

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.10, 307.12, 321.449 and 321.450, the Iowa Department of Transportation, on May 12, 2015, adopted amendments to Chapter 520, "Regulations Applicable to Carriers," Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the April 1, 2015, Iowa Administrative Bulletin as **ARC 1922C**.

Iowa Code section 321.449 requires the Department to adopt rules consistent with the Federal Motor Carrier Safety Regulations (FMCSR) promulgated under United States Code, Title 49, and found in 49 Code of Federal Regulations (CFR) Parts 385 and 390 to 399. Iowa Code section 321.450 requires the Department to adopt rules consistent with the Federal Hazardous Materials Regulations (HMR) promulgated under United States Code, Title 49, and found in 49 CFR Parts 107, 171 to 173, 177, 178 and 180.

Commercial vehicles transporting goods in interstate commerce are subject to the FMCSR on the effective dates specified in the Federal Register (FR). Commercial vehicles transporting hazardous materials in interstate commerce or transporting certain hazardous materials intrastate are subject to the HMR on the effective dates specified in the FR. The adoption of the federal regulations by the Department will extend the enforcement of the regulations to commercial vehicles operated intrastate unless exempted by statute.

Proposed federal regulations are published in the FR to allow a period for public comment, and after adoption, the final regulations are published in the FR. Each year a revised edition of 49 CFR is published, incorporating all of the final regulations adopted during the year.

To ensure the consistency required by statute, the Department adopts the specified parts of 49 CFR as adopted by the U.S. Department of Transportation.

The amendments to the FMCSR and the HMR that have become final and effective since the 2012 edition of the CFR are listed below. The parts affected are followed by FR citations.

Amendments to the FMCSR and Federal HMR

Parts 385 and 390-399 (FR Vol. 77, No. 190, Pages 59818-59829, 10-01-12)

This final rule makes technical corrections throughout Title 49 CFR, Subtitle B, Chapter III. The Federal Motor Carrier Safety Administration (FMCSA) is making minor editorial changes to add revised delegations of authority from the Secretary of Transportation, correct errors and omissions, and improve clarity. This rule does not make any substantive changes to the affected parts of the FMCSR. Effective Date: October 1, 2012.

Parts 107, 171, 172, 173 and 178 (FR Vol. 77, No. 194, Pages 60935-60945, 10-05-12)

This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the HMR. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are nonsubstantive changes and do not impose new requirements. Effective Date: October 5, 2012.

Part 385 (FR Vol. 77, No. 205, Pages 64759-64762, 10-23-12)

This final rule amends the FMCSR to remove the provision indicating that the FMCSA will consider a 10-day extension of the 45-day period after which passenger and hazardous materials carriers must cease operation after receiving a proposed unsatisfactory safety rating. The FMCSA previously discontinued this practice as a matter of policy and amends the regulation to be consistent with the policy and the statutory language concerning this matter. Although FMCSA will continue to review requests for upgrades of a proposed unsatisfactory safety rating for such carriers, FMCSA no longer grants extensions to the 45-day period. Effective Date: November 23, 2012.

Part 390 (FR Vol. 77, No. 209, Pages 65497-65498, 10-29-12)

This action withdraws the FMCSA's direct final rule of August 27, 2012, amending the definition of "gross combination weight rating" (GCWR) in 49 CFR Parts 383 and 390. The direct final rule would have taken effect on October 26, 2012. However, the FMCSA received several adverse comments and will, therefore, develop a notice of proposed rule making to request public comments on proposed changes to the GCWR definition. The direct final rule published August 27, 2012, (77 FR 51706) was withdrawn effective October 26, 2012.

