

State of Iowa

Iowa

Administrative

Code

Supplement

Biweekly
June 24, 2026



Published by the
STATE OF IOWA
UNDER AUTHORITY OF IOWA CODE SECTION 17A.6

The Iowa Administrative Code (IAC) Supplement is published biweekly pursuant to Iowa Code sections 2B.5A and 17A.6. The Supplement is a compilation of updated Iowa Administrative Code chapters that reflect rule changes which have been adopted by agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17, 17A.4, and 17A.5 and published in the Iowa Administrative Bulletin bearing the same publication date as the one for this Supplement. To determine the specific changes to the rules, refer to the Iowa Administrative Bulletin. To maintain a loose-leaf set of the IAC, insert the chapters according to the instructions included in the Supplement.

In addition to the rule changes adopted by agencies, the chapters may reflect objection to a rule or a portion of a rule filed by the Administrative Rules Review Committee (ARRC), the Governor, or the Attorney General pursuant to Iowa Code section 17A.4(6); an effective date delay or suspension imposed by the ARRC pursuant to section 17A.8(9) or 17A.8(10); rescission of a rule by the Governor pursuant to section 17A.4(8); nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa; other action relating to rules enacted by the General Assembly; updated chapters for the Uniform Rules on Agency Procedure; or an editorial change to a rule by the Administrative Code Editor pursuant to Iowa Code section 2B.13(2).

INSTRUCTIONS

FOR UPDATING THE

IOWA ADMINISTRATIVE CODE

Agency names and numbers in bold below correspond to chapters of the Iowa Administrative Code (IAC) with amended content that are included in this Supplement. Such chapters can be replaced. Also included are new chapters published in the IAC for the first time.

Editor's telephone 515.281.3355

Administrative Services Department[11]

Replace Analysis
Replace Chapter 63

Civil Rights, Office of[161]

Replace Analysis
Replaces Chapters 16 to 2506

Insurance Division[191]

Replace Analysis
Replace Chapters 114 to 2506

Architectural Examining Board[193B]

Replace Analysis
Replace Chapters 1 to 9

Engineering and Land Surveying Examining Board[193C]

Replace Analysis
Replace Chapters 1 to 13

Interior Design Examining Board[193G]

Replace Analysis
Replace Chapters 1 to 8

Utilities Commission[199]

Replace Analysis
Replace Chapter 1
Replace Chapters 7 and 8
Replace Chapter 11
Replace Chapter 25
Replace Chapters 46 to 2506

Human Services Department[441]

Replace Analysis
Replace Chapter 75
Replace Chapters 178 to 186

Inspections and Appeals Department[481]

Replace Analysis
Replace Chapter 62

Replace Chapter 365
Replace Chapters 780 and 781
Replace Chapters 984 to 1021
Replace Chapters 1041 to 1081
Replace Chapter 2001
Replace Chapter 2031

Law Enforcement Academy[501]

Replace Analysis
Replace Chapters 17 to 2506

City Finance Committee[545]

Replace Analysis
Replace Chapters 1 to 6
Replace Chapters 9 and 10

Homeland Security and Emergency Management Department[605]

Replace Chapter 13

Public Health Department[641]

Replace Analysis
Replace Chapter 37

Records Commission[671]

Replace Analysis
Replace Chapters 1 to 15

Revenue Department[701]

Replace Analysis
Replace Chapter 700

Transportation Department[761]

Replace Chapter 112
Replace Chapters 115 to 117
Replace Chapter 150
Replace Chapter 380
Replace Chapters 400 and 401
Replace Chapter 411
Replace Chapter 425
Replace Chapter 431
Replace Chapter 451
Replace Chapter 500
Replace Chapter 505
Replace Chapter 524
Replace Chapter 529
Replace Chapter 540
Replace Chapter 601
Replace Chapter 607
Replace Chapter 615
Replace Chapter 720
Replace Chapter 750
Replace Chapter 800

Replace Chapter 813

ADMINISTRATIVE SERVICES DEPARTMENT[11]

[Created by 2003 Iowa Acts, House File 534, section 2]

TITLE I

GENERAL DEPARTMENTAL PROCEDURES

CHAPTER 1

DEPARTMENT ORGANIZATION

- 1.1(8A) Creation and mission
- 1.2(8A) Location
- 1.3(8A) Director
- 1.4(8A) Administration of the department

CHAPTERS 2 and 3

Reserved

CHAPTER 4

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

- 4.1(8A,22) Definitions
- 4.2(8A,17A,22) Statement of policy, purpose and scope
- 4.3(8A,22) Requests for access to records
- 4.4(8A,17A,22) Access to confidential records
- 4.5(8A,17A,22) Requests for treatment of a record as a confidential record and its withholding from examination
- 4.6(8A,22) Procedure by which a person who is the subject of a record may have additions, dissents, or objections entered into a record
- 4.7(8A,17A,22) Consent to disclosure by the subject of a confidential record
- 4.8(8A,17A,22) Notice to suppliers of information
- 4.9(8A,22) Disclosures without the consent of the subject
- 4.10(8A,22) Routine use
- 4.11(8A,22) Consensual disclosure of confidential records
- 4.12(8A,22) Release to subject
- 4.13(8A,22) Availability of records
- 4.14(8A,22) Personally identifiable information
- 4.15(8A,22) Other groups of records
- 4.16(8A,22) Data processing systems
- 4.17(8A,22) Applicability
- 4.18(8A) Agency records

CHAPTER 5

PETITIONS FOR RULE MAKING

- 5.1(17A) Petition for rule making
- 5.2(17A) Briefs
- 5.3(17A) Inquiries
- 5.4(17A) Department consideration

CHAPTER 6

AGENCY PROCEDURE FOR RULE MAKING

- 6.1(17A) Applicability
- 6.2(17A) Advice on possible rules before notice of proposed rule adoption
- 6.3(17A) Public rule-making docket
- 6.4(17A) Notice of proposed rule making
- 6.5(17A) Public participation
- 6.6(17A) Regulatory analysis
- 6.7(17A,25B) Fiscal impact statement
- 6.8(17A) Time and manner of rule adoption
- 6.9(17A) Variance between adopted rule and published notice of proposed rule adoption
- 6.10(17A) Exemptions from public rule-making procedures
- 6.11(17A) Concise statement of reasons
- 6.12(17A) Contents, style, and form of rule

6.13(17A)	Department rule-making record
6.14(17A)	Filing of rules
6.15(17A)	Effectiveness of rules prior to publication
6.16(17A)	General statements of policy
6.17(17A)	Review of rules by department

CHAPTER 7 CONTESTED CASES

7.1(8A,17A)	Scope and applicability
7.2(8A,17A)	Definitions
7.3(8A,17A)	Time requirements
7.4(8A,17A)	Requests for a contested case hearing
7.5(8A,17A)	Notice of hearing
7.6(8A,17A)	Presiding officer
7.7(17A)	Waiver of procedures
7.8(8A,17A)	Telephone/video proceedings
7.9(8A,17A)	Disqualification
7.10(8A,17A)	Consolidation—severance
7.11(8A,17A)	Pleadings
7.12(8A,17A)	Service and filing of pleadings and other papers
7.13(8A,17A)	Discovery
7.14(8A,17A)	Subpoenas
7.15(8A,17A)	Motions
7.16(8A,17A)	Prehearing conference
7.17(17A)	Continuances
7.18(8A,17A)	Withdrawals
7.19(8A,17A)	Intervention
7.20(8A,17A)	Hearing procedures
7.21(8A,17A)	Evidence
7.22(8A,17A)	Default
7.23(8A,17A)	Ex parte communication
7.24(8A,17A)	Recording costs
7.25(8A,17A)	Interlocutory appeals
7.26(8A,17A)	Decisions
7.27(8A,17A)	Appeals and review
7.28(8A,17A)	Applications for rehearing
7.29(8A,17A)	Stays of department actions
7.30(8A,17A)	No factual dispute contested cases
7.31(8A,17A)	Emergency adjudicative proceedings

CHAPTER 8 DECLARATORY ORDERS

8.1(17A)	Petition for declaratory order
8.2(17A)	Notice of petition
8.3(17A)	Intervention
8.4(17A)	Briefs
8.5(17A)	Inquiries
8.6(17A)	Service and filing of petitions and other papers
8.7(17A)	Consideration
8.8(17A)	Action on petition
8.9(17A)	Refusal to issue order
8.10(17A)	Contents of declaratory order—effective date
8.11(17A)	Copies of orders
8.12(17A)	Effect of a declaratory order

CHAPTER 9 WAIVERS

9.1(17A,8A)	Definitions
9.2(17A,8A)	Scope
9.3(17A,8A)	Applicability

9.4(17A,8A)	Granting a waiver
9.5(17A,8A)	Filing of petition for waiver
9.6(17A,8A)	Content of petition
9.7(17A,8A)	Additional information
9.8(17A,8A)	Notice
9.9(17A,8A)	Hearing procedures
9.10(17A,8A)	Ruling
9.11(17A,8A)	Public availability
9.12(17A,8A)	Rules from which the department shall not grant waivers
9.13(17A,8A)	Submission of waiver information
9.14(17A,8A)	Cancellation of a waiver
9.15(17A,8A)	Violations
9.16(17A,8A)	Defense
9.17(17A,8A)	Judicial review

CHAPTERS 10 to 19

Reserved

TITLE II

INFORMATION TECHNOLOGY

CHAPTERS 20 to 34

Reserved

TITLE III

STATE ACCOUNTING

CHAPTERS 35 to 39

Reserved

CHAPTER 40

OFFSET OF DEBTS OWED STATE AGENCIES

40.1(8A)	Definitions
40.2(8A)	Scope and purpose
40.3(8A)	Participation guidelines
40.4(8A)	Duties of the agency
40.5(8A)	Duties of the department—performance of the offset
40.6(8A)	Multiple claims—priority of payment
40.7(8A)	Payments of offset amounts
40.8(8A)	Reimbursement for offsetting liabilities
40.9(8A)	Confidentiality of information
	OFFSET OF DEBTS OWED TO CLERKS OF THE DISTRICT COURT
40.10(8A)	Incorporation by reference
40.11(8A)	Applicability and procedure
40.12(8A)	Notice of offset
40.13(8A)	Procedure for contesting
40.14(8A)	Postoffset notification and procedure
40.15(8A)	Report of satisfaction of obligations

CHAPTER 41

AUDITING CLAIMS

41.1(8A)	General provisions
41.2(8A)	Official travel
41.3(8A)	Temporary duty assignment
41.4(8A)	Authorization for travel
41.5(8A)	Mode of transportation
41.6(8A)	Subsistence allowance
41.7(8A)	Miscellaneous expense
41.8(8A)	State-owned vehicle

CHAPTER 42

ACCOUNTING PROCEDURES OF PUBLIC IMPACT

42.1(8A) Scope and application

CHAPTER 43

EMPLOYEE PAYROLL DEDUCTIONS FOR CHARITABLE ORGANIZATIONS

43.1(70A) General provisions
43.2(70A) Qualifications
43.3(70A) Enrollment period
43.4(70A) Certification
43.5(70A) Payroll system
43.6(70A) Forms
43.7(70A) Payee
43.8(70A) Contribution limits
43.9(70A) Distribution of literature
43.10(70A) Number of contributions
43.11(70A) Cash contributions
43.12(70A) Terminations
43.13(70A) Authorization forms
43.14(70A) State held harmless
43.15(70A) Remittance

