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PREFACE

The Iowa Administrative Bulletin is published biweekly pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; usury rates [535.2(3)“a”]; agricultural credit corporation maximum loan rates [535.12]; and other items required by statute to be published in the Bulletin.

PLEASE NOTE: Underscore indicates new material added to existing rules; ~~strike-through~~ indicates deleted material.

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CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, paragraph, subparagraph, or numbered paragraph).

This citation format applies only to external citations to the Iowa Administrative Code or Iowa Administrative Bulletin and does not apply to citations within the Iowa Administrative Code or Iowa Administrative Bulletin.

| | |
|--------------------------|----------------------|
| 441 IAC 79 | (Chapter) |
| 441 IAC 79.1 | (Rule) |
| 441 IAC 79.1(1) | (Subrule) |
| 441 IAC 79.1(1)“a” | (Paragraph) |
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| 441 IAC 79.1(1)“a”(1)“1” | (Numbered paragraph) |

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

IAB Vol. XII, No. 23 (5/16/90) p. 2050, ARC 872A

NOTE: In accordance with Iowa Code section 2B.5A, a rule number within the Iowa Administrative Code includes a reference to the statute which the rule is intended to implement: 441—79.1(249A).

Schedule for Rule Making 2023

| NOTICE† SUBMISSION DEADLINE | NOTICE PUB. DATE | HEARING OR COMMENTS 20 DAYS | FIRST POSSIBLE ADOPTION DATE 35 DAYS | ADOPTED FILING DEADLINE | ADOPTED PUB. DATE | FIRST POSSIBLE EFFECTIVE DATE | POSSIBLE EXPIRATION OF NOTICE 180 DAYS |
|-----------------------------------|------------------------|--------------------------------------|--|-------------------------------|-------------------------|--|---|
| **Dec. 21 '22** | Jan. 11 '23 | Jan. 31 '23 | Feb. 15 '23 | Feb. 17 '23 | Mar. 8 '23 | Apr. 12 '23 | July 10 '23 |
| **Jan. 4** | Jan. 25 | Feb. 14 | Mar. 1 | Mar. 3 | Mar. 22 | Apr. 26 | July 24 |
| Jan. 20 | Feb. 8 | Feb. 28 | Mar. 15 | Mar. 17 | Apr. 5 | May 10 | Aug. 7 |
| Feb. 3 | Feb. 22 | Mar. 14 | Mar. 29 | Mar. 31 | Apr. 19 | May 24 | Aug. 21 |
| Feb. 17 | Mar. 8 | Mar. 28 | Apr. 12 | Apr. 14 | May 3 | June 7 | Sep. 4 |
| Mar. 3 | Mar. 22 | Apr. 11 | Apr. 26 | Apr. 28 | May 17 | June 21 | Sep. 18 |
| Mar. 17 | Apr. 5 | Apr. 25 | May 10 | **May 10** | May 31 | July 5 | Oct. 2 |
| Mar. 31 | Apr. 19 | May 9 | May 24 | May 26 | June 14 | July 19 | Oct. 16 |
| Apr. 14 | May 3 | May 23 | June 7 | June 9 | June 28 | Aug. 2 | Oct. 30 |
| Apr. 28 | May 17 | June 6 | June 21 | **June 21** | July 12 | Aug. 16 | Nov. 13 |
| **May 10** | May 31 | June 20 | July 5 | July 7 | July 26 | Aug. 30 | Nov. 27 |
| May 26 | June 14 | July 4 | July 19 | July 21 | Aug. 9 | Sep. 13 | Dec. 11 |
| June 9 | June 28 | July 18 | Aug. 2 | Aug. 4 | Aug. 23 | Sep. 27 | Dec. 25 |
| **June 21** | July 12 | Aug. 1 | Aug. 16 | **Aug. 16** | Sep. 6 | Oct. 11 | Jan. 8 '24 |
| July 7 | July 26 | Aug. 15 | Aug. 30 | Sep. 1 | Sep. 20 | Oct. 25 | Jan. 22 '24 |
| July 21 | Aug. 9 | Aug. 29 | Sep. 13 | Sep. 15 | Oct. 4 | Nov. 8 | Feb. 5 '24 |
| Aug. 4 | Aug. 23 | Sep. 12 | Sep. 27 | Sep. 29 | Oct. 18 | Nov. 22 | Feb. 19 '24 |
| **Aug. 16** | Sep. 6 | Sep. 26 | Oct. 11 | Oct. 13 | Nov. 1 | Dec. 6 | Mar. 4 '24 |
| Sep. 1 | Sep. 20 | Oct. 10 | Oct. 25 | **Oct. 25** | Nov. 15 | Dec. 20 | Mar. 18 '24 |
| Sep. 15 | Oct. 4 | Oct. 24 | Nov. 8 | **Nov. 8** | Nov. 29 | Jan. 3 '24 | Apr. 1 '24 |
| Sep. 29 | Oct. 18 | Nov. 7 | Nov. 22 | **Nov. 22** | Dec. 13 | Jan. 17 '24 | Apr. 15 '24 |
| Oct. 13 | Nov. 1 | Nov. 21 | Dec. 6 | **Dec. 6** | Dec. 27 | Jan. 31 '24 | Apr. 29 '24 |
| **Oct. 25** | Nov. 15 | Dec. 5 | Dec. 20 | **Dec. 20** | Jan. 10 '24 | Feb. 14 '24 | May 13 '24 |
| **Nov. 8** | Nov. 29 | Dec. 19 | Jan. 3 '24 | **Jan. 3 '24** | Jan. 24 '24 | Feb. 28 '24 | May 27 '24 |
| **Nov. 22** | Dec. 13 | Jan. 2 '24 | Jan. 17 '24 | Jan. 19 '24 | Feb. 7 '24 | Mar. 13 '24 | June 10 '24 |
| **Dec. 6** | Dec. 27 | Jan. 16 '24 | Jan. 31 '24 | Feb. 2 '24 | Feb. 21 '24 | Mar. 27 '24 | June 24 '24 |
| **Dec. 20** | Jan. 10 '24 | Jan. 30 '24 | Feb. 14 '24 | Feb. 16 '24 | Mar. 6 '24 | Apr. 10 '24 | July 8 '24 |

PRINTING SCHEDULE FOR IAB

| <u>ISSUE NUMBER</u> | <u>SUBMISSION DEADLINE</u> | <u>ISSUE DATE</u> |
|---------------------|----------------------------|-------------------|
| 25 | Friday, May 26, 2023 | June 14, 2023 |
| 26 | Friday, June 9, 2023 | June 28, 2023 |
| 1 | Wednesday, June 21, 2023 | July 12, 2023 |

PLEASE NOTE:

Rules will not be accepted by the Publications Editing Office after **12 o'clock noon** on the filing deadline unless prior approval has been received from the Administrative Rules Coordinator and the Administrative Code Editor.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

†To allow time for review by the Administrative Rules Coordinator prior to the Notice submission deadline, Notices should generally be submitted in RMS four or more working days in advance of the deadline.

****Note change of filing deadline****

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Iowa Hazard Mitigation Plan, 9.3
IAB 5/17/23

Regulatory Analysis

Suite 500
7900 Hickman Rd.
Windsor Heights, Iowa

June 7, 2023
10 a.m.

TRANSPORTATION DEPARTMENT[701]

Special permits for operation
and movement of vehicles and
loads of excess size and weight,
amendments to ch 511
IAB 5/17/23

Regulatory Analysis

First Floor Training Room
Motor Vehicle Division
6320 SE Convenience Blvd.
Ankeny, Iowa

June 6, 2023
10 to 10:30 a.m.

The following list will be updated as changes occur.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies are included alphabetically in SMALL CAPITALS at the left-hand margin.

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HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 605—9.3(29C)
“Iowa Hazard Mitigation Plan”

Iowa Code chapter authorizing rulemaking: 29C
State or federal law(s) implemented by the rulemaking: 44 CFR §201.4(c)(6)

Public Hearing

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

June 7, 2023
10 a.m.

7900 Hickman Road, Suite 500
Windsor Heights, Iowa

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 no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Blake DeRouchey
7900 Hickman Road, Suite 500
Windsor Heights, Iowa 50324
Phone: 515.323.4232
Email: blake.derouchey@iowa.gov

Purpose and Summary

Iowa currently has an “Enhanced” State Hazard Mitigation Plan (Enhanced Plan). This Enhanced Plan must be updated and formally adopted every five years pursuant to Federal Emergency Management Agency (FEMA) regulations. Historically, the Department has used the rulemaking process to formally adopt the Enhanced Plan. The current Enhanced Plan cited in 605—Chapter 9 was adopted on September 17, 2018, and expires September 18, 2023.

Through this Enhanced Plan, Iowa is eligible for additional federal disaster recovery grant funds. For example, because of the Enhanced Plan, Iowa is eligible for 33 percent extra funding from the Hazard Mitigation Grant Program (HMGP). This grant program helps fund long-term projects to mitigate impacts from future disasters. An Enhanced Plan is also needed for funding through the Public Assistance Grant Program, which helps repair infrastructure like roads, bridges, and water control facilities following a disaster. Because of Iowa’s Enhanced Plan, these programs have brought in nearly \$2 billion over the last 15 years.

There is no process to request a federal waiver should the approved Enhanced Plan lapse. The Department is requesting a waiver to the moratorium on rulemaking as detailed in Executive Order 10. The proposed rulemaking would be narrowly tailored and limited to only updating the date of the adopted plan from 2018 to 2023.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
There is no cost associated with the proposed rulemaking.
 - Classes of persons that will benefit from the proposed rulemaking:

All Iowans will benefit due to increased disaster funding made available by updating the approved Enhanced Hazard Mitigation Plan.

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:

There are no costs to implement this change; however, should the approved Enhanced Hazard Mitigation Plan fall out of compliance with federal standards, Iowa would no longer be eligible for federal disaster recovery grant funds at the current levels.

- Qualitative description of impact:

Iowa experiences frequent disasters. Not having an approved Enhanced Hazard Mitigation Plan would negatively impact the State's ability to recover from disasters and harm its ability to mitigate future disasters by the loss of federal grant funding.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

There are no costs to the State to update this rule.

- Anticipated effect on state revenues:

Without this rulemaking, Iowa could lose millions of dollars through the loss of federal disaster recovery grant funds.

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

There is no cost to update and adopt a new Enhanced Hazard Mitigation Plan. Inaction could cost the State hundreds of millions of dollars.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Department analyzed other ways to formally adopt the Enhanced Hazard Mitigation Plan in accordance with 44 CFR §201.4(c)(6), and this is the least intrusive method.

6. Alternative methods considered by the agency:

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

Other methods of formal adoption of the Enhanced Hazard Mitigation Plan include Executive Order or legislative adoption.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

Rulemaking provides the most flexible approved method to approving the plan.

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?

The updated rule has little to no impact on small business. If anything, the updated rule will help communities, and thus small businesses, recover from disasters through maintaining current levels of federal disaster recovery grant funding.

Text of Proposed Rulemaking

605—9.3(29C) Iowa Hazard Mitigation Plan. The Iowa Hazard Mitigation Plan is developed in accordance with Iowa Code section 29C.8 and has been adopted on September 17, ~~2018~~ 2023, published, and maintained by the department. This plan details the state government goals, objectives, and strategies to mitigate a wide range of natural, technological, or human-caused disasters in accordance with Section 322 of the Stafford Act, 42 U.S.C. 5165.

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 761—Chapter 511
“Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight”

Iowa Code sections authorizing rulemaking: 312.2(18), 321E.8(4), 321E.15, and 321E.24
State or federal law(s) implemented by the rulemaking: 312.2 and 321E.8

Public Hearing

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

June 6, 2023
10 to 10:30 a.m.

Motor Vehicle Division, First Floor Training Room
6320 SE Convenience Boulevard
Ankeny, Iowa

Attendees will enter the front entrance, proceed straight through the automatic doors and check in at the Driver’s License Service Center desk. Attendees should state that they are present for the administrative rules public hearing.