Parts 171, 172, 173 and 178 (FR Vol. 78, No. 4, Pages 1101-1118, 01-07-13)

This final rule responds to administrative appeals generated as a result of certain amendments adopted in an international harmonization final rule published on January 19, 2011. The January 19, 2011, final rule amended the HMR by revising, removing or adding proper shipping names, the hazard class of a material, packing group assignments, special provisions, packaging authorizations, packaging sections, air transport quantity limitations, and vessel stowage requirements. The amendments were necessary to align the HMR with recent revisions to international standards for the transport of hazardous materials by all modes. In this final rule, the Pipeline and Hazardous Materials Safety Administration (PHMSA) amends the HMR as a result of administrative appeals submitted in response to various amendments adopted in the January 19, 2011, final rule. This final rule also addresses recent actions taken by the International Civil Aviation Organization's Dangerous Goods Panel regarding certain lithium ion battery-powered mobility aids (e.g., wheelchairs, travel scooters) offered by passengers for air transport and passenger notification of hazardous materials restrictions by operators. Further, this final rule adopts amendments to the HMR as a result of two administrative appeals submitted by an appellant in response to a final rule published on February 2, 2010, that revised shipper responsibilities related to packaging design variation, manufacturer notification, and record-keeping requirements for certain packaging types. Effective Date: January 1, 2013.

Parts 171, 172, 173, 177 and 178 (FR Vol. 78, No. 4, Pages 987-1100, 01-07-13)

This final rule amends the HMR to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These revisions are necessary to harmonize the HMR with recent changes made to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations' Recommendations on the Transport of Dangerous Goods—Model Regulations and address a petition for rule making. Voluntary Compliance Date: January 1, 2013. Mandatory Compliance Date: January 1, 2014.

Parts 172, 173 and 178 (FR Vol. 78, No. 45, Pages 14702-14716, 03-07-13)

This final rule amends the HMR in response to petitions for rule making submitted by the regulated community to update, clarify, or provide relief from miscellaneous regulatory requirements. Specifically, PHMSA is amending the record-keeping and package-marking requirements for third-party laboratories and manufacturers to ensure the traceability of packaging; removing the listing for "NA1203, gasohol, gasoline mixed with ethyl alcohol, with not more than 10% alcohol"; harmonizing internationally and providing a limited quantity exception for Division 4.1, self-reactive solids and self-reactive liquids types B through F; allowing smokeless powder classified as a Division 1.4C material to be reclassified as a Division 4.1 material; and providing greater flexibility by allowing the dangerous cargo manifest to be in locations designated by the master of the vessel besides "on or near the vessel's bridge" while the vessel is in a United States port. Voluntary Compliance Date: March 7, 2013. Mandatory Compliance Date: May 6, 2013.

Parts 171, 172, 173, 177, 178 and 180 (FR Vol. 78, No. 47, Pages 15303-15331, 03-11-13)

This final rule amends the HMR to make miscellaneous amendments to update and clarify certain regulatory requirements. These amendments promote safer transportation practices, eliminate unnecessary regulatory requirements, address a petition for rule making, incorporate a special permit into the HMR, facilitate international commerce, and simplify the regulations. These amendments also update various entries in the Hazardous Materials Table and corresponding special provisions, clarify the lab pack requirements for temperature-controlled materials, and require hazmat employers

to make hazmat employee training records available upon request to an authorized official of the U.S. Department of Transportation or an entity explicitly granted authority to enforce the HMR. Effective Date: May 10, 2013. Voluntary Compliance Date: March 11, 2013.

Parts 390, 391, 395 and 396 (FR Vol. 78, No. 50, Pages 16189-16195, 03-14-13)

This final rule promulgates the regulatory exemptions for the “transportation of agricultural commodities and farm supplies” and for “covered farm vehicles” and their drivers enacted by Sections 32101(d) and 32934, respectively, of the Moving Ahead for Progress in the 21st Century Act (MAP-21). Although prior statutory exemptions involving agriculture are unchanged, some of these exemptions overlap with MAP-21 provisions. In these cases, regulated entities will be able to choose the exemption, or set of exemptions, under which to operate. Regulated entities must, however, comply fully with the terms of each exemption they claim. Effective Date: March 14, 2013.

Part 107 and 171 (FR Vol. 78, No. 74, Pages 22798-22800, 04-17-13)

This final rule revises the references in PHMSA’s regulations to the maximum and minimum civil penalties for a knowing violation of the federal hazardous materials transportation law or a regulation, order, special permit, or approval issued under that law. As amended in MAP-21, effective October 1, 2012, the maximum civil penalty for a knowing violation is now \$75,000, except that the maximum civil penalty is \$175,000 for a violation that results in death, serious illness, or severe injury to any person or substantial destruction of property. In addition, there is no longer a minimum civil penalty amount, except that the minimum civil penalty amount of \$450 applies to a violation relating to training. Effective Date: April 17, 2013.