CHAPTER 44

PROFESSIONAL/TRADE DUES DEDUCTIONS

44.1(70A) General provisions
44.2(70A) Qualifications
44.3(70A) Forms
44.4(70A) Deduction limits and frequency
44.5(70A) Distribution of literature
44.6(70A) Number of contributions
44.7(70A) Cash contributions
44.8(70A) Terminations
44.9(70A) Remittance
44.10(70A) Solicitation prohibited
44.11(70A) Annual review of participating employees

CHAPTER 45

PAYROLL DEDUCTION FOR TUITION PROGRAM CONTRIBUTIONS

45.1(70A) General provisions
45.2(70A) Definitions
45.3(70A) Tuition program qualifications
45.4 Reserved
45.5(70A) Deduction limits and frequency
45.6(70A) Distribution of literature
45.7(70A) Number of contributions
45.8(70A) Cash contributions
45.9(70A) Terminations
45.10(70A) Remittance
45.11(70A) Unapproved solicitation prohibited
45.12(70A) Annual review of participating employees
45.13(70A) Termination of qualified tuition program participation
45.14(70A) Reinstatement of company participation

CHAPTER 46

PAYROLL DEDUCTION FOR ADDITIONAL INSURANCE COVERAGE

46.1(70A) General provisions
46.2(70A) Definitions
46.3(70A) Insurance company qualifications
46.4(70A) Noneligible types of insurance
46.5(70A) Deduction limits and frequency
46.6(70A) Distribution of literature
46.7(70A) Number of contributions

46.8(70A)	Cash contributions
46.9(70A)	Terminations
46.10(70A)	Remittance
46.11(70A)	Unapproved solicitation prohibited
46.12(70A)	Annual review of participating employees
46.13(70A)	Termination of company participation
46.14(70A)	Reinstatement of company participation

CHAPTER 47

Reserved

CHAPTER 48

PREPAYMENT OF EXPENSES

48.1(8A)	Definitions
48.2(8A)	Prepayment of expenses
48.3(8A)	Prepayment under special circumstances
48.4(8A)	Prior approval for prepayment of expenses

CHAPTER 49

Reserved

TITLE IV

HUMAN RESOURCES

CHAPTER 50

HUMAN RESOURCES DEFINITIONS

50.1(8A)	Definitions

CHAPTER 51

COVERAGE AND EXCLUSIONS

51.1(8A)	State personnel system
51.2(8A)	Merit system
51.3(8A)	Confidential collective bargaining exclusion
51.4(8A)	Personnel services contracts

CHAPTER 52

JOB CLASSIFICATION

52.1(8A)	Overall administration
52.2(8A)	Classification descriptions and guidelines
52.3(8A)	Position description questionnaires
52.4(8A)	Position classification reviews
52.5(8A)	Classification appeals
52.6(8A)	Implementation of position classification decisions

CHAPTER 53

PAY

53.1(8A)	Pay plan adoption
53.2(8A)	Pay plan content
53.3(8A)	Pay plan review and amendment
53.4(8A)	Pay administration
53.5(8A)	Appointment rates
53.6(8A)	Payroll transactions
53.7(8A)	Within grade increases
53.8(8A)	Temporary assignments
53.9(8A)	Special pay
53.10	Reserved
53.11(8A)	Overtime
53.12	Reserved
53.13(8A)	Appeals

CHAPTER 54 RECRUITMENT, APPLICATION AND EXAMINATION

54.1(8A)	Recruitment
54.2(8A)	Applications
54.3(8A)	Examinations
54.4(8A)	Development and administration of examinations
54.5(8A)	Scoring examinations
54.6(8A)	Review of written examination questions
54.7(8A)	Drug use and drug tests
54.8(8A)	Nonmerit hiring procedure

CHAPTER 55 ELIGIBLE LISTS

55.1(8A)	Establishment of eligible lists
55.2(8A)	Removal of names from eligible lists
55.3(8A)	Statement of availability

CHAPTER 56 FILLING VACANCIES

56.1(8A)	Method of filling vacancies
56.2(8A)	List requests
56.3(8A)	Types of lists
56.4(8A)	Selective lists
56.5(8A)	Expiration of a list
56.6(8A)	Incomplete lists
56.7(8A)	Referral and appointment of “conditional” applicants
56.8(8A)	Adjustment of errors

CHAPTER 57 APPOINTMENTS

57.1(8A)	Filling vacancies
57.2(8A)	Probationary appointment
57.3(8A)	Provisional appointment
57.4(8A)	Temporary appointment
57.5(8A)	Reinstatement
57.6(8A)	Internship appointment
57.7(8A)	Seasonal appointment
57.8(8A)	Overlap appointment
57.9(8A)	Noncompetitive appointments for disabled veterans
57.10(8A)	Rescinding appointments

CHAPTER 58 PROBATIONARY PERIOD

58.1(8A)	Duration
58.2(8A)	Disciplinary actions
58.3(8A)	Voluntary demotion during the period of probationary status
58.4(8A)	Promotion during the period of probationary status
58.5(8A)	Transfer during the period of probationary status
58.6(8A)	Reclassification during the period of probationary status
58.7(8A)	Leave without pay during the period of probationary status
58.8(8A)	Vacation and sick leave during the period of probationary status
58.9(8A)	Probationary period for promoted permanent employees

CHAPTER 59 PROMOTION, TRANSFER, TEMPORARY ASSIGNMENT, REASSIGNMENT AND VOLUNTARY DEMOTION

59.1(8A)	Promotion
59.2(8A)	Reassignment
59.3(8A)	Temporary assignments
59.4(8A)	Voluntary demotion

59.5(8A) Transfer

CHAPTER 60

SEPARATIONS, DISCIPLINARY ACTIONS AND REDUCTION IN FORCE

60.1(8A) Separations
 60.2(8A) Disciplinary actions
 60.3(8A) Reduction in force

CHAPTER 61

GRIEVANCES AND APPEALS

61.1(8A) Grievances
 61.2(8A) Appeals
 61.3(8A) Informal settlement

CHAPTER 62

PERFORMANCE REVIEW

62.1(8A) System established
 62.2(8A) Minimum requirements
 62.3(8A) Copies of records

CHAPTER 63

LEAVE

63.1(8A) Attendance
 63.2(8A) Vacation leave
 63.3(8A) Sick leave with pay
 63.4(8A) Family and Medical Leave Act leave
 63.5(8A) Leave without pay
 63.6(8A) Rights upon return from leave
 63.7(8A) Compensatory leave
 63.8(8A) Holiday leave
 63.9(8A) Military leave
 63.10(8A) Educational leave
 63.11(8A) Election leave
 63.12(8A) Court appearances and jury duty
 63.13(8A) Voting leave
 63.14(8A) Disaster service volunteer leave
 63.15(8A) Absences due to emergency conditions
 63.16(8A) Particular contracts governing
 63.17(8A) Examination and interviewing leave
 63.18(8A) Service on committees, boards, and commissions
 63.19(8A) Donated leave for catastrophic illnesses of employees and family members
 63.20(8A,70A) Blood, bone marrow, and living organ donation leave
 63.21(8A,70A) Paid parental leave

CHAPTER 64

BENEFITS

64.1(8A) Health benefits
 64.2(8A) Dental insurance
 64.3(8A) Life insurance
 64.4(8A) Long-term disability insurance
 64.5(8A) Health benefit appeals
 64.6(8A) Deferred compensation
 64.7(8A) Dependent care
 64.8(8A) Premium conversion plan (pretax program)
 64.9(8A) Interviewing and moving expense reimbursement
 64.10(8A) Education financial assistance
 64.11(8A) Particular contracts governing
 64.12(8A) Tax-sheltered annuities (TSAs)
 64.13(8A) Health flexible spending account
 64.14(8A) Deferred compensation match plan

- 64.15(8A) Insurance benefit eligibility
- 64.16(8A) Sick leave insurance program

CHAPTER 65 POLITICAL ACTIVITY

- 65.1(8A) Political activity of employees
- 65.2(8A) Restrictions on political activity of employees
- 65.3(8A) Application of Hatch Act

CHAPTER 66 CONDUCT OF EMPLOYEES

- 66.1(8A) General
- 66.2 and 66.3 Reserved
- 66.4(8A) Performance of duty
- 66.5(8A) Prohibitions relating to certain actions by state employees

CHAPTER 67 Reserved

CHAPTER 68 EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

- 68.1(19B) Definitions
- 68.2(19B) Plans, policies and records
- 68.3(19B) Planning standards
- 68.4(19B) Dissemination
- 68.5(19B) Reports
- 68.6(19B) Discrimination complaints, including disability-related and sexual harassment complaints
- 68.7(19B) Training

CHAPTERS 69 and 70 Reserved

CHAPTER 71 COMBINED CHARITABLE CAMPAIGN

- 71.1(8A) Policy
- 71.2(8A) Definitions
- 71.3(8A) Basic premises
- 71.4(8A) Administration
- 71.5 Reserved
- 71.6(8A) Eligibility of charitable agencies

CHAPTERS 72 to 99 Reserved

TITLE V *GENERAL SERVICES*

CHAPTER 100 CAPITOL COMPLEX OPERATIONS

- 100.1(8A) Definitions
- 100.2(8A) Security
- 100.3(142D) Smoking
- 100.4(8A) Use and scheduling of capitol complex facilities
- 100.5(8A) Solicitation
- 100.6(8A) Office space management

CHAPTER 101 PARKING

- 101.1(8A) Purpose
- 101.2(8A) Definitions
- 101.3(8A) Parking space assignments
- 101.4(8A) Parking for persons with disabilities

101.5(8A)	Visitor parking
101.6(8A)	Deliveries
101.7(8A)	Employee parking
101.8(8A)	Temporary parking
101.9(8A)	Prohibited parking
101.10(8A)	Waiver
101.11(8A)	Enforcement
101.12(8A)	Fines
101.13(8A)	Appeals

CHAPTER 102 STATE PRINTING

102.1(8A)	Purpose
102.2(8A)	Definitions
102.3(8A)	Location
102.4(8A)	State printing
102.5(8A)	Printing equipment
102.6(8A,49)	Publication of ballot and notice
102.7(8A,49)	Cost of publication—sample ballot
102.8(8A,618)	Fees paid to newspapers

CHAPTER 103 STATE DRIVER GUIDELINES FOR STATE VEHICLE USE AND FUELING

103.1(8A)	Purpose
103.2(8A)	Definitions
103.3(8A)	Applicability
103.4(8A)	Vehicle assignment guidelines
103.5(8A)	Type of accident
103.6(8A)	Valid driver's license required
103.7(8A)	Required reporting
103.8(8A)	Mandatory training
103.9(8A)	Required adherence to motor vehicle laws
103.10(8A)	Responsibility for payment of traffic violations
103.11(8A)	Access to driving records
103.12(8A)	Corrective actions
103.13(8A)	Reconsideration of suspension
103.14(8A)	Probationary drivers
103.15(8A)	Temporary restricted license
103.16(8A)	Vehicle fueling
103.17(8A)	State fleet qualified renewable fuels compliance report

