



# IOWA ADMINISTRATIVE BULLETIN

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## PREFACE

The Iowa Administrative Bulletin is published biweekly pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; usury rates [535.2(3)“a”]; agricultural credit corporation maximum loan rates [535.12]; and other items required by statute to be published in the Bulletin.

**PLEASE NOTE:** Underscore indicates new material added to existing rules; ~~strike-through~~ indicates deleted material.

JACK EWING, Administrative Code Editor  
Publications Editing Office (Administrative Code)

Telephone: 515.281.6048  
Telephone: 515.281.3355

Email: [Jack.Ewing@legis.iowa.gov](mailto:Jack.Ewing@legis.iowa.gov)  
Email: [AdminCode@legis.iowa.gov](mailto:AdminCode@legis.iowa.gov)

### CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, paragraph, subparagraph, or numbered paragraph).

This citation format applies only to external citations to the Iowa Administrative Code or Iowa Administrative Bulletin and does not apply to citations within the Iowa Administrative Code or Iowa Administrative Bulletin.

441 IAC 79	(Chapter)
441 IAC 79.1	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)“a”	(Paragraph)
441 IAC 79.1(1)“a”(1)	(Subparagraph)
441 IAC 79.1(1)“a”(1)“1”	(Numbered paragraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

IAB Vol. XII, No. 23 (5/16/90) p. 2050, ARC 872A

NOTE: In accordance with Iowa Code section 2B.5A, a rule number within the Iowa Administrative Code includes a reference to the statute which the rule is intended to implement: 441—79.1(249A).

## Schedule for Rule Making 2022

NOTICE† SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
<b>**Dec. 22 '21**</b>	Jan. 12 '22	Feb. 1 '22	Feb. 16 '22	Feb. 18 '22	Mar. 9 '22	Apr. 13 '22	July 11 '22
<b>**Jan. 5**</b>	Jan. 26	Feb. 15	Mar. 2	Mar. 4	Mar. 23	Apr. 27	July 25
Jan. 21	Feb. 9	Mar. 1	Mar. 16	Mar. 18	Apr. 6	May 11	Aug. 8
Feb. 4	Feb. 23	Mar. 15	Mar. 30	Apr. 1	Apr. 20	May 25	Aug. 22
Feb. 18	Mar. 9	Mar. 29	Apr. 13	Apr. 15	May 4	June 8	Sep. 5
Mar. 4	Mar. 23	Apr. 12	Apr. 27	Apr. 29	May 18	June 22	Sep. 19
Mar. 18	Apr. 6	Apr. 26	May 11	<b>**May 11**</b>	June 1	July 6	Oct. 3
Apr. 1	Apr. 20	May 10	May 25	May 27	June 15	July 20	Oct. 17
Apr. 15	May 4	May 24	June 8	June 10	June 29	Aug. 3	Oct. 31
Apr. 29	May 18	June 7	June 22	<b>**June 22**</b>	July 13	Aug. 17	Nov. 14
<b>**May 11**</b>	June 1	June 21	July 6	July 8	July 27	Aug. 31	Nov. 28
May 27	June 15	July 5	July 20	July 22	Aug. 10	Sep. 14	Dec. 12
June 10	June 29	July 19	Aug. 3	Aug. 5	Aug. 24	Sep. 28	Dec. 26
<b>**June 22**</b>	July 13	Aug. 2	Aug. 17	<b>**Aug. 17**</b>	Sep. 7	Oct. 12	Jan. 9 '23
July 8	July 27	Aug. 16	Aug. 31	Sep. 2	Sep. 21	Oct. 26	Jan. 23 '23
July 22	Aug. 10	Aug. 30	Sep. 14	Sep. 16	Oct. 5	Nov. 9	Feb. 6 '23
Aug. 5	Aug. 24	Sep. 13	Sep. 28	Sep. 30	Oct. 19	Nov. 23	Feb. 20 '23
<b>**Aug. 17**</b>	Sep. 7	Sep. 27	Oct. 12	Oct. 14	Nov. 2	Dec. 7	Mar. 6 '23
Sep. 2	Sep. 21	Oct. 11	Oct. 26	<b>**Oct. 26**</b>	Nov. 16	Dec. 21	Mar. 20 '23
Sep. 16	Oct. 5	Oct. 25	Nov. 9	<b>**Nov. 9**</b>	Nov. 30	Jan. 4 '23	Apr. 3 '23
Sep. 30	Oct. 19	Nov. 8	Nov. 23	Nov. 25	Dec. 14	Jan. 18 '23	Apr. 17 '23
Oct. 14	Nov. 2	Nov. 22	Dec. 7	<b>**Dec. 7**</b>	Dec. 28	Feb. 1 '23	May 1 '23
<b>**Oct. 26**</b>	Nov. 16	Dec. 6	Dec. 21	<b>**Dec. 21**</b>	Jan. 11 '23	Feb. 15 '23	May 15 '23
<b>**Nov. 9**</b>	Nov. 30	Dec. 20	Jan. 4 '23	<b>**Jan. 4 '23**</b>	Jan. 25 '23	Mar. 1 '23	May 29 '23
Nov. 25	Dec. 14	Jan. 3 '23	Jan. 18 '23	Jan. 20 '23	Feb. 8 '23	Mar. 15 '23	June 12 '23
<b>**Dec. 7**</b>	Dec. 28	Jan. 17 '23	Feb. 1 '23	Feb. 3 '23	Feb. 22 '23	Mar. 29 '23	June 26 '23
<b>**Dec. 21**</b>	Jan. 11 '23	Jan. 31 '23	Feb. 15 '23	Feb. 17 '23	Mar. 8 '23	Apr. 12 '23	July 10 '23

### PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
13	Wednesday, December 8, 2021	December 29, 2021
14	Wednesday, December 22, 2021	January 12, 2022
15	Wednesday, January 5, 2022	January 26, 2022

**PLEASE NOTE:**

Rules will not be accepted by the Publications Editing Office after **12 o'clock noon** on the filing deadline unless prior approval has been received from the Administrative Rules Coordinator and the Administrative Code Editor.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

†To allow time for review by the Administrative Rules Coordinator prior to the Notice submission deadline, Notices should generally be submitted in RMS four or more working days in advance of the deadline.

**\*\*Note change of filing deadline\*\***

The Administrative Rules Review Committee will hold its regular, statutory meeting on Tuesday, December 14, 2021, at 9 a.m. in Room 103, State Capitol, Des Moines, Iowa. Instructions for participation by videoconference can be found here: [www.legis.iowa.gov/committees/meetings/meetingsListComm?groupID=705](http://www.legis.iowa.gov/committees/meetings/meetingsListComm?groupID=705). For more information, contact Kate O'Connor at [kate.oconnor@legis.iowa.gov](mailto:kate.oconnor@legis.iowa.gov). The following rules will be reviewed:

### **ECONOMIC DEVELOPMENT AUTHORITY[261]**

Brownfield and grayfield redevelopment tax credit program, amendments to ch 65 Filed **ARC 6042C** . . . . 11/17/21  
 High quality jobs program, 68.1 to 68.5, 173.1, 174.2(1), 187.5(4)“e,” 188.2, 188.4, 188.5  
 Notice **ARC 6046C** . . . . . 11/17/21  
 Aggregate tax credit limit for certain economic development programs, 76.4(3), 76.5, 76.6,  
 76.8 Notice **ARC 6047C** . . . . . 11/17/21

### **ENVIRONMENTAL PROTECTION COMMISSION[567]**

NATURAL RESOURCES DEPARTMENT[561]“umbrella”  
 Public and nonpublic water supply, 9.4(3), 40.2, 43.3, 49.6(1) Notice **ARC 6037C** . . . . . 11/17/21  
 Wastewater, amendments to chs 60 to 64 Notice **ARC 6041C** . . . . . 11/17/21  
 Land application of sewage sludge, 67.1(1), 67.2(2), 67.4 to 67.8, 67.10, 67.11(2)“h”  
 Notice **ARC 6038C** . . . . . 11/17/21  
 Operator certification—public water supply systems, wastewater treatment systems, 81.1,  
 81.3, 81.5(1), 81.7(1), 81.7(3)“b”(2), 81.16(1) Notice **ARC 6039C** . . . . . 11/17/21

### **INSPECTIONS AND APPEALS DEPARTMENT[481]**

Initial evaluation of tenants for assisted living programs, 69.22(1) Filed **ARC 6054C** . . . . . 11/17/21

### **IOWA FINANCE AUTHORITY[265]**

Beginning farmer tax credit program, 44.2, 44.6 Notice **ARC 6067C** . . . . . 12/1/21

### **LABOR SERVICES DIVISION[875]**

WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”  
 Federal occupational safety and health standards for exposure to beryllium—adoption by  
 reference, 10.20 Notice **ARC 6045C** . . . . . 11/17/21

### **NATURAL RESOURCE COMMISSION[571]**

NATURAL RESOURCES DEPARTMENT[561]“umbrella”  
 Lifetime trout fishing license, 15.12(1)“gg” Filed **ARC 6064C** . . . . . 12/1/21

### **NURSING BOARD[655]**

PUBLIC HEALTH DEPARTMENT[641]“umbrella”  
 Administrative and regulatory authority, ch 1 Notice **ARC 6034C** . . . . . 11/17/21  
 Licensure to practice—registered nurse/licensed practical nurse, ch 3 Notice **ARC 6048C** . . . . . 11/17/21  
 Discipline, ch 4 Notice **ARC 6049C** . . . . . 11/17/21  
 Licensed practical nurses—provision of care at opioid treatment facilities and medication  
 units, 6.3(11)“f” Filed **ARC 6036C** . . . . . 11/17/21

### **PROFESSIONAL LICENSURE DIVISION[645]**

PUBLIC HEALTH DEPARTMENT[641]“umbrella”  
 Speech pathologists and audiologists—cognitive screening, 301.2 Notice **ARC 6057C** . . . . . 12/1/21

### **PUBLIC HEALTH DEPARTMENT[641]**

Iowa care for yourself (IA CFY) program, 8.1, 8.2(2), 8.3, 8.5(1)“f,” 8.7(1)“a” Notice **ARC 6050C** . . . . . 11/17/21  
 Radiation, 38.8(1), 41.6, 41.7 Notice **ARC 6051C** . . . . . 11/17/21  
 Prescription drug donation repository program, 109.1, 109.5(3), 109.14(1) Notice **ARC 6053C** . . . . . 11/17/21

### **PUBLIC SAFETY DEPARTMENT[661]**

Complaints against employees; public records and fair information practices, 35.1, 35.2,  
 35.4, 80.15 Notice **ARC 6052C** . . . . . 11/17/21

### **RACING AND GAMING COMMISSION[491]**

INSPECTIONS AND APPEALS DEPARTMENT[481]“umbrella”  
 Gambling games taxes and fees; problem gambling; risk assessment; vendor licenses; trainer  
 and assistant trainer licenses; interstate simulcasting; advance deposit wagering; sports  
 wagering; fantasy sports; coupled entries; reserves; account operation, amendments to  
 chs 5, 6, 8, 10, 11, 13, 14 Notice **ARC 6056C** . . . . . 11/17/21

**REAL ESTATE COMMISSION[193E]**

Professional Licensing and Regulation Bureau[193]  
COMMERCE DEPARTMENT[181]"umbrella"

Waivers; licensure; education, 1.2, 1.4, 1.5, 3.1, 3.2, 4.1, 4.2, 5.1, 5.11, 5.12, 16.3 Filed **ARC 6040C** . . . . 11/17/21

**REVENUE DEPARTMENT[701]**

Qualifying income limit—child and dependent care tax credit, early childhood development tax credit, 42.15, 42.31 Notice **ARC 6032C** . . . . . 11/17/21  
Optional designations of funds by taxpayer, 43.4 Notice **ARC 6033C** . . . . . 11/17/21

**SECRETARY OF STATE[721]**

Election forms; voting, amendments to chs 21, 28 Filed **ARC 6063C** . . . . . 12/1/21

**STATE PUBLIC DEFENDER[493]**

INSPECTIONS AND APPEALS DEPARTMENT[481]"umbrella"

Indigent defense services—adoption services, claims, fees, 12.1(1), 12.4(1), 12.6(2)  
Filed **ARC 6055C** . . . . . 11/17/21

**TRANSPORTATION DEPARTMENT[761]**

Driver privacy protection; motor vehicle records, amend ch 4; adopt ch 301; rescind chs 415, 610, 611 Filed **ARC 6060C** . . . . . 12/1/21  
Salvage titles; damage disclosure statement, 400.55, 405.2, 405.6(1), 405.8(5), 405.9(1), 405.10 Notice **ARC 6066C** . . . . . 12/1/21  
Emergency interstate fleet permit, 511.1, 511.2, 511.4, 511.6 to 511.9, 511.12 to 511.20  
Filed **ARC 6061C** . . . . . 12/1/21  
Driver’s licenses—application, examination, REAL ID documentation, 601.1, 601.5, 604.20, 604.30 Filed **ARC 6059C** . . . . . 12/1/21  
Commercial driver’s license skills test, 607.2(1), 607.28, 607.30(2)"a" Notice **ARC 6065C** . . . . . 12/1/21  
Parent-taught driver education; distracted driving, amendments to ch 634 Filed **ARC 6062C** . . . . . 12/1/21

**UTILITIES DIVISION[199]**

COMMERCE DEPARTMENT[181]"umbrella"

Civil penalty for permit violation; tile repairs; assessments; definition of "competitive local exchange service provider," 8.1(5), 9.5(4)"d"(6), 17.2(9), 38.1(2) Filed **ARC 6035C** . . . . . 11/17/21  
Natural gas standards, 10.1(3), 10.2, 10.12(1), 19.1(3), 19.2, 19.5(2), 19.11, 19.14(3)"a"  
Filed **ARC 6044C** . . . . . 11/17/21

**VETERINARY MEDICINE BOARD[811]**

Principles of veterinary medical ethics, 10.6 Amended Notice **ARC 6058C** . . . . . 12/1/21

## ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regular, statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

Senator Waylon Brown  
2415 Highway 218  
Osage, Iowa 50461

Senator Julian Garrett  
P.O. Box 493  
Indianola, Iowa 50125

Senator Jesse Green  
2344 360th Street  
Harcourt, Iowa 50544

Senator Robert Hogg  
P.O. Box 1361  
Cedar Rapids, Iowa 52406

Senator Pam Jochum  
2368 Jackson Street  
Dubuque, Iowa 52001

Jack Ewing  
**Administrative Code Editor**  
Capitol  
Des Moines, Iowa 50319  
Telephone: 515.281.6048  
Fax: 515.281.8451  
Email: [Jack.Ewing@legis.iowa.gov](mailto:Jack.Ewing@legis.iowa.gov)

Representative Jon Jacobsen  
1113 Arbor Ridge Drive  
Council Bluffs, Iowa 51503

Representative Megan Jones  
4470 Highway 71  
Sioux Rapids, Iowa 50585

Representative Amy Nielsen  
North Liberty, Iowa

Representative Rick Olson  
3012 East 31st Court  
Des Moines, Iowa 50317

Representative Mike Sexton  
2202 Ogden Avenue  
Rockwell City, Iowa 50579

Michael Boal  
**Administrative Rules Coordinator**  
Governor's Ex Officio Representative  
Capitol, Room 18  
Des Moines, Iowa 50319  
Telephone: 515.281.5211

**ENVIRONMENTAL PROTECTION COMMISSION[567]**

Public and nonpublic water supply, 9.4(3), 40.2, 43.3, 49.6(1) IAB 11/17/21 <b>ARC 6037C</b>	Via video/conference call Contact Mark Moeller Email: <a href="mailto:mark.moeller@dnr.iowa.gov">mark.moeller@dnr.iowa.gov</a>	December 9, 2021 1 to 3 p.m.
Wastewater, amendments to chs 60 to 64 IAB 11/17/21 <b>ARC 6041C</b>	Via video/conference call Contact Courtney Cswercko Email: <a href="mailto:courtney.cswercko@dnr.iowa.gov">courtney.cswercko@dnr.iowa.gov</a>	December 8, 2021 2 to 4 p.m.
Land application of sewage sludge, 67.1(1), 67.2(2), 67.4 to 67.8, 67.10, 67.11(2)“h” IAB 11/17/21 <b>ARC 6038C</b>	Via video/conference call Contact Satya Chennupati Email: <a href="mailto:satya.chennupati@dnr.iowa.gov">satya.chennupati@dnr.iowa.gov</a>	December 9, 2021 2 p.m.
Operator certification—public water supply systems, wastewater treatment systems, 81.1, 81.3, 81.5(1), 81.7(1), 81.7(3)“b”(2), 81.16(1) IAB 11/17/21 <b>ARC 6039C</b>	Via video/conference call Contact Laurie Sharp Email: <a href="mailto:laurie.sharp@dnr.iowa.gov">laurie.sharp@dnr.iowa.gov</a>	December 8, 2021 1 p.m.