Part 107 (FR Vol. 78, No. 76, Pages 23503-23506, 04-19-13)

This final rule requires the U.S. Department of Transportation to adjust the amount of the annual registration fee to account for any unexpended balance in the Hazardous Materials Emergency Preparedness Fund. Due to an unexpended balance that has accumulated in the fund, PHMSA is lowering the registration fees for registration year 2013-2014 for all persons, as defined in PHMSA regulations, that transport or offer for transportation in commerce certain categories and quantities of hazardous materials. Specifically, for registration year 2013-2014, the fee for a small business or not-for-profit organization is revised to be \$125 (plus a \$25 processing fee), and for all other businesses, the fee is \$1300 (plus a \$25 processing fee). After the 2013-2014 registration year, the registration fees will return to 2012-2013 registration year levels. Additionally, PHMSA makes an editorial change to its regulations to clarify the appropriate fee amounts; there are no substantive changes other than the addition of the fees for 2013-2014 and for 2014-2015 and later. In order to make the change effective for the 2013-2014 registration year and thus draw down the unexpended balance as soon as possible, PHMSA issued this final rule without a prior notice of proposed rule making in accordance with the good-cause exemption specified in the Administrative Procedures Act. Additionally, for good cause, this final rule is effective immediately. Effective Date: April 19, 2013.

Parts 107, 171, 172 and 173 (FR Vol. 78, No. 136, Pages 42457-42478, 07-16-13)

This final rule revises the HMR applicable to the approval of Division 1.4G consumer fireworks and establishes U.S. Department of Transportation-approved fireworks certification agencies that provide an alternative to the approval process for Division 1.4G consumer fireworks. PHMSA is also reformatting the procedural regulations pertaining to certification agencies. These actions clarify regulations with respect to PHMSA’s fireworks approval process and provide regulatory flexibility in seeking authorization for the transportation of Division 1.4G consumer fireworks. Effective Date: August 15, 2013.

Parts 172 and 173 (FR Vol. 78, No. 146, Pages 45880-45893, 07-30-13)

This final rule amends the HMR applicable to air bag inflators, air bag modules, and seat-belt pretensioners. The revisions incorporate the provisions of two special permits into the regulations. In addition, PHMSA is amending the current approval and documentation requirements for a material classified as a UN3268 air bag inflator, air bag module, or seat-belt pretensioner. These revisions are intended to reduce the regulatory burden on the automotive industry and facilitate commerce, while continuing to maintain an equivalent level of safety. Effective Date: August 29, 2013. Voluntary Compliance Date: July 30, 2013.

Parts 385, 390 and 392 (FR Vol. 78, No. 164, Pages 52607-52655, 08-23-13)

This final rule amends FMCSA's regulations to require interstate motor carriers, freight forwarders, brokers, intermodal equipment providers, hazardous materials safety permit applicants, and cargo tank facilities under FMCSA jurisdiction to submit required registration and biennial update information to the FMCSA via a new electronic online unified registration system (URS). FMCSA establishes fees for the registration system, discloses the cumulative information to be collected in the URS, and provides a centralized cross reference to existing safety and commercial regulations necessary for compliance with the registration requirements. The final rule implements statutory provisions in the Interstate Commerce Commission Termination Act of 1995 and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, 2005. The URS will streamline the registration process and serve as a clearinghouse and depository of information on, and identification of, motor carriers, brokers, freight forwarders, intermodal equipment providers, hazardous materials safety permit applicants, and cargo tank facilities required to register with FMCSA. Effective Dates: The final rule is effective October 23, 2015, except for Section 390.19 (amendatory instruction 55) and Section 392.9b (amendatory instruction 61), which were effective November 1, 2013, and except for Section 366.2 (amendatory instruction 19), which is effective April 25, 2016. Compliance Dates: The compliance date for this final rule is October 23, 2015, except that the compliance date for Sections 390.19 and 392.9b is November 1, 2013, and the compliance date for Section 366.2 is April 25, 2016.