CHAPTERS 104 to 109 Reserved

CHAPTER 110 INVENTORY GUIDELINES FOR STATE OF IOWA PERSONAL AND REAL PROPERTY

110.1(7A)	Purpose
110.2(7A)	Definitions
110.3(7A)	Accounting for items in aggregate
110.4(7A)	Physical inventory
110.5(7A)	Inventory identification
110.6(7A)	Inventory listing
110.7(7A)	Capital leases

CHAPTER 111 DISPOSAL OF STATE PERSONAL PROPERTY

111.1(8A)	Definitions
111.2(8A)	Disposal of state surplus property
111.3(8A)	State vehicle auctions

CHAPTERS 112 and 113

Reserved

CHAPTER 114

ORGANIZATION AND OPERATION OF TERRACE HILL

114.1(8A)	Definitions
114.2(8A)	Mission statement
114.3(8A)	Terrace Hill commission
114.4(8A)	Gifts, bequests, endowments
114.5(8A)	Public and private grants and donations
114.6(8A)	Sale of mementos
114.7(8A)	Facilities management
114.8(8A)	Tours

CHAPTER 115

Reserved

CHAPTER 116

TERRACE HILL ENDOWMENT FOR THE MUSICAL ARTS

116.1(8A)	Structure
116.2(8A)	Senior competition scholarship established
116.3(8A)	Application
116.4(8A)	Funding
116.5(8A)	Selection criteria and judging

TITLE VI

CENTRAL PROCUREMENT

CHAPTER 117

PROCUREMENT OF GOODS AND SERVICES OF GENERAL USE

117.1(8A)	General provisions
117.2(8A)	Definitions
117.3(8A)	Competitive procurement
117.4(8A)	Master agreements
117.5(8A)	Exemptions from competitive procurement
117.6(8A)	Preferred products and vendors
117.7(8A)	Centralized procurement authority and responsibilities
117.8(8A)	Notice of solicitations
117.9(8A)	Types of solicitations
117.10(8A)	Procurement of architectural and engineering services
117.11	Reserved
117.12(8A)	Specifications in solicitations
117.13(8A)	Awards
117.14(8A)	Agency purchasing authority and responsibilities
117.15(8A)	Thresholds for delegating procurement authority
117.16(8A)	Printing
117.17(8A)	Vendor registration and approval
117.18(8A)	Vendor performance
117.19(8A)	General instructions, terms and conditions for vendors
117.20(8A)	Vendor appeals
117.21(8A)	Waiver procedure

CHAPTER 118

PURCHASING STANDARDS FOR SERVICE CONTRACTS

118.1(8A)	Authority and scope
118.2	Reserved
118.3(8A)	Definitions
118.4(8A)	Intergovernmental agreements
118.5(8A)	Use of competitive selection
118.6	Reserved
118.7(8A)	Sole source procurements

118.8(8A)	Emergency procurements
118.9(8A)	Informal competitive procedures
118.10	Reserved
118.11(8A)	Duration of service contracts
118.12(8A)	Additional procedures or requirements
118.13 and 118.14	Reserved
118.15(8A)	Exclusions and limitations
118.16(8A)	Waiver procedure
118.17(8A)	Effective date

CHAPTER 119

UNIFORM TERMS AND CONDITIONS FOR SERVICE CONTRACTS

119.1(8,8A)	Authority and scope
119.2(8,8A)	Applicability
119.3(8,8A)	Definitions
119.4(8,8A)	Uniform terms and conditions for service contracts
119.5(8,8A)	Special terms and conditions
119.6(8,8A)	Exclusions and limitations
119.7(8,8A)	Effective date

CHAPTER 120

CONTRACTUAL LIMITATION OF VENDOR LIABILITY PROVISIONS

120.1(8A)	Authority and scope
120.2(8A)	Definitions
120.3(8A)	Applicability
120.4(8A)	Authorization of limitation of vendor liability and criteria
120.5(8A)	Prohibited limitation of vendor liability provisions
120.6(8A)	Negotiation of limitation of vendor liability provisions
120.7(8A)	Additional requirement

CHAPTER 121

CONTRACT COMPLIANCE

121.1(19B)	Policy

CHAPTERS 122 to 129

Reserved

CHAPTER 130

STATE LIBRARY OF IOWA

130.1(8A)	Definitions
130.2(8A)	Organization and mission
130.3(8A)	Operations

CHAPTER 131

PROGRAMS AND FUNDING

131.1(8A)	Purpose
131.2(8A)	Financial support
131.3(8A)	Enrich Iowa
131.4(8A)	State of Iowa Libraries Online (SILO)
131.5(8A)	Standards and accreditation program
131.6(8A)	Endorsement program for the Iowa public library community
131.7(8A)	Summer library program
131.8(8A)	State publications depository program
131.9(8A)	IA Shares
131.10(8A)	People's law library of Iowa

CHAPTER 132

INTERNET USE POLICY

132.1(8A)	Rights and responsibilities
132.2(8A)	Violation of policy

132.3(8A)

Internet access

132.4(8A)

Staff assistance

CHAPTER 63

LEAVE

[Prior to 11/5/86, Merit Employment Department[570]]

[Prior to 1/7/04, see 581—Ch 14]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

11—63.1(8A) Attendance. Appointing authorities shall establish the working schedules, regulations, and required hours of work for employees under their direction. All regulations and schedules shall be made known to the affected employees by appointing authorities. All absences of probationary and permanent employees shall be charged to one of the leave categories provided for in this chapter.

11—63.2(8A) Vacation leave.

63.2(1) Nontemporary employees shall earn vacation for continuous state employment as follows:

- a.* Two unscheduled holidays to be added to the vacation accrual each year.
- b.* Two weeks of vacation during the first and through the fourth year of employment.
- c.* Three weeks of vacation during the fifth and through the eleventh year of employment.
- d.* Four weeks of vacation during the twelfth year and through the nineteenth year of employment.
- e.* Four and four-tenths weeks of vacation during the twentieth year and through the twenty-fourth year of employment.
- f.* Five weeks of vacation during the twenty-fifth and all subsequent years of employment.

63.2(2) Vacation is subject to the following conditions:

- a.* Vacation shall be subject to the approval of the appointing authority. The appointing authority shall approve vacation so as to maintain the efficient operation of the agency; take into consideration the vacation preferences and needs of the employee; and make every reasonable effort to provide vacation to prevent any loss of vacation accrual.
- b.* Probationary and permanent part-time employees shall accrue vacation in an amount proportionate to that which would be accrued under full-time employment.
- c.* Vacation shall not accrue during any absence without pay.
- d.* An employee who is transferred, promoted, or demoted from one state agency to another shall be credited with the vacation accrued.
- e.* Employees, including employees who are paid from a pay plan having annual salary rates, who leave state employment for any reason shall be paid, or have payment made according to law, for all accrued vacation. Payment shall be included with the employee's final paycheck and shall be based on the employee's total biweekly regular rate of pay at the time of separation. When other pay is to be included in the calculation, that other pay must have been in effect for at least three pay periods. Vacation shall not be granted after the employee's last day of work.
- f.* An employee may, at the appointing authority's discretion, be required to use all accrued vacation before being granted any leave without pay, except as otherwise provided in these rules.
- g.* Vacation shall be charged on the employee's workday basis. Officially designated holidays occurring during an employee's vacation shall not be counted against the employee's accrued vacation.
- h.* In the event of an illness or disability while on vacation, that portion of the vacation spent under the care of a physician or physician assistant shall be switched retroactively to and charged against the employee's accrued sick leave upon satisfactory proof from the physician or physician assistant of the illness or disability and its duration.
- i.* Vacation shall not be used in excess of the amount accrued, and shall not be used until the pay period after it is accrued.
- j.* Vacation shall be cumulative to a maximum of twice the employee's annual rate of accrual, including sick leave conversion. An appointing authority may require an employee to take vacation

whenever it would be in the best interests of the agency. The employee shall be given reasonable notice of the appointing authority's decision to require the use of accrued vacation. However, an employee shall not be required to reduce accrued vacation to less than 80 hours.

k. One week of vacation shall be equal to the number of hours in the employee's normal, regular workweek.

l. Any employee who is laid off, or an employee who separated due to qualification for long-term disability benefits or an on-the-job injury or illness and subsequently returns to state employment within two years following the date of separation, shall have previous continuous service and the period of separation counted toward the vacation accrual rate.

m. Reserved.

n. Time spent in military service, within the specified time limits of the military training and service Act, shall be considered continuous service for the purpose of computing vacation accrual, provided the employee returns to state service within 90 calendar days following discharge from military duty. Vacation shall not accrue to an employee while on military leave without pay.

o. If on June 1 an employee has a balance of 160 or more hours of accrued leave, the employer may, with the approval of the employee, pay the employee for up to 40 hours of the accrued annual leave. This amount will be paid on the payday which represents the last pay period of the fiscal year. Decisions regarding these payments will be made by each department director and are not subject to the grievance procedure provided for in these rules.

[ARC 3215C, IAB 7/19/17, effective 7/1/17; ARC 6866C, IAB 2/8/23, effective 3/15/23]

11—63.3(8A) Sick leave with pay. Probationary and permanent full-time employees, except peace officer employees of the department of natural resources and the department of public safety, shall accrue sick leave as set forth in this paragraph. If the employee's accrued sick leave balance is 750 hours or less, the employee shall accrue one and one-half days of sick leave per month, which is 5.538462 hours per pay period. If the employee's accrued sick leave balance is 1500 hours or less but more than 750 hours, the employee shall accrue one day of sick leave per month, which is 3.692308 hours per pay period. If the employee's accrued sick leave balance is more than 1500 hours, the employee shall accrue one-half day of sick leave per month, which is 1.846154 hours per pay period. Peace officer employees of the department of natural resources and department of public safety shall accrue sick leave at the same rate as the rate provided under the State Police Officers Council collective bargaining agreement. The use of sick leave with pay shall be subject to the following conditions:

63.3(1) Accrued sick leave may be used during a period when an employee is unable to work because of medically related disabilities; for physical or mental illness; medical, dental or optical examination, surgery or treatment; or when performance of assigned duties would jeopardize the employee's health or recovery. Medically related disabilities caused by pregnancy or recovery from childbirth shall be covered by sick leave.

63.3(2) Sick leave shall not be used as vacation.

63.3(3) Sick leave shall not be granted in excess of the amount accrued.

