

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

Department Name:	Department of Transportation	Date:	July 9, 2024	Total Rule Count:	7
IAC #:	761	Chapter/ SubChapter/ Rule(s):	636	Iowa Code Section Authorizing Rule:	307.12(1)“j”
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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 636 is to comply with Iowa Code section 321.189(7) by outlining the application, renewal, and eligibility requirements for motorized bicycle rider education programs, sponsors, and instructors in the state.

Is the benefit being achieved? Please provide evidence.

Yes. In 2023, the Department approved or renewed 26 moped rider education programs, inclusive of approved instructors.

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

A private or commercial sponsor is required to pay a \$25 application fee. Public sponsors are not charged an application fee. The Department collected \$150 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 sponsors and instructors is because of the statute, which requires the Department to approve motorized bicycle rider education programs. The rules just provide parameters for how the application and renewal 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 motorized bicycle rider education program approval. This helps ensure only eligible persons are approved to provide these services.

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 approving motorized bicycle rider education programs other than establishing the basic application and renewal process in rule. Doing so helps ensure the process is clear for applicants and is consistently applied.

The Department reviewed the laws in both Nebraska and South Dakota and found that neither state’s laws require a licensee under the age of 16 to complete a moped rider education course prior to obtaining a

moped license like Iowa does. Because neither Nebraska nor South Dakota law requires a moped rider education course, the Department was unable to compare Iowa's requirements for moped rider education requirements with those two states.

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]):

636.7

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

636.1
636.2
636.3
636.4
636.5
636.6

****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	75
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	7

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 321.189(7) for the motorized bicycle rider education program approval process. Although the Iowa Code requires an under-16 applicant for a moped license to complete motorized bicycle rider education course approved by the Department prior to being issued a moped license, the Iowa Code does not outline the application and renewal process, or the eligibility requirements for the programs, 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:

636.1 Information and location
635.2 Definitions
636.4 Approved program in motorized bicycle rider education
636.5 Course requirements
636.6 Instructor approval
636.7 Evaluation