

PRELIMINARY COMMISSION AGENDA

November 9, 2021



IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

November 9, 2021
Materials Conference Room
Ames DOT Complex

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
1:00 p.m.			
D-2022-32	* Approve Minutes of the October 12, 2021 Commission Meeting	Danielle Madden	3
	Commission Comments		
	DOT Comments		
MV-2022-33	* Administrative Rules – 761 IAC 301, 4, 415, 610, and 611	Melissa Gillett	5
MV-2022-34	* Administrative Rules – 761 IAC 511, Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight	Melissa Gillett	13
MV-2022-35	* Administrative Rules – 761 IAC 601 and 604	Melissa Gillett	21
MV-2022-36	* Administrative Rules – 761 IAC 634, Driver Education	Melissa Gillett	27
TD-2022-37	* Revitalize Iowa's Sound Economy (RISE) – Cumming	Craig Markley	35
TD-2022-38	* Revitalize Iowa's Sound Economy (RISE) – Mount Pleasant	Craig Markley	37
TD-2022-39	* RISE Project Settlement – Ottumwa	Craig Markley	39
1:10 p.m.			
	Adjourn		
*Action Item			

On Tuesday, November 9, the Commission and staff will meet informally at 9:30 a.m. at the Ames DOT Complex, 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-2022-32
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date November 9, 2021
Title Approve Minutes of the October 12, 2021 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the October 12, 2021 Commission meeting.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Arnold	_____	_____	_____
Fehrman	_____	_____	_____
Juckette	_____	_____	_____
Putney	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____
Yanney	_____	_____	_____

Division
Director

Legal

State Director

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2022-33

Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date November 9, 2021

Administrative Rules – 761 IAC 4, Public Records and Fair Information Practices, 761 IAC 301, Driver's Privacy Protection—Motor Vehicle Records, 761 IAC 415, Driver's Privacy Protection—Certificates of Title and Vehicle Registration, 761 IAC 610, Release of Computerized Driver's License and Nonoperator's Identification Card Records and 761 IAC 611, Driver's Privacy Protection—Driver's License and

Title Nonoperator's Identification Card

DISCUSSION/BACKGROUND:

This proposed rule making adopts new Chapter 301, which combines content from current Chapters 415, 610 and 611, related to motor vehicle records and the federal Driver's Privacy Protection Act of 1994 (DPPA). The purpose of creating this new chapter is to join chapters with similar content and reduce the number of places an interested party would need to check to determine the privacy requirements related to personal information contained in motor vehicle records protected under the DPPA. Along with the adoption of new Chapter 301, the three current Chapters 415, 610 and 611 will be rescinded and Chapter 4 will be amended to refer to Chapter 301.

In addition to simply combining content from three separate chapters into one chapter, this proposed rule making updates the rules to align with existing legal authority and department practice and eliminates outdated or irrelevant requirements or options.

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

The public comment period ended on October 14, 2021. The department received written and oral comments from an insurance agent and risk management consultant, Matthew Wilson with Molyneaux. Shelly Chandler and Susan Seehase from the Iowa Association of Community Providers also participated in the public hearing. The commenters had concerns about a recent change in their status as an authorized requester of motor vehicle records. However, the commenters agreed the proposed rule amendments do not change who is considered an authorized requester under the law and are willing to continue to work with the Motor Vehicle Division to resolve their concerns outside of the rule making process.

PROPOSAL/ACTION RECOMMENDATION:

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

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Arnold	_____	_____	_____
Fehrman	_____	_____	_____
Juckette	_____	_____	_____
Putney	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____
Yanney	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to driver's privacy protection and motor vehicle records and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 4, "Public Records and Fair Information Practices," to adopt new Chapter 301, "Driver's Privacy Protection—Motor Vehicle Records" and to rescind Chapter 415, "Driver's Privacy Protection—Certificates of Title and Vehicle Registration," Chapter 610, "Release of Computerized Driver's License and Nonoperator's Identification Card Records," and Chapter 611, "Driver's Privacy Protection—Driver's License and Nonoperator's Identification Card," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.11 and 321A.3.

State or Federal Law Implemented

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

Purpose and Summary

This proposed rule making adopts new Chapter 301, which combines content from current Chapters 415, 610 and 611, related to motor vehicle records and the federal Driver's Privacy Protection Act of 1994 (DPPA). The purpose of creating this new chapter is to join chapters with similar content and reduce the number of places an interested party would need to check to determine the privacy requirements related to personal information contained in motor vehicle records protected under the DPPA. Along with the adoption of new Chapter 301, the three current Chapters 415, 610 and 611 will be rescinded and Chapter 4 will be amended to refer to Chapter 301.

In addition to simply combining content from three separate chapters into one chapter, this proposed rule making updates the rules to align with existing legal authority and Department practice and eliminates outdated or irrelevant requirements or options.

The following paragraphs further explain the proposed amendments:

Applicability. The rule concerning applicability states that the chapter applies to personal information contained in motor vehicle records, which is covered under the DPPA and Chapter 301.

Definitions. The definitions rule combines definitions from Chapters 415, 610 and 611. No new definitions have been added.

Motor vehicle records access. The proposed amendments outline the requirements and procedures implementing the DPPA and Iowa Code section 321.11 as these requirements pertain to accessing motor vehicle records. Specifically, the rules outline the process for accessing a motor vehicle record containing personal information depending on if the requester is seeking a motor vehicle record that contains personal information about another individual, or if the requester is seeking information from the requester's own motor vehicle records, or if the requester is a law enforcement agency. The rule states that the Department shall not release any personal information if requested by vehicle license plate number or validation sticker number, except as provided in Iowa Code section 321.11. The rules also provide that all requesters who obtain personal information from the Department are required to comply with the provisions of Iowa Code section 321.11 and the DPPA.

Electronic motor vehicle records. The Department has the ability to create an electronic file of motor vehicle records for authorized requesters under the DPPA, and the rule provides that the Department may

either require the privacy act form to be completed or the Department may enter into a memorandum of understanding governing the terms of accessing motor vehicle records electronically.

Certified driving record abstracts. A certified abstract of a driving record contains information on the face of an individual's driver's license in addition to information regarding the individual's driver's license sanctions, reportable motor vehicle accidents, and convictions. A certified abstract of a driving record is often used in court proceedings or for other official purposes. Personal information in a certified abstract of a driving record may only be released if the requester completes and submits the applicable privacy act agreement form, provides any required proof of identity and authority to secure access to the information, and pays any applicable statutory fee. The rule also includes application provisions for law enforcement agencies or a person seeking the person's own record.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa because the Department is not adding any fees that are not already required by statute.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making 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 rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on October 12, 2021. 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

If requested, a public hearing to hear oral presentations will be held on October 14, 2021, via conference call at 1 p.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on October 12, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **4.9(13)“a”** as follows:

a. Information other than personal information contained on electronic driver's license or nonoperator's identification card records that is provided by the licensee or card holder to the department for use by law enforcement, first responders, emergency medical service providers, and other medical personnel responding to or assisting with an emergency may be disclosed only as provided in Iowa Code sections 321.11 and 321.11A, 18 U.S.C. § 2721 et seq., and ~~761—Chapters 415, 610 and 611~~ 761—Chapter 301.