63.3(4) There is no limit on the accumulation of sick leave. An employee in the first four years of employment who has accrued at least 80 hours of sick leave may elect to accrue additional vacation in lieu of the normal sick leave accrual. A conversion shall not be made if the accrued sick leave is less than 80 hours in the pay period in which the conversion would be made. After the fourth year of employment, an employee who has accrued at least 240 hours of sick leave may elect to accrue additional vacation in lieu of the normal sick leave accrual. A conversion shall not be made if the accrued sick leave is less than 240 hours in the pay period in which the conversion would be made. An employee who has made an election to convert sick leave to vacation will be credited with four hours of vacation for each full month when sick leave is not used during that month. The conversion of sick leave shall be prorated for employees who are normally scheduled to work less than full-time

(40 hours per week). An employee's maximum vacation accrual may be increased under this subrule up to 96 hours.

63.3(5) In all cases when an employee has been absent on sick leave, the employee shall immediately upon return to work submit a statement that the absence was due to illness or other reasons stated in this rule. Where absence exceeds three working days, the reasons for the absence shall be verified by a physician or other authorized practitioner if required by the appointing authority. An appointing authority may require verification for lesser periods of absence and at any time during an absence. In all cases, sick leave shall not be deducted from that accrued until authorized by the appointing authority.

63.3(6) Sick leave shall be charged on the employee's workday basis. Officially designated holidays occurring during an employee's sick leave shall not be counted against the employee's accrued sick leave.

63.3(7) Sick leave shall not accrue during any absence without pay.

63.3(8) Probationary and permanent part-time employees shall accrue sick leave in an amount proportionate to that which would be accrued under full-time employment.

63.3(9) An employee who is transferred, promoted, or demoted from one agency to another shall be credited with the sick leave accrued.

63.3(10) All accrued sick leave shall be canceled on the date of separation, and no employee shall be reimbursed for accrued sick leave unused at the time of separation except as provided for in Iowa Code section 70A.23, or the applicable collective bargaining agreement. However, if an employee is laid off and is reemployed by any state agency within two years following the date of layoff, or an employee is separated due to an on-the-job injury or illness and is reemployed by any state agency within two years following the date of medical release, the employee's unused accrued sick leave shall be restored, except to the extent that the sick leave hours have been credited to a sick leave bank pursuant to Iowa Code section 70A.23 and the provisions of 11—64.16(8A). Employees participating in the sick leave insurance program who return to permanent employment will not have prior sick leave amounts restored.

63.3(11) Employees may also use accrued sick leave, not to exceed a total of 40 hours per fiscal year, for the following purposes:

- a. When a death occurs in the immediate family;
- b. For the temporary care of, or necessary attention to, members of the immediate family.

For purposes of this subrule, "immediate family" means the employee's spouse, children, grandchildren, foster children, stepchildren, legal wards, parents, grandparents, foster parents, stepparents, brothers, foster brothers, stepbrothers, sons-in-law, brothers-in-law, sisters, foster sisters, stepsisters, daughters-in-law, sisters-in-law, aunts, uncles, nieces, nephews, first cousins, corresponding relatives of the employee's spouse and other persons who are members of the employee's household.

This leave shall be granted at the convenience of the employee whenever possible and consistent with the staffing needs of the appointing authority.

63.3(12) If an absence because of illness, injury or other proper reason for using sick leave provided for in this rule extends beyond the employee's accrued sick leave, the appointing authority may require or permit additional time off to be charged to any other accrued leave. Employees shall, upon request, be paid accrued compensatory leave in a lump sum. When all accrued sick leave has been used, the employee may be granted leave without pay or terminated except as provided in subrule 63.5(4).

[**ARC 8265B**, IAB 11/4/09, effective 12/9/09; **ARC 0401C**, IAB 10/17/12, effective 11/21/12; **ARC 1568C**, IAB 8/6/14, effective 9/10/14; **ARC 0388D**, IAB 6/24/26, effective 7/29/26]

11—63.4(8A) Family and Medical Leave Act leave. An employee who has been employed for a cumulative total of 12 months or more in the most recent seven-year period and who has worked at least 1,250 hours during the 12-month period immediately preceding the date leave is to begin

shall be eligible for family and medical leave in accordance with the federal Family and Medical Leave Act (FMLA) and 29 CFR Part 825, these rules, and the policies of the department. Eligibility determinations shall be made as of the date that the FMLA leave is to begin. The FMLA leave year begins on the first day of each fiscal year. Eligible employees are entitled to FMLA leave subject to the following conditions:

63.4(1) It is the appointing authority's responsibility to designate leave as FMLA leave. The appointing authority shall designate leave as FMLA leave when the leave qualifies for FMLA leave, even if the employee makes no request for FMLA leave or does not want the leave to be counted as FMLA leave. When both spouses are employed by the state, they shall be limited to a combined total of 12 weeks of FMLA leave taken in accordance with paragraph "a" or "c" below. The hourly equivalent for part-time employees shall be prorated based upon the average number of hours worked during the previous 12 months. Leave may be for one or more of the following reasons:

a. The birth or placement with the employee of a son or daughter (biological child, adopted child, foster child, stepchild, legal ward or a child to whom the employee stands in loco parentis) for adoption or foster care provided the leave is taken within 12 months following any such birth, adoption or foster placement;

b. The care of a son or daughter under 18 years of age, or older if incapable of self-care because of a mental or physical disability, or spouse with a serious health condition;

c. The care of a parent or person who stood in loco parentis to the employee, with a serious health condition;

d. A serious health condition that makes an employee unable to work at all or perform any one of the essential functions of the employee's position within the meaning of the Americans with Disabilities Act (ADA), as amended, 42 U.S.C. Section 12101 et seq., and the regulations at 29 CFR Section 1630.2(n).

e. A qualifying exigency, as defined in federal FMLA regulations, arising out of the fact that the employee's spouse, son, daughter or parent is a covered servicemember on covered active duty, or has been notified of an impending call or order to covered active duty, in a foreign country.

f. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the servicemember, pursuant to the FMLA regulations.

63.4(2) Leave may be taken on an intermittent basis or on a reduced work schedule basis where this type of leave is medically necessary. The use of intermittent or reduced work schedule leave for circumstances described in paragraph "a" of subrule 63.4(1) shall be at the discretion of the appointing authority. Approval of intermittent or reduced schedule leave for circumstances described in paragraph "b," "c," "d," "e," or "f" of subrule 63.4(1) is mandatory if certified by a health care provider or proper military authority.

63.4(3) Use of sick leave shall be in accordance with rule 11—63.3(8A). When FMLA leave is taken pursuant to paragraph "a," "b," "c," "e," or "f" of subrule 63.4(1), an employee must exhaust all paid vacation before unpaid leave is granted. However, sick leave may be used to the extent authorized by subrule 63.3(11). When an employee takes FMLA leave after the birth of a child and the employee has not received a medical release to return to work, the employee must exhaust all accrued sick leave and vacation before unpaid leave is granted. When the employee's medical provider releases the employee to return to work, the employee is no longer eligible to use paid sick leave; however, the employee may use leave as authorized by subrule 63.3(11) and accrued vacation.

When FMLA leave is taken pursuant to paragraph "d" of subrule 63.4(1), an employee must exhaust all paid sick leave, compensatory leave, and vacation before unpaid leave is granted.

63.4(4) An employee shall submit a written request, using forms prescribed by the department, to the appointing authority within 30 calendar days prior to the need for FMLA leave when the need for the leave is foreseeable. In situations involving unforeseeable need for leave and leave involving a birth, adoption, foster placement, or planned medical treatment for an illness, the employee must provide notice as soon as practicable after the employee learns of the need for the leave. Notice may be made orally or in writing. Untimely requests or failure to provide notice or mandatory information

to the appointing authority may result in delay or denial of the FMLA leave. The failure to follow mandatory leave policies may result in discipline of the employee.

The appointing authority shall provide the employee with all notices required by the federal Family and Medical Leave Act and the policies of the department. Notices shall be provided to employees within the time frames prescribed by the federal regulations and the policies of the department. The appointing authority shall notify the employee using forms prescribed by the department, or verbally when circumstances prevent delivery of the forms. If verbal notification is made, the appointing authority shall take reasonable steps to deliver written notification to the employee within five workdays.

63.4(5) The appointing authority may, at the agency's expense, require a second opinion. The appointing authority will designate the health care provider to furnish the second opinion. In making the designation, the appointing authority shall select a provider that is not employed on a regular basis by the appointing authority. If the second opinion differs from the first, the appointing authority may, at the agency's expense, require a third opinion from a health care provider agreeable to both the employee and the appointing authority. The third opinion shall be final and binding on both parties.

63.4(6) During the period of leave, the appointing authority shall pay the state's share of the employee's health, dental, basic life, and long-term disability benefit insurance premiums. Failure by the employee to pay the employee's share of the premiums will result in a loss of coverage. The appointing authority shall provide notice to the employee 15 calendar days prior to any retroactive or prospective cancellation of benefits coverage. Upon return from FMLA leave, employees who have dropped or canceled their health, dental, or life insurance benefits while on FMLA leave will be restored to the same level of benefits as prior to the commencement of leave upon completion of the necessary insurance applications and other forms required by the department.

63.4(7) Upon returning from FMLA leave, an employee is entitled to no more rights or benefits than the employee would have received had the leave not been taken. If an employee does not return from leave because of the continuation, reoccurrence or onset of a serious health condition, the appointing authority shall require written certification from the health care provider. If the reason for the employee's failure to return is not a certified serious health condition or other circumstances beyond the control of the employee, the state may recover its share of health and dental benefit insurance premiums paid during the period of leave.

63.4(8) The appointing authority may request periodic reports concerning the employee's medical status, and the date the employee may return to work. Requests for periodic reports will be made no more often than necessary depending on the facts and circumstances of each case and shall not exceed one request every 30 days absent extenuating circumstances.

The appointing authority shall require written certification from the health care provider that the employee is able to resume work before allowing an employee with a serious health condition to return from FMLA leave. Upon return from FMLA leave, the employee shall be placed in a position in the same class held prior to the leave, or a class in the same pay grade for which the employee qualifies, with the same pay, benefits, terms and conditions of employment, and geographical proximate location, except that if a reduction in force occurs while the employee is on leave, the employee's right to a position shall be established in accordance with 11—Chapter 60.

63.4(9) If an employee unequivocally advises the employer that the employee does not intend to return to work, the employee's entitlement to FMLA leave and associated benefits cease. The failure to return to work upon the expiration of FMLA leave may be considered to be job abandonment.

63.4(10) If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under the FMLA. The appointing authority's obligations may be governed by the Americans with Disabilities Act.

63.4(11) An employee remains a participant in the deferred compensation and dependent care programs while on FMLA leave as authorized by these rules and the policies of the department.

63.4(12) FMLA leave runs concurrently with other leave programs administered by the department to the extent the leave qualifies as FMLA leave.

63.4(13) FMLA leave runs concurrently with a workers' compensation absence when the workers' compensation absence is one that meets the FMLA criteria.

An employee can be offered "restricted light duty," and if such restricted duty is refused, it may result in the loss of workers' compensation benefits. Under the FMLA, the appointing authority may offer restricted duty; however, if the employee refuses, the employee shall lose workers' compensation benefits but is still protected by the FMLA.

Employees on workers' compensation who are on FMLA leave concurrently and who are unable to return to work after the exhaustion of FMLA leave are subject to state workers' compensation laws and will have no job restoration rights under the FMLA.