**INSURANCE DIVISION[191]**

Licensing of public adjusters, 55.5, 55.8, 55.9(7)“g,” 55.12(1), 55.14 to 55.18 IAB 11/3/21 <b>ARC 6010C</b>	Via conference call Contact Tracy Swalwell Email: <a href="mailto:tracy.swalwell@iid.iowa.gov">tracy.swalwell@iid.iowa.gov</a>	December 1, 2021 10 a.m.
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**LABOR SERVICES DIVISION[875]**

Federal occupational safety and health standards for exposure to beryllium—adoption by reference, 10.20 IAB 11/17/21 <b>ARC 6045C</b>	150 Des Moines St. Des Moines, Iowa	December 8, 2021 9 a.m. (If requested)
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**NURSING BOARD[655]**

Administrative and regulatory authority, ch 1 IAB 11/17/21 <b>ARC 6034C</b>	Board Office, Suite B 400 S.W. 8th St. Des Moines, Iowa	December 7, 2021 9 to 10 a.m.
Licensure to practice—registered nurse/licensed practical nurse, ch 3 IAB 11/17/21 <b>ARC 6048C</b>	Board Office, Suite B 400 S.W. 8th St. Des Moines, Iowa	December 7, 2021 10 to 11 a.m.
Discipline, ch 4 IAB 11/17/21 <b>ARC 6049C</b>	Board Office, Suite B 400 S.W. 8th St. Des Moines, Iowa	December 7, 2021 1 to 2 p.m.

**PROFESSIONAL LICENSURE DIVISION[645]**

Speech pathologists and audiologists—cognitive screening, 301.2  
IAB 12/1/21 **ARC 6057C**

Via video/conference call  
Zoom Meeting ID: 870 9872 8337  
Passcode: 021974  
(US) +1.312.626.6799 (toll)  
Access code: 021974

December 21, 2021  
9 to 9:30 a.m.

**RACING AND GAMING COMMISSION[491]**

Gambling games taxes and fees; problem gambling; risk assessment; vendor licenses; trainer and assistant trainer licenses; interstate simulcasting; advance deposit wagering; sports wagering; fantasy sports; coupled entries; reserves; account operation, amendments to chs 5, 6, 8, 10, 11, 13, 14  
IAB 11/17/21 **ARC 6056C**

Commission Office, Suite 100  
1300 Des Moines St.  
Des Moines, Iowa

December 7, 2021  
9 a.m.

**REVENUE DEPARTMENT[701]**

Qualifying income limit—child and dependent care tax credit, early childhood development tax credit, 42.15, 42.31  
IAB 11/17/21 **ARC 6032C**

Via video/conference call  
Contact Kurt Konek  
Email: [kurt.konek@iowa.gov](mailto:kurt.konek@iowa.gov)

December 9, 2021  
11 a.m. to 12 noon

Optional designations of funds by taxpayer, 43.4  
IAB 11/17/21 **ARC 6033C**

Via video/conference call  
Contact Kurt Konek  
Email: [kurt.konek@iowa.gov](mailto:kurt.konek@iowa.gov)

December 10, 2021  
1 to 2 p.m.

**TRANSPORTATION DEPARTMENT[761]**

Salvage titles; damage disclosure statement, 400.55, 405.2, 405.6(1), 405.8(5), 405.9(1), 405.10  
IAB 12/1/21 **ARC 6066C**

Via conference call  
Contact Tracy George  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

December 28, 2021  
11 a.m.  
(If requested)

Commercial driver's license skills test, 607.2(1), 607.28, 607.30(2)“a”  
IAB 12/1/21 **ARC 6065C**

Via conference call  
Contact Tracy George  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

December 28, 2021  
9 a.m.  
(If requested)

**UTILITIES DIVISION[199]**

Federally registered planning authority transmission projects, 11.14  
IAB 11/3/21 **ARC 6016C**

Board Hearing Room  
1375 E. Court Ave.  
Des Moines, Iowa

December 7, 2021  
10 a.m. to 12 noon



The following list will be updated as changes occur.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies are included alphabetically in SMALL CAPITALS at the left-hand margin.

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## ARC 6067C

## IOWA FINANCE AUTHORITY[265]

## Notice of Intended Action

**Proposing rule making related to beginning farmer tax credit program  
and providing an opportunity for public comment**

The Iowa Finance Authority hereby proposes to amend Chapter 44, “Iowa Agricultural Development Division,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 16.5 and 16.81.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 16.77, 16.79A, 16.81 and 16.82 as amended by 2021 Iowa Acts, Senate File 619.

*Purpose and Summary*

Division XIX of 2021 Iowa Acts, Senate File 619, amends various elements of the Beginning Farmer Tax Credit Program to encourage the increased utilization of the tax credit by allowing eligible taxpayers and beginning farmers to enter into leases solely for the transfer of agricultural improvements, allowing eligible taxpayers to participate in the program for 15 years, allowing eligible taxpayers to enter into agreements with different qualified beginning farmers, and changing the cap on the tax credit so eligible taxpayers are limited to \$50,000 per lease agreement, rather than \$50,000 for all agreements. This rule making is proposed to conform Chapter 44 to the changes outlined in 2021 Iowa Acts, Senate File 619.

This rule making also proposes a change to the fee schedule. The change to the fee schedule for beginning farmer tax credit applications is prompted by Iowa Code section 16.81, which sets forth a fee schedule that shall remain in place on an interim basis until December 31, 2021, and Iowa Code section 16.81 repeals the schedule on January 1, 2022. Iowa Code section 16.81 requires that the Authority adopt rules to “impose, assess, and collect application fees.”

*Fiscal Impact*

The fees are expected to have a fiscal impact of less than \$100,000 annually or \$500,000 over five years.

*Jobs Impact*

The Authority anticipates that the benefits offered by the amendments to the program may encourage more new farmers to begin farming in Iowa.

*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 Authority for a waiver of the discretionary provisions, if any, pursuant to 265—Chapter 18.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Authority no later than 4:30 p.m. on December 21, 2021. Comments should be directed to:

IOWA FINANCE AUTHORITY[265](cont'd)

Kristin Hanks-Bents  
Iowa Finance Authority  
1963 Bell Avenue, Suite 200  
Des Moines, Iowa 50315  
Phone: 515.452.0404  
Email: [kristin.hanks-bents@iowafinance.com](mailto:kristin.hanks-bents@iowafinance.com)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*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 ~~265—44.2(16)~~, definitions of “Agricultural asset,” “Agricultural improvements,” “Agricultural land” and “Agricultural lease agreement,” as follows:

“*Agricultural asset*” means agricultural land located in this state, ~~including~~ any agricultural improvements, machinery, equipment, ~~and~~ crops, livestock, or other depreciable agricultural property.

“*Agricultural improvements improvement*” means any improvements, including buildings, structures or fixtures suitable for use in farming ~~which are~~ if located on any size parcel of agricultural land. “*Agricultural improvements*” ~~includes a single family dwelling located on agricultural land which is or will be occupied by the beginning farmer and structures attached to or incidental to the use of the dwelling.~~

“*Agricultural land*” means land located in Iowa suitable for use in farming, any portion of which may include an agricultural improvement, and which is or will be operated as a farm.

“*Agricultural lease agreement*” or “*agreement*” means an agreement for the transfer of agricultural assets, ~~that must at least include a lease of agricultural land,~~ from an eligible taxpayer to a qualified beginning farmer as provided in ~~2019 Iowa Acts, House File 768, section 9~~ Iowa Code section 16.79A.

ITEM 2. Amend subparagraph ~~44.6(1)“a”(5)~~ as follows:

(5) The taxpayer is not a partner of a partnership, shareholder of a family farm corporation, or member of a family farm limited liability company that is the lessee of an agricultural asset that is part of an agricultural lease agreement. If a beginning farmer has an ownership interest in the agricultural asset that does not exceed 10 percent, the tax credit award is reduced by an amount equivalent to the beginning farmer’s ownership percentage. For example, if a beginning farmer owns 9 percent of an agricultural asset that is the subject of the agricultural lease agreement, the tax credit award is reduced by 9 percent.

ITEM 3. Amend paragraph ~~44.6(2)“a”~~ as follows:

a. A beginning farmer tax credit is allowed only for agricultural assets that are subject to an agricultural lease agreement entered into by an eligible taxpayer and a qualifying beginning farmer participating in the beginning farmer tax credit program established pursuant to ~~2019 Iowa Acts, House File 768, section 7~~ Iowa Code section 16.78. The tax credit is allowed regardless of whether the principal agricultural asset is soil, pasture, or a building or other structure used in farming.

IOWA FINANCE AUTHORITY[265](cont'd)

ITEM 4. Adopt the following **new** paragraphs **44.6(3)“f”** and **“g”**:

f. Upon submission of the application or a request to amend an agricultural lease agreement, the authority shall collect the total amount of the application processing fee and annual servicing fees for all lease years. The authority shall collect fees in the amounts based upon the acreage of the land that is the subject of the agreement and the length of the lease.

- (1) For agreements leasing 100 or fewer acres: \$200.
- (2) For agreements leasing 101 to 250 acres: \$300.
- (3) For agreements leasing 251 or more acres: \$400.
- (4) For each year of the lease: \$50.

	Years			
	2	3	4	5
<b>100 or fewer</b>	\$300	\$350	\$400	\$450
<b>101 to 250</b>	\$400	\$450	\$500	\$550
<b>251 or more</b>	\$500	\$550	\$600	\$650

g. For any amendment to a previously approved agricultural lease agreement, an amendment fee of \$100 shall be paid at the time the amendment is submitted.

ITEM 5. Amend subrule 44.6(4) as follows:

**44.6(4) Requirements of an agricultural lease agreement.**

a. The agricultural lease agreement must meet the following requirements:

(1) The agreement must include the lease of agricultural land located in this state, ~~including any or agricultural improvements;~~ located in this state and may provide for the rental of agricultural equipment as defined in Iowa Code section 322F.1.

(2) The agreement must include provisions which describe the consideration paid for the agreement in a manner that allows the authority to calculate the value of the lease in order to determine the tax credit amount as provided in ~~2019 Iowa Acts, House File 768, section 11~~ Iowa Code section 16.82.

(3) No change.

(4) The agreement must be for at least two years, but not more than five years. The agreement may be renewed any number of times by the eligible taxpayer and qualified beginning farmer for a term of at least two years, but not more than five years. At the end of the approved agricultural lease agreement term, a new application must be submitted to the authority. However, an eligible taxpayer shall not participate in the program for more than 15 years. For the purposes of this subparagraph, an eligible taxpayer first participating in the beginning farmer tax credit program on or after January 1, 2019, as provided in 2019 Iowa Acts, chapter 161, for a tax year beginning on or after that date, may also participate in the program for not more than 15 years.

(5) No change.

b. An eligible taxpayer may apply and be approved to enter into agreements with different qualified beginning farmers.

~~c.~~ The agreement cannot be assigned, and the agricultural land subject to the agreement shall not be subleased.

~~e.~~ d. The agricultural assets shall not be leased or rented at a rate that is substantially higher than the market rate for similar agricultural assets leased or rented within the same community. As used in this paragraph, when referring to an agricultural asset that is cropland, “substantially higher” means not more than 30 percent above the average cash rent paid for cropland rented in the same county according to the most recent cash rent survey for cropland published by a unit of Iowa State University of Science and Technology recognized by the authority.

**ARC 6057C****PROFESSIONAL LICENSURE DIVISION[645]****Notice of Intended Action****Proposing rule making related to cognitive screening  
and providing an opportunity for public comment**

The Board of Speech Pathology and Audiology hereby proposes to amend Chapter 301, “Practice of Speech Pathologists and Audiologists,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 147.76.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 154F.

*Purpose and Summary*

The Board of Speech Pathology and Audiology received an inquiry regarding the ability of audiologists and speech pathologists to perform cognitive screenings within their scopes of practice. The American Speech-Language-Hearing Association (ASHA) recognizes performing cognitive screenings as within the scope of practice of audiologists and speech pathologists. The Board agrees that audiologists and speech pathologists can perform cognitive screenings within their scopes of practice and proposes this new rule to expressly authorize the performance of cognitive screenings and establish minimum standards.

*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*

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on December 21, 2021. Comments should be directed to:

Venus Vendoures Walsh  
Professional Licensure Division  
Iowa Department of Public Health  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319  
Phone: 515.281.0254  
Fax: 515.281.3121  
Email: [venus.vendoures-walsh@idph.iowa.gov](mailto:venus.vendoures-walsh@idph.iowa.gov)

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

December 21, 2021  
9 to 10 a.m.

Via video/conference call  
Zoom Meeting ID: 870 9872 8337  
Passcode: 021974  
(US) +1.312.626.6799 (toll)  
Access code: 021974

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. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

*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. Adopt the following new rule 645—301.2(147,154F).

**645—301.2(147,154F) Cognitive screening.** A licensed audiologist or speech pathologist may perform cognitive screening in accordance with this rule.

**301.2(1) Definition.** "Cognitive screening" means administering a formal, evidence-based assessment to identify possible cognitive concerns. Cognitive screening instruments include, but are not limited to, the Montreal Cognitive Assessment (MoCA), Mini-Mental State Examination (MMSE), General Practitioner Assessment of Cognition (GPCOG), Six-Item Cognitive Impairment Test (6CIT), Abbreviated Mental Test Score (AMTS), Addenbrooke's Cognitive Assessment-Revised (ACE-R), Clock-Drawing Test, Mini-Cog Test, and Three-Word Recall Test.

**301.2(2) Certification and training.** If a cognitive screening instrument requires certification to administer, the licensee must become certified prior to administering the instrument and must hold active certification during all administrations. If a cognitive screening instrument does not require certification to administer, the licensee must complete sufficient training in administering the instrument to meet the standard of care. Failure to meet the standard of care when performing cognitive screenings may result in licensee discipline.

**301.2(3) Referral.** After performing a cognitive screening, the licensee shall refer the patient to another provider or specialist for further evaluation in accordance with the instrument's scoring protocol.

ITEM 2. Amend **645—Chapter 301**, implementation sentence, as follows:

~~This rule is~~ These rules are intended to implement Iowa Code chapters 147 and 154F.

**ARC 6066C****TRANSPORTATION DEPARTMENT[761]****Notice of Intended Action****Proposing rule making related to salvage titles  
and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 400, “Vehicle Registration and Certificate of Title,” and Chapter 405, “Salvage,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 307.12 and section 321.52 as amended by 2021 Iowa Acts, Senate File 230, section 1.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321.52 as amended by 2021 Iowa Acts, Senate File 230, section 1.

*Purpose and Summary*

This proposed rule making updates Chapters 400 and 405 to conform these rules with 2021 Iowa Acts, Senate File 230, section 1.