Part 385 (FR Vol. 78, No. 178, Pages 56618-56620, 09-13-13)

This final rule amends FMCSA's hazardous materials safety permit rules to update the current incorporation by reference of the "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as Defined in 49 CFR Part 173.403." The rules currently reference the April 1, 2012, edition of the out-of-service criteria, and through this final rule, FMCSA incorporates the April 1, 2013, edition. Effective Date: September 13, 2013.

Parts 385, 390, 391, 393, 395, 396 and 397 (FR Vol. 78, No. 185, Pages 58470-58486, 09-24-13)

This final rule makes technical corrections throughout FMCSA's regulations. FMCSA is making minor editorial changes to correct errors and omissions, ensure conformity with the style of the Office of the Federal Register, and improve clarity. This rule does not make any substantive changes to the affected parts of the FMCSR. Effective Date: September 24, 2013.

Parts 177 and 392 (FR Vol. 78, No. 186, Pages 58915-58923, 09-25-13)

This final rule amends the FMCSRs and HMRs, respectively, to prohibit a driver of a commercial motor vehicle or of a motor vehicle transporting certain hazardous materials or certain agents or toxins from entering onto a highway-rail grade crossing unless there is sufficient space to drive completely through the grade crossing without stopping. This action is in response to Section 112 of the Hazardous Materials Transportation Authorization Act of 1994, as amended by Section 32509 of MAP-21. The intent of this rule making is to reduce highway-rail grade crossing crashes. Effective Date: October 25, 2013.

Parts 385 and 392 (FR Vol. 78, No. 190, Pages 60226-60234, 10-01-13)

This final rule adopts certain regulations required by MAP-21. The majority of these statutory changes went into effect on October 1, 2012, while others went into effect on October 1, 2013. It is necessary to make conforming changes to ensure that FMCSA's regulations are current and consistent with the applicable statutes. Effective Date: October 1, 2013.

Part 107 (FR Vol. 78, No. 191, Pages 60726-60745, 10-02-13)

This final rule publishes PHMSA's revised statement of policy to update baseline assessments for frequently cited violations of the HMR and to clarify additional factors that affect penalty amounts. This revised statement of policy is intended to provide the regulated community and the general public with information on the hazardous materials penalty assessment process. Effective Date: October 1, 2013.

Parts 107, 171, 172, 173, 177, 178 and 180 (FR Vol. 78, No. 191, Pages 60745-60755, 10-02-13)

This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the HMR. The intended effect of this rule is

to enhance the accuracy of and reduce misunderstandings of the regulations. The amendments contained in this rule are nonsubstantive changes and do not impose new requirements. Effective Date: October 1, 2013.

Part 390 (FR Vol. 78, No. 205, Page 63100, 10-23-13)

This final rule makes corrections to FMCSA's August 23, 2013, final rule regarding the unified registration system. This final rule makes four minor revisions to the unified registration system's final rule to be consistent with FMCSA's "General Technical, Organizational and Conforming Amendments to the Federal Motor Carrier Safety Regulations" final rule published on September 24, 2013. Effective Date: October 23, 2013.

Part 395 (FR Vol. 78, No. 208, Pages 64179-64181, 10-28-13)

This final rule amends FMCSA's December 27, 2011, final rule entitled "Hours of Service of Drivers" to provide an exception from the 30-minute rest break requirement for short-haul drivers who are not required to prepare records of duty status. The FMCSA also removes regulatory text made obsolete by the passing of the July 1, 2013, compliance date for the final rule. This action responds to a decision of the U.S. Court of Appeals for the District of Columbia Circuit. Effective Date: October 28, 2013.

Parts 171, 172, 173 and 178 (FR Vol. 78, No. 211, Pages 65453-65488, 10-31-13)

This final rule corrects editorial errors and amends certain requirements in response to administrative appeals submitted by persons affected by certain final rules published in the Federal Register. Voluntary Compliance Date: PHMSA is authorizing voluntary compliance beginning October 31, 2013. Delayed Compliance Date: Unless otherwise specified, compliance with the amendments adopted in this final rule is required beginning January 1, 2014.