63.4(14) Retention of vacation leave. Notwithstanding subrule 63.4(3), employees who qualify for FMLA leave are eligible to retain up to two weeks (80 hours) of accrued vacation leave in each fiscal year. An employee must elect, using forms prescribed by the department, to retain vacation by submitting the form to the employer no later than seven calendar days from the date it is determined that the employee's leave is covered by FMLA. An employee will not be permitted to retain more vacation than is in the employee's vacation bank at the time of election. Once the election is made, it cannot be increased; however, it may be reduced, at any time, to less than 80 hours. An employee will not be eligible to retain any donated leave.

[ARC 8265B, IAB 11/4/09, effective 12/9/09; ARC 8979B, IAB 8/11/10, effective 9/15/10; ARC 0401C, IAB 10/17/12, effective 11/21/12; ARC 3215C, IAB 7/19/17, effective 7/1/17]

11—63.5(8A) Leave without pay. A permanent or probationary employee, on written request and written approval by the appointing authority, may be granted leave without pay for any reason deemed satisfactory to the appointing authority, subject to the following conditions:

63.5(1) Leave without pay shall not originally be granted for more than 12 consecutive months. Accrued leave need not be exhausted before leave without pay is granted except that accrued sick leave must be exhausted if the reason for leave without pay is due to a medically related disability. The determination to require the exhaustion of any or all accrued leave shall rest with the appointing authority except as provided in subrule 63.5(4). On written request, prior to the expiration of a granted leave, the appointing authority may, in writing, grant an extension of the leave without pay. The approved leave without pay extension may not be for more than an additional 12 consecutive months, unless otherwise approved by the director.

63.5(2) Failure by the employee to report back to work on the date specified in the written request shall be considered a voluntary resignation unless otherwise approved by the appointing authority. A written statement accepting the resignation shall be sent to the employee by the appointing authority and a copy sent to the director.

63.5(3) Employees who do not supplement workers' compensation with sick leave, vacation or compensatory leave, and who are kept on the payroll in a nonpay status for more than 30 calendar days, shall be placed on leave without pay for purposes of probationary periods and other benefits. A written statement to this effect shall be sent to the employee within three days following the action by the appointing authority.

63.5(4) When requested in writing and verified by the employee's physician or other licensed practitioner, an employee shall be granted sick leave for at least an eight-week period when the purpose is to provide recovery from a medically related disability. If the employee's accrued sick leave is exhausted prior to completion of the eight-week period, the employee shall be granted additional leave, paid or unpaid, for the remainder of the period, in accordance with these rules. The appointing authority may grant leave in excess of the eight-week period. Paid leave shall not be granted in excess of that accrued. At any time during the period of leave, the appointing authority may require that the employee submit written verification of continuing disability from the employee's physician or

other licensed practitioner. In addition to the reason listed, subrule 63.5(2) shall also apply under the following circumstances:

- a. The employee fails or refuses to supply the requested verification of continued disability.
- b. The verification does not clearly show sufficient continuing reason that would prevent the performance of the employee's regular work duties.
- c. The employee is shown to be performing work which is incompatible with the purpose for which the leave without pay was granted.

63.5(5) If an employee applies for leave under the Family and Medical Leave Act, any leave without pay under the Family and Medical Leave Act shall run concurrently with the leave granted under this rule.

[ARC 0401C, IAB 10/17/12, effective 11/21/12; ARC 3215C, IAB 7/19/17, effective 7/1/17]

11—63.6(8A) Rights upon return from leave.

63.6(1) An employee who is on approved leave without pay, disaster service volunteer leave or educational leave must notify the appointing authority from which the employee is on leave of the intent to exercise return from leave rights. Upon return from leave, the employee shall have the right to return to a vacant position in the class held prior to the leave or to a class in the same pay grade for which the employee qualifies. If a vacant position is not available, the reduction in force provisions of 11—Chapter 60 shall apply. An employee on leave without pay, disaster service volunteer leave, or educational leave may request permission from the appointing authority to return to work sooner than the original approved leave expiration date. Employees on leave without pay for more than 30 calendar days, except for military leave, shall have their pay increase eligibility date adjusted to a later date which reflects the period of leave without pay.

63.6(2) An employee who elects to separate from employment for purposes of induction into military service shall have the right to return to employment in accordance with 38 U.S.C. Sections 4301-4334. Upon return, the employee's pay increase eligibility date and unused sick leave at the time of separation shall be restored.

63.6(3) At the conclusion of a period of military service, an employee who is on approved military service leave must notify the appointing authority of the intent to return to employment. Upon return from military leave, the employee shall have the right to return to employment in accordance with 38 U.S.C. Sections 4301-4334.

[ARC 8265B, IAB 11/4/09, effective 12/9/09]

11—63.7(8A) Compensatory leave. Compensatory leave accrued in accordance with 11—subrule 53.11(5) shall be granted at the request of the employee whenever possible. However, the appointing authority need not grant a request for compensatory leave if granting the leave would cause an undue disruption.

11—63.8(8A) Holiday leave. Holidays shall be granted in accordance with statutory provisions to employees who are eligible to accrue vacation and sick leave.

63.8(1) The value of a holiday for full-time employees shall be eight hours or the number of hours the employee is scheduled to work on that day, whichever is greater. The value of a holiday that falls on a full-time employee's scheduled day off shall be eight hours. Employees who are normally scheduled to work full-time shall not have their holiday compensation prorated for time on leave without pay during the pay period if the employee meets the conditions of subrule 63.8(3).

Compensation for holidays shall be prorated for employees who are normally scheduled to work less than 80 hours in a pay period. Compensation shall be based on the number of hours in pay status during the pay period in which the holiday falls plus the hours that would normally be scheduled for the holiday which shall be included when determining the number of pro-rata holiday hours.

Leave accrued under Iowa Code section 1C.2 as vacation shall be based on the employee's hours in pay status.

Compensation for holidays under this rule shall be either in pay or compensatory leave. The decision to pay or grant compensatory leave shall be made by the appointing authority.

63.8(2) For employees who work Monday through Friday, a holiday falling on Sunday shall be observed on the following Monday and a holiday falling on Saturday shall be observed on the preceding Friday. For all other employees, the designated holiday shall be observed on the day it occurs.

63.8(3) To be eligible for holiday compensation an employee must be in pay status the last scheduled workday before and the first scheduled workday after the holiday.

An employee who separates from employment and whose last day in pay status precedes a holiday shall not be eligible for payment for that holiday.

63.8(4) When the holiday falls on an overtime-covered employee's scheduled workday, and the employee does not get the day off, the employee shall be compensated for the holiday in accordance with subrule 63.8(1) in addition to a premium rate for time worked. The premium rate shall be paid for hours worked during the 24-hour period from 12 a.m. through 11:59 p.m. on the holiday. However, hours compensated at the premium rate shall not be counted as part of the 40 hours when calculating overtime pay.

When the holiday falls on an overtime-covered employee's day off, the employee shall be compensated for the holiday to a maximum of eight hours.

63.8(5) When an overtime exempt employee is required to work on a holiday, the employee may be compensated for the time worked in addition to regular holiday pay at the discretion of the appointing authority. When granted, compensation shall be at the employee's regular rate of pay for all hours worked.

11—63.9(8A) Military leave. For purposes of subrules 63.9(1) and 63.9(3) and as applied to nontemporary employees whose regularly scheduled work shift is 16 hours or less, "30 days" means 30 work days. For nontemporary employees whose regularly scheduled work shift is more than 16 hours, "30 days" in subrules 63.9(1) and 63.9(3) shall be defined in accordance with the provisions of Iowa Code section 29A.28.

63.9(1) A nontemporary employee who is a member of the uniformed services, when ordered by proper authority to serve in the uniformed services, shall be granted leave without loss of pay for 30 days each calendar year. Absences required for military service shall be in accordance with the rules on vacation, compensatory leave, or leave without pay, 38 U.S.C. Sections 4301-4333, and 20 CFR Part 1002. Military leave may be utilized for up to 30 days in each calendar year. Any amount of military leave taken during any part of an employee's scheduled workday, regardless of the number of hours actually taken, shall count as one day toward the 30 paid day maximum. If the employee's work shift crosses two calendar days, only one day shall count toward the 30 paid day maximum. Work schedule changes shall not be made for the purpose of avoiding payment for military leave.

63.9(2) A nontemporary employee who is ordered by proper authority to military duty as defined in Iowa Code section 29A.28 may elect to be placed on leave without pay or be separated and removed from the payroll.

63.9(3) Nontemporary employees who elect to separate from employment when ordered by proper authority to military duty shall be given 30 days of regular pay in a lump sum with their last paycheck. Any previous paid leave days granted for military service in the current calendar year shall be deducted from this 30 days.

Employees who elect to be placed on leave without pay when ordered by proper authority to military duty shall continue to receive regular pay and benefits for 30 days. Any previous paid leave days granted for military service in the current calendar year shall be deducted from this 30 days.

63.9(4) At the conclusion of military service, the employee must notify the employee's appointing authority of the intent to exercise return rights pursuant to 38 U.S.C. Sections 4301-4344.

63.9(5) An employee taking military leave may use any vacation or compensatory leave that was accrued prior to service. Employees who elect to use vacation or compensatory leave shall continue

to receive benefits in accordance with the state of Iowa's benefits program policies and procedures. Upon return to employment, the employee's accrual rate for vacation shall be at the same rate as if the employee had not taken military leave.

63.9(6) An employee may maintain health and dental insurance coverage while on military leave for up to 24 months. The employee is responsible for paying the employee's share of the health and dental insurance premiums if the period of military service is less than 31 days. If more than 30 days, the employee shall be required to pay 102 percent of the full premium under the plan to maintain coverage. Upon return to employment, the employee may elect to have health and dental insurance coverage become effective either on the first day of the month the employee returns to employment or the first day of the month following the month in which the employee returned to employment. Coverage under the plans will not have an exclusion or waiting period upon return to employment. An exclusion or waiting period may be imposed, however, in connection with any illness or injury determined by the Secretary of the U.S. Department of Veterans Affairs to have been incurred in, or aggravated during, performance of service in the uniformed services.

63.9(7) A person reemployed under this rule shall be treated as not having incurred a break in service with the employer by reason of such person's period of service in the uniformed services.

[ARC 8265B, IAB 11/4/09, effective 12/9/09; ARC 3115C, IAB 6/7/17, effective 5/17/17; ARC 3231C, IAB 8/2/17, effective 9/6/17]

11—63.10(8A) Educational leave. Educational leave, with or without pay, may be granted at the discretion of the appointing authority for the purpose of assisting state employees to develop skills that will improve their ability to perform their present job responsibilities or to provide training and developmental opportunities for employees that will enable the agency to better meet staffing needs. Education financial assistance shall be in accordance with rule 11—64.10(8A).

63.10(1) Length of leave. Educational leave shall be requested for a period not to exceed 12 consecutive months. Accrued vacation or compensatory leave need not be exhausted before educational leave is granted. The determination to require the exhaustion of any or all accrued leave shall rest with the appointing authority. The appointing authority may grant an extension of the original leave for an additional 12 months.

