

Iowa Department of Transportation's

**Regulatory Plan
July 2018**

Regulatory Objectives

The department's current regulatory objectives are to adopt rules that:

- Comply with enabling statutes.
- Protect the public health, safety, welfare and environment.
- Are reasonable and are not arbitrary, capricious or beyond the authority of the agency.

Proposed Regulatory Actions

Following is a list of proposed “regulatory actions” [defined as each potential administrative rule currently under active consideration or development, excluding those rules that do not have a substantial impact on the legal rights, privileges, or duties of persons] that the department reasonably expects to issue in proposed or final form in fiscal year 2019 or thereafter.

The regulatory plan includes future rulemakings that are needed to comply with legislation.

SECTION 1, MOTOR VEHICLE RELATED

Regulations Applicable to Carriers – Annual Update

Description: Amend rules regarding regulations applicable to carriers by adopting the most recent annual codifications of 49 Code of Federal Regulations (CFR) Parts 107, 171 to 173, 177, 178, 180, 385 and 390 to 399. This will affect 761 IAC 520.1.

Legal Basis: Iowa Code section 321.449 requires the department to adopt rules consistent with the federal motor carrier safety regulations promulgated under United States Code, Title 49, and found in 49 CFR Parts 385 and 390 to 399. Iowa Code section 321.450 requires the department to adopt rules consistent with the federal hazardous materials regulations promulgated under United States Code, Title 49, found in 49 CFR Parts 107, 171 to 173, 177, 178 and 180.

Need: To ensure the consistency required by statute, the department annually adopts the specified parts of the most recent annual edition of 49 CFR. The adoption of these regulations by the department will extend their enforcement to commercial vehicles operated intrastate unless exempted by statute.

Contemplated Schedule: Complete rulemaking in fiscal year 2019.

Contact Person: Dave Lorenzen, Office of Motor Vehicle Enforcement, 515-237-3219.

For-Hire Interstate Motor Carrier Authority – Annual Update

Description: Amend rules regarding for-hire interstate motor carrier authority by adopting the most recent annual codifications of 49 CFR Parts 365-368 and 370-379. This will affect 761 IAC 529.1.

Legal Basis: Iowa Code chapter 327B.

Need: The department annually adopts the specified parts of the most recent annual edition of 49 CFR.

Contemplated Schedule: Complete rulemaking in fiscal year 2019.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

Commercial Driver Licensing – Annual Update

Description: Amend rules regarding commercial driver licensing by adopting the most recent annual codifications of 49 CFR Section 391.11, 49 CFR Section 392.5 and the following portions of 49 CFR Part 383: (1) Section 383.51(b), Disqualification for major offenses, and Section 383.51(a)(5), Reinstatement after lifetime disqualification; (2) Subpart E—Testing and Licensing Procedures, which contains Sections 383.71-383.77; (3) Subpart G—Required Knowledge and Skills, which contains Sections 383.110-383.123; (4) Subpart H—Tests, which contains Sections 383.131-383.135. This will affect 761 IAC 607.10.

Legal Basis: Iowa Code sections 321.187, 321.188, 321.207, 321.208 and 321.208A.

Need: The department annually adopts the specified parts of the most recent annual edition of 49 CFR.

Contemplated Schedule: Complete rulemaking in fiscal year 2019.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

Commercial Driver Licensing – Lifetime Disqualification

Description: Amend rules to disqualify Commercial Driver’s License (CDL) or Commercial Learner’s Permit (CLP) holders if they are convicted or suspected of fraud relating to testing or issuance of a CDL or CLP. This will affect 761 IAC 607.

Legal Basis: 2015 Iowa Acts, Chapter 123, section 57, amended Iowa Code section 321.201.

Need: The department is amending the rules to comply with the statutory directive that includes language requiring the department to adopt rules to comply with 49 CFR Section 383.73(k) which will require the department to disqualify the CDL or CLP of a person convicted or suspected of fraud related to the testing for or issuance of a CDL or CLP.

Contemplated Schedule: Complete rulemaking in fiscal year 2019.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

Sanctions for Persons Failing to Change Lanes or Reduce Speed

Description: Add rules related to driving sanctions imposed for a conviction of the motor vehicles laws to include suspensions for convictions under Iowa Code section 321.323A, approaching certain stationary vehicles. This will affect 761 IAC 615.