This legislation increases the threshold for issuing a salvage title designation if the cost of repair of a wrecked or salvage motor vehicle exceeds 50 percent of the fair market value of the vehicle to instead require the cost of repair to exceed 70 percent of the fair market value. The proposed amendments preserve the “damage over 50 percent” standard in Chapter 405 for wrecked or salvage vehicles that were transferred prior to July 1, 2021, and also clarify the process for when a damage disclosure statement that is separate from the damage disclosure on the assignment of title will be accepted from a transferor or transferee of the vehicle.

The proposed amendments also update parenthetical implementation statutes and remove bureau names.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

*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 December 21, 2021. Comments should be directed to:



## TRANSPORTATION DEPARTMENT[761](cont'd)

Tracy George  
Department of Transportation  
DOT Rules Administrator, Government and Community Relations  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

*Public Hearing*

If requested, a public hearing to hear oral presentations will be held on December 28, 2021, via conference call at 11 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on December 21, 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—400.55(321) as follows:

**761—400.55(321) Damage disclosure statement.**

**400.55(1)** and **400.55(2)** No change.

**400.55(3)** If the transferor completes the damage disclosure on the assignment of title at the time of application for title, a transferor or transferee of a vehicle may submit a separate damage disclosure statement, Form 411108, indicating the damage level of the vehicle and whether the damage level exceeds 70 percent.

*a.* If the transferor signs both the damage disclosure on the assignment of title and the separate damage disclosure statement, Form 411108, the county treasurer shall accept the separate damage disclosure statement.

*b.* If the transferee signs the separate damage disclosure statement, Form 411108, the county treasurer shall accept the separate damage disclosure statement only if the separate damage disclosure statement indicates the damage level exceeds 70 percent. If the transferee's statement indicates the damage level is less than 70 percent, the department shall review the transaction to confirm the damage level through the National Motor Vehicle Title Information System (NMVTIS).

*c.* Nothing in this subrule shall be construed to prevent the department from confirming the damage level through NMVTIS for the purpose of adding a "damage over 70 percent" designation to the title as required by Iowa Code section 321.69.

This rule is intended to implement Iowa Code section 321.52 as amended by 2021 Iowa Acts, Senate File 230, section 1, and section 321.69.

ITEM 2. Amend rule **761—405.2(321)**, parenthetical implementation statute, as follows:

**761—405.2(321,321H) Definitions.**

## TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 3. Amend subparagraph **405.6(1)“a”(1)** as follows:

(1) Has repair costs exceeding ~~50~~ 70 percent of its fair market value before it became damaged, and

ITEM 4. Amend paragraph **405.6(1)“b”** as follows:

*b.* Fair market value is the average retail value found in the National Automobile Dealers Association (NADA) Official Used Car Guide. If there is no value available, the ~~motor vehicle and motor carrier services bureau~~ division shall determine the fair market value upon request. The address is: Motor Vehicle and Motor Carrier Services Bureau Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278.

ITEM 5. Amend subrule 405.8(5) as follows:

**405.8(5) Designation carried forward.** If a vehicle leaves Iowa with a regular Iowa title and reenters Iowa with a regular foreign title, ~~and if the foreign title does not indicate that the vehicle was rebuilt and if a records check indicates that the vehicle had a designation listed in paragraphs 405.10(1)“a” to “e,” through “f,”~~ that designation shall be carried forward to the Iowa title and registration receipt issued from the foreign title.

ITEM 6. Amend subrule 405.9(1) as follows:

**405.9(1)** Determine if the vehicle ever had or should have had a “prior salvage,” “rebuilt,” “damage over 50 percent,” “damage over 70 percent,” “flood,” “fire,” “vandalism,” “theft,” “lemon buy-back,” or equivalent designation(s) on a previous title. If such a designation is or should have been on a previous title, the Iowa title to be issued shall contain the designation required by this chapter.

ITEM 7. Amend rule 761—405.10(321) as follows:

**761—405.10(321,322G) Designations.**

**405.10(1)** The following designations for a vehicle shall be used on Iowa titles and registrations receipts and shall be carried forward to all subsequent Iowa titles and registration receipts issued for the vehicle, unless otherwise specified:

*a.* and *b.* No change.

*c.* Damage over 50 percent. The designation shall be used for applicable vehicle transfers occurring prior to July 1, 2021, and shall be carried forward for applicable vehicle transfers occurring prior to July 1, 2021.

~~*e.*~~ *d.* Damage over 50 70 percent. As required by Iowa Code section 321.69, a designation of “damage over ~~50~~ 70 percent” shall be used when the seller or the buyer indicates on the damage disclosure statement that the person has knowledge that the motor vehicle sustained damage for which the cost of the repair exceeded ~~50~~ 70 percent of the fair market value before the motor vehicle became damaged. This designation replaces any other designation except “rebuilt.”

~~*e.*~~ *e.* Flood, fire, vandalism or theft. The most recent designation applies. Unless superseded by a “REBUILT-IA,” “rebuilt,” ~~or~~ “damage over 50 percent” or “damage over 70 percent” designation, a designation of “flood,” “fire,” “vandalism” or “theft” shall be used as specified in subrule 405.8(6) and supersedes a “lemon buy-back” designation.

*e.* *f.* Lemon buy-back. Unless superseded by a “REBUILT-IA,” “rebuilt,” “damage over 50 percent,” “damage over 70 percent,” “flood,” “fire,” “vandalism” or “theft” designation, a designation of “lemon buy-back” shall be used:

(1) and (2) No change.

**405.10(2)** No change.

ITEM 8. Amend **761—Chapter 405**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~sections~~ section 321.24, section 321.52 as amended by 2021 Iowa Acts, Senate File 230, section 1, and sections 321.69 and 322G.12.

**ARC 6065C****TRANSPORTATION DEPARTMENT[761]****Notice of Intended Action****Proposing rule making related to commercial driver's license skills test  
and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 607, "Commercial Driver Licensing," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 307.12 and section 321.187A as enacted by 2021 Iowa Acts, House File 828, section 5.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 321.187A and 321M.6A as enacted by 2021 Iowa Acts, House File 828, sections 5 and 6.

*Purpose and Summary*

This proposed rule making conforms Chapter 607 with 2021 Iowa Acts, House File 828, sections 5 and 6, which authorize the Department and county treasurer locations offering commercial driver's license (CDL) skills tests to charge fees for that service.

All State-run driver's license service centers administer the CDL skills test, and ten county treasurer locations also offer the CDL skills test. The CDL skills test is comprised of three parts: the pre-trip vehicle inspection test, the basic vehicle control skills test, and the on-road driving skills test. The legislation authorizes the Department to set a \$25 fee to administer the pre-trip segment of the skills test and a county treasurer location to charge \$25 for each segment of the three-part skills test. The legislation also provides exceptions to the fee for CDL applicants who are employed by or volunteer for a government agency. The fee for the pre-trip segment of the test is due when the CDL skills test is scheduled and is not refundable if the applicant does not show up for the test or fails the test. Fees paid to the Department are directed to be deposited in the Statutory Allocations Fund, and fees paid to a county treasurer location will be retained in the county's general fund.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

*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 December 21, 2021. Comments should be directed to:

TRANSPORTATION DEPARTMENT[761](cont'd)

Tracy George  
Department of Transportation  
DOT Rules Administrator, Government and Community Relations  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on December 28, 2021, via conference call at 9 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on December 21, 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 subrule 607.2(1) as follows:

**607.2(1) Information and location.** Applications, forms and information about the commercial driver's license (CDL) are available at any driver's license service center. Assistance is also available by mail from the ~~Driver and Identification Services Bureau~~ Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)244-8725; by facsimile at (515)239-1837; or on the department's website at [www.iowadot.gov](http://www.iowadot.gov).

ITEM 2. Adopt the following **new** subrule 607.28(8):

**607.28(8) Fees.** Fees authorized pursuant to Iowa Code sections 321.187A and 321M.6A as enacted by 2021 Iowa Acts, House File 828, sections 5 and 6, will be collected by the department or a county treasurer location offering commercial driver's license skills tests.

*a.* Except as provided in paragraph 607.28(8) "c," the fee for an applicant to schedule the pre-trip vehicle inspection segment of the skills test with the department is \$25. No fees are due to the department for scheduling the basic vehicle control skills or on-road skills segment of the test.

*b.* Except as provided in paragraph 607.28(8) "c," the fee to schedule the pre-trip vehicle inspection segment of the skills test with a county treasurer is \$25. The fee for a county treasurer to administer the basic vehicle control skills segment is \$25, and the fee to administer the on-road skills segment of the test is \$25. However, if the applicant fails one segment of the driving skills test, no fee shall be due for a subsequent segment of the test.

*c.* If the applicant is an employee or volunteer of a government agency as defined in Iowa Code section 553.3, the following shall apply:

(1) The department shall not charge the pre-trip inspection scheduling fee under paragraph 607.28(8) "a."

(2) A county treasurer may charge only the pre-trip inspection fee under paragraph 607.28(8) "b."

## TRANSPORTATION DEPARTMENT[761](cont'd)

(3) An applicant must provide the department or county treasurer with reasonable proof that the applicant is an employee or volunteer of a qualifying government agency and that a commercial driver's license is necessary for the applicant's employment or volunteer duties. Reasonable proof shall be provided on Form 430311. Alternatively, if the applicant is seeking a skills test from a county treasurer, reasonable proof may include payment of the pre-trip inspection fee by a government agency on behalf of the applicant.

*d.* If an applicant fails to appear for the pre-trip inspection segment of the skills test, the appointment shall be canceled and no other applicable fees are due.

*e.* Except as provided in paragraph 607.28(8) "g," new fees will apply if an applicant schedules a new skills test appointment.

*f.* The department or a county treasurer may collect any fees due and owed for the skills test at the same time any fees are collected as part of the commercial driver's license issuance transaction.

*g.* Any fees collected under this subrule are nonrefundable. However, nothing in this paragraph shall be construed as preventing the department or a county treasurer from transferring a fee charged for a pre-trip inspection to a new pre-trip inspection if rescheduling the appointment is determined necessary or appropriate as determined by the department or county treasurer upon a showing of good cause.

*h.* A skills test fee charged under this subrule that remains unpaid may be collected at the person's next driver's license renewal or replacement.

ITEM 3. Amend rule **761—607.28(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~sections~~ section 321.186; section 321.187A as enacted by 2021 Iowa Acts, House File 828, section 5; and section 321.188; and section 321M.6A as enacted by 2021 Iowa Acts, House File 828, section 6.

ITEM 4. Amend paragraph **607.30(2)"a"** as follows:

*a.* The department may certify as a third-party tester a community college, Iowa-based motor carrier or Iowa nonprofit corporation to administer skills tests. A community college, Iowa-based motor carrier or Iowa nonprofit corporation that seeks certification as a third-party tester shall contact the ~~driver and identification services bureau~~ motor vehicle division and schedule a review of the proposed testing program, which shall include the proposed testing courses and facilities, information sufficient to identify all proposed third-party skills test examiners, and any other information necessary to demonstrate compliance with 49 CFR Section 383.75.

**ARC 6058C**

**VETERINARY MEDICINE BOARD[811]**

**Amended Notice of Intended Action**

**Proposing rule making related to ethics and providing an opportunity for public comment**

The Board of Veterinary Medicine hereby proposes to amend Chapter 10, "Discipline," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 169.5.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 169.

*Purpose and Summary*

This proposed rule making establishes Iowa's principles of veterinary medical ethics which licensed veterinarians must abide by. These ethics rules are based on the American Veterinary Medical

## VETERINARY MEDICINE BOARD[811](cont'd)

Association's (AVMA's) Principles of Veterinary Medical Ethics, which the Board currently utilizes. Licensed veterinarians who violate the ethics rules may be subject to discipline by the Board.

*Reason for Amendment of Notice of Intended Action*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 2, 2021, as **ARC 5669C**. Two public comments were received.

The proposed state ethics rules are largely based on the AVMA's Principles of Veterinary Medical Ethics. Commenters were concerned that the AVMA principles contain annotations, whereas the state rules would not. Commenters argued that the annotations provide more clarity and the Board should consider including them or providing more clarification on the proposed ethics rules.

A commenter questioned the subjectivity of some of the proposed ethics rules and questioned how the Board would interpret and enforce such rules.

A commenter requested that the Board revisit the proposed ethics rules as they relate to emergency care and whether or not such a rule change should be dealt with in a different chapter.

Following publication of the original Notice, the Board worked with stakeholders to make changes that are substantial enough to warrant an Amended Notice of the proposed rule making.

The changes include:

- Revision of a few of the ethics rules so that they are more consistent with the language that is contained in Iowa Code chapter 169 and the Board's rules for discipline;
- Addition of client and client's premises to the prohibition on publicizing photographs of patients without permission; and
- Reorganization of some of the more subjective ethics principles into a new subrule, which clarifies that they are recommended practices rather than mandatory practices.

*Fiscal Impact, Jobs Impact, Waivers*

Statements related to the fiscal impact, jobs impact, and waiver of this rule making may be found in the preamble of **ARC 5669C**.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on December 31, 2021. Comments should be directed to:

Colin Tadlock  
Iowa Department of Agriculture and Land Stewardship  
502 East 9th Street  
Des Moines, Iowa 50319  
Email: [colin.tadlock@iowaagriculture.gov](mailto:colin.tadlock@iowaagriculture.gov)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)"b," an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*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

## VETERINARY MEDICINE BOARD[811](cont'd)

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 811—10.6(17A,169,272C), introductory paragraph, as follows:

**811—10.6(17A,169,272C) Grounds for discipline and principles of veterinary medical ethics.** The board has established grounds for discipline and principles of ethics for veterinary medicine. Without regard as to whether the board has determined that an injury has occurred, the board may impose any of the disciplinary sanctions set forth in rule 10.7(17A,169,272C) 811—10.7(17A,169,272C), including civil penalties in an amount not to exceed \$10,000, when the board determines that the credential holder is guilty of any of the following acts or offenses:

ITEM 2. Amend paragraph **10.6(2)“a”** as follows:

a. Engaging in unethical conduct which includes, but is not limited to, a violation of the standards of practice as set out in 811—Chapter 12, and which may include acts or offenses in violation of ~~the AVMA Principles of Veterinary Medical Ethics~~ Iowa’s principles of veterinary medical ethics, as adopted in subrule 10.6(3).

ITEM 3. Adopt the following **new** subrule 10.6(3):

**10.6(3) Principles of veterinary medical ethics.** Veterinarians are members of a scholarly profession who have earned academic degrees from comprehensive universities or similar educational institutions. Licensed veterinarians practice veterinary medicine in a variety of situations and circumstances. Exemplary professional conduct upholds the dignity of the veterinary profession. All Iowa-licensed veterinarians are expected to adhere to these principles of veterinary medical ethics adopted by the board.

a. *General ethics principles.*

(1) A veterinarian shall be influenced only by the welfare of the patient, the needs of the client, the safety of the public, and the need to uphold the public trust vested in the veterinary profession and shall avoid conflicts of interest or the appearance thereof.

(2) A veterinarian shall provide competent veterinary medical clinical care under the terms of a veterinarian-client-patient relationship (VCPR), with compassion and respect for animal welfare and human health.

(3) A veterinarian shall uphold the standards of professionalism, be honest in all professional interactions, and report veterinarians who are deficient in character or competence to the appropriate entities.

(4) A veterinarian shall not willfully violate the provisions of Iowa Code chapters 169 and 272C and rules promulgated thereunder by the board, or other law of this state, another state, or the United States, which relates to the practice of veterinary medicine.

(5) A veterinarian shall respect the rights of clients, colleagues, and other health professionals and shall safeguard medical information within the confines of the law.

(6) A veterinarian shall continue to study, apply, and advance scientific knowledge; maintain a commitment to veterinary medical education; make relevant information available to clients, colleagues, and the public; and obtain consultation or referral when indicated.