63.10(2) Selection of applicants. While the selection of applicants is at the discretion of the appointing authority, it is the express policy of the state to offer all qualified employees an equal opportunity to be considered for educational leave within the limitations imposed by agency staffing requirements.

63.10(3) Educational institutions. An employee on educational leave may take course work at any accredited educational institution within the state. Attendance at out-of-state institutions may be approved provided there are geographical or educational considerations which make attendance at institutions within the state impractical.

63.10(4) Agency report. Rescinded IAB 5/27/15, effective 7/1/15.

[ARC 8265B, IAB 11/4/09, effective 12/9/09; ARC 2000C, IAB 5/27/15, effective 7/1/15]

11—63.11(8A) Election leave. An employee who is not covered by the federal Hatch Act and who becomes a candidate for paid, partisan elective office shall, upon the employee's request, be granted leave 30 calendar days before a contested primary, special, or general election. The employee may choose to use accrued vacation or compensatory leave, or leave without pay to cover these periods.

An employee who is elected to a paid, partisan office or appointed to an elective paid, partisan office shall, upon written request to the appointing authority, be granted leave to serve in that office, except where prohibited by federal law. The use of accrued vacation or compensatory leave, or leave without pay to cover this period shall be at the discretion of the employee. The leave provided for in this rule need not exceed six years. An employee shall not be prohibited from returning to employment before the expiration of the period for which the leave was granted.

11—63.12(8A) Court appearances and jury duty. When in obedience to a subpoena, summons, or direction by proper authority, an employee appears as a witness or a jury member in any public

or private litigation in which the employee is not a party to the proceedings, the employee shall be entitled to time off during regularly scheduled work hours with regular compensation, provided the employee gives to the appointing authority any payments received for court appearance or jury service, other than reimbursement for necessary travel or personal expenses. If the employee is directed to appear as a witness by the appointing authority, all time spent shall be considered to be worktime.

63.12(1) Hours spent on court or jury leave by an employee outside the employee's scheduled work hours are not subject to this rule, nor shall any payments received for court appearance or jury service be remitted to the appointing authority.

63.12(2) The employee shall notify the appointing authority immediately upon receipt of a subpoena, summons, or direction by proper authority to appear.

63.12(3) An employee may be required to report to work if there will be at least two hours in the workday, following necessary travel time, during which the employee is not needed for jury service or as a witness.

63.12(4) Upon return to work, the employee shall present evidence to the appointing authority of any payments received for court appearance or jury service.

11—63.13(8A) Voting leave. An employee who is eligible to vote in a public election in the state of Iowa may request time off from work with regular pay for a period not to exceed three hours for the purpose of voting. Leave shall be granted only to the extent that the employee's work hours do not allow a period of three consecutive hours outside the employee's scheduled work hours during which the voting polls are open.

A request for voting leave must be made to the appointing authority on or before the employee's last scheduled shift prior to election day. The time to be taken off shall be designated by the appointing authority.

11—63.14(8A) Disaster service volunteer leave. Subject to the approval of the appointing authority, an employee who is a certified disaster service volunteer for the American Red Cross may, at the request of the American Red Cross, be granted leave with pay to participate in disaster relief services relating to a disaster in the state of Iowa. Such leave shall be only for hours regularly scheduled to work and shall not be for more than 15 workdays in a fiscal year. Employees granted such leave shall not lose any rights or benefits of employment while on such leave. An employee while on leave under this rule shall not be deemed to be an employee of the state for the purposes of workers' compensation or for the purposes of the Iowa tort claims Act.

11—63.15(8A) Absences due to emergency conditions. When a proper management authority closes a state office or building or directs employees to vacate a state office or building premises, employees may elect to use compensatory leave, vacation, or leave without pay to cover the absence. Employees may, with the approval of the appointing authority, elect to work their scheduled hours even though the state office or building is closed to the general public. Employees may, with the approval of the appointing authority, be permitted to make up lost time within the same workweek.

Employees who are unable to report to work as scheduled or who choose to leave work due to severe weather or other emergency conditions may, with the approval of the appointing authority, use compensatory leave, vacation, or leave without pay to cover the absence.

11—63.16(8A) Particular contracts governing. Where provisions of collective bargaining agreements differ from the provisions of this chapter, the provisions of the collective bargaining agreements shall prevail for the employees covered by those agreements.

11—63.17(8A) Examination and interviewing leave.

63.17(1) Employees may be granted leave to take examinations for positions covered by merit system provisions. Employees may elect to use vacation leave, compensatory leave, or leave without pay at the discretion of the appointing authority.

63.17(2) Employees may be granted the use of paid work time to attend interviews during scheduled work hours for jobs within their agency. For agencies that have statewide operations, the appointing authority may restrict the use of paid time to interviews within the central office, institution, county, region, or district office. A reasonable time limit for interviews may be designated by the appointing authority. Employees may be granted leave for interviews outside the agency, central office, institution, county, region, or district office in which case they may elect to use vacation leave, compensatory leave, or leave without pay at the discretion of the appointing authority.

63.17(3) Appointing authorities shall post and make known to employees the provisions of this rule.

11—63.18(8A) Service on committees, boards, and commissions. State employees who are appointed to serve on committees, boards, commissions, or similar appointments for Iowa state government shall be entitled to regular compensation for such service. Employees shall be paid in accordance with these rules for time spent.

Pursuant to Iowa Code section 70A.1, employees shall not be entitled to additional compensation for such service.

Employees shall have actual and necessary expenses paid.

Employees shall notify the appointing authority at the time of the appointment.

11—63.19(8A) Donated leave for catastrophic illnesses of employees and family members.

Employees are eligible to donate or receive donated leave hours for catastrophic illnesses of the employee or an immediate family member. Contributions shall be designated as “donated leave” and shall be subject to the rules, policies and procedures of the department.

63.19(1) Definitions:

“Catastrophic illness” means a physical or mental illness or injury of the employee, as certified by a licensed physician or physician assistant, that will result in the inability of the employee to work for more than 30 workdays on a consecutive or intermittent basis; or that will result in the inability of the employee to report to work for more than 30 workdays due to the need to attend to an immediate family member on a consecutive or intermittent basis.

“Donated leave” means vacation leave (hours) donated to employees as a monetary benefit only. Recipient employees will not accrue vacation or sick leave benefits on donated leave hours.

“Employee” means a full-time or part-time executive branch employee who is eligible to accrue vacation.

“Immediate family member” means the employee’s spouse, parent, son, or daughter, as defined in the federal Family and Medical Leave Act.

63.19(2) Program eligibility for employee illness. In order to receive donated leave for a catastrophic illness, an employee must:

- a.* Have a catastrophic illness as defined by subrule 63.19(1); and
- b.* Have exhausted all paid leave; and
- c.* Not be supplementing workers’ compensation to the extent that it exceeds more than 100 percent of the employee’s pay for the employee’s regularly scheduled work hours on a pay-period-by-pay-period basis; and
- d.* Not be receiving long-term disability benefits; and
- e.* Be approved for and using or have exhausted Family and Medical Leave Act (FMLA) leave hours if eligible; and
- f.* Be on approved leave without pay for medical reasons during any hours for which the employee will receive donated leave.

63.19(3) *Program eligibility for immediate family member illness.* In order to receive donated leave for a catastrophic illness of an immediate family member, the immediate family member must have a catastrophic illness as defined in subrule 63.19(1). The employee must:

- a. Have exhausted all paid leave for which eligible; and
- b. Be approved for and using or have exhausted Family and Medical Leave Act leave hours if eligible; and
- c. Be on approved leave without pay for the medical reasons of an immediate family member during any hours for which the employee will receive donated leave.

63.19(4) *Certification requirements.* The employee shall submit an application for donated leave on forms developed by the department. Appointing authorities may, at their department's expense, seek second medical opinions or updates from physicians or physician assistants regarding the status of an employee's or employee's immediate family member's illness or injury. If the employee is receiving FMLA leave, a second opinion must be obtained from a physician or physician assistant who is not regularly employed by the state.

63.19(5) *Program requirements.*

a. Vacation hours shall be donated in whole-hour increments; however, they may be credited to the recipient in other than whole-hour increments. All of the recipient's accrued leave must be used before donations will be credited to the recipient. Hours will be credited in increments not to exceed the employee's regularly scheduled work hours on a pay-period-by-pay-period basis. Recipients will not accrue vacation and sick leave on donated leave hours.

b. Approval of use of donated leave shall be for a period not to exceed one year either on an intermittent or continuous basis for each occurrence.

c. Donated leave shall be irrevocable after it is credited to the recipient. Donated hours not credited to the recipient will not be deducted from the donor's vacation leave balance. Donated leave shall be credited on a first-in/first-out basis.

d. Donated leave for catastrophic illness will not restrict the right to terminate probationary employees. The period of probationary status and the pay increase eligibility date, if in excess of 30 days, will be extended by the amount of time the employee received donated leave.

e. Appointing authorities shall post a form developed by the department indicating that the employee is eligible to receive donated leave and the name of the person to contact for the donation. The appointing authority is not responsible for posting outside the employing department; however, donated leave hours can be received from executive branch employees outside the employing department.

f. Leave without pay rules and procedures shall apply to the following benefits: health, dental, life, and long-term disability insurances; pretax; deferred compensation; holiday pay, sick leave and vacation leave accrual, shift differential pay, longevity pay and cash payments. In addition, employees receiving donated leave for catastrophic illness for themselves or their immediate family member will not be eligible for leadworker pay, extraordinary duty pay or special duty pay. If FMLA leave and donated leave for a catastrophic illness are used concurrently, the state is obligated to pay its share of health and dental insurance premiums. The state also maintains an employee's basic life and long-term disability insurances during periods of FMLA leave.

g. Employees may choose to continue or terminate optional deductions (e.g., miscellaneous insurance, savings bonds, charitable contributions, or credit union deductions) while using donated leave. Mandatory deductions are taken from gross pay first, then optional deductions as funds are available and as authorized by the employee. Union dues deductions will continue as long as the employee has sufficient earnings to cover the dollar amount certified to the employer after deductions for social security, federal taxes, state taxes, retirement, health and dental insurance, and life insurance.

h. Contributions to the employee's dependent care account will not be allowed during a period of leave without pay. Claims will not be paid for dependent care while an employee is on leave without pay.

i. If an employee applies for and is approved to receive long-term disability, the employee may continue to receive leave contributions for up to one year on an intermittent or continuous basis or the effective date of the employee's long-term disability, whichever comes first. Donated leave hours not used are not credited to the recipient and are not deducted from the donor's vacation leave balance.

