

Red Tape Review Rule Report (Due: September 1, 2024)

Department Name:	Department of Transportation	Date:	August 13, 2024	Total Rule Count:	7
IAC #:	761	Chapter/ SubChapter/ Rule(s):	450	Iowa Code Section Authorizing Rule:	307.12(1)“j,” 321.383, 321.438, 321.445
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

The intended benefit of Chapter 450 is to allow a person to register a specially constructed or reconstructed vehicle, a street rod, or a replica vehicle in Iowa as provided in Iowa Code section 321.23. To qualify for registration, the vehicle must meet certain requirements, including have the required motor vehicle equipment outlined in Iowa Code and federal motor vehicle safety standards.

Iowa Code section 321.23 requires the Department to conduct a physical inspection of these vehicles upon the title and registration application by the owner. The purpose of the inspection is to determine if the motor vehicle complies with the definition of specially constructed, reconstructed, street rod, or replica vehicle under Iowa Code section 321.1, whether the integral component parts are properly identified, and the rightful ownership of the parts of the vehicle.

The chapter also provides a benefit by setting forth the minimum measurable standard of transparency for windshields, windows and sidewings as required by Iowa Code section 321.438. The chapter also provides clarification on physical and medical seat belt exemptions as required by Iowa Code section 321.445.

Is the benefit being achieved? Please provide evidence.

Yes. In 2023, 755 vehicles were able to be registered and titled in Iowa due to meeting the requirements and passing the required inspection for a specially constructed or reconstructed vehicle, a street rod, or a replica vehicle.

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

Any costs to the public related to the inspection of vehicles are not because of the rules, but because of the equipment requirements in statute. Owners who specially construct or reconstruct motor vehicles incur costs to include equipment required to meet the definition of a motor vehicle that can be registered under Iowa Code.

The public does not incur a cost to comply with the minimum measurable standard of transparency for windows, windshields and sidewings if they purchase a vehicle that meets the transparency standard adhered to by motor vehicle manufacturers. The National Highway Traffic Administration (NHTSA) adopts Federal Motor Vehicle Safety Standard (FMVSS) No. 205, which requires windows installed in new motor vehicles to have visible light transmittance of not less than 70%, which is the same transparency standard

adopted in the rule. However, if the person purchases a used vehicle with windows containing after-market tint below the 70% standard, or the person chooses to tint the vehicle's windows below the legal standard themselves, they could be subject to a suspension of their motor vehicle registration and may incur costs to remove the tint before their registration can be restored. In 2022, we suspended registration for 106 individuals due to having window tint below the minimum standard set forth in the rule.

The public does not incur costs to comply with the seat belt exemption requirements, which are attributable to the underlying statute.

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

The cost to the Department for inspections is because of the statute. The rules just provide parameters for how the inspection is to occur. An investigator from the Bureau of Investigation and Identity Protection must conduct the physical inspection and ensure the motor vehicle complies with the rules.

Law enforcement agencies incur costs for enforcing the minimum measurable standard of transparency for windows, windshields and sidewings, which the statute requires the Department to set via rule.

There are no costs to the Department for providing a form for seat belt exemptions.

Do the costs justify the benefits achieved? Please explain.

Yes. The rules create a consistent framework for what requirements an applicant must meet to title and register a specially constructed or reconstructed vehicle, a street rod, or a replica vehicle in Iowa. The rules also establish the minimum measurable standard of transparency for windows, windshields and sidewings with FMVSS No. 205. This helps ensure vehicles meet basic equipment requirements and standards when being operated on Iowa roadways. The rules also provide clarity on how customers can meet the statutory requirements for a seat belt exemption due to medical or physical issues.

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.

There is no less restrictive alternative available to registering and titling specially constructed or reconstructed vehicles, street rods, or replica vehicles while ensuring they meet the vehicle equipment standards set forth in Iowa Code. To ensure the required equipment has been installed, a physical inspection of the vehicle must continue to occur. We are also unable to identify less restrictive alternatives for the minimum measurable standard of transparency for windows, windshields and sidewings that do not compromise safety. There is no alternative to the rules for seat belt exemptions as the Department is required by Iowa Code to create a form and promulgate rules.

