

**TRANSPORTATION DEPARTMENT[761]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 307.12, 307A.2 and 321F.11, the Iowa Department of Transportation, on September 20, 2016, adopted amendments to Chapter 424, “Transporter Plates,” Chapter 430, “Motor Vehicle Leasing Licenses,” and Chapter 451, “Emergency Vehicle Permits,” Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the August 3, 2016, Iowa Administrative Bulletin as **ARC 2640C**.

The amendments:

- Correct the name of the Office of Vehicle and Motor Carrier Services.
- Eliminate a duplicative reference to Iowa Code section 321.451.
- Add language allowing the Department to deny an application for a privately owned vehicle to be designated as an authorized emergency vehicle if the vehicle does not comply with Iowa Code section 321.451 or does not demonstrate necessity.
- Add a new rule within Chapter 451 concerning the process used by the Department when denying an application or revoking a certificate of designation for authorized emergency vehicles.

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.

These amendments are intended to implement Iowa Code sections 321.58, 321.451 and 321F.11.

These amendments will become effective November 16, 2016.

Rule-making actions:

ITEM 1. Amend subrule 424.1(1) as follows:

**424.1(1) Information.** Information and blank forms relating to this chapter may be obtained from and completed forms shall be submitted to the Office of Vehicle and Motor Carrier Services, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278.

ITEM 2. Amend subrule 430.1(1) as follows:

**430.1(1) Information.** Information and blank forms relating to this chapter may be obtained from and completed forms shall be submitted to the Office of Vehicle and Motor Carrier Services, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278.

ITEM 3. Amend rule 761—451.1(321) as follows:

**761—451.1(321) Information.** Information about certificates of designation for authorized emergency vehicles is available from the office of vehicle and motor carrier services. The address ~~of the office of vehicle services~~ is: Office of Vehicle and Motor Carrier Services, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278.

This rule is intended to implement Iowa Code sections 321.2 and 321.3.

ITEM 4. Amend subrule 451.2(1) as follows:

**451.2(1) Application.** Application for a certificate which designates a privately owned vehicle as an authorized emergency vehicle shall be submitted to the office of vehicle and motor carrier services on a form prescribed by the department. Iowa Code section 321.451 lists the types of privately owned vehicles that may be issued a certificate of designation and the requirements for designation. The department shall deny an application if the department does not establish that the vehicle will be used as an authorized emergency vehicle, as described in Iowa Code section 321.451, or that the vehicle does not otherwise demonstrate necessity for the designation.

ITEM 5. Adopt the following new rule 761—451.3(17A,321):

**761—451.3(17A,321) Application denial or certificate revocation.**

**451.3(1)** The department may deny an application or revoke a certificate of designation if an applicant or certificate holder fails to comply with the applicable provisions of this chapter or Iowa Code section 321.231 or 321.451, the certificate holder is no longer eligible for the certificate, or the certificate holder otherwise abuses the certification.

**451.3(2)** The department shall send notice by certified mail to a person whose certificate of designation is to be revoked or denied. The notice shall be mailed to the person's mailing address as shown on departmental records and the revocation or denial shall become effective 20 days from the date mailed. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13. The request shall be submitted in writing to the director of the office of vehicle and motor carrier services. The request shall be deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice of revocation or denial.

This rule is intended to implement Iowa Code chapter 17A and sections 321.13, 321.231 and 321.451.

[Filed 9/20/16, effective 11/16/16]

[Published 10/12/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/12/16.