[ARC 6866C, IAB 2/8/23, effective 3/15/23]

11—63.20(8A,70A) Blood, bone marrow, and living organ donation leave. Employees, excluding employees covered by a collective bargaining agreement that provides otherwise, shall be granted leave pursuant to Iowa Code section 70A.39. An employee who is granted a leave of absence under Iowa Code section 70A.39 shall receive leave without loss of seniority, pay, vacation time, personal days, sick leave, insurance and health coverage benefits, or earned overtime accumulation. To ensure adequate staffing, an appointing authority may require employees to request leave, in advance, to serve as a voluntary blood donor pursuant to Iowa Code section 70A.39(2)“c.” An employee who requests leave to serve as a voluntary blood donor pursuant to Iowa Code section 70A.39(2)“c” may be denied such leave by the appointing authority if granting the leave would unreasonably impact the operational efficiency of the agency. The employee shall be compensated at the employee's regular rate of pay for those regular work hours during which the employee is absent from work. An employee deemed to be on leave under Iowa Code section 70A.39 shall not be deemed to be an employee of the state for purposes of workers' compensation or for purposes of the Iowa tort claims Act, Iowa Code chapter 669.

[ARC 8265B, IAB 11/4/09, effective 12/9/09; ARC 6090C, IAB 12/15/21, effective 1/19/22]

11—63.21(8A,70A) Paid parental leave. Employees shall be provided paid parental leave pursuant to Iowa Code section 70A.24.

[ARC 0388D, IAB 6/24/26, effective 7/29/26]

These rules are intended to implement Iowa Code section 8A.413 and Iowa Code chapter 70A.

[Filed 11/5/70; amended 4/14/71, 5/1/71, 8/18/71, 12/23/71, 5/10/72, 9/13/72,
10/11/72, 8/16/73, 7/26/74, 5/19/75]

[Amendment filed 9/4/75, Notice 7/28/75—published 9/22/75, effective 10/27/75;

emergency amendment filed and effective 10/20/75—published 11/3/75]

[Emergency amendment filed and effective 11/4/75—published 11/3/75]

[Filed 1/19/76, Notice 11/17/75—published 2/9/76, effective 3/15/76]

[Filed 4/23/76, Notice 3/8/76—published 5/17/76, effective 6/21/76]

[Filed 8/2/76, Notice 6/28/76—published 8/9/76, effective 9/13/76]

[Filed 9/16/76, Notice 8/9/76—published 10/6/76, effective 11/10/76]

[Filed 2/1/78, Notice 12/28/77—published 2/22/78, effective 3/29/78]

[Filed 8/2/78, Notice 6/28/78—published 8/23/78, effective 9/27/78]

[Filed 10/17/78, Notice 8/9/78—published 11/15/78, effective 12/20/78]

[Filed 8/1/79, Notice 6/13/79—published 8/22/79, effective 9/26/79]

[Filed 10/12/79, Notice 8/22/79—published 10/31/79, effective 12/5/79]

[Filed 10/26/79, Notice 9/19/79—published 11/14/79, effective 12/20/79]

[Filed 7/6/81, Notice 4/15/81—published 7/22/81, effective 8/26/81]

[Filed 12/3/82, Notice 10/13/82—published 12/22/82, effective 1/26/83]¹

[Filed emergency 6/29/84—published 7/18/84, effective 7/1/84]

[Filed 8/24/84, Notice 7/18/84—published 9/12/84, effective 10/17/84]

[Filed 11/30/84, Notice 9/26/84—published 12/19/84, effective 1/23/85]

[Filed 3/22/85, Notice 10/24/84—published 4/10/85, effective 5/15/85]

[Filed 7/26/85, Notice 5/22/85—published 8/14/85, effective 9/18/85]

[Filed 12/3/85, Notice 10/9/85—published 12/18/85, effective 1/22/86]

[Filed 12/13/85, Notice 10/9/85—published 1/1/86, effective 2/5/86]

[Filed 10/17/86, Notice 8/13/86—published 11/5/86, effective 12/10/86]

[Filed 7/24/87, Notice 6/17/87—published 8/12/87, effective 9/16/87]

[Filed 2/18/88, Notice 1/13/88—published 3/9/88, effective 4/13/88]
 [Filed 4/29/88, Notice 3/9/88—published 5/18/88, effective 7/1/88]
 [Filed 9/2/88, Notice 6/29/88—published 9/21/88, effective 10/26/88]
 [Filed 10/27/88, Notice 9/21/88—published 11/16/88, effective 12/21/88]
 [Filed 3/29/89, Notice 2/8/89—published 4/19/89, effective 5/26/89]
 [Filed 7/7/89, Notice 5/17/89—published 7/26/89, effective 9/1/89]
 [Filed 9/29/89, Notice 8/23/89—published 10/18/89, effective 11/24/89]
 [Filed 2/1/90, Notice 12/13/89—published 2/21/90, effective 3/30/90]
 [Filed 2/1/91, Notice 12/12/90—published 2/20/91, effective 3/29/91]
 [Filed 5/23/91, Notice 4/17/91—published 6/12/91, effective 7/19/91]
 [Filed 3/26/93, Notice 2/17/93—published 4/14/93, effective 5/19/93]
 [Filed emergency 8/5/93—published 9/1/93, effective 8/5/93]
 [Filed emergency 7/18/95—published 8/16/95, effective 7/18/95]
 [Filed 12/12/96, Notice 10/23/96—published 1/15/97, effective 2/19/97]
 [Filed 8/12/99, Notice 6/16/99—published 9/8/99, effective 10/13/99]
 [Filed emergency 6/21/01 after Notice 5/16/01—published 7/11/01, effective 6/22/01]
 [Filed 12/17/03, Notice 11/12/03—published 1/7/04, effective 2/11/04]
 [Filed 10/22/04, Notice 9/15/04—published 11/10/04, effective 12/15/04]
 [Filed 5/20/05, Notice 4/13/05—published 6/22/05, effective 7/27/05]
 [Filed without Notice 5/5/06—published 5/24/06, effective 7/1/06]
 [Filed ARC 8265B (Notice ARC 8115B, IAB 9/9/09), IAB 11/4/09, effective 12/9/09]
 [Filed ARC 8979B (Notice ARC 8781B, IAB 6/2/10), IAB 8/11/10, effective 9/15/10]
 [Filed ARC 0401C (Notice ARC 0180C, IAB 6/27/12), IAB 10/17/12, effective 11/21/12]
 [Filed ARC 1568C (Notice ARC 1503C, IAB 6/11/14), IAB 8/6/14, effective 9/10/14]
 [Filed ARC 2000C (Notice ARC 1936C, IAB 4/1/15), IAB 5/27/15, effective 7/1/15]
 [Filed Emergency ARC 3115C, IAB 6/7/17, effective 5/17/17]
 [Filed Emergency After Notice ARC 3215C (Notice ARC 3072C, IAB 5/24/17), IAB 7/19/17,
 effective 7/1/17]
 [Filed ARC 3231C (Notice ARC 3111C, IAB 6/7/17), IAB 8/2/17, effective 9/6/17]
 [Filed ARC 6090C (Notice ARC 5980C, IAB 10/20/21), IAB 12/15/21, effective 1/19/22]
 [Filed ARC 6866C (Notice ARC 6753C, IAB 12/14/22), IAB 2/8/23, effective 3/15/23]
 [Filed ARC 0388D (Notice ARC 9972C, IAB 1/21/26), IAB 6/24/26, effective 7/29/26]

¹ Effective date of subrule 14.2(12) delayed 70 days by Administrative Rules Review Committee. Delay lifted by Committee on 2/8/83.

CIVIL RIGHTS, OFFICE OF[161]

[Prior to 7/23/25, see Civil Rights Commission[161]]

CHAPTER 1

RULES OF PRACTICE

- 1.1(216) Organization and administration
- 1.2(216) Commission procedure for rule making
- 1.3(216) Procedures for oral or written presentations
- 1.4(216) Procedure for obtaining declaratory orders
- 1.5(216) Forms
- 1.6(216) Referral and deferral agencies

CHAPTER 2

GENERAL DEFINITIONS

- 2.1(216) Definitions

CHAPTER 3

COMPLAINT PROCESS

- 3.1(216) Initiation of complaint
- 3.2(216) Timely filing of the complaint
- 3.3(216) Jurisdictional review
- 3.4(216) Amendment process
- 3.5(216) Notice of the complaint
- 3.6(216) Preservation of records
- 3.7 to 3.11 Reserved
- 3.12(216) Mediation
- 3.13 Reserved
- 3.14(216) Document submission process
- 3.15 to 3.25 Reserved
- 3.26(216) Initial investigation of complaint—tier one investigation
- 3.27 to 3.31 Reserved
- 3.32(216) Secondary investigative process—tier two investigation
- 3.33(216) Conclusion of investigation
- 3.34 and 3.35 Reserved
- 3.36(216) Protective orders
- 3.37(216) Investigative subpoenas
- 3.38(216) Postinvestigation determination
- 3.39(216) Postprobable cause process
- 3.40 to 3.42 Reserved
- 3.43(216) Alternatives to agency process—administrative release/right-to-sue
- 3.44 and 3.45 Reserved
- 3.46(216) Withdrawal process
- 3.47(216) Periodic review and administrative closure
- 3.48 and 3.49 Reserved
- 3.50(216) Procedure to reopen
- 3.51 to 3.55 Reserved
- 3.56(216) Access to file information
- 3.57(216) Miscellaneous

CHAPTER 4

CONTESTED CASES

- 4.1(17A) General provisions
- 4.2(17A) Notice of hearing and answer
- 4.3(17A) Amendment
- 4.4(17A) Default
- 4.5(17A) Consolidation and severance
- 4.6(17A) Filing and service of documents
- 4.7(17A) Discovery
- 4.8(17A) Subpoenas

4.9(17A)	Motions
4.10(17A)	Prehearing conferences
4.11(17A)	Continuances
4.12(17A)	Telephone proceedings
4.13(17A)	Disqualification
4.14(17A)	Ex parte communication
4.15(17A)	Powers of presiding officer
4.16(17A)	Hearing procedures
4.17(17A)	Evidence
4.18(17A)	Evidence of past sexual practices
4.19(17A)	Cost of copies of record
4.20(17A)	Posthearing briefs
4.21(17A)	Requests to present additional evidence
4.22(17A)	Proposed decision
4.23(17A)	Review of proposed decision on appeal to the commission
4.24(17A)	Scope of review by commission
4.25(17A)	Interlocutory appeals
4.26(17A)	Intervention
4.27(17A)	No factual dispute contested cases
4.28(17A)	Awards of attorney's fees
4.29(17A)	Waiver, modification of rules
4.30(17A)	Application for rehearing
4.31(17A)	Hearing—other reasons
4.32(216)	Assessment of costs of hearing
4.33(216)	Appeals to the district court

CHAPTER 5

Reserved

CHAPTER 6

DISCRIMINATION IN CREDIT

6.1(216)	Definitions
6.2(216)	Practices prohibited
6.3(216)	Credit inquiries
6.4(216)	Exceptions

CHAPTER 7

Reserved

CHAPTER 8

DISCRIMINATION IN EMPLOYMENT

8.1(216)	Definitions
8.2(216)	Bona fide occupational qualifications
8.3(216)	Preemployment inquiries
8.4 to 8.10	Reserved
8.11(216)	Reasonable accommodations—assessment and placement
8.12(216)	Physical examinations
8.13(216)	Disability arising during employment
8.14 to 8.24	Reserved
8.25(216)	Retirement plans and benefit systems