(7) A veterinarian shall, in the provision of appropriate patient care, be free to choose whom to serve, with whom to associate, and the environment in which to provide veterinary medical care.

(8) A veterinarian shall not advertise a specialty or claim to be a specialist when not a diplomate of a veterinary specialty organization recognized by the AVMA.

b. *Veterinarian-client-patient relationship ethics.* A veterinarian shall not engage in the practice of veterinary medicine without a valid VCPR as defined in these rules.

c. *Veterinarian-client communication; documentation of informed consent.*

(1) A veterinarian shall explain to clients how any diagnostic tests offered would help diagnose a patient’s medical condition.

## VETERINARY MEDICINE BOARD[811](cont'd)

(2) A veterinarian is responsible for professional communication directly with the client regarding diagnosis, options for treatment(s), expected cost of treatment(s), expected outcome of treatment(s), and the potential risks associated with each treatment regimen, as well as the client's ability to decline treatment(s). Client consent for the treatment(s) shall be documented in the patient's medical records. A veterinary assistant may communicate the information listed in this subparagraph to the client under the direct supervision of an Iowa-licensed veterinarian.

(3) If a veterinarian does not have the expertise or the necessary equipment and facilities to adequately diagnose or treat a patient, the veterinarian shall offer a referral to another veterinarian or referral center where the diagnosis or treatment can be performed.

*d. Veterinary medical records.*

(1) Complete, accurate and legible medical records that are considered to meet the prevailing standard of the practice of veterinary medicine are required by the board. Medical records are vitally important in any board review of a complaint against a licensee.

(2) Any controlled substances administered to a patient must be written into the patient's medical record, which shall include the drug name, the date the drug was administered, the amount of drug administered, the frequency of drug administration, and the prescribing (and administering, if different) veterinarian's name, as required by rules 811—12.2(169) to 811—12.4(169). This requirement is in addition to regulations and requirements promulgated by the Iowa board of pharmacy, U.S. Drug Enforcement Administration, and any other applicable governmental agency. Violating or failing to comply with a state or federal law or regulation relating to the storing, labeling, prescribing, or dispensing of controlled substances shall be deemed unethical.

(3) Humane euthanasia of animals is an ethical veterinary procedure. A veterinarian can refuse to perform euthanasia.

*e. Client and patient privacy rights.*

(1) A veterinarian shall protect and respect the privacy rights of clients, colleagues, and other health professionals. A veterinarian shall not reveal confidential medical records or other medical information unless authorized to do so by law.

(2) It is unethical to place photographs or information regarding a patient, a client, or a client's premises on social media or other public platforms without the consent of the owner, unless the patient, client, or client's premises cannot be identified by its marking and unless all personally identifying information has been removed from the photograph. Use of photographs and information for didactic purposes is permitted with client consent or after removal of any information that would identify the client or patient.

*f. Professional behavior.*

(1) A veterinarian shall be honest in all professional interactions while respecting the rights of clients, colleagues, and other health professionals. A veterinarian must be honest and fair in relations with others, and a veterinarian shall not engage in fraud, misrepresentation, or deceit, including by material omission, in accordance with Iowa Code section 169.13(1) "a."

(2) A veterinarian must not defame or injure the professional standing or reputation of another veterinarian in a false or misleading manner. Any complaints about behavior of a veterinarian that may violate the principles of veterinary medical ethics should be addressed through the board in an appropriate and timely manner.

(3) It is unethical to knowingly aid anyone who is engaged in the unlicensed practice of veterinary medicine in accordance with Iowa Code section 169.13(1) "e."

(4) A veterinarian who is impaired due to substance abuse or mental health conditions as set forth in Iowa Code section 169.13(1) "h" must not act in the capacity of a veterinarian and shall quickly seek medical treatment from qualified organizations or individuals.

ITEM 4. Adopt the following **new** subrule 10.6(4):

**10.6(4)** *Recommended practices for veterinarians.*



## VETERINARY MEDICINE BOARD[811](cont'd)

- a.* A veterinarian is encouraged to participate in activities contributing to the improvement of the community and the betterment of public health. The responsibilities of the veterinary profession extend beyond individual patients and clients to society in general.
- b.* A veterinarian is encouraged to participate in the political process to seek changes to laws and regulations that are contrary to the best interests of the patient, the client and public health.
- c.* A veterinarian is encouraged to make the veterinarian's knowledge available to the community and to provide the veterinarian's services for activities that protect public health.
- d.* A veterinarian is encouraged to view, evaluate, and treat all individual persons in any professional activity or circumstance in which the veterinarian may be involved solely as individuals on the basis of the person's personal abilities, qualifications and character.

**ARC 6064C****NATURAL RESOURCE COMMISSION[571]****Adopted and Filed****Rule making related to lifetime trout fishing license**

The Natural Resource Commission (Commission) hereby amends Chapter 15, “General License Regulations,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6)“a” and 483A.1(1).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2021 Iowa Acts, House File 234.

*Purpose and Summary*

Chapter 15 establishes hunting, fishing, and trapping license fees and governs license sales and refunds, among other topics. Iowa law requires most persons, whether residents or nonresidents, to obtain an applicable license and pay a fee prior to fishing, hunting, or trapping.

2021 Iowa Acts, House File 234 (signed into law on June 8, 2021), establishes a new lifetime trout fishing license for Iowa residents who are at least 65 years of age. Iowa Code section 483A.1 requires that all license fees be promulgated in rule. Accordingly, this rule making adds this new license to Chapter 15 and establishes its \$63 fee.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 6, 2021, as **ARC 5957C**.

A virtual public hearing was held on October 26, 2021, at 12:30 p.m. Two members of the public attended the public hearing. One suggested a fee of \$75, and the other supported a fee of \$65.

A total of 308 other comments were received during the public comment period. The comments suggested fees ranging from \$0 to \$200. The vast majority of comments favored a total fee of \$65.

In response to these public comments, the proposed fee of \$65 has been lowered to \$63. This \$63 license fee, combined with a \$2 administration fee, will result in a total amount of \$65 as favored by most commenters. In addition, the paragraph was revised to more closely match the language of other paragraphs in subrule 15.12(1).

*Adoption of Rule Making*

This rule making was adopted by the Commission on November 10, 2021.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

NATURAL RESOURCE COMMISSION[571](cont'd)

*Waivers*

This rule is subject to the waiver provisions of 571—Chapter 11. 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 Commission for a waiver of the discretionary provisions, if any.

*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).

*Effective Date*

This rule making will become effective on January 5, 2022.

The following rule-making action is adopted:

Adopt the following **new** paragraph **15.12(1)“gg”**:  
gg. Trout fishing license, lifetime, 65 years of age or older — \$63.

[Filed 11/10/21, effective 1/5/22]

[Published 12/1/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/1/21.

**ARC 6063C****SECRETARY OF STATE[721]****Adopted and Filed****Rule making related to election administration and voting**

The Secretary of State hereby amends Chapter 21, “Election Forms and Instructions,” and Chapter 28, “Voter Registration File (I-Voters) Management,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 17A.4, 47.1 and 53.1A.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2021 Iowa Acts, Senate File 413.

*Purpose and Summary*

This rule making adds new rules and amends existing rules, including Iowa Code citations, in accordance with 2021 Iowa Acts, Senate File 413.

This rule making makes necessary adjustments to accommodate for the implementation of a sure count deadline for absentee ballots; updates rules related to the use of Intelligent Mail barcode (IMb) Tracing to reflect its continued use for Safe at Home and Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters; provides for new rules regarding the issuance of technical infractions pursuant to Iowa Code section 39A.6; brings rules regarding the establishment of satellite voting locations into compliance with 2021 Iowa Acts, Senate File 413; creates rules regarding the establishment of drop

SECRETARY OF STATE[721](cont'd)

boxes for voted absentee ballots; puts in place processes for utilizing reports provided by the electronic registration information center (ERIC); and outlines the requirements for voter list maintenance reports.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 6, 2021, as **ARC 5958C**. No public comments were received. Nonsubstantive changes from the Notice have been made to make the formatting of the term “I-Voters” consistent.

*Adoption of Rule Making*

This rule making was adopted by the Secretary of State on November 10, 2021.

*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 Secretary of State for a waiver of the discretionary provisions, if any, pursuant to 721—Chapter 10.

*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).

*Effective Date*

This rule making will become effective on January 5, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 21.2(2) as follows:

**21.2(2) Original absentee ballot applications.** The original absentee ballot application submitted electronically shall also be mailed or delivered to the commissioner. If mailed, the envelope bearing the original absentee ballot application shall be postmarked not later than the voter registration deadline provided in Iowa Code section 48A.9 for the election for which the ballot is requested. This subrule shall not apply to documents submitted electronically by UOCAVA voters pursuant to rule 721—21.320(53).

*a.* The voter’s absentee ballot shall be rejected by the absentee and special voters precinct board if the original absentee ballot application which was filed electronically is not received by the time the polls close on election day.

*b.* ~~The voter’s absentee ballot shall be rejected by the absentee and special voters precinct board if the postmark or Intelligent Mail barcode (IMb) on the envelope containing the original absentee ballot application is either illegible or later than the voter registration deadline provided in Iowa Code section 48A.9 for the election for which the ballot is requested.~~

SECRETARY OF STATE[721](cont'd)

ITEM 2. Amend rule 721—21.12(47,53) as follows:

**721—21.12(47,53) Absentee ballot receipt deadline when the United States post office is closed on the deadline for receipt of absentee ballots.** When the United States post office is closed in observance of a federal holiday and is not delivering mail on the deadline for receipt of absentee ballots as set forth in Iowa Code ~~section 53.17~~ sections 9E.6 and 53.44, the deadline to receive mailed absentee ballots that are determined to have entered the federal mail system timely, as indicated by the postmark or Intelligent Mail barcode (IMb) Tracing, shall move to the next business day on which mail delivery is available.

This rule is intended to implement Iowa Code sections 9E.6, 47.1, and 47.4 and ~~sections 53.17 and 52.22 as amended by 2016 Iowa Acts, House File 2273, sections 11 to 15~~ 53.44.

ITEM 3. Amend rule 721—21.14(53) as follows:

**721—21.14(53) Intelligent Mail barcode (IMb) Tracing.** A commissioner ~~may choose to~~ shall use Intelligent Mail barcode (IMb) Tracing (IMb Tracing) to determine when an absentee ballot has entered into the federal mail system as an alternative to a traditional postmark verification for the purposes of Iowa Code sections 9E.6 and 53.44.

**21.14(1) Notice to state commissioner of elections required.**

a. Prior to a commissioner's implementation of IMb Tracing for an election, notice must be sent to the state commissioner.

b. A commissioner may not implement or discontinue the use of IMb Tracing while an election is open once absentee ballots have been mailed pursuant to Iowa Code section 53.8.

c. The state commissioner may issue a waiver to paragraph "~~b~~" 21.14(1) "~~b~~" if a commissioner's ability to use IMb Tracing is impacted by issues beyond the commissioner's control.

**21.14(2) Determining the eligibility of IMb-marked absentee ballots.** An absentee ballot shall be counted once it is determined that the absentee ballot arrived in the federal mail system by the deadline specified in Iowa Code ~~chapter 53~~ sections 9E.6 and 53.44. The absentee ballot's entry into the federal mail system may be verified either by a postmark or by information obtained through IMb Tracing. For absentee ballots received after election day, but before the official canvass:

a. If the postmark or IMb Tracing information indicates that an absentee ballot was received by the deadline specified in Iowa Code ~~chapter 53~~ sections 9E.6 and 53.44, the ballot shall be included for canvass by the absentee and special voters precinct board (board).

b. If the postmark is illegible, missing, or dated on or after election day, the commissioner shall attempt to verify the absentee ballot's entry into the federal mail system by using the IMb Tracing information for the ballot. The commissioner shall provide all of the materials to the board.

c. If there is a date discrepancy between the postmark and the IMb, the earlier of the two shall determine whether or not the absentee ballot can be counted.

d. If neither the postmark nor the IMb indicate that the absentee ballot entered the federal mail system by the deadline specified in Iowa Code ~~chapter 53~~ sections 9E.6 and 53.44, the absentee ballot shall not be counted.

e. The information provided by the commissioner to the board must contain the numeric value assigned to the IMb barcode and a full report from the United States Postal Service.

f. A board member from each political party for partisan elections or two members from the board for nonpartisan elections shall review the IMb Tracing information provided by the commissioner and shall certify the information by initialing the envelope and report.

g. If the board concludes that the IMb Tracing information verifies that the absentee ballot entered the federal mail system by the deadline specified in Iowa Code ~~chapter 53~~ sections 9E.6 and 53.44, the absentee ballot shall be counted.

**21.14(3) Report to the state commissioner.** A commissioner who makes use of IMb Tracing shall file a report with the state commissioner for each general election no later than the first day of December following each general election. The report shall be on a form prescribed by the state commissioner.

This rule is intended to implement Iowa Code sections ~~53.17 and 53.22 as amended by 2016 Iowa Acts, House File 2273, sections 11 to 15~~ 9E.6, 53.17A and 53.44.

SECRETARY OF STATE[721](cont'd)

ITEM 4. Adopt the following new rule 721—21.100(39A):

**721—21.100(39A) Issuance of technical infractions.**

**21.100(1)** If the state commissioner becomes aware of an apparent technical violation of a provision of Iowa Code chapters 39 through 53, the state commissioner may administratively provide a written notice and letter of instruction to the commissioner or other responsible person regarding proper compliance procedures.

**21.100(2)** If a commissioner becomes aware of an apparent technical violation of a provision of Iowa Code chapters 39 through 53, the commissioner shall notify the state commissioner in writing for review pursuant to rule 721—21.102(49). The commissioner shall administratively provide a written notice and letter of instruction to the responsible person regarding proper compliance procedures only if the commissioner has direct supervisory authority over the responsible person.

**21.100(3)** If the state commissioner sends a notice of such a technical infraction to a commissioner, the state commissioner may require a written explanation of the occurrence and the measures that the person took to redress the issues contained within the notice.

**21.100(4)** Upon the issuance of a technical infraction to a commissioner, the state commissioner shall also impose a fine not to exceed \$10,000 to be deposited in the general fund. The state commissioner shall impose the fine based on the totality of the circumstances regarding the apparent technical violation of Iowa Code chapters 39 through 53. A commissioner's party affiliation shall not be considered when determining the amount of a fine. The state commissioner may consider the number of technical infractions previously issued to a commissioner when determining the amount of a fine. The state commissioner shall provide an explanation of the amount of the fine in the written notice and letter of instruction.

*a.* The commissioner shall pay a fine issued pursuant to Iowa Code section 39A.6, in full or file an appeal pursuant to Iowa Code chapter 17A within 60 days. The appeals process shall be the same process outlined in 721—Chapter 3.

*b.* A commissioner who fails to pay a fine in full that was not dismissed pursuant to Iowa Code chapter 17A shall be suspended from office for a period not to exceed two years pursuant to Iowa Code sections 66.7 and 66.8.

*c.* If a commissioner is suspended pursuant to Iowa Code section 39A.6, the state commissioner shall direct the deputy of the county commissioner to oversee the functions of the office until the suspension is revoked or the office is vacated and a successor is elected. The state commissioner may direct the state commissioner's staff to assist in the performance of the duties of a suspended commissioner.

**21.100(5)** Upon issuing a technical infraction, the state commissioner shall immediately inform the attorney general and relevant county attorney if the apparent violation constitutes or may constitute election misconduct under this chapter.

This rule is intended to implement Iowa Code section 39A.6.

ITEM 5. Adopt the following new rule 721—21.103(39A):

**721—21.103(39A) Election misconduct—investigation.**

**21.103(1)** The attorney general or county attorney shall investigate allegations of election misconduct reported to the attorney general or county attorney. Election misconduct by an election official shall also be investigated for prosecution under Iowa Code chapter 721.

