Regulatory Analysis

Notice of Intended Action to be published: 661—22.1(321)
"Safety and Hazardous Materials Regulations"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 321.208A, 321.449 and 321.450

State or federal law(s) implemented by the rulemaking: Iowa Code sections 321.1, 321.449 and 321.450

Public Hearing

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

December 16, 2025 2 to 2:30 p.m.	Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

Public Comment

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

Josie Wagler
215 East 7th Street
Des Moines, Iowa 50319
Email: wagler@dps.state.ia.us

Purpose and Summary

This is an annual update in which the Department proposes to adopt the most recent updates to federal regulations. This rulemaking includes 2024 and 2025 updates. A summary of changes to the CFR is as follows:

Part 390 (FR Vol. 88 No. 197, pages 70897-70909), 10-13-23

Summary: Federal Motor Carrier Safety Administration (FMCSA) revises the emergency exemption rules to narrow the scope of safety regulations from which relief is automatically provided for motor carriers and drivers providing direct assistance when an emergency has been declared. This rule ensures that the relief granted through emergency declarations is appropriate and tailored to the specifics of the circumstances and emergencies being addressed. This rule also revises the process for extending automatic emergency regulatory relief where circumstances warrant and allows for potential reporting requirements when FMCSA issues an extension or modification. Effective date: December 12, 2023.

Part 385 (FR Vol. 88 No. 215, pages 77010-77014), 11-8-23

Summary: FMCSA amends its Hazardous Materials Safety Permit (HMSP) regulations to incorporate by reference the updated Commercial Vehicle Safety Alliance (CVSA) handbook containing inspection procedures and out-of-service criteria (OOSC) for inspections of shipments of transuranic waste and highway route-controlled quantities (HRCQs) of radioactive material (RAM). The OOSC provide enforcement personnel nationwide, including FMCSA's State partners, with uniform enforcement tolerances for inspections. Currently, the regulations reference the April 1, 2022, edition of the handbook. Through this rule, FMCSA incorporates by reference the April 1, 2023, edition. The incorporation by reference of the material described in the rule is approved by the Director of the Federal Register as of December 8, 2023.

Technical Corrections (FR Vol. 88 No. 211, pages 80169-80193), 11-17-23

Summary: FMCSA amends its regulations by making technical corrections throughout the Federal Motor Carrier Safety Regulations (FMCSRs). The agency makes minor changes to correct errors and inadvertent omissions, remove or update obsolete references, and improve the clarity and consistency of certain regulatory provisions. The agency also makes a change to its rules of organization, procedures, and practice. This final rule is effective November 17, 2023, except for amendatory instruction 88, which is effective January 16, 2024.

Revisions to Civil Penalty Amounts, 2024 (FR Vol. 88 No. 248, pages 89551-89568), 12-28-23 (Pipeline and Hazardous Materials Safety Administration 49 CFR Parts 107, 171, and 190 Federal Motor Carrier Safety Administration 49 CFR Part 386)

Summary: This final rule provides the statutorily prescribed 2024 adjustment to civil penalty amounts that may be imposed for violations of certain U.S. Department of Transportation (DOT) regulations. This rule is effective December 28, 2023.

Technical Correction of a Technical Correction Dated 11-17-23 (Vol. 89 No. 4, 1-5-24)

Summary: In a final rule published in the Federal Register on November 17, 2023, FMCSA amended its regulations by making technical corrections throughout the FMCSRs. The final rule had an incorrect paragraph number in the instruction for an amendment and, in an amendment replacing a term, erroneously failed to replace the possessive form of the term. The agency corrects these errors. This correction is effective January 5, 2024.

Part 391 (FR Vol. 89 No. 13, pages 3577-3581), Qualification of Drivers: Medical Advisory Criteria, 1-19-24

Summary: FMCSA updates the Medical Advisory Criteria published as an appendix in the Code of Federal Regulations (CFR). The appendix provides guidance for medical examiners listed on FMCSA's National Registry of Certified Medical Examiners (National Registry) on the applicability and interpretation of the physical qualification standards for operators of commercial motor vehicles (CMVs). The advisory criteria in the appendix are also intended to provide recommendations and information to assist medical examiners in applying the standards, basic information related to testing, and matters to consider when making a qualification determination. The updated Medical Advisory Criteria replace all previous versions of the criteria. This final rule is effective on January 19, 2024.

Part 392 (FR Vol. 89 No. 38, pages 13984-13998), Exemption for Operating Authority for providers of Recreational Activities, 2-26-24

Summary: FMCSA amends its regulations to implement the statutory exemption from its operating authority registration requirements for providers of recreational activities. The exemption applies to motor carriers operating a motor vehicle designed or used to transport between 9 and 15 passengers (including the driver), whether operated alone or with a trailer attached to the transport vehicle, if the motor vehicle is operated by a person that provides recreational activities within a 150-air-mile radius of the location at which passengers initially boarded the motor vehicle at the beginning of the trip. FMCSA also defines recreational activities to clarify the exemption, adopting, in response to a comment, a definition modified from that proposed in the notice of proposed rulemaking (NPRM). This final rule is effective April 26, 2024.