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 no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Kelli Huser
Iowa DOT
Motor Vehicle Division
6310 SE Convenience Boulevard
Ankeny, Iowa 50021
Email: kelli.huser@iowadot.us

Purpose and Summary

The Department proposes to update Chapter 511 to conform with 2022 Iowa Acts, House File 2518 and Senate File 2376, now codified in Iowa Code chapters 312 and 321E. The proposed amendments do the following:

1. Add references to the two new annual permits authorized under the newly enacted legislation: the annual all-systems overweight permit and the annual small crane permit.
2. Allow the two new permits to be transferred to a replacement vehicle if the originally permitted vehicle has been damaged in an accident, junked, or sold.
3. Identify for the new permits the fees, maximum axle weights, maximum gross weights, maximum dimensions, and distance requirements.
4. Establish procedures to distribute funds collected from the annual all-systems overweight permit to counties that designate secondary roads for travel under this permit.
5. Eliminate the requirement that overweight vehicles operating under a permit must display flashing amber lights.

Analysis of Impact

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

The proposed amendments do not create additional costs for any classes of persons beyond what was anticipated as a result of legislation. The legislation created costs for three classes of persons:

(1) Persons or businesses who purchase the new annual all-systems overweight permit will pay a statutory fee of \$500.

(2) Persons or businesses who purchase the new annual small crane permit will pay a statutory fee of \$400.

(3) Government entities responsible for maintaining the primary and secondary road systems must repair and maintain these systems based on heavier travel under these permits.

The proposed amendments that implement this legislation do not create additional costs for these classes of persons and do not affect additional classes of persons beyond those affected by the legislation.

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

The proposed amendments do not affect any classes of persons beyond what was anticipated as a result of legislation, with one exception described below.

The legislation created benefits for three classes of persons:

(1) Persons or businesses who purchase the new annual all-systems overweight permit will travel at increased weights for more efficient transport.

(2) Persons or businesses who purchase the new annual small crane permit will travel at increased axle weights for more convenient transport.

(3) Counties having jurisdiction over secondary roads authorized under the annual all-systems permit because the legislation authorizes 75 percent of the funds collected to be distributed to these counties.

In addition to the benefits anticipated as a result of the legislation, the proposed amendment to renumbered subrule 511.20(3) creates an additional benefit to persons or businesses who purchase overweight-only permits by eliminating a flashing amber lights requirement for these loads. The existing subrule requires permit holders for loads over 80,000 pounds to purchase and display a flashing amber light if the permit holder does not already own one. This requirement affects persons or businesses who purchase the new annual all-systems overweight permit as well as persons or businesses who purchase other overweight-only permits. The proposed amendment benefits these persons since it removes this regulatory burden.

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:

Quantitative impact to businesses operating under the new permits

The legislation had a quantitative impact on businesses by allowing businesses to operate under two new permits for more efficient and effective travel. There are no additional quantitative impacts under the proposed amendments beyond what was anticipated in legislation.

Quantitative impact to the counties from the legislation and the proposed amendments

The legislation resulted in the following quantitative impact to the counties:

- (1) Increase in cost for county maintenance of the secondary road system.
- (2) Increase in revenue to counties from fees for the new annual small crane permit.
- (3) Increase in revenue to the counties in the aggregate from fees for the new annual all-systems overweight permit.

The proposed amendments do not have an additional impact on what the counties in the aggregate receive as anticipated in the legislation, but the proposed amendments may have a quantitative impact on individual counties since they propose to divide the funds between the participating counties as determined by the Department after consultation with county officials through their representative organizations.

At this time, the Department and the county officials through their representative organizations have agreed to even distribution between participating counties as shown below:

| | January 2023 | February 2023 | March 2023 |
|--|--------------|---------------|------------|
| 75 percent credit from the permit fees | \$415,125 | \$152,625 | \$248,250 |
| Number of counties participating in the permit | 40 | 54 | 59 |
| Distribution per county | \$10,378.13 | \$2,826.39 | \$4,207.62 |

Accordingly, the Department's proposed amendments regarding the method of fund distribution may have an impact on individual county funds.

Finally, the proposed amendment to allow the two new permits to be transferred to a replacement vehicle when the original vehicle has been damaged in an accident, junked or sold may decrease anticipated revenue to the county revenues in the aggregate under paragraphs (2) and (3); however, the effect is anticipated to be minimal since the Department expects a very small number of vehicles will qualify under the transferability provisions (approximately 30 per year). Without this proposed amendment, these customers would be required to purchase a second permit for the replacement vehicle.

- Qualitative description of impact:

The proposed amendments do not have a qualitative impact beyond what was anticipated as a result of legislation.

The Department considered and rejected any negative traffic safety impact from the proposed amendments to renumbered subrule 511.20(3) to eliminate the requirement that overweight-only vehicles operating under a permit must display flashing amber lights. The existing flashing amber lights requirement is intended to alert other motorists that a particular vehicle is transporting a load under permit that exceeds 80,000 pounds. After further review and discussion with law enforcement, the primary safety concern that would warrant display of flashing lights is not loads that are only overweight. The primary safety concerns are (1) loads that are oversize such that the load is longer, wider, or taller than another motorist might expect or (2) loads that are both oversize and overweight and a motorist should exercise additional caution. The Department determined that eliminating the flashing light requirement will not have a qualitative negative traffic safety impact.

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 in the amendments that were not already anticipated as a result of the legislation.

The legislation had implementation costs to the State of Iowa in the form of an increase in cost for maintenance of the primary road system.

- Anticipated effect on state revenues:

The proposed amendment to allow the two new permits to be transferred to a replacement vehicle when the original vehicle has been damaged in an accident, junked or sold may decrease anticipated revenue to the Road Use Tax Fund (RUTF); however, the effect is anticipated to be minimal as the Department expects a very small number of vehicles will qualify under the transferability provisions (approximately 30 vehicles per year). Without this proposed amendment, these customers would be required to purchase a second permit for the replacement vehicle.

The remaining proposed amendments do not create any additional effect on state revenue beyond what was anticipated in legislation. The legislation had the following effect on state revenues:

- (1) Increase in revenue to the RUTF from fees for the new annual small crane permit.
- (2) Increase in revenue to the RUTF from fees for the new annual all-systems overweight permit.

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

References to the two new permits throughout the chapter and identification of statutory requirements for the two new permits including fees, maximum axle weights, maximum gross weights, maximum dimensions, and distance requirements

The proposed amendments add references to the two new permits in all locations where the existing 12 permits in Chapter 511 are referenced and add requirements for the 2 new permits in the same format and content as the other 12 existing permits under the chapter. The benefit of these amendments is clarity and consistency in the existing Chapter 511 for permit holders, law enforcement, and private and public entities working with permit holders. The cost of these rules is possible redundancy with Iowa Code that will need to be later removed when the Department reviews all of Chapter 511 under Executive Order 10. The cost of inaction is inconsistency between the format, content, and processing of existing Department permits. Omission of these two new permits in the chapter could confuse permit holders, law enforcement, and private and public entities and, in turn, affect safe travel on Iowa's roadways.

The Department determined that the benefit of aiding the public with consistent information on the two new permits at this time outweighs future staff time to streamline the rules for all oversize and overweight vehicle permits.

Providing for the transfer of the two new permits to a replacement vehicle in certain situations

The proposed amendment mirrors the provision in existing subrule 511.5(4), which allows a currently valid annual oversize/overweight permit to be transferred to a replacement vehicle when the original vehicle has been damaged in an accident, junked or sold, to allow transfer of the two new permit types in the same situations. The benefit of this is to ensure that purchasers of the new annual permit(s) can utilize the permit(s) for the full period of validity even if an unforeseen event occurs, such as a crash or needing to sell the original vehicle. The cost of not allowing the new permits to be transferable is that customers would need to purchase a brand-new permit for the replacement vehicle if the originally permitted vehicle is damaged in an accident, junked or sold. The Department determined that the benefit of allowing the new permits to be transferred in these narrow circumstances outweighs any potential lost revenue from requiring permit holders to purchase a new annual permit for their replacement vehicles.

For the new annual all-systems overweight permit, establish procedures to distribute funds to participating counties

The proposed amendments establish procedures to divide the statutorily authorized funds among the participating counties. The proposed amendments divide the funds as determined by the Department after consultation with county officials through their representative organizations. The cost of inaction on this provision is that the Department would act contrary to the legislation that requires the Department to adopt rules to distribute these funds. Inaction would leave ambiguity on specific procedures to distribute these funds and result in uncertainty to the Department's county partners on their role in the decision making. The benefit to this amendment is that it complies with the legislative directive to adopt rules for fund distribution, provides clarity to the counties, and ensures representation in how these funds are distributed.

Eliminating the flashing amber lights requirement for overweight-only loads

The proposed amendment eliminates the flashing amber lights requirement for overweight-only loads operating under permit. The cost of inaction is that customers traveling under the new all-systems permit who do not already have an amber light will need to purchase one and operate with it. The Department is aware this is a burden to permit holders. The benefit of the amendment is that it removes a burden for permit holders who are only traveling at the higher weights under permit and does not have a negative safety impact.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The purpose of the proposed amendments is clarity and consistency on permit requirements for permit holders, law enforcement, and private and public entities working with permit holders and compliance with the legislative mandate to adopt rules to distribute permit funds to the counties. As the proposed amendments do not impose any requirements beyond those contained in the authorizing legislation, no less costly methods or less intrusive methods exist to achieve this purpose.

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

The Department considered alternative methods for the rule to divide the monthly credit amount received from the permit fees among the participating counties. The legislation gave the Department rulemaking authority to govern the distribution of the 75 percent of funds credited to participating counties.

As an alternative to the proposed rulemaking, the Department considered three specific funding methods:

Method 1: The Department distributes funds evenly between the counties. The Department would distribute the same funds to a county that authorizes all roads for travel under the permit as a county that authorizes 20 roads for travel. The benefit of this method is that all counties would be treated the same. The cost is that there is no incentive for counties to include additional roads once the threshold of a single authorized road is met.

Method 2: The Department distributes funds proportionately based on number of authorized roads or authorized miles of road within each county. The Department would distribute more funds to a county that authorizes 20 roads or 20 miles of road for travel under the permit than a county that authorizes 5 roads or 5 miles of roads. The benefit of this method is that there is incentive for counties to include additional roads to receive more funding. The cost is that a county may not have as many roads that can tolerate the increased weights at this time, and this could disproportionately restrict funds from certain counties.

Method 3: The Department distributes funds proportionately based on existing factors used by the Secondary Road Fund Distribution Committee. These factors are listed in 761—Chapter 102 and include, for example, the total daily vehicle miles of travel on a particular road and the area of the county compared to the area of the total state. The Department could distribute more funds to a larger county with higher traffic than a smaller county with lower traffic. The benefit of this method is counties are familiar with these factors and the factors capture useful information related to traffic patterns and county needs. The cost is that these factors may disproportionately restrict funding from smaller counties or counties with less traffic.

Eliminating the flashing amber lights requirement for overweight-only loads

The Department also considered keeping the flashing amber lights requirement for overweight-only loads operating under permit. The benefit to retaining this requirement is consistency with past practice to require lights for overweight-only loads. The cost to customers is having to purchase and display a new amber light when operating under the new all-systems annual overweight permit.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The Department's proposed amendment to distribute annual all-systems overweight permit funds to participating counties allows flexibility. The Department rejected the alternatives to include a specifically prescribed fee distribution method to allow flexibility to shift between funding methods and adopt the method that encourages increased county participation in the new permit. The legislation requires all counties to authorize roads for travel by July 1, 2025. The legislation also limits funding distribution to only counties that have authorized roads for participation in the permit. The Department identified the legislative intent to be that the Department distributes funding to all participating counties for all counties to maintain and improve roads that are most beneficial to commerce and travel.

The Department determined that setting a specific fee distribution method prior to July 1, 2025, could hinder legislative intent by disproportionately distributing funding and inadvertently keeping funding from roads that are most beneficial to particular stakeholders. The Department weighed three specific fee distribution methods as explained above.

