

**PUBLIC SAFETY DEPARTMENT[661]**

**Notice of Intended Action**

**Proposing rulemaking related to safety and hazardous materials regulations and providing an opportunity for public comment**

The Public Safety Department hereby proposes to amend Chapter 22, “Regulations Applicable to Carriers,” Iowa Administrative Code.

*Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code sections 321.208A, 321.449, 321.450 and 325A.10.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code sections 321.1, 321.123, 321.208A, 321.449 and 321.450.

*Purpose and Summary*

This is an annual update in which the Department proposes to adopt the most recent updates to federal regulations. This rulemaking includes 2024 and 2025 updates. A summary of changes to the Code of Federal Regulations (CFR) is as follows:

Part 390 (FR Vol. 88 No. 197, pages 70897-70909), 10-13-23

Summary: Federal Motor Carrier Safety Administration (FMCSA) revises the emergency exemption rules to narrow the scope of safety regulations from which relief is automatically provided for motor carriers and drivers providing direct assistance when an emergency has been declared. This rule ensures that the relief granted through emergency declarations is appropriate and tailored to the specifics of the circumstances and emergencies being addressed. This rule also revises the process for extending automatic emergency regulatory relief where circumstances warrant and allows for potential reporting requirements when FMCSA issues an extension or modification. Effective date: December 12, 2023.

Part 385 (FR Vol. 88 No. 215, pages 77010-77014), 11-8-23

Summary: FMCSA amends its Hazardous Materials Safety Permit (HMSP) regulations to incorporate by reference the updated Commercial Vehicle Safety Alliance (CVSA) handbook containing inspection procedures and out-of-service criteria (OOSC) for inspections of shipments of transuranic waste and highway route-controlled quantities (HRCQs) of radioactive material (RAM). The OOSC provide enforcement personnel nationwide, including FMCSA’s State partners, with uniform enforcement tolerances for inspections. Currently, the regulations reference the April 1, 2022, edition of the handbook. Through this rule, FMCSA incorporates by reference the April 1, 2023, edition. The incorporation by reference of the material described in the rule is approved by the Director of the Federal Register as of December 8, 2023.

Technical Corrections (FR Vol. 88 No. 211, pages 80169-80193), 11-17-23

Summary: FMCSA amends its regulations by making technical corrections throughout the Federal Motor Carrier Safety Regulations (FMCSRs). The agency makes minor changes to correct errors and inadvertent omissions, remove or update obsolete references, and improve the clarity and consistency of certain regulatory provisions. The agency also makes a change to its rules of organization, procedures, and practice. This final rule is effective November 17, 2023, except for amendatory instruction 88, which is effective January 16, 2024.

Revisions to Civil Penalty Amounts, 2024 (FR Vol. 88 No. 248, pages 89551-89568), 12-28-23 (Pipeline and Hazardous Materials Safety Administration 49 CFR Parts 107, 171, and 190 Federal Motor Carrier Safety Administration 49 CFR Part 386)

Summary: This final rule provides the statutorily prescribed 2024 adjustment to civil penalty amounts that may be imposed for violations of certain U.S. Department of Transportation (DOT) regulations. This rule is effective December 28, 2023.

Technical Correction of a Technical Correction Dated 11-17-23 (Vol. 89 No. 4, 1-5-24)

Summary: In a final rule published in the Federal Register on November 17, 2023, FMCSA amended its regulations by making technical corrections throughout the FMCSRs. The final rule had an incorrect paragraph number in the instruction for an amendment and, in an amendment replacing a term, erroneously failed to replace the possessive form of the term. The agency corrects these errors. This correction is effective January 5, 2024.

Part 391 (FR Vol. 89 No. 13, pages 3577-3581), Qualification of Drivers: Medical Advisory Criteria, 1-19-24

Summary: FMCSA updates the Medical Advisory Criteria published as an appendix in the Code of Federal Regulations (CFR). The appendix provides guidance for medical examiners listed on FMCSA's National Registry of Certified Medical Examiners (National Registry) on the applicability and interpretation of the physical qualification standards for operators of commercial motor vehicles (CMVs). The advisory criteria in the appendix are also intended to provide recommendations and information to assist medical examiners in applying the standards, basic information related to testing, and matters to consider when making a qualification determination. The updated Medical Advisory Criteria replace all previous versions of the criteria. This final rule is effective on January 19, 2024.

Part 392 (FR Vol. 89 No. 38, pages 13984-13998), Exemption for Operating Authority for providers of Recreational Activities, 2-26-24

Summary: FMCSA amends its regulations to implement the statutory exemption from its operating authority registration requirements for providers of recreational activities. The exemption applies to motor carriers operating a motor vehicle designed or used to transport between 9 and 15 passengers (including the driver), whether operated alone or with a trailer attached to the transport vehicle, if the motor vehicle is operated by a person who provides recreational activities within a 150-air-mile radius of the location at which passengers initially boarded the motor vehicle at the beginning of the trip. FMCSA also defines recreational activities to clarify the exemption, adopting, in response to a comment, a definition modified from that proposed in the notice of proposed rulemaking (NPRM). This final rule is effective April 26, 2024.