ITEM 2. Adopt the following new 761—Chapter 301:

CHAPTER 301

DRIVER'S PRIVACY PROTECTION—MOTOR VEHICLE RECORDS

761—301.1(321) Applicability. This chapter applies to personal information and highly restricted personal information in records pertaining to driver's licenses, nonoperator's identification cards, and personal information and highly restricted personal information about vehicle owners in records pertaining to certificates of title, registration receipts and registration renewal receipts issued by the department or a county treasurer. In addition to information on current licensees and cardholders, motor vehicle records include information on individuals who do not currently hold a driver's license or nonoperator's identification card, including, but not limited to, operating records and records of driver sanctions.

This rule is intended to implement Iowa Code section 321.11 and 18 U.S.C. §2721 et seq.

761—301.2(321) Adoption. The department adopts the Driver's Privacy Protection Act of 1994 (18 U.S.C. §2721 et seq.) for motor vehicle records.

This rule is intended to implement Iowa Code section 321.11 and 18 U.S.C. §2721 et seq.

761—301.3(321) Definitions.

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

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

“Driver's Privacy Protection Act” means the Act adopted in rule 761—301.2(321).

“Highly restricted personal information” means an individual's photograph or image, social security number, or medical or disability information.

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

“Motor vehicle record” as used in the Driver's Privacy Protection Act means any record that pertains to a driver's license, nonoperator's identification card, certificate of title, registration receipt, or registration renewal receipt issued by the department or a county treasurer.

“Person” means an individual, organization or entity.

“Personal information” means information that identifies an individual, including the items listed in Iowa Code section 321.11 and 18 U.S.C. §2725 of the Driver's Privacy Protection Act adopted in rule

761—301.2(321). “Personal information” also includes information on an individual’s nonoperator’s identification card.

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

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

“*Vehicle owner*” as used in this chapter means a vehicle owner who is an individual, not a company, organization or other legal entity.

This rule is intended to implement Iowa Code section 321.11 and 18 U.S.C. §2721 et seq.

761—301.4(17A) Information and addresses. Information and forms for records pertaining to motor vehicle records may be obtained at any driver’s license service center or by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3110; by email at privacy.agreements@iowadot.us; or on the department’s website at www.iowadot.gov.

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

761—301.5(321) Requirements and procedures. Notwithstanding Iowa Code chapter 22 and 761—Chapter 4, the following procedures implement the Driver’s Privacy Protection Act and Iowa Code section 321.11 as the provisions pertain to access to records related to driver’s licenses, nonoperator’s identification cards, certificates of title, registration receipts and registration renewal receipts. The department does not provide the waiver procedure described in the Driver’s Privacy Protection Act (codified as 18 U.S.C. §2721(d)).

301.5(1) The department shall require a requester who requests personal information or highly restricted personal information about another individual to:

a. Complete Form 431069, “Privacy Act Agreement for Request of Motor Vehicle Records,” and submit the form to any driver’s license service center or the motor vehicle division at the address in rule 761—301.4(17A).

b. Provide proof of identity and authority to access the information by completing Form 431069, “Privacy Act Agreement for Request of Motor Vehicle Records,” and including a legible photocopy of the requester’s driver’s license or nonoperator’s identification card.

c. Provide proof of authority to secure access to the personal information or highly restricted personal information by completing Part C of Form 431069, “Privacy Act Agreement for Request of Motor Vehicle Records,” and providing the department with proof of the requester’s status or other additional information the department may request.

d. Complete the certification on Part D of Form 431069, “Privacy Act Agreement for Request of Motor Vehicle Records,” and provide any proof necessary to establish relevant facts.

301.5(2) The department shall require a law enforcement agency that requests personal information or highly restricted personal information about another individual to either follow the process in subrule 301.5(1) or complete and submit Form 431200, “Certified Motor Vehicle Record Request Form for Use by County Attorney’s Offices and Law Enforcement Agencies,” to any driver’s license service center or the motor vehicle division at the address in rule 761—301.4(321). Nothing in this subrule shall preclude a law enforcement agency from completing and submitting Form 431069 or from entering into a memorandum of understanding with the department for the purposes of requesting personal information or highly restricted personal information.

301.5(3) The department shall require a requester who requests personal information or highly restricted personal information about themselves to either:

a. Complete and submit Part A of Form 431069, “Privacy Act Agreement for Request of Motor Vehicle Records,” including a photocopy of the requester’s driver’s license or nonoperator’s

identification card to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(321).

b. Provide valid proof of the requester's identity to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(321).

301.5(4) Personal information and highly restricted personal information, except for an individual's photograph or image, may be disclosed with the express written consent of the individual or vehicle owner to whom such information applies. When the requester has obtained the written consent of the individual or vehicle owner to whom the information applies, the requester must attach that written consent on a completed Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," and submit the form to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(321). An individual's signature on the document providing express written consent allowing disclosure of the individual's personal information to another person must be notarized, or in the alternative, the signed written consent document must be accompanied by a copy of the individual's driver's license or nonoperator's identification card.

301.5(5) The statutory fee, if applicable, shall accompany the request for a motor vehicle record.

301.5(6) The department shall not release any personal information or highly restricted personal information if the request is made by plate number or validation sticker number, except as provided in Iowa Code section 321.11.

301.5(7) All requesters who obtain personal information or highly restricted personal information from the department are required to comply with Iowa Code section 321.11 and the Driver's Privacy Protection Act.

301.5(8) The department may transmit records to an authorized requester under this chapter by email.

This rule is intended to implement Iowa Code sections 321.10 and 321.11 and 18 U.S.C. §2721 et seq.

761—301.6(321) Electronic motor vehicle records files. Motor vehicle records files may be made available electronically to authorized requesters under the Driver's Privacy Protection Act upon approval by the department and upon payment of any applicable fees. The department may require the requester to complete and submit Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," or Form 431200, "Certified Motor Vehicle Record Request Form for Use by County Attorney's Offices and Law Enforcement Agencies," to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(321), including any required attachments, or may enter into a memorandum of understanding governing the terms of accessing the motor vehicle records files electronically.

This rule is intended to implement Iowa Code section 321.11 and 18 U.S.C. §2721 et seq.

761—301.7(321,321A) Certified abstract of operating records.

301.7(1) In accordance with Iowa Code section 321A.3, a certified abstract of the operating record of an individual is available. The record includes the information that is on the face of the individual's driver's license, plus information on the individual's sanctions, reportable vehicle accidents, and convictions. The certified abstract of operating record does not include the individual's photograph, social security number, or medical or disability information.

301.7(2) To obtain a certified abstract of an operating record of another individual, a requester shall complete Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," and submit the form to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(17A). Form 431069 must be completed with all required attachments before the department will process a request for a certified abstract of an operating record of another individual. A requester must attach a legible photocopy of the requester's driver's license or nonoperator's identification card to the form.

a. Personal information and highly restricted personal information protected by Iowa Code section 321.11 and the Driver's Privacy Protection Act may be released only if all of the following apply:

(1) The requester has complied with each of the following requirements:

1. Completed and submitted Form 431069, “Privacy Act Agreement for Request of Motor Vehicle Records,” including proof of authority to secure access to the personal information or highly restricted personal information.

2. Included all required attachments with the form, including a photocopy of the requester’s driver’s license or nonoperator’s identification card.

3. Paid the statutory fee by the methods permitted under Iowa Code section 321A.3, if applicable, for the requested record.