All three alternative methods are beneficial under different circumstances; however, the Department determined that none of the methods fully meet the unique needs of each county.

Because the counties have until July 2025 under the legislation to authorize particular roads, the Department proposed an amendment with flexibility to adjust between these funding methods as needed. At the time of this analysis, the method agreed to by the Department and participating counties is even distribution between the counties that designate any road for participation in the permit in any given month.

The Department's proposed amendment to eliminate the flashing lights requirement removes an unnecessarily burdensome regulation. The Department considered safety impacts and determined there was no negative safety impact from this proposed amendment that would outweigh the regulatory burden.

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?

The proposed amendments have no impact to small businesses beyond what was anticipated as a result of legislation.

Text of Proposed Rulemaking

ITEM 1. Amend rule **761—511.1(321E)**, definition of “Emergency interstate permit,” as follows:
“Emergency interstate permit” means a permit issued under Iowa Code section 321E.29B ~~as enacted by 2021 Iowa Acts, House File 382.~~

ITEM 2. Amend rule **761—511.1(321E)**, implementation sentence, as follows:
 This rule is intended to implement Iowa Code sections 321E.9, 321E.15, 321E.26, 321E.29, 321E.29B ~~as enacted by 2021 Iowa Acts, House File 382,~~ 321E.30 and 321E.34.

ITEM 3. Amend subrule 511.2(4), introductory paragraph, as follows:
511.2(4) Except as provided in rule ~~761—511.17(321,321E)~~ 761—511.10(321,321E) or 761—511.18(321,321E), permits may be issued only for the transporting of a single article which exceeds statutory size or weight limits or both, and which cannot reasonably be divided or reduced to statutory size and weight limits. However, permits may be issued for the transporting of property consisting of more than one article when:

ITEM 4. Amend subrule 511.3(2) as follows:
511.3(2) Movement shall be made only when roads are clear of ice and snow and visibility is at least one-quarter mile. Snow removal equipment operating under permit is exempt from this restriction while snow removal operations are conducted. EXCEPTION: Nothing in this subrule shall be construed to mean that the movement of a compacted rubbish vehicle permitted under rule ~~761—511.11(321E)~~ 761—511.12(321E) shall be subject to this restriction.

ITEM 5. Amend rule 761—511.4(321E) as follows:
761—511.4(321E) Permits. Permits issued shall be in writing or in electronic format and may be either single-trip, multitrip, annual oversize, annual oversize/overweight, annual raw forest products, annual small crane, compacted rubbish, emergency interstate, annual fluid milk products, ~~or~~ all-systems oversize, or all-systems overweight permits.

511.4(1) and **511.4(2)** No change.

511.4(3) *Validity.*

a. Annual oversize, annual oversize/overweight, annual raw forest products, annual small crane, compacted rubbish, annual fluid milk products, ~~and~~ all-systems oversize, and all-systems overweight permits shall expire one year from the date of issuance.

b. and *c.* No change.

d. Emergency interstate permits issued under Iowa Code section 321E.29B ~~as enacted by 2021 Iowa Acts, House File 382~~, shall be effective for 30 calendar days. However, the permit shall not exceed the expiration of the applicable governor's proclamation of disaster emergency issued under Iowa Code section 29C.6 in conjunction with the presidential declaration allowing interstate travel under the Stafford Act or the expiration of the declaration of major disaster under the Stafford Act, whichever expires first.

511.4(4) No change.

This rule is intended to implement Iowa Code sections 321E.2, ~~and~~ 321E.3, 321E.8 and ~~section~~ 321E.29B ~~as enacted by 2021 Iowa Acts, House File 382~~.

ITEM 6. Amend rule 761—511.5(321,321E) as follows:

761—511.5(321,321E) Fees and charges.

511.5(1) *Annual oversize permit.* A fee of \$50 shall be charged for each annual oversize permit issued pursuant to Iowa Code section 321E.8, payable prior to the issuance of the permit. Carriers purchasing annual oversize permits in advance of use cannot return unused permits for refunds.

511.5(2) No change.

511.5(3) *Annual raw forest products permit.* A fee of \$175 shall be charged for each annual raw forest products permit issued pursuant to Iowa Code section 321E.26 for divisible loads of raw forest products, payable prior to the issuance of the permit.

511.5(4) No change.

511.5(5) ~~All-systems~~ *Annual all-systems oversize permit.* A fee of \$160 shall be charged for each annual all-systems oversize permit issued pursuant to Iowa Code section 321E.8(1), payable prior to the issuance of the permit.

511.5(6) *Annual all-systems overweight permit.* A fee of \$500 shall be charged for each annual all-systems overweight permit issued pursuant to Iowa Code section 321E.8(2), payable prior to the issuance of the permit. Transfer of current annual all-systems overweight permit to a replacement vehicle may be allowed when the original vehicle has been damaged in an accident, junked or sold.

~~511.5(6)~~ **511.5(7)** *Bridge-exempt permit.* A fee of \$25 shall be charged for each bridge-exempt permit issued pursuant to Iowa Code section 321E.7, payable prior to the issuance of the permit.

~~511.5(7)~~ **511.5(8)** *Multitrip permit.* A fee of \$200 shall be charged for each multitrip permit, payable prior to the issuance of the permit.

~~511.5(8)~~ **511.5(9)** *Raw milk permit.* A fee of \$25 shall be charged for each raw milk permit issued pursuant to Iowa Code section 321E.29A, payable prior to the issuance of the permit.

~~511.5(9)~~ **511.5(10)** *Single-trip permit.* A fee of \$35 shall be charged for each single-trip permit, payable prior to the issuance of the permit.

~~511.5(10)~~ **511.5(11)** *Special alternative energy multitrip permit.* A fee of \$600 shall be charged for each special alternative energy multitrip permit issued pursuant to Iowa Code section 321E.9B, payable prior to the issuance of the permit.

~~511.5(11)~~ **511.5(12)** *Compacted rubbish permit.* A fee of \$100 shall be charged for each compacted rubbish permit, payable prior to the issuance of the permit.

~~511.5(12)~~ **511.5(13)** *Annual fluid milk products permit.* A fee of \$400 shall be charged for each annual fluid milk products permit issued pursuant to Iowa Code section 321E.29B, payable prior to issuance of the permit.

511.5(14) *Annual small crane permit.* A fee of \$400 shall be charged for each annual small crane permit issued pursuant to Iowa Code section 321E.8(4), payable prior to issuance of the permit. Transfer of current annual small crane permit to a replacement vehicle may be allowed when the original vehicle has been damaged in an accident, junked or sold.

~~511.5(13)~~ **511.5(15)** *Duplicate permit.* A fee of \$2 shall be charged for each duplicate permit, payable prior to the issuance of the permit.

~~511.5(14)~~ **511.5(16)** *Registration fee.* A registration fee shall be charged for vehicles transporting buildings, except mobile homes and factory-built structures, on a single-trip basis. The vehicle shall be registered for the combined gross weight of the vehicle and load. The fee shall be 5 cents per ton exceeding the weight registered under Iowa Code section 321.122 per mile of travel and shall be payable prior to the issuance of the permit. Fees shall not be prorated for fractions of miles.

~~511.5(15)~~ **511.5(17)** *Fair and reasonable costs.* Permit-issuing authorities may charge any permit applicant:

a. and b. No change.

~~511.5(16)~~ **511.5(18)** *Methods of payment.* Fees and costs required under this chapter shall be paid in the form and manner prescribed by the department.

This rule is intended to implement Iowa Code sections 321.12, 321.122, 321E.8, 321E.14, 321E.29, 321E.29A and 321E.30.

ITEM 7. Amend rule 761—511.6(321E) as follows:

761—511.6(321E) Insurance and bonds.

511.6(1) Insurance.

a. Public liability insurance in the amounts of \$100,000 bodily injury each person, \$200,000 bodily injury each occurrence, and \$50,000 property damage with an expiration date to cover the tenure of the annual oversize, annual oversize/overweight, annual raw forest products, annual small crane, annual all-systems oversize, annual all-systems overweight, multitrip, emergency interstate, annual fluid milk products or single-trip permit shall be required. In lieu of filing with the permit-issuing authority, a copy of the current certificate of public liability insurance in these amounts shall be carried in the vehicle for which the permit has been issued. Proof of liability insurance may be either in writing or in electronic format.

b. No change.

511.6(2) No change.

This rule is intended to implement Iowa Code ~~section~~ sections 321E.8, 321E.13 and section 321E.29B as enacted by 2021 Iowa Acts, House File 382.

ITEM 8. Amend rule 761—511.7(321,321E) as follows:

761—511.7(321,321E) Annual oversize permits. Annual oversize permits are issued for indivisible vehicles or indivisible loads for travel when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Route, detour and road embargo information may be found online at www.511ia.org or the department's website for the embargo bridge maps. Annual oversize permits are issued for the following:

511.7(1) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. *Weight.* See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

e. No change.

511.7(2) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. *Weight.* See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

e. No change.

511.7(3) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

e. No change.

~~511.7(4) Rescinded IAB 1/23/02, effective 2/27/02.~~

~~511.7(5)~~ **511.7(4)** Truck trailers manufactured or assembled in the state of Iowa provided the following are met:

a. to c. No change.

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

~~*e. Speed.* Rescinded IAB 2/7/01, effective 3/14/01.~~

~~*f. e. Roadway width.* At least 24 feet 0 inches.~~

~~*g. f. Limited movement.* Movement shall be solely for the purpose of delivery or transfer from the point of manufacture or assembly to another point of manufacture or assembly within the state or to a point outside the state and shall be on the most direct route necessary for the movement.~~

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, 321E.10 and 321E.29A.

ITEM 9. Amend rule 761—511.8(321,321E), introductory paragraph, as follows:

761—511.8(321,321E) Annual oversize/overweight permits. Annual oversize/overweight permits are issued for indivisible vehicles or indivisible loads for travel when either the dimensions or the weight or both the dimensions and the weight exceed statutory limits. Travel is not allowed on the interstate. However, a carrier moving under this annual oversize/overweight permit may operate under the same restrictions as an annual oversize permit under rule 761—511.7(321,321E) when the vehicle meets the dimensions required by that rule. Routing is subject to embargoed bridges and roads and posted speed limits. Annual oversize/overweight permits are issued for the following:

ITEM 10. Amend paragraph **511.8(1)“d”** as follows:

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

ITEM 11. Amend rule 761—511.9(321,321E) as follows:

761—511.9(321,321E) All-systems Annual all-systems oversize permits. ~~All-systems Annual all-systems oversize~~ permits are issued by the motor vehicle division for indivisible vehicles or indivisible loads for travel on the primary road system and specified city streets and county roads when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. ~~The motor vehicle division department~~ will provide a list map of the authorized city streets and county roads. Permit holders shall consult with local officials when traveling on county roads or city streets for bridge embargo, vertical clearance, detour, and road construction information. These permits are issued for the following:

511.9(1) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

e. No change.

511.9(2) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

e. No change.

511.9(3) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

e. No change.

~~511.9(4) Rescinded IAB 1/23/02, effective 2/27/02.~~

~~511.9(5)~~ **511.9(4)** Truck trailers manufactured or assembled in the state of Iowa provided the following are met:

a. to *c.* No change.

d. Weight. See rule 761—~~511.16(321,321E)~~ 761—511.17(321,321E).

~~*e. Speed.* Rescinded IAB 2/7/01, effective 3/14/01.~~

f. Roadway width. At least 24 feet 0 inches.

~~*g. f. Limited movement.*~~ Movement shall be solely for the purpose of delivery or transfer from the point of manufacture or assembly to another point of manufacture or assembly within the state or to a point outside the state and shall be on the most direct route necessary for the movement.

~~511.9(6) Rescinded IAB 2/10/21, effective 3/17/21.~~

~~511.9(7)~~ **511.9(5)** Necessary trip routes must be obtained from the appropriate city and county jurisdictions.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8 and 321E.10.

