

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

<b>Department Name:</b>	Department of Transportation	<b>Date:</b>	July 9, 2024	<b>Total Rule Count:</b>	7
<b>IAC #:</b>	761	<b>Chapter/ SubChapter/ Rule(s):</b>	635	<b>Iowa Code Section Authorizing Rule:</b>	307.12(1)“j,” 321.179
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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 635 is to comply with Iowa Code sections 321.179 and 321.180B(5) by outlining the application, renewal, and eligibility requirements for motorcycle rider education (MRE) courses, sponsors and instructors in the state. The Department is also required to establish the framework under which MRE sponsors may be reimbursed from the motorcycle rider education fund for the costs of providing MRE courses.

**Is the benefit being achieved? Please provide evidence.**

Yes. In 2023, the Department issued or renewed 17 MRE sponsor licenses and 54 MRE instructor licenses. The Department also reimbursed eligible MRE sponsors a total of \$562,454.07 in 2023 from the motorcycle rider education fund.

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

A private or commercial MRE sponsor is required to pay a \$25 application fee. Public MRE sponsors are not charged an application fee. The Department collected \$125 in application fees in 2023.

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

The cost to the Department for processing applications and renewals for MRE sponsors and instructors and for reimbursing MRE sponsors is attributable to the statute, which requires the Department to approve MRE courses and provide reimbursement from the motorcycle rider education fund to eligible recipients. The rules just provide parameters for how the application, renewal and reimbursement process is to occur.

**Do the costs justify the benefits achieved? Please explain.**

Yes. The rules create a consistent framework for the application and renewal of MRE sponsors and instructors, as well as the criteria to receive reimbursement from the motorcycle rider education fund. This helps ensure only eligible persons are licensed to provide these services and only eligible recipients receive reimbursement funds.

**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 licensing MRE sponsors and instructors, and providing reimbursement to eligible sponsors, other than establishing the basic application and renewal process, and the reimbursement criteria, in rule. Doing so helps ensure the process is clear for applicants and is consistently applied.

The Department reviewed the MRE licensure process in both Nebraska and South Dakota and found those states had requirements that were similar or more burdensome than Iowa's requirements. For example, like Iowa, both Nebraska and South Dakota also require their MRE curriculum to be nationally recognized and researched based and require their MRE instructors to possess an instructor certification from a nationally recognized motorcycle safety organization. Unlike Iowa's one-year MRE license, Nebraska provides for a two-year license; however, Iowa only charges a \$25 application or renewal fee whereas Nebraska charges a \$100 application or renewal fee. South Dakota issues a one-year MRE license like Iowa but does not charge an application or renewal fee.

**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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None. Although the chapter was significantly revised, it was to improve organization and group like content together.

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

None

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

635.1  
635.2  
635.3  
635.4  
635.5  
635.6  
635.7

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

#### METRICS

**Total number of rules repealed:**

**0**

<b>Proposed word count reduction after repeal and/or re-promulgation</b>	<b>362</b>
<b>Proposed number of restrictive terms eliminated after repeal and/or re-promulgation</b>	<b>45</b>

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

The Department recommends explicit rule making authority be added to Iowa Code section 321.180B(5) for the MRE sponsor and instructor licensure process. Although the Iowa Code requires an under-18 applicant for a motorcycle license to complete an MRE course approved by the Department prior to being issued a motorcycle license, the code does not outline the application and renewal process, or the eligibility requirements for MRE sponsors and instructors, which is instead done via administrative rule. The Department currently relies or partially relies on general rule making authority in Iowa Code section 307.12(1)“j” for the following rules:

- 635.1 Definitions
- 635.2 Approved course in motorcycle rider education
- 635.3 Instructors
- 635.4 Responsibilities of sponsors
- 635.6 Information and location
- 635.7 License issuance