(2) The department is satisfied with the genuineness, regularity, and legality of the application and in any statement made within the application and in any required attachments.

b. Reserved.

301.7(3) The department shall require a law enforcement agency that requests a certified abstract of an operating record to complete to either follow the process in subrule 301.7(2) or submit Form 431200, “Certified Motor Vehicle Record Request Form for Use by County Attorney’s Offices and Law Enforcement Agencies,” to any driver’s license service center or the motor vehicle division at the address in rule 761—301.4(321). Nothing in this subrule shall preclude a law enforcement agency from completing and submitting Form 431069 or from entering into a memorandum of understanding with the department for the purposes of requesting information under this rule.

301.7(4) The department shall require a requester seeking the requester’s own operating record to either:

a. Complete and submit Part A of Form 431069, “Privacy Act Agreement for Request of Motor Vehicle Records,” including a photocopy of the requester’s driver’s license or nonoperator’s identification card to any driver’s license service center or the motor vehicle division at the address in rule 761—301.4(321).

b. Provide valid proof of the requester’s identity to any driver’s license service center or the motor vehicle division at the address in rule 761—301.4(321).

301.7(5) The statutory fee, if applicable, shall accompany the request for a certified abstract of the operating record. There is no fee for an individual to view the individual’s own operating record. Pursuant to the authority in Iowa Code section 321A.3, the department shall comply with the requirements of 781—Chapter 8 for payments accepted by credit card.

301.7(6) The single-use restriction in Iowa Code section 321A.3(8) applies only to the certified abstract of operating records and to persons who are subject to the fee listed in Iowa Code section 321A.3(1).

301.7(7) Any person who obtains a certified abstract of operating record from the department is required to comply with Iowa Code section 321.11 and the Driver’s Privacy Protection Act.

This rule is intended to implement Iowa Code sections 321.11, 321.13 and 321A.3 and 18 U.S.C. §2721 et seq.

ITEM 3. Rescind and reserve **761—Chapter 415**.

ITEM 4. Rescind and reserve **761—Chapter 610**.

ITEM 5. Rescind and reserve **761—Chapter 611**.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2022-34
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date November 9, 2021
Title Administrative Rules – 761 IAC 511, Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight

DISCUSSION/BACKGROUND:

This proposed rule making amends Chapter 511 to conform the rules with 2021 Iowa Acts, House File 382. This legislation creates a new emergency interstate fleet permit, which will allow all vehicles operating under the same interstate or intrastate motor carrier number to travel under the same permit, provided all vehicles are carrying divisible loads of disaster relief supplies related to a presidentially declared national emergency that has been declared a major disaster under the federal Stafford Act.

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

The public comment period ended on October 12, 2021. The department did not receive any public comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

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

			Aye	Vote Nay	Pass
COMMISSION ACTION:		Arnold	_____	_____	_____
		Fehrman	_____	_____	_____
		Juckette	_____	_____	_____
		Putney	_____	_____	_____
		Rielly	_____	_____	_____
		Stutsman	_____	_____	_____
		Yanney	_____	_____	_____
Moved by _____	Seconded by _____				
_____ Division Director	_____ Legal	_____ State Director			

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to emergency interstate fleet permit and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 511, “Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 307.12 and chapter 321E as amended by 2021 Iowa Acts, House File 382.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 321E as amended by 2021 Iowa Acts, House File 382.

Purpose and Summary

This proposed rule making updates Chapter 511 to conform the rules with 2021 Iowa Acts, House File 382.

House File 382 creates a new emergency interstate fleet permit, which will allow all vehicles operating under the same interstate or intrastate motor carrier number to travel under the same permit, provided all vehicles are carrying divisible loads of disaster relief supplies related to a presidentially declared national emergency that has been declared a major disaster under the federal Stafford Act. Prior to the legislative change, the Department was not authorized to issue one special permit to apply to multiple vehicles operating under the same motor carrier’s interstate or intrastate number. Rather, the Department’s only option was to issue vehicle-specific permits. The intent of the legislation was to reduce administrative burden for motor carriers responding to emergencies.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making 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 rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on October 12, 2021. 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

If requested, a public hearing to hear oral presentations will be held on October 15, 2021, via conference call at 9 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on October 12, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend rule **761—511.1(321E)**, definition of "Permit-issuing authority," as follows:

"*Permit-issuing authority*" means the:

1. Department's ~~vehicle and motor carrier services bureau~~ vehicle division for permits for movement on the primary road system.
2. Authority responsible for the maintenance of a nonprimary system of highways or streets for permits for movement on that system. However, the ~~vehicle and motor carrier services bureau~~ vehicle division may issue single-trip permits on primary road extensions in cities in conjunction with movement on the rural primary road system.

ITEM 2. Adopt the following **new** definitions of "Emergency interstate permit" and "Stafford Act" in rule **761—511.1(321E)**:

"*Emergency interstate permit*" means a permit issued under Iowa Code section 321E.29B as enacted by 2021 Iowa Acts, House File 382.

"*Stafford Act*" means the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law No. 93-288, as amended, 42 U.S.C. §5121 et seq.

ITEM 3. Amend rule **761—511.1(321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321E.9, 321E.15, 321E.26, 321E.29, 321E.29B as enacted by 2021 Iowa Acts, House File 382, 321E.30 and 321E.34.

ITEM 4. Amend subrule 511.2(1) as follows:

511.2(1) Applications, forms, instructions and restrictions are available on the department's website at www.iowadot.gov and by mail from the ~~Vehicle and Motor Carrier Services Bureau~~ Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3264; or by facsimile at (515)237-3257.

Permits may be obtained electronically upon making application to the ~~vehicle and motor carrier services bureau~~ vehicle division.

ITEM 5. Amend subrule 511.2(4), introductory paragraph, as follows:

511.2(4) Except as provided in rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E), permits may be issued only for the transporting of a single article which exceeds statutory size or weight limits or both, and which cannot reasonably be divided or reduced to statutory size and weight limits. However, permits may be issued for the transporting of property consisting of more than one article when:

ITEM 6. Amend rule 761—511.4(321E) as follows:

761—511.4(321E) Permits. Permits issued shall be in writing or in electronic format and may be either single-trip, multitrip, annual, annual oversize/overweight, annual raw forest products, compacted rubbish, emergency interstate permit or all-systems permits.

511.4(1) and 511.4(2) No change.

511.4(3) Validity.

a. to c. No change.

d. Emergency interstate permits issued under Iowa Code section 321E.29B as enacted by 2021 Iowa Acts, House File 382, shall be effective for 30 calendar days. However, the permit shall not exceed the expiration of the applicable governor's proclamation of disaster emergency issued under Iowa Code section 29C.6 in conjunction with the presidential declaration allowing interstate travel under the Stafford Act or the expiration of the declaration of major disaster under the Stafford Act, whichever expires first.

511.4(4) No change.

This rule is intended to implement Iowa Code sections 321E.2 and 321E.3 and section 321E.29B as enacted by 2021 Iowa Acts, House File 382.

