

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to persons with disabilities parking permits
and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 411, “Persons with Disabilities Parking Permits,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321L.8.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 321L.

Purpose and Summary

This proposed rule making relates to persons with disabilities (PWD) parking permits and aligns with existing legal authority and Department practice and eliminates outdated or irrelevant requirements or options.

The rule defining a medical provider’s statement of disability is proposed to be amended to align with Iowa Code section 321L.2, which requires a medical provider’s statement of disability to be on the medical provider’s stationery. The proposed amendments clarify that stationery can include any communication, electronic or otherwise, that the Department can reasonably identify as originating from the applicant’s medical provider, which aligns with current Department practice and streamlines PWD parking permit application processing.

The rule outlining the requirements for a PWD parking sticker is proposed to be amended to clarify that a PWD sticker is not intended to be placed on a PWD license plate because placing a PWD sticker on a PWD license plate would be redundant.

The proposed amendments to the PWD parking permit application requirements align with Iowa Code requirements. These amendments allow the Department to accept a PWD parking permit application without the social security number, driver’s license number, or nonoperator’s identification card number of a person with a disability if the application is made on behalf of a person less than one year old. They also require a PWD parking permit application submitted by an organization to include both the name of the organization and the name of the authorized representative of the organization on the application, and they clarify that a PWD parking permit that is no longer being used may be returned to the Department, any driver’s license service center, or any law enforcement office.

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 application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 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 4, 2022. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
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 6, 2022, via conference call at 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on January 4, 2022, 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—411.1(321L) as follows:

761—411.1(321L) Information and applications. Information and applications regarding persons with disabilities parking permits are available, electronically or otherwise, by mail from the ~~Office of Vehicle and Motor Carrier Services~~ Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3110; by facsimile at (515)237-3056; by email at vscusto@iowadot.us; or on the department's ~~Web site~~ website at www.iowadot.gov.

ITEM 2. Amend subrule 411.2(2) as follows:

411.2(2) As used in this chapter, ~~unless the context otherwise requires:~~

“Child” means the same as defined in 761—subrule 401.20(2).

“Health care provider” means a physician licensed under Iowa Code chapter 148 or 149, a physician assistant licensed under Iowa Code chapter 148C, an advanced registered nurse practitioner licensed under Iowa Code chapter 152, or a chiropractor licensed under Iowa Code chapter 151, or a physician, physician assistant, nurse practitioner, or chiropractor licensed to practice in a contiguous state as set forth in Iowa Code section 321L.2(1).

“*Nonexpiring removable windshield placard*” means a removable windshield placard issued on or before December 31, 2016, to a person with a permanent disability.

“*Organization*” means an applicant that is a corporation, partnership, sole proprietorship, business trust, estate, trust, limited liability company, association, joint venture, government, governmental subdivision, agency, instrumentality, public corporation, or any other legal or commercial entity lawfully doing business in the state of Iowa that has a program for transporting persons with disabilities or elderly persons.

“*Permanent disability*” means an applicant is a person with a disability as defined in Iowa Code section 321L.1(8) and the disability will continue indefinitely without resolution and is reasonably expected to last the applicant’s lifetime.

“*Standard removable windshield placard*” means a removable windshield placard issued on or after January 1, 2017, to a person with a permanent disability.

“*Statement of disability*” means a communication, electronic or otherwise, originating from the applicant’s health care provider, which attests that the applicant is a person with a disability as defined in Iowa Code section 321L.1(8). The statement must state the nature of the applicant’s disability and indicate whether the applicant’s disability is “temporary” or “permanent.” If the disability is temporary, the statement shall state the period of time during which the applicant is expected to be disabled and the period of time for which the permit should be issued, not to exceed six months. The statement must reasonably identify, on or within its contents, that it originated from the applicant’s health care provider be written on the health care provider’s stationery.

“*Stationery*” means any communication, electronic or otherwise, from which the department may reasonably identify, on or within its contents, that it originated from the applicant’s health care provider.

“*Temporary disability*” means an applicant is a person with a disability as defined in Iowa Code section 321L.1(8) and the disability is not permanent and is reasonably expected to last for only a limited period of time.

“*Temporary removable windshield placard*” means a removable windshield placard issued to a person with a temporary disability.

ITEM 3. Amend rule 761—411.3(321L) as follows:

761—411.3(321L) Application for persons with disabilities parking permit.

411.3(1) No change.

411.3(2) *Application requirements.* An application shall include the applicant’s full legal name, address, date of birth, social security number or Iowa driver’s license number or Iowa nonoperator’s identification number, and a statement of disability from the applicant’s health care provider. However, if the application is made on behalf of a person who is less than one year old, ~~the application does not have pursuant to Iowa Code section 321L.2, the department may accept the application without the requirement to include a social security number, Iowa driver’s license number, or nonoperator’s identification card number for the person.~~ In lieu of a statement of disability from a health care provider, an applicant who is certified by the U.S. Department of Veterans Affairs as having a permanent disability may submit both of the following with an otherwise completed persons with disabilities parking permit application:

a. and *b.* No change.

411.3(3) *Availability of application.* Applications may be obtained from any of the following:

a. The department’s ~~Web site~~ website as set forth in rule 761—411.1(321L).

b. The department’s ~~office of vehicle and motor carrier services~~ motor vehicle division.

c. A driver’s license ~~station~~ service center.

d. No change.

~~*e.* The Office of Persons with Disabilities, Iowa Department of Human Rights, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319.~~

411.3(4) *Application submission.* Completed applications shall be submitted, ~~electronically or otherwise, to~~ in any of the following ways:

a. ~~The department's office of vehicle and motor carrier services~~ By mail to the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by facsimile at (515)237-3056; or by email at vscusto@iowadot.us.

b. ~~A~~ In person at a driver's license station service center.

c. ~~A~~ To the county treasurer's office.

411.3(5) Application submitted by an organization. An application submitted by an organization shall include the name, of the organization; the name of its authorized representative; the mailing address, telephone number, and signature of its authorized representative; and if required to obtain one, the organization's federal employer identification number or federal tax identification number.

ITEM 4. Amend subrule 411.5(1) as follows:

411.5(1) Eligibility. A persons with disabilities special registration plate parking sticker may be issued to a person with a permanent disability who owns a motor vehicle for which the person has been issued disabled veteran plates under Iowa Code section 321.105 or registration plates under Iowa Code section 321.34. A special registration plate parking sticker shall not be issued to a person with a temporary disability or to an organization. In no event shall a special registration plate parking sticker be placed on persons with disabilities special plates issued under Iowa Code section 321.34(14).

ITEM 5. Amend rule 761—411.7(321L) as follows:

761—411.7(321L) Return of persons with disabilities parking permit. A persons with disabilities parking permit issued pursuant to this chapter and Iowa Code section 321L.2 shall be returned to the department, to a driver's license service center, or to any law enforcement office within ten days of an occurrence of any of the events set forth in Iowa Code section 321L.3(1) and in the manner prescribed in Iowa Code section 321L.3(3).

ITEM 6. Amend subrule 411.9(2) as follows:

411.9(2) The request shall be submitted in writing, to the director of the ~~office of vehicle and motor carrier services~~ vehicle division, at the address listed in rule 761—411.1(321L), and may be submitted electronically by facsimile, e-mail email or other means prescribed by the department. To be timely, the request must be submitted within ten days of the receipt of notice of revocation.