ITEM 12. Renumber rules 761—~~511.10(321,321E)~~ to 761—~~511.21(321)~~ as 761—~~511.11(321,321E)~~ to 761—~~511.22(321)~~.

ITEM 13. Adopt the following new rule 761—511.10(321,321E):
761—511.10(321,321E) Annual all-systems overweight permits.

511.10(1) Issuance. Annual all-systems overweight permits are issued by the department for indivisible vehicles or indivisible or divisible loads for travel on the primary road system and specified city streets and county roads when the weight of the vehicle or load exceeds statutory limits but the dimensions are within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The department will provide a map of the authorized city streets and county roads. Permit holders shall consult with local officials when traveling on county roads or city streets for bridge embargo, vertical clearance, detour, and road construction information. These permits are issued for vehicles with divisible or indivisible loads provided the following are not exceeded:

a. Width. Statutory: 8 feet 6 inches including appurtenances.

b. Length. Statutory: 75 feet 0 inches overall.

c. Height. Statutory: 13 feet 6 inches.

d. Weight. See rule 761—511.17(321,321E).

e. Distance. Movement is allowed for unlimited distance; routing through the motor vehicle division and city and county jurisdictions is not required.

511.10(2) Distribution of monthly credit. In accordance with Iowa Code section 312.2(18), the department shall allocate the monthly credit as follows:

a. The department shall maintain a list of participating counties. The list shall be updated on a monthly basis as determined by the department after consultation with county officials through their representative organizations.

b. The monthly credit shall be divided among the participating counties as determined by the department after consultation with county officials through their representative organizations.

c. The funds from the monthly credit shall be distributed to each participating county based on the list of participating counties for the applicable month.

This rule is intended to implement Iowa Code sections 312.2, 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8 and 321E.10.

ITEM 14. Amend renumbered subrule 511.11(2) as follows:

511.11(2) Multitrip permits may be issued for all movements allowed under the single-trip permit provisions of rule 761—~~511.12(321,321E)~~ 761—511.13(321,321E) provided the movement is within the size and weight limitations of subrule ~~511.10(4)~~ 511.11(1).

ITEM 15. Amend renumbered paragraph **511.13(1)“d”** as follows:

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

ITEM 16. Amend renumbered paragraph **511.14(1)“d”** as follows:

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

ITEM 17. Amend renumbered paragraph **511.15(1)“d”** as follows:

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

ITEM 18. Amend renumbered rule **761—511.15(29C,321,321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 29C.6, 321.457, and 321.463 and ~~section 321E.29B as enacted by 2021 Iowa Acts, House File 382.~~

ITEM 19. Amend renumbered rule ~~761—511.16(321,321E)~~, introductory paragraph, as follows:
761—511.16(321,321E) Annual fluid milk products permits. Annual fluid milk products permits are issued for indivisible loads of fluid milk products for travel when the weight of the vehicle or load exceeds statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Route, detour, road embargo and bridge embargo for fluid milk products information may be found online at www.511ia.org and the department’s website.

ITEM 20. Amend renumbered paragraph **511.16(1)“d”** as follows:

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

ITEM 21. Amend renumbered rule ~~761—511.17(321,321E)~~ as follows:

761—511.17(321,321E) Maximum axle weights and maximum gross weights for vehicles and loads moved under permit.

511.17(1) Annual oversize, annual all-systems oversize, and annual all-systems overweight permits.

a. For movement under an annual oversize or annual or all-systems oversize permit, the axle weight and combined gross weight shall not exceed the limits found in Iowa Code section 321.463(3).

b. For movement under an all-systems overweight permit, the axle weight shall not exceed the limits found in Iowa Code sections 321.463(3) and 321E.8. The combined gross weight shall not exceed the gross weight authorized under Iowa Code section 321E.8(2).

~~*b. c.*~~ See subrule ~~511.16(7)~~ 511.17(8) for exceptions for special mobile equipment.

511.17(2) Annual oversize/overweight permits or annual raw forest products permits.

a. No change.

b. See subrule ~~511.16(7)~~ 511.17(8) for exceptions for special mobile equipment.

511.17(3) Multitrip permits.

a. No change.

b. See subrule ~~511.16(7)~~ 511.17(8) for exceptions for special mobile equipment.

511.17(4) Single-trip permits.

a. to c. No change.

d. See subrule ~~511.16(7)~~ 511.17(8) for exceptions for special mobile equipment.

511.17(5) and 511.17(6) No change.

511.17(7) Annual small crane permit. For movement under an annual small crane permit, the gross weight on any axle shall not exceed 24,000 pounds with a maximum of 80,000 pounds total gross weight.

~~**511.16(7)**~~ **511.17(8) Special mobile equipment.** Special mobile equipment may have a gross weight of 36,000 pounds on any single axle equipped with minimum size 26.5-inch by 25-inch flotation pneumatic tires and a maximum gross weight of 20,000 pounds on any single axle equipped with minimum size 18-inch by 25-inch flotation pneumatic tires, provided that the total gross weight of the vehicle or a combination of vehicles does not exceed a maximum of 80,000 pounds for movement

under an annual oversize or all-systems oversize permit and 126,000 pounds for movement under a single-trip, multitrip or annual oversize/overweight permit.

For tire sizes and weights allowed between the maximum and minimum indicated, the following formula shall apply: Axle weight = 20,000 pounds + (tire width - 18) × 1,882 pounds.

~~511.17(8)~~ 511.17(9) *Permitted tandem axle weights.*

a. to c. No change.

This rule is intended to implement Iowa Code sections 321.463, 321E.7, 321E.8, 321E.9, 321E.9A, 321E.26, 321E.29B and 321E.32.

ITEM 22. Amend renumbered subrule 511.18(2) as follows:

511.18(2) At the discretion of the permit-issuing authority, the combined gross weight may exceed the statutory weight, but the axle weights shall be subject to rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

ITEM 23. Amend renumbered subrule 511.20(3) as follows:

511.20(3) *Requirements for escorts, flags, signs and lights.* The following chart explains the minimum escort and warning devices required for vehicles operating under permit.

Minimum Warning Devices and Escort Requirements
for Vehicles Operating Under Permit

| | Flags/Signs | Lights | Escorts | |
|---------------------------------------|--------------|-------------------------|--------------------------|--------------------------|
| | | | 4-Lane | 2-Lane |
| Length | | | | |
| 75'1" up to and including 85' | yes | not required | not required | not required |
| Over 85' up to and including 120' | yes | yes | not required | not required |
| Over 120' | yes | not required | rear | rear |
| Projections | | | | |
| Front: over 25' | not required | yes | not required | not required |
| Rear: over 4' up to and including 10' | flags only | not required | not required | not required |
| Rear: over 10' | flags only | yes | not required | not required |
| Height | | | | |
| Over 14'6" up to and including 20' | yes | not required | front with a height pole | front with a height pole |
| Weight | | | | |
| Over 80,000 lbs. | not required | <u>yes not required</u> | not required | not required |
| Width | | | | |
| Over 8'6" up to 12'0" | yes | not required | not required | not required |
| Over 12'0" up to and including 14'6" | yes | not required | rear * | front * |
| Over 14'6" up to and including 16'6" | yes | not required | rear * | front |
| Over 16'6" up to and including 18' | yes | not required | rear | front |

*In lieu of an escort, a carrier can display an amber light or strobe light on the power unit and on the rear extremity of the vehicle or load.

yes = required

Definitions:

Flags - Red or orange fluorescent flags at least 18" square must be mounted as follows: one flag at each front corner of the towing unit and one flag at each rear corner of the load. In addition, there must be a flag at any additional protrusion in the width of the load.

Signs - A sign reading "Oversize Load" must be used. The sign must be at least 18" high by 7' long with a minimum of 10" black letters, with a 1½" stroke, on a yellow background, and mounted on the front bumper and on the rear of the load. The rear sign for mobile homes and factory-built structures must be mounted at least 7' above the highway surface, measuring from the bottom of the sign.

Lights - A flashing or strobe amber light that is visible for at least 500 feet and provides 360° warning must be mounted on the towing unit and be visible from front and rear. More than one light may be necessary.

The permit-issuing authority may require additional escorts when deemed necessary. The signs or warning devices must be removed or covered when the vehicle is within legal dimensions.

ITEM 24. Amend renumbered rule **761—511.20(321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321E.8, 321E.14, 321E.24 and 321E.34.

ITEM 25. Amend renumbered rule **761—511.21(321,321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.492, 321E.16, ~~and 321E.20 and section 321E.29B as enacted by 2021 Iowa Acts, House File 382.~~

ITEM 26. Amend renumbered paragraph **511.22(1)“c”** as follows:

c. The department shall exercise due regard for the safety of the traveling public and the protection of the highway surfaces and structures when establishing an economic export corridor. Factors to be considered include ability of the proposed economic export corridor to safely accommodate combinations of vehicles described in subrule ~~511.21(2)~~ 511.22(2), taking into account physical configurations and restrictions and traffic demands and capacity, as well as connection to markets that will benefit from the established economic export corridor.

ITEM 27. Amend renumbered paragraph **511.22(2)“a,”** introductory paragraph, as follows:

a. In addition to combinations of vehicles lawful for operation on roads or road segments not designated as an economic export corridor, the following combinations of vehicles may be operated on an economic export corridor designated under subrule ~~511.21(1)~~ 511.22(1) if the combinations of vehicles meet the requirements in paragraph ~~511.21(2)“b”~~ 511.22(2)“b”:

ARC 7020C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

**Proposing rule making related to rules review
and providing an opportunity for public comment**

The Economic Development Authority hereby proposes to rescind Chapter 4, “Workforce Development Accountability System,” Chapter 27, “Neighborhood Stabilization Program,” Chapter 32, “Tax Credits for Economic Development Region Revolving Loan Fund,” Chapter 34, “Welcome Center Program,” Chapter 35, “Regional Tourism Marketing Grant Program,” Chapter 37, “City Development Board,” Chapter 40, “Iowa Jobs Main Street Program,” Chapter 41, “Community Development Fund,” Chapter 46, “Endow Iowa Grants Program,” Chapter 70, “Port Authority Grant Program,” Chapter 78, “Small Business Disaster Recovery Financial Assistance Program,” Chapter 79, “Disaster Recovery Business Rental Assistance Program,” and Chapter 164, “Use of Marketing Logo,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 15.106A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 15.108, 15.109, 15.271, 15.272, 15E.304, 84A.5 and 99F.11; 2010 Iowa Acts, Senate File 2389; 2001 Iowa Acts, House File 718; and 2006 Iowa Acts, House File 2782.

Purpose and Summary

Pursuant to Part IV of Executive Order 10, the Authority has been directed to propose this Notice of Intended Action. The Authority proposes to rescind chapters that are outdated or redundant.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 199.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Authority no later than 4:30 p.m. on June 6, 2023. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Phone: 515.348.6163
Email: lisa.connell@iowaeda.com

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

- ITEM 1. Rescind and reserve **261—Chapter 4.**
- ITEM 2. Rescind and reserve **261—Chapter 27.**
- ITEM 3. Rescind and reserve **261—Chapter 32.**
- ITEM 4. Rescind and reserve **261—Chapter 34.**
- ITEM 5. Rescind and reserve **261—Chapter 35.**
- ITEM 6. Rescind and reserve **261—Chapter 37.**
- ITEM 7. Rescind and reserve **261—Chapter 40.**
- ITEM 8. Rescind and reserve **261—Chapter 41.**
- ITEM 9. Rescind and reserve **261—Chapter 46.**
- ITEM 10. Rescind and reserve **261—Chapter 70.**
- ITEM 11. Rescind and reserve **261—Chapter 78.**
- ITEM 12. Rescind and reserve **261—Chapter 79.**
- ITEM 13. Rescind and reserve **261—Chapter 164.**

REVENUE DEPARTMENT[701]**Notice of Electric and Natural Gas Delivery Tax Rate Changes**

Pursuant to the authority of Iowa Code sections 437A.4 and 437A.5, the Director of Revenue hereby gives notice of the changes to the electric and natural gas delivery tax rates. These rates will be used in conjunction with the number of kilowatt hours of electricity and the number of therms of natural gas delivered to consumers in calendar year 2022 by each taxpayer, for replacement taxes payable in the 2023-2024 fiscal year.