ITEM 7. Amend paragraph **511.6(1)“a”** as follows:

a. Public liability insurance in the amounts of \$100,000 bodily injury each person, \$200,000 bodily injury each occurrence, and \$50,000 property damage with an expiration date to cover the tenure of the annual, annual oversize/overweight, annual raw forest products, all-systems, multitrip, emergency interstate or single-trip permit shall be required. In lieu of filing with the permit-issuing authority, a copy of the current certificate of public liability insurance in these amounts shall be carried in the vehicle for which the permit has been issued. Proof of liability insurance may be either in writing or in electronic format.

ITEM 8. Amend rule **761—511.6(321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 321E.13 and section 321E.29B as enacted by 2021 Iowa Acts, House File 382.

ITEM 9. Amend rule 761—511.7(321,321E), introductory paragraph, as follows:

761—511.7(321,321E) Annual permits. Annual permits are issued for indivisible vehicles or indivisible loads for travel when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Route, detour and road embargo information may be found online at www.511ia.org or the department's website for the embargo bridge maps. Annual permits are issued for the following:

ITEM 10. Strike “vehicle and motor carrier services bureau” wherever it appears in rules **761—511.7(321,321E)** and **761—511.9(321,321E)** and insert “motor vehicle division” in lieu thereof.

ITEM 11. Strike “See rule 761—511.14(321,321E)” wherever it appears in rules **761—511.7(321,321E)**, **761—511.8(321,321E)**, **761—511.9(321,321E)**, **761—511.12(321,321E)** and **761—511.13(321,321E)** and insert “See rule 761—511.15(321,321E)” in lieu thereof.

ITEM 12. Amend paragraph **511.8(1)“e”** as follows:

e. Routing. The owner or operator shall select a route using a vertical clearance map, bridge embargo map, pavement restrictions map, and construction and travel restrictions map provided by the department. Route, detour and road embargo information may be found online at www.511ia.org or the department’s website for the embargo bridge maps.

ITEM 13. Renumber rules **761—511.14(321,321E)** to **761—511.19(321)** as **761—511.15(321,321E)** to **761—511.20(321)**.

ITEM 14. Adopt the following new rule 761—511.14(29C,321,321E):

761—511.14(29C,321,321E) Emergency interstate permit. Emergency interstate permits are issued for vehicles transporting divisible loads of relief supplies when the weight exceeds statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Route, detour, and road embargo information may be found online at www.511ia.org or the department’s website for the embargo bridge maps. The owner or operator must contact the appropriate local authority for route approval to determine if additional permits are necessary for county roads or city streets. Emergency interstate permits are issued for the following:

511.14(1) Vehicles with divisible loads of relief supplies, which may exceed the weight limits established under Iowa Code section 321.463 on the interstate highway system, provided the following are not exceeded:

- a. Width.* Statutory: 8 feet 6 inches including appurtenances.
- b. Length.* Limited to the maximum dimensions in Iowa Code section 321.457.
- c. Height.* Statutory: 13 feet 6 inches.
- d. Weight.* See rule 761—511.15(321,321E).

e. Distance. Movement is allowed for unlimited distance on the interstate for 30 days not to exceed the expiration of the applicable governor’s proclamation issued in conjunction with the applicable declaration under the Stafford Act, or expiration of the applicable declaration under the Stafford Act, whichever expires sooner. In the event that more than one proclamation issued under Iowa Code section 29C.6 is in effect, only the proclamation issued in conjunction with the same event that caused the major disaster declaration under the Stafford Act shall govern the expiration date. Separate permits may be required for roads other than the interstate unless the governor, under the authority in Iowa Code section 29C.6, suspends applicable permitting provisions under proclamation for the same event.

511.14(2) Reserved.

This rule is intended to implement Iowa Code sections 29C.6, 321.457, and 321.463 and section 321E.29B as enacted by 2021 Iowa Acts, House File 382.

ITEM 15. Amend renumbered rule 761—511.15(321,321E) as follows:

761—511.15(321,321E) Maximum axle weights and maximum gross weights for vehicles and loads moved under permit.

511.15(1) Annual and all-systems permits.

- a.* No change.
- b.* See subrule ~~511.14(5)~~ 511.15(6) for exceptions for special mobile equipment.

511.15(2) Annual oversize/overweight permits or annual raw forest products permits.

- a.* No change.

b. See subrule ~~511.14(5)~~ 511.15(6) for exceptions for special mobile equipment.

511.15(3) *Multitrip permits.*

a. No change.

b. See subrule ~~511.14(5)~~ 511.15(6) for exceptions for special mobile equipment.

511.15(4) *Single-trip permits.*

a. to c. No change.

d. See subrule ~~511.14(5)~~ 511.15(6) for exceptions for special mobile equipment.

511.15(5) *Emergency interstate permits.*

a. For movement under this permit, the gross weight on any axle shall not exceed 20,000 pounds with a maximum of 90,000 pounds total gross weight.

b. The maximum weight on any single axle shall not exceed by more than 12.5 percent the maximum axle weight limit in the nonprimary highway maximum gross weight table in Iowa Code section 321.463(6) “b” and must comply with posted limits on roads and bridges.

~~511.15(5)~~ **511.15(6) *Special mobile equipment.*** Special mobile equipment may have a gross weight of 36,000 pounds on any single axle equipped with minimum size 26.5-inch by 25-inch flotation pneumatic tires and a maximum gross weight of 20,000 pounds on any single axle equipped with minimum size 18-inch by 25-inch flotation pneumatic tires, provided that the total gross weight of the vehicle or a combination of vehicles does not exceed a maximum of 80,000 pounds for movement under an annual or all-systems permit and 126,000 pounds for movement under a single-trip, multitrip or annual oversize/overweight permit.

For tire sizes and weights allowed between the maximum and minimum indicated, the following formula shall apply: Axle weight = 20,000 pounds + (tire width - 18) × 1,882 pounds.

~~511.15(6)~~ **511.15(7) *Permitted tandem axle weights.***

a. to c. No change.

This rule is intended to implement Iowa Code sections 321.463, 321E.7, 321E.8, 321E.9, 321E.9A, 321E.26, 321E.29B as enacted by 2021 Iowa Acts, House File 382, and 321E.32.

ITEM 16. Amend renumbered subrule 511.16(2) as follows:

511.16(2) At the discretion of the permit-issuing authority, the combined gross weight may exceed the statutory weight, but the axle weights shall be subject to rule ~~761—511.14(321,321E)~~ 761—511.15(321,321E).

ITEM 17. Amend renumbered rule ~~761—511.19(321,321E)~~ as follows:

761—511.19(321,321E) Permit violations. Permit violations are to be reported to the permit-issuing authority by the arresting officer and the permit holder. If a permit holder is found to have willfully violated permit provisions, the ~~vehicle and motor carrier services bureau~~ vehicle division may, after notice and hearing, suspend, modify or revoke the permit privileges of the permit holder consistent with Iowa Code section 321E.20. If the permit that is suspended, modified, or revoked is an emergency interstate permit that is issued for a fleet operating under the permit holder’s interstate or intrastate motor carrier number, the department may issue emergency interstate permits to individual vehicles operating under the interstate or intrastate motor carrier number.

This rule is intended to implement Iowa Code sections 321.492, 321E.16, and 321E.20 and section 321E.29B as enacted by 2021 Iowa Acts, House File 382.