Legal Basis: 2012 Iowa Acts, Chapter 1083, section 3, amended Iowa Code section 321.323A to require suspensions for convictions where the violation caused property damage, personal injury or death. 2018 Iowa Acts, House File 2304, sections 1 to 4, amended Iowa Code section 321.323A to add stationary construction vehicles and any stationary vehicle displaying its emergency signal lamps to the move over or slow down law.

Need: The department is amending rules concerning sanctions to comply with the legislation and conform to the procedure established in compliance with the statutory directive.

Contemplated Schedule: Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 28, 2018.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

Elimination of Revocations for Persons Convicted of Drug Offenses

Description: Eliminate the rule related to the ineligibility of a temporary restricted license if a person has been suspended or revoked for a drug or drug-related offense. This will affect 761 IAC 615.29(1), 761 IAC 615.29(3)“c” and 761 IAC 615.45(1)“j.”

Legal Basis: 2018 Iowa Acts, House File 2502, Division XXV.

Need: The department is amending the rule to remain consistent with the statutory directive.

Contemplated Schedule: Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 28, 2018.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

Motor Vehicle Financial Responsibility – SR-22

Description: Amend rules to mandate insurance companies to electronically file proof of financial responsibility. This will affect 761 IAC 615 and 640.

Legal Basis: Iowa Code chapters 321A and 554D.

Need: The department is amending rules and developing procedures to accommodate the electronic submission of documents to streamline processes and create administrative efficiencies.

Contemplated Schedule: Initiate rulemaking in fiscal year 2019.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

Temporary Restricted Licenses for Operating While Intoxicated Offenders

Description: Amend rules regarding temporary restricted licenses for persons operating while intoxicated to require the installation of an approved ignition interlock device, and eliminate periods of ineligibility and temporary restricted license driving location restrictions. This will affect 761 IAC 615 and 620.

Legal Basis: 2018 Iowa Acts, HF 2338, amended Iowa Code chapter 321J.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 28, 2018.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

Minor's School License

Description: Amend rules regarding minor school licenses for those students who attend private schools. This will affect 761 IAC 602 and 615.

Legal Basis: 2018 Iowa Acts, House File 2494, sections 5-7, amend Iowa Code section 321.194.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 28, 2018.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

Driver Education

Description: Amend rules regarding qualification and certification of driver's education instructors and behind-the-wheel instructors. This will affect 761 IAC 634.

Legal Basis: 2010 Iowa Acts, Chapter 1075, section 1, amended Iowa Code section 321.178.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: Initiate rulemaking in fiscal year 2019.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

Operating While Intoxicated – 24/7 Sobriety Program

Description: Amend rules regarding temporary restricted licenses for individuals revoked for operating while intoxicated to incorporate new compliance requirements related to the 24/7 sobriety program. This will affect 761 IAC 620.

Legal Basis: 2017 Iowa Acts, Chapter 76, sections 13-16, amended Iowa Code section 321J.20.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: Initiated rulemaking in June 2018 and expect rules to be effective in October 2018.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight

Description: Amend rules to increase the permitted single tandem axle weight to 46,000 pounds. This will affect 761 IAC 511.

Legal Basis: 2016 Iowa Acts, Chapter 1098, section 35, amended Iowa Code section 321E.7.

Need: The department is amending rules concerning permits for the movement of oversize/overweight vehicles to comply with the statutory directive.

Contemplated Schedule: Initiate rulemaking in fiscal year 2019.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-2020.

Staggered Registration of Motor Vehicles Registered Under the International Registration Plan

Description: Amend rules related to the registration of commercial motor vehicles under the International Registration Plan to change from an annual registration process to a staggered registration process. Also amend rules to reduce the penalty structure for late filing and late payment to five percent of the Iowa fee only. This will affect 761 IAC 500.

Legal Basis: 2012 Iowa Acts, Chapter 1093, amended various Iowa Code sections within Iowa Code chapters 321, 321F and 326 relating to registration of apportioned vehicles. 2015 Iowa Acts, Chapter 123, sections 40 and 41, amended Iowa Code sections 326.14 and 326.16.