**21.103(2)** Upon the completion of an investigation required by Iowa Code section 39A.7, the attorney general or county attorney shall submit the results of the investigation to the state commissioner in writing and explain whether the attorney general or county attorney will pursue charges. If the attorney general or county attorney will pursue charges, the attorney general or county attorney shall report the result of the final disposition of the case to the state commissioner.

This rule is intended to implement Iowa Code section 39A.7.

SECRETARY OF STATE[721](cont'd)

ITEM 6. Amend subrule 21.300(1) as follows:

**21.300(1) Establishment of stations.** ~~Satellite absentee voting stations may be established by the county commissioner of elections or~~ by a petition of eligible electors of the jurisdiction conducting the election.

~~*a. Satellite absentee voting stations established by the county commissioner.* The county commissioner of elections may designate locations in the county for satellite absentee voting stations. Satellite absentee voting stations established by the commissioner shall be accessible to elderly and disabled voters. Satellite absentee voting stations must also be established so as to provide for voting in secret and ballot security.~~

~~*b. a. Satellite absentee voting stations established after receipt of a valid petition.* A petition requesting a satellite absentee voting station shall be substantially in the form titled "Petition Requesting Satellite Absentee Voting Station" available on the state commissioner's website. If the commissioner receives a petition requesting a satellite absentee voting station on or before the petition deadline set forth in Iowa Code section 53.11, the commissioner shall determine the validity of the petition within 24 hours. A petition requesting a satellite absentee voting station is valid if it contains signatures of not less than 100 eligible electors of the jurisdiction county conducting the election who are eligible to vote in the election that is the subject of the petition. Electors signing the petition must include their signature, house number, street, and date the petition was signed. Signatures on lines not containing all of the required information shall not be counted. The heading on each page of the petition shall include the satellite location requested and the election name or date for which the location is requested. Signatures on petition pages without the required heading shall not be counted.~~

~~*e. b. Mandatory rejection of certain satellite absentee voting stations.* Otherwise valid petitions for satellite absentee voting stations shall be rejected within four days of the commissioner's receipt of the petition if:~~

- ~~(1) The site requested is not accessible to elderly and disabled voters,~~
- ~~(2) The site requested has other physical limitations that make it impossible to meet the requirements for ballot security and secret voting, or~~
- ~~(3) The owner of the site refuses permission to locate the satellite absentee voting station at the site requested on the petition, unless the site is required to serve as a polling place pursuant to Iowa Code section 49.21(2), or~~
- ~~(4) After reasonable efforts, the commissioner is unable to sufficiently staff the satellite absentee voting station to ensure compliance with the laws of this state.~~

~~*d. c. Discretionary rejection of certain satellite absentee voting stations.* Otherwise valid petitions for satellite absentee voting stations may be rejected within four days of the commissioner's receipt of the petition if:~~

- ~~(1) A petition is received requesting satellite voting for a city runoff election and a special election is scheduled to be held between the regular city election and a city runoff election, or~~
- ~~(2) The owner of the site demands payment for its use, unless the site is required to serve as a polling place pursuant to Iowa Code section 49.21(2).~~

~~*d. Two or more satellite absentee voting petitions.* If the commissioner receives valid petitions to establish two or more satellite absentee voting stations located within the same precinct, the commissioner may choose to establish a satellite absentee voting station at only one of the locations.~~

~~*e. Provision of ballots.* Only ballots from the county in which the site is located may be provided at the satellite absentee voting station. Ballots must be provided for the precinct in which the satellite absentee voting station is located; however, it is not necessary to provide ballots from all of the precincts in the political subdivision for which the election is being conducted.~~

ITEM 7. Amend rule 721—21.303(53) as follows:

**721—21.303(53) Mailing absentee ballots.** The commissioner shall mail the following materials to each person who has requested an absentee ballot:

1. Ballot. The ballot that corresponds to the voter's residence, as indicated by the residential address on the absentee ballot application.

## SECRETARY OF STATE[721](cont'd)

2. Public measure text. The full text of any public measures that are summarized on the ballot, but not printed in full.
3. Secrecy envelope. Secrecy envelope, if the ballot cannot be folded to cover all of the voting ovals, as required by Iowa Code section 53.8(1).
4. Affidavit envelope. The affidavit envelope, which shall be marked with the I-Voters-assigned sequence number used to identify the absentee request in the commissioner's records.
5. Return envelope. The return envelope, which shall be addressed to the commissioner's office and bear appropriate return postage or a postal permit guaranteeing that the commissioner will pay the return postage and which shall be marked with the I-Voters-assigned sequence number used to identify the absentee request in the commissioner's records. All domestic and UOCAVA return envelope flaps or backs shall also be printed or stamped with a notice in substantially the following form: "This ballot will only be eligible for counting if it is received by the auditor's office before the polls close on election day or postmarked before election day and received by the deadline listed in the voting instructions included with this ballot. **Postmarks are not guaranteed!** Mail the ballot early to make sure it is received on time. Track the status of your absentee ballot at [www.sos.iowa.gov](http://www.sos.iowa.gov)."
6. Delivery envelope. The delivery envelope, which shall be addressed to the voter and bear the I-Voters-assigned sequence number used to identify the absentee request in the commissioner's records. All other materials shall be enclosed in the delivery envelope.
7. Instructions. Absentee voting instructions, which shall be in the form required by rule 721—22.250(52).
8. Receipt. The receipt form required by Iowa Code section 53.3, which may be printed on the instructions required by numbered paragraph "7" above.

This rule is intended to implement Iowa Code sections 53.8 and 53.17.

ITEM 8. Rescind rule 721—21.307(49,53) and adopt the following new rule in lieu thereof:

**721—21.307(53) Absentee ballot drop boxes.**

**21.307(1) Video surveillance footage retention.** Video surveillance footage recorded pursuant to Iowa Code section 53.17(1)"c"(4) shall be maintained for a period of 22 months for elections in which a federal office appears on the ballot, and for 6 months for all other elections, or until there are no more pending contests or criminal actions, whichever is later.

**21.307(2) Absentee ballot retrieval.** Materials delivered to the ballot drop box shall be retrieved in an expeditious manner, but no less often than four times per day on days in which voters may deposit a voted ballot in the ballot drop box. The ballot drop box does not need to be checked on days in which voters are unable to deposit materials into the drop box.

**21.307(3) Notice to voters regarding drop box availability.** If a county is providing a ballot drop box for an election, the county shall include information regarding the ballot drop box's availability, on a form prescribed by the state commissioner, with materials mailed to voters pursuant to Iowa Code section 53.8.

This rule is intended to implement Iowa Code section 53.17.

ITEM 9. Amend rule 721—28.1(47,48A) as follows:

**721—28.1(47,48A) State registrar's responsibility.** The state registrar of voters is responsible for the implementation of a single, uniform, official, centralized, interactive, computerized statewide voter registration file of every legally registered voter in the state. This file is known as ~~I-VOTERS~~ I-Voters. These rules regulate access to the file by county registrars and others and set forth protocols for adding, changing or deleting file information.

ITEM 10. Amend rule 721—28.2(48A) as follows:

**721—28.2(48A) Access and fees.**

**28.2(1)** The state registrar and county registrars shall grant access to the ~~I-VOTERS~~ I-Voters database consistent with the Iowa Code and the security plan for the system. Authorized users of the



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system shall be issued secure password-protected access that is monitored by the state registrar. Access may be denied or revoked by the state registrar for violation of the security policy.

**28.2(2)** No change.

**28.2(3)** Statewide or congressional district voter registration information from ~~I-VOTERS~~ I-Voters may be obtained only from the state registrar. Voter registration information from ~~I-VOTERS~~ I-Voters other than statewide or congressional district information may be obtained from the state registrar or a county registrar. A county registrar may provide from ~~I-VOTERS~~ I-Voters voter registration information for a district or other jurisdiction that is located in whole or in part within the registrar's county.

ITEM 11. Amend rule 721—28.3(48A) as follows:

**721—28.3(48A) Duplicate and multiple voter registration record deletion process.**

**28.3(1)** The state registrar shall provide a search function within the ~~I-VOTERS~~ I-Voters software to search for likely duplicate or multiple voter registration records. County registrars shall have the capability to activate this function.

**28.3(2)** During each calendar quarter, the county registrar shall activate the search function described in subrule 28.3(1) and review the list of likely duplicate or multiple voter registration records. The county registrar shall resolve duplicate or multiple records for the same voter. No voter shall have more than one voter record. The voter record associated with the most recent registration or other voter-initiated activity shall be considered the voter's current record. The voter shall be registered in the county of current record, and the voter record in any other county shall be merged with the record in the current county. Individual voter history and other voter data shall be transferred to the voter's record in the current county of registration.

**28.3(3)** ~~The state registrar shall periodically engage in interstate checking of voter registration records with cooperating states for the purpose of identifying duplicate or multiple voter registration records. A list of likely matches of records based upon predetermined search criteria shall be timely sent to each county registrar~~ request information from the electronic information registration center regarding the existence of duplicate registrations. Within 15 days of a county registrar's receipt of notification from the state registrar of the existence of a duplicate or multiple record, the county registrar shall follow the process outlined in subrule 28.3(2).

**28.3(4)** ~~On an ongoing basis, the state registrar shall request reports from the electronic information registration center for the purpose of engaging in interstate checking of voter registration records with other participating states. The purpose of these interstate checks is to identify duplicate or multiple voter registration records. A report based on information provided by the electronic information registration center shall be timely provided to each county registrar.~~

**28.3(4) 28.3(5)** ~~Within 15 days of the receipt of a list report produced by the state registrar in accordance with 28.3(3) subrule 28.3(4), the county registrar shall review the list of likely duplicate or multiple voter registration records and determine the accuracy of the search results. If the voter is found to be registered to vote in another state more recently than the voter's last voter-initiated activity in Iowa, the commissioner shall make the voter's status "inactive" and the voter shall be mailed a forwardable National Voter Registration Act-compliant confirmation notice. The notice shall contain a statement in substantially the following form:~~

Information received by this office indicates that you are no longer a resident at the address printed on the reverse side of this card. If this information is not correct, and you still live at that address, please complete and mail the attached postage-paid card at least ~~10 days before the primary or general election, or at least 11~~ 15 days before any other election at which you wish to vote. If the information is correct and you have moved ~~within the county, you may update your registration by listing your new address on the card and mailing it back. If you have moved outside the county~~ outside the state of Iowa, you may check the box below requesting cancellation of your Iowa voter registration to ensure you are not registered to vote in more than one state. If you have moved within the state of Iowa, please contact a local official the county auditor in your new location for assistance in registering there updating your voter registration

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or visit [sos.iowa.gov/register](http://sos.iowa.gov/register) for more information. ~~If you do not mail in the card, you may be required to show identification before being allowed to vote in [name of county] County, Iowa.~~ If you do not return the card and you do not vote in an election in [name of county] County, Iowa, on or before (date of second general election following the date of the notice), your name will be removed from the list of voters in that county.

~~28.3(5)~~ 28.3(6) County registrars shall cooperate with each other to ensure that voter records are properly merged into the current county file.

ITEM 12. Amend rule 721—28.4(48A) as follows:

**721—28.4(48A) Cancellations and restorations of voter registration due to felony conviction.**

**28.4(1)** Based upon information provided to the state registrar by the state or federal judicial branch and by the governor, the state registrar shall maintain a list of felons convicted in State of Iowa District Courts and the United States District Courts of the Northern and Southern Districts of Iowa and a list of convicted felons whose voting rights have been restored by the governor of Iowa. Periodically, these lists shall be matched with ~~I-VOTERS~~ I-Voters. Based upon predetermined search criteria, a list of likely matches of ineligible voters shall be produced for each county and provided to each county registrar.

**28.4(2)** and **28.4(3)** No change.

**28.4(4)** New applicants for registration entered into ~~I-VOTERS~~ I-Voters by a county registrar shall be electronically matched against the list of convicted felons in the file, and applicants disqualified due to felony conviction shall not be registered as voters. The county registrar shall notify the registration applicant of the applicant's disqualification in the same manner as provided for in subrule 28.4(2) above.

ITEM 13. Adopt the following new rule 721—28.7(48A):

**721—28.7(48A) Voter list maintenance reports.** The reporting requirements in Iowa Code section 48A.40 shall be met by the county registrar entering registration information into I-Voters in accordance with guidance prescribed by the state registrar.

[Filed 11/10/21, effective 1/5/22]

[Published 12/1/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/1/21.

**ARC 6060C**

**TRANSPORTATION DEPARTMENT[761]**

**Adopted and Filed**

**Rule making related to driver's privacy protection and motor vehicle records**

The Transportation Department hereby amends Chapter 4, "Public Records and Fair Information Practices," adopts new Chapter 301, "Driver's Privacy Protection—Motor Vehicle Records" and rescinds Chapter 415, "Driver's Privacy Protection—Certificates of Title and Vehicle Registration," Chapter 610, "Release of Computerized Driver's License and Nonoperator's Identification Card Records," and Chapter 611, "Driver's Privacy Protection—Driver's License and Nonoperator's Identification Card," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 307.12, 321.11 and 321A.3.

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*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 321.10, 321.11, 321.13 and 321A.3 and 18 U.S.C. Section 2721 et seq.

*Purpose and Summary*

This rule making adopts new Chapter 301, which combines content from current Chapters 415, 610 and 611, related to motor vehicle records and the federal Driver's Privacy Protection Act of 1994 (DPPA). The purpose of creating this new chapter is to join chapters with similar content and reduce the number of places an interested party would need to check to determine the privacy requirements related to personal information contained in motor vehicle records protected under the DPPA. Along with the adoption of new Chapter 301, the three current Chapters 415, 610 and 611 will be rescinded and Chapter 4 will be amended to refer to Chapter 301.

In addition to simply combining content from three separate chapters into one chapter, this rule making updates the rules to align with existing legal authority and Department practice and eliminates outdated or irrelevant requirements or options.

The following paragraphs further explain the amendments:

**Applicability.** The rule concerning applicability states that the chapter applies to personal information contained in motor vehicle records, which is covered under the DPPA and Chapter 301.

**Definitions.** The definitions rule combines definitions from Chapters 415, 610 and 611. No new definitions have been added.

**Motor vehicle records access.** The amendments outline the requirements and procedures implementing the DPPA and Iowa Code section 321.11 as these requirements pertain to accessing motor vehicle records. Specifically, the rules outline the process for accessing a motor vehicle record containing personal information depending on if the requester is seeking a motor vehicle record that contains personal information about another individual, or if the requester is seeking information from the requester's own motor vehicle records, or if the requester is a law enforcement agency. The rule states that the Department shall not release any personal information if requested by vehicle license plate number or validation sticker number, except as provided in Iowa Code section 321.11. The rules also provide that all requesters who obtain personal information from the Department are required to comply with the provisions of Iowa Code section 321.11 and the DPPA.

**Electronic motor vehicle records.** The Department has the ability to create an electronic file of motor vehicle records for authorized requesters under the DPPA, and the rule provides that the Department may either require the privacy act form to be completed or the Department may enter into a memorandum of understanding governing the terms of accessing motor vehicle records electronically.

**Certified driving record abstracts.** A certified abstract of a driving record contains information on the face of an individual's driver's license in addition to information regarding the individual's driver's license sanctions, reportable motor vehicle accidents, and convictions. A certified abstract of a driving record is often used in court proceedings or for other official purposes. Personal information in a certified abstract of a driving record may only be released if the requester completes and submits the applicable privacy act agreement form, provides any required proof of identity and authority to secure access to the information, and pays any applicable statutory fee. The rule also includes application provisions for law enforcement agencies or a person seeking the person's own record.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 22, 2021, as **ARC 5921C**. A public hearing was held on October 14, 2021, at 1 p.m.