ITEM 18. Amend renumbered paragraph **511.20(1)“c”** as follows:

c. The department shall exercise due regard for the safety of the traveling public and the protection of the highway surfaces and structures when establishing an economic export corridor. Factors to be considered include ability of the proposed economic export corridor to safely accommodate combinations of vehicles described in subrule ~~511.19(2)~~ 511.20(2), taking into account physical configurations and restrictions and traffic demands and capacity, as well as connection to markets that will benefit from the established economic export corridor.

ITEM 19. Amend renumbered paragraph **511.20(2)“a”** as follows:

a. In addition to combinations of vehicles lawful for operation on roads or road segments not designated as an economic export corridor, the following combinations of vehicles may be operated on an economic export corridor designated under subrule ~~511.19(4)~~ 511.20(1) if the combinations of vehicles meet the requirements in paragraph ~~511.19(2)“b”~~ 511.20(2)“b”:

(1) to (3) No change.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2022-35
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date November 9, 2021
Title Administrative Rules – 761 IAC 601, Application for License, and 761 IAC 604, License Examination

DISCUSSION/BACKGROUND:

This proposed rule making updates the driver's license application and examination process within Chapters 601 and 604 and aligns with existing legal authority and department practice.

The proposed amendments within Chapter 601:

- Incorporate existing legal authority from Iowa Code section 321.177 into the driver's license application process relating to the Department's responsibility to ensure a driver's license holder is physically and mentally capable of operating a motor vehicle safely.
- Align subrule 601.5(2), regarding the verification of Social Security number with amendments made to the federal REAL ID Act of 2005 by the REAL ID Modernization Act (H.R. 133, Division U, Title X), which was signed into law on December 27, 2020. These changes to the federal law eased the burden on persons seeking to provide proof of their Social Security number for the purpose of obtaining a REAL ID.
- Remove barriers within subrule 601.5(5), relating to proof of a legal name change, that certain customers have experienced when attempting to provide proof of a legal name change.
- Add new subrule 601.5(8), which adopts the REAL ID exceptions process from federal regulation 6 CFR Section 37.11(h). This process deals with situations in which an applicant for a REAL ID driver's license or nonoperator's identification card is unable, because of reasons beyond the applicant's control, to provide a necessary proof of identity and date of birth or proof of legal name change document in order to be issued a REAL ID-compliant credential.

The proposed amendments within Chapter 604 align with current department practice of allowing the noncommercial driver's license knowledge and driving test results to be valid for 180 days rather than 90 days and clarify the waiting periods for repeating a knowledge test and a driving test.

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

The public comment period ended on October 12, 2021. The department did not receive any public comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

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

			Aye	Vote Nay	Pass
COMMISSION ACTION:			Arnold	_____	_____
			Fehrman	_____	_____
			Juckette	_____	_____
			Putney	_____	_____
			Rielly	_____	_____
			Stutsman	_____	_____
Moved by _____	Seconded by _____		Yanney	_____	_____
_____ Division Director	_____ Legal	_____ State Director			

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to driver's licenses, REAL ID documentation and driver's knowledge tests and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 601, "Application for License," and Chapter 604, "License Examination," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.182.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 17A and sections 321.177, 321.182 and 321.186; H.R. 133, Division U, Title X, REAL ID Modernization Act; and 6 CFR Sections 37.11 and 37.13.

Purpose and Summary

This proposed rule making updates the driver's license application and examination process within Chapters 601 and 604 and aligns with existing legal authority and Department practice.

The proposed amendments incorporate existing legal authority from Iowa Code section 321.177 into the driver's license application process relating to the Department's responsibility to ensure a driver's license holder is physically and mentally capable of operating a motor vehicle safely.

The proposed amendments to subrule 601.5(2), regarding the verification of Social Security numbers, align this subrule with amendments made to the federal REAL ID Act of 2005 by the REAL ID Modernization Act (H.R. 133, Division U, Title X), which was signed into law on December 27, 2020. These changes to the federal law eased the burden on persons seeking to provide proof of their Social Security number for the purpose of obtaining a REAL ID. Prior to the federal law changes and this proposed amendment, a person could provide proof of the person's Social Security number only from a small prescribed list of documents. However, now the federal law allows a person to simply provide the person's Social Security number, which the Department is still required to verify through the Social Security Online Verification (SSOLV) system.

The proposed amendments to subrule 601.5(5), relating to proof of a legal name change, remove barriers that certain customers have experienced when attempting to provide proof of a legal name change. The first change is to no longer require a court-ordered name change to contain the applicant's date of birth. This is because a person's date of birth is not always included in the court order, especially if that order is a divorce decree, and therefore this omission should not be a barrier to accepting a court order as a legal name change document. The second change is to ease the proof of legal name change process for existing Iowa licensees or cardholders whose name on their credential already matches their current legal name. This change incorporates guidance received from the U.S. Department of Homeland Security clarifying that an existing Iowa licensee or cardholder may prove a legal name change via confirmation from the SSOLV system pursuant to 6 CFR Section 37.13.

This proposed rule making adds new subrule 601.5(8), which adopts the REAL ID exceptions process from federal regulation 6 CFR Section 37.11(h). This process deals with situations in which an applicant for a REAL ID driver's license or nonoperator's identification card is unable, because of reasons beyond the applicant's control, to provide a necessary proof of identity and date of birth or proof of legal name change document in order to be issued a REAL ID-compliant credential. The federal REAL ID regulations provide that the Department must require an applicant to prove the applicant's identity, date of birth, proof of name change and lawful status in the United States. The applicant can

accomplish this by providing certain acceptable documents found in 6 CFR Section 37.11, and Iowa law mirrors the federal regulations. By adopting this new subrule, the Department will be able to provide a more streamlined exceptions process for applicants seeking a REAL ID credential, including allowing the Department to accept an I-94 document that was issued and verified by the U.S. Department of Homeland Security as proof of identity and date of birth for a refugee or asylee. Having a streamlined process will be especially important as the mandatory May 3, 2023, REAL ID compliance deadline approaches for persons wishing to board a commercial aircraft or enter a federal building.

The proposed amendments also update Chapter 604, the license examination rules, to align with current Department practice of allowing the noncommercial driver's license knowledge and driving test results to be valid for 180 days rather than 90 days. The proposed amendments also clarify the waiting periods for repeating a knowledge test and a driving test.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making 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 rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on October 12, 2021. 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

If requested, a public hearing to hear oral presentations will be held on October 14, 2021, via conference call at 11 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on October 12, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend subrule 601.1(4) as follows:

601.1(4) Disabilities. The applicant shall indicate and explain any mental or physical disabilities which might affect the applicant's ability to operate a motor vehicle safely. The department may make further inquiries of the applicant or require further information necessary to determine whether it is safe to grant the applicant a driving privilege, including but not limited to requesting an examination authorized under Iowa Code section 321.186.

ITEM 2. Amend rule **761—601.1(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.13, 321.177, 321.182, 321.186, 321.196 and 321C.1;₂ Article V, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note)₂ and 6 CFR Part 37.

ITEM 3. Amend rule 761—601.5(321) as follows:

761—601.5(321) Proofs submitted with application. A person who applies for a new Iowa driver's license or nonoperator's identification card, including a person who currently holds a license or card issued by another state or foreign jurisdiction, shall submit proof of identity, date of birth, social security number, Iowa residency and current residential address, and lawful status in the United States.

601.5(1) No change.

