

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

Department Name:	Department of Transportation	Date:	March 7, 2024	Total Rule Count:	2
IAC #:	761	Chapter/ SubChapter/ Rule(s):	410	Iowa Code Section Authorizing Rule:	307.12(1)“j,” 321E.15
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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 410 is to provide information on special mobile equipment (SME) for customers in two main areas: (1) titling and registering SME and (2) requirements when transporting SME on a registered vehicle. These rules provide transparency on some of the common scenarios that arise for customers who own or transport SME.

Is the benefit being achieved? Please provide evidence.

Yes. The rules allow a customer with SME permanently attached to a motor truck, trailer, or semitrailer to obtain registration and title for the motor truck, trailer, or semitrailer. Allowing registration and title in this situation benefits customers because some states require title and registration for special mobile equipment to transfer ownership or operate in the other state. Although the volume of titles and registrations issued under this chapter is quite small, less than 20 annually, it is a valuable option for the customers who need it.

Additionally, the rules give clear guidance to customers and law enforcement on the interaction between Iowa Code section 321E.12 and Iowa Code chapter 321 when SME is being transported on a vehicle registered according to the gross weight of the registered vehicle, not including the load. Clearly specifying that size and weight limitations of Iowa Code chapter 321 continue to apply unless a permit is obtained under chapter 321E and requiring a copy of the lease agreement (if applicable) to be carried in the vehicle, helps avoid unnecessary enforcement actions. The Department issued 10,144 permits for vehicles carrying special mobile equipment that exceed the size and weight limits in calendar year 2023.

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

There are no costs to the general public because of this chapter. Rather, the rules provide the option for certain SMEs to obtain title and registration, which greatly benefits a customer seeking to transfer ownership of the SME or operate the SME in another state. The rules also clarify the statutory size and weight requirements for customers transporting special mobile equipment, which helps customers avoid unnecessary enforcement actions.

What are the costs to the agency or any other agency to implement/enforce the rule?

There are no costs to the Department under these rules. While the permit issuance and title and registration processes in general do require staff time, those costs are already required by statute.

Law enforcement agencies incur fewer costs to enforce the chapter since it clearly specifies expectations when transporting SME.

Do the costs justify the benefits achieved? Please explain.

Yes. The rules impose no costs, rather the rules provide benefits to customers by increasing transparency regarding title, registration, and transportation of SME.

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.

The Department reviewed the registration requirements in neighboring states for SME and found Iowa's neighboring states are either the same or more restrictive than Iowa's law.

For example:

- Kentucky and Minnesota are similar to Iowa, in that they do not require SME to be titled and registered.
- On the other hand, Missouri, Indiana, Wisconsin, Michigan, and Illinois are more restrictive than Iowa because these states require registration of SME (though the registration fees are discounted).

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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410.2 Special mobile equipment transported on a registered vehicle.

410.2(1) This subrule is deleted because it contains language that is duplicative of statute.

RULES PROPOSED FOR REPEAL (list rule number[s]):

None.

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

410.1

410.2

****For rules being re-promulgated with changes, please attach a document with suggested changes, if available.***

METRICS

Total number of rules repealed:	0
Proposed word count reduction after repeal and/or re-promulgation	31
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	3

ARE THERE ANY RULES YOU WOULD RECOMMEND BE CODIFIED IN STATUTE?

No.