49 CFR Parts 107, 171, 172, 173, 178, and 180 (FR Vol. 43, pages 15636-15668), Adoption of Miscellaneous Petitions and Updating Regulatory Requirements (PHMSA), 3-4-24

Summary: PHMSA amends the Hazardous Materials Regulations (HMR) to update, clarify, improve the safety of, or streamline various regulatory requirements. Specifically, this rulemaking responds to 18 petitions for rulemaking submitted by the regulated community between May 2018 and October 2020 that requests PHMSA address a variety of provisions, including but not limited to those addressing packaging, hazard communication, and the incorporation by reference of certain documents. These revisions maintain or enhance the existing high level of safety under the HMR while providing clarity and appropriate regulatory flexibility in the transport of hazardous materials. Effective date: This final rule is effective on April 3, 2024.

Hazardous Materials: Harmonization with International Standards; Final Rule Federal Register/ Vol. 89 , No. 70/Rules and Regulations (Page 25434), 49 CFR Parts 171, 172, 173, 175, 176, 178, and 180, 4-10-24

Summary: PHMSA is amending the HMR to maintain alignment with international regulations and standards by adopting various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. PHMSA is also withdrawing the unpublished November 28, 2022, Notice of Enforcement Policy Regarding International Standards on the use of select updated international standards in complying with the HMR during the pendency of this rulemaking. This rule is effective May 10, 2024.

Pipeline and Hazardous Materials Safety Administration, 49 CFR Parts 171, 172, 173, 175, 176, 178, and 180 (5-9-24)

Summary: The Pipeline and Hazardous Materials Safety Administration is correcting a final rule that was published in the Federal Register on April 10, 2024. The final rule was published to maintain alignment with international regulations and standards by adopting various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. The corrections address several errors to the hazardous material entries in the hazardous materials table. This correction is effective May 10, 2024.

Part 385, Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits (pages 67560-67562), 8-21-24

Summary: FMCSA amends its Hazardous Materials Safety Permits (HMSPs) regulations to incorporate by reference the updated CVSA handbook containing inspection procedures and OOSC for inspections of shipments of transuranic waste and HRCQs of RAM. The OOSC provide enforcement personnel nationwide, including FMCSA's State partners, with uniform enforcement tolerances for inspections. Currently, the regulations reference the April 1, 2023, edition of the handbook. Through this final rule, FMCSA incorporates by reference the April 1, 2024, edition. Effective date: September 20, 2024. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of September 20, 2024.

49 CFR Chapter III (FR Vol. 89, No. 222, pages 90608-90624), 11-18-24

Summary: FMCSA amends its regulations by making technical corrections throughout the FMCSRs. The agency makes minor changes to correct errors and inadvertent omissions, remove or update obsolete references, and improve the clarity and consistency of certain regulatory provisions. The agency also makes a change to its rules of organization, procedures, and practice. Because the rule does not impose any new material requirements or increase compliance obligations, it is issued without prior notice and opportunity for comment, pursuant to the good cause exception in the Administrative Procedure Act (APA). Effective date: November 18, 2024.

49 CFR Parts 387 and 397 (FR Vol. 90, No. 6, page 1908), 01-10-25

Summary: In a final rule published in the Federal Register on November 18, 2024, FMCSA amended its regulations by making technical corrections throughout the FMCSRs. The final rule included an amendatory instruction to revise a stayed section without first lifting the stay. The final rule also included an amendatory instruction that referenced an incorrect paragraph letter. The agency corrects these errors. This correction is effective January 10, 2025.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

CMV owners and operators transporting loads in Iowa will bear the costs.

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

CMV operators and the motoring public traveling on Iowa's roadways will benefit.

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:**

The federal regulations subject to be adopted by this proposed rulemaking were subject to fiscal impact review by either the FMCSA or the PHMSA when the regulations were enacted and were determined not to be cost-prohibitive.

- **Qualitative description of impact:**

See previous response.

3. **Costs to the State:**

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

None.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

Failure to adhere to federal regulations could have a negative impact on obtaining future grant funding for which the Iowa State Patrol is eligible.

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

The Department has determined that this is the least costly and least intrusive method for achieving the purpose of the proposed rulemaking.

6. **Alternative methods considered by the agency:**

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

None were identified.

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

Not applicable.

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?

This proposed rulemaking will not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend rule 661—22.1(321) as follows:

661—22.1(321) Safety and hazardous materials regulations.

22.1(1) *Regulations.*

a. Motor carrier safety regulations. The department of public safety adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385, 386 and 390-399 (October 1, ~~2023~~ 2025).

b. Hazardous materials regulations. The department of public safety adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, ~~2023~~ 2025).

c. No change.

22.1(2) *Carriers subject to regulations.*

a. and *b.* No change.

c. Operators of vehicles for hire~~,~~ designed to transport 7 or more persons but fewer than 16, including the driver, must comply with 49 CFR Part 395 of the Federal Motor Carrier Safety Regulations. In addition, operators of vehicles for hire~~,~~ designed to transport 7 or more persons but fewer than 16, including the driver, are not exempt from logbook requirements afforded the 150-air-mile radius driver under 49 CFR 395.1(e). However, the provisions of 49 CFR Part 395 shall not apply to vehicles offered to the public for hire that are used principally in intracity operation and are regulated by local authorities.

22.1(3) No change.

This rule is intended to implement Iowa Code sections 321.1, 321.449 and 321.450.