

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to the International Registration Plan for fleet vehicles
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 500, “Interstate Registration and Operation of Vehicles,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 326.15, 326.19A and 326.33.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 326.

Purpose and Summary

This proposed rule making aligns with existing legal authority and Department practice and relates to the administration of the International Registration Plan (IRP) for fleet vehicles operated within the states of the United States and the provinces of Canada. Chapter 500 and Iowa Code chapter 326 outline the specific requirements and procedures for registration under the IRP process. A description of the specific, proposed amendments is provided below:

Terminology updates. Several updates are proposed to terminology used throughout the chapter and within the definitions rule. The term “apportioned registration” will replace the term “prorate registration” throughout the chapter as that is the current terminology used in Iowa Code chapter 326 and the IRP. Rules that accommodate a set month renewal deadline are revised to incorporate implementation of a staggered registration process in which fleet registration renewals are staggered throughout the year rather than all expiring at the same time. Several current definitions are merely duplicative of the definitions already included in Iowa Code chapter 326; therefore, those definitions are removed, and definitions for “distance schedule,” “vehicle schedule,” “IRP,” “qualified fleet owner,” “self-certification of IRP credential destruction,” and “temporary evidence of apportioned registration” are added or amended.

IRP renewals. Several rules related to the IRP registration renewal process are updated to provide flexibility in the renewal process, including accommodating electronic notification and simplified submission methods for required documentation, as well as clarifying the process for adding or deleting a vehicle from the fleet, both at the time of registration renewal and during nonrenewal periods.

Fees and refunds. The rules addressing fees and refunds are updated to align with the Iowa Code, the IRP requirements and current Department practice. Specifically, the late filing penalty fee rule specifies the approved payment methods and deadlines for payment as well as the process for sending a delinquency notice for invoices that are 30 days overdue as required by Iowa Code section 326.10A. The rule addressing the mailing fee for a replacement cab card or plate is revised to align with current Department practice that a mailing fee applies when the Department issues a replacement cab card or plate. A motor carrier does have the option to print its own replacement cab card, in which case the fee would not apply. The rules governing IRP refunds are amended to clarify that plates and cab cards must be returned to the Department if the carrier is seeking a refund of IRP registration. These rules only apply to a refund of Iowa’s portion of the IRP fees, as the Department has the authority under the IRP only to refund Iowa fees.

IRP credentials. IRP credentials include vehicle plates, cab cards and validation stickers that are evidence of a vehicle’s compliance with IRP requirements. Several updates are made to the rules

addressing IRP credentials, including striking outdated language referring to a nonexpiring plate and providing flexibility by not requiring the IRP credentials to be turned in if a vehicle is being deleted at the time of renewal. This is because deletion at the time of renewal will not affect the fees the Department collects, and the Department has the authority to assess fees if it is discovered a vehicle was operating under deleted credentials. The current rule relating to a carrier's self-certification of destruction of IRP credentials remains unchanged but is renumbered.

IRP records. The rules related to record retention are updated to comply with the IRP, including requiring record retention for the current registration year and the three preceding registration years; requiring a motor carrier to make records available for audit upon request; setting standards for records maintained by the motor carrier to allow the Department to verify IRP requirements; replacing outdated terminology referring to source records with current terminology referring to summaries, which are documents required to be maintained under the IRP to verify distances traveled; and removing a subrule relating to reaudit and assessment as that subrule was inconsistent with IRP requirements. The proposed amendments also align with the current Department process of obtaining trip permits through the Department's website, by mail or in person, and they remove an outdated provision indicating that a truck permit could be obtained at a truck stop as that is no longer an option. Finally, the rule promoting electronic maintenance of required IRP forms and records is amended to clarify that the federal heavy use tax form is maintained in accordance with Federal Highway Administration and Internal Revenue Service requirements and to remove the requirement to collect and submit Federal Highway Administration Form MCS-150. Because Form MCS-150 is already required to be filed with the federal government, the Department no longer needs to collect the form or forward it to the federal government.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

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 January 19, 2021. 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 January 21, 2021, 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 January 19, 2021, 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 rule 761—500.1(326) as follows:

761—500.1(326) Definitions. The definitions in Iowa Code ~~section~~ sections 326.2 and 326.3 apply to this chapter. In addition:

