

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

Department Name:	Department of Transportation	Date:	April 12, 2024	Total Rule Count:	8
IAC #:	761	Chapter/ SubChapter/ Rule(s):	480	Iowa Code Section Authorizing Rule:	321.89
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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 480 is to provide law enforcement and private entities acting on behalf of law enforcement with guidance on the process for disposing of abandoned vehicles on public highways, and specifically if the abandoned vehicle is unclaimed. The chapter includes guidance for police authorities when hiring a private entity to complete the abandoned vehicle process, on conducting a public auction to sell the abandoned vehicle, and the process to request reimbursement of expenses or remit unclaimed proceeds resulting from the sale of the abandoned vehicle.

Is the benefit being achieved? Please provide evidence.

Yes. The rules give clear guidance to law enforcement and private entities acting on behalf of law enforcement regarding the abandoned vehicle disposal process. The Department receives approximately 2,500 abandoned vehicle reports annually either requesting reimbursement for expenses in excess of the proceeds of the sale of the abandoned vehicle or remitting unclaimed proceeds from the sale of the vehicle.

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

There are no costs to the public because of this chapter beyond what is required by statute. Iowa Code section 321.89 requires a vehicle abandoned on a public highway to be taken into custody by law enforcement or a private entity acting on behalf of law enforcement and be disposed of if it is unclaimed.

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

There are no costs to the Department or other agencies because of this chapter beyond what is required by statute. While the abandoned vehicle claims process does require Department staff time, those costs are already required by statute because the Department is required to establish a procedure for entities to request expense reimbursement to remit unclaimed proceeds resulting from the sale of the abandoned vehicle.

Similarly, law enforcement agencies are required by statute to take into custody a vehicle abandoned on a public highway and to dispose of the vehicle via the process required by statute if it is unclaimed.

Do the costs justify the benefits achieved? Please explain.

Yes. The rules implement the purpose of Iowa Code section 321.89, which is to remove abandoned vehicles from the public highways.

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 for establishing the statutorily required process to dispose of abandoned vehicles upon the public highway.

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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Paragraph 480.3(9)“b” regarding keeping records of National Motor Vehicle Title Information System reports was deleted because it was obsolete.

Rules 480.6 (Odometer statement); 480.7 (Abandoned vehicle report) and 480.8 (Time limits) were deleted and the content of each rule was moved to newly renumbered 480.4 and 480.5, which outlines the requirements for an auction and for expense reimbursement and remitting unclaimed proceeds to the Department.

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

480.6
480.7
480.8

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

480.1
480.2
480.3
480.4
480.5

****For rules being re-promulgated with changes, please attach a document with suggested changes, if available.***

METRICS

Total number of rules repealed:	3
Proposed word count reduction after repeal and/or re-promulgation	161
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	15

ARE THERE ANY RULES YOU WOULD RECOMMEND BE CODIFIED IN STATUTE?

We recommend the definitions of abandoned vehicle and public auction in rule 480.1 be codified to make it clear that the abandoned vehicle process only applies to vehicles subject to registration under Iowa Code section 321.18 and to clearly outline the requirements of a public auction.