Part 391 (FR Vol. 79, No. 009, Pages 2377-2380, 01-14-14)

This final rule amends FMCSA's regulations to keep in effect until January 30, 2015, the requirement that interstate drivers subject to either the commercial driver's license (CDL) or the commercial learner's permit (CLP) regulations, as well as to the federal physical qualification requirements, must retain paper copies of their medical examiner's certificate when operating a commercial motor vehicle. Interstate motor carriers are also required to retain copies of their drivers' medical certificates in their driver qualification files. This action is being taken to ensure that the medical qualifications of CDL holders and CLP holders are documented adequately until all state driver licensing agencies are able to post the drivers' self-certification whether the physical qualifications standards are applicable to them and the medical examiner's certificate information, on the commercial driver's license information system (CDLIS) driver record. This rule does not, however, extend the compliance dates for the state driver licensing agencies to collect and to post to the CDLIS driver record the CDL holder's self-certification about applicable standards and the medical examiner's certificate. Effective Date: January 14, 2014.

Part 385 (FR Vol. 79, No. 14, Pages 3520-3542, 01-22-14)

This final rule amends FMCSA's regulations to enable FMCSA to suspend or revoke the operating authority registration of for-hire motor carriers that show egregious disregard for safety compliance, permit persons who have shown egregious disregard for safety compliance to exercise controlling influence over their operations, or operate multiple entities under common control to conceal noncompliance with safety regulations. These amendments implement Section 4113 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, as amended by Section 32112 of MAP-21, and are designed to enhance the safety of commercial motor vehicle operations on the nation's highways. Effective Date: February 21, 2014.

Parts 107, 171, 172, 173 and 178 (FR Vol. 79, No. 52, Pages 15033-15046, 03-18-14)

This final rule amends the HMR to adopt provisions contained in certain widely used or longstanding special permits and certain competent authority approvals that have established safety records. Special permits allow a company or individual to package or ship a hazardous material in a manner that varies from the regulations, provided that an equivalent level of safety is maintained. An approval is a document that is required under an international standard (i.e., International Maritime Dangerous Goods Code, International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air), or is specifically provided for in the HMR, and is issued by the Associate Administrator for Hazardous Materials Safety. These revisions are intended to provide wider access to the regulatory

flexibility offered in special permits and approvals and to eliminate the need for numerous renewal requests, thus reducing paperwork burdens and facilitating commerce while maintaining an appropriate level of safety. Effective Date: April 17, 2014.

Parts 383 and 390 (FR Vol. 79, No. 53, Pages 15245-15250, 03-19-14)

This final rule amends the FMCSRs by revising the definition of “gross combination weight rating” (or GCWR) to clarify the applicability of FMCSR’s safety regulations for single-unit trucks (vehicles other than truck tractors) when the single-unit trucks are towing trailers and the GCWR information is not included on the vehicle manufacturer’s certification label. Effective Date: April 18, 2014.

Part 385 (FR Vol. 79, No. 94, Pages 27766-27768, 05-15-14)

This final rule amends FMCSA’s hazardous materials safety permits rules to update the current incorporation by reference of the “North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as Defined in 49 CFR Part 173.403.” Currently, the rules reference the April 1, 2013, edition of the out-of-service criteria, and through this final rule, FMCSA incorporates the April 1, 2014, edition. Effective Date: May 15, 2014.

Parts 171, 172, 173, 177 and 178 (FR Vol. 79, No. 133, Pages 40589-40618, 07-11-14)

This final PHMSA rule, in coordination with the Nuclear Regulatory Commission, amends requirements in the HMR governing the transportation of Class 7 (radioactive) materials based on recent changes contained in the International Atomic Energy Agency (IAEA) publication “Regulations for the Safe Transport of Radioactive Material, 2009 Edition, IAEA Safety Standards Series No. TS-R-1.” The purposes of this rule making are to harmonize requirements of the HMR with international standards for the transportation of Class 7 (radioactive) materials and to update, clarify, correct, or provide relief from certain regulatory requirements applicable to the transportation of Class 7 (radioactive) materials. Effective Date: October 1, 2014.

Parts 171, 172 and 173 (FR Vol. 79, No. 151, Pages 46011-46040, 08-06-14)

This final PHMSA rule, developed in consultation with the Federal Aviation Administration, modifies the requirements governing the transportation of lithium cells and batteries. This final rule revises hazard communication and packaging provisions for lithium batteries and harmonizes the HMR with applicable provisions of the United Nations’ Model Regulations, the International Civil Aviation Organization’s Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the International Maritime Dangerous Goods Code. Effective Date: August 6, 2014.

