

COMMERCE DEPARTMENT[181]

Notice of Intended Action

**Proposing rulemaking related to organization and operation
and providing an opportunity for public comment**

The Commerce Department hereby proposes to rescind Chapter 1, “Organization and Operation,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 546.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 546.

Purpose and Summary

The proposed chapter provides the organizational structure for the Department of Insurance and Financial Services (Department).

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to Iowa Code chapter 17A.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on February 15, 2024. Comments should be directed to:

Angela Burke Boston
Iowa Insurance Division
1963 Bell Avenue, Suite 100
Des Moines, Iowa 50315
Phone: 515.654.6543
Email: angela.burke.boston@iid.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

February 15, 2024
10 to 11 a.m.

1963 Bell Avenue, Suite 100
Des Moines, Iowa

February 15, 2024
3 to 4 p.m.

1963 Bell Avenue, Suite 100
Des Moines, Iowa

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Angela Burke Boston via email at angela.burke.boston@iid.iowa.gov or by telephone at 515.654.6543 and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

ITEM 1. Rescind 181—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ORGANIZATION AND OPERATION

181—1.1(546,17A) Purpose. This chapter describes the organization and operation of the department of insurance and financial services (department).

181—1.2(546,17A) Scope of rules. The rules for the department are promulgated under Iowa Code chapters 17A and 546 and shall apply to all matters before the department. No rule shall, in any way, relieve a person affected by or subject to these rules or any person affected by or subject to the rules promulgated by the various divisions of the department from any duty under the laws of this state.

181—1.3(546,17A) Duties of the department. The department administers and coordinates the various regulatory, service, and licensing functions of the state relating to the conducting of business or commerce in the state. The department consists of the following divisions: banking, credit union, and insurance.

1.3(1) Banking division. The banking division regulates and supervises state banks, regulated loan companies, industrial loan companies, mortgage bankers, mortgage brokers, real estate closing agents, debt management companies, money services companies, and delayed deposit service businesses and performs other duties assigned to it by law.

1.3(2) Credit union division. The credit union division regulates and supervises the operation of credit unions within the state; the credit union review board performs duties assigned to it by Iowa Code chapter 533.

1.3(3) Insurance division. The insurance division regulates and supervises the conduct of the business of insurance within the state and enforces the laws promulgated under Title XIII of the Iowa Code and Iowa Code chapters 502, 502A, 505, 505A through 523A, 523C, 523D, and 523I. The division performs other duties assigned to it by law.

181—1.4(546,17A) Definitions.

“*Administrator*” means the commissioner of insurance, the superintendent of banking, or the superintendent of credit unions.

“*Commissioner of insurance*” means the same as defined in Iowa Code section 505.2.

“*Department*” means the department of insurance and financial services.

“*Person*” means an individual, corporation, partnership, association, professional corporation, licensee or permittee.

“*Superintendent of banking*” means the same as defined in Iowa Code section 524.201.

“*Superintendent of credit unions*” means the same as defined in Iowa Code section 533.104.

181—1.5(546,17A) Central offices and communications. Correspondence and communications with the department shall be addressed or directed to the department’s director. The department director is the commissioner of insurance. The department’s website is iowa.gov/difs.

181—1.6(546,17A) Custodians of records, filings and requests for public information. Unless otherwise specified by the department or the rules of its various divisions, each division is the principal custodian of its own divisional orders, statements of law or policy issued by the respective divisions, legal documents and other public documents on file with the department or its respective divisions. This is true in particular for the Iowa fair information practices Act. The responsibility for complying with that Act shall be upon the individual divisions. Each division shall promulgate rules pursuant to Iowa Code chapter 17A governing the manner in which documents may be filed with the respective divisions.

181—1.7(546,17A) Division administrators’ responsibilities.

1.7(1) Rulemaking. Each division administrator has the authority to promulgate rules pursuant to Iowa Code chapter 17A to implement the duties of the division. Such rules are not subject to review by the department director. All applicable rules previously promulgated by the divisions shall remain in effect until amended by the divisions.

1.7(2) Decision making. Decisions of the division administrator with respect to duties assigned to the division under the law are final agency actions pursuant to Iowa Code chapter 17A. Decisions by either the commissions or division administrators are not subject to review by the department director.

1.7(3) Supervision. Each division administrator has the authority to hire, allocate, develop, and direct employees and other resources assigned to the division by law.

1.7(4) Establish fees. Each division administrator has the authority to establish fees assessed to the regulated industry. The fees so established are not reviewable by the department director.

1.7(5) Expenditure authorization. Each division administrator may authorize expenditures from accounts for that division or office within the department of commerce revolving fund established in Iowa Code section 546.12, or otherwise use funds as permitted by Iowa Code section 546.12.

181—1.8(17A) Petitions for rulemaking—uniform rules adopted. The department hereby adopts the Uniform Rules on Agency Procedure relating to petitions for rulemaking, which are published on the general assembly’s website at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf, as rules 181—1.9(17A) to 181—1.12(17A) below, with amendments and exceptions specified therein.

181—1.9(17A) Petition for rulemaking. Rule X.1 is adopted by reference with the following amendments: Any person or agency may file a petition for rulemaking with the respective division at the address disclosed on the department’s website. A petition is deemed filed when it is received. The respective division must provide the petitioner with a file-stamped copy of the petition if the petitioner provides the respective division an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

181—1.10(17A) Briefs. Rule X.2 is adopted by reference.

181—1.11(17A) Inquiries. Rule X.3 is adopted by reference.

181—1.12(17A) Agency consideration. Rule X.4 is adopted by reference.

These rules are intended to implement Iowa Code sections 17A.3 and 546.2.