~~“Cab card” means a registration receipt that describes the vehicle and reflects the weight in each jurisdiction in which a vehicle is registered for operation.~~

~~“Credential” means a plate, validation sticker, cab card or temporary authority.~~

~~“International Registration Plan (IRP)” means a vehicle prorated registration reciprocity agreement among jurisdictions.~~

~~“Power unit” for registration purposes means a bus, truck, truck tractor, road tractor or tractor.~~

~~“Distance schedule” means the department form used to report fleet distance.~~

~~“IRP” means the International Registration Plan as defined in Iowa Code section 326.2.~~

~~“Qualified fleet owner registrant” means a motor carrier who has received written approval by the department to self-certify IRP credential destruction.~~

~~1. The motor carrier must meet the following requirements to receive department approval:~~

~~● A minimum of five years' experience with IRP registration in any jurisdiction;~~

~~● A satisfactory IRP payment history. A satisfactory payment history includes, but is not limited to, no suspension of IRP registration in the last five years due to late payment or returned check because of insufficient funds; and~~

~~● A satisfactory rating from the U.S. Department of Transportation in the previous five years.~~

~~2. A motor carrier subject to a federal out-of-service order in the current year or any of the four prior years shall not be eligible to self-certify IRP credential destruction.~~

~~“Registrant” means a person, firm or corporation in whose name or names a vehicle is properly registered.~~

~~“Registration year” means the period January 1 through December 31 for vehicles registered under the International Registration Plan.~~

~~“Self-certification of IRP credential destruction” means a signed statement that is completed by a qualified fleet owner registrant certifying all the date the IRP credentials have been destroyed.~~

~~“Temporary authority evidence of apportioned registration” means a document issued by the department that allows describes the vehicle to be operated until a plate and cab card are issued. “Temporary authority” describes the vehicle and lists the weight for each jurisdiction in which the vehicle is registered for operation and lists the weight for each jurisdiction in which the vehicle is registered for operation and allows the vehicle to be operated.~~

~~“Vehicle schedule” means the department form used to report vehicle registration information.~~

This rule is intended to implement Iowa Code sections 326.2, 326.3, 326.15 and 326.33 ~~and 326.15~~ as amended by 2004 Iowa Acts, chapter 1013, section 32.

ITEM 2. Amend rule 761—500.2(17A,326) as follows:

761—500.2(17A,326) General information.

500.2(1) Information and location. Applications, forms and information on interstate registration and operation of vehicles are available on the department's website at www.iowadot.gov, by mail from the Office of Vehicle and Motor Carrier Services Bureau, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3268; ~~or~~ by facsimile at (515)237-3225; or by email at omcs@iowadot.us.

500.2(2) Method of operation. The operations of the department's motor vehicle division relating to reciprocity and ~~prorate~~ apportioned registration shall be conducted in accordance with the ~~International Registration Plan IRP~~ and the Code of Iowa Code chapters 321 and 326.

500.2(3) Organizational data. The ~~office of vehicle and motor carrier services bureau~~ of the motor vehicle division is authorized pursuant to Iowa Code chapter 326 to:

~~a. Enter into reciprocity agreements with other jurisdictions. These agreements exempt nonresidents from the registration and registration fee requirements of Iowa Code chapter 321.~~

~~b. a. Enter into reciprocity ~~prorate~~ apportioned registration agreements with other jurisdictions. The department joined the International Registration Plan (IRP) is a member of the IRP. Such plan The IRP and any revisions thereto are hereby incorporated into this chapter. A copy of the agreement may be obtained by contacting the office of vehicle and motor carrier services bureau or at www.irponline.org. Under this agreement, the office of vehicle and motor carrier services bureau shall do all of the following:~~

~~(1) Compute and collect registration apportionable fees due this state under ~~prorate~~ apportioned registration agreements; and~~

~~(2) Issue registration plates, validation stickers, cab cards, temporary authority evidence of apportioned registration, and trip permits to qualified registrants.~~

~~(3) Enter into reciprocity agreements with other jurisdictions. These agreements exempt nonresidents from the registration and registration fee requirements of Iowa Code chapter 321.~~

This rule is intended to implement Iowa Code sections 17A.3, 326.5 and 326.6.