Need: The department is amending rules concerning registration of apportioned vehicles to comply with the statutory directives.

Contemplated Schedule: Initiate rulemaking in fiscal year 2019.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

Motor Carrier of Passengers

Description: Amend rules relating to regulating taxicab services in Iowa, including requiring taxicab services to begin applying for a taxicab passenger certificate from the department. This will affect 761 IAC 524.

Legal Basis: 2018 Iowa Acts, Senate File 2271, amended Iowa Code chapter 325.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 28, 2018.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

Issuance of Regular Registration Plates for Official Vehicle

Description: Establish rules governing the issuance of regular registration plates for official vehicles owned and operated by state, county, local and federal agencies. These changes will be included in new chapter: 761 IAC 402.

Legal Basis: 2015 Iowa Acts, Chapter 123, section 32, amended Iowa Code section 321.19.

Need: At the request of the governor, the department in the fall of 2014 completed a study and report regarding the issuance of regular registration plates for official vehicles. The department determined and recommended that a formal and consistent application process that requires certification of authorized use of regular registration plates for official vehicles should be established through a formal rulemaking process under Iowa Code chapter 17A to ensure use within the parameters of Iowa Code section 321.19.

Contemplated Schedule: Initiate rulemaking in fiscal year 2019.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

Special Registration Plate Displaying a Decal

Description: Amend rules to provide for special vehicle registration plates displaying a decal designed and issued by a nonprofit organization. This will affect 761 IAC 401.

Legal Basis: 2016 Iowa Acts, Chapter 1068, section 1, amended Iowa Code section 321.34.

Need: The department is amending the rules to remain consistent with the statutory directive that includes language stating the department may adopt rules.

Contemplated Schedule: Initiated rulemaking in May 2018 and expect rules to be effective in September 2018.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

National Motor Vehicle Title Information System

Description: Adopt rules concerning the National Motor Vehicle Title Information System. Include rules requiring the submission and retention of records not required by 28 CFR Section 25.56 and rules requiring the applicant for a motor vehicle recycler license to provide proof of registration. This will affect 761 IAC 400 and 431.

Legal Basis: 2015 Iowa Acts, Chapter 52, sections 7 and 9, amended Iowa Code chapter 321H.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: Initiate rulemaking in fiscal year 2019.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

Autocycle

Description: Amend rules to accommodate the new type of three-wheeled motor vehicle known as an “autocycle.” This will affect 761 IAC 450.

Legal Basis: 2016 Iowa Acts, House File 2437, sections 1-30, amended and added various new subsections to Iowa Code chapters 321, Motor Vehicles and Law of the Road; 322, Motor Vehicle Manufacturers, Distributors, Wholesalers and Dealers; 322D, Farm Implement, Motorcycle, Snowmobile, and All-Terrain Vehicle Franchises; and 322G, Defective Motor Vehicles (Lemon Law) designating certain three-wheeled motor vehicles as autocycles and defining the title and registration, driver’s license, and equipment requirements that apply to the owners and operators of these vehicles.

Need: The legislation distinguishes autocycles from motorcycles for certain equipment and licensing purposes but treats autocycles the same as motorcycles for annual registration fees. Rule amendments are needed to implement the vehicle type distinctions from those that are currently enumerated in 761 IAC 450.

Contemplated Schedule: Initiate rulemaking in fiscal year 2019.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

Insurers and Salvage Certificates of Title

Description: Amend rules to provide a process for insurers who wish to make an application for an Iowa salvage certificate of title under such circumstances where they are unable to obtain title to a vehicle that was subject to a settlement. This may affect 761 IAC 400 and 405.

Legal Basis: 2017 Iowa Acts, Chapter 31, sections 1-4, amended Iowa Code sections 321.45(2), 321.52(4), 321.67 and 321.104(4).

Need: The department is amending the rules to provide the process for an insurer who applies for a salvage certificate of title for a motor vehicle that is expected to be transferred to an insurer as a result of a settlement with the owner(s), and who may apply for and be issued a salvage certificate of title without surrendering the previous certificate of title, provided certain conditions are satisfied.

Contemplated Schedule: Initiated rulemaking in June 2018 and expect the rules to be effective in October 2018.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

Notation of Motor Vehicle Security Interests

Description: Amend rules regarding notation of discharge of a security interest on a certificate of title. This will affect 761 IAC 400.

