Form,” which is available from law enforcement officers, driver’s license service centers, or the motor vehicle division at the address in subrule 640.1(3).

This rule is intended to implement Iowa Code sections 321.266, 321.269 and 321A.4.

761—640.4(321A) Security required following accident. Following an accident, security is required pursuant to Iowa Code section 321A.5. For the purposes of determining the 60-day time frame under Iowa Code section 321A.5(1), a “report of a motor vehicle accident” includes a new or amended law enforcement officer accident report submitted to the department under Iowa Code section 321.266(3); a new or amended driver accident report, Form 433002, submitted to the department under Iowa Code section 321.266(2); any supplemental report submitted to the department under Iowa Code section 321.267; proof of transfer of ownership of a vehicle involved in the accident that occurred prior to the date of the accident; proof of identity of a driver incorrectly identified in an initial accident report; or proof of loss submitted by an insurance carrier authorized to transact insurance business in Iowa or its authorized subrogation provider. Nothing in this rule is to be construed to extend the duration of a suspension issued under Iowa Code section 321A.5 beyond the period authorized in Iowa Code section 321A.7.

640.4(1) Suspension.

a. If the security requirements of Iowa Code section 321A.5 are not met, the department shall suspend all licenses of the driver and all registrations of the owner.

b. The suspension takes effect 30 days after a suspension notice is served pursuant to rule 761—615.37(321). The notice is to inform the person of the amount of security required. The duration of the suspension is provided in Iowa Code section 321A.7.

640.4(2) Security—amounts and type.

a. The amount of security required of the uninsured driver and owner is to be determined from reports of the drivers involved in the accident, reports of investigating officers, and supplemental information obtained from persons involved in the accident concerning amounts of damage and injury sustained. Form 431074, “Insurance Request Letter,” may be mailed to parties to the accident for supplemental information. The security required may be reduced after the notice has been served if evidence of exact costs is submitted to the department. The amount of security shall not exceed the minimum limits of liability for death or injury specified in Iowa Code chapter 321A.

b. The security is to be deposited with the department at the address in subrule 640.1(3) in one of the following forms:

(1) Cash.

(2) Cashier’s check, certified check, bank draft, or postal money order payable to: Treasurer, State of Iowa.

(3) Surety bond issued by a company authorized to transact insurance business in Iowa pursuant to Iowa Code section 321A.24.

640.4(3) Security disposition.

a. Security is held by the state treasurer and can be released only for payment of a judgment or as otherwise provided in Iowa Code section 321A.10; by a court, including by Form 431097, “Order for Release of Security”; or by Form 433010, “Assignment and Release.”

b. The security can be refunded at any time as follows:

(1) When compliance as provided in subrule 640.4(5) is presented to the motor vehicle division at the address in subrule 640.1(3); or

(2) When, after one year has elapsed from the date of the accident, Form 433007, "Affidavit for Reinstatement or Refund of Security," is completed by the depositor; the form indicates that no action has been initiated or judgment rendered; and the form is submitted to the motor vehicle division. Upon receipt of the form, the motor vehicle division may confirm the facts contained therein with the district court of the county where the accident occurred or any other court of competent jurisdiction.

640.4(4) Exceptions to requirement of security. A person who qualifies for an exception under Iowa Code section 321A.6(3), 321A.6(4) or 321A.7(3) must submit proof to the department at the address in subrule 640.1(3) showing that the person qualifies for the applicable exception as follows:

a. General release from liability. A qualified person is to submit Form 431036, "General Release." The signature of the party giving the release is to be notarized or witnessed by a disinterested person. The release is to be accompanied by a power of attorney or subrogation authority if signed by a person other than the party sustaining damage or injury. If the party giving release is a minor, the release is to be signed by the parent or legal guardian of the minor. The department may accept an equivalent alternative form to prove a person's general release from liability.

b. Duly acknowledged written agreement release. A qualified person is to submit Form 181301, "Agreement." Complete information is to be provided on the form including the total amount of settlement agreed upon by the parties involved and a release of liability upon fulfillment of payments. The signatures of all parties to the agreement are to be notarized. The release is to be accompanied by a power of attorney or subrogation authority if signed by a person other than a party sustaining damage or injury. If the party giving release is a minor, the release is to be signed by the parent or legal guardian of the minor. This documentation demonstrates compliance only for a party who has agreed to make payment and whose signature appears on the agreement release. The department may accept an equivalent alternative form to prove that a person has executed a duly acknowledged written agreement.

c. Court-certified confession of judgment. A qualified person is to submit a court-certified copy of a confession of judgment, including the total sum to be paid, the payment schedule agreed to by the parties, the signature of both parties, and proof of loss if the judgment is to be paid to a subrogation authority.

d. Accord and satisfaction. A qualified person is to submit documentation that one party to an accident or the party's insurance carrier has accepted liability for the accident and has compensated the other party to the accident for damages and injuries. This documentation does not demonstrate compliance for a third party.

e. Covenant not to sue. A qualified person is to submit documentation of a covenant not to sue that is given to a party to an accident as compliance by another party to the accident when a release would damage any claim against a third party.

f. Proof of no-fault or no reasonable possibility of judgment. A qualified person is to submit proof that the person is not at fault for the accident or that there is no reasonable possibility of judgment being rendered against a person in any of the following ways:

- (1) The investigating officer's report of the accident indicates the other driver caused the accident.
- (2) The other driver admits causing the accident.
- (3) Witness statements indicate the other driver caused the accident.
- (4) The other driver is convicted of a violation that caused the accident.

g. Adjudication of nonliability. A qualified person is to submit a certified copy of a final court judgment that is rendered in a civil damage action resulting from the accident and that relieves the person of any obligation to pay damages.

h. Bankruptcy. A qualified person is to submit a copy of the decree for bankruptcy showing that all possible claims against the person arising from the accident have been scheduled in the bankruptcy decree.

i. Owner exception under Iowa Code section 321A.6(3). A qualified vehicle owner is to submit documentation that the vehicle was being operated at the time of an accident without the owner's permission, express or implied. This exception does not apply to a person who was driving the vehicle at the time of the accident. Acceptable documentation includes the following:

- (1) A police report indicating the vehicle was stolen.

(2) Proof of the driver's conviction of operating the vehicle without the owner's consent at the time of the accident.

(3) A sworn affidavit that the vehicle was being operated without permission at the time of the accident.

(4) A witness affidavit that the driver had been denied use of the vehicle.

j. Owner exception for vehicle sale. A qualified vehicle owner is to submit documentation that the vehicle owner had sold the vehicle involved in the accident and the title had been reassigned to the new owner but that departmental records did not yet show that the title had been transferred when the accident occurred. This exception does not apply to a person who was driving the vehicle at the time of the accident. Acceptable documentation includes the following:

(1) Form 431125, "Affidavit of Seller," completed by both the buyer and seller with signatures notarized or attested to by a member of the department unless the seller certifies under penalty of perjury that the buyer's signature could not be obtained and provides evidence to the satisfaction of the department that supports this certification.

(2) A sworn affidavit by the seller and witnesses to the sale, if any, that the vehicle had been sold, including a description of the vehicle, the date of the sale, the monetary consideration, facts concerning the assignment of title and delivery of possession, and the names of witnesses to the sale, if any.

k. Owner exception for vehicle transfer. A qualified vehicle owner is to submit certified copies of any court order by which ownership of a vehicle was awarded to another party prior to the date of the accident. This exception does not apply to a person who was driving the vehicle at the time of the accident.