ITEM 3. Amend rule 761—500.4(326) as follows:

761—500.4(326) Renewal for IRP registration. ~~Renewal forms for the coming year are prepared automatically and distributed in November to all registrants who maintained an active IRP fleet with Iowa during that year. If the registrant does not receive a renewal application by December 1, the registrant is responsible for informing the office of motor carrier services and for making the necessary arrangements for renewal of the registration. Renewal applications should be submitted to the office of motor carrier services no later than January 1 to ensure adequate time for processing. A renewal is considered timely filed when it is received by the office of motor carrier services or postmarked on or before January 31 reminder notices are sent electronically or by mail at least 60 days prior to the registration expiration date to all registrants who maintained an active IRP fleet with Iowa during that year. A registrant may request a renewal reminder notice to be sent by mail. The renewal is made available online at least 60 days prior to the registration expiration date and can be accessed on the department's website.~~

500.4(1) The renewal must include:

~~a. A completed and signed mileage distance schedule and vehicle schedule(s). The schedules can be filed and signed either electronically or on paper.~~

~~b. An updated Federal Highway Administration motor carrier identification information report (MCS 150).~~

~~c. Necessary title Title documentation, if necessary.~~

~~d. A schedule of heavy highway vehicles (Form 2290).~~

~~c. One of the following:~~

~~(1) Receipted federal heavy vehicle use tax (Form 2290 Schedule 1) for vehicles with a taxable gross weight of 55,000 pounds or more.~~

(2) A copy of Form 2290 Schedule 1 and sufficient documentation of payment of the tax due at the time Form 2290 was filed. The documentation can include, but is not limited to, a photocopy of both sides of a canceled check, a bank statement indicating the amount of tax paid and electronic acknowledgment indicating a payment of tax, and an Internal Revenue Service printout of the taxpayer's account showing the amount of tax paid.

500.4(2) Additional renewal procedures.

~~a. Units being removed from the fleet shall be deleted on the renewal vehicle schedule and the plates, cab cards and stickers must be returned. In lieu of returning the plates, cab cards and stickers, a qualified fleet owner may submit a self-certification of IRP credential destruction to the office of motor carrier services on or before December 31. Registration renewal fees for deleted units shall be assessed unless the self-certification of IRP credential destruction or the plates, cab cards and stickers are received by the office of motor carrier services or postmarked on or before December 31. Vehicles may be deleted from the fleet at the time of renewal. Operating a vehicle with credentials marked as deleted shall result in the registrant being responsible for any fees assessed including any applicable penalty. Operating a vehicle with credentials that were self-certified as destroyed shall result in suspension of the self-certification privilege.~~

~~b. Units being stored shall be marked "stored" on the renewal vehicle schedule and the plates, cab cards and validation stickers must be returned in accordance with rule 761—500.5(321).~~

~~c. Vehicles may be added at the time of renewal. Upon payment of required fees, an applicant must apply for a temporary evidence of apportioned registration to be issued to operate a vehicle in accordance with the IRP. The department may extend the temporary evidence of apportioned registration if there are extenuating circumstances beyond the applicant's control.~~

~~d. When the registrant is seeking a refund in accordance with Iowa Code section 326.15 for vehicles deleted at the time of renewal, the annual and permanent registration plates and validation stickers must be returned to the vehicle and motor carrier services bureau.~~

~~This rule is intended to implement Iowa Code sections 326.6, 326.11, 326.12, 326.14 and 326.15 as amended by 2004 Iowa Acts, chapter 1013, section 32.~~

ITEM 4. Amend rule 761—500.5(321) as follows:

761—500.5(321) Deadline for placing a vehicle in storage. The registrant of a currently registered vehicle may at any time request that a vehicle be put into storage. The registrant must complete a vehicle schedule and return it with the plate, cab card and validation sticker to the ~~office of vehicle and~~ motor carrier services bureau. The vehicle schedule, plate, cab card and sticker must be received or postmarked on or before ~~January 31~~ the registration expiration date to stop the registration fee from being assessed for the renewal year. The ~~office of vehicle and~~ motor carrier services bureau shall destroy the plate and return the cab card to the registrant with the word "stored" stamped on it. Placing the vehicle in storage stops penalties on registration fees. When the vehicle is taken out of storage, the vehicle shall be assessed for the current annual registration fee.

This rule is intended to implement Iowa Code sections 321.126 and 321.134.

