

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 761—Chapter 454
“Towing Wrecked or Disabled Vehicles”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 307.12(1)“j” and 321.463

State or federal law(s) implemented by the rulemaking: Iowa Code section 321.463 and 23 U.S.C. §141(a) and (b)

Public Hearing

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

October 9, 2024
1 to 1:30 p.m.

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 821 597 958

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral 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:

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Purpose and Summary

Proposed Chapter 454 aims to provide a clearer definition of the terms “tow” and “wrecked or disabled vehicle” within the context of Iowa Code section 321.463. Specifically, the chapter limits the weight exemption under Iowa Code section 321.463 to situations where a disabled vehicle is being removed from a crash scene to a location for repair or storage.

Additionally, this chapter ensures compliance with federal law (specifically 23 U.S.C. §141(a) and (b)), which pertains to the enforcement of vehicle size and weight laws.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
 - Tow truck operators: if tow truck operators’ vehicles exceed weight limits, they may incur costs associated with adjustments or modifications.
 - Vehicle owners and drivers: vehicle owners and drivers relying on tow services may experience indirect costs. These costs could result from higher fees charged by tow companies due to compliance efforts.
 - Department of Public Safety: Agencies responsible for enforcing the chapter bear administrative costs. These include costs related to monitoring compliance, processing applications, and conducting inspections.
 - Road users and the public: improved safety benefits all road users.
 - Classes of persons that will benefit from the proposed rulemaking:

Tow truck operators, vehicle owners and drivers, road users, the public and the State benefit from this rulemaking. Defining these terms more precisely aims to prevent misuse of weight exemptions by tow trucks. The rulemaking ensures that only legitimate cases involving disabled vehicles are eligible for the exemption. Ultimately, this benefits safety and infrastructure by preventing overweight tow trucks from operating on Iowa roads.

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:

If Iowa fails to comply with federal requirements, there would be a potential funding loss of approximately \$44.5 million from federal-aid highway funds. Additionally, there would be an impact on safety and infrastructure. For example, the rulemaking aims to enhance safety by regulating tow truck weight exemptions more effectively. In turn, improved safety contributes to fewer accidents and injuries and less property damage.

- Qualitative description of impact:

By precisely defining terms like “tow” and “wrecked or disabled vehicle,” the rulemaking ensures that weight exemptions apply only to legitimate cases, therefore adding a safety enhancement. Safer roads result from better-regulated tow truck operations, reducing the risk of accidents and injuries.

The proposed rulemaking would also have an impact on infrastructure preservation. Preventing overweight tow trucks helps maintain road infrastructure. Fewer heavy vehicles means less wear and tear on roads and bridges.

Additionally, the rulemaking ensures Iowa’s adherence to federal requirements (23 U.S.C. §141(a) and (b)).

3. Costs to the State:

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

There are no implementation or enforcement costs. The Department of Public Safety enforces this chapter as part of its regular duties.

- Anticipated effect on state revenues:

There are no actual costs to the Department or public for this chapter, given its narrow scope. However, either this chapter must remain intact or Iowa Code section 321.463 must be amended to comply with federal law to prevent a potential loss of approximately \$44.5 million in federal funding.

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

The benefits of the proposed rulemaking include enhanced safety due to better-regulated tow truck weight exemptions and continued maintenance of road infrastructure by preventing overweight tow trucks.

Maintaining this chapter is essential to prevent the potential loss of approximately \$44.5 million in federal funding. Compliance with federal requirements ensures Iowa’s eligibility for federal-aid highway funds.

There is no benefit to inaction. The long-term effects of not having this chapter would include continued safety risks from unregulated tow truck operations; potential infrastructure damage due to overweight vehicles; and noncompliance with federal law, risking funding reduction.

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

The Department determined that there are no less costly or less intrusive methods for achieving the purpose of the rulemaking.

6. Alternative methods considered by the agency:

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

The Department determined that either the rules must be in effect or Iowa Code section 321.463 needs to be amended so that the rule is no longer needed.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:
The rules must stay in place unless the Legislature amends Iowa Code section 321.463 to define these terms so that the rule would no longer be necessary.

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?

The proposed chapter does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 761—Chapter 454 and adopt the following **new** chapter in lieu thereof:

CHAPTER 454
TOWING WRECKED OR DISABLED VEHICLES

761—454.1(307,321) Definitions. For the purpose of Iowa Code section 321.463, the following definitions are established:

“*Tow*” means the transportation by a vehicle designed to tow or transport wrecked or disabled vehicles directly from the scene of a crash, disablement, or impoundment to any place of repair, storage, or safekeeping.

“*Wrecked or disabled vehicle*” means a vehicle upon a highway involved in a crash or having mechanical failure, broken parts, or other defects, any of which prevent the vehicle from moving safely under its own power, or any vehicle impounded by the order of a peace officer.

This rule is intended to implement Iowa Code sections 307.12(1) “j” and 321.463 and 23 U.S.C. §141(a) and (b).