This rule is intended to implement Iowa Code sections 321A.4 through 321A.11 and 321A.31.

761—640.5(321A) Judgments. A suspension of license and registrations is required under Iowa Code section 321A.13 when the department receives from the clerk of court a certification of judgment that has remained unsatisfied for at least 60 days pursuant to Iowa Code section 321A.12. Form 431126, "Certification of Judgment," may be used by the clerk of court to report a certified judgment to the department.

640.5(1) Suspension. The suspension becomes effective on the date the suspension notice is served pursuant to rule 761—615.37(321). The notice is to inform the person that the privilege to operate and register motor vehicles in Iowa is suspended until the judgment is satisfied and proof of financial responsibility is shown. The duration of the suspension is provided in Iowa Code section 321A.14.

640.5(2) Suspension—exceptions. A person who qualifies for an exception under Iowa Code section 321A.13, 321A.14 or 321A.16 must submit proof to the department at the address in subrule 640.1(3) that the person qualifies for the applicable exception in one of the following ways:

a. Creditor's consent. To qualify for this exception, the judgment debtor must obtain written consent from the judgment creditor for issuance of the debtor's license and registrations while paying the judgment. If this consent is withdrawn, a new suspension is required in accordance with subrule 640.5(1).

b. Satisfaction of judgment. To qualify for this exception, the judgment debtor must submit a certificate of satisfaction or receipt for payment of the judgment from the clerk of court.

c. Bankruptcy. To qualify for this exception, the judgment debtor must submit a copy of the decree for bankruptcy that includes the judgment debt.

d. Court order for installment payments. To qualify for this exception, the judgment debtor must submit a court order authorizing payment of the judgment in installments. A new suspension, as provided in subrule 640.5(1), is required when the department receives notice of a default in the payments. The default suspension is to continue until the judgment is satisfied or a new court order authorizing payment of the judgment in installments is received.

e. Insurance coverage exception. To qualify for this exception, the judgment debtor who held effective liability insurance coverage at the time of the accident from which the judgment was rendered is to submit a copy of the insurance policy and a letter from the insurance carrier confirming that the insurance carrier was authorized to issue liability insurance, that the insurance carrier did provide

coverage for the debtor in amounts required by the financial responsibility law, and the reason why the insurance carrier has not paid such judgment.

This rule is intended to implement Iowa Code sections 321A.12 through 321A.29 and 321A.31.

761—640.6(321A) Proof of financial responsibility. Proof of financial responsibility is required pursuant to Iowa Code sections 321A.13, 321A.14, 321A.16 and 321A.17. A person's driver's license or nonresident operating privilege remains suspended or revoked until the person has filed proof of financial responsibility with the department. In addition, a person's motor vehicle registrations remain suspended until the person has filed with the department proof of financial responsibility for all motor vehicles registered to that person.

640.6(1) *Duration of proof of financial responsibility.* Proof of financial responsibility is required for two years starting on the effective date of the person's last suspension or revocation that qualifies under Iowa Code section 321A.17.

640.6(2) *Methods of giving proof of financial responsibility.*

a. Proof of financial responsibility may be shown by a liability insurance certificate pursuant to Iowa Code section 321A.19 on Form SR-22, "AAMVA Uniform Financial Responsibility Form," in paper or electronic format approved by the department. The form may include an owner's or operator's policy and effective date and is to identify the policyholder by name, address, driver's license number and birth date; the vehicles covered are to be identified by year, make, model and vehicle identification number. The form is to be certified in accordance with the Iowa financial responsibility law by an insurance carrier authorized to transact insurance business in Iowa or by an insurance carrier authorized by power of attorney. The policy is to be canceled only as provided in Iowa Code section 321A.22. Certification of coverage for an owner's policy authorizes the policyholder to have registrations for the described vehicles. Certification of coverage for an operator's policy does not authorize registrations.

b. Proof of financial responsibility may be given for a person who is an operator in the employ of the owner of the motor vehicle, or who is a member of the immediate family or household of the owner pursuant to Iowa Code section 321A.26, if the owner's insurance carrier certifies for the person required to show proof of financial responsibility. In addition to the requirements in paragraph 640.6(2)"a," the proof of financial responsibility is to identify both the policyholder and the person for whom proof of financial responsibility is given. This certification does not authorize the person required to give proof of financial responsibility to register a motor vehicle.

c. Proof of financial responsibility may be given for a person who is an operator in the employ of an owner of a fleet of motor vehicles if the owner's insurance carrier certifies for the person required to show proof of financial responsibility. Form SR-23, "AAMVA Uniform Financial Responsibility Form," is required in paper or electronic format approved by the department. The form is to identify the policyholder's name and address, policy number, policy dates and effective date. This certification does not authorize the person required to give proof of financial responsibility to register a motor vehicle.

d. Proof of financial responsibility may be given for a person who is an operator in the employ of an owner who has qualified as a self-insurer pursuant to Iowa Code section 321A.34. A certificate of self-insurance may be issued by the department to a person in whose name more than 25 vehicles are registered and who submits a financial statement that is found to be satisfactory to the department. Form SR-1, "Application for Self-Insurance," is to be completed and submitted to the department with a list of all the owner's motor vehicles registered in Iowa identified by make, year, model and vehicle identification number. When the application is approved, the department shall issue Form SR-2, "Self-Insurance Certificate." Failure to pay a judgment pursuant to Iowa Code section 321A.34 or failure to submit an annual financial statement is reasonable grounds for cancellation of the certificate.

640.6(3) *Proof of financial responsibility restriction.* When a person has filed satisfactory proof of financial responsibility in accordance with subrule 640.6(2), and applies for and is otherwise eligible for a driver's license, the department will issue the driver's license with the restriction code as described in 761—subrule 605.8(1).

640.6(4) *Terminating the suspension upon filing of proof of financial responsibility.* When proof of financial responsibility is provided under subrule 640.6(2) and the person is otherwise eligible for licensing or registration, the department will issue a notice terminating the suspension to the person

whose privileges were suspended under Iowa Code section 321A.13, 321A.14, 321A.16 or 321A.17 or rule 761—640.5(321A) or 761—640.6(321A). The person's operating and registration privileges are restricted to the motor vehicles covered under the proof of financial responsibility filed by the applicant, except that a person required to give proof of financial responsibility who holds proof of financial responsibility as an operator may operate a nonowned vehicle provided the owner of that vehicle has liability coverage required under Iowa Code chapter 321A.

640.6(5) *Cancellation of proof of financial responsibility.* A cancellation pursuant to Iowa Code section 321A.22 is to be certified by an authorized insurance carrier representative on Form SR-26, "AAMVA Uniform Financial Responsibility Form," in paper or electronic format approved by the department. The form is to include the name and driver's license number of the policy owner, number of the policy to be canceled and effective date of cancellation.

640.6(6) *Suspension when proof of financial responsibility is canceled.*

a. When a person's proof of financial responsibility is canceled, the person is to immediately refile proof of financial responsibility or surrender the license and registrations to the department.

b. If the person fails to refile proof of financial responsibility, a suspension notice is to be served in accordance with rule 761—615.37(321). The suspension takes effect the date the notice is served. The notice is to inform the person that the privilege to operate and register motor vehicles in Iowa is suspended until proof of financial responsibility is refilled.

