



## Iowa Department of Transportation's

### Regulatory Plan July 2020

#### 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 2021 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 affects 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 2021.

Contact Person: Dave Lorenzen, Iowa DOT 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 affects 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 2021.

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 affects 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 2021.

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

## **Annual Electric Motor Vehicle and Motorcycle Registration Fees**

Description: Amend rules to require an additional annual battery electric motor vehicle registration fee for battery electric and plug-in hybrid electric motor vehicles. Amend rules to require an additional annual electric motorcycle registration fee. This affects 761 IAC 400.

Legal Basis: 2019 Iowa Acts, House File 767, sections 1 and 2, amended Iowa Code sections 321.116 and 321.117 and are effective January 1, 2020.

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

Contemplated Schedule: This rulemaking is in process and anticipated to be effective on October 14, 2020.

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. This affects 761 IAC 400.

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 2021.

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

## **Odometer Disclosure Statement**

Description: Amend rules to incorporate the odometer statement exemption within 49 CFR 580.17 and to incorporate the new federal odometer disclosure requirements which increase the model years of vehicles subject to the odometer disclosure statement requirement. This affects 761 IAC 400.

Legal Basis: 2020 Iowa Acts, Senate File 2091, amended Iowa Code section 321.171.

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

Contemplated Schedule: Senate File 2091 is effective January 1, 2021. Complete rulemaking so Notice of Intended Action is submitted for publication no later than June 22, 2021.

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 affects 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 2021.

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

### **Flying Our Colors License Plates**

Description: Amend rules to add flying our colors license plates. This affects 761 IAC 401.

Legal Basis: 2020 Iowa Acts, House File 2641, amended Iowa Code section 321.34.

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 18, 2020.

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 affects 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: This rulemaking is in process and anticipated to be effective on November 11, 2020.

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



## **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 affects 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 2021.

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

## **Hydrogen and Electric Fuel Excise Taxes**

Description: Amend rules to impose an excise tax on hydrogen fuel and electric fuel, which is defined as electric energy delivered or placed into the battery or other energy source outside the motor vehicle for purposes of propelling the motor vehicle. Under the department's duties related to the International Fuel Tax Agreement (IFTA), the department will need to update the IFTA tax return tables to include the new hydrogen and battery electric fuel types. This affects 761 IAC 505.

Legal Basis: Division II (Sections 4 to 17) of 2019 Iowa Acts, House File 767 amended Iowa Code chapter 452 and concerns the hydrogen fuel excise tax. Division II is effective January 1, 2020. Division III (Sections 18 to 45) of 2019 Iowa Acts, House File 767 amended Iowa Code sections 312.2, 423.3, 423B.5, 423E.3 and Iowa Code chapter 452A. Division III concerns the electric fuel excise tax. House File 767, section 33, amends Iowa Code section 452A.59 to include electric fuel dealers or users and states the Department of Revenue and the Department of Transportation are authorized and empowered to adopt rules relating to the administration and enforcement of Iowa Code chapter 452A if deemed necessary by the departments. Division III is effective July 1, 2023.

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

Contemplated Schedule: This rulemaking is in process and anticipated to be effective on October 14, 2020.

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

### **Single Statewide System for Issuing Applications and Permits**

Description: Establish rules to implement a single statewide system to receive applications for and issue permits authorized under Iowa Code chapter 321 that allow for the operation of vehicles of excessive size or weight on highways or streets under state or local jurisdiction. Requires the fees be established by rule. This affects 761 IAC 511.

Legal Basis: 2019 Iowa Acts, Senate File 629, section 2, amended Iowa Code section 321E.3.

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

Contemplated Schedule: Anticipate initiating rulemaking in fiscal year 2022.

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

### **Permit—Hay, Straw, Stover or Bagged Livestock Bedding**

Description: Amend rules to remove the annual permit issued for certain oversized vehicles with divisible loads of hay, straw, stover or bagged livestock bedding. This affects 761 IAC 511.

Legal Basis: 2020 Iowa Acts, House File 2310, section 4 struck Iowa Code section 321E.29(2).

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 18, 2020.

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

### **Driver's License Expiration Date**

Description: Amend rules to modify the expiration date of a driver's license for a person who is age 78 or over. Currently those who reach 72 must renew their driver's license every two years. The bill increases the age requirement so persons age 78 and older must renew their driver's licenses every two years. This affects 761 IAC 602, 607 and possibly 605.

Legal Basis: 2020 Iowa Acts, House File 2360 amends Iowa Code section 321.196.

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

Contemplated Schedule: This bill is effective September 1, 2020. Complete rulemaking so Notice of Intended Action is submitted for publication no later than March 28, 2021.

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



### **Driver's License and Nonoperator's Identification Card—Autism Indicator**

Description: Amend rules to allow a person with autism to request that the person's driver's license or nonoperator's identification card be marked to reflect the person's autism spectrum disorder. Gives the department authority to adopt rules to establish the criteria concerning the indicator and submission of medical proof. This affects 761 IAC 605.5(7) and 630.2(4).

Legal Basis: 2020 Iowa Acts, House File 2372, sections 1 and 2 amended Iowa Code sections 321.189 and 321.190.

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 18, 2020.

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

### **Driver's License and Nonoperator's Identification Card—Hard of Hearing Indicator**

Description: Amend rules to strike the words "hearing impaired" and amend to say hard of hearing when a person requests that the marking be included on the person's driver's license or nonoperator's identification card. This affects 761 IAC 605.5(7) and 630.2(4).