ITEM 5. Amend rule 761—500.6(321,326) as follows:

~~**761—500.6(321,326) Penalty for late filing of renewal Payment, delinquency and suspension.** Renewals postmarked or received in the office of motor carrier services after January 31 are filed late and a 5 percent penalty shall be assessed. An additional 5 percent penalty shall be assessed on the first of each month thereafter until the renewal is filed. The penalty is calculated based on the following:~~

~~**500.6(1)** If the renewal is filed on or before May 19, the penalty shall be calculated on all trailer fees for the current year, on the first half of the Iowa power unit registration fees (both permanent and nonpermanent plated vehicles), and all registration fees due the other jurisdictions. Payment shall be made payable to the Iowa Department of Transportation by cash, check, credit card, or any other means offered by the department. Payment shall be due 30 calendar days from the invoice date. However,~~

renewal invoices shall be due 30 calendar days from the invoice date or by the last day of the registration expiration month, whichever is later.

500.6(2) If the renewal is filed on or after May 20, the penalty shall be calculated on all registration fees due all jurisdictions for the current year only. Invoices not paid by the due date shall be assessed a late payment penalty as provided in Iowa Code sections 326.14 and 326.16. The same penalty amount will be assessed the first of each month thereafter until the total invoice and all penalties are paid in full.

500.6(3) A delinquency notice shall be sent on invoices 30 calendar days overdue. The department shall send a delinquency notice stating the IRP registration shall be suspended unless payment is received within 30 calendar days from the date of the delinquency notice. If payment is not received in a timely manner, a notice of suspension shall be sent to the registrant. When a registrant is under suspension, all of the registrant's Iowa-based IRP vehicles shall be suspended.

This rule is intended to implement Iowa Code sections ~~321.134 and~~ 326.10A, 326.14 and 326.16.

ITEM 6. Amend rule 761—500.7(326) as follows:

761—500.7(326) IRP payment methods Self-certification of IRP registration plate and validation sticker destruction. A registrant with a good Iowa payment history may pay by cash, check, wire transfer or any other means offered by the department. Payment should be made payable to the Iowa Department of Transportation. All other registrants must submit fees by guaranteed funds. Examples of guaranteed funds are: money order, cashier's check, certified check or cash.

500.7(1) In order to request a refund for unused registration fees, unless the registrant qualifies to self-certify destruction under this rule, plates and validation stickers must be returned to the department when a vehicle is deleted from the fleet. A registrant must meet all of the following requirements to qualify for department approval to self-certify destruction of IRP credentials:

a. A minimum of five years' experience with IRP registration.

b. A satisfactory IRP payment history. A satisfactory payment history includes, but is not limited to, no suspension of IRP registration in the last five years due to late payment or returned check because of insufficient funds.

c. A satisfactory rating from the U.S. Department of Transportation in the previous five years.

500.7(2) A motor carrier subject to a federal out-of-service order in the current year or any of the four prior years shall not be eligible to self-certify IRP credential destruction.

This rule is intended to implement Iowa Code section ~~326.10A~~ 326.15.

ITEM 7. Amend rule 761—500.8(326) as follows:

761—500.8(326) IRP plate credentials. Upon payment of appropriate fees and submission of all required documentation, the ~~office of vehicle and~~ motor carrier services bureau shall issue one IRP ~~nonexpiring~~ plate for each power unit to be mounted on the front of the power unit, and one ~~nonexpiring~~ trailer plate to be mounted on the rear of the trailer, and one cab card for each power unit. The cab card may be in either a physical or electronic format.

This rule is intended to implement Iowa Code sections ~~section~~ 326.14 and 326.17.

ITEM 8. Amend rule 761—500.9(326) as follows:

761—500.9(326) Fleet Nonrenewal vehicle additions and temporary authority. A registrant may ~~submit add~~ a vehicle schedule to ~~change the fleet operations at any time after the commencement of the registration year.~~ A Upon payment of required fees, temporary authority evidence of apportioned registration may be issued to operate a the vehicle(s) for the period of time required to process the vehicle schedule. The temporary authority evidence of apportioned registration shall not exceed ~~60~~ 45 days. However, ~~at the discretion of the permitting authority, the 60-day department may extend the temporary authority may be extended~~ evidence of apportioned registration for up to a total of 60 days if there are extenuating circumstances. Once temporary authority evidence of apportioned registration is generated

issued and used, fees shall be due and the invoice may only be canceled if an error was made by the department or there were extenuating circumstances for which nonuse can be proven.