640.6(7) *Terminating the proof of financial responsibility requirement.* A notice terminating the requirement to maintain proof of financial responsibility is to be issued to a person who has satisfied proof of financial responsibility requirements pursuant to Iowa Code section 321A.29. If the person's driver's license is still valid, the person may obtain a duplicate driver's license without the restriction under subrule 640.6(3).

640.6(8) *Electronic submission of proof of financial responsibility and cancellation of proof of financial responsibility.* An insurance carrier authorized to transact business in the state of Iowa is to electronically submit proof of financial responsibility and cancellation of proof of financial responsibility in a format approved by the department. No paper submissions of such proof will be accepted by the department from the insurance carrier.

This rule is intended to implement Iowa Code sections 321A.12 through 321A.29, 321A.31 and 321A.34.

761—640.7(321,321A) Transfer of suspended registration. A person whose motor vehicle registration privileges have been suspended may make a bona fide sale pursuant to Iowa Code sections 321.493 and 321A.30. The department will release the suspended registration to permit the registration of the motor vehicle by the purchaser when presented with either the seller's sworn statement on Form 411107, "Notice of Sale of Vehicle and Delivery of Title," or confirmation from the county treasurer that the sale has been made and release of the registration is necessary to complete the transfer of title.

This rule is intended to implement Iowa Code sections 321.493 and 321A.30.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2025-48
Submitted by Kathleen Meradith-Eyers Phone No. 515-231-1230 Meeting Date January 21, 2025
Title Administrative Rules—761 IAC Chapter 641, Financial Liability Coverage Cards

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 641 in accordance with Executive Order 10. The title of the chapter is renamed Financial Liability Coverage.

Proposed Chapter 641 establishes requirements for financial liability coverage cards to provide uniformity and consistency for cards issued by insurers transacting business in Iowa.

The public comment period ended on December 5, 2024. 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 641.

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 financial liability coverage and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 641, “Financial Liability Coverage Cards,” and to adopt a new Chapter 641, “Financial Liability Coverage,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)“j” and 321.20B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 321.1, 321.20B, 321A.24, 321A.25 and 321A.34.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 641 in compliance with Executive Order 10. Proposed Chapter 641 establishes requirements for financial liability coverage cards to provide uniformity and consistency for cards issued by insurers transacting business in Iowa.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 21, 2024. A public hearing was held on the following date(s):

- September 13, 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 December 5, 2024. 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:

December 5, 2024
11 to 11:30 a.m.

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 948 096 839

December 5, 2024
3 to 3:30 p.m.

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 435 599 040

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

CHAPTER 641 FINANCIAL LIABILITY COVERAGE

761—641.1(321) Information and location. Information, assistance, and answers to questions relating to 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 515.244.9124; by email at driver.services@iowadot.us; or by facsimile at 515.239.1837.

761—641.2(321,321A) Definitions.

“*Financial liability coverage*” means the same as defined in Iowa Code section 321.1(24B).

“*Fleet*” means five or more motor vehicles covered under an insurance policy or one or more motor vehicles covered by a bond filed under Iowa Code section 321A.24, a security certificate issued under Iowa Code section 321A.25, or a self-insurance certificate issued under Iowa Code section 321A.34.

“*Registration number*” as used in Iowa Code sections 321.20B, 321A.24(1) and 321A.25(1) means vehicle identification number.

761—641.3(321,321A) Content of financial liability coverage card.

641.3(1) A financial liability coverage card issued by an insurance company for a motor vehicle that is not insured as a part of a fleet is to contain the following information in addition to the requirements stated in Iowa Code section 321.20B(2) “a”:

- a. Policy number.
- b. Effective date of coverage.
- c. Year and make of the insured motor vehicle.
- d. The statement, “Coverage provided by this policy meets the minimum liability limits prescribed by law,” or a statement that is substantially similar.

e. The statement, “This card must be carried in paper or electronic format in the insured motor vehicle at all times,” or a statement that is substantially similar.

641.3(2) A financial liability coverage card issued by an insurance company to the owner of a fleet of vehicles is to contain the following information pursuant to Iowa Code section 321.20B(2) “*b*”:

- a.* Name of insured.
- b.* Policy number.
- c.* Effective and expiration dates of coverage.
- d.* Either the vehicle identification number or the words “all owned vehicles” or the word “fleet.”
- e.* The statement, “Coverage provided by this policy meets the minimum liability limit prescribed by law,” or a statement that is substantially similar.
- f.* The statement, “This card must be carried in paper or electronic format in the insured motor vehicle at all times,” or a statement that is substantially similar.
- g.* An emergency telephone number of either the insurer or the insurance agency.

761—641.4(321,321A) Responsibilities of insurer.

641.4(1) Each insurer issuing financial liability coverage in this state is to furnish a financial liability coverage card to the named insured for each motor vehicle insured for every new policy and every policy renewal issued.

641.4(2) The insurer is to file a true and correct sample copy of its financial liability coverage card with the department of insurance and financial services.

761—641.5(321) Acquisition of additional or replacement motor vehicles. A financial liability coverage card that indicates coverage for a replacement or additionally acquired motor vehicle may be used temporarily in a replacement motor vehicle for 30 days if ownership evidence as described in 761—subrule 400.19(3) is carried in the motor vehicle.

761—641.6(321) New policies. On new policy applications, a binder of liability coverage issued by an insurance agent authorized to conduct insurance business in this state is acceptable proof of financial liability coverage for a period of 30 days from the date of issuance of the binder.

These rules are intended to implement Iowa Code sections 321.1, 321.20B, 321A.24, 321A.25, and 321A.34.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Transportation Development Division Order No. TD-2025-49
Submitted by Charlie Purcell Phone No. 515-239-1592 Meeting Date January 21, 2025
Title Administrative Rules–761 IAC Chapter 101, Farm-to Market Review Board

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 101 in accordance with Executive Order 10.

Proposed Chapter 101 formalizes the process by which the Farm-to-Market Review Board will administer its duties, including the designation of parts of the secondary road network as the farm-to-market road system.

The public comment period ended on December 9, 2024. 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 101.

COMMISSION ACTION:

Moved by _____ Seconded by _____

Division Director Legal State Director

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

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to farm-to-market review board and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 101, “Farm-to-Market Review Board,” 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 306.6A and 307.12(1)“j.”

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 306.6 and 306.6A.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 101 in compliance with Executive Order 10. Proposed Chapter 101 formalizes the process by which the Farm-to-Market Review Board, created by Iowa Code section 306.6, will administer its duties, including the designation of parts of the secondary road network as the farm-to-market road system.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 4, 2024. A public hearing was held on the following date(s):

- September 26, 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 December 9, 2024. 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:

December 9, 2024
10 to 10:30 a.m.

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 779 171 631

December 9, 2024
3 to 3:30 p.m.

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 512 323 376

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

CHAPTER 101 FARM-TO-MARKET REVIEW BOARD

761—101.1(306) Scope. This chapter formalizes the process by which the farm-to-market review board will administer its duties. The board reviews criteria for determining eligibility for inclusion of additional roads into the farm-to-market road system in accordance with Iowa Code sections 306.6 and 306.6A.

761—101.2(306) Definitions.

“Area service roads,” “local roads,” or “local road system” means those secondary roads that are not a part of the farm-to-market road system.

“Board” means the farm-to-market review board.

“Executive board” means the Iowa county engineers association executive board.

“Farm-to-market extensions” means extensions of the farm-to-market road system within municipalities, state parks, state institutions, other state lands, and county parks and conservation areas. The mileage of these extensions of the system is to be included in the total mileage of the farm-to-market road system.

