

Red Tape Review Rule Report (Due: September 1, 2025)

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| Department Name: | Department of Transportation | Date: | 9/13/2024 | Total Rule Count: | 5 |
| IAC #: | 761 | Chapter/ SubChapter/ Rule(s): | 12 | Iowa Code Section Authorizing Rule: | 17A.9 |
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

This chapter is intended to explain the process on how a person or agency may submit a petition for a declaratory order to the Department and how the Department will respond to that order. The intended benefit is to provide clarity and transparency.

Is the benefit being achieved? Please provide evidence.

Yes, the benefit is being achieved because the process is clearly defined. The Department received two petitions for declaratory order in the last few years. One in calendar year 2020 and one in calendar year 2023.

What are the costs incurred by the public to comply with the rule?

The chapter imposes no costs to the public.

What are the costs to the agency or any other agency to implement/enforce the rule?

There are no costs to the Department to implement this chapter.

Do the costs justify the benefits achieved? Please explain.

There are no costs. It is important for those who want to submit a petition for declaratory order to understand the process.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

The Department believes Chapter 12 is necessary.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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12.2(1): Last sentence is duplicative of Iowa Code section 17A.9(1).
12.3: Rule is duplicative of Iowa Code section 17A.9(3) and the last sentence is unnecessary.
12.4(2): Subrule is duplicative of Iowa Code section 17A.1“b”(2).
12.5: First sentence is duplicative of Iowa Code section 17A.9(7).

RULES PROPOSED FOR REPEAL (list rule number[s]):

12.3 Notice of petition

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

12.1 Definitions.
12.2 Petition for declaratory order.
12.3 Action on petition.
12.4 Effect of a declaratory order.

****For rules being re-promulgated with changes, you may attach a document with suggested changes.***

METRICS

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| Total number of rules repealed: | 1 |
| Proposed word count reduction after repeal and/or re-promulgation | 131 |
| Proposed number of restrictive terms eliminated after repeal and/or re-promulgation | 12 |

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

No.