601.5(2) Verification of social security number.

a. Except as provided in paragraph 601.5(2) "b," an applicant must present proof of the applicant's Social Security Administration's account number card; or if a social security account number card is not available, the applicant may present any of the following documents bearing the applicant's social security number:

(1) ~~A W-2 form.~~

(2) ~~A Social Security Administration 1099 form.~~

(3) ~~A non-Social Security Administration 1099 form.~~

(4) ~~A pay stub with the applicant's name and social security number on it.~~

(5) ~~An Internal Revenue Service Form 1095-A, 1095-B or 1095-C.~~

b. An applicant who establishes identity by presenting the identity document listed in paragraph 601.5(1) "f" (unexpired foreign passport with a valid, unexpired U.S. visa affixed and accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States) must document present proof of the applicant's social security number as set forth in paragraph 601.5(2) "a" or demonstrate non-work authorized status.

601.5(3) and 601.5(4) No change.

601.5(5) Verification of name change. The name listed on the driver's license or nonoperator's identification card that is issued shall be identical to the name listed on the identity document submitted unless the applicant submits the chain of legal documents necessary to show the legal change of the applicant's name from the identity document submitted to the applicant's current legal name: under paragraph 601.5(5) "a" or "b." Alternatively, an applicant who is an existing Iowa licensee or cardholder may confirm the applicant's current legal name as displayed on the applicant's license or card under the requirements of paragraph 601.5(5) "c." The following documents are acceptable:

a. Court-ordered name change. A court order must contain the applicant's prior legal name, the applicant's court-ordered legal name, ~~the applicant's date of birth,~~ and the court's certification of authenticity. Acceptable court orders include orders under petition for name change, orders for name change set forth in a decree of dissolution, and orders for name change set forth in a decree of adoption.

b. No change.

c. Social security records match. The applicant must establish that the applicant's Social Security Administration's account number is issued in the applicant's current legal name as verified by the department with the Social Security Online Verification (SSOLV) system in accordance with 6 CFR Section 37.13(b)(2).

601.5(6) No change.

601.5(7) *Verification of change of sex designation.* The sex designation listed on the driver's license or nonoperator's identification card that is issued shall be identical to the sex designation listed on the identity document submitted unless the applicant does one of the following:

a. and b. No change.

c. *Documentation.* Documentation provided under this subrule shall be submitted to ~~Driver and Identification Services~~ the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa, 50306-9204.

d. No change.

601.5(8) *Exception process.* As provided in 6 CFR Section 37.11(h) (REAL ID exceptions process), and notwithstanding any other provisions of this chapter or 761—Chapter 11 to the contrary, an applicant who, for reasons beyond the applicant's control, is unable to present a necessary document under this rule may apply to the department for an exception as provided in this subrule.

a. To apply for an exception under this rule, an applicant shall do all of the following:

(1) Submit an application to the department in a manner prescribed by the department. The application shall contain all of the following:

1. The applicant's name, address, date of birth and contact information.

2. Whether the applicant is applying for a driver's license or nonoperator's identification card.

3. A description of the necessary verification of identity and date of birth or verification of name change documents under this rule that the applicant is unable to provide and the reason why it is beyond the applicant's control to provide the document.

4. Any alternate document or other proof that exists to verify the facts contained in the missing document, which may include an approved I-94 form documenting the applicant's most recent admittance into the United States as verified by the U.S. Department of Homeland Security in accordance with 6 CFR Section 37.13.

5. Any other information or proof required by the department.

b. The motor vehicle division director or the director's designee may grant an exception under this rule if all of the following apply:

(1) The applicant has submitted an application with all of the required documentation under paragraph "a."

(2) The applicant, as determined by the department, has sufficiently demonstrated that the applicant is unable to provide a necessary document under this rule due to reasons beyond the applicant's control.

(3) The application of the subject rule will pose an undue hardship on the applicant, as determined by the department.

(4) Granting the exception will not prejudice the substantial legal rights of any person, as determined by the department.

c. The department may place any condition on an exception issued under this rule that the department finds necessary to carry out the department's functions under the REAL ID Act of 2005 as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X.

d. An exception under this subrule shall not apply to a required document under subrule 601.5(2).

e. An alternate document accepted under this exception process to satisfy the requirements of subrule 601.5(4) is only allowed if the document demonstrates United States citizenship as required by 6 CFR Section 37.11(h).

f. An applicant's inability to pay for a necessary document under this rule does not meet the criteria for an exception under this subrule.

g. Nothing in this subrule shall require the department to issue a driver's license or nonoperator's identification card if the applicant is not otherwise eligible for a license or card. The department reserves

the right to modify or cancel an exception at any time if the department finds that anything in the exception application or accompanying documentation was based on fraud or misrepresentation by the applicant, or if the modification or cancellation is necessary based on a change in circumstances of the applicant.

h. The application and documentation provided under this subrule shall be submitted to the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204, or through electronic means determined by the department. The director of the motor vehicle division or the director's designee may, in response to an application submitted under this subrule, grant or deny an application for exception in accordance with this subrule.

i. An applicant whose application for exception under this rule has been denied may contest the decision in accordance with Iowa Code chapter 17A and 761—Chapter 13. The request for a hearing shall be submitted in writing to the motor vehicle division. The request shall include, as applicable, the applicant's name, driver's license or nonoperator's identification number, date of birth, complete address and telephone number. The request must be submitted within 20 days after the date of the notice of exception denial.

This rule is intended to implement Iowa Code chapter 17A and sections 321.13, 321.182 and 321.189; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note); as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

ITEM 4. Amend rule 761—604.20(321) as follows:

761—604.20(321) Knowledge test.

604.20(1) to 604.20(3) No change.

604.20(4) *Test score.* The test score result is valid for 180 days.

604.20(4) 604.20(5) *Retesting.* An applicant who fails a knowledge test may repeat the test at the discretion of the examiner, ~~but at least one business day shall elapse between tests.~~

This rule is intended to implement Iowa Code section 321.186.

ITEM 5. Amend subrule 604.30(3) as follows:

604.30(3) *Test score.* The examiner shall use the standard departmental score sheet and shall enter the test score and the licensing decision in the spaces provided. At the end of the test, the examiner shall explain the test score. The test score result is valid for ~~90~~ 180 days.

ITEM 6. Amend subrule 604.30(4) as follows:

604.30(4) *Retesting.* ~~If an~~ An applicant who fails a driving test, may repeat the test ~~may be rescheduled~~ at the discretion of the examiner.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2022-36
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date November 9, 2021
Title Administrative Rules – 761 IAC 634, Driver Education

DISCUSSION/BACKGROUND:

This proposed rule making amends Chapter 634 to conform the rules with 2021 Iowa Acts, Senate File 546, sections 9 through 15, and 2021 Iowa Acts, House File 380, sections 1 and 2.

Senate File 546 expands the parent-taught driver education program to any student currently attending a public school or accredited nonpublic school or who is receiving home school education under Iowa Code chapter 299A. The proposed amendments align with the legislative changes to:

- Remove the requirement for an approved parent-taught driver education course to include 30 clock hours of classroom instruction and reduce the behind-the-wheel driving instruction time from 40 hours to 30 hours.
- Eliminate the required number of hours and minutes of instruction an approved course must include on the topics of substance abuse, distracted driving, and railroad crossing safety, although each of those subject areas must still be included in an approved course.
- Prohibit the department from requiring a preapproval or application process before a parent and student choose to begin a parent-taught driver education program.