This rule is intended to implement Iowa Code section 326.11 as amended by 2005 Iowa Acts, House File 216, section 41.

ITEM 9. Amend rule 761—500.10(326) as follows:

761—500.10(326) Fleet Nonrenewal vehicle deletions. A registrant may ~~remove~~ delete vehicles from the fleet at any time after the commencement of the registration year ~~or from the second half invoice.~~ ~~Vehicles shall be deleted on the vehicle schedule, and the~~ The plates, cab cards and validation stickers must be returned to the office of vehicle and motor carrier services bureau at the time of deletion. In lieu of returning the plates, cab cards and validation stickers, a qualified fleet owner registrant under rule 761—500.7(326) may submit a self-certification of IRP credential destruction on or before the vehicle(s) deletion date to the office of vehicle and motor carrier services bureau. Second half fees for deleted vehicles shall be assessed unless the self-certification of IRP credential destruction or the plates, cab cards and stickers are received by the office of motor carrier services or postmarked on or before June 30. Operating a vehicle with credentials that were self-certified as destroyed shall result in suspension of the self-certification privilege, and the registrant shall be responsible for any additional fees that would have been due beyond the stated destruction date.

This rule is intended to implement Iowa Code sections 326.12 and 326.15 as amended by 2004 Iowa Acts, chapter 1013, section 32.

ITEM 10. Amend rule 761—500.11(326) as follows:

761—500.11(326) Voluntary cancellation of registration. A registrant may cancel an application for IRP registration ~~(the IRP vehicle schedule)~~ if the registrant notifies the office of vehicle and motor carrier services bureau within 15 days of the invoice date. The notice shall state the reason for cancellation, the licensing status and ownership and be signed by the registrant or its representative. If notice is not received within 15 days or, if a temporary permit evidence of apportioned registration was issued in accordance with 761—500.9(326), all registration fees must be paid in full.

This rule is intended to implement Iowa Code sections 326.6 and 326.11.

ITEM 11. Amend rule 761—500.12(326) as follows:

761—500.12(326) Policy on registration credit. If a vehicle is deleted from the IRP fleet and replaced with another vehicle, registration credit may be applied to IRP fees due on the replacement vehicle. The vehicle schedule identifying the added and deleted vehicles must be submitted to the office of vehicle and motor carrier services bureau. The deletion must take place on or before the effective date of the replacement unit's vehicle's registration fees are required to be effective by law. ~~In accordance with Iowa Code section 326.12, credit shall not be allowed if the registrant is filing late. Allowance for credit of deleted vehicles shall be subject to the conditions set forth in Iowa Code section 326.12.~~

This rule is intended to implement Iowa Code section 326.12.

ITEM 12. Amend rule 761—500.13(326) as follows:

761—500.13(326) Penalty for late filing of vehicle schedule.

500.13(1) ~~A As~~ provided in Iowa Code sections 326.14 and 326.16, a late filing penalty of 5 percent shall be assessed to the vehicle if a vehicle schedule is not filed within 30 days of:

- a. The purchase of a new or used vehicle;
- b. ~~A vehicle's being brought into Iowa from out of state to be registered; or~~ The date a vehicle is brought across state borders into Iowa to be registered; or
- c. A vehicle's vehicle being first operated with the exemption allowed under Iowa Code section 321.20A.

500.13(2) ~~The 5 percent penalty is calculated based on the following:~~

~~a. If the vehicle schedule is filed on or before May 19, the penalty shall be calculated on all trailer fees for the current year, on the first half of the Iowa power unit registration fees (both permanent and nonpermanent plated vehicles) and all registration fees due the other jurisdictions.~~

~~b. If the vehicle schedule is filed on or after May 20, the penalty shall be calculated on all registration fees due all jurisdictions for the current year only.~~

~~500.13(3)~~ 500.13(2) An additional 5 percent penalty shall be assessed on the first of each month thereafter until the vehicle schedule is filed.

~~500.13(4)~~ 500.13(3) The department may collect intrastate registration fees and penalties when registering a delinquent vehicle to bring the vehicle fees current before allowing the IRP registration of the vehicle.

