

Motor Vehicle Division Informational Memo # 24-14

June 2024 Highly Pathogenic Avian Influenza Proclamation – Motor Carrier Services

DATE: June 21, 2024

FROM: Melissa Gillett, Director

TO: All Motor Vehicle Division staff; Iowa State Patrol; Iowa Motor Truck Association

EFFECTIVE: June 20, 2024

SUBJECT

This informational memo is to inform motor carriers, law enforcement, and staff about a Governor's Proclamations of Disaster Emergency providing relief from regulatory provisions for motor carriers responding to highly pathogenic avian influenza in Sac County.

SUMMARY

Due to confirmed cases of highly pathogenic avian influenza in the State of Iowa, the Governor has proclaimed a state of disaster emergency for the above-listed county. The Governor has issued a proclamation that provides relief for the following:

- Allows a vehicle to move overweight loads of up to 90,000 pounds related to the response to the disaster declarations without needing to obtain a permit on non-interstate highways (Iowa Code 321.463).
- Allows extended hours of service of motor carriers and drivers of commercial motor vehicles for loads related to the response to the disaster declarations (Iowa Code 321.449).

PROCLAMATION LINK

[Proclamation](#)

HELPFUL QUESTIONS AND ANSWERS

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

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

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

- The load is related to the response to the disaster declaration for avian influenza in Wright County.
- 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 DIVISIBLE 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 loads related to the response to the avian influenza disaster declarations.
- 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 proclamations.
- 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 DO THE GOVERNOR’S AVIAN INFLUENZA PROCLAMATIONS EXPIRE?

The expiration date is July 20, 2024, unless sooner terminated or extended in writing.

WHAT IS THE BEST WAY TO CONTACT DOT REGARDING QUESTIONS?

omcs@iowadot.us

515-237-3264