49 CFR Parts 107, 171, 172, 173, 178, and 180 (FR Vol. 43, pages 15636-15668), Adoption of Miscellaneous Petitions and Updating Regulatory Requirements (PHMSA), 3-4-24

Summary: PHMSA amends the Hazardous Materials Regulations (HMR) to update, clarify, improve the safety of, or streamline various regulatory requirements. Specifically, this rulemaking responds to 18 petitions for rulemaking submitted by the regulated community between May 2018 and October 2020 that requests PHMSA address a variety of provisions, including but not limited to those addressing packaging, hazard communication, and the incorporation by reference of certain documents. These revisions maintain or enhance the existing high level of safety under the HMR while providing clarity and appropriate regulatory flexibility in the transport of hazardous materials. Effective date: This final rule is effective on April 3, 2024.

Hazardous Materials: Harmonization with International Standards; Final Rule Federal Register/Vol. 89 , No. 70/Rules and Regulations (Page 25434), 49 CFR Parts 171, 172, 173, 175, 176, 178, and 180, 4-10-24

Summary: PHMSA is amending the HMR to maintain alignment with international regulations and standards by adopting various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. PHMSA is also withdrawing the unpublished November 28, 2022, Notice of Enforcement Policy Regarding International Standards on the use of select updated international standards in complying with the HMR during the pendency of this rulemaking. This rule is effective May 10, 2024.

Pipeline and Hazardous Materials Safety Administration, 49 CFR Parts 171, 172, 173, 175, 176, 178, and 180 (5-9-24)

Summary: The Pipeline and Hazardous Materials Safety Administration is correcting a final rule that was published in the Federal Register on April 10, 2024. The final rule was published to maintain alignment with international regulations and standards by adopting various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. The corrections address several errors to the hazardous material entries in the hazardous materials table. This correction is effective May 10, 2024.

Part 385, Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits (pages 67560-67562), 8-21-24

Summary: FMCSA amends its Hazardous Materials Safety Permits (HMSPs) regulations to incorporate by reference the updated CVSA handbook containing inspection procedures and OOSC for inspections of shipments of transuranic waste and HRCQs of RAM. The OOSC provide enforcement personnel nationwide, including FMCSA's State partners, with uniform enforcement tolerances for inspections. Currently, the regulations reference the April 1, 2023, edition of the handbook. Through this final rule, FMCSA incorporates by reference the April 1, 2024, edition. Effective date: September 20, 2024. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of September 20, 2024.

49 CFR Chapter III (FR Vol. 89, No. 222, pages 90608-90624), 11-18-24

Summary: FMCSA amends its regulations by making technical corrections throughout the FMCSRs. The agency makes minor changes to correct errors and inadvertent omissions, remove or update obsolete references, and improve the clarity and consistency of certain regulatory provisions. The agency also makes a change to its rules of organization, procedures, and practice. Because the rule does not impose any new material requirements or increase compliance obligations, it is issued without prior notice and opportunity for comment, pursuant to the good cause exception in the Administrative Procedure Act (APA). Effective date: November 18, 2024.

49 CFR Parts 387 and 397 (FR Vol. 90, No. 6, page 1908), 01-10-25

Summary: In a final rule published in the Federal Register on November 18, 2024, FMCSA amended its regulations by making technical corrections throughout the FMCSRs. The final rule included an amendatory instruction to revise a stayed section without first lifting the stay. The final rule also included an amendatory instruction that referenced an incorrect paragraph letter. The agency corrects these errors. This correction is effective January 10, 2025.

*Regulatory Analysis*

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025. A public hearing was held on the following date(s):

- December 16, 2025

No public comments were received.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 661—Chapter 10.

### *Public Comment*

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on April 7, 2026. Comments should be directed to:

Josie Wagler  
Department of Public Safety  
Oran Pape State Office Building  
215 East 7th Street  
Des Moines, Iowa 50319  
Phone: 515.725.6185  
Email: [wagler@dps.state.ia.us](mailto:wagler@dps.state.ia.us)

### *Public Hearing*

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

April 8, 2026	First Floor Public Conference Room 125
8 to 8:30 a.m.	Oran Pape State Office Building
	Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

ITEM 1. Amend rule 661—22.1(321) as follows:

#### **661—22.1(321) Safety and hazardous materials regulations.**

##### **22.1(1) Regulations.**

*a. Motor carrier safety regulations.* The department of public safety adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385, 386 and 390-399 (October 1, ~~2023~~ 2025).

*b. Hazardous materials regulations.* The department of public safety adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, ~~2023~~ 2025).

*c.* No change.

##### **22.1(2) Carriers subject to regulations.**

*a. and b.* No change.

*c.* Operators of vehicles for hire, designed to transport 7 or more persons but fewer than 16, including the driver, must comply with 49 CFR Part 395 of the Federal Motor Carrier Safety Regulations. In addition, operators of vehicles for hire, designed to transport 7 or more persons but fewer than 16, including the driver, are not exempt from logbook requirements afforded the 150-air-mile radius driver under 49 CFR 395.1(e). However, the provisions of 49 CFR Part 395 shall not apply to vehicles offered to the public for hire that are used principally in intracity operation and are regulated by local authorities.

**22.1(3)** No change.

This rule is intended to implement Iowa Code sections 321.1, 321.449 and 321.450.