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]

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

450.1 Addresses information and forms.

450.1(1): This subrule is deleted because it is unnecessary.

450.2 Equipment requirements for specially constructed, reconstructed, street rod, and replica motor vehicles, other than autocycles, motorcycles and motorized bicycles.

450.2(1): This subrule is deleted due to being redundant and the content is moved to Rule 450.1, which will now be applicable to the entire chapter.

450.2(2): This subrule is deleted due to being redundant and the content is moved to Rule 450.1, which will now be applicable to the entire chapter.

450.2(10): This subrule is revised because it is duplicative of statutory language.

450.2(12): This subrule is revised because it is duplicative of statutory language.

450.2(21)(c): This paragraph is revised because it is duplicative of statutory language.

450.3 Mud and snow tire is rescinded because it is duplicative of statutory language.

450.4 Minimum requirements for constructing and equipping specially constructed or reconstructed motorcycles or motorized bicycles.

450.4(1): This subrule is deleted due to being redundant and the content is moved to Rule 450.1, which will now be applicable to the entire chapter.

450.4(2): This subrule is revised because it is duplicative of statutory language.

450.4(14): This subrule is revised because it is duplicative of statutory language.

450.5 Minimum requirements for constructing and equipping specially constructed or reconstructed autocycles.

450.5(1): This subrule is deleted due to being redundant and the content is moved to Rule 450.1, which will now be applicable to the entire chapter.

450.5(2): This subrule is revised because it is duplicative of statutory language.

450.5(7): This subrule is revised because it is duplicative of statutory language.

450.6 Safety requirements for the movement of implements of husbandry on a roadway. This rule is being removed from chapter 450 because it is being transferred to the Department of Public Safety pursuant to 2024 Iowa Acts, House File 2686, section 16.

450.7 Front windshields, windows or sidewings.

450.7(1): This subrule is deleted because it is duplicative of statutory language.

450.7(3): This subrule is revised to remove repetitive language.

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

450.1(1)
450.2(1)
450.2(2)
450.2(14)
450.2(15)
450.3
450.4(1)
450.4(3)
450.4(12)
450.5(1)
450.6
450.7(1)

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

450.1
450.2
450.3
450.4
450.5
450.6

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

METRICS

Total number of rules repealed:	1
Proposed word count reduction after repeal and/or re-promulgation	1560
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	174

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

The Department recommends the dark window tint standard in rule 450.7 be established and codified in Iowa Code section 321.438. While the Department has explicit rule making authority in Iowa Code section 321.438 to establish the dark window tint standard via administrative rule, there have been at least one or more bills introduced nearly every session for the last several years to set the dark window tint standard by statute, rather than Department rule.

Additionally, we recommend explicit rule making authority be added to Iowa Code section 321.23 for the inspection and equipment requirements for specially constructed or reconstructed vehicles, street rods, or replica vehicles, including motorcycles, motorized bicycles and autocycles. Iowa Code section 321.23 requires the Department to inspect these vehicles to determine whether the vehicle meets the statutory definition of a specially constructed or reconstructed vehicle, street rod, or replica vehicle and to determine that the integral component parts of the vehicle are properly identified, and that rightful ownership is established prior to the vehicle being registered and titled. However, the code does not outline the inspection process or specific equipment requirements applicable to such vehicles in a centralized manner, which is instead done via administrative rule. The Department currently relies on general rule making authority in Iowa Code section 307.12(1)“j” for the following rules:

450.1 Addresses, information and forms.

450.2 Equipment requirements for specially constructed, reconstructed, street rod, and replica motor vehicles, other than autocycles, motorcycles and motorized bicycles.

450.3 Mud and snow tire.

450.4 Minimum requirements for constructing and equipping specially constructed or reconstructed motorcycles or motorized bicycles.

450.5 Minimum requirements for constructing and equipping specially constructed or reconstructed autocycles.

The Department also recommends explicit rule making authority be added to Iowa Code section 321.445(2)“b”(5) for the creation of a form and process for medical/physical seat belt exemptions. This Code section requires the Department to provide a form for the exemption, but the Department relies on general rulemaking authority in Iowa Code section 307.12(1)“j” to adopt subrule 450.6(1).