“Farm-to-market roads” or “farm-to-market road system” means those county jurisdiction intracounty and intercounty roads that serve principal traffic generating areas and connect such areas to other farm-to-market roads and primary roads. The farm-to-market road system includes those county jurisdiction roads providing service for short-distance intracounty and intercounty traffic or providing connections between farm-to-market and area service roads and includes those secondary roads that are federal aid eligible. The farm-to-market road system is not to exceed 35,000 miles.

“President” means the president of the Iowa county engineers association.

761—101.3(306) Composition and membership of the board.

101.3(1) The board is composed of 12 county engineers selected by the Iowa county engineers association. Two members are selected from each district to serve staggered terms. After the first complete term rotation as shown below, the members serve six-year terms. Rotations should be staggered so that no more than one-sixth of the membership is rotated off the board in any one year. The rotation of board members should further provide that two members from one district will not be rotated off the board in the same year, and that their rotations will be varied by three years. Board rotation should be as follows and should be extended in future years in the same pattern:

Year	Rotation	
2021	District 1 Representative A	District 4 Representative A
2022	District 2 Representative A	District 5 Representative A
2023	District 3 Representative A	District 6 Representative A
2024	District 1 Representative B	District 4 Representative B
2025	District 2 Representative B	District 5 Representative B
2026	District 3 Representative B	District 6 Representative B

101.3(2) Members are nominated by their districts and approved by the executive board. A county engineer may serve multiple, consecutive terms if so nominated by the county engineer's district. If a county engineer is unable to complete a term for any reason, the president selects another county engineer within the district to serve the balance of the term.

101.3(3) The board selects from its membership a chair and a vice-chair to serve one-year terms. The chair serves at the pleasure of the board and may be elected to multiple terms as deemed appropriate by the board. The vice-chair presides at a meeting in the absence of the chair.

761—101.4(306) Collection of system modification requests and frequency of meetings.

101.4(1) The department of transportation will collect applications for modifications to the farm-to-market road system. The board chair schedules meetings of the board to review accumulated applications for farm-to-market road system modifications. Applications should be filed no less than 21 calendar days prior to each scheduled board meeting.

101.4(2) The board follows the provisions of Iowa Code chapter 21 with regard to open meetings. The chair posts a meeting agenda on the Iowa county engineers association service bureau website and sends copies of the agenda to all counties.

101.4(3) Minutes of each meeting are kept; the chair is responsible for the minutes. Meetings may be recorded to facilitate the preparation of meeting minutes, but any recordings made are not to be retained after the minutes have been completed.

761—101.5(306) Procedure for requesting modifications to the farm-to-market road system. To apply for a modification to the farm-to-market road system, a county files an application through the department of transportation.

101.5(1) The application includes the following:

a. A copy of a resolution of the county board of supervisors requesting the modification to the existing farm-to-market road system. Farm-to-market modifications may include proposed roads, redesignation of area service roads, or transfers of jurisdiction.

b. A report of the county engineer explaining and justifying the addition of new mileage to the farm-to-market road system or the change in the route or farm-to-market classification proposed by the county.

101.5(2) In the case of intercounty routes, joint applications may be filed. Resolutions are necessary of each county.

761—101.6(306) Voting and approval of requested modifications. Each member is a voting member and is eligible to vote at every meeting at which that member is in attendance. Attendance may include

members being present at the meeting through a conference telephone call, Iowa communications network connection, or other electronic means deemed appropriate by the chair.

101.6(1) *Determination of a quorum.* A minimum of eight board members is necessary for a quorum. If a quorum is not present at a meeting, the meeting is rescheduled.

101.6(2) *Number of votes needed to approve or deny a modification.* For a requested modification to the farm-to-market road system to be approved, it needs to receive a minimum of seven affirmative votes; in other words, a majority of the entire board. A motion to deny a requested modification needs to only receive six votes for the denial to be approved.

761—101.7(306) Report of board decision to applicant county. Within 30 calendar days after a board meeting, the chair sends a formal response to each county whose request was acted upon by the board at the meeting. The response appraises each applicant of the decision of the board. If the application is denied, the board provides an explanation of the reasons for the denial.

761—101.8(306) Reapplication for modification. A county may reapply for a modification to the farm-to-market road system if its initial request is denied. The county again follows all provisions for requesting a modification and should be prepared to present additional information in support of the requested change. Any requested system modification that receives two denials is not to be resubmitted for consideration for a minimum of three years.

761—101.9(306) Judicial review. Any county that is aggrieved or adversely affected by a decision of the board may seek judicial review of such agency action under the provisions of Iowa Code section 17A.19.

761—101.10(306) Adoption and modification of rules. The chair directs the board to review these rules annually. Board members may recommend changes to these rules.

761—101.11(306) Severability clause. If any section, provision, or part of these rules is adjudged invalid or unconstitutional, such adjudication will 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 306.6 and 306.6A.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Transportation Development Division Order No. TD-2025-50
Submitted by Charlie Purcell Phone No. 515-239-1592 Meeting Date January 21, 2025
Title Administrative Rules–761 IAC Chapter 160, County and City Bridge Construction Funds

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 160 in accordance with Executive Order 10.

Proposed Chapter 160 implements the county and city bridge construction funding programs.

The public comment period ended on December 11, 2024. 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 160.

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 county and city bridge construction funds and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 160, “County and City Bridge Construction Funds,” 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 312.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 312.2.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 160 in compliance with Executive Order 10. Proposed Chapter 160 implements the county and city bridge construction funding programs in accordance with Iowa Code section 312.2.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 21, 2024. A public hearing was held on the following date(s):

- September 12, 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 December 11, 2024. 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:

December 11, 2024
9 to 9:30 a.m.

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 642 335 738

December 11, 2024
2 to 2:30 p.m.

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 434 886 27

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

SPECIAL HIGHWAY PROGRAMS

CHAPTER 160

COUNTY AND CITY BRIDGE CONSTRUCTION FUNDS

761—160.1(312) Purpose. The purpose of these rules is to establish requirements for the counties' and cities' bridge construction funds in accordance with Iowa Code section 312.2.

761—160.2(312) Contact information. Questions regarding this chapter may be directed to the Local Systems Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

761—160.3(312) Administration of funds. The department allocates the funds to counties and cities for bridge construction and reconstruction projects based on need, and the funds will be administered by the local systems bureau.

160.3(1) The county bridge construction fund is to be allocated for projects on secondary roads as determined by the department after consultation with county officials through their representative organizations.

160.3(2) The city bridge construction fund is to be allocated for projects on city streets as determined by the department after consultation with city officials through their representative organizations.

160.3(3) To be considered for funding, a proposed project needs to be on the appropriate eligibility list maintained by the department.

a. The department maintains a county bridge construction fund eligibility list and a city bridge construction fund eligibility list.

b. A local jurisdiction may propose a project by submitting a project application to the local systems bureau.

c. Unless otherwise agreed to by the city and county, a proposed project for a bridge located on the line dividing incorporated and unincorporated areas is to be placed on the eligibility list that corresponds to the jurisdiction submitting the application.

160.3(4) Prior to allocation, the department ranks the proposed projects within each eligibility list by a priority system based on needs, as developed under subrules 160.3(1) and 160.3(2). The priority system will include various items, such as but not limited to structural condition, traffic, and detour length. For each list, the department allocates funds, within the limits of funding availability, to those projects ranked as having the greatest needs.