This rule is intended to implement Iowa Code ~~section 326.11~~ sections 321.20A, 326.11, 326.14 and 326.16.

ITEM 13. Rescind and reserve rules ~~761—500.14(326)~~ to ~~761—500.16(321,326)~~.

ITEM 14. Amend rule 761—500.17(326) as follows:

761—500.17(326) Duplicate credentials. The fees for duplicate credentials are as follows:

500.17(1) A replacement cab card is \$3.

500.17(2) A replacement plate including the cab card is \$8. ~~If applicable, a mailing fee will also be assessed.~~

500.17(3) ~~A validation sticker replacement including the cab card is \$3.50~~ If applicable, a mailing fee will also be assessed based on the number of plates or cab cards being issued.

This rule is intended to implement Iowa Code section 326.22.

ITEM 15. Rescind and reserve rules ~~761—500.18(326)~~ and ~~761—500.19(326)~~.

ITEM 16. Amend rule 761—500.20(326) as follows:

761—500.20(326) Making claim for refund. A refund of Iowa fees previously paid for the registration of vehicles may be made in accordance with Iowa Code sections 321.126, 321.127, ~~321.173~~ 321.129 and 326.15 as amended by 2004 Iowa Acts, chapter 1013, section 32. A claim for refund ~~on an IRP registered vehicle(s) form~~ may be obtained from the office of vehicle and motor carrier services bureau. In lieu of returning the plates, a qualified ~~fleet owner~~ registrant may submit a self-certification of IRP credential destruction on or before the vehicle's deletion date to the ~~office of vehicle and motor carrier services bureau~~.

This rule is intended to implement Iowa Code sections 321.126, 321.127, 321.129 and 326.15 as amended by 2004 Iowa Acts, chapter 1013, section 32.

ITEM 17. Rescind and reserve rule ~~761—500.21(326)~~.

ITEM 18. Amend rule 761—500.22(326) as follows:

761—500.22(326) Registration of vehicles with non-Iowa titles. Registrants applying for registration for non-Iowa titled vehicles shall submit to the office of vehicle and motor carrier services bureau with the application or payment as specified in rule 761—500.7(326) either a ~~photocopy~~ copy of the non-Iowa title or a copy of the title application if the title has not been issued. If a jurisdiction does not issue titles, a ~~photocopy~~ copy of the bill of sale or a copy of the Canadian registration shall accompany the application or payment.

This rule is intended to implement Iowa Code section ~~326.45~~ 326.11.

ITEM 19. Amend rule 761—500.23(326) as follows:

761—500.23(326) Record retention.

500.23(1) *Record retention requirement and penalty.* Iowa IRP registrants shall preserve the records upon which their registration is based as required by the IRP ~~and Iowa Code section 326.19~~ for the current registration year and the three preceding registration years. On request, the registrant shall make such

records available for audit. The department may assess a penalty upon registrants who have failed to maintain proper records.

500.23(2) Mileage Adequacy of records. ~~Mileage~~ The records shall be preserved for the current registration year and the three preceding registration years. Mileage summaries must be supported by individual vehicle mileage records to provide an auditable system. ~~maintained by a registrant shall be adequate to enable the department to verify the distances reported in the registrant's application for apportioned registration and to evaluate the accuracy of the registrant's distance accounting system. The records may be produced through any means and retained in any format or medium available to the registrant and accessible by the department.~~

a. The following records produced by a means other than a vehicle-tracking system shall be considered adequate:

- (1) The beginning and ending dates of the trip to which the records pertain.
- (2) The origin and destination of the trip.
- (3) The route of travel.
- (4) The beginning and ending reading from the odometer, hubodometer, engine control module (ECM), or any similar device for the trip.

(5) The total distance of the trip.

(6) The distance traveled in each jurisdiction.

(7) The vehicle identification number or vehicle unit number.

b. The following records produced wholly or partly by a vehicle-tracking system, including a system based on a global positioning system (GPS) shall be considered adequate under this subrule:

- (1) The original GPS or other location date for the vehicle to which the records pertain.
- (2) The date and time of each GPS reading or other system reading.
- (3) The location of each GPS reading or other system reading.
- (4) The beginning and ending reading from the odometer, hubodometer, engine control module (ECM), or any similar device for the period to which the records pertain.