REVENUE DEPARTMENT[701]

**2022 ELECTRIC DELIVERY TAX RATES BY SERVICE AREA
RATE CHANGES ONLY**

| CO. # | MUNICIPAL ELECTRICS | DELIVERY TAX RATE |
|--------------|---------------------------------------|------------------------------|
| 3209 | Atlantic Municipal Utilities | 0.00015621 |
| 3211 | Bancroft Municipal Utilities | 0.00090449 |
| 3213 | Bellevue Municipal Utilities | 0.00007880 |
| 3228 | Bigelow Municipal Electric Utility | 0.00034167 |
| 3217 | Burt Municipal Utilities | 0.00000203 |
| 3230 | City of Fredericksburg | 0.00000764 |
| 3095 | Greenfield Municipal Utilities | 0.00106593 |
| 3267 | Hopkinton Municipal Utilities | 0.00000717 |
| 3109 | Lenox Mun. Light & Power | 0.00054456 |
| 3282 | Manilla Municipal Utilities | 0.00011607 |
| 3112 | Manning Municipal Electric | 0.00025217 |
| 3346 | West Liberty Municipal Electric Util. | 0.00000626 |
| 3347 | West Point Municipal Utilities | 0.00012777 |
| | | |
| CO. # | IOUs — ELECTRIC | DELIVERY TAX RATE |
| 7206 | Amana Society Service Co. | 0.00065694 |
| 7289 | MidAmerican Energy | 0.00242614 |
| | | |
| CO. # | RECs | DELIVERY TAX RATE |
| 4251 | Federated Rural Electric Association | 0.00032814 |
| 4254 | Freeborn-Mower Electric Coop | 0.00215769 |
| 4259 | Grundy County REC | 0.00053059 |
| 4265 | Harrison County REC | 0.00062371 |
| 4287 | Consumers Energy | 0.00116672 |
| 4308 | Osceola Electric Coop | 0.00034141 |
| 4333 | Tri-County Electric Coop (MiEnergy) | 0.00085923 |

REVENUE DEPARTMENT[701](cont'd)

**2022 NATURAL GAS DELIVERY TAX RATES BY SERVICE AREA
RATE CHANGES ONLY**

| CO. # | MUNICIPAL GAS | DELIVERY TAX RATE |
|--------------|-------------------------------|------------------------------|
| 5215 | Brighton Gas | 0.00673745 |
| 5238 | Coon Rapids Municipal Gas | 0.00003655 |
| 5275 | Lamoni Municipal Gas | 0.00079773 |
| 5281 | Manilla Municipal Gas | 0.00390071 |
| 5283 | Manning Municipal Natural Gas | 0.00011037 |
| 5306 | Osage Municipal Gas | 0.00002201 |
| 5340 | Wayland Municipal Utilities | 0.00019619 |

| CO. # | IOUs — GAS | DELIVERY TAX RATE |
|--------------|-------------------|------------------------------|
| 5335 | United Cities Gas | 0.00501690 |

ARC 7015C

VOTER REGISTRATION COMMISSION[821]

Notice of Termination

Terminating rule making related to five-year review of rules

The Voter Registration Commission hereby terminates the rule making initiated by its Notice of Intended Action published in the Iowa Administrative Bulletin on December 28, 2022, as **ARC 6772C**, proposing to amend Chapter 1, “Organization, Purpose, Procedures and Definitions,” Chapter 2, “Voter Registration Forms, Acceptability, Registration Dates, and Effective Dates,” Chapter 3, “Lists of Registered Voters,” Chapter 7, “Voter Registration Mailing Address Maintenance,” and Chapter 9, “National Change of Address Program,” Iowa Administrative Code.

Legal Authority for Rule Making

The above-mentioned rule making is terminated under the authority provided in Iowa Code section 47.8.

Purpose and Summary

The Commission undertook a review of all of its rules as required by Iowa Code section 17A.7.

The Commission intended to conform its rules with the Iowa Code, provide updates to citations, and clarify which version of the Iowa Voter Registration Application is official.

The Commission also intended to update Chapter 3 to include clarification that voter list requests must be made in writing and what information the requester is required to provide and to provide a clearer definition of “political purpose” that is already utilized in the Iowa Code.

Reason for Termination

The Commission met on Monday, April 17, 2023, and Friday, April 21, 2023, to discuss the comments received from the public during the comment period and the comments made at the public hearing held Monday, March 13, 2023. At the conclusion of its deliberation at the April 21, 2023, meeting, the Commission voted unanimously to terminate the proposed rule making.

Jobs Impact

VOTER REGISTRATION COMMISSION[821](cont'd)

After analysis and review of this rule making, no impact on jobs has been found.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

ARC 7018C**ADMINISTRATIVE SERVICES DEPARTMENT[11]****Adopted and Filed****Rule making related to five-year rules review**

The Administrative Services Department hereby amends Chapter 1, “Department Organization,” Chapter 4, “Public Records and Fair Information Practices,” and Chapter 6, “Agency Procedure for Rule Making”; rescinds Chapter 20, “Information Technology Governance,” Chapter 25, “Information Technology Operational Standards,” and Chapter 26, “Information Technology Development Strategies and Activities”; and amends Chapter 41, “Auditing Claims,” Chapter 100, “Capitol Complex Operations,” and Chapter 118, “Purchasing Standards for Service Contracts,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 8A.104, 17A.3 and 17A.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 8A.104 and 17A.7(2).

Purpose and Summary

This rule making includes amendments in nine of the Department’s chapters of administrative rules in the Iowa Administrative Code. These amendments include updates of the Department’s organizational references in addition to processes and procedures. All are part of the Department’s five-year review of rules.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 8, 2023, as **ARC 6883C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on April 24, 2023.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

The Department will not grant waivers under the provisions of these rules, other than as may be allowed under Chapter 9 of the Department’s rules concerning waivers.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

Effective Date

This rule making will become effective on June 21, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend paragraph **1.4(3)“b”** as follows:

b. Other functions. The state accounting enterprise also includes financial reporting, the ~~I-3 program~~ enterprise resource planning team, and centralized payroll.

ITEM 2. Amend subrule 1.4(6) as follows:

1.4(6) Central procurement, ~~and fleet, and print services enterprise.~~ The chief operating officer of the enterprise is appointed by the director and directs the work of the enterprise.

a. Central procurement is charged with procuring goods and services for agencies pursuant to Iowa Code chapter 8A. These rules and applicable Iowa Code sections apply to the purchase of goods and services of general use by any unit of the state executive branch, except any agencies or instrumentalities of the state exempted by law.

~~*b.*—Central procurement shall manage statewide purchasing and electronic procurement, including managing procurement of commodities, equipment and services for all state agencies not exempted by law.~~

~~*e. b.* Fleet services is responsible for the management of vehicle assignment, maintenance, fuel guidelines, driver guidelines, insurance, life-cycle analysis, vehicular risk, and travel requirements for state agencies not exempted by law.~~

c. Print services is responsible for operating a centralized print facility and satellite facilities necessary to meet the printing requirements of state agencies not exempted by law.

ITEM 3. Rescind subrule **4.15(10)**.

ITEM 4. Renumber subrules **4.15(11) to 4.15(21)** as **4.15(10) to 4.15(20)**.

ITEM 5. Amend **11—Chapter 6**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~chapter~~ chapters 8A and 17A and 2003 Iowa Code Supplement chapter 8A.

ITEM 6. Rescind and reserve **11—Chapter 20**.

ITEM 7. Rescind and reserve **11—Chapter 25**.

ITEM 8. Rescind and reserve **11—Chapter 26**.

ITEM 9. Amend paragraph **41.5(3)“a”** as follows:

~~*a.* All state agencies covered by the statewide travel agency contracts may purchase airline tickets through a travel agency under contract.~~ Agencies shall develop internal policies so that agencies purchase or direct their employees to purchase tickets from the source determined by the agency to be the best value.

ITEM 10. Amend subrule 41.5(7) as follows:

41.5(7) Verification of mileage. The travel shall be by the usually traveled route. Mileage shall be based on published mileage published by the American Automobile Association, when available. Any variation from the published mileage should be documented in writing.

ITEM 11. Rescind subrules **41.7(4)** and **41.7(5)**.

ITEM 12. Renumber subrules **41.7(6) to 41.7(8)** as **41.7(4) to 41.7(6)**.

ITEM 13. Amend paragraph **100.6(6)“a”** as follows:

a. Purchase from a targeted small business. An agency may purchase standard modular office systems and related components and other furniture items from a targeted small business (TSB) without further competition when the purchase will not exceed \$10,000, the threshold established in 11—subrule 117.5(2), as provided in Iowa Code section 8A.311(10)“a.”

ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

ITEM 14. Amend rule **11—118.3(8A)**, definition of “Service,” as follows:

“Service” or “services” means work performed for a state agency or for its clients by a service provider and includes, but is not limited to:

1. Professional or technical expertise provided by a consultant, advisor or other technical or service provider to accomplish a specific study, review, project, task, or other work as described in the scope of work. By way of example and not by limitation, these services may include the following: accounting services; aerial surveys; aerial mapping and seeding; appraisal services; land surveying services; construction manager services; analysis and assessment of processes, programs, fiscal impact, compliance, systems and the like; auditing services; communications services; services of peer reviewers, attorneys, financial advisors, and expert witnesses for litigation; ~~architectural services~~; information technology consulting services; services of investment advisors and managers; marketing services; policy development and recommendations; program development; public involvement services and strategies; research services; scientific and related technical services; software development and system design; and services of underwriters, physicians, and pharmacists, ~~engineers, and architects~~; or

2. No change.

ITEM 15. Adopt the following **new** subrule 118.5(4):

118.5(4) When the estimated value of an architectural services contract, an engineering services contract, or both is greater than the competitive bid threshold listed in Iowa Code section 314.1B(2), the department shall use a formal competitive selection process to procure the architectural service, the engineering service, or both.

[Filed 4/26/23, effective 6/21/23]

[Published 5/17/23]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 5/17/23.

ARC 7016C

PROFESSIONAL LICENSING AND REGULATION BUREAU[193]

Adopted and Filed

Rule making related to licensing regulation, veterans and military spouses

The Professional Licensing and Regulation Bureau hereby amends Chapter 14, “Alternative Paths to Licensure,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 546.3 and 546.10 and 2022 Iowa Acts, Senate File 2383.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2022 Iowa Acts, Senate File 2383.

Purpose and Summary

This rule making revises license by verification rules to comply with 2022 Iowa Acts, Senate File 2383, which removed residency and active duty requirements from the license by verification process for applicants seeking professional licensure who have been licensed in another state. This rule making also adds military spouses as individuals who can be licensed under special veteran reciprocity rules.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 8, 2023, as **ARC 6946C**. A public hearing was held on March 28, 2023, at 10 a.m. at 200 East

PROFESSIONAL LICENSING AND REGULATION BUREAU[193](cont'd)

Grand Avenue, Suite 350, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Accountancy Examining Board on April 17, 2023; the Architectural Examining Board on April 13, 2023; the Engineering and Land Surveying Examining Board on April 24, 2023; the Interior Design Examining Board on April 21, 2023; the Landscape Architectural Examining Board on April 17, 2023; and the Real Estate Commission on April 24, 2023.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, there is a potential positive impact on jobs because individuals who may have been ineligible for licensure may become eligible for licensure.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Bureau for a waiver of the discretionary provisions, if any, pursuant to 193—Chapter 5.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on June 21, 2023.

The following rule-making actions are adopted:

- ITEM 1. Adopt the following **new** definition of “Spouse” in rule **193—14.1(272C)**:
“Spouse” means a spouse of an active duty member of the military forces of the United States.
- ITEM 2. Amend rule 193—14.3(272C) as follows:

193—14.3(272C) Veteran and spouse reciprocity.