The Department received written and oral comments from an insurance agent and risk management consultant, Matthew Wilson with Molyneaux. Shelly Chandler and Susan Seehase from the Iowa Association of Community Providers also participated in the public hearing. The commenters had concerns about a recent change in status as an authorized requester of motor vehicle records. However,

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the commenters agreed that the amendments do not change who is considered an authorized requester under the law and are willing to continue to work with the Motor Vehicle Division to resolve their concerns outside of the rule-making process.

No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Department on November 9, 2021.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa because the Department is not adding any fees that are not already required by statute.

*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.

*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).

*Effective Date*

This rule making will become effective on January 5, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend paragraph **4.9(13)“a”** as follows:

*a.* Information other than personal information contained on electronic driver's license or nonoperator's identification card records that is provided by the licensee or card holder to the department for use by law enforcement, first responders, emergency medical service providers, and other medical personnel responding to or assisting with an emergency may be disclosed only as provided in Iowa Code sections 321.11 and 321.11A, 18 U.S.C. § 2721 et seq., and ~~761—Chapters 415, 610 and 611~~ 761—Chapter 301.

ITEM 2. Adopt the following **new** 761—Chapter 301:

CHAPTER 301

DRIVER'S PRIVACY PROTECTION—MOTOR VEHICLE RECORDS

**761—301.1(321) Applicability.** This chapter applies to personal information and highly restricted personal information in records pertaining to driver's licenses, nonoperator's identification cards, and personal information and highly restricted personal information about vehicle owners in records pertaining to certificates of title, registration receipts and registration renewal receipts issued by the department or a county treasurer. In addition to information on current licensees and cardholders, motor vehicle records include information on individuals who do not currently hold a driver's license

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or nonoperator's identification card, including, but not limited to, operating records and records of driver sanctions.

This rule is intended to implement Iowa Code section 321.11 and 18 U.S.C. §2721 et seq.

**761—301.2(321) Adoption.** The department adopts the Driver's Privacy Protection Act of 1994 (18 U.S.C. §2721 et seq.) for motor vehicle records.

This rule is intended to implement Iowa Code section 321.11 and 18 U.S.C. §2721 et seq.

**761—301.3(321) Definitions.**

*"Certified abstract of operating record"* means the same as described in Iowa Code section 321A.3(1).

*"Driver's license"* means the same as defined in Iowa Code section 321.1(20A).

*"Driver's Privacy Protection Act"* means the Act adopted in rule 761—301.2(321).

*"Highly restricted personal information"* means an individual's photograph or image, social security number, or medical or disability information.

*"Law enforcement agency"* includes, but is not limited to, county attorneys, federal district attorneys, attorneys general, state and federal departments of justice, and a division or unit of a governmental agency if the division's or unit's primary responsibility is to prevent or detect crime or enforce criminal laws.

*"Motor vehicle record"* as used in the Driver's Privacy Protection Act means any record that pertains to a driver's license, nonoperator's identification card, certificate of title, registration receipt, or registration renewal receipt issued by the department or a county treasurer.

*"Person"* means an individual, organization or entity.

*"Personal information"* means information that identifies an individual, including the items listed in Iowa Code section 321.11 and 18 U.S.C. §2725 of the Driver's Privacy Protection Act adopted in rule 761—301.2(321). "Personal information" also includes information on an individual's nonoperator's identification card.

*"Requester"* means an individual, organization or entity that seeks from the department access to personal information or highly restricted personal information contained in the individual's own or another individual's motor vehicle record. A requester does not include an individual who is an authorized employee of the department or a county treasurer acting within the scope of the employee's office or employment.

*"Sanction"* means the same as defined in rule 761—615.1(321).

*"Vehicle owner"* as used in this chapter means a vehicle owner who is an individual, not a company, organization or other legal entity.

This rule is intended to implement Iowa Code section 321.11 and 18 U.S.C. §2721 et seq.

**761—301.4(17A) Information and addresses.** Information and forms for records pertaining to motor vehicle records may be obtained at any driver's license service center or by mail from 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 telephone at (515)237-3110; by email at [privacy.agreements@iowadot.us](mailto:privacy.agreements@iowadot.us); or on the department's website at [www.iowadot.gov](http://www.iowadot.gov).

This rule is intended to implement Iowa Code section 17A.3.

**761—301.5(321) Requirements and procedures.** Notwithstanding Iowa Code chapter 22 and 761—Chapter 4, the following procedures implement the Driver's Privacy Protection Act and Iowa Code section 321.11 as the provisions pertain to access to records related to driver's licenses, nonoperator's identification cards, certificates of title, registration receipts and registration renewal receipts. The department does not provide the waiver procedure described in the Driver's Privacy Protection Act (codified as 18 U.S.C. §2721(d)).

**301.5(1)** The department shall require a requester who requests personal information or highly restricted personal information about another individual to:

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*a.* Complete Form 431069, “Privacy Act Agreement for Request of Motor Vehicle Records,” and submit the form to any driver’s license service center or the motor vehicle division at the address in rule 761—301.4(17A).

*b.* Provide proof of identity and authority to access the information by completing Form 431069, “Privacy Act Agreement for Request of Motor Vehicle Records,” and including a legible photocopy of the requester’s driver’s license or nonoperator’s identification card.

*c.* Provide proof of authority to secure access to the personal information or highly restricted personal information by completing Part C of Form 431069, “Privacy Act Agreement for Request of Motor Vehicle Records,” and providing the department with proof of the requester’s status or other additional information the department may request.

*d.* Complete the certification on Part D of Form 431069, “Privacy Act Agreement for Request of Motor Vehicle Records,” and provide any proof necessary to establish relevant facts.

**301.5(2)** The department shall require a law enforcement agency that requests personal information or highly restricted personal information about another individual to either follow the process in subrule 301.5(1) or complete and submit Form 431200, “Certified Motor Vehicle Record Request Form for Use by County Attorney’s Offices and Law Enforcement Agencies,” to any driver’s license service center or the motor vehicle division at the address in rule 761—301.4(321). Nothing in this subrule shall preclude a law enforcement agency from completing and submitting Form 431069 or from entering into a memorandum of understanding with the department for the purposes of requesting personal information or highly restricted personal information.

**301.5(3)** The department shall require a requester who requests personal information or highly restricted personal information about themselves to either:

*a.* Complete and submit Part A of Form 431069, “Privacy Act Agreement for Request of Motor Vehicle Records,” including a photocopy of the requester’s driver’s license or nonoperator’s identification card to any driver’s license service center or the motor vehicle division at the address in rule 761—301.4(321).

*b.* Provide valid proof of the requester’s identity to any driver’s license service center or the motor vehicle division at the address in rule 761—301.4(321).

**301.5(4)** Personal information and highly restricted personal information, except for an individual’s photograph or image, may be disclosed with the express written consent of the individual or vehicle owner to whom such information applies. When the requester has obtained the written consent of the individual or vehicle owner to whom the information applies, the requester must attach that written consent on a completed Form 431069, “Privacy Act Agreement for Request of Motor Vehicle Records,” and submit the form to any driver’s license service center or the motor vehicle division at the address in rule 761—301.4(321). An individual’s signature on the document providing express written consent allowing disclosure of the individual’s personal information to another person must be notarized, or in the alternative, the signed written consent document must be accompanied by a copy of the individual’s driver’s license or nonoperator’s identification card.

**301.5(5)** The statutory fee, if applicable, shall accompany the request for a motor vehicle record.

**301.5(6)** The department shall not release any personal information or highly restricted personal information if the request is made by plate number or validation sticker number, except as provided in Iowa Code section 321.11.

**301.5(7)** All requesters who obtain personal information or highly restricted personal information from the department are required to comply with Iowa Code section 321.11 and the Driver’s Privacy Protection Act.

**301.5(8)** The department may transmit records to an authorized requester under this chapter by email.

This rule is intended to implement Iowa Code sections 321.10 and 321.11 and 18 U.S.C. §2721 et seq.

**761—301.6(321) Electronic motor vehicle records files.** Motor vehicle records files may be made available electronically to authorized requesters under the Driver’s Privacy Protection Act upon approval by the department and upon payment of any applicable fees. The department may require the requester to

## TRANSPORTATION DEPARTMENT[761](cont'd)

complete and submit Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," or Form 431200, "Certified Motor Vehicle Record Request Form for Use by County Attorney's Offices and Law Enforcement Agencies," to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(321), including any required attachments, or may enter into a memorandum of understanding governing the terms of accessing the motor vehicle records files electronically.

This rule is intended to implement Iowa Code section 321.11 and 18 U.S.C. §2721 et seq.

**761—301.7(321,321A) Certified abstract of operating records.**

**301.7(1)** In accordance with Iowa Code section 321A.3, a certified abstract of the operating record of an individual is available. The record includes the information that is on the face of the individual's driver's license, plus information on the individual's sanctions, reportable vehicle accidents, and convictions. The certified abstract of operating record does not include the individual's photograph, social security number, or medical or disability information.

**301.7(2)** To obtain a certified abstract of an operating record of another individual, a requester shall complete Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," and submit the form to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(17A). Form 431069 must be completed with all required attachments before the department will process a request for a certified abstract of an operating record of another individual. A requester must attach a legible photocopy of the requester's driver's license or nonoperator's identification card to the form.

*a.* Personal information and highly restricted personal information protected by Iowa Code section 321.11 and the Driver's Privacy Protection Act may be released only if all of the following apply:

(1) The requester has complied with each of the following requirements:

1. Completed and submitted Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," including proof of authority to secure access to the personal information or highly restricted personal information.

2. Included all required attachments with the form, including a photocopy of the requester's driver's license or nonoperator's identification card.

3. Paid the statutory fee by the methods permitted under Iowa Code section 321A.3, if applicable, for the requested record.

(2) The department is satisfied with the genuineness, regularity, and legality of the application and in any statement made within the application and in any required attachments.

*b.* Reserved.

**301.7(3)** The department shall require a law enforcement agency that requests a certified abstract of an operating record to complete to either follow the process in subrule 301.7(2) or submit Form 431200, "Certified Motor Vehicle Record Request Form for Use by County Attorney's Offices and Law Enforcement Agencies," to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(321). Nothing in this subrule shall preclude a law enforcement agency from completing and submitting Form 431069 or from entering into a memorandum of understanding with the department for the purposes of requesting information under this rule.

**301.7(4)** The department shall require a requester seeking the requester's own operating record to either:

*a.* Complete and submit Part A of Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," including a photocopy of the requester's driver's license or nonoperator's identification card to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(321).

*b.* Provide valid proof of the requester's identity to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(321).

**301.7(5)** The statutory fee, if applicable, shall accompany the request for a certified abstract of the operating record. There is no fee for an individual to view the individual's own operating record. Pursuant to the authority in Iowa Code section 321A.3, the department shall comply with the requirements of 781—Chapter 8 for payments accepted by credit card.

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**301.7(6)** The single-use restriction in Iowa Code section 321A.3(8) applies only to the certified abstract of operating records and to persons who are subject to the fee listed in Iowa Code section 321A.3(1).

**301.7(7)** Any person who obtains a certified abstract of operating record from the department is required to comply with Iowa Code section 321.11 and the Driver's Privacy Protection Act.

This rule is intended to implement Iowa Code sections 321.11, 321.13 and 321A.3 and 18 U.S.C. §2721 et seq.

ITEM 3. Rescind and reserve **761—Chapter 415**.

ITEM 4. Rescind and reserve **761—Chapter 610**.

ITEM 5. Rescind and reserve **761—Chapter 611**.

[Filed 11/9/21, effective 1/5/22]

[Published 12/1/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/1/21.

**ARC 6061C**

## **TRANSPORTATION DEPARTMENT[761]**

**Adopted and Filed**

### **Rule making related to emergency interstate fleet permit**

The Transportation Department hereby amends Chapter 511, "Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight," Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 307.12 and chapter 321E as amended by 2021 Iowa Acts, House File 382.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 321E as amended by 2021 Iowa Acts, House File 382.

#### *Purpose and Summary*

This rule making updates Chapter 511 to conform the rules with 2021 Iowa Acts, House File 382.

House File 382 creates a new emergency interstate fleet permit, which will allow all vehicles operating under the same interstate or intrastate motor carrier number to travel under the same permit, provided all vehicles are carrying divisible loads of disaster relief supplies related to a presidentially declared national emergency that has been declared a major disaster under the federal Stafford Act. Prior to the legislative change, the Department was not authorized to issue one special permit to apply to multiple vehicles operating under the same motor carrier's interstate or intrastate number. Rather, the Department's only option was to issue vehicle-specific permits. The intent of the legislation was to reduce administrative burden for motor carriers responding to emergencies.

#### *Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 22, 2021, as **ARC 5923C**. No public comments were received. No changes from the Notice have been made.



TRANSPORTATION DEPARTMENT[761](cont'd)

*Adoption of Rule Making*

This rule making was adopted by the Department on November 9, 2021.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

*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.

*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).

*Effective Date*

This rule making will become effective on January 5, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend rule **761—511.1(321E)**, definition of “Permit-issuing authority,” as follows:

“Permit-issuing authority” means the:

1. Department's ~~vehicle and motor carrier services bureau~~ vehicle division for permits for movement on the primary road system.
2. Authority responsible for the maintenance of a nonprimary system of highways or streets for permits for movement on that system. However, the ~~vehicle and motor carrier services bureau~~ vehicle division may issue single-trip permits on primary road extensions in cities in conjunction with movement on the rural primary road system.

ITEM 2. Adopt the following new definitions of “Emergency interstate permit” and “Stafford Act” in rule **761—511.1(321E)**:

“Emergency interstate permit” means a permit issued under Iowa Code section 321E.29B as enacted by 2021 Iowa Acts, House File 382.

“Stafford Act” means the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law No. 93-288, as amended, 42 U.S.C. §5121 et seq.

ITEM 3. Amend rule **761—511.1(321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321E.9, 321E.15, 321E.26, 321E.29, 321E.29B as enacted by 2021 Iowa Acts, House File 382, 321E.30 and 321E.34.

ITEM 4. Amend subrule 511.2(1) as follows:

**511.2(1)** Applications, forms, instructions and restrictions are available on the department's website at [www.iowadot.gov](http://www.iowadot.gov) and by mail from the ~~Vehicle and Motor Carrier Services Bureau~~ Vehicle Division, 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)237-3264; or by facsimile at (515)237-3257.

TRANSPORTATION DEPARTMENT[761](cont'd)

Permits may be obtained electronically upon making application to the ~~vehicle and motor carrier services bureau~~ vehicle division.

ITEM 5. Amend subrule 511.2(4), introductory paragraph, as follows:

**511.2(4)** Except as provided in rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E), permits may be issued only for the transporting of a single article which exceeds statutory size or weight limits or both, and which cannot reasonably be divided or reduced to statutory size and weight limits. However, permits may be issued for the transporting of property consisting of more than one article when:

ITEM 6. Amend rule ~~761—511.4(321E)~~ as follows:

**761—511.4(321E) Permits.** Permits issued shall be in writing or in electronic format and may be either single-trip, multitrip, annual, annual oversize/overweight, annual raw forest products, compacted rubbish, emergency interstate permit or all-systems permits.

**511.4(1)** and **511.4(2)** No change.

**511.4(3) Validity.**

*a. to c.* No change.

*d.* Emergency interstate permits issued under Iowa Code section 321E.29B as enacted by 2021 Iowa Acts, House File 382, shall be effective for 30 calendar days. However, the permit shall not exceed the expiration of the applicable governor's proclamation of disaster emergency issued under Iowa Code section 29C.6 in conjunction with the presidential declaration allowing interstate travel under the Stafford Act or the expiration of the declaration of major disaster under the Stafford Act, whichever expires first.

**511.4(4)** No change.

This rule is intended to implement Iowa Code sections 321E.2 and 321E.3 and section 321E.29B as enacted by 2021 Iowa Acts, House File 382.

