

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 761—Chapter 410
“Special Mobile Equipment”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 307.12(1)“j” and 321E.15
State or federal law(s) implemented by the rulemaking: Iowa Code sections 321.1, 321.18, 321.20
and 321E.12

Public Hearing

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

August 15, 2024
3 to 3:30 p.m.

[Microsoft Teams Link](#)
Or dial: 515.817.6093
Conference ID: 219 164 344#

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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6310 SE Convenience Boulevard
Ankeny, Iowa 50021
Email: sara.siedsma@iowadot.us

Purpose and Summary

The purpose of the proposed chapter 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.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:

There are no costs expected as a result of this proposed rulemaking. 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 SME, which helps customers avoid unnecessary enforcement actions.

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

Persons seeking to title and register SME permanently attached to a motor truck, trailer, or semitrailer to obtain registration and title for the motor truck, trailer, or semitrailer will benefit from this chapter. Allowing registration and title for this type of SME benefits customers because some states require title and registration for SME to transfer ownership or operate in the other state.

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 the size and weight limitations in 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.

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:

Although the volume of titles and registrations issued for SME under these rules is quite small, less than 20 annually, it is a valuable option for the customers who need it. Any impacts regarding permits for exceeding size and weight when transporting SME are attributable to the statute.

- Qualitative description of impact:

Reorganizing, streamlining, and reducing redundancy in the proposed chapter will create a positive impact by producing a more reader-friendly version of the information the public relies on for understanding how to register and title SME and what the statutory size and weight requirements are when transporting SME.

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 resulting from the proposed rules that were not already required as a result of the underlying statutes. 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 will incur fewer costs to enforce the rules since it clearly specifies expectations when transporting SME.

- Anticipated effect on state revenues:

There are no anticipated effects on state revenues beyond those resulting from the underlying statute.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The benefit of the proposed rules is that customers will have increased ability to operate or transfer ownership of SME to another state without incurring barriers due to lack of title or registration and will be less likely to encounter enforcement actions due to knowing the statutory size and weight limitations when transporting SME. The cost of the proposed rules is negligible since the underlying statutes already require the Department to issue titles, registration and permits.

The cost of inaction is the inability for customers to obtain title and registration for SME, which could complicate the customer's ability to operate in or transfer ownership of SME to another state. Inaction may also result in increased enforcement actions if customers are unable to readily understand that the statutory size and weight limitations continue to apply when transporting SME unless a permit is obtained.

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 chapter, which is to provide the option for certain SMEs to obtain title and registration and to quickly and efficiently provide information to the public regarding statutory size and weight requirements for customers transporting SME, which helps customers avoid unnecessary enforcement actions.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Department did not consider alternative methods for the proposed rules.

- 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 impact on small business. The proposed rules provide the option to title and register SME, which may benefit those customers seeking to operate in or transfer ownership to another state and explain the size and weight requirements when transporting SME, which applies equally to all under the statute.

Text of Proposed Rulemaking

ITEM 1. Rescind 761—Chapter 410 and adopt the following **new** chapter in lieu thereof:

CHAPTER 410
SPECIAL MOBILE EQUIPMENT

761—410.1(321) General.

410.1(1) “Special mobile equipment” means the same as defined in Iowa Code section 321.1.

410.1(2) Special mobile equipment is exempt from titling and registration pursuant to Iowa Code sections 321.18 and 321.20. However, a certificate of title and registration may be obtained in accordance with Iowa Code chapter 321 for a motor truck, trailer or semitrailer with special mobile equipment permanently attached.

410.1(3) Questions about special mobile equipment may be directed by mail to the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.237.3268; or by email at omcs@iowadot.us.

This rule is intended to implement Iowa Code sections 321.1, 321.18 and 321.20.

761—410.2(321E) Special mobile equipment transported on a registered vehicle. The movement of special mobile equipment or component parts of special mobile equipment transported on a vehicle registered for the gross weight of the vehicle without load, as provided in Iowa Code section 321E.12, is subject to the following:

410.2(1) If the special mobile equipment is leased, the lease agreement or a certified copy of the lease agreement is to be carried in the cab of the transporting vehicle.

410.2(2) The size and weight limits in Iowa Code chapter 321 are applicable unless a permit to exceed these limits is obtained in accordance with Iowa Code chapter 321E.

This rule is intended to implement Iowa Code sections 321E.12 and 321E.15.