House File 380 adds distracted driving as a required topic of instruction for any driver education course, and the proposed amendments incorporate that new topic area into the rules.

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

The public comment period ended on October 12, 2021. The department did not receive any public comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

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

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Arnold	_____	_____	_____
Fehrman	_____	_____	_____
Juckette	_____	_____	_____
Putney	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____
Yanney	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to parent-taught driver education and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 634, “Driver Education,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.178A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.178 and 321.178A; 2021 Iowa Acts, House File 380; and 2021 Iowa Acts, Senate File 546.

Purpose and Summary

This proposed rule making updates Chapter 634 to conform the rules with 2021 Iowa Acts, Senate File 546, sections 9 through 15, and 2021 Iowa Acts, House File 380, sections 1 and 2.

Senate File 546 expands the parent-taught driver education program to any student currently attending a public school or accredited nonpublic school or who is receiving home school education under Iowa Code chapter 299A. Prior to the legislative change, only students receiving home school instruction were eligible for the parent-taught driver education program. These proposed amendments align with the legislative changes removing the requirement for an approved parent-taught driver education course to include 30 clock hours of classroom instruction and reducing the behind-the-wheel driving instruction time from 40 hours to 30 hours. The proposed amendments conform with the legislative changes eliminating the required number of hours and minutes of instruction an approved course must include on the topics of substance abuse, distracted driving, and railroad crossing safety, although each of those subject areas must still be included in an approved course. Finally, the proposed amendments adopt the legislative changes prohibiting the Department from requiring a preapproval or application process before a parent and student choose to begin a parent-taught driver education program.

House File 380 adds distracted driving as a required topic of instruction for any driver education course, and the proposed amendments incorporate that new topic area into the rules. Most driver education courses already included instruction on distracted driving, but this legislative change ensures the topic will be covered by every instructor.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making 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 rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on October 12, 2021. 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

If requested, a public hearing to hear oral presentations will be held on October 14, 2021, via conference call at 9 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on October 12, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend rule 761—634.1(321) as follows:

761—634.1(321) Information and location. Applications, forms and information regarding this chapter are available by mail from the ~~Driver and Identification Services Bureau~~ Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)244-8725; by facsimile at (515)239-1837; or on the department's website at www.iowadot.gov.

ITEM 2. Amend rule 761—634.11(321) as follows:

761—634.11(321) Driver education—teaching parent. As an alternative to a driver education course offered by a course provider approved under rule 761—634.4(321), a teaching parent may instruct a student in an approved course of driver education.

634.11(1) Definitions. As used in this rule:

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

“*Clear driving record*” means the person currently and during the prior two-year period has not been identified as a candidate for suspension or revocation of a driver's license under the habitual offender

or habitual violator provisions of rule 761—615.9(321) or rule 761—615.13(321); is not subject to a driver's license suspension, revocation, denial, cancellation, disqualification, or bar; and has no record of a conviction for a moving traffic violation determined to be the cause of a motor vehicle accident.

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

"Student" means a person between the ages of 14 and 21 years who is within the custody and control of the teaching parent and who holds a valid Iowa noncommercial instruction permit.

"Teaching parent" means the same as defined in Iowa Code section 321.178A as amended by 2021 Iowa Acts, Senate File 546, section 10.

634.11(2) *Application to serve as a teaching parent.*

~~a. A person who wishes to provide driver education as a teaching parent to a student shall submit an application on a form provided by the department to the driver and identification services bureau.~~

~~b. The department shall review the application and shall deny the application for any of the following reasons:~~

~~(1) The person does not meet the qualifications to serve as a teaching parent set forth in Iowa Code section 321.178A.~~

~~(2) The person does not have a clear driving record.~~

~~(3) The application does not properly identify a student eligible to be instructed in driver education by the person.~~

~~(4) The department has determined the application should be rejected for any reason listed in Iowa Code section 321.13.~~

~~c. If the application is denied, the department shall issue a letter of denial to the person explaining the reason or reasons for the denial.~~

~~d. If the application is approved, the department shall issue a letter of approval to the person to serve as a teaching parent for the student identified in the application.~~

634.11(3) *Instruction by a teaching parent.*

~~a. A person approved to serve as a teaching parent shall instruct the student using an approved course.~~

~~b. No change.~~

~~c. No person shall provide driver education as a teaching parent unless approved by the department the person meets the definition of a teaching parent, and the department shall not recognize driver education that was:~~

~~(1) Provided by a person who is not approved as does not meet the definition of a teaching parent.~~

~~(2) and (3) No change.~~

634.11(4) *Course completion—certificate of completion.*

~~a. Upon the student's completion of an approved course, the teaching parent shall apply for a certificate of completion on behalf of the student. The teaching parent shall provide evidence showing the student's completion of an approved course and substantial compliance with the requirements of Iowa Code section 321.178A, by affidavit signed by the teaching parent on a form provided by the department. The teaching parent shall include with the application all documentation, statements, certifications, and logs required by Iowa Code section 321.178A. The application and all required documentation, statements, certifications, and logs shall be submitted to the driver and identification services bureau motor vehicle division.~~

~~b. The department shall review the application and evidence submitted and shall deny certification of completion if:~~

~~(1) The course was not conducted by a person approved by the department to serve as meeting the definition of a teaching parent for the student for whom certification is sought.~~

~~(2) to (5) No change.~~

~~c. and d. No change.~~

634.11(5) *Course approval.*

~~a. A For a course to become an approved course under Iowa Code section 321.178A, a vendor that wishes to offer of a driver education curriculum as an approved course in Iowa shall submit an application on a form provided by the department to the driver and identification services bureau motor vehicle~~

division, along with a copy of all proposed curriculum materials. A vendor that wishes to offer offering an electronic curriculum may provide a uniform resource locator (URL) for the proposed electronic materials but must also provide physical copies of the proposed materials.

b. to d. No change.

ITEM 3. Amend **761—Chapter 634**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321.178, as amended by 2021 Iowa Acts, House File 380, section 1, and Senate File 546, section 9; 321.178A, as amended by 2021 Iowa Acts, House File 380, section 2, and Senate File 546, sections 10 to 15; 321.180B and 321.194.

ITEM 4. Amend the appendix to rule **761—634.11(321)** as follows:

Appendix to Rule 761—634.11(321)

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

1. *Duration and required content.* The course must provide for both classroom and behind-the-wheel instruction. As used in this rule, “*classroom instruction*” means instruction provided by a teaching parent in a private setting using printed or electronic course materials, and “*behind-the-wheel instruction*” means street or highway driving instruction provided by a teaching parent or a person who is qualified to provide street or highway driving instruction pursuant to Iowa Code section 321.178 in a motor vehicle operated by the student.
 - a. Classroom instruction ~~shall consist of at least 30 clock hours of classroom instruction and~~ shall include all of the following:
 - i. ~~Four hours of instruction~~ Instruction concerning distracted driving and substance abuse.
 - ii. ~~A minimum of 20 minutes of instruction~~ Instruction concerning railroad crossing safety.
 - iii. Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as provided in Iowa Code chapter 142C.
 - iv. Instruction providing awareness about sharing the road with pedestrians, bicycles and motorcycles.
 - b. Behind-the-wheel instruction shall consist of at least 40 hours of street or highway driving including 4 hours of driving after sunset and before sunrise while accompanied by the teaching parent or a person who is qualified to provide street or highway driving instruction pursuant to Iowa Code section 321.178.
2. *Required topics.* The course may follow any format the vendor determines, provided all of the following topics are properly and adequately covered, as detailed in the course application form provided by the department:
 - a. Traffic law – *classroom instruction*
 - i. Introduction to driver education and driving laws and privileges.
 - ii. Understanding your license to drive.
 - iii. Right-of-way.
 - iv. Traffic control devices.
 - v. Controlling traffic flow.
 - vi. Alcohol and other drugs.
 - vii. Cooperating with other roadway users.
 - b. Driver preparation – *classroom and behind-the-wheel instruction*
 - i. Pre-drive tasks.