ITEM 7. Amend paragraph **511.6(1)“a”** as follows:

*a.* Public liability insurance in the amounts of \$100,000 bodily injury each person, \$200,000 bodily injury each occurrence, and \$50,000 property damage with an expiration date to cover the tenure of the annual, annual oversize/overweight, annual raw forest products, all-systems, multitrip, emergency interstate or single-trip permit shall be required. In lieu of filing with the permit-issuing authority, a copy of the current certificate of public liability insurance in these amounts shall be carried in the vehicle for which the permit has been issued. Proof of liability insurance may be either in writing or in electronic format.

ITEM 8. Amend rule **761—511.6(321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 321E.13 and section 321E.29B as enacted by 2021 Iowa Acts, House File 382.

ITEM 9. Amend rule ~~761—511.7(321,321E)~~, introductory paragraph, as follows:

**761—511.7(321,321E) Annual permits.** Annual permits are issued for indivisible vehicles or indivisible loads for travel when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Route, detour and road embargo information may be found online at www.511ia.org or the department's website for the embargo bridge maps. Annual permits are issued for the following:

## TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 10. Strike “vehicle and motor carrier services bureau” wherever it appears in rules **761—511.7(321,321E)** and **761—511.9(321,321E)** and insert “motor vehicle division” in lieu thereof.

ITEM 11. Strike “See rule 761—511.14(321,321E)” wherever it appears in rules **761—511.7(321,321E)**, **761—511.8(321,321E)**, **761—511.9(321,321E)**, **761—511.12(321,321E)** and **761—511.13(321,321E)** and insert “See rule 761—511.15(321,321E)” in lieu thereof.

ITEM 12. Amend paragraph **511.8(1)“e”** as follows:

*e. Routing.* The owner or operator shall select a route using a vertical clearance map, bridge embargo map, pavement restrictions map, and construction and travel restrictions map provided by the department. Route, detour and road embargo information may be found online at [www.511ia.org](http://www.511ia.org) or the department’s website for the embargo bridge maps.

ITEM 13. Renumber rules **761—511.14(321,321E)** to **761—511.19(321)** as **761—511.15(321,321E)** to **761—511.20(321)**.

ITEM 14. Adopt the following **new** rule 761—511.14(29C,321,321E):

**761—511.14(29C,321,321E) Emergency interstate permit.** Emergency interstate permits are issued for vehicles transporting divisible loads of relief supplies when the weight exceeds statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Route, detour, and road embargo information may be found online at [www.511ia.org](http://www.511ia.org) or the department’s website for the embargo bridge maps. The owner or operator must contact the appropriate local authority for route approval to determine if additional permits are necessary for county roads or city streets. Emergency interstate permits are issued for the following:

**511.14(1)** Vehicles with divisible loads of relief supplies, which may exceed the weight limits established under Iowa Code section 321.463 on the interstate highway system, provided the following are not exceeded:

*a. Width.* Statutory: 8 feet 6 inches including appurtenances.

*b. Length.* Limited to the maximum dimensions in Iowa Code section 321.457.

*c. Height.* Statutory: 13 feet 6 inches.

*d. Weight.* See rule 761—511.15(321,321E).

*e. Distance.* Movement is allowed for unlimited distance on the interstate for 30 days not to exceed the expiration of the applicable governor’s proclamation issued in conjunction with the applicable declaration under the Stafford Act, or expiration of the applicable declaration under the Stafford Act, whichever expires sooner. In the event that more than one proclamation issued under Iowa Code section 29C.6 is in effect, only the proclamation issued in conjunction with the same event that caused the major disaster declaration under the Stafford Act shall govern the expiration date. Separate permits may be required for roads other than the interstate unless the governor, under the authority in Iowa Code section 29C.6, suspends applicable permitting provisions under proclamation for the same event.

**511.14(2)** Reserved.

This rule is intended to implement Iowa Code sections 29C.6, 321.457, and 321.463 and section 321E.29B as enacted by 2021 Iowa Acts, House File 382.

ITEM 15. Amend renumbered rule 761—511.15(321,321E) as follows:

**761—511.15(321,321E) Maximum axle weights and maximum gross weights for vehicles and loads moved under permit.**

**511.15(1) Annual and all-systems permits.**

*a.* No change.

*b.* See subrule ~~511.14(5)~~ **511.15(6)** for exceptions for special mobile equipment.

**511.15(2) Annual oversize/overweight permits or annual raw forest products permits.**

*a.* No change.

## TRANSPORTATION DEPARTMENT[761](cont'd)

*b.* See subrule ~~511.14(5)~~ 511.15(6) for exceptions for special mobile equipment.

**511.15(3) *Multitrip permits.***

*a.* No change.

*b.* See subrule ~~511.14(5)~~ 511.15(6) for exceptions for special mobile equipment.

**511.15(4) *Single-trip permits.***

*a. to c.* No change.

*d.* See subrule ~~511.14(5)~~ 511.15(6) for exceptions for special mobile equipment.

**511.15(5) *Emergency interstate permits.***

*a.* For movement under this permit, the gross weight on any axle shall not exceed 20,000 pounds with a maximum of 90,000 pounds total gross weight.

*b.* The maximum weight on any single axle shall not exceed by more than 12.5 percent the maximum axle weight limit in the nonprimary highway maximum gross weight table in Iowa Code section 321.463(6) "b" and must comply with posted limits on roads and bridges.

~~511.15(5)~~ **511.15(6) *Special mobile equipment.*** Special mobile equipment may have a gross weight of 36,000 pounds on any single axle equipped with minimum size 26.5-inch by 25-inch flotation pneumatic tires and a maximum gross weight of 20,000 pounds on any single axle equipped with minimum size 18-inch by 25-inch flotation pneumatic tires, provided that the total gross weight of the vehicle or a combination of vehicles does not exceed a maximum of 80,000 pounds for movement under an annual or all-systems permit and 126,000 pounds for movement under a single-trip, multitrip or annual oversize/overweight permit.

For tire sizes and weights allowed between the maximum and minimum indicated, the following formula shall apply: Axle weight = 20,000 pounds + (tire width - 18) × 1,882 pounds.

~~511.15(6)~~ **511.15(7) *Permitted tandem axle weights.***

*a. to c.* No change.

This rule is intended to implement Iowa Code sections 321.463, 321E.7, 321E.8, 321E.9, 321E.9A, 321E.26, 321E.29B as enacted by 2021 Iowa Acts, House File 382, and 321E.32.

ITEM 16. Amend renumbered subrule 511.16(2) as follows:

**511.16(2)** At the discretion of the permit-issuing authority, the combined gross weight may exceed the statutory weight, but the axle weights shall be subject to rule ~~761—511.14(321,321E)~~ 761—511.15(321,321E).

ITEM 17. Amend renumbered rule ~~761—511.19(321,321E)~~ as follows:

**761—511.19(321,321E) Permit violations.** Permit violations are to be reported to the permit-issuing authority by the arresting officer and the permit holder. If a permit holder is found to have willfully violated permit provisions, the ~~vehicle and motor carrier services bureau~~ vehicle division may, after notice and hearing, suspend, modify or revoke the permit privileges of the permit holder consistent with Iowa Code section 321E.20. If the permit that is suspended, modified, or revoked is an emergency interstate permit that is issued for a fleet operating under the permit holder's interstate or intrastate motor carrier number, the department may issue emergency interstate permits to individual vehicles operating under the interstate or intrastate motor carrier number.

This rule is intended to implement Iowa Code sections 321.492, 321E.16, and 321E.20 and section 321E.29B as enacted by 2021 Iowa Acts, House File 382.

ITEM 18. Amend renumbered paragraph **511.20(1)"c"** as follows:

*c.* The department shall exercise due regard for the safety of the traveling public and the protection of the highway surfaces and structures when establishing an economic export corridor. Factors to be considered include ability of the proposed economic export corridor to safely accommodate combinations of vehicles described in subrule ~~511.19(2)~~ 511.20(2), taking into account physical configurations and restrictions and traffic demands and capacity, as well as connection to markets that will benefit from the established economic export corridor.

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ITEM 19. Amend renumbered paragraph **511.20(2)“a”** as follows:

*a.* In addition to combinations of vehicles lawful for operation on roads or road segments not designated as an economic export corridor, the following combinations of vehicles may be operated on an economic export corridor designated under subrule ~~511.19(4)~~ 511.20(1) if the combinations of vehicles meet the requirements in paragraph ~~511.19(2)“b”~~ 511.20(2)“b”:

(1) to (3) No change.

[Filed 11/9/21, effective 1/5/22]

[Published 12/1/21]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 12/1/21.

**ARC 6059C**

**TRANSPORTATION DEPARTMENT[761]**

**Adopted and Filed**

**Rule making related to driver’s licenses, REAL ID documentation  
and driver’s knowledge tests**

The Transportation Department hereby amends Chapter 601, “Application for License,” and Chapter 604, “License Examination,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 307.12 and 321.182.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 17A and sections 321.177, 321.182 and 321.186; H.R. 133, Division U, Title X, REAL ID Modernization Act; and 6 CFR Sections 37.11 and 37.13.

*Purpose and Summary*

This rule making updates the driver’s license application and examination process within Chapters 601 and 604 and aligns with existing legal authority and Department practice.

These amendments incorporate existing legal authority from Iowa Code section 321.177 into the driver’s license application process relating to the Department’s responsibility to ensure a driver’s license holder is physically and mentally capable of operating a motor vehicle safely.

The amendments to subrule 601.5(2), regarding the verification of Social Security numbers, align this subrule with amendments made to the federal REAL ID Act of 2005 by the REAL ID Modernization Act (H.R. 133, Division U, Title X), which was signed into law on December 27, 2020. These changes to the federal law eased the burden on persons seeking to provide proof of their Social Security number for the purpose of obtaining a REAL ID. Prior to the federal law changes and this amendment, a person could provide proof of the person’s Social Security number only from a small prescribed list of documents. However, now the federal law allows a person to simply provide the person’s Social Security number, which the Department is still required to verify through the Social Security Online Verification (SSOLV) system.

The amendments to subrule 601.5(5), relating to proof of a legal name change, remove barriers that certain customers have experienced when attempting to provide proof of a legal name change. The first change is to no longer require a court-ordered name change to contain the applicant’s date of birth. This is because a person’s date of birth is not always included in the court order, especially if that order is a divorce decree, and therefore this omission should not be a barrier to accepting a court order as a legal name change document. The second change is to ease the proof of legal name change process for existing

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Iowa licensees or cardholders whose name on their credential already matches their current legal name. This change incorporates guidance received from the U.S. Department of Homeland Security clarifying that an existing Iowa licensee or cardholder may prove a legal name change via confirmation from the SSOLV system pursuant to 6 CFR Section 37.13.

This rule making adds new subrule 601.5(8), which adopts the REAL ID exceptions process from federal regulation 6 CFR Section 37.11(h). This process deals with situations in which an applicant for a REAL ID driver's license or nonoperator's identification card is unable, because of reasons beyond the applicant's control, to provide a necessary proof of identity and date of birth or proof of legal name change document in order to be issued a REAL ID-compliant credential. The federal REAL ID regulations provide that the Department must require an applicant to prove the applicant's identity, date of birth, proof of name change and lawful status in the United States. The applicant can accomplish this by providing certain acceptable documents found in 6 CFR Section 37.11, and Iowa law mirrors the federal regulations. By adopting this new subrule, the Department will be able to provide a more streamlined exceptions process for applicants seeking a REAL ID credential, including allowing the Department to accept an I-94 document that was issued and verified by the U.S. Department of Homeland Security as proof of identity and date of birth for a refugee or asylee. Having a streamlined process will be especially important as the mandatory May 3, 2023, REAL ID compliance deadline approaches for persons wishing to board a commercial aircraft or enter a federal building.

The amendments also update Chapter 604, the license examination rules, to align with current Department practice of allowing the noncommercial driver's license knowledge and driving test results to be valid for 180 days rather than 90 days. These amendments also clarify the waiting periods for repeating a knowledge test and a driving test.

#### *Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 22, 2021, as **ARC 5924C**. No public comments were received. No changes from the Notice have been made.

#### *Adoption of Rule Making*

This rule making was adopted by the Department on November 9, 2021.

#### *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.

#### *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).

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*Effective Date*

This rule making will become effective on January 5, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 601.1(4) as follows:

**601.1(4) *Disabilities.*** The applicant shall indicate and explain any mental or physical disabilities which might affect the applicant's ability to operate a motor vehicle safely. The department may make further inquiries of the applicant or require further information necessary to determine whether it is safe to grant the applicant a driving privilege, including but not limited to requesting an examination authorized under Iowa Code section 321.186.

ITEM 2. Amend rule **761—601.1(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.13, 321.177, 321.182, 321.186, 321.196 and 321C.1;<sup>2</sup> Article V, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note)<sup>2</sup>; and 6 CFR Part 37.

ITEM 3. Amend rule 761—601.5(321) as follows:

**761—601.5(321) Proofs submitted with application.** A person who applies for a new Iowa driver's license or nonoperator's identification card, including a person who currently holds a license or card issued by another state or foreign jurisdiction, shall submit proof of identity, date of birth, social security number, Iowa residency and current residential address, and lawful status in the United States.

**601.5(1)** No change.

**601.5(2) *Verification of social security number.***

*a.* Except as provided in paragraph 601.5(2) "*b.*" an applicant must present proof of the applicant's Social Security Administration's account number card; ~~or if a social security account number card is not available, the applicant may present any of the following documents bearing the applicant's social security number:~~

~~(1) A W-2 form.~~

~~(2) A Social Security Administration 1099 form.~~

~~(3) A non-Social Security Administration 1099 form.~~

~~(4) A pay stub with the applicant's name and social security number on it.~~

~~(5) An Internal Revenue Service Form 1095-A, 1095-B or 1095-C.~~

*b.* An applicant who establishes identity by presenting the identity document listed in paragraph 601.5(1) "*f.*" (unexpired foreign passport with a valid, unexpired U.S. visa affixed and accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States) must ~~document~~ present proof of the applicant's social security number as set forth in paragraph 601.5(2) "*a.*" or demonstrate non-work authorized status.

**601.5(3) and 601.5(4)** No change.

**601.5(5) *Verification of name change.*** The name listed on the driver's license or nonoperator's identification card that is issued shall be identical to the name listed on the identity document submitted unless the applicant submits the chain of legal documents necessary to show the legal change of the applicant's name from the identity document submitted to the applicant's current legal name under paragraph 601.5(5) "*a.*" or "*b.*" Alternatively, an applicant who is an existing Iowa licensee or cardholder may confirm the applicant's current legal name as displayed on the applicant's license or card under the requirements of paragraph 601.5(5) "*c.*" The following documents are acceptable:

*a.* Court-ordered name change. A court order must contain the applicant's prior legal name, the applicant's court-ordered legal name, ~~the applicant's date of birth,~~ and the court's certification of authenticity. Acceptable court orders include orders under petition for name change, orders for name change set forth in a decree of dissolution, and orders for name change set forth in a decree of adoption.

*b.* No change.

*c.* Social security records match. The applicant must establish that the applicant's Social Security Administration's account number is issued in the applicant's current legal name as verified by the

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department with the Social Security Online Verification (SSOLV) system in accordance with 6 CFR Section 37.13(b)(2).

**601.5(6)** No change.

**601.5(7)** *Verification of change of sex designation.* The sex designation listed on the driver's license or nonoperator's identification card that is issued shall be identical to the sex designation listed on the identity document submitted unless the applicant does one of the following:

*a.* and *b.* No change.

*c.* *Documentation.* Documentation provided under this subrule shall be submitted to ~~Driver and Identification Services~~ the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa, 50306-9204.

*d.* No change.

**601.5(8)** *Exception process.* As provided in 6 CFR Section 37.11(h) (REAL ID exceptions process), and notwithstanding any other provisions of this chapter or 761—Chapter 11 to the contrary, an applicant who, for reasons beyond the applicant's control, is unable to present a necessary document under this rule may apply to the department for an exception as provided in this subrule.

