

### Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 761—Chapter 451  
“Authorized Emergency Vehicle Certificate of Designation”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 307.12(1)“j,” 321.16, and 321.451  
State or federal law(s) implemented by the rulemaking: Iowa Code sections 307.12(1)“j,” 321.2,  
321.3, 321.13, 321.16, 321.231, 321.231A, 321.324A, and 321.451

### *Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 12, 2024  
1 to 1:30 p.m.

[Microsoft Teams link](#)  
Or dial: 515.817.6093  
Conference ID: 634 063 190

### *Public Comment*

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department of Transportation no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Sara Siedsma  
6310 SE Convenience Boulevard  
Ankeny, Iowa 50021  
Email: [sara.siedsma@iowadot.us](mailto:sara.siedsma@iowadot.us)

### *Purpose and Summary*

The purpose of the proposed chapter is to implement Iowa Code section 321.451 by outlining the procedures for certain persons to obtain a certificate of designation as an authorized emergency vehicle for their privately owned vehicle. An authorized emergency vehicle certificate allows its holder, for example, a fire chief or sheriff, to operate a privately owned vehicle to the scene of an emergency, in parades, or in events or to display certain flashing lights.

### *Analysis of Impact*

1. Persons affected by the proposed rulemaking:
  - Classes of persons that will bear the costs of the proposed rulemaking:  
There are no costs or fees associated with this chapter; rather, it creates a consistent framework for the application, issuance, and revocation of an authorized emergency vehicle certificate.
  - Classes of persons that will benefit from the proposed rulemaking:  
Persons seeking to obtain an authorized emergency vehicle certificate will benefit from these rules by knowing the application, issuance, and revocation process for the certificates.
2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:
  - Quantitative description of impact:  
There are no additional quantitative impacts that were not already anticipated as a result of the underlying statute, which requires the Department to issue authorized emergency vehicle certificates to qualified applicants.

- Qualitative description of impact:

The result of reorganizing, streamlining, and reducing redundancy in the proposed chapter will create a positive impact by producing a more user-friendly version of the information the public relies on for understanding how to obtain an authorized emergency vehicle certificate.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

There are no additional implementation or enforcement costs in the proposed chapter that were not already required as a result of the underlying statute. The statute requires the Department to issue authorized emergency vehicle certificates to qualified applicants.

- Anticipated effect on state revenues:

There are no anticipated effects on state revenues beyond the underlying statute.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The benefit of the proposed chapter is consistency and transparency on the processes and requirements for obtaining an authorized emergency vehicle certificate in Iowa.

The cost of inaction is the inability for qualified emergency responder personnel to understand quickly and efficiently what is required to obtain and maintain an authorized emergency vehicle certificate in Iowa.

There is no benefit of inaction.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

There are no less costly or less intrusive methods to achieve the purpose of the proposed rules, which is to quickly and efficiently provide information to qualified emergency responder personnel on what is required to obtain and maintain an authorized emergency vehicle certificate in Iowa.

Establishing the basic application, issuance, and revocation process in rule helps ensure the process is clear for applicants and is consistently applied.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Department did not consider alternatives for the proposed rules. The Department is required by the Iowa Code to issue an authorized emergency vehicle certificate to qualified applicants.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

No alternatives were considered for the proposed rules.

*Small Business Impact*

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no small business impact beyond what was already anticipated under the statute. The proposed certificate application and revocation rules apply equally to privately owned vehicles of qualified emergency responder personnel under the Iowa Code.

*Text of Proposed Rulemaking*

ITEM 1. Rescind 761—Chapter 451 and adopt the following **new** chapter in lieu thereof:

CHAPTER 451  
AUTHORIZED EMERGENCY VEHICLE CERTIFICATE OF DESIGNATION

**761—451.1(307,321) Information.** Information about certificates of designation for authorized emergency vehicles is available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.237.3156; by email at [dealer.programs@iowadot.us](mailto:dealer.programs@iowadot.us); or on the department's website at [www.iowadot.gov](http://www.iowadot.gov).

This rule is intended to implement Iowa Code sections 307.12(1) "j," 321.2 and 321.3.

**761—451.2(307,321) Certificate application and expiration.**

**451.2(1)** Application for a certificate of designation as an authorized emergency vehicle is to be submitted to the motor vehicle division in the form and manner prescribed by the department.

**451.2(2)** The certificate of designation expires on the thirty-first day of December five years from the year in which it was issued.

This rule is intended to implement Iowa Code sections 307.12(1) "j" and 321.451.

**761—451.3(321) Towing and recovery vehicles.** In addition to the provisions of Iowa Code sections 321.231(2), 321.231(4), 321.231A, 321.324A(4) and 321.451, a towing or recovery vehicle with a valid certificate of designation may only display illuminated emergency lights in one of the following circumstances:

**451.3(1)** When the vehicle is at the scene of an emergency, which includes an incident dangerous to the public or roadside operations where increased visibility will mitigate risk of traffic hazards.

**451.3(2)** When otherwise authorized by a law enforcement officer.

This rule is intended to implement Iowa Code sections 321.231, 321.231A, 321.324A(4) and 321.451.

**761—451.4(17A,307,321) Denial or revocation.**

**451.4(1)** The department shall deny an application if the applicant does not establish that the vehicle will be used as an authorized emergency vehicle or if the applicant does not meet the criteria for issuance of a certificate pursuant to Iowa Code section 321.451.

**451.4(2)** The department shall revoke a certificate of designation if the holder fails to comply with the applicable provisions of this chapter or Iowa Code section 321.231, 321.231A, 321.324A(4) or 321.451 or if the certificate holder is no longer eligible for the certificate.

**451.4(3)** When the department denies or revokes a certificate of designation, notice will be sent in accordance with Iowa Code section 321.16. The revocation or denial takes effect 20 days from the date mailed. A person who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13. The request will be submitted in writing to the director of the motor vehicle division and deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice.

This rule is intended to implement Iowa Code chapter 17A and sections 307.12(1) "j," 321.13, 321.16, 321.231, 321.231A, 321.324A(4) and 321.451.