These rules are intended to implement Iowa Code section 312.2.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Transportation Development Division Order No. TD-2025-51
Submitted by Charlie Purcell Phone No. 515-239-1592 Meeting Date January 21, 2025
Title Administrative Rules—761 IAC Chapters 700, Aeronautics Administration; 710, Airport Improvement Program; 715, Air Service Development Program; 716, Commercial Service Vertical Infrastructure Program; and 717, General Aviation Vertical Infrastructure Program

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind Chapters 710, 715, 716, and 717 and repromulgate Chapter 700 in accordance with Executive Order 10. The title of Chapter 700 is renamed Aeronautics Programs Administration.

Proposed Chapter 700 establishes the procedures for a governmental subdivision to apply for and use state or federal funds for the improvement of airports, air service, and air navigation facilities. The chapter implements Iowa Code chapters 328, 330, and 330A and section 8.57(5).

The consolidation of five chapters into one simplifies and significantly reduces the size of the Iowa Administrative Code, while creating consistencies and a better understanding of aviation program administration.

The public comment period ended on December 4, 2024. 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 Chapters 710, 715, 716, and 717 and approve repromulgating Chapter 700.

		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 aeronautics programs administration and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 700, “Aeronautics Administration”; to adopt a new Chapter 700, “Aeronautics Programs Administration”; and to rescind Chapter 710, “Airport Improvement Program,” Chapter 715, “Air Service Development Program,” Chapter 716, “Commercial Service Vertical Infrastructure Program,” and Chapter 717, “General Aviation Vertical Infrastructure Program,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)“j” and 328.12.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 8.57(5) and chapters 328, 330 and 330A.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 700 in compliance with Executive Order 10. Proposed Chapter 700 establishes the procedures for a governmental subdivision to apply for and use state or federal funds for the improvement of airports, air service, and air navigation facilities. The chapter implements Iowa Code chapters 328, 330, and 330A and section 8.57(5). The chapter name is changed from Aeronautics Administration to Aeronautics Programs Administration. The following chapters are being rescinded and their content combined into this repromulgated chapter:

- Chapter 700 (Aeronautics Administration);
- Chapter 710 (Airport Improvement Program);
- Chapter 715 (Air Service Development Program);
- Chapter 716 (Commercial Service Vertical Infrastructure Program); and
- Chapter 717 (General Aviation Vertical Infrastructure Program).

The consolidation of five chapters into one simplifies and significantly reduces the size of the Iowa Administrative Code, while creating consistencies and a better understanding of aviation program administration.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 4, 2024. A public hearing was held on the following date(s):

- September 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 December 4, 2024. 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 or in writing will be held as follows:

December 4, 2024 11 to 11:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 830 920 715
December 4, 2024 2 to 2:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 904 864 183

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

AERONAUTICS

CHAPTER 700

AERONAUTICS PROGRAMS ADMINISTRATION

761—700.1(328,330,330A) Purpose. These rules establish the procedures for a governmental subdivision to apply for state or federal funds for the improvement of airports, air service, and air navigation facilities.

761—700.2(328,330,330A) Definitions. The definitions in Iowa Code sections 328.1, 330.1, and 330A.2 apply to this chapter. In addition:

“FAA” means the Federal Aviation Administration.

“Sponsor” means the person or governmental subdivision that has the authority for improving, maintaining and operating an aviation facility.

“Vertical infrastructure” means the same as defined in Iowa Code section 8.57(5).

761—700.3(328,330,330A) Information and forms. Program information, forms, and application and submission instructions are available on the department’s website at www.iowadot.gov/aviation. Requests for such materials or assistance may also be made by calling the modal transportation bureau at 515.239.1048. The mailing address is: Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

761—700.4(330) Federal airport improvement program.

700.4(1) Federal preapplications. Federal preapplications are submitted to the department.

700.4(2) Applicant eligibility. A governmental subdivision owning a public airport that is listed in the FAA’s National Plan of Integrated Airport Systems (NPIAS) is eligible to apply for federal funds. The NPIAS published report is available at the FAA website: www.faa.gov/airports. An airport that receives federal primary commercial service entitlement funds is not required to submit preapplications.

700.4(3) Project eligibility. Projects are to meet the FAA eligibility guidelines for federal airport improvement projects. Federal airport improvement program guidelines are available at the FAA website: www.faa.gov/airports.

700.4(4) Preapplication.

a. The department will distribute preapplication instructions and forms annually to each eligible applicant.

b. The completed preapplication for federal airport improvement funds are submitted to the department according to the method and time frame specified in the annual application instructions.

700.4(5) Project prioritization.

a. The department will review each completed preapplication for project eligibility and consistency with the state aviation system plan. The department will prioritize projects based on the goals and objectives in the state aviation system plan.

b. The commission is responsible for approving the prioritization of the preapplications.

c. The department will submit the preapplications with priorities identified to the FAA, and the FAA will contact the applicant directly concerning all subsequent action on the preapplication.

761—700.5(328) State airport improvement program.

700.5(1) Applicant eligibility.

a. A governmental subdivision owning or establishing a public airport is eligible to apply to the department for state airport improvement funds.

b. Participation in air service development projects is limited to airports currently receiving scheduled airline or commuter air service options and are designated as commercial service airports in the Iowa aviation system plan. An airport that loses air service completely may remain eligible for participation in the two following and consecutive annual application cycles if 100 percent of the grant amounts are used according to conditions of the air service grant and solely toward efforts to reestablish air service for that affected airport.

700.5(2) Eligible project activities.

a. Statewide projects administered by the department include but are not limited to planning studies, aviation weather systems, airport markings, immediate safety enhancements, wildlife mitigations, windsocks, education, and outreach.

b. Airport projects may include but are not limited to runway, taxiway, and apron surfaces; lighting and navigational aids; obstruction removal; grading, drainage, and surfacing airfield surfaces and protection areas; signage, security access control and lighting; planning; and other airport enhancements. A project that involves airfield infrastructure is to comply with the airport master plan or airport layout plan as adopted by the governmental subdivision.

c. Air service development activities eligible for reimbursement include but are not limited to marketing, entry support, data collection, and items defined on the annual application.

700.5(3) *Funding.* The department establishes the maximum percentage of state share for eligible projects and may annually set a maximum dollar amount per award. Funding criteria are included in application instructions provided to airport sponsors.

700.5(4) *Application for funding.*

a. The department will make available the application instructions and forms to each public airport in Iowa. Applications are to be submitted to the department by the due date specified in the instructions.

b. Immediate safety enhancement project applications may be submitted at any time during the year to the department according to instructions that are part of the application form.

700.5(5) *Review and approval.* The department will review each completed application and evaluate the impact of the project on the aviation system considering the following factors: state system plan airport roles, goals and objectives; justification provided; ability to enhance aeronautical activity for the airport and system; local participation; and multijurisdictional support of the airport. The department will recommend projects to the commission for approval.

761—700.6(328) Commercial service vertical infrastructure program.

700.6(1) *Purpose.* The purpose of the commercial service vertical infrastructure program is to provide funding for vertical infrastructure improvements at Iowa's commercial service airports.

700.6(2) *Applicant eligibility.* Airports currently receiving scheduled airline or commuter air service and designated as commercial service airports in the Iowa aviation system plan are eligible to apply to the department for funding. An airport that loses air service completely may remain eligible for participation in the two following and consecutive annual application cycles if the airport is actively seeking reestablishment of air service.

