



## **Iowa Department of Transportation's**

### **Regulatory Plan July 2022**

#### **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 2023 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 2023.

Contact Person: Dave Lorenzen, Iowa DOT Motor Vehicle Enforcement, 515-239-1205.

### **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 2023.

Contact Person: Kelli Huser, Motor Vehicle Division, 515-237-3031.



## **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 2023.

Contact Person: Kathleen Meradith-Eyers, Motor Vehicle Division, 515-237-3241.

## **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: This rulemaking is in process and is expected to be effective on October 12, 2022.

Contact Person: Kelli Huser, Motor Vehicle Division, 515-237-3031.

## **Transfer of Ownership of Certain Foreign Vehicles**

Description: Amend rules relating to the transfer of ownership of certain foreign vehicles to extend an exception to also include foreign vehicles transferred to an insurance carrier authorized to do business in Iowa. This affects 761 IAC 400.

Legal Basis: 2022 Iowa Acts, House File 2341 amended Iowa Code section 321.23.

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

Contemplated Schedule: This bill is effective July 1, 2022. Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 15, 2022.

Contact Person: Kelli Huser, Motor Vehicle Division, 515-237-3031.



## **Expand List of Medical Providers Authorized to Provide Statement of Disability**

Description: Amend rules to expand the list of medical providers that are authorized to submit a statement of disability for a person applying for a persons with disabilities parking permit, special license plate, or windshield placard. Section 2 allows an authorized medical provider who provides the statement of disability to be licensed in any state. This affects 761 IAC 411.

Legal Basis: 2022 Iowa Acts, House File 2259, sections 1 through 5, amended Iowa Code sections 321.34 and 321L.2.

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

Contemplated Schedule: This bill is effective July 1, 2022. Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 15, 2022.

Contact Person: Kelli Huser, Motor Vehicle Division, 515-237-3031.

## **Emergency Vehicle Operations and Certificates**

Description: Amend rules concerning emergency vehicle operations and authorized emergency vehicle certificates issued by the DOT. This affects 761 IAC 451.

Legal Basis: 2022 Iowa Acts, Senate File 333, sections 2, 5, 7 and 9.

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

Contemplated Schedule: This bill is effective upon enactment May 24, 2022. Complete rulemaking so Notice of Intended Action is submitted for publication no later than November 3, 2022.

Contact Person: Kelli Huser, Motor Vehicle Division, 515-237-3031.

## **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 2024.

Contact Person: Kelli Huser, Motor Vehicle Division, 515-237-3031.



## **Annual Permit for Transporting Fluid Milk Products**

Description: Amend rules to include a new annual permit allowing the operation of vehicles of excessive weight to transport fluid milk products. This affects 761 IAC 511.

Legal Basis: 2021 Iowa Acts, House File 869 adds new Iowa Code section 321E.29B. Section 3 of the bill requires the department to adopt rules governing the issuance of these permits.

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

Contemplated Schedule: This bill was effective January 1, 2022. This rulemaking is in process and is expected to be effective on August 17, 2022.

Contact Person: Kelli Huser, Motor Vehicle Division, 515-237-3031.

## **Annual Permits to Move Cranes on Highways**

Description: Amend rules concerning the movement of cranes on highways specified by the permit issuing authority. This affects 761 IAC 511.

Legal Basis: 2022 Iowa Acts, House File 2518, section 1, amended Iowa Code sections 321E.8 and requires the department to adopt rules.

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

Contemplated Schedule: This bill is effective January 1, 2023. Complete rulemaking so Notice of Intended Action is submitted for publication no later than June 15, 2023.

Contact Person: Kelli Huser, Motor Vehicle Division, 515-237-3031.

## **Annual All-Systems Permits and Permits for Special Mobile Equipment**

Description: Amend rules concerning annual all-systems permits and permits for special mobile equipment allowing for divisible loads. This affects 761 IAC 511.

Legal Basis: 2022 Iowa Acts, Senate File 2376, section 1, adds a new subsection within Iowa Code section 312.2 which requires the department to adopt rules concerning the distribution of fees received for issuing all-systems permits. Senate File 2376, section 2, amends Iowa Code section 321E.2 allowing for divisible loads when issuing permits for special mobile equipment, and sections 3 thru 6 amend Iowa Code chapter 321E concerning all-systems permits.

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

Contemplated Schedule: This bill is effective January 1, 2023. Complete rulemaking so Notice of Intended Action is submitted for publication no later than June 15, 2023.

Contact Person: Kelli Huser, Motor Vehicle Division, 515-237-3031.



## **Waiver of Driver's License Fees for Certain Veterans**

Description: Amend rules to allow for certain veterans to not have to pay the fee for certain types of driver's licenses. This affects 761 IAC 605.

Legal Basis: 2022 Iowa Acts, Senate File 2383, section 25, adds a new subsection within Iowa Code section 321.191.

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

Contemplated Schedule: This bill is effective July 1, 2022. Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 15, 2022.

Contact Person: Kathleen Meradith-Eyers, Motor Vehicle Division, 515-237-3241.

## **Third Party CDL Testing**

Description: Amend rules concerning third-party testers and test examiners for commercial driver's licenses knowledge and driving skills tests. This affects 761 IAC 607.

Legal Basis: 2022 Iowa Acts, Senate File 2337 amends Iowa Code section 321.187.

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

Contemplated Schedule: This bill is effective July 1, 2022. Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 15, 2022.

Contact Person: Kathleen Meradith-Eyers, Motor Vehicle Division, 515-237-3241.



## SECTION 2, AVIATION RELATED

### **Airport Registration and Site Approval**

Description: Amend rules to eliminate outdated traffic patterns and site approval requirements for airports in Iowa. This affects 761 IAC 720.

Legal Basis: 2022 Iowa Acts, House File 2124 amended Iowa Code section 328.19.

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

Contemplated Schedule: This bill is effective July 1, 2022. Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 15, 2022.

Contact Person: Tim McClung, Modal Transportation Bureau, 515-239-1689.

### **Limit the Period a Manufacturer or Dealer May Operate an Aircraft under a Special Certificate**

Description: Amend rules to limit the period a manufacturer or dealer may operate the aircraft under a special certificate to three years. This affects 761 IAC 750.

Legal Basis: 2022 Iowa Acts, Senate File 2370, section 1, amended Iowa Code section 328.28.

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

Contemplated Schedule: This bill is effective June 30, 2022. Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 15, 2022.

Contact Person: Tim McClung, Modal Transportation Bureau, 515-239-1689.



## SECTION 3, 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: Complete rulemaking in fiscal year 2023.

Contact Person: Amanda Martin, Modal 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: Complete rulemaking in fiscal year 2023.

Contact Person: Amanda Martin, Modal 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 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 2023.

Contact Person: Kristin Haar, Modal Transportation Bureau, 515-233-7875.



## SECTION 5, MISCELLANEOUS

### **Bids Received in Electronic Format—Public Improvement for Vertical Infrastructure**

Description: Amend rules relating to the acceptable electronic methods for delivery of quotations for governmental entities for public improvement for vertical infrastructure. This affects 761 IAC 180.

Legal Basis: 2022 Iowa Acts, House File SF 2279, section 3, amended Iowa Code section 26.10.

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

Contemplated Schedule: This bill is effective July 1, 2022. Complete rulemaking so Notice of Intended Action is submitted for publication no later than December 15, 2022.

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