

## **Motor Vehicle Division Informational Memo # 20-12**

### ***Termination of COVID-19 Proclamation of Disaster Emergency-Effect on Motor Carrier Title and Permit Transactions***

**DATE:** June 28, 2021

**FROM:** Kelli Huser, Compliance Officer, Motor Vehicle Division

**TO:** All Motor Vehicle Division staff

#### **SUBJECT**

This informational memo explains the new deadlines and application of penalties for motor carrier customers based on the expiration of Governor Kim Reynolds's Proclamation at 11:59 p.m. on July 25, 2021. The Governor's proclamations addressed the following:

- Permit requirements for oversize and overweight loads under Iowa Code 321E.29 and Iowa Administrative Code 761-511.
- Limitation of permits for oversize or overweight loads to loads which are indivisible under Iowa Code sections 321.463, 321E.2, 321E.8, and 321E.9.
- Requirement that vehicles traveling under permit be registered for the gross weight of the vehicle and load under Iowa Code 321E.12.
- Requirement of payment of fee for a permit issued to a vehicle and load under Iowa Code 321E.14.
- Requirement limiting hours of service of motor carriers and drivers of commercial motor vehicles under Iowa Code 321.449.

**There is new warning language in the most recent proclamation added to these sections indicating that Iowans should not expect this waiver to extend beyond July 25, 2021.**

The Director of the DOT issued waivers of several Iowa administrative rules based in part on the Governor's proclamations. The waivers relevant here are the following:

- Requirement that each motor carrier operating under a motor carrier permit issue a bill of lading or receipt in triplicate on the date freight is received for shipment under Iowa Administrative Code 761-524.13.

#### **SUMMARY**

On March 13, Governor Reynolds issued a Proclamation of Disaster Emergency throughout the entire State of Iowa for Novel Coronavirus 2019 (COVID-19). A subsequent proclamation was issued on March 17. Certain proclamation provisions were extended most recently on May 27 and will terminate at 11:59 p.m. on July 25, 2021, unless further extended. In response to questions we have received from both staff and customers, we are issuing this informational memo detailing how the proclamation and subsequent extensions will affect certain transactions that occur on and after the end date of the proclamation, namely, title applications for IRP vehicles and permit requirements.

This memo was originally issued June 10, 2020. It was revised most recently on June 28, 2021.

**The guidance in this memo is effective July 27, 2020.**

## **HELPFUL QUESTIONS AND ANSWERS**

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

### **HOW DID THE GOVERNOR'S MARCH 13, 2020 PROCLAMATION AFFECT CERTAIN DIVISIBLE LOADS MOVING ON STATE HIGHWAYS?**

The Governor's proclamations and subsequent extensions authorized certain divisible loads to travel without permits on state highways and to travel with permits if exceeding 90,000 pounds. Each provision is addressed as follows:

First, the Governor's March 13, 2020 Proclamation and subsequent extensions suspended Iowa Code § 321E.29 and Iowa Administrative Code 761-511 to allow certain divisible loads to travel without permits on state highways. Under Iowa law, oversize and overweight divisible loads may only be operated on Iowa and US highways if "the department or permit-issuing authority determines there is a special or emergency situation which warrants the issuance of a special permit."

By suspending this law, oversize and overweight divisible loads may be operated on Iowa's highways without a permit under the following conditions:

- The load contains food, medical supplies, cleaning products, household goods, agricultural supplies and commodities (including but not limited to, livestock, raw milk and crop supplies), or any other goods and supplies necessary to respond to this public health disaster and its economic effects.
- 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.

Second, the Governor's March 2020 Proclamation and subsequent extensions suspended Iowa Code §§ 321.463, 321E.2, 321E.8, and 321E.9 to allow these divisible loads to exceed 90,000 pounds on Iowa highways if these motor carriers obtained a permit. Therefore, for the duration of the proclamation and all extensions, customers are eligible for oversize and overweight permits and single-trip permits for divisible loads exceeding 90,000 pounds and related to responding to and recovering from this disaster.

### **HOW DOES THE GOVERNOR'S PROCLAMATION AFFECT CUSTOMERS TRAVELING ON THE INTERSTATE SYSTEM?**

The Governor's proclamations and subsequent extensions only apply to Iowa highways. However, on March 13, 2020, President Trump issued a proclamation declaring that the COVID-19 outbreak in the United States constituted a national emergency. Under 23 CFR 127(i), if the President of the United States has declared an emergency to be a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, states are authorized to issue permits in accordance with state law for interstate travel for overweight divisible loads of relief supplies for up to 120 days from the President's disaster declaration. 120 days from the President's March 13 disaster declaration is July 11, 2020.

**Iowa DOT stopped issuing these interstate permits on July 11, 2020.**

**WHICH CUSTOMERS ARE AFFECTED BY THESE SUSPENSIONS AND HOW ARE THEY AFFECTED?**

These suspensions affect customers traveling through Iowa with divisible loads related to responding to and recovering from this disaster for the duration of the proclamation and any extensions. Customers with divisible loads that meet the conditions listed above may travel on Iowa highways without permit and on Iowa highways with permit if exceeding 90,000 pounds on or before July 25, 2021. **There is new warning language in the most recent proclamation that Iowans should not expect this suspension to extend beyond July 25, 2021.**

**WHICH CUSTOMERS ARE NOT AFFECTED BY THIS SUSPENSION?**

Customers with divisible loads that are not related to responding to and recovering from this disaster are not eligible for these suspensions.

On and after July 26, 2021, all customers wanting to move oversize or overweight divisible loads must comply with Iowa Code § 321E.29 and Iowa Administrative Code 761-511. Permits under Iowa Code 321E.29 are limited to the discretion of the department or permit-issuing authority to find a special or emergency situation which warrants the issuance of a special permit.