Legal Basis: 2020 Iowa Acts, House File 2585.

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 18, 2020. **Note:** House File 2585, section 35 includes a directive to the Administrative Code Editor, requiring the Administrative Rules Coordinator and Administrative Rules Review Committee, in consultation with the Administrative Code Editor, to jointly develop a schedule to update administrative rules accordingly.

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



## **Eliminate Civil Penalty**

Description: Amend rules to eliminate the civil penalty the DOT must assess when suspending or revoking a person's driver's license for non-OWI offenses (violations under Iowa Code chapters 321 and 321A). This affects 761 IAC 615.

Legal Basis: 2020 Iowa Acts, Senate File 457, section 54 repealed Iowa Code sections 321.218A and 321A.32A.

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

Contemplated Schedule: This bill is effective July 15, 2020. Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 21, 2020.

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

## **Suspension for Unlawful or Fraudulent Use of a Driver's License**

Description: Amend rules concerning the suspension of a driver's license due to the unlawful or fraudulent use of a driver's license for persons who are 21 and under who use, alter, display or have in the person's possession a fictitious or fraudulently altered driver's license or nonoperator's identification card to obtain tobacco, tobacco products, alternative nicotine products, vapor products or cigarettes. This affects 761 IAC 615.

Legal Basis: 2020 Iowa Acts, Senate File 2268 amended Iowa Code section 321.216C to change the legal age to 21.

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

Contemplated Schedule: This bill is effective upon enactment, June 29, 2020. Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 18, 2020.

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

## **Sobriety and Drug Monitoring Program—Temporary Restricted Licenses**

Description: Amend rules to remove participation in the Sobriety and Drug Monitoring program as a condition of a person's temporary restricted license. This affects 761 IAC 620.

Legal Basis: 2020 Iowa Acts, House File 2411, sections 1 to 3 amended Iowa Code section 321J.20.

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 18, 2020.

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



## SECTION 2, HIGHWAY AND MOTOR VEHICLE RELATED

### **Automated Driving System**

Description: Establish new rules regulating motor vehicles operated by an automated driving system.

Legal Basis: 2019 Iowa Acts, Senate File 302 adopts new Iowa Code sections 321.514 through 321.519. Section 6 states that automated driving systems and system-equipped vehicles shall be regulated exclusively by the department and gives the department discretionary authority to adopt rules to administer these new Iowa Code sections.

Need: The department is closely monitoring emerging vehicle technologies and will adopt new rules to remain consistent with the statutory directive as appropriate.

Contemplated Schedule: Anticipate initiating rulemaking in fiscal year 2021.

Contact Person: Andy Lewis, Traffic Operations Bureau, 515-239-1919.

## SECTION 3, HIGHWAY RELATED

### **Iowa Medal of Honor Highway Signing—U.S. 20**

Description: Adopt new rule to provide for an application, approval and inspection process for the purchase and installation of signs by private entities indicating the “Iowa Medal of Honor Highway” designation of U.S. 20. This affects 761 IAC 131.

Legal Basis: 2020 Iowa Acts, Senate File 388 adds new Iowa Code section 314.31.

Need: The department will adopt new 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 18, 2020.

Contact Person: Tim Crouch, Traffic and Safety Bureau, 515-239-1513.



## **SECTION 4, RAIL RELATED**

### **Items of General Application for Railroads – Annual Update**

Description: Update references to federal regulations. This affects 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: Initiate rulemaking in fiscal year 2021.

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

### **Railroad Safety Standards – Annual Update**

Description: Update references to federal regulations. This affects 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: Initiate rulemaking in fiscal year 2021.

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



## **SECTION 5, 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 affects 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 2021.

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



## SECTION 6, MISCELLANEOUS

### **Remove Word “Variance” from Affected DOT Rules**

Description: Amend rules to remove the word “variance” when used with the word “waiver.” This affects 761 IAC 11.1(1) and 112.2(3)“c.”

Legal Basis: 2020 Iowa Acts, House File 2389, section 10 amended Iowa Code section 17A.9A.

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 18, 2020.

Contact Person: Tracy George, Strategic Communications and Policy Bureau, 515-239-1358

### **Public Records—Access to Confidential Records**

Description: Amend rules concerning accessing records relating to securing a warrant for an arrest. This affects 761 IAC 4.9(6).

Legal Basis: 2020 Iowa Acts, House File 2474 amended Iowa Code section 804.29.

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 18, 2020.

Contact Person: Kelly Popp, Information Technology Division, 515-239-1295.

### **Public Records Requests**

Description: Amend rules concerning public records requests. This affects 761 IAC 4.

Legal Basis: 2020 Iowa Acts, House File 2627, sections 32 and 33 amended Iowa Code sections 22.2 and 22.4.

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 18, 2020.

Contact Person: Kelly Popp, Information Technology Division, 515-239-1295.



## **Public Improvement Quotation Process for Governmental Entities for Vertical Infrastructure**

Description: Amend rules concerning the revised definition of “public improvement” within Iowa Code section 26.2. This affects 761 IAC 180.

Legal Basis: 2020 Iowa Acts, House File 2412, amended Iowa Code section 26.2(3)“b”(5) which amended the definition of “public improvement” to include utility infrastructure.

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 18, 2020.

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