(5) The calculated distance between each GPS reading or other system reading.

(6) The route of the vehicle's travel.

(7) The total distance traveled by the vehicle.

(8) The distance traveled in each jurisdiction.

(9) The vehicle identification number or vehicle unit number.

500.23(3) Source documents Summaries. ~~Individual vehicle mileage records as specified in the IRP audit guidelines shall be acceptable to verify fleet mileage. The individual vehicle mileage record must include all of the following~~ following summaries shall be maintained:

a. Date of trip (starting and ending dates); A summary of the fleet's operations of each month, which includes both the full distance traveled by each apportioned vehicle in the fleet during the calendar month and the distance traveled in the month by each apportioned vehicle in each jurisdiction.

b. Trip origin and destination; A summary of the fleet's operations for each calendar quarter, which includes both the full distance traveled by vehicles in the fleet during the calendar quarter and the distance traveled in each jurisdiction by the vehicles in the fleet during the calendar quarter.

c. Routes of travel;

d. Total trip miles;

e. Mileage by jurisdiction; and

f. Unit number or vehicle identification number.

~~Odometer readings may be substituted for routes of travel if the substitution is approved by the department.~~

500.23(4) Reaudit and assessment. ~~If an audit determines that a registrant has not maintained adequate mileage records, the following procedures shall apply:~~

a. The department shall send an audit report to the registrant, detailing the areas of noncompliance.

b. After a three-month grace period, the department shall reaudit the registrant's records to monitor improvement. If the registrant's record-keeping system is not in compliance at the time of the reaudit, the

department shall assess an audit penalty. The penalty shall equal 20 percent of the registrant's projected full Iowa fees for the registration year audited.

e.—After an initial billing, the registrant shall be subject to periodic reaudits, and penalties may be assessed for up to three full years of subsequent noncompliance, pursuant to the IRP agreement.

This rule is intended to implement Iowa Code sections ~~326.19~~ and section 326.19A.

ITEM 20. Amend rule 761—500.24(326) as follows:

761—500.24(326) Trip permits. The registrants may meet the registration requirements of Iowa Code chapter 326 by operating under a trip permit. However, moves that are intrastate or exceed legal dimensions or weight and operate under permit as specified in Iowa Code chapter 321E shall not be allowed. ~~Trip permits may be obtained as follows:~~

~~500.24(1) The registrant, permit service or process agent may request trip permits by facsimile, telephone, the Internet or mail~~ Trip permits may be obtained through the department's website, by mail, or in person from the office of vehicle and motor carrier services bureau. Such requests shall include the appropriate permit fee remittance. Registrants purchasing trip permits in advance of use may not return unused permits for a refund.

~~500.24(2) Permits may be purchased directly from truck stops in several locations across the state that have executed a "Trip Permit Agreement." The registrant may obtain a list of participating truck stops by contacting the office of motor carrier services~~ Registrants purchasing trip permits in advance of use may not return unused permits for a refund.

This rule is intended to implement Iowa Code sections 326.23 and 326.46.

ITEM 21. Amend rule 761—500.25(326) as follows:

761—500.25(326) Electronic information. To the greatest extent possible, the ~~office of vehicle and motor carrier services bureau~~ shall maintain in electronic form all records required under this chapter. The retention period for electronic records must follow the guidelines of the IRP.

~~500.25(1) IRP vehicle transaction.~~ The ~~office of vehicle and motor carrier services bureau~~ shall destroy paper copies of IRP vehicle transaction requests 90 days after the IRP invoice is generated.

~~500.25(2) Heavy highway vehicle schedule Federal heavy use tax (Form 2290 Schedule 1).~~ The ~~office of vehicle and motor carrier services bureau~~ shall ~~destroy paper copies of the heavy highway vehicle schedule once the electronic record is updated~~ maintain Form 2290 Schedule 1 in accordance with 23 CFR Section 669.9.

~~500.25(3) MCS 150.~~ The office of motor carrier services shall forward the updated Federal Highway Administration's motor carrier identification information (MCS 150) to the Federal Motor Carrier Safety Administration office after the update is marked on the electronic record. ~~The office of motor carrier services shall not retain paper copies of this form.~~

This rule is intended to implement Iowa Code section 326.33.