

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 761—Chapter 636
“Motorized Bicycle Rider Education”

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

State or federal law(s) implemented by the rulemaking: Iowa Code sections 307.12(1)“j” and 321.189

Public Hearing

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

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

[Microsoft Teams Link](#)
Or dial: 515.817.6093
Conference ID: 460 336 395

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:

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Ankeny, Iowa 50021
Email: sara.siedsma@iowadot.us

Purpose and Summary

The purpose of proposed Chapter 636 is to comply with Iowa Code section 321.189(7) by outlining the application, renewal, and eligibility requirements for motorized bicycle (moped) rider education programs, sponsors, and instructors in the state.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

Individuals under 16 years old seeking a moped license who are required by Iowa Code section 321.189(7) to complete a moped rider education course approved by the Department prior to licensure will bear the costs.

Private and commercial sponsors of moped rider education who are required by the rules to pay a \$25 application fee to the Department will also bear the costs.

- Classes of persons that will benefit from the proposed rulemaking:

Moped rider education sponsors and instructors will benefit from these rules by knowing the application and eligibility requirements to become an approved sponsor or instructor. Applicants for a moped license will benefit from the availability of moped rider education programs, sponsors and instructors that meet eligibility criteria established by the Department.

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:

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

- Qualitative description of impact:

The result of reorganizing and streamlining the proposed chapter will create a positive impact by producing a more reader-friendly version of the information sponsors and instructors use to determine the application and eligibility criteria for obtaining approval.

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 rules that were not already required as a result of the underlying statute. Iowa Code section 321.189(7) requires individuals under 16 years old seeking a moped license to complete a moped rider education course approved by the Department prior to licensure.

- Anticipated effect on state revenues:

In calendar year 2023, the Department collected \$150 in moped rider sponsor application fees.

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 in the application process and eligibility for sponsor and instructor approval. The cost of the proposed rules is the same as the costs required by the underlying statute.

The cost of inaction is the inability for sponsors and instructors to be approved to provide moped rider education courses 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 sponsors and instructors seeking information regarding the application and eligibility requirements to become a sponsor or instructor.

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 approve moped rider education courses.

- 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 substantial impact on small business because of the rules. All private and public sponsors must meet the same eligibility criteria to provide moped rider education courses in the state. Private and commercial sponsors are charged a nominal \$25 application fee that has not been determined to be a substantial barrier to program approval.

Text of Proposed Rulemaking

ITEM 1. Rescind 761—Chapter 636 and adopt the following **new** chapter in lieu thereof:

CHAPTER 636
MOTORIZED BICYCLE RIDER EDUCATION

761—636.1(307,321) Information and location. Applications, forms and information regarding this chapter are available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.244.8725; or by facsimile at 515.239.1837.

761—636.2(307,321) Definitions.

“*Approved course*” means the motorized bicycle rider education course approved by the department.

“*Instructor*” means a person approved by the department to instruct a motorized bicycle rider education course.

“*Program approval*” means department approval of an entity’s motorized bicycle rider education course and instructors.

“*Sponsor*” means an entity that delivers the approved course.

761—636.3(307,321) Application, renewal and fees.

636.3(1) Application and renewal.

a. Any sponsor must apply to the department for program approval in a manner determined by the department prior to the beginning of the first class offered in the approved course and annually thereafter. An instructor of an approved course must be listed on the application and approved by the department.

b. Program approval is valid for a calendar year or remainder of a calendar year and expires on December 31 but remains valid for an additional 30 days after the expiration date.

c. Unless otherwise approved by the department, an application for renewal is due to the department within 60 days of the expiration date.

636.3(2) Fees. The initial application and annual renewal fee are \$25 for a private or a commercial sponsor. The fee is to be paid in a manner approved by the department.

761—636.4(307,321) Course requirements.

636.4(1) Classroom instruction. The course approved by the department must include a minimum of six clock hours of classroom instruction that includes the instructional components contained in subrule 636.4(3).

636.4(2) Driving instruction. Motorized bicycle rider driving experiences in addition to classroom instruction are permissible but not required.

636.4(3) Course content. Every motorized bicycle rider education course must include the following instructional components:

a. *Operator and motorized bicycle preparation.*

(1) Knowledge of Iowa driving laws.

(2) Knowledge of vehicle registration requirements.

- (3) Vehicle inspection.
- (4) Protective clothing and devices.
- (5) Risk assessment.
- (6) Route selection.
- b. Basic control skills.*
- (1) Starting procedures.
- (2) Speed control.
- (3) Turning.
- (4) Stopping.
- c. Safe driving practices.*
- (1) Use of lights and warning devices.
- (2) Signaling.
- (3) Maintaining directional control.
- (4) Perception skills and observation.
- (5) Use of mirrors.
- (6) Recognition of hazards.
- (7) Speed control.
- (8) Lane positioning.
- (9) Concerns and conflicts regarding intersections.
- (10) Following distances.
- (11) Lateral separation.
- d. Complex situations.*
- (1) Limited visibility.
- (2) Adverse weather.
- (3) Critical situations.
- (4) Malfunctions.
- e. Motorized bicycle care.*
- (1) Inspection.
- (2) Maintenance.

636.4(4) Evaluation. Each student shall be evaluated by the instructor to determine successful completion of the course.

761—636.5(307,321) Instructor qualifications. To qualify as an instructor of an approved course, an individual must:

636.5(1) Possess a valid driver's license allowing unaccompanied driving other than a temporary restricted license and be able to operate a motorized bicycle.

636.5(2) Have a clear driving record for the previous two years. A clear driving record means the instructor has:

a. Not been identified as a candidate for driver's license suspension under the habitual violator provisions of rule 761—615.13(321) or the serious violation provisions of rule 761—615.17(321).

b. No driver's license suspensions, revocations, denials, cancellations, disqualifications or bars.

c. Not committed an offense that would result in driver's license suspension, revocation, denial, cancellation, disqualification or bar.

d. No record of a law enforcement investigative report indicating a contributive motor vehicle accident that caused the death or serious injury of another person.

e. No record of a law enforcement investigative report indicating two or more contributive motor vehicle accidents in a two-year period.

761—636.6(307,321) Cancellation or denial.

636.6(1) Cancellation. The department shall cancel program approval if the sponsor or instructor fails to comply with the applicable provisions of this chapter or if the course or instructors are no

longer approved. However, an approved program that meets the applicable provisions of this chapter except for an approved instructor may retain program approval if the department approves an alternate instructor.

636.6(2) *Denial.* The department shall deny an initial or renewal application if the applicant does not meet the criteria for approval under this chapter.

These rules are intended to implement Iowa Code sections 307.12(1)“j” and 321.189.