700.6(3) *Eligible project activities.* Facilities eligible for reimbursement include but are not limited to terminal building, hangar, fuel facility, and maintenance facility construction or renovation. Activities may include associated design, land acquisition, grading and foundation work.

700.6(4) *Funding.* Unless otherwise appropriated, funds are distributed to commercial service airports using a 50/40/10 formula. Fifty percent of funds are allocated equally between each airport, forty percent are allocated based on the percentage of enplaned passengers at each airport versus the total number of enplaned passengers in the state, and ten percent are allocated based on the percentage of the air cargo tonnage at each airport versus the total tonnage in the state.

700.6(5) *Application for funding.* The department will make available application instructions and forms to eligible airports. Applications are to be submitted to the department by the due date specified in the instructions.

700.6(6) *Review and approval.* The department will review each completed application for eligibility and recommend projects and funding levels to the commission for approval.

761—700.7(328) General aviation vertical infrastructure program.

700.7(1) *Purpose.* The purpose of the general aviation vertical infrastructure program is to provide funding for vertical infrastructure improvements at Iowa's general aviation airports.

700.7(2) *Applicant eligibility.* A governmental subdivision owning or establishing a public airport is eligible to apply to the department for funding.

700.7(3) *Eligible project activities.* Facilities eligible for reimbursement include but are not limited to terminal building, hangar, fuel facility, and maintenance facility construction or renovation. Activities may include associated design, land acquisition, grading and foundation work.

700.7(4) *Funding.* The department establishes the maximum percentage of state share for eligible projects and may annually set a maximum dollar amount per award. Funding criteria are included in application instructions provided to airport sponsors.

700.7(5) *Application for funding.* The department will make available application instructions and forms to eligible airports. Applications are to be submitted to the department by the due date specified in the instructions.

700.7(6) *Review and approval.* The department will review each completed application and evaluate the impact of the project on the aviation system considering the following factors: state system plan airport roles, goals and objectives; justification provided; ability to enhance aeronautical activity for the airport and system; local participation; and multijurisdictional support of the airport. The department will recommend projects to the commission for approval.

761—700.8(328,330,330A) Project administration. After a project has been approved by the commission, the department will offer the award in an agreement that specifies responsibilities of the sponsor. The agreement is to specify the amount of state funds, the contract period, and the responsibilities for project planning, development, payment process, and reporting. The department may inspect the project for compliance with the agreement and may audit all project costs incurred. Payments to the airport sponsor for eligible project costs are made on a cost reimbursement basis. Project-related engineering fees are an eligible expense and are reimbursed in compliance with the agreement.

These rules are intended to implement Iowa Code section 8.57(5) and chapters 328, 330 and 330A.

ITEM 2. Rescind and reserve **761—Chapter 710.**

ITEM 3. Rescind and reserve **761—Chapter 715.**

ITEM 4. Rescind and reserve **761—Chapter 716.**

ITEM 5. Rescind and reserve **761—Chapter 717.**

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Transportation Development Division Order No. TD-2025-52
Submitted by Charlie Purcell Phone No. 515-239-1592 Meeting Date January 21, 2025
Title Administrative Rules—761 IAC Chapter 720, Iowa Airport Registration

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 720 in accordance with Executive Order 10.

Proposed Chapter 720 implements Iowa code section 328.19 that requires airports that are open for use by the public to register and meet minimum safety standards promulgated by the department. Chapter 720 promulgates airport registration rules and minimum safety standards. It also identifies airport closing requirements to ensure public safety and addresses repayment of financial assistance as required by previous legislation.

The public comment period ended on December 5, 2024. 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 720.

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 Iowa airport registration and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 720, “Iowa Airport Registration,” 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,” 328.12 and 328.19 and 2016 Iowa Acts, chapter 1131, section 3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and sections 328.1, 328.12, 328.19 and 328.35 and 2016 Iowa Acts, chapter 1131, section 3.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 720 in compliance with Executive Order 10. Iowa Code section 328.19 requires airports open for use by the public to register and meet minimum safety standards promulgated by the Department. Proposed Chapter 720 promulgates airport registration rules and minimum safety standards. It also identifies airport closing requirements to ensure public safety and addresses repayment of financial assistance as required by previous legislation.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 4, 2024. A public hearing was held on the following date(s):

- September 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 December 5, 2024. 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:

December 5, 2024 10 to 10:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 457 007 91
December 5, 2024 2 to 2:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 544 572 847

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

CHAPTER 720 IOWA AIRPORT REGISTRATION

761—720.1(328) Scope and contact information.

720.1(1) This chapter establishes airport registration and airport closing requirements for airports open for use by the public.

720.1(2) Questions regarding this chapter may be directed to the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.239.1468; or through the department's website at www.iowadot.gov/aviation.

761—720.2(328) Definitions. The definitions in Iowa Code section 328.1 apply to this chapter. In addition:

“Obstruction” means any structure, object of natural growth, or use of land that impedes the airspace required for the takeoff or landing of aircraft at an airport.

“Private use” means available for use by the owner or other persons authorized by the owner.

“Public use” means available for use by the public without prior approval from the owner or operator.

761—720.3(328) Public-use airport. Airport registration requirements apply to public-use airports.

720.3(1) Registration. An airport is to apply to the department when seeking a public-use airport certificate of registration. If following an inspection, the airport meets minimum safety standards, the department will issue the airport a public-use airport certificate of registration.

720.3(2) Registration renewal. Each public-use airport certificate of registration renews automatically each year unless the certificate is revoked. When an airport is to be inspected by the

department, the airport will be provided with an airport registration application and will need to apply for registration renewal.

720.3(3) *Airport inspection.* Each registered public-use airport is subject to inspection by the department at any reasonable time, but the airport will be inspected no less than every three years. If the inspection by the department reveals an unsafe condition or a failure to meet the minimum safety standards, the department will record that fact and notify the airport in writing with necessary corrective actions. Failure to implement corrective actions may result in airport registration revocation or denial. Federal Aviation Administration (FAA) inspection of an airport certified under 14 CFR Part 139 may be accepted in lieu of an inspection by the department.

720.3(4) *Posting.* The airport certificate of registration is to be posted in a prominent place available to the public at the airport. If there are no buildings at the airport, the certificate is to be displayed at the office of the airport manager or caretaker. If a certificate of registration is revoked by the department, it must be removed from public view and destroyed.

761—720.4(328) Revocation or denial. The department may revoke or deny a certificate of registration pursuant to Iowa Code section 328.19.

761—720.5(328) Corrective action plan. If an airport is not in compliance with minimum safety standards, the airport may submit a proposed corrective action plan that identifies a time period up to six years to bring the airport into compliance. The plan must be reasonable and attainable. The plan is subject to approval by the department, and if approved, the department may issue a certificate of registration that can be revoked at any time if an unsafe condition develops.

761—720.6(328) Minimum safety standards. The minimum safety standards for a public-use airport are as follows:

720.6(1) *Runways.*

- a. *Width.* The minimum usable runway width will be 50 feet.
- b. *Marking of paved runways.* Marking of paved runways will be in accordance with FAA Circular 150/5340-1M (Standards for Airport Markings) as amended through May 10, 2019.
- c. *Marking of nonpaved runways.* Marking of nonpaved runways will use high-visibility yellow airport marking cones no less than 36 inches in diameter and 24 inches tall.