- ii. Occupant protection.
- iii. Symbols and devices.
- iv. Starting tasks.
- v. Vehicle operation and control tasks.
- vi. Post-drive tasks.
- vii. In-car progress assessment.
- viii. Driving plan (*classroom instruction*).
- c. Vehicle movements – *classroom and behind-the-wheel instruction*
 - i. Visual attention, mental attention and communication.
 - ii. Reference points.
 - iii. Vehicle balance.
 - iv. Vehicle maneuvers.
 - v. In-car progress assessment (*behind-the-wheel instruction*).
- d. Driver readiness – *classroom and behind-the-wheel instruction*
 - i. Driving practices.
 - ii. Fatigue.
 - iii. Aggressive driving.
 - iv. In-car progress assessment (*behind-the-wheel instruction*).
- e. Risk reduction – *classroom and behind-the-wheel instruction*
 - i. Risk factors.
 - ii. Space management.
 - iii. In-car progress assessment (*behind-the-wheel instruction*).
- f. Environmental factors – *classroom and behind-the-wheel instruction*
 - i. Environmental characteristics.
 - ii. Environmental risk factors.
 - iii. In-car progress assessment (*behind-the-wheel instruction*).
- g. Distractions – *classroom and behind-the-wheel instruction*
 - i. Distractions.
 - ii. Multi-task performances.
 - iii. In-car progress assessment (*behind-the-wheel instruction*).
- h. Alcohol and other drugs – *classroom instruction*
 - i. Introduction of alcohol and other drug problems.
 - ii. Nature of alcohol-related crash problems.
 - iii. Physiological effects of alcohol.
 - iv. Psychological effects of alcohol.
 - v. Other drug effects on the driving task.
 - vi. Zero-tolerance in the driving environment.
- i. Vehicle movement and reference points – *behind-the-wheel instruction*
 - i. Vehicle movements and reference points (entering and exiting traffic and parking).
 - ii. In-car progress assessment (*behind-the-wheel instruction*).
- j. Adverse conditions – *classroom instruction*
 - i. Adverse weather and reduced visibility conditions.

- ii. Traction loss.
 - iii. Emergencies.
- k. Vehicle requirements – *classroom and behind-the-wheel instruction*
 - i. Vehicle malfunctions (*classroom instruction*).
 - ii. Vehicle maintenance (*classroom instruction*).
 - iii. Trip planning (*classroom instruction*).
 - iv. Adverse conditions and vehicle requirements – off-street simulated practice (*behind-the-wheel instruction*).
 - v. In-car progress assessments (*behind-the-wheel instruction*).
- l. Consumer responsibility – *classroom and behind-the-wheel instruction*
 - i. Vehicle use and ownership (*classroom instruction*).
 - ii. Vehicle insurance (*classroom instruction*).
 - iii. Environmental protection and litter prevention (*classroom instruction*).
 - iv. Anatomical gift Act – organ donor (*classroom instruction*).
 - v. Trip planning (*behind-the-wheel instruction*).
 - vi. In-car progress assessment (*behind-the-wheel instruction*).
- m. Personal responsibility (*classroom and behind-the-wheel instruction*).
 - i. Comprehensive classroom progress assessment (testing) (*classroom instruction*).
 - ii. Driver licensing (*classroom instruction*).
 - iii. In-car progress assessment (*behind-the-wheel instruction*).

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
Division/Bureau/Office Systems Planning Bureau Order No. TD-2022-37
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date November 9, 2021
Title Revitalize Iowa's Sound Economy (RISE) Application – Cumming

DISCUSSION/BACKGROUND:

The city of Cumming submitted a RISE Immediate Opportunity application requesting a grant to assist in the widening of approximately 1,730 feet of Cumming Avenue and paving of 510 feet of 50th Street located on the west side of town. This project is anticipated to be completed by August 2022.

This improvement is necessary to provide improved access to the proposed site of Hy-Vee Warehouse, a distribution warehouse and office. This company conforms to the legislative requirements of the RISE program.

The improvement will support:

- The creation of 136 new full-time jobs.
- \$135,329,534 in associated capital investment.

The RISE cost per job assisted will be \$9,692.17 and there will be a total capital investment of \$102.67 for each RISE dollar requested.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on the capital investment and job creation commitments, award a RISE grant of \$1,318,135 or up to 80 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE Fund.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Arnold	_____	_____	_____
Fehrman	_____	_____	_____
Juckette	_____	_____	_____
Putney	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____
Yanney	_____	_____	_____

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DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
Division/Bureau/Office Systems Planning Bureau Order No. TD-2022-38
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date November 9, 2021
Title Revitalize Iowa's Sound Economy (RISE) Application – Mt. Pleasant

DISCUSSION/BACKGROUND:

The city of Mt. Pleasant submitted a RISE Local Development application in the September 2021 round requesting a grant to assist in paving of approximately 1,545 feet of Blue Grass Road located on the northeast side of town.

This project is necessary to provide access to two lots totaling more than 44 acres for industrial purposes. This project is anticipated to be completed by December 2022.

The evaluation and rating for the project will be discussed.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on the capital investment commitment and potential for future job creation, award a RISE grant of \$254,802 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE Fund.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Arnold	_____	_____	_____
Fehrman	_____	_____	_____
Juckette	_____	_____	_____
Putney	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____
Yanney	_____	_____	_____

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**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Transportation Development Division
 Division/Bureau/Office Systems Planning Bureau Order No. TD-2022-39
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date November 9, 2021
 Title Revitalize Iowa's Sound Economy (RISE) Project Settlement – Ottumwa

DISCUSSION/BACKGROUND:

On June 11, 2013, the city of Ottumwa was awarded a RISE grant of \$1,172,195 to assist with the construction of a right-turn lane on U.S. 34 and reconstruction of approximately 2,500 feet of Iowa Avenue from U.S. 34 north to Kay Avenue located on the east side of town.

Commission approval of this project was contingent on the creation of 120 new jobs within three years after completion of the roadway. Associated capital investment was to be \$95,884,530.

On June 10, 2016, the roadway was opened to traffic. As of August 16, 2021, the city of Ottumwa had not met the job creation contingency. The department was advised that no jobs were created.

The method of calculation and amount of proposed settlement was provided to the city. The city of Ottumwa has agreed to repay the proposed settlement of \$342,913.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the project settlement and proposed payment to the city share of the RISE Fund of \$342,913 for the city of Ottumwa.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Arnold	_____	_____	_____
Fehrman	_____	_____	_____
Juckette	_____	_____	_____
Putney	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____
Yanney	_____	_____	_____

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