14.3(1) A veteran or spouse with an unrestricted professional license in another jurisdiction may apply for licensure in Iowa through reciprocity. A veteran or spouse must pass any examinations required for licensure to be eligible for licensure through reciprocity and will be given credit for examinations previously passed when consistent with board laws and rules on examination requirements. A fully completed application for licensure submitted by a veteran or spouse under this subrule shall be given priority and shall be expedited.

14.3(2) Such an application shall contain all of the information required of all applicants for licensure who hold unrestricted licenses in other jurisdictions and who are applying for licensure by reciprocity, including, but not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check. The applicant shall use the same forms as any other applicant for licensure by reciprocity and shall additionally provide such documentation as is reasonably needed to verify the applicant's status as a veteran under Iowa Code section 35.1(2) or a spouse of an active duty member of the military forces of the United States.

PROFESSIONAL LICENSING AND REGULATION BUREAU[193](cont'd)

14.3(3) Upon receipt of a fully completed licensure application, the board shall promptly determine if the ~~professional or occupational licensing requirements of~~ scope of practice in the jurisdiction where the applicant is licensed ~~are~~ is substantially equivalent to the ~~licensing requirements~~ scope of practice in Iowa. The board shall make this determination based on information supplied by the applicant and such additional information as the board may acquire from the applicable jurisdiction. ~~As relevant to the license at issue, the board may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, postgraduate experience, and examinations required for licensure.~~

14.3(4) The board shall promptly grant a license to the applicant if the applicant is licensed in the same or similar profession in another jurisdiction whose ~~licensure requirements are~~ scope of practice is substantially equivalent to ~~those required~~ the scope of practice in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant's disciplinary or criminal background or the licensee is not in good standing in all issuing jurisdictions in which the person holds a license, certificate, or registration.

14.3(5) If the board determines that the ~~licensing requirements~~ scope of practice in the jurisdiction in which the applicant is licensed ~~are~~ is not substantially equivalent to ~~those required~~ the scope of practice in Iowa, the board shall promptly inform the applicant of the additional ~~experience, education, or examinations~~ training required for licensure in Iowa. Unless the applicant is ineligible for licensure based on other grounds, such as disciplinary or criminal background, the following shall apply:

a. If an applicant has not passed the required examination(s) for licensure, the applicant may not be issued a ~~provisional~~ temporary license but may request that the licensure application be placed in pending status for up to one year or as mutually agreed to provide the applicant with the opportunity to satisfy the examination requirements.

b. If additional ~~experience or~~ education or training is required ~~in order for the applicant's qualifications to be considered substantially equivalent,~~ the applicant may request that the board issue a ~~provisional~~ temporary license for a specified period of time during which the applicant will successfully complete the necessary ~~experience or~~ education or training. The board shall issue a ~~provisional~~ temporary license for a specified period of time upon such conditions as the board deems reasonably necessary to protect the health, welfare or safety of the public unless the board determines that the deficiency is of a character that the public health, welfare or safety will be adversely affected if a ~~provisional~~ temporary license is granted.

c. If a request for a ~~provisional~~ temporary license is denied, the board shall issue an order fully explaining the decision and shall inform the applicant of the steps the applicant may take in order to receive a ~~provisional~~ temporary license.

d. If a ~~provisional~~ temporary license is issued, the application for full licensure shall be placed in pending status until the necessary ~~experience or~~ education or training has been successfully completed or the ~~provisional~~ temporary license expires, whichever occurs first. The board may extend a ~~provisional~~ temporary license on a case-by-case basis for good cause.

14.3(6) An applicant who is aggrieved by the board's decision to deny an application for a reciprocal license or a ~~provisional~~ temporary license or is aggrieved by the terms under which a ~~provisional~~ temporary license will be granted may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the board's decision. The provisions of 193—Chapter 7 shall apply, except that no fees or costs shall be assessed against the applicant in connection with a contested case conducted pursuant to this subrule.

14.3(7) No change.

ITEM 3. Amend subrule 14.4(1) as follows:

14.4(1) Eligibility. A person may seek licensure by verification if the person is licensed in at least one other jurisdiction that has a scope of practice substantially similar to that of Iowa, ~~and either:~~

a. ~~The person establishes residency in the state of Iowa; or~~

PROFESSIONAL LICENSING AND REGULATION BUREAU[193](cont'd)

~~b. The person is married to an active duty member of the military forces of the United States and is accompanying the member on an official permanent change of station to a military installation located in the state of Iowa.~~

ITEM 4. Amend subrule 14.4(2) as follows:

14.4(2) Board application. The applicant must submit the following:

- a. A completed application for licensure by verification.
- b. Payment of the application fee.
- c. Completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check, if required for initial licensure by the board.
- d. A verification form completed by the licensing authority in the jurisdiction that issued the applicant's license, verifying that the applicant's license in that jurisdiction complies with the requirements of Iowa Code section 272C.12. The completed verification form must be sent directly from the licensing authority to the board.
- ~~e. Proof of residency in the state of Iowa or proof of military member's official permanent change of station. Proof of residency includes:~~
 - ~~(1) Residential mortgage, lease, or rental agreement;~~
 - ~~(2) Utility bill;~~
 - ~~(3) Bank statement;~~
 - ~~(4) Paycheck or pay stub;~~
 - ~~(5) Property tax statement;~~
 - ~~(6) A federal or state government document; or~~
 - ~~(7) Any other board approved document that reliably confirms Iowa residency.~~
- ~~f. e.~~ A copy of the complete criminal record, if the applicant has a criminal history.
- ~~g. f.~~ A copy of relevant disciplinary documents, if another jurisdiction has taken disciplinary action against the applicant.
- ~~h. g.~~ Copies of relevant laws setting forth the scope of practice in the other state.

ITEM 5. Rescind subrule **14.4(5)**.

ITEM 6. Renumber subrule **14.4(6)** as **14.4(5)**.

[Filed 4/24/23, effective 6/21/23]

[Published 5/17/23]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/17/23.

ARC 7013C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to licensing regulation, veterans and military spouses

The Professional Licensure Division hereby amends Chapter 19, "Licensure by Verification and of Applicants with Work Experience," and Chapter 20, "Military Service and Veteran Reciprocity," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code chapter 272C.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2022 Iowa Acts, Senate File 2383.

Purpose and Summary

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

This rule making revises license by verification rules to comply with 2022 Iowa Acts, Senate File 2383, which removed residency and active duty requirements from the license by verification process for applicants seeking professional licensure who have been licensed in another state. This rule making also adds military spouses as individuals who can be licensed under special veteran reciprocity rules.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 8, 2023, as **ARC 6943C**. A public hearing was held on March 28, 2023, at 9 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Division on April 12, 2023.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on June 21, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 19.1(1) as follows:

19.1(1) Eligibility. A person may seek licensure by verification if the person is licensed in at least one other jurisdiction that has a scope of practice substantially similar to that of Iowa, ~~the person has been licensed for a minimum of one year in the other jurisdiction, and either:~~

- ~~a. The person establishes residency in the state of Iowa; or~~
- ~~b. The person is married to an active duty member of the military forces of the United States and is accompanying the member on an official permanent change of station to a military installation located in the state of Iowa.~~

ITEM 2. Amend subrule 19.1(2) as follows:

19.1(2) Board application. The applicant must submit the following:

- a. A completed application for licensure by verification.
- b. Payment of the application fee.
- c. Completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check, if required for initial licensure by the board.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

d. A verification form, completed by the licensing authority in the jurisdiction that issued the applicant's license, verifying that the applicant's license in that jurisdiction complies with the requirements of Iowa Code section 272C.12. The completed verification form must be sent directly from the licensing authority to the board.

~~*e.* Proof of residency in the state of Iowa or proof of military member's official permanent change of station. Proof of residency includes:~~

- ~~(1) A residential mortgage, lease, or rental agreement;~~
- ~~(2) A utility bill;~~
- ~~(3) A bank statement;~~
- ~~(4) A paycheck or pay stub;~~
- ~~(5) A property tax statement;~~
- ~~(6) A federal or state government document; or~~
- ~~(7) Any other board approved document that reliably confirms Iowa residency.~~

~~*f. e.* A copy of the complete criminal record if the applicant has a criminal history.~~

~~*g. f.* A copy of the relevant disciplinary documents if another jurisdiction has taken disciplinary action against the applicant.~~

~~*h. g.* A written statement from the applicant detailing the scope of practice in the other state.~~

~~*i. h.* Copies of relevant laws setting forth the scope of practice in the other state.~~

ITEM 3. Rescind subrule **19.1(5)**.

ITEM 4. Amend rule 645—20.1(272C) as follows:

645—20.1(272C) Definitions.

"Board" means a licensing board within the professional licensure division.

"License" or *"licensure"* means any license, registration, certificate, or permit that may be granted by a licensing board within the professional licensure division.

"Military service" means honorably serving on federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. Section 101(c); or in the organized reserves of the United States, as provided in 10 U.S.C. Section 10101.

"Military service applicant" means an individual requesting credit toward licensure for military education, training, or service obtained or completed in military service.

"Spouse" means a spouse of an active duty member of the military forces of the United States.

"Veteran" means an individual who meets the definition of "veteran" in Iowa Code section 35.1(2).

ITEM 5. Amend rule 645—20.3(272C) as follows:

645—20.3(272C) Veteran reciprocity.

20.3(1) A veteran or spouse with an unrestricted professional license in another jurisdiction may apply for licensure in Iowa through reciprocity. A veteran or spouse must pass any examinations required for licensure to be eligible for licensure through reciprocity and will be given credit for examinations previously passed when consistent with board laws and rules on examination requirements. A fully completed application for licensure submitted by a veteran or spouse under this subrule shall be given priority and shall be expedited.

20.3(2) Such an application shall contain all of the information required of all applicants for licensure who hold unrestricted licenses in other jurisdictions and who are applying for licensure by reciprocity, including, but not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check. The applicant shall use the same forms as any other applicant for licensure by reciprocity and shall additionally provide such documentation as is reasonably needed to verify the applicant's status as a veteran under Iowa Code section 35.1(2) or a spouse of an active duty member of the military forces of the United States.

20.3(3) Upon receipt of a fully completed licensure application, the board shall promptly determine if the ~~professional or occupational licensing requirements of~~ scope of practice in the jurisdiction where

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

the applicant is licensed ~~are~~ is substantially equivalent to the ~~licensing requirements~~ scope of practice in Iowa. The board shall make this determination based on information supplied by the applicant and such additional information as the board may acquire from the applicable jurisdiction. ~~As relevant to the license at issue, the board may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, postgraduate experience, and examinations required for licensure.~~

20.3(4) The board shall promptly grant a license to the applicant if the applicant is licensed in the same or similar profession in another jurisdiction whose ~~licensure requirements are~~ scope of practice is substantially equivalent to ~~those required~~ the scope of practice in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant's disciplinary or criminal background.

20.3(5) If the board determines that the ~~licensing requirements~~ scope of practice in the jurisdiction in which the applicant is licensed ~~are~~ is not substantially equivalent to ~~those required~~ the scope of practice in Iowa, the board shall promptly inform the applicant of the additional ~~experience~~, education, or ~~examinations~~ training required for licensure in Iowa. Unless the applicant is ineligible for licensure based on other grounds, such as disciplinary or criminal background, the following shall apply:

a. If an applicant has not passed the required examination(s) for licensure, the applicant may not be issued a ~~provisional~~ temporary license, but may request that the licensure application be placed in pending status for up to one year or as mutually agreed to provide the applicant with the opportunity to satisfy the examination requirements.

b. If additional ~~experience or~~ education or training is required ~~in order for the applicant's qualifications to be considered substantially equivalent~~, the applicant may request that the board issue a ~~provisional~~ temporary license for a specified period of time during which the applicant will successfully complete the necessary ~~experience or~~ education or training. The board shall issue a ~~provisional~~ temporary license for a specified period of time upon such conditions as the board deems reasonably necessary to protect the health, welfare or safety of the public unless the board determines that the deficiency is of a character that the public health, welfare or safety will be adversely affected if a ~~provisional~~ temporary license is granted.

c. If a request for a ~~provisional~~ temporary license is denied, the board shall issue an order fully explaining the decision and shall inform the applicant of the steps the applicant may take in order to receive a ~~provisional~~ temporary license.

d. If a ~~provisional~~ temporary license is issued, the application for full licensure shall be placed in pending status until the necessary ~~experience or~~ education or training has been successfully completed or the ~~provisional~~ temporary license expires, whichever occurs first. The board may extend a ~~provisional~~ temporary license on a case-by-case basis for good cause.