Part 107 (FR Vol. 79, No. 152, Pages 46194-46200, 08-07-14)

This final rule amends PHMSA’s hazardous materials procedural regulations. Specifically, this final rule prohibits a person who fails to pay a civil penalty as ordered, or fails to abide by a payment agreement, from performing activities regulated by the HMR until payment is made. Effective Date: September 8, 2014.

These amendments also rescind rule 761—520.8(321) and adopt in lieu thereof a new rule to include the planting and harvesting periods pertaining to agricultural operations to comply with the agricultural operations hours of service exception as stated in 49 CFR 395.1(k). Other proposed amendments strike a definition that is no longer needed, correct citations to the Iowa Code and Iowa Administrative Code and ensure consistency with the Iowa Code.

Various portions of the federal regulations and Iowa statutes allow some exceptions when the exceptions will not adversely impact the safe transportation of commodities on the nation’s highways. Granting additional exceptions for drivers and the motor carrier industry in Iowa would adversely impact the safety of the traveling public in Iowa.

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.

These amendments are intended to implement Iowa Code sections 321.449 and 321.450.

These amendments will become effective July 15, 2015.

Rule-making actions:

ITEM 1. Amend paragraph **520.1(1)“a”** as follows:
a. Motor carrier safety regulations. The Iowa department of transportation adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385 and 390-399 (October 1, ~~2012~~ 2014).

ITEM 2. Amend paragraph **520.1(1)“b”** as follows:
b. Hazardous materials regulations. The Iowa department of transportation adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, ~~2012~~ 2014).

ITEM 3. Rescind the definition of “Gasoline” in rule ~~761—520.2(321)~~.

ITEM 4. Amend rule ~~761—520.2(321)~~, definitions of “Farm customer” and “Rules adopted under this section concerning physical and medical qualifications,” as follows:

“*Farm customer*” as used in Iowa Code section 321.450(~~3~~), ~~unnumbered paragraph 3~~, means a retail consumer residing on a farm or in a rural area or city with a population of 3000 or less.

“*Rules adopted under this section concerning physical and medical qualifications*” as used in Iowa Code ~~section sections~~ 321.449(5) and Iowa Code section 321.450(~~2~~), ~~unnumbered paragraph 2~~, means the regulations in 49 CFR 391.11(b)(4) and 49 CFR Part 391, Subpart E.

ITEM 5. Amend paragraph **520.3(1)“c”** as follows:

c. Unregistered farm trailers as defined in ~~761—subrule 400.1(3)~~ rule ~~761—400.1(321)~~, pursuant to Iowa Code section 321.123.

ITEM 6. Amend subrule 520.4(1) as follows:

520.4(1) Pursuant to Iowa Code section 321.450(~~3~~), ~~unnumbered paragraph 3~~, “retail dealers of fertilizers, petroleum products, and pesticides and their employees while delivering fertilizers, petroleum products, and pesticides to farm customers within a ~~100-air-mile~~ one-hundred-mile radius of their retail place of business” are exempt from 49 CFR 177.804; and, pursuant to Iowa Code section 321.449(4), they are exempt from 49 CFR Parts 391 and 395. However, pursuant to Iowa Code section 321.449, the retail dealers and their employees under the specified conditions are subject to the regulations in 49 CFR Parts 390, 392, 393, 396 and 397.

ITEM 7. Amend rule ~~761—520.7(321)~~, introductory paragraph, as follows:

761—520.7(321) Driver’s statement. A “driver” as used in Iowa Code ~~section sections~~ 321.449(5) and Iowa Code section 321.450(~~2~~), ~~unnumbered paragraph 2~~, shall carry at all times a notarized statement of employment. The statement shall include the following:

ITEM 8. Rescind rule ~~761—520.8(321)~~ and adopt the following **new** rule in lieu thereof:

761—520.8(321) Planting and harvesting periods. In accordance with the provisions of 49 CFR 395.1, the planting and harvesting periods pertaining to agricultural operations are March 15 through June 30 and October 4 through December 14.

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

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