- (1) Runway edge marking cones are to be placed 200 feet apart outlining the length of the runway surface.

- (2) Runway ends are to be marked using six marking cones placed perpendicular to the runway heading.

- (3) Displaced thresholds are to be marked by adding three marking cones from each runway edge at the point of the threshold location along the length of the runway surface.

- d. *Surfaces.* Runway surfaces will be free of foreign debris and surface deficiencies that could impede the ability of aircraft to land or take off.

- e. *Winter operations.*

- (1) During and following winter events, runways and other operational areas are to be cleared as quickly as practical.

- (2) To the extent possible, snow pile height is to be minimized.

- (3) Notices to Air Missions (NOTAMS) are to be issued with the FAA to alert aircraft operators when an airport is unusable or unsafe for aircraft operations. NOTAMS should identify the closure of an airport or affected runways and provide a reasonable estimate of when the airport will be cleared and reopened for public use.

- (4) If an airport does not intend to conduct winter operations for a winter season, it will be noted in the FAA's Airport Master Record and Chart Supplement so pilots are aware snow removal and other winter operations will not occur.

- f. *Unusable and unsafe runways.* When a runway has become temporarily unusable or unsafe for aircraft operations, the affected area will be marked by suitable flags, barriers or flares clearly showing the boundaries of the unsafe or unusable area.

- (1) Affected runways are to be marked in accordance with guidelines in rule 761—720.7(328).
- (2) NOTAMS are to be issued to close the airport or affected runways and provide a reasonable estimate of when the airport is to be reopened for public use.

g. *Line of sight.* Runway sight distance will provide an unobstructed line of sight from any point 5 feet above the runway surface to any point 5 feet above the runway surface for the entire length of the runway, or the sponsor shall note in the FAA's Airport Master Record and Chart Supplement, so pilots are aware of the line-of-sight obstruction.

720.6(2) Approach zones.

a. *Approach surface.* The approach zone of a runway extends from the runway end (or displaced threshold) and is longitudinally centered on the runway centerline for a horizontal distance of 1,000 feet. The width is 250 feet starting at the runway end and widens out to 450 feet at the farthest point from the runway.

b. *Approach obstructions.* Approaches are to remain free of obstructions above a glide path of a 20:1 ratio within the approach zone of each usable runway. If an obstruction exists in an approach zone that impedes the airspace required for the takeoff or landing of aircraft, the obstruction should be removed. If removal of the obstruction is not possible, the runway threshold is to be displaced. The runway length remaining between the displaced threshold and the departure end of the runway is the landing distance available.

c. *Crops in approach zones.* Crops are not considered an approach zone obstacle.

d. *Consideration for vehicles and trains.* When the approach zone to any runway crosses a road or railroad, the glide path on a 20:1 ratio shall pass at least 17 feet above an interstate highway, 15 feet above any other public roadway, 10 feet above a private road, and 23 feet above a railroad.

720.6(3) Obstruction-free areas.

a. *General obstruction-free areas.* The following areas of the airport will be free of obstructions with the exception of operational and frangible equipment that is essential for operation of the airport. For this subrule, obstructions include any object of natural growth, terrain, construction hazards, equipment, crops or grass taller than 8 inches, or other items that would provide a potential hazard to aircraft operations on the ground or in the air:

- (1) Paved runways.
 1. Within 125 feet of the centerline.
 2. Within 200 feet of the runway end.
- (2) Nonpaved runways.
 1. Within 60 feet of the centerline.
 2. Within 10 feet of runway edge markers along the entire length of the runway.
- (3) Automated weather observing equipment.
 1. Any airport property or easement located within a 100-foot radius.
 2. Reserved.

b. *Building obstruction-free areas.* In no case may a building be constructed closer than 125 feet from a runway centerline of a paved runway or 50 feet from the edge of a nonpaved runway.

720.6(4) Facilities.

a. *Wind indicator.* The airport is to be equipped with an 18-inch diameter or larger windsock, blaze orange in color. If the airport is lighted for night operation, the windsock is to be lighted.

b. *Fire extinguishers.* At least one operational fire extinguisher capable of extinguishing all classes of fires is to be readily accessible to aircraft fueling or ramp areas.

c. *Lighting.* If an airport is published to have lighting for night operation:

- (1) The system is to be operable.
- (2) The airport is to be lighted from dusk to dawn or have an operable air-to-ground controller for the lighting system.

761—720.7(328) Airport closing.

720.7(1) Notice. When an airport ceases operation for any reason, the sponsor must notify the department, destroy the certificate of registration and mark the landing area to clearly indicate that the airport is closed to air traffic.

720.7(2) *Marking.* All marking indicating a usable runway is to be obliterated. The sponsor will place at a central location a yellow X in accordance with FAA Advisory Circular 150/5340-1M (Standards for Airport Markings) as amended through May 10, 2019.

720.7(3) *Temporary closing.* When conditions, not related to a winter event, require the temporary closing of a runway, the runway is to be marked on both ends with a yellow X in accordance with FAA Advisory Circular 150/5340-1M (Standards for Airport Markings) as amended through May 10, 2019.

720.7(4) *Repayment of financial assistance.* Within 30 days of closing an airport (other than temporary closing), the sponsor is to request from the department a review of contractual obligations that require repayment of financial assistance. The department will provide a determination detailing grant obligations that must be repaid. Any repayment of grants is to be made to the department in no more than five equal annual installments, beginning one year from the airport's closure date. If an alternative future use of the airport facility is planned for a project that creates jobs and expands the economy, the sponsor may, within 30 days of the department's determination, request forgiveness of repayment. The request must include a plan detailing the alternative future use of the airport facility, an explanation of how the alternative future use creates jobs and expands the economy, a cost-benefit analysis from the sponsor, a commitment of private investment in the project equal to at least two times the amount of repayment due to the state, and a commitment from the sponsor, or associated political subdivision(s), to complete the alternative use project within five years. The department will review the request for forgiveness of repayment and approve or deny the request within 60 days of receipt.

761—720.8(17A) *Hearing and appeal process.* A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13.

These rules are intended to implement Iowa Code chapter 17A and sections 328.1, 328.12, 328.19 and 328.35.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Transportation Development Division Order No. TD-2025-53
Submitted by Charlie Purcell Phone No. 515-239-1592 Meeting Date January 21, 2025
Title Administrative Rules—761 IAC Chapter 750, Aircraft Registration

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 750 in accordance with Executive Order 10.

Proposed Chapter 750 establishes procedures for the registration and collection of aircraft registration fees and use tax for civil aircraft in Iowa. Aircraft registration fees are deposited to the State Aviation Fund for use on safety, planning, and airport development projects as recommended by the department and approved by the Iowa Transportation Commission.

The public comment period ended on December 6, 2024. 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 750.

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 aircraft registration and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 750, “Aircraft Registration,” 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 328.12.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 328.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 750 in compliance with Executive Order 10. Proposed Chapter 750 establishes procedures for the registration and collection of aircraft registration fees and use tax for civil aircraft in Iowa. Aircraft registration fees are deposited to the State Aviation Fund for use on safety, planning, and airport development projects as recommended by the Department and approved by the Iowa Transportation Commission.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 4, 2024. A public hearing was held on the following date(s):

- September 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 December 6, 2024. 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 or in writing will be held as follows:

December 6, 2024
9 to 9:30 a.m.

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 666 207 895

December 6, 2024
2 to 2:30 p.m.