*a.* To apply for an exception under this rule, an applicant shall do all of the following:

(1) Submit an application to the department in a manner prescribed by the department. The application shall contain all of the following:

1. The applicant's name, address, date of birth and contact information.

2. Whether the applicant is applying for a driver's license or nonoperator's identification card.

3. A description of the necessary verification of identity and date of birth or verification of name change documents under this rule that the applicant is unable to provide and the reason why it is beyond the applicant's control to provide the document.

4. Any alternate document or other proof that exists to verify the facts contained in the missing document, which may include an approved I-94 form documenting the applicant's most recent admittance into the United States as verified by the U.S. Department of Homeland Security in accordance with 6 CFR Section 37.13.

5. Any other information or proof required by the department.

*b.* The motor vehicle division director or the director's designee may grant an exception under this rule if all of the following apply:

(1) The applicant has submitted an application with all of the required documentation under paragraph "a."

(2) The applicant, as determined by the department, has sufficiently demonstrated that the applicant is unable to provide a necessary document under this rule due to reasons beyond the applicant's control.

(3) The application of the subject rule will pose an undue hardship on the applicant, as determined by the department.

(4) Granting the exception will not prejudice the substantial legal rights of any person, as determined by the department.

*c.* The department may place any condition on an exception issued under this rule that the department finds necessary to carry out the department's functions under the REAL ID Act of 2005 as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X.

*d.* An exception under this subrule shall not apply to a required document under subrule 601.5(2).

*e.* An alternate document accepted under this exception process to satisfy the requirements of subrule 601.5(4) is only allowed if the document demonstrates United States citizenship as required by 6 CFR Section 37.11(h).

*f.* An applicant's inability to pay for a necessary document under this rule does not meet the criteria for an exception under this subrule.

*g.* Nothing in this subrule shall require the department to issue a driver's license or nonoperator's identification card if the applicant is not otherwise eligible for a license or card. The department reserves the right to modify or cancel an exception at any time if the department finds that anything in the exception application or accompanying documentation was based on fraud or misrepresentation by the applicant, or if the modification or cancellation is necessary based on a change in circumstances of the applicant.



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*h.* The application and documentation provided under this subrule shall be submitted to the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204, or through electronic means determined by the department. The director of the motor vehicle division or the director's designee may, in response to an application submitted under this subrule, grant or deny an application for exception in accordance with this subrule.

*i.* An applicant whose application for exception under this rule has been denied may contest the decision in accordance with Iowa Code chapter 17A and 761—Chapter 13. The request for a hearing shall be submitted in writing to the motor vehicle division. The request shall include, as applicable, the applicant's name, driver's license or nonoperator's identification number, date of birth, complete address and telephone number. The request must be submitted within 20 days after the date of the notice of exception denial.

This rule is intended to implement Iowa Code chapter 17A and sections 321.13, 321.182 and 321.189; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note); as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

ITEM 4. Amend rule 761—604.20(321) as follows:

**761—604.20(321) Knowledge test.**

**604.20(1) to 604.20(3)** No change.

**604.20(4)** *Test score.* The test score result is valid for 180 days.

**604.20(4) 604.20(5)** *Retesting.* An applicant who fails a knowledge test may repeat the test at the discretion of the examiner, ~~but at least one business day shall elapse between tests.~~

This rule is intended to implement Iowa Code section 321.186.

ITEM 5. Amend subrule 604.30(3) as follows:

**604.30(3)** *Test score.* The examiner shall use the standard departmental score sheet and shall enter the test score and the licensing decision in the spaces provided. At the end of the test, the examiner shall explain the test score. The test score result is valid for ~~90~~ 180 days.

ITEM 6. Amend subrule 604.30(4) as follows:

**604.30(4)** *Retesting.* ~~If an~~ An applicant who fails a driving test, may repeat the test ~~may be rescheduled~~ at the discretion of the examiner.

[Filed 11/9/21, effective 1/5/22]

[Published 12/1/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/1/21.

**ARC 6062C**

**TRANSPORTATION DEPARTMENT[761]**

**Adopted and Filed**

**Rule making related to parent-taught driver education**

The Transportation Department hereby amends Chapter 634, "Driver Education," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 307.12 and 321.178A.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 321.178 and 321.178A; 2021 Iowa Acts, House File 380; and 2021 Iowa Acts, Senate File 546.

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### *Purpose and Summary*

This rule making updates Chapter 634 to conform the rules with 2021 Iowa Acts, Senate File 546, sections 9 through 15, and 2021 Iowa Acts, House File 380, sections 1 and 2.

Senate File 546 expands the parent-taught driver education program to any student currently attending a public school or accredited nonpublic school or who is receiving home school education under Iowa Code chapter 299A. Prior to the legislative change, only students receiving home school instruction were eligible for the parent-taught driver education program. These amendments align with the legislative changes removing the requirement for an approved parent-taught driver education course to include 30 clock hours of classroom instruction and reducing the behind-the-wheel driving instruction time from 40 hours to 30 hours. These amendments conform with the legislative changes eliminating the required number of hours and minutes of instruction an approved course must include on the topics of substance abuse, distracted driving, and railroad crossing safety, although each of those subject areas must still be included in an approved course. Finally, these amendments adopt the legislative changes prohibiting the Department from requiring a preapproval or application process before a parent and student choose to begin a parent-taught driver education program.

House File 380 adds distracted driving as a required topic of instruction for any driver education course, and these amendments incorporate that new topic area into the rules. Most driver education courses already included instruction on distracted driving, but this legislative change ensures the topic will be covered by every instructor.

### *Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 22, 2021, as **ARC 5922C**. No public comments were received. No changes from the Notice have been made.

### *Adoption of Rule Making*

This rule making was adopted by the Department on November 9, 2021.

### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

### *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.

### *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).

### *Effective Date*

This rule making will become effective on January 5, 2022.

## TRANSPORTATION DEPARTMENT[761](cont'd)

The following rule-making actions are adopted:

ITEM 1. Amend rule 761—634.1(321) as follows:

**761—634.1(321) Information and location.** Applications, forms and information regarding this chapter are available by mail from the ~~Driver and Identification Services Bureau~~ Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)244-8725; by facsimile at (515)239-1837; or on the department's website at www.iowadot.gov.

ITEM 2. Amend rule 761—634.11(321) as follows:

**761—634.11(321) Driver education—teaching parent.** As an alternative to a driver education course offered by a course provider approved under rule 761—634.4(321), a teaching parent may instruct a student in an approved course of driver education.

**634.11(1) Definitions.** As used in this rule:

*“Approved course”* means a driver education curriculum approved by the department that meets the requirements of Iowa Code section 321.178A and is appropriate for teaching-parent-directed driver education and related behind-the-wheel instruction.

*“Clear driving record”* means the person currently and during the prior two-year period has not been identified as a candidate for suspension or revocation of a driver's license under the habitual offender or habitual violator provisions of rule 761—615.9(321) or rule 761—615.13(321); is not subject to a driver's license suspension, revocation, denial, cancellation, disqualification, or bar; and has no record of a conviction for a moving traffic violation determined to be the cause of a motor vehicle accident.

*“Course vendor”* means a third-party vendor that makes available commercially an approved course.

*“Student”* means a person between the ages of 14 and 21 years who is within the custody and control of the teaching parent and who holds a valid Iowa noncommercial instruction permit.

*“Teaching parent”* means the same as defined in Iowa Code section 321.178A as amended by 2021 Iowa Acts, Senate File 546, section 10.

**634.11(2) Application to serve as a teaching parent.**

~~a.—A person who wishes to provide driver education as a teaching parent to a student shall submit an application on a form provided by the department to the driver and identification services bureau.~~

~~b.—The department shall review the application and shall deny the application for any of the following reasons:~~

~~(1) The person does not meet the qualifications to serve as a teaching parent set forth in Iowa Code section 321.178A.~~

~~(2) The person does not have a clear driving record.~~

~~(3) The application does not properly identify a student eligible to be instructed in driver education by the person.~~

~~(4) The department has determined the application should be rejected for any reason listed in Iowa Code section 321.13.~~

~~c.—If the application is denied, the department shall issue a letter of denial to the person explaining the reason or reasons for the denial.~~

~~d.—If the application is approved, the department shall issue a letter of approval to the person to serve as a teaching parent for the student identified in the application.~~

**634.11(3) Instruction by a teaching parent.**

~~a. A person approved to serve as a teaching parent shall instruct the student using an approved course.~~

~~b. No change.~~

~~c. No person shall provide driver education as a teaching parent unless approved by the department the person meets the definition of a teaching parent, and the department shall not recognize driver education that was:~~

~~(1) Provided by a person who is not approved as does not meet the definition of a teaching parent.~~

## TRANSPORTATION DEPARTMENT[761](cont'd)

(2) and (3) No change.

**634.11(4) Course completion—certificate of completion.**

*a.* Upon the student's completion of an approved course, the teaching parent shall apply for a certificate of completion on behalf of the student. The teaching parent shall provide evidence showing the student's completion of an approved course and substantial compliance with the requirements of Iowa Code section 321.178A, by affidavit signed by the teaching parent on a form provided by the department. The teaching parent shall include with the application all documentation, statements, certifications, and logs required by Iowa Code section 321.178A. The application and all required documentation, statements, certifications, and logs shall be submitted to the ~~driver and identification services bureau~~ motor vehicle division.

*b.* The department shall review the application and evidence submitted and shall deny certification of completion if:

(1) The course was not conducted by a person ~~approved by the department to serve as~~ meeting the definition of a teaching parent for the student for whom certification is sought.

(2) to (5) No change.

*c.* and *d.* No change.

**634.11(5) Course approval.**

*a.* ~~A~~ For a course to become an approved course under Iowa Code section 321.178A, a vendor ~~that wishes to offer~~ of a driver education curriculum as an approved course in Iowa shall submit an application on a form provided by the department to the ~~driver and identification services bureau~~ motor vehicle division, along with a copy of all proposed curriculum materials. A vendor ~~that wishes to offer~~ offering an electronic curriculum may provide a uniform resource locator (URL) for the proposed electronic materials ~~but must also provide physical copies of the proposed materials.~~

*b.* to *d.* No change.

ITEM 3. Amend **761—Chapter 634**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321.178, as amended by 2021 Iowa Acts, House File 380, section 1, and Senate File 546, section 9; 321.178A, as amended by 2021 Iowa Acts, House File 380, section 2, and Senate File 546, sections 10 to 15; 321.180B and 321.194.

ITEM 4. Amend the appendix to rule **761—634.11(321)** as follows:

Appendix to Rule 761—634.11(321)

To be designated as an approved course, a curriculum must, at a minimum, meet the requirements of Iowa Code section 321.178A, be appropriate for teaching-parent-directed driver education and related street or highway instruction, and meet or exceed the required content listed below:

## TRANSPORTATION DEPARTMENT[761](cont'd)

1. *Duration and required content.* The course must provide for both classroom and behind-the-wheel instruction. As used in this rule, “*classroom instruction*” means instruction provided by a teaching parent in a private setting using printed or electronic course materials, and “*behind-the-wheel instruction*” means street or highway driving instruction provided by a teaching parent or a person who is qualified to provide street or highway driving instruction pursuant to Iowa Code section 321.178 in a motor vehicle operated by the student.
  - a. Classroom instruction ~~shall consist of at least 30 clock hours of classroom instruction and~~ shall include all of the following:
    - i. ~~Four hours of instruction~~ Instruction concerning distracted driving and substance abuse.
    - ii. ~~A minimum of 20 minutes of instruction~~ Instruction concerning railroad crossing safety.
    - iii. Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as provided in Iowa Code chapter 142C.
    - iv. Instruction providing awareness about sharing the road with pedestrians, bicycles and motorcycles.
  - b. Behind-the-wheel instruction shall consist of at least 40 hours of street or highway driving including 4 hours of driving after sunset and before sunrise while accompanied by the teaching parent or a person who is qualified to provide street or highway driving instruction pursuant to Iowa Code section 321.178.
2. *Required topics.* The course may follow any format the vendor determines, provided all of the following topics are properly and adequately covered, as detailed in the course application form provided by the department:
  - a. Traffic law – *classroom instruction*
    - i. Introduction to driver education and driving laws and privileges.
    - ii. Understanding your license to drive.
    - iii. Right-of-way.
    - iv. Traffic control devices.
    - v. Controlling traffic flow.
    - vi. Alcohol and other drugs.
    - vii. Cooperating with other roadway users.
  - b. Driver preparation – *classroom and behind-the-wheel instruction*
    - i. Pre-drive tasks.
    - ii. Occupant protection.
    - iii. Symbols and devices.
    - iv. Starting tasks.
    - v. Vehicle operation and control tasks.
    - vi. Post-drive tasks.
    - vii. In-car progress assessment.
    - viii. Driving plan (*classroom instruction*).
  - c. Vehicle movements – *classroom and behind-the-wheel instruction*
    - i. Visual attention, mental attention and communication.
    - ii. Reference points.
    - iii. Vehicle balance.
    - iv. Vehicle maneuvers.
    - v. In-car progress assessment (*behind-the-wheel instruction*).
  - d. Driver readiness – *classroom and behind-the-wheel instruction*

## TRANSPORTATION DEPARTMENT[761](cont'd)

- i. Driving practices.
- ii. Fatigue.
- iii. Aggressive driving.
- iv. In-car progress assessment (*behind-the-wheel instruction*).
- e. Risk reduction – *classroom and behind-the-wheel instruction*
  - i. Risk factors.
  - ii. Space management.
  - iii. In-car progress assessment (*behind-the-wheel instruction*).
- f. Environmental factors – *classroom and behind-the-wheel instruction*
  - i. Environmental characteristics.
  - ii. Environmental risk factors.
  - iii. In-car progress assessment (*behind-the-wheel instruction*).
- g. Distractions – *classroom and behind-the-wheel instruction*
  - i. Distractions.
  - ii. Multi-task performances.
  - iii. In-car progress assessment (*behind-the-wheel instruction*).
- h. Alcohol and other drugs – *classroom instruction*
  - i. Introduction of alcohol and other drug problems.
  - ii. Nature of alcohol-related crash problems.
  - iii. Physiological effects of alcohol.
  - iv. Psychological effects of alcohol.
  - v. Other drug effects on the driving task.
  - vi. Zero-tolerance in the driving environment.
- i. Vehicle movement and reference points – *behind-the-wheel instruction*
  - i. Vehicle movements and reference points (entering and exiting traffic and parking).
  - ii. In-car progress assessment (*behind-the-wheel instruction*).
- j. Adverse conditions – *classroom instruction*
  - i. Adverse weather and reduced visibility conditions.
  - ii. Traction loss.
  - iii. Emergencies.
- k. Vehicle requirements – *classroom and behind-the-wheel instruction*
  - i. Vehicle malfunctions (*classroom instruction*).
  - ii. Vehicle maintenance (*classroom instruction*).
  - iii. Trip planning (*classroom instruction*).
  - iv. Adverse conditions and vehicle requirements – off-street simulated practice (*behind-the-wheel instruction*).
  - v. In-car progress assessments (*behind-the-wheel instruction*).
- l. Consumer responsibility – *classroom and behind-the-wheel instruction*
  - i. Vehicle use and ownership (*classroom instruction*).
  - ii. Vehicle insurance (*classroom instruction*).
  - iii. Environmental protection and litter prevention (*classroom instruction*).
  - iv. Anatomical gift Act – organ donor (*classroom instruction*).

## TRANSPORTATION DEPARTMENT[761](cont'd)

- v. Trip planning (*behind-the-wheel instruction*).
- vi. In-car progress assessment (*behind-the-wheel instruction*).
- m. Personal responsibility (*classroom and behind-the-wheel instruction*).
  - i. Comprehensive classroom progress assessment (testing) (*classroom instruction*).
  - ii. Driver licensing (*classroom instruction*).
  - iii. In-car progress assessment (*behind-the-wheel instruction*).

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