Legal Basis: 2018 Iowa Acts, Senate File 2325, amended Iowa Code section 321.50(5).

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 28, 2018.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

Final-Stage Motor Vehicle Manufacturers

Description: Amend rules to allow a final-stage manufacturer to be licensed as a motor vehicle dealer to sell the manufactured vehicle directly to the public. This will affect 761 IAC 425.

Legal Basis: 2018 Iowa Acts, Senate File 2262, amended Iowa Code sections 321.1(37), 322.2 and 322.3.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 28, 2018.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

Dealer's Established Place of Business

Description: Amend rules regarding motor vehicle dealer's books and records location requirements. This will affect 761 IAC 425.

Legal Basis: 2018 Iowa Acts, Senate File 2293, amended Iowa Code sections 321.1(23) and 321.63.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 28, 2018.

Contact Person: Sara Siedsma, Motor Vehicle Division, 515-237-3020.

SECTION 2, RAIL RELATED

Items of General Application for Railroads – Annual Update

Description: Update references to federal regulations. This will affect 761 IAC 800.20(1).

Legal Basis: Iowa Code section 327G.24.

Need: The department annually adopts the most recent edition of 49 CFR Part 1152.

Contemplated Schedule: Complete rulemaking in fiscal year 2019.

Contact Person: Amanda Martin, Office of Rail Transportation, 515-239-1653.

Railroad Safety Standards – Annual Update

Description: Update references to federal regulations. This will affect 761 IAC 810.1.

Legal Basis: Iowa Code section 327C.2.

Need: The department annually adopts the most recent edition of 49 CFR Part 213.

Contemplated Schedule: Complete rulemaking in fiscal year 2019.

Contact Person: Amanda Martin, Office of Rail Transportation, 515-239-1653.

SECTION 3, PUBLIC TRANSIT RELATED

School Transportation Services Provided by Regional Transit Systems – Annual Update

Description: Update references to federal regulations for 49 CFR Parts 38, 571 and 655. This will affect 761 IAC 911.5.

Legal Basis: Iowa Code section 321.377.

Need: The department annually adopts the specified parts of the most recent edition of 49 CFR.

Contemplated Schedule: Complete rulemaking in fiscal year 2019.

Contact Person: Kristin Haar, Office of Public Transit, 515-233-7875.

SECTION 4, MISCELLANEOUS

Confidential Records

Description: 2017 Iowa Acts, Chapter 156, amended Iowa Code section 22.7 and relates to the confidentiality of certain physical infrastructure, cyber security, and critical infrastructure information and records developed, maintained or held by a government body. The bill strikes the paragraph requiring a government body to adopt a rule identifying specific records that will be treated as confidential. 2017 Iowa Acts, Chapter 122, section 5, created new Iowa Code section 80G.3 and concerns the confidentiality of personnel information of undercover law enforcement officers. These changes will affect 761 IAC 4.9.

Legal Basis: 2017 Iowa Acts, Chapters 122 and 156.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: Complete rulemaking in fiscal year 2019.

Contact Person: Annette Dunn, Information Technology Division, 515-239-1284.

Competitive Quotations for Public Improvement Contracts for Vertical Infrastructure

Description: Amend rules regarding public improvement quotations for vertical infrastructure to remove reference to Iowa Code section 26.13. This will affect 761 IAC 180.

Legal Basis: 2018 Iowa Acts, House File 2233, amended Iowa Code sections 26.3 and 314.1, to strike reference to Iowa Code section 26.13 because this section is repealed in section 6 of the bill.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 28, 2018.

Contact Person: Mike Harvey, Office of Support Services, 515-239-1327.

Competitive Bidding Procedures—Life Cycle Cost and Purchasing Certain Vehicles

Description: Amend rules regarding procurement of motor vehicles. This will affect 761 IAC 20.4.

Legal Basis: 2018 Iowa Acts, Senate File 2416, section 25, amended Iowa Code section 8A.311(20) to require the purchase of certain vehicles to be awarded to the lowest responsive bidder based solely on bid price.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 28, 2018.

Contact Person: Cheryl Williams, Office of Finance, 515-239-1474.