Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 133
"White Flashing Light Authorization"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 321.423
State or federal law(s) implemented by the rulemaking: Iowa Code section 321.423

Public Hearing

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

November 6, 2024 10 a.m.	Microsoft Teams Meeting ID: 268 876 122 100 Passcode: QXqezE

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

This proposed chapter establishes issuance standards for white flashing light use, including allowing local emergency medical service providers to issue certificates of authorization, and establishes certificate of authorization revocation procedures.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

There are no costs associated with the rulemaking.

- Classes of persons that will benefit from the proposed rulemaking:

The public will benefit because the use of flashing white lights will be closely regulated to help prevent misuse.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

There are an unknown number of white light authorizations in the state of Iowa. Authorizations are verified during the inspection process. Approximately 250 to 300 service program authorizations are completed each year.

- Qualitative description of impact:

Iowa's roads are safer because the potential for misuse of flashing white lights is reduced.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

Personnel and other administrative costs will be borne by the Department.

- Anticipated effect on state revenues:

There will be no impact on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

There are no costs associated with the rulemaking. Further, it is required by law.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

There are no less costly methods or less intrusive methods.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

None were seriously considered.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

Rulemaking is both appropriate and required by law.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 133 and adopt the following **new** chapter in lieu thereof:

CHAPTER 133
WHITE FLASHING LIGHT AUTHORIZATION

641—133.1(321) Definitions. For the purpose of these rules, the following definitions shall apply:

"Ambulance" means the same as defined in rule 641—132.1(147A).

"Authorization certificate" means a permit issued to an emergency medical care provider that authorizes the use of a white flashing light.

"Authorized vehicles" means any vehicles owned by members of the service program that are authorized by the department to use flashing white lights.

"Emergency medical care provider" means the same as defined in Iowa Code section 147A.1.

"First response vehicle" means the same as defined in rule 641—132.1(147A).

"Medical director" means the same as defined in rule 641—132.1(147A).

"Member" means any individual utilized by an ambulance or nontransport service to provide emergency medical care.

"Nontransport service" means the same as defined in rule 641—132.1(147A).

"Rescue vehicle" means the same as defined in Iowa Code section 321.1.

"Service director" means the same as defined in rule 641—132.1(147A).

"Service program" or *"service"* means the same as defined in Iowa Code section 147A.1.

"White light" means a white or clear rotating, flashing, or strobe lighting device utilized for identification purposes only. Any such lighting device shall not display a constant white or clear light to the rear of the vehicle.

641—133.2(321) Purpose.

133.2(1) Flashing white lights may be used on emergency vehicles or other authorized vehicles utilized by emergency medical care providers and service programs for identification purposes only.

133.2(2) Flashing white lights shall be used only on an authorized vehicle and shall not be used except in any of the following circumstances:

a. When responding to an emergency in the line of duty requiring the services of the member.

b. When at the scene of an emergency.

c. When transporting a patient during a disaster situation.

133.2(3) Owners and operators of authorized vehicles are responsible for ensuring that the lighting devices are utilized in a safe manner. This includes but is not limited to ensuring that lighting devices do not:

a. Obstruct the view of the vehicle operator.

b. Overburden the electrical system of the vehicle.

c. Interfere with the vision of the vehicle operator, passengers, or drivers of other vehicles.

133.2(4) Operators of authorized vehicles shall ensure that the authorization certificate is carried in the vehicle.

641—133.3(321) Application.

133.3(1) Authorization certificates will be issued by the service director for service vehicles and vehicles owned by emergency medical care providers who are members in good standing with the service. Authorization certificates are available from the department upon request. Vehicle authorization is limited to:

a. Vehicles owned or exclusively operated by the ambulance or nontransport service.

b. Vehicles owned or operated by emergency medical care provider members of the ambulance or nontransport service.

c. Vehicles owned or operated by the service program's medical director.

d. One authorization certificate per vehicle.

133.3(2) Nothing in these rules prevents the use of white flashing lights on vehicles that are authorized to use red or blue flashing lights.

133.3(3) The service director shall provide, upon request of the department or its agents, issued authorization certificates.

133.3(4) The authorization expires five years from the date issued unless sooner suspended or revoked.

133.3(5) The department may issue authorization certificates for vehicles used by employees of the department when responding to emergencies or disasters.

641—133.4(321) Approval, denial, probation, suspension and revocation of authorization.

133.4(1) The service director or the department may approve or deny an application and the department may place on probation, suspend or revoke an authorization certificate if the service director or the department finds reason to believe that the applicant or certificate holder:

a. Has failed to meet all applicable requirements of these rules.

b. Has been convicted of a moving violation while using flashing white lights.

c. Has utilized a white flashing light without obtaining an authorization certificate.

d. Does not have a valid driver's license.

e. Does not have a current vehicle registration.

133.4(2) The authorization certificate shall be surrendered upon the request of the department or its agents.

133.4(3) An emergency medical care provider or service director who has knowledge of any emergency medical care provider or service program that has violated Iowa Code chapter 147A, 641—Chapter 132 or these rules shall, within 30 days, report that information to the department.

133.4(4) A denial, probation, suspension or revocation ordered by the department shall be effected, and may be appealed according to the provisions set forth in 441—Chapter 7.

These rules are intended to implement Iowa Code section 321.423.