

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Iowa Department of Transportation, on May 9, 2012, adopted amendments to Chapter 400, "Vehicle Registration and Certificate of Title," Chapter 401, "Special Registration Plates," Chapter 405, "Salvage," Chapter 425, "Motor Vehicle and Travel Trailer Dealers, Manufacturers, Distributors and Wholesalers," Chapter 431, "Vehicle Recyclers," Chapter 450, "Motor Vehicle Equipment," Chapter 511, "Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight," Chapter 524, "For-Hire Intrastate Motor Carrier Authority," and Chapter 529, "For-Hire Interstate Motor Carrier Authority," Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the April 4, 2012, Iowa Administrative Bulletin as **ARC 0068C**.

The amendments to Chapter 400 strike a requirement that the series of a motor home be included on the certificate of title or registration receipt since a motor home is a type and this requirement is already required by rule; allow the owner of a vehicle who is applying for a bonded title, an owner of a specially constructed, reconstructed, street rod or replica motor vehicle, or an owner who is assigned an identification number to drive or tow the vehicle to and from an examination location with an affidavit to drive; remove street rod and replica motor vehicles from subrule 400.16(4) since the language conflicts with Iowa Code section 321.1(61); and clarify the requirements for converting a motor truck or truck tractor to a motor home.

The amendments to Chapter 401 require that an application for emergency medical services plates be notarized and signed by the applicant and the applicant's service director and clarify that a person who has disabled veteran plates is not required to obtain a physician's statement to obtain a persons with disabilities permit.

The amendment to Chapter 405 allows an owner of a salvage vehicle to obtain a duplicate copy of a salvage theft examination certificate from the issuing officer or agency and strikes the \$10 duplicate fee.

The amendments to Chapter 425 and Chapter 431 amend the definition of "regular business hours" to clarify the time period a business must be open.

The amendments to Chapter 450 are effective July 4, 2012, and remove the medical exemption for minimum standard of transparency for excessive dark or reflective front windshields, windows or sidewings. Those individuals who receive a medical exemption prior to July 4, 2012, are allowed to continue to maintain and operate motor vehicles with front windshelds, windows or sidewings with less than 70 percent but not less than 35 percent light transmittance.

The amendment to Chapter 511 strikes the option for single-trip, multitrip, annual, annual oversize/overweight or all-systems permits to be issued over the telephone. These permits may still be obtained in person, by facsimile, wire service, electronic communication or by mail.

The amendments to Chapter 524 strike language concerning the transfer of motor carrier certificates. 2011 Iowa Acts, chapter 38, sections 24 and 25, eliminated provisions in Iowa Code sections 325A.4(1) and 325A.21 allowing for the transfer of a regular-route passenger certificate.

The amendment to Chapter 529 adopts the current Code of Federal Regulations (CFR) dated October 1, 2011, for 49 CFR Parts 365-368 and 370-379. The amendments to the Federal Motor Carrier Safety Regulations (FMCSR) that have become final and effective since the 2009 edition of the CFR are listed in the information below. The affected parts are followed by the Federal Register (FR) citations.

Amendments to the FMCSR

Part 367 (FR Vol. 75, No. 80, Pages 21993-22012), 4-27-10

The Federal Motor Carrier Safety Administration (FMCSA) established annual registration fees and a fee bracket structure for the Unified Carrier Registration Agreement for the calendar year beginning January 1, 2010, as required under the Unified Carrier Registration Act of 2005, enacted as Subtitle C

of Title IV of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, as amended. Effective Date: April 27, 2010.

Part 365 (FR Vol. 75, No. 119, Pages 35318-35329), 6-22-10

The FMCSA eliminated the requirement for most for-hire motor common carriers of property and freight forwarders to maintain cargo insurance in prescribed minimum amounts and file evidence of this insurance with FMCSA. Household goods motor carriers and household goods freight forwarders will continue to be subject to this cargo insurance requirement. Effective Date: March 21, 2011.

Parts 371 and 375 (FR Vol. 75, No. 228, Pages 72987-72999), 11-29-10

The FMCSA amended its regulations to require brokers that arrange the transportation of household goods in interstate or foreign commerce for consumers to comply with certain consumer protection requirements. Brokers must provide: their U.S. DOT number on their advertisements and Internet Web sites; estimates of expected moving charges and brokerage fees; FMCSA pamphlets containing tips for successful moves and the consumer's rights and responsibilities; and the broker's policies concerning deposits, cancellations, and refunds. This rule making is in response to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, as amended, and a petition for rule making from the American Moving and Storage Association. Effective Date: January 28, 2011.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found. The purpose of this rule making is to streamline efficiencies for the Department. Item 13 removes the option for businesses to call the Department when seeking a permit; however, the online feature should be more convenient for both the Department and Iowa businesses. Further, companies without access to the Internet may submit their applications through mail or facsimile.

These amendments are intended to implement Iowa Code chapters 321, 321E, 321H, 322, 325A and 327B.

These amendments will become effective July 4, 2012.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 400, 401, 405, 425, 431, 450, 511, 524, 529] is being omitted. These amendments are identical to those published under Notice as **ARC 0068C**, IAB 4/4/12.

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[For replacement pages for IAC, see IAC Supplement 5/30/12.]