



Motor Vehicle Division Informational Memo # 23-02

Severe Storm Proclamation 2023- Motor Carrier Services

DATE: April 3, 2023
FROM: Melissa Gillett, Director
Motor Vehicle Division
TO: Iowa Motor Carriers
Iowa Motor Truck Association
All Vehicle & Motor Carrier Services staff
Iowa DOT Motor Vehicle Enforcement

SUBJECT

This informational memo is to inform motor carriers, law enforcement, and staff about the Governor's Proclamation of Disaster Emergency issued April 1, 2023. The proclamation provides relief from regulatory provisions for motor carriers moving loads related to disaster repairs for the duration of this declared disaster.

SUMMARY

On March 31, 2023, a series of severe storms resulted in significant damages to public and private property and power outages from downed power lines and poles. The Governor's proclamation provides relief from the following:

- Allows a vehicle to move overweight loads up to 90,000 pounds without needing to obtain a permit on non-interstate highways (Iowa Code § 321E and Iowa Administrative Code 761-511).
- Allows extended hours of service of motor carriers and drivers of commercial motor vehicles (Iowa Code 321.449).

This regulatory relief applies to movement of loads related to disaster repairs.

HELPFUL QUESTIONS AND ANSWERS

The following questions and answers will provide additional clarification for staff and customers.

WHICH LOADS ARE ALLOWED TO TRAVEL WITHOUT PERMIT UNDER THE GOVERNOR'S PROCLAMATION?

Certain indivisible and divisible loads may travel without permits on state highways if:

- The load is related to disaster repairs.
- The load does not exceed 90,000 pounds gross weight.
- The load does not exceed the maximum axle weight limit determined under the non-primary highway maximum gross weight table by more than 12.5%.
- The load does not exceed the legal maximum axle weight limit of 20,000 pounds.
- The load otherwise complies with posted limits on roads and bridges.

Under these conditions, the divisible load is authorized to travel on Iowa and US highways, excluding the interstate system, without a permit.

CAN OVERWEIGHT LOADS RESPONDING TO THE DISASTER TRAVEL ON THE INTERSTATE WITHOUT A PERMIT?

No, the Governor’s proclamation is limited to Iowa highways, excluding the interstate system.

HOW DID THE GOVERNOR’S PROCLAMATION AFFECT HOURS OF SERVICE OF MOTOR CARRIERS AND DRIVERS OF COMMERCIAL VEHICLES?

The Governor’s proclamation suspended the regulatory provisions of Iowa Code § 321.449 pertaining to hours of service of motor carriers and drivers of commercial motor vehicles under certain conditions. To be eligible for this suspension, the following conditions apply:

- the customers are crews and drivers delivering goods and services while responding to disaster sites during the disaster.
- Motor carriers are not exempt from the controlled substances and alcohol use and testing requirements, commercial drivers’ license requirements, financial responsibilities requirements, or any other portion of the Code of Federal Regulations not specifically identified the Proclamation.
- Motor carriers cannot be required or allowed to operate if fatigued or ill.
- Drivers who inform a carrier that he or she needs immediate rest shall be given at least ten consecutive hours off duty before the driver is required to return to service.
- Motor carriers must give the driver at least thirty-four (34) consecutive hours off when the driver has been on duty for more than seventy (70) hours during any eight (8) consecutive days.
- Motor carriers that have an out-of-service order in effect may not take advantage of this relief.

WHEN DOES THE GOVERNOR’S PROCLAMATION EXPIRE?

May 1, 2023 at 11:59 p.m. unless sooner terminated or extended by the Governor.

WHAT IS THE BEST WAY TO CONTACT DOT REGARDING QUESTIONS?

omcs@iowadot.us

515-237-3264