



Iowa Department of Transportation's

Regulatory Plan July 2019

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 2020 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 2020.

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 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 2020.

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 2020.

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

Commercial Driver Licensing – Disqualification for Fraud

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: Initiate rulemaking in calendar year 2019.

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

Commercial Skills Test Examiner and Commercial Driver's License (CDL) Issuance

Description: Amend rules to allow the Iowa Motor Truck Association to be a third-party commercial vehicle skills test examiner. Amend rules to require certain CDL applicants to successfully complete entry-level driver training required under federal regulations before taking a knowledge test or driving skills test. Amend rules to require the department to check the National Drug and Alcohol Clearinghouse, if required under federal regulations, for violators prior to issuing a CDL. Also, this bill gives the department discretionary authority to adopt rules to authorize a person who is at least 18 years old but under 21 years old to be licensed to operate a commercial motor vehicle in interstate commerce if the person holds a CDL and is authorized under federal law. This will affect 761 IAC 607.

Legal Basis: 2019 Iowa Acts, House File 418 amends Iowa Code section 321.187(2), 321.188 and 321.449(1). Section 2 of House File 418 amends Iowa Code section 321.188(1) and applies to applicants who seek issuance or an upgrade of a CDL on or after February 7, 2020. Section 3 of House File 418 amends Iowa Code section 321.188(4) and applies to applicants who seek issuance, renewal or upgrade of a CDL on or after January 6, 2020.

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

Contemplated Schedule: Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 20, 2019.

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

Minor's School License for Private School Students

Description: Amend rules to increase the number of miles from 25 to 50 that a student enrolled in a private school with a minor's school license may drive. This will affect 761 IAC 602.

Legal Basis: 2019 Iowa Acts, Senate File 140 amended 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 20, 2019.

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 calendar year 2019.

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

Iowa Sobriety and Drug Monitoring Program

Description: Amend rules to add a minimum period for participating and complying with the Iowa Sobriety and Drug Monitoring Program and to include that the participating law enforcement agency must notify the department when the person has completed participation in the program. This will affect 761 IAC 620.

Legal Basis: 2019 Iowa Acts, Senate File 364 amended Iowa Code section 321J.20(9) and Iowa Code chapter 901D.

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

Contemplated Schedule: Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 20, 2019.

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.

Peace Officers as Behind-the-Wheel Instructors

Description: Amend rules to allow a peace officer with five or more years of experience or a retired peace officer who holds a driver's license valid for more than two years to provide street or highway driving instruction without being authorized by the Iowa Board of Educational Examiners. The peace officer must still be certified by the department. This will affect 761 IAC 634.

Legal Basis: 2019 Iowa Acts, Senate File 319, amended Iowa Code section 321.178(1).

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 20, 2019.

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

Driver's License or Nonoperator's Identification Card for a Person Who Just Turned 21

Description: Amend rules to allow for a person who is 21 years old and is otherwise eligible to be issued a replacement driver's license or nonoperator's identification card to be issued the replacement electronically even if the license or card was most recently issued electronically. This will affect 761 IAC 605 and 630.

Legal Basis: 2019 Iowa Acts, Senate File 303, amended Iowa Code section 321.189(6).

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 20, 2019.

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

College Student Aid Commission Sanctions

Description: Amend rules concerning the certificate of noncompliance issued by the College Student Aid Commission that triggers DOT license sanctions to operate or register a motor vehicle against persons who are in default or delinquent on student loan payments. This will affect 761 IAC 761 IAC 400.45(3), 600.4(9), 615.24(2) and 615.45(1)“k.”

Legal Basis: 2019 Iowa Acts, Senate File 304, repealed subchapter XV, Licensing Sanctions, within Iowa Code chapter 261, College Student Aid Commission.

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 20, 2019. **Note**: The change in 761 IAC 600.4(9) is currently in process and is expected to be effective on September 4, 2019.

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

Raw Forest Products Permit

Description: Amend rules to include a permit to transport raw forest products. This will affect 761 IAC 511.

Legal Basis: 2019 Iowa Acts, Senate File 629 amended Iowa Code sections 321.463, 321E.7, 321E.9 and 321E.14 and adopted new Iowa Code section 321E.26 giving the DOT authority to issue annual oversize overweight permits for the operation of a vehicle or a combination of vehicles transporting division loads of raw forest products.

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 20, 2019.

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 will affect 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.

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 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. 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 2020.

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 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 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 2020.

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

Travel Trailer Dealer’s License and Increased Surety Bond

Description: Amend rules to increase the amount of surety bond required for a travel trailer dealer’s license to \$75,000. This will affect 761 IAC 425.10.

Legal Basis: 2019 Iowa Acts, House File 391 amended Iowa Code section 322C.4(4) and applies to applications for a travel trailer dealer’s license submitted to the department on or after July 1, 2019.

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 20, 2019.

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

Towable Recreational Vehicles

Description: Amend certain rules to strike the term “travel trailers” and replace affected rules with the term “towable recreational vehicles.” This will affect 761 IAC 425 and may affect 761 IAC 400.

Legal Basis: 2019 Iowa Acts, Senate File 435 amended Iowa Code section 321.1(36C)(b) and Iowa Code chapter 322C.

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 20, 2019.

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

Vehicle Owned by a Trust

Description: Amend rules to reflect the changes in procedures for an application for certificate of title or registration for a vehicle as applicable to a certification of trust. This will affect 761 IAC 400.

Legal Basis: 2019 Iowa Acts, Senate File 112 amended Iowa Code section 633A.4604(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 20, 2019.

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 will affect 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: Complete rulemaking so Notice of Intended Action is submitted for publication no later than June 30, 2020.

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

Raw Farm Products/Gross Weight of Special Trucks

Description: Amend rules to express the limitation on gross weight for special trucks on public highways. This will affect 761 IAC 400.47(321).

Legal Basis: 2019 Iowa Acts, House File 769, section 4, amended Iowa Code section 321.466(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 20, 2019.

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

Blackout Motor Vehicle License Plate

Description: Amend rules to include special motor vehicle license plates with a blackout design. This will affect 761 IAC 401.

Legal Basis: 2019 Iowa Acts, Senate File 638, section 35, 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 20, 2019.

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 will affect 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: Complete rulemaking so Notice of Intended Action is submitted for publication no later than June 30, 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: Scott Marler, Operations Division, 515-239-1205.



SECTION 3, 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 2020.

Contact Person: Amanda Martin, Rail Transportation Bureau, 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 2020.

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



SECTION 4, 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 2020.

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



SECTION 5, 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: Initiated rulemaking in May 2019 and expect the rules to be effective in October 2019.

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