

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

<b>Department Name:</b>	Department of Transportation	<b>Date:</b>	June 26, 2024	<b>Total Rule Count:</b>	3
<b>IAC #:</b>	761	<b>Chapter/ SubChapter/ Rule(s):</b>	451	<b>Iowa Code Section Authorizing Rule:</b>	307.12(1)“j,” 321.16, 321.451
<b>Contact Name:</b>	Sara Siedsma	<b>Email:</b>	<a href="mailto:sara.siedsma@iowadot.us">sara.siedsma@iowadot.us</a>	<b>Phone:</b>	515-237-3058

**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

**What is the intended benefit of the rule?**

The intended benefit of Chapter 451 is to comply with Iowa Code section 321.451 by outlining the procedures for certain persons to obtain a certificate of designation as an authorized emergency vehicle for their privately owned vehicle. An authorized emergency vehicle certificate allows its holder; for example, a fire chief or sheriff, to operate their privately owned vehicle to the scene of an emergency. This authorization saves time when the certificate holder is not at their workplace or does not have access to their work vehicle, but still needs to respond to an emergency.

**Is the benefit being achieved? Please provide evidence.**

Yes. Over the past 5 years, the Department has issued on average of 130 authorized emergency vehicle certificates per year for privately owned vehicles.

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

Any costs to the public related to applying for an authorized emergency vehicle certificate are not because of the rules, but because of the requirements in statute.

There is no fee in statute or rule to apply for an authorized emergency vehicle certificate.

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

The cost to the Department for processing authorized emergency vehicle certificates is because of the statute. The rules just provide parameters for how the application, issuance and revocation process is to occur.

Any costs to other agencies related to applying for an authorized emergency vehicle certificate are not because of the rules, but because of the requirements in statute.

**Do the costs justify the benefits achieved? Please explain.**

Yes. The rules create a consistent framework for the application, issuance, and revocation of an authorized emergency vehicle certificate. This helps ensure only eligible persons are issued these certificates when these vehicles are being operated on Iowa roadways.

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.

There is no less restrictive alternative available for issuing authorized emergency vehicle certificates other than establishing the basic application, issuance, and revocation process in rule, which helps ensure the process is clear for applicants and is consistently applied.

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]

**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

**451.1 Information.**

This rule is revised to replace outdated contact information.

**451.2 Authorized emergency vehicle certificate.**

451.2(1): This subrule removes unnecessary language and combines relevant content regarding denial of an application to new Rule 451.4 addressing certificate revocations.

451.2(2): This subrule deletes outdated terminology referring to the exact time a certificate of designation expires, which is not consistent with other department-issued licenses.

**451.3 Application denial or certificate revocation.**

This rule is revised to remove language that is duplicative of statutory language.

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

None

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

451.1  
451.2  
451.3  
451.4

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

**METRICS**

<b>Total number of rules repealed:</b>	0; however, 1 added
<b>Proposed word count reduction after repeal and/or re-promulgation</b>	63
<b>Proposed number of restrictive terms eliminated after repeal and/or re-promulgation</b>	6

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

The Department recommends explicit rule making authority be added to Iowa Code section 321.451 for the application and denial or revocation process for an authorized emergency vehicle certificate of designation. Iowa Code section 321.451 authorizes the Department to issue certificates of designation on forms provided by the Department to eligible applicants, however, the code does not outline the application and denial or revocation process, which is instead done via administrative rule. The Department currently relies on general rule making authority in Iowa Code section 307.12(1)“j” for the following rules and subrules:

- 451.1 Information
- 451.2(1) Application
- 451.2(2) Expiration
- 451.3 Application denial or certificate revocation