

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to indicators for autism and hearing impairment and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 605, “License Issuance,” and Chapter 630, “Nonoperator’s Identification,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.189 and 321.190.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.189 as amended by 2020 Iowa Acts, House File 2372, section 1; Iowa Code section 321.190 as amended by 2020 Iowa Acts, House File 2372, section 2; and 2020 Iowa Acts, House File 2585, section 35.

Purpose and Summary

The proposed amendments to Chapters 605 and 630 conform the rules with 2020 Iowa Acts, House File 2372, sections 1 and 2, and 2020 Iowa Acts, House File 2585, section 35. House File 2372 amended Iowa Code sections 321.189 and 321.190 to allow a person to add an indicator to the person’s driver’s license or nonoperator’s identification card indicating the person’s autism status. House File 2585 directed all administrative rules to be updated to reflect the term “hard of hearing” rather than the term “hearing impaired.”

The autism indicator is a new indicator that can be added to the person’s driver’s license or nonoperator’s identification card at the person’s request. The hard-of-hearing indicator is not new but is being renamed to reflect current terminology.

The proposed amendments also adopt a technical change to reflect current Department practice that one payment method may be used to pay multiple fees associated with a driver’s license transaction.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa beyond the impact estimated by the Legislative Services Agency for 2020 Iowa Acts, House File 2372, sections 1 and 2, and 2020 Iowa Acts, House File 2585, section 35.

Jobs Impact

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

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.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on October 13, 2020. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy Bureau
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear oral presentations will be held on October 15, 2020, via conference call from 10 to 11 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on October 13, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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 rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs. The public hearing will be canceled without further notice if no oral presentation is requested.

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. Amend subrule 605.5(7) as follows:

605.5(7) *Voluntary markings.* Upon the request of the licensee, the department shall indicate on the driver's license any of the following:

- a. to c. No change.
- d. That the licensee is hard of hearing ~~impaired~~ or deaf.
- e. No change.
- f. That the licensee has autism spectrum disorder.

ITEM 2. Amend rule ~~761—605.5(321)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~sections~~ section 142C.3 and section 321.189, as amended by 2020 Iowa Acts, House File 2372, section 1; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), ~~and~~; 6 CFR Part 37; and 2020 Iowa Acts, House File 2585, section 35.

ITEM 3. Amend rule 761—605.10(321) as follows:

761—605.10(321) Fees for driver's licenses. Fees for driver's licenses are specified in Iowa Code section 321.191. A license fee may be paid by cash, check, credit card, debit card or money order. ~~If payment is by check, the following requirements apply:~~

605.10(1) ~~The~~ If the payment is by check, the check shall be for the exact amount of the fee and shall be payable to: Treasurer, State of Iowa. An exception may be made when a traveler's check is presented.

605.10(2) ~~One check payment method~~ may be used to pay fees for several persons, such as members of a family or employees of a business firm. One check payment method may pay all fees involved, such as the license fee and the reinstatement fee.

This rule is intended to implement Iowa Code section 321.191.

ITEM 4. Amend subrule 630.2(4) as follows:

630.2(4) Upon the request of the cardholder, the department shall indicate on the nonoperator's identification card any of the following:

a. to *c.* No change.

d. That the cardholder is hard of hearing ~~impaired~~ or deaf.

e. No change.

f. That the cardholder has autism spectrum disorder.

ITEM 5. Amend **761—Chapter 630**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321.13, 321.189, 321.190 as amended by 2020 Iowa Acts, House File 2372, section 2, 321.195, 321.216, 321.216A, 321.216B and 321.216C; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), ~~and~~ 6 CFR Part 37; and 2020 Iowa Acts, House File 2585, section 35.