20.3(6) An applicant who is aggrieved by the board's decision to deny an application for a reciprocal license or a ~~provisional~~ temporary license or is aggrieved by the terms under which a ~~provisional~~ temporary license will be granted may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the board's decision. The provisions of 645—Chapter 11 shall apply, except that no fees or costs shall be assessed against the applicant in connection with a contested case conducted pursuant to this subrule.

[Filed 4/17/23, effective 6/21/23]

[Published 5/17/23]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/17/23.

ARC 7019C**REVENUE DEPARTMENT[701]****Adopted and Filed****Rule making related to electric fuel excise tax**

The Revenue Department hereby amends Chapter 260, “Motor Fuel and Undyed Special Fuel,” renumbers Chapter 262, “Administration of Marijuana and Controlled Substances Stamp Tax,” as Chapter 269 and adopts a new Chapter 262, “Electric Fuel Excise Tax,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 452A.59 as amended by 2019 Iowa Acts, House File 767.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2019 Iowa Acts, House File 767, and 2023 Iowa Acts, House File 666.

Purpose and Summary

The Department has adopted this rule making to implement the excise tax on electric fuel, enacted by the Iowa Legislature in 2019 Iowa Acts, House File 767, that will become effective July 1, 2023. These rules provide guidance as to what entities need to obtain a license to sell or dispense electric fuel either as a user, dealer, or both. The rules make clear that all administration of this excise tax—license registration, return filing, tax payments, and claims for refunds—will be handled electronically through GovConnectIowa.

The Department shared an early draft of these rules with stakeholders and incorporated many suggested changes into the published Notice.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 22, 2023, as **ARC 6921C**. A public hearing was held on March 14, 2023, at 10 a.m. in Room 1 NW, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa.

The Department received six written comments in response to the published Notice, including one joint statement from four entities, and two people attended the public hearing. Several comments urged the Department to delay the implementation of the tax or phase in the effectiveness based on when certain charging stations were installed. One comment implored the Department to not implement the tax because it will discourage individuals from purchasing electric vehicles. Because these issues relate to provisions enacted by the Legislature in 2019 Iowa Acts, House File 767, and not the Department’s rules, there are no changes the Department can make to address them.

The Department received questions about whether municipally or county-owned entities need licenses. The Department has added a paragraph to subrule 262.2(1) to provide guidance for entities that only dispense nontaxable electric fuel, such as municipal utility companies that own charging stations used to charge public vehicles. The Department has also modified subrule 262.3(4) to clarify how licensed dealers or users with multiple licenses should report the tax due on the tax return.

The most popular topic for comment, both for the preliminary draft and for the published Notice, was the testing of charging stations. Iowa Code section 452A.41(3) as enacted by House File 767 tasked the Department with testing charging stations. After discussions between the Department and the Iowa Department of Agriculture and Land Stewardship (IDALS), which is responsible for testing and regulating motor fuel pumps, IDALS agreed to assume responsibility of charging station testing. 2023 Iowa Acts, House File 666, makes that statutory change. IDALS will test all charging stations owned by licensed electric fuel dealers and users every two years using standards as provided in House

REVENUE DEPARTMENT[701](cont'd)

File 666. IDALS will report back to the Department when a charging station does not comply with its standards. IDALS has rule-making authority to further implement its responsibility as needed. The Department has modified subrule 262.4(2) to reflect the statutory change.

Adoption of Rule Making

This rule making was adopted by the Department on May 3, 2023.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—7.28(17A).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on July 1, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend rule 701—260.13(452A) as follows:

701—260.13(452A) Reduction of refund—sales and use tax. Under Iowa Code section 423.3(56), the sales price from the sale of motor fuel, ~~and special fuel, and electric fuel~~ consumed for highway use or in watercraft or aircraft where the fuel tax has been imposed and paid, and no refund has been or will be allowed, is exempt from Iowa sales and use tax. Therefore, unless the fuel is used for some other exempt purpose under Iowa Code section 423.3 (e.g., used for processing, used for agricultural purposes, used by an exempt government entity, used by a private nonprofit educational institution), or the fuel is lost through a casualty, the refund of taxes on motor fuel, ~~or special fuel, or electric fuel~~ will be reduced by the applicable sales and use tax. ~~See sales tax rule 701—18.37(422,423)~~ Rule 701—220.2(423) contains more information about sales tax. The sales price upon which the sales and use tax will be applied shall include all federal excise taxes, but will not include the Iowa fuel tax.

This rule is intended to implement Iowa Code section 452A.17.

ITEM 2. Renumber **701—Chapter 262** as **701—Chapter 269**.

ITEM 3. Adopt the following new 701—Chapter 262:

CHAPTER 262
ELECTRIC FUEL EXCISE TAX

701—262.1(452A) Tax imposed. Electric fuel excise tax must be remitted to the department by a licensed electric fuel dealer or licensed electric fuel user regardless of whether the licensed electric fuel

REVENUE DEPARTMENT[701](cont'd)

dealer or licensed electric fuel user sells the fuel or gives the fuel to customers for no charge. This tax shall be calculated based on the kilowatt-hours of electric fuel delivered.

This rule is intended to implement Iowa Code section 452A.41.

701—262.2(452A) Licensing.**262.2(1) License requirements.**

a. License required. A person shall not sell or dispense electric fuel within this state at a location other than a residence or otherwise act as a licensed electric fuel dealer or user without a license. The holder of an electric fuel user's license is authorized to dispense electric fuel, measured in kilowatt-hours, into the batteries or other energy storage devices of electric motor vehicles owned or controlled by the holder.

b. No license required for residential charging. A person may dispense electric fuel at a residence without a license. "Residence" is defined in Iowa Code section 452A.40. For purposes of this rule, "residence" includes apartment buildings or other multiresidential facilities and houses regardless of whether the owner lives in the house. "Residence" does not include hotels, including extended-stay hotels, motels, or other facilities rented to transient guests.

EXAMPLE 1: Hotel A owns and operates an electric fuel charging station in its parking lot and offers electric fuel to its guests at no charge. Hotel A also owns an electric vehicle it uses as a shuttle for its guests and charges the vehicle at its charging station. Hotel A must obtain an electric fuel dealer's license because it dispenses fuel to customers as well as an electric fuel user's license because it charges its own vehicle at its charging station.

EXAMPLE 2: Hotel B hosts an electric fuel charging station in its parking lot and offers electric fuel to its guests for a fee. Hotel B owns an electric vehicle it uses as a shuttle for its guests and charges the vehicle at the charging station in its parking lot. The charging station in Hotel B's parking lot is owned by Station Retailer C. Station Retailer C must obtain an electric fuel dealer's license. Hotel B does not need to obtain an electric fuel license.

EXAMPLE 3: Homeowner D lists Homeowner D's house on a short-term home rental online platform. Homeowner D has an electric fuel charging station installed in the garage attached to the house. Guest E agrees to rent Homeowner D's house for a week. Guest E charges an electric vehicle using Homeowner D's charging station. Homeowner D does not need to obtain an electric fuel license.

EXAMPLE 4: Person F owns ten houses. Person F only resides in one of the houses and uses the other nine as rental properties. Person F does not need to obtain an electric fuel dealer license for any of the ten houses Person F owns.

EXAMPLE 5: Person G operates a motor carrier business as a sole proprietor. Person G owns an electric vehicle and uses the electric vehicle for the business. Person G operates the business from a residence and charges the electric vehicle at Person G's residence. Because Person G charges the electric vehicle at a residence, Person G does not need to obtain an electric fuel user license.

c. No license required for entities only dispensing nontaxable electric fuel. A person that only sells or dispenses electric fuel for which an exemption or refund may be claimed is not required to obtain a license to dispense such fuel.

EXAMPLE 1: Utility A is a municipal utility, wholly controlled by a municipality in Iowa. Utility A owns electric vehicle charging stations and only charges its own fleet of vehicles or other municipally owned vehicles at the charging stations. Utility A does not need an electric fuel user license since such sale or dispensing of electric fuel is not subject to tax pursuant to Iowa Code section 452A.17(1)"a"(3).

EXAMPLE 2: Utility B is a municipal utility, wholly controlled by a municipality in Iowa. Utility B owns electric vehicle charging stations where it charges its own fleet of vehicles. Utility B also allows individuals or private businesses to charge electric vehicles at its charging stations. Because Utility B is selling or dispensing fuel for nonpublic purposes when individuals or private businesses use its charging stations, Utility B must obtain an electric fuel dealer license.

262.2(2) License applications. Applications for a license must be filed electronically via GovConnectIowa and must be complete with all information required under Iowa Code section

REVENUE DEPARTMENT[701](cont'd)

452A.42(2). Applications must indicate the date on which the applicant began or plans to begin selling or dispensing electric fuel.

262.2(3) *Electric fuel users.* An electric fuel user's license does not grant authority to the holder of the license to sell or dispense electric fuel to consumers. A person wishing to sell or dispense fuel for vehicles the person owns or controls as well as to a consumer shall obtain both an electric fuel user's license and an electric fuel dealer's license for each location from which electric fuel will be sold or dispensed.

262.2(4) *No fee imposed.* There is no fee to apply for or hold a license to sell or dispense electric fuel.

262.2(5) *License for each place of business or location.* A license is required for each separate place of business or location where electric fuel is placed into the battery or other storage device of an electric vehicle.

262.2(6) *Denial of license application.* The department may deny a license for any of the reasons provided in Iowa Code section 452A.42(4).

262.2(7) *Bonding procedures.* Existing license holders may be requested to post a bond or security when they have had two or more delinquencies in remitting the electric fuel tax or filing returns timely during the past 12 months. The bond or security will be an amount sufficient to cover 12 months' electric fuel tax liability or \$500, whichever is greater. The simultaneous late filing of the return and late payment of the tax will count as one delinquency. However, the late filing of the return or late payment of the tax will not count as a delinquency if the license holder can satisfy one of the penalty waiver conditions set forth in Iowa Code section 421.27. More information regarding waiver of bond is available in 701—paragraph 259.21(1) "e."

This rule is intended to implement Iowa Code sections 452A.17 and 452A.42.

701—262.3(452A) Filing of returns and payment of tax.

262.3(1) *Required information on returns.* Licensed dealers and users of electric fuel must file with the department a biannual electric fuel excise tax return showing for each location where electric fuel is placed into the battery or other storage device of an electric vehicle the following information:

- a. The name and license number of the entity that owns the charging facility.
- b. In the case of a sole proprietorship, the individual owner's name.
- c. In the case of a partnership, the names of all partners.
- d. The location of the facility.
- e. Total number of kilowatt-hours delivered or placed into the battery or other storage device of an electric vehicle.

262.3(2) *Return and payment due date.* The electric fuel excise tax return shall be filed with the department no later than the last date of the month following the close of the tax periods prescribed in Iowa Code section 452A.41. The return shall be accompanied by remittance of the tax due for the period of the return.

262.3(3) *Electronic filing required.* Returns must be filed and payments are to be remitted electronically through govconnect.iowa.gov.

262.3(4) *Consolidated return.* A license holder holding more than one license shall file one consolidated return reporting sales made at all locations for which a license is held.

262.3(5) *International Fuel Tax Agreement returns not impacted.* The electric fuel excise tax return is separate and independent from the tax returns required under the International Fuel Tax Agreement.