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 154 133 939

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

CHAPTER 750 AIRCRAFT REGISTRATION

761—750.1(328) General.

750.1(1) Scope. This chapter establishes the procedures for registration of civil aircraft pursuant to Iowa Code chapter 328.

750.1(2) Contact. Information, instructions, and forms are available from the modal transportation bureau or on the department's website at www.iowadot.gov/aviation. Application forms may also be obtained from aircraft dealers. The mailing address for aircraft registration is the Iowa Department of Transportation, Modal Transportation Bureau, Aircraft Registration, 800 Lincoln Way, Ames, Iowa 50010.

750.1(3) Definitions. The definitions in Iowa Code section 328.1 apply to this chapter. In addition, the following definition is established for the purpose of Iowa Code section 328.21(8):

“Specified minimum level of aviation services to the general public” means the use of aircraft that provide nonagricultural aviation services, including aircraft rental, flight training, or passenger and cargo air carrier operations.

This rule is intended to implement Iowa Code chapter 328.

761—750.2(328) Registration. When an aircraft is registered in Iowa, the model year of the aircraft is used to determine the number of times the aircraft was previously registered, and a reduction of the registration fee is computed accordingly. “Model year,” except where otherwise specified, means the year of original manufacture or the year certified by the manufacturer. For the purpose of registration, the model year advances one year each January 1.

This rule is intended to implement Iowa Code section 328.21.

761—750.3(328) First registration procedure.

750.3(1) *Registration requirement.* A civil aircraft that has an FAA-assigned N number is subject to registration in Iowa unless it is exempt by statute.

750.3(2) *Application.*

a. The owner of an unregistered aircraft is to submit to the department an application for aircraft registration on a form prescribed by the department.

b. The application is to include the registration fee and the required use tax or evidence of tax exemption.

c. Following review of the application, the department may request additional information or documents from the owner.

d. Upon receipt of a completed application, registration fee, and use tax or evidence of tax exemption, the department will issue to the applicant an aircraft registration certificate for the aircraft.

This rule is intended to implement Iowa Code sections 328.20, 328.21, 328.26, 328.27, 328.44 and 328.45.

761—750.4(328) Aircraft not airworthy. An aircraft that is not airworthy is not subject to registration fees if the owner submits with the registration application a written, signed explanation of the aircraft's condition and an estimate of the date when the aircraft will be airworthy. The department will mark the record of the aircraft until the owner notifies the department that the aircraft is airworthy or until the aircraft is no longer subject to registration in Iowa.

This rule is intended to implement Iowa Code section 328.21.

761—750.5(328) Renewal notice. Thirty days before the end of the registration year, the department will send a renewal notice to the owner of each registered aircraft. The renewal notice will include the registration fee due for the upcoming registration year and the descriptive data recorded for the aircraft.

This rule is intended to implement Iowa Code sections 328.20, 328.21, 328.26, 328.27, 328.37 and 328.56A.

761—750.6(328) Penalty on registration fees.

750.6(1) *Aircraft moved into Iowa.* The penalty on the registration fee accrues from the first day of the month following 30 days from the date the aircraft is moved into Iowa.

750.6(2) *When delinquency extends beyond the current year.* When the penalty on a delinquent registration fee extends beyond the current year, the penalty continues to accrue until paid. The penalty accrues only on the fee applicable at the time the delinquency accrued and is to apply to subsequent registration fees that have not been paid.

750.6(3) *Specific penalty date.* When a specific penalty date is provided by statute or rule, the penalty accrues from that date, even if the day is a Saturday, Sunday or holiday.

This rule is intended to implement Iowa Code sections 328.50 through 328.52.

761—750.7(328) Application for special certificate. When applying to the department for a special certificate, the applicant is to submit reasonable proof of bona fide status as a manufacturer, transporter or dealer. Manufacturer or dealer applicants are to verify that no aircraft have been held in a dealer special certificate inventory for a period of more than three years.

This rule is intended to implement Iowa Code sections 328.28 and 328.29.

761—750.8(328) Lien. The department has the authority to record a lien against the federal aircraft title and sue to collect unpaid fees and penalties.

This rule is intended to implement Iowa Code sections 328.47 through 328.49.

761—750.9(17A) Hearing and appeal process. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13.

This rule is intended to implement Iowa Code chapter 17A.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
Division/Bureau/Office Local Systems Bureau Order No. TD-2025-54
Submitted by Debra Arp Phone No. 515-239-1681 Meeting Date January 21, 2025
Title Iowa's Clean Air Attainment Program Funding Recommendations

DISCUSSION/BACKGROUND:

Review of the current round of applications for funding from the Iowa's Clean Air Attainment Program has been completed. The following recommendations will be presented.

Enterprise Commute Vanpool (Region 6 Planning Commission)	\$ 115,200
Hammond Avenue and Ridgeway Avenue Roundabout (Waterloo)	\$ 700,000
SE 14th Street (U.S. 69) Corridor Adaptive Signal Control (Des Moines)	\$2,075,000
U.S. 6 & NW 111th Street Improvements Related to I-35/80 Interchange Reconstruction (Urbandale & Clive)	\$1,109,800
Total	\$4,000,000

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the Iowa's Clean Air Attainment Program funding recommendations, as listed.

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

Transportation Development Division
Division/Bureau/Office Local Systems Bureau Order No. TD-2025-55
Submitted by Debra Arp Phone No. 515-239-1681 Meeting Date January 21, 2025
Title Federal Recreational Trails Program Funding Recommendations

DISCUSSION/BACKGROUND:

Review of the current round of applications for funding from the Federal Recreational Trails Program has been completed. The following recommendations will be presented.

Estherville River Recreation Enhancement Project (Estherville)	\$ 650,000
Iowa River's Edge Trail: Bridge Improvements (Hardin County)	\$ 438,475
Off-Highway Vehicle Park Equipment (Iowa Department of Natural Resources)	\$ 272,000
Snow Trail Maintenance Equipment (Iowa State Snowmobile Association)	\$ 260,000
Total	\$1,620,475

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the Federal Recreational Trails Program funding recommendations, as listed.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

Division
Director

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State Director

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
Division/Bureau/Office Local Systems Bureau Order No. TD-2025-56
Submitted by Debra Arp Phone No. 515-239-1681 Meeting Date January 21, 2025
Title Statewide Transportation Alternatives Set-aside Program Funding Recommendations

DISCUSSION/BACKGROUND:

Review of the current round of applications for funding from the Statewide Transportation Alternatives Set-aside Program has been completed. The following recommendations will be presented.

Safe Routes to School Projects

15th Street Safe Routes to School Sidewalk (Marion)	\$ 544,000
Iowa Safe Routes Partnership (Iowa Northland Regional Council of Governments)	\$ 283,482
Plum Street Safe Routes to School Project (Tipton)	\$ 231,740
Tama-Toledo Safe Routes to School Improvements (Tama)	\$ 602,284
Vine Street Safe Routes to School Project (Hartford)	\$ 733,226

All Other Projects

UNI Integrated Roadside Vegetation Management (University of Northern Iowa Tallgrass Prairie Center)	\$ 349,134
U.S. 6, Iowa 1, and Riverside Drive Bicycle and Pedestrian Facilities (Iowa City)	\$ 540,000
West Clay Street Trail Extension over I-35 (Osceola)	\$ 740,000
Total	\$4,023,866

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the Statewide Transportation Alternatives Set-aside Program funding recommendations, as listed.

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