ARC 8395C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to persons with disabilities parking permits and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 411, "Persons with Disabilities Parking Permits," 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 sections 307.12(1)"j," 321.16, 321L.2 and 321L.8.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 321L and section 321.16.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 411 in compliance with Executive Order 10. The purpose of proposed Chapter 411 is to comply with Iowa Code chapter 321L outlining the procedures for eligible persons to obtain a permit to park in a location designated for persons with disabilities. The Iowa Code authorizes the Department to issue the following types of persons with disabilities parking permits: (1) persons with disabilities registration plates, (2) persons with disabilities parking stickers, and (3) persons with disabilities removable windshield placard. The chapter outlines the application and issuance procedures for eligible persons to obtain a persons with disabilities parking sticker or a persons with disabilities removable windshield placard. The requirements and procedures for applying for and obtaining a persons with disabilities registration plate are contained in Chapter 401.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 4, 2024. A public hearing was held on the following date(s):

- September 30, 2024

The Department received no comments.

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 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 19, 2024. 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

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

December 19, 2024 9 to 9:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 853 336 648
December 19, 2024 2 to 2:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 387 451 849

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 impairments, should contact Tracy George 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 761—Chapter 411 and adopt the following **new** chapter in lieu thereof:

CHAPTER 411
PERSONS WITH DISABILITIES PARKING PERMITS

761—411.1(321L) Definitions.

411.1(1) The definitions in Iowa Code section 321L.1 are hereby made part of and fully incorporated in this chapter.

"Health care provider" means a licensed medical professional listed 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 lifelong 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.

"Standard removable windshield placard" means a removable windshield placard issued on or after January 1, 2017, to a person with a lifelong disability.

"Statement of disability" means the communication originating from the applicant's health care provider as described in Iowa Code section 321L.2, which attests that the applicant is a person with a disability as defined in Iowa Code section 321L.1(8) and, if applicable, identifies the period of time during which the applicant is expected to be disabled.

"Temporary removable windshield placard" means a removable windshield placard issued to a person with a statement of disability that indicates the disability is temporary.

411.1(2) Reserved.

This rule is intended to implement Iowa Code sections 321L.1 and 321L.2.

761—411.2(321L) Application for persons with disabilities parking permit.

411.2(1) *General.*

a. A person seeking a persons with disabilities parking permit pursuant to Iowa Code section 321L.2 shall complete Form 411055 and include a statement of disability and any required supporting documentation. The applicant is to indicate which of the following permits the applicant is seeking:

(1) Temporary removable windshield placard.

(2) Standard removable windshield placard.

(3) Persons with disabilities parking sticker.

(4) Persons with disabilities special registration plates.

b. An applicant seeking persons with disabilities special registration plates must also submit an application as described in 761—subrule 401.2(3).

c. An organization seeking a persons with disabilities removable windshield placard shall complete Form 411355 and include 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. An application made by an organization does not have to include a statement of disability.

d. An applicant who provides a certification of disability from the U.S. Department of Veterans Affairs in lieu of a statement of disability must also self-certify, under penalty of perjury, that the nature of the applicant's disability certified by the U.S. Department of Veterans Affairs is a lifelong disability that impairs the applicant's mobility to the extent defined in Iowa Code section 321L.1(8).

411.2(2) *Application forms and submission.*

a. Applications may be obtained by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; by telephone at 515.237.3110; by facsimile at 515.237.3056; by email at vscusto@iowadot.us; or on the department's website at www.iowadot.gov/mvd/vehicleregistration/persons-with-disabilities. Applications may also be obtained from a driver's license service center or county treasurer's office.

b. Completed applications are to be submitted by any method in paragraph 411.2(2)*"a."*

This rule is intended to implement Iowa Code sections 321L.1, 321L.2 and 321L.8.

761—411.3(321L) Removable windshield placards.