This rule is intended to implement Iowa Code section 452A.41.

701—262.4(452A) Charging station verification and testing.

262.4(1) *Reporting of kilowatt-hours.*

a. Licensed dealers and users may rely upon the following methods to determine kilowatt-hours sold for reporting on a return:

- (1) Electric meters on which only electricity sold as electric fuel is measured.
- (2) Software included in a charging station that tracks kilowatt-hours that flow through the station.

REVENUE DEPARTMENT[701](cont'd)

b. If neither subparagraph 262.4(1)“a”(1) or 262.4(1)“a”(2) is available, prior to filing any returns, licensed dealers and users shall contact the department for approval of a method to calculate electricity used as electric fuel as determined by an electricity study.

262.4(2) Testing of charging stations. The department of agriculture and land stewardship shall test all charging stations owned by licensed dealers and users pursuant to standards set forth in Iowa Code section 452A.41. The department of agriculture and land stewardship will report to the department any charging station that is not compliant with those standards.

This rule is intended to implement Iowa Code section 452A.41.

701—262.5(452A) Refunds.

262.5(1) Filing of refund claim. Taxpayers seeking to claim a refund of electric fuel tax must obtain a refund permit pursuant to Iowa Code section 452A.44. Because returns will be filed and tax paid on a biannual basis, refund claims may be filed and will only be processed on a biannual basis after the tax period for which the refund is sought has closed.

262.5(2) Sales tax. Electric fuel used in an exempt manner may be subject to sales tax. Rule 701—260.13(452A) contains more information regarding reductions in refunds due to the applicability of sales or use tax on exempt electric fuel sales.

262.5(3) International Fuel Tax Agreement refunds not impacted. This refund process is separate and independent from any refund process authorized under 761—Chapter 505 related to the International Fuel Tax Agreement.

This rule is intended to implement Iowa Code section 452A.44.

701—262.6(452A) Exemption certificates.

262.6(1) If electric fuel is sold or dispensed for a nontaxable purpose, the purchaser may complete and provide an exemption certificate produced by the department to the license holder. The certificate is to be retained by the license holder consistent with Iowa Code section 452A.43.

262.6(2) The exemption certificate must include but not be limited to the following information:

- a.* The date.
- b.* The license holder’s name.
- c.* The license holder’s electric fuel dealer or electric fuel user license number applicable to the sale.
- d.* The invoice number covering the fuel sold if it is sold by an electric fuel dealer.
- e.* An indication of the use to which the fuel will be put.
- f.* The name, address, and signature of the purchaser.

This rule is intended to implement Iowa Code sections 452A.17 and 452A.43.

[Filed 4/27/23, effective 7/1/23]

[Published 5/17/23]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 5/17/23.

ARC 7017C

UTILITIES DIVISION[199]

Adopted and Filed

Rule making related to natural gas gathering lines

The Utilities Board hereby amends Chapter 10, “Intrastate Gas Pipelines and Underground Gas Storage,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 479.17.

UTILITIES DIVISION[199](cont'd)

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 479.

Purpose and Summary

This rule making relates to gathering lines that transport renewable natural gas from an anaerobic digester to a transmission line or main. Under an existing contract with the federal Pipeline and Hazardous Materials Safety Administration (PHMSA), the Board is required to inspect such gathering lines to determine compliance with PHMSA safety standards. Because the Board is otherwise unaware of the construction of a gathering line, this rule making was initiated to identify a reporting mechanism to notify the Board of the existence of a gathering line that would allow the Board to inspect the gathering line prior to the conclusion of the construction (i.e., before the gathering line is fully underground).

The amendment and new rule being adopted by the Board require companies to provide notice of construction of a gathering line to the Board at least 30 days prior to the commencement of construction. Upon receipt of the notice, the Board can schedule an inspection to ensure the gathering line meets federal and Board safety standards and land restoration standards.

On April 21, 2023, the Board issued an order adopting amendments concerning this rule making. The order is available on the Board's electronic filing system, efs.iowa.gov, under Docket No. RMU-2022-0010.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 19, 2022, as **ARC 6595C**. A public hearing was held on December 16, 2022, at 1:30 p.m. in the Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa.

At the public hearing, comments were made by the Office of the Consumer Advocate (OCA), a division of the Iowa Department of Justice; rate-regulated utilities, including MidAmerican Energy Company (MidAmerican), Interstate Power and Light Company (IPL), and Black Hills/Iowa Gas Utility Company, LLC, d/b/a Black Hills Energy (Black Hills); the Iowa Farm Bureau Federation (Farm Bureau); and a renewable natural gas group (RNG Group) comprised of Monarch Bioenergy, LLC, Roeslein Alternative Energy Services, LLC, Roeslein Alternative Energy, LLC, Horizon II, LLC, and Sievers Family Farms, LLC.

In comments made before and during the public hearing, industry members expressed concern that the permitting requirements contained in the Notice would create regulatory burdens that would impede the development of renewable natural gas facilities in Iowa.

Following the public hearing, the Board prepared a draft rule making that replaced the permitting requirement with a preconstruction notice requirement. On March 23, 2023, the Board shared the draft rule making with stakeholders and invited additional comments. The OCA filed a written comment indicating that it has no objection to the revised amendments. MidAmerican, IPL, and Black Hills filed a joint comment indicating that they are satisfied with the resulting amendments. Farm Bureau filed a comment indicating that the draft rule making is narrowly tailored to fulfill the Board's responsibilities and, consequently, Farm Bureau supports the draft rule making. Finally, the RNG Group filed a comment indicating that it has no objection to the draft rule making. The Board has adopted this version.

Based on stakeholder opposition to the proposed permitting requirement for gathering lines as set forth in the Notice, the Board collaborated with stakeholders in drafting rule language that replaced the permitting requirement with the preconstruction notice language contained in this rule making.

Adoption of Rule Making

This rule making was adopted by the Board on April 21, 2023.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

UTILITIES DIVISION[199](cont'd)

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

No waiver provision is included in the proposed amendments because the Board has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in this chapter.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on June 21, 2023.

The following rule-making actions are adopted:

ITEM 1. Adopt the following **new** definition of “Gathering line” in subrule **10.1(3)**:
“Gathering line” means a natural gas pipeline that transports gas from a current production facility to a transmission line or main as interpreted by 49 CFR 192.8.

ITEM 2. Adopt the following **new** rule 199—10.19(479):

199—10.19(479) Gathering line filing requirements.

10.19(1) Filing requirements. Notice of the proposed construction of a gathering line as defined in subrule 10.1(3) is required 30 days prior to the commencement of construction. The notice shall include:

- a. The name of the pipeline company proposing to construct the gathering line and evidence of authority from the Iowa secretary of state showing the company is authorized to conduct business in Iowa.
- b. The purpose of the proposed gathering line.
- c. A map of the proposed route of the gathering line, similar to the map required in paragraph 10.3(1) “b.”
- d. The design of the proposed gathering line, similar to the information required in paragraph 10.3(1) “c.”
- e. The approximate date that construction will begin.
- f. A list of the permissions or approvals of other state or local regulatory agencies required for construction of the gathering line.

If construction is on agricultural land, an agricultural mitigation plan as required in 199—Chapter 9 or a written agreement with the landowner is to be provided to the county inspector.

10.19(2) Reporting requirements. A copy of any incident, annual report, or other report filed with the Pipeline and Hazardous Materials Safety Administration pursuant to 49 CFR Part 191 by the owner or operator of a gathering line located in Iowa shall be filed with the board at the same time it is filed with the Pipeline and Hazardous Materials Safety Administration.

[Filed 4/25/23, effective 6/21/23]

[Published 5/17/23]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 5/17/23.

ARC 7014C**UTILITIES DIVISION[199]****Adopted and Filed****Rule making related to electric transmission lines**

The Utilities Board hereby amends Chapter 11, “Electric Lines,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code chapter 478 and section 474.5(1).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 478.

Purpose and Summary

The Board opened this rule making to provide clarity on the issue of whether an electric transmission line company is required to seek an amendment to a Board-issued electric transmission line franchise when the company constructs a new substation or switching station along and connected to an existing franchised electric transmission line. Under the existing rules, the Board concluded an amendment is necessary; however, as a matter of policy, the Board determined that notice, as opposed to an amendment, will serve the regulatory objectives. Consequently, this rule making clarifies that an amendment to the existing franchise under these circumstances is not necessary. The rule making further provides electric transmission line companies greater flexibility in seeking an extension of an existing electric transmission line franchise and in voluntarily withdrawing a petition.

All Board orders relating to this rule making, all comments received by the Board, and the public hearing transcript are available on the Board’s electronic filing system, efs.iowa.gov, under Docket No. RMU-2022-0011.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 22, 2023, as **ARC 6918C**. A public hearing was held on March 28, 2023, at 10 a.m. in the Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa.

On March 28, 2023, the Board conducted a public hearing attended by the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice; ITC Midwest, LLC (ITC Midwest); and MidAmerican Energy Company (MidAmerican). ITC Midwest and MidAmerican expressed support for the amendments as published in the Notice. The OCA stated that it had no objection to any of the proposed amendments with one exception. With respect to that exception, the OCA requested that “completion” be substituted for “commencement” in the portion of subrule 11.10(4) regarding notice of construction.

The Board received written comments from the Iowa Association of Electric Cooperatives (IAEC), the OCA, ITC Midwest, and MidAmerican. The IAEC, ITC Midwest, and MidAmerican expressed support for the amendments as published in the Notice. The OCA stated that it had no objection to the amendments with one exception; specifically, the OCA requested that the time period for providing notice in subrule 11.10(4) run from the commencement of construction rather than the completion of construction.

No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on April 17, 2023.

Fiscal Impact

UTILITIES DIVISION[199](cont'd)

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

No waiver provision is included in the amendments because the Board has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on June 21, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend paragraphs **11.6(1)“b”** and **“c”** as follows:

b. Constructing an additional ~~circuit~~ line which is capable of operating at a nominal voltage of 69 kV or more on a previously franchised line, where an additional ~~circuit~~ line at such voltage is not authorized by the existing franchise.

c. Relocating a franchised line to a route different from that authorized by an existing franchise, including the construction of tap(s) to a substation or switching station, which requires that new or additional interests in property be obtained, or that new or additional authorization be obtained from highway or railroad authorities, for a total distance of one route mile or more, or for any relocations where the right of eminent domain is sought. An amendment is not required for relocations made pursuant to Iowa Code section 318.9(2).

ITEM 2. Amend subrule 11.8(2) as follows:

11.8(2) *Date for filing petition for extension.* A petition for an extension of a franchise shall be filed at least one year, and no more than five years, prior to expiration of the franchise. This requirement is not applicable to extensions of franchises that expire within one year of September 2, 2020. Extensions of existing countywide franchises are permitted; however, petitions to extend the franchises of separate transmission lines within a county by combining those transmission lines into a countywide franchise are not permitted using the franchise extension process.

ITEM 3. Amend subrule 11.10(4) as follows:

11.10(4) *Notice of ~~relocations~~ construction not requiring an amendment to a franchise.* Whenever a transmission line under franchise is relocated or is reconstructed with different materials or specifications than those that appear on the most recent Exhibit C, or taps to a new substation or switching station are constructed along and connected to the franchised line in a manner that does not require an amendment to a franchise, the holder of the franchise shall notify the board in writing of the ~~relocation~~ construction, stating the franchise and docket numbers and date of franchise issuance for the affected transmission line, and providing revised Exhibits A, and B, and C, as applicable, that reflect the changes in the route, not more than 30 days after the ~~commencement~~ completion of the ~~relocation~~ construction.

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ITEM 4. Rescind subrule **11.10(5)**.

ITEM 5. Amend subrule 11.12(1) as follows:

11.12(1) *Termination of docket.* Upon written notice to the board by an electric company that a franchise petition or petition for amendment of a franchise is withdrawn, the docket shall be closed ~~by board order.~~

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/17/23.