**HOW DID THE GOVERNOR’S PROCLAMATION AFFECT THE REQUIREMENT THAT VEHICLES TRAVELING UNDER PERMIT BE REGISTERED FOR THE GROSS WEIGHT OF THE VEHICLE AND LOAD?**

The Governor’s Proclamation and subsequent extensions suspended part of Iowa Code § 321E.12, which states “A vehicle traveling under permit shall be registered for the gross weight of the vehicle and load.” The load must relate to responding to and recovering from this disaster. Therefore, for the duration of the proclamation and any subsequent extensions divisible and indivisible vehicles and loads are not required to register for the gross weight of the vehicle and load if the vehicle and load relate to responding to and recovering from this disaster.

**WHICH CUSTOMERS ARE AFFECTED BY THE GROSS WEIGHT SUSPENSION AND HOW ARE THEY AFFECTED?**

For loads moving on and before July 25, 2021, customers are not required to register for the gross weight of the vehicle and load if the load relates to responding to and recovering from this disaster. **There is new warning language in the most recent proclamation that Iowans should not expect this suspension to extend beyond July 25, 2021.**

**HOW DID THE GOVERNOR’S PROCLAMATION AFFECT THE REQUIREMENT THAT THERE IS A FEE FOR A PERMIT ISSUED TO A VEHICLE AND LOAD?**

The Governor’s Proclamation and subsequent extensions suspended part of Iowa Code 321E.14 which identifies fees for permits. For the duration of the proclamation and any extension, divisible and indivisible vehicle and loads related to responding to and recovering from this disaster are not required to pay a fee for the permit issued.

### **WHICH CUSTOMERS ARE AFFECTED BY THE FEE SUSPENSION AND HOW ARE THEY AFFECTED?**

For loads moving on and before July 25, 2021, customers with divisible and indivisible loads that meet the above requirements are not required to obtain a permit for state highways. **There is new warning language in the most recent proclamation that lowans should not expect this suspension to extend beyond July 25, 2021.**

### **WHICH CUSTOMERS ARE NOT AFFECTED BY THE SUSPENSION OF REGISTERING GROSS WEIGHT AND THE FEE FOR PERMITS?**

Customers who are not carrying loads related to responding to or recovering from this disaster are not eligible under the Governor's proclamation for these suspensions.

Customers operating on and after July 26, 2021 will be required to register the gross weight of their vehicles and loads and to pay applicable permit fees under Iowa Code 321E.14. This is because the Governor's proclamation and extensions will have expired and will no longer be in effect.

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

The Governor's proclamation of March 19, 2020 and subsequent extensions 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 load must contain vaccines, antivirals, prescription drugs, protective equipment, other necessary medical assets, food, medical supplies, cleaning products, other household goods, agricultural supplies and commodities (including but not limited to, livestock, raw milk, and crop supplies) any other goods and supplies necessary to respond to this public health disaster and its economic effects.
- 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.

### **WHICH CUSTOMERS ARE AFFECTED BY THE HOURS OF SERVICE SUSPENSION AND HOW ARE THEY AFFECTED?**

For loads moving on and before July 25, 2021, the above suspension of regulatory provisions and the conditions apply.

### **WHICH CUSTOMERS ARE NOT AFFECTED BY THE HOURS OF SERVICE SUSPENSION?**

Customers who operate on and after July 26, 2021 are not eligible for this suspension because the Governor's proclamation will have expired. Customers with loads not related to responding to and recovering from this disaster are not eligible for this suspension. **There is new warning language in the most recent proclamation that Iowans should not expect this suspension to extend beyond July 25, 2021.**

### **HOW DID THE DIRECTOR'S WAIVER ISSUED MARCH 20, 2020 AFFECT THE REQUIREMENT OF A PHYSICAL BILL OF LADING FOR CERTAIN CARRIERS?**

The Director's waiver of rules issued March 20, 2020 waived Iowa Administrative Code 761-524.13. This provision required each motor carrier operating under a motor carrier permit issue a bill of lading or receipt in triplicate on the date freight is received for shipment. A physical bill of lading or physical receipt is expected under this rule. The Director's waiver waived the portions of the rule that specifically related to requiring a physical copy of the bill of lading or receipt and allowed carriers to display a bill of lading electronically.

### **WHICH CUSTOMERS ARE AFFECTED BY THE BILL OF LADING WAIVER AND HOW ARE THEY AFFECTED?**

For loads moving on or before July 25, 2021, customers who are subject to the bill of lading requirement may display the bill of lading or receipt electronically. The waiver is limited to electronic display of documents, and did not waive requirements that the motor carrier have access to the bill of lading or receipt with the cargo, that the motor carrier shall keep the bill of lading or receipt for a period of not less than one year, and that the bill of lading or receipt is subject to inspection.

### **WHICH CUSTOMERS ARE NOT AFFECTED BY BILL OF LADING WAIVER?**

Customers who operate on and after July 26, 2021 are required to display a physical bill of lading or receipt because the administrative rules will no longer be waived. This is because the Director's waiver expires when the Governor's proclamation, or any extensions, expire.

### **MAY CUSTOMERS APPLY FOR PERMITS UNDER THE SUSPENSION OR WAIVER PROVISIONS THAT EXTEND BEYOND July 25, 2021?**

No. All permits authorized under the Governor's proclamation and extensions expire as of 11:59 p.m. on July 25, 2021. Iowa law and Iowa Administrative Code will apply to all motor carriers operating on and after July 26, 2021, absent another proclamation, extension, or waiver.

### **WHAT IS THE BEST WAY TO CONTACT DOT REGARDING QUESTIONS?**

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