411.3(1) *Nonexpiring removable windshield placards.*

a. Period of validity. A nonexpiring removable windshield placard issued on or before December 31, 2016, remains valid until the occurrence of any condition set forth in Iowa Code section 321L.3(1), the procedure set forth in rule 761—411.6(321L), and as otherwise specified by statute or rule.

b. Replacement. A lost, stolen, or damaged nonexpiring removable windshield placard will be replaced with a standard removable windshield placard.

411.3(2) *Standard removable windshield placards.*

a. Period of validity. A standard removable windshield placard may be issued only to a person with a lifelong disability and is valid for a period of five years.

b. Renewal. A person who holds a valid standard removable windshield placard may renew the placard by submitting a new statement of disability indicating the applicant has a continuing need for the placard and a new persons with disabilities parking permit application pursuant to rule 761—411.2(321L).

411.3(3) *Temporary removable windshield placards.* A temporary removable windshield placard may be issued to the applicant if the applicant's statement of disability indicates the applicant's disability is temporary. An organization is not eligible to apply for a temporary removable windshield placard.

a. Period of validity. A temporary removable windshield placard shall be valid for the period of time indicated on the statement of disability, but not to exceed six months.

b. Renewal. A person who holds a valid temporary removable windshield placard may renew the placard by submitting a new statement of disability and a new persons with disabilities parking permit application pursuant to rule 761—411.2(321L).

411.3(4) *Removable windshield placards for an organization.* An organization may be issued a removable windshield placard. The placard shall bear the name of the organization and the signature of its authorized representative.

a. Period of validity. A removable windshield placard issued to an organization shall be valid for four years.

b. Renewal. The organization may renew a placard issued to it by submitting a new persons with disabilities parking permit application pursuant to rule 761—411.2(321L) provided the organization continues to provide the service for which the placard was issued. If at any time the organization ceases providing the service for which the placard was issued, the organization shall immediately surrender the placard to the department.

411.3(5) *Display of placards.* A removable windshield placard displayed when the vehicle is parked in a persons with disabilities parking space as prescribed in Iowa Code section 321L.4 shall be displayed in a manner that allows the entire placard to be visible through the vehicle's windshield.

This rule is intended to implement Iowa Code sections 321L.1, 321L.2 and 321L.4.

761—411.4(321L) Persons with disabilities parking stickers.

411.4(1) *Eligibility.* A persons with disabilities parking sticker may be issued only to an eligible person under Iowa Code section 321L.2 with a lifelong disability. An organization is not eligible for a persons with disabilities parking sticker.

411.4(2) *Period of validity.* The special registration plate parking sticker is valid for such period of time that the registration for the vehicle remains valid.

411.4(3) *Display.* The special registration plate parking sticker shall be affixed to the lower right corner of the rear registration plate, as required by rule 761—400.53(321). A persons with disabilities parking sticker shall not be placed on persons with disabilities special plates issued under Iowa Code section 321.34(14).

This rule is intended to implement Iowa Code sections 321L.1, 321L.2 and 321L.4.

761—411.5(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).

This rule is intended to implement Iowa Code section 321L.3.

761—411.6(17A,321,321L) Revocation of a persons with disabilities parking permit—service, appeal and stay.

411.6(1) *Revocation.* A person's or organization's persons with disabilities parking permit shall be revoked if the department determines it has been issued in conflict with the statutes or rules governing the permit's issuance.

411.6(2) *Service of notice.* Notice of revocation is served by first-class mail to the mailing address on the applicable application for a persons with disabilities parking permit. The department may prepare an affidavit of mailing verifying a notice was mailed by first-class mail using its records in conjunction with U.S. Postal Service records, and the affidavit may be attested to and certified in accordance with Iowa Code section 622.1.

411.6(3) *Appeal.* The person or organization may contest the decision of the department in accordance with 761—Chapter 13. The request will be deemed timely if it is delivered or postmarked within ten days of the receipt of notice of revocation.

411.6(4) *Stay.* When the department receives a properly submitted, timely appeal request, the department shall stay the revocation pending resolution of the appeal.

This rule is intended to implement Iowa Code chapter 17A and sections 321.16, 321L.2 and 321L.4.