CHAPTER 9

DISCRIMINATION IN HOUSING

9.1(216)	Construction of chapter
9.2(216)	Definitions
9.3(216)	Interpretation of various housing provisions
9.4(216)	Interpretation of provisions affecting court actions regarding alleged discriminatory housing or real estate practices occurring after July 1, 1991
9.5(216)	Commission procedures regarding complaints based on alleged unfair or discriminatory practices occurring after July 1, 1991

9.6(216)	Discovery methods in cases of alleged discrimination in housing
9.7(216)	Scope of discovery
9.8(216)	Protective orders
9.9(216)	Interrogatories
9.10(216)	Requests for admission
9.11(216)	Effect of admission
9.12(216)	Production of documents and things and entry upon land for inspection and other purposes
9.13(216)	Procedures for documents and inspections
9.14(216)	Physical and mental examination of persons
9.15(216)	Report of health care practitioner
9.16(216)	Consequences of failure to make discovery
9.17(216)	Depositions upon oral examination
9.18(216)	Notice for oral deposition
9.19(216)	Conduct of oral deposition
9.20(216)	Reading and signing depositions
9.21(216)	Certification and return; copies
9.22(216)	Before whom taken
9.23(216)	Deposition subpoena
9.24(216)	Costs of taking deposition
9.25(216)	Irregularities and objections
9.26(216)	Service of discovery
9.27(216)	Appeals
9.28(216)	Representation of commission

CHAPTER 10

DISCRIMINATION IN PUBLIC ACCOMMODATIONS

10.1(216)	Statement of purpose
10.2(216)	Discrimination prohibited

CHAPTER 11

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

11.1(17A,22,216)	Definitions
11.2(17A,22,216)	Statement of policy
11.3(17A,22,216)	Requests for access to records
11.4(17A,22,216)	Access to confidential records
11.5(17A,22,216)	Requests for treatment of a record as a confidential record and its withholding from examination
11.6(17A,22,216)	Procedure by which additions, dissents, or objections may be entered into certain records
11.7(17A,22,216)	Consent to disclosure by the subject of a confidential record
11.8(17A,22,216)	Notice to suppliers of information
11.9(17A,22,216)	Disclosures without the consent of the subject
11.10(17A,22,216)	Routine use
11.11(17A,22,216)	Consensual disclosure of confidential records
11.12(17A,22,216)	Availability of records
11.13(17A,22,216)	Personally identifiable information
11.14(17A,22,216)	Other groups of records
11.15(17A,22,216)	Data processing systems
11.16(17A,22,216)	Applicability
11.17(17A,22,216)	Access to file information

CHAPTERS 12 to 14

Reserved

CHAPTER 15

MISCELLANEOUS PROVISIONS

15.1(216)	Partial invalidity
15.2(216)	Availability of rules
15.3(17A,ExecOrd11)	Waiver of requirements imposed by commission rule

CHAPTERS 16 to 2505

Reserved

CHAPTER 2506

CONTESTED CASES

2506.26(17A)

Final decision

2506.27(17A)

Appeals and review

2506.29(17A)

Stays of commission actions

CHAPTERS 16 to 2505
Reserved

CHAPTER 2506 CONTESTED CASES

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/30/31

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

[ARC 0377D, IAB 6/24/26, effective 6/30/26]

161—2506.26(17A) Final decision.

2506.26(2) When the commission does not preside over receiving evidence, the presiding officer will issue a proposed decision. The proposed decision becomes the final decision of the commission without further proceedings unless there is an appeal of the proposed decision to the commission, or review of the proposed decision on the commission's own motion, in accordance with rule 161—2506.27(17A).

[ARC 0377D, IAB 6/24/26, effective 6/30/26]

161—2506.27(17A) Appeals and review.

2506.27(1) *Appeal by party.* Any adversely affected party may appeal a proposed decision to the commission within 30 days after the decision is issued.

2506.27(2) *Review.* The commission may initiate review of a proposed decision on its own motion at any time within 30 days following the issuance of such a decision.

2506.27(3) *Notice of appeal.* An appeal of a proposed decision is initiated by filing a timely notice of appeal with the commission. The notice of appeal is to be signed by the appealing party or a representative of that party and contain a certificate of service. The notice will specify:

- a. The parties initiating the appeal;
- b. The proposed decision or order appealed from;
- c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision or order;
- d. The relief sought; and
- e. The grounds for relief.

2506.27(4) *Requests to present additional evidence.* A party may request to submit additional evidence. The request must be filed with the notice of appeal, if by an appealing party, or within 14 days of service of the notice of appeal, if by a non-appealing party. The commission will take additional evidence only if the party establishes that the evidence is material, that good cause existed for its not being presented at the hearing, and that the party has not waived the right to present the evidence. The commission may remand a case to the presiding officer to take additional evidence or may itself preside at the taking of additional evidence.

2506.27(5) *Scheduling.* The commission will issue a schedule for consideration of the appeal.

2506.27(6) *Briefs and arguments.* Unless otherwise ordered, within 20 days of the notice of appeal or order for review, each appealing party may file exceptions and briefs. Within 20 days thereafter, any party may file a responsive brief. Briefs will include any applicable legal authority and specify relevant portions of the record in that proceeding. Written requests to present oral argument will be filed with the briefs. The commission may resolve the appeal on the briefs or provide an opportunity for oral argument. The commission may shorten or extend the briefing period as appropriate.

[ARC 0377D, IAB 6/24/26, effective 6/30/26]

161—2506.29(17A) Stays of commission actions.

2506.29(1) *When available.*

a. Any party may petition the commission to stay the effect of an order, or for other temporary remedies, pending review of the order by the commission. The petition must be filed with the notice of appeal and must state the reasons justifying a stay or other temporary remedy. The commission may rule on the stay or authorize the presiding officer to do so.

b. Any party may petition the commission for a stay, or other temporary remedies, pending judicial review of all or part of that proceeding. The petition must state the reasons justifying a stay or other temporary remedy.

2506.29(2) *When granted.* The presiding officer or commission will consider the factors listed in Iowa Code section 17A.19(5) “*c*” when deciding whether to grant the stay or other temporary remedy.

2506.29(3) *Vacation.* The presiding officer or commission may vacate a stay or other temporary remedy on the motion of the commission or any other party.

[ARC 0377D, IAB 6/24/26, effective 6/30/26]

[Filed Emergency ARC 0377D, IAB 6/24/26, effective 6/30/26]

INSURANCE DIVISION[191]

[Prior to 10/22/86, see Insurance Department[510], renamed Insurance Division[191] under the “umbrella” of Department of Commerce by the 1986 Iowa Acts, Senate File 2175]

ORGANIZATION AND PROCEDURES

CHAPTER 1 ORGANIZATION

1.1(502,505)	Definitions
1.2(502,505)	Mission
1.3(502,505)	General course and method of operations
1.4(502,505)	Contact information and business hours
1.5(502,505)	Information, forms, and requests
1.6(502,505)	Organization
1.7(505)	Service of process

CHAPTER 2 PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

2.1(17A,22)	Statement of policy
2.2(17A,22)	Definitions
2.3(17A,22)	General provisions
2.4(17A,22)	Requests for access to records
2.5(17A,22)	Access to confidential records
2.6(17A,22)	Requests for confidential treatment
2.7(17A,22)	Procedure by which additions, dissents, or objections may be entered into certain records
2.8(17A,22)	Disclosures without the consent of the subject
2.9(17A,22)	Consent to disclosure by the subject of a confidential record
2.10(17A,22)	Notice to suppliers of information
2.11(17A,22)	Personally identifiable information collected by the division
2.12(17A,22)	Confidential records

CHAPTER 3 CONTESTED CASES

3.1(17A)	Scope and applicability
3.2(17A)	Definitions
3.3(17A)	Time requirements
3.4(17A)	Requests for contested case proceeding
3.5(17A,507B)	Commencement of hearing; service; delivery; notice of hearing; answer
3.6(17A)	Presiding officer
3.7(17A)	Waiver of procedures
3.8(17A)	Telephone, video, or electronic proceedings
3.9(17A)	Disqualification
3.10(17A)	Consolidation—severance
3.11	Reserved
3.12(17A)	Service and filing of pleadings and other papers
3.13(17A)	Discovery
3.14(17A,505)	Subpoenas
3.15(17A)	Motions
3.16(17A)	Prehearing conference
3.17(17A)	Continuances
3.18(17A)	Withdrawals
3.19(17A,507B)	Intervention
3.20(17A)	Hearing procedures
3.21(17A,507B)	Evidence
3.22(17A)	Default
3.23(17A)	Ex parte communication
3.24(17A)	Recording costs
3.25(17A)	Interlocutory appeals
3.26(17A)	Final decision

3.27(17A)	Appeals and review by the commissioner of proposed decisions
3.28(17A)	Applications for rehearing
3.29(17A)	Stay of division action
3.30(17A)	No factual dispute contested cases
3.31(17A)	Emergency adjudicative proceedings
3.32(502,505,507B)	Summary cease and desist orders
3.33(17A,502,505)	Settlement

CHAPTER 4

WAIVER OF RULES AND DECLARATORY ORDERS

4.1(17A)	Applicability
4.2(17A)	Definitions
4.3(17A)	Severability
4.4(17A)	Public rulemaking docket

DIVISION I WAIVER OF RULES

4.5(17A)	Waivers
4.6(17A)	Petition for waiver
4.7(17A)	Waiver hearing procedures and ruling

DIVISION II DECLARATORY ORDERS

4.8(17A)	Petition for declaratory order
4.9(17A)	Notice of petition
4.10(17A)	Intervention
4.11(17A)	Briefs
4.12(17A)	Inquiries
4.13(17A)	Service and filing of petitions and other papers
4.14(17A)	Consideration
4.15(17A)	Action on petition
4.16(17A)	Refusal to issue order
4.17(17A)	Contents of declaratory order—effective date
4.18(17A)	Copies of orders
4.19(17A)	Effect of a declaratory order

REGULATION OF INSURERS

CHAPTER 5

REGULATION OF INSURERS—GENERAL PROVISIONS

5.1(505,507,508,515)	Definitions
5.2(505,507)	Examination for admission
5.3(507,508,515)	Submission of quarterly financial information
5.4(505,508,515,520)	Surplus notes
5.5(505,515,520)	Maximum allowable premium volume
5.6(505,515,520)	Treatment of various items on the financial statement
5.7(505)	Ordering withdrawal of domestic insurers from states
5.8(505)	Monitoring
5.9(505)	Rate and form filings
5.10(511)	Life companies—permissible investments
5.11	Reserved
5.12(515)	Collateral loans
5.13(508,515)	Loans to officers, directors, employees, etc
5.14	Reserved
5.15(508,512B,514,514B,515,520)	Accounting practices and procedures manual and annual statement instructions
5.16 to 5.19	Reserved
5.20(508)	Computation of reserves
	UNEARNED PREMIUM RESERVES ON MORTGAGE GUARANTY INSURANCE POLICIES
5.21(515C)	Unearned premium reserve factors
5.22(515C)	Contingency reserve
5.23 to 5.25	Reserved

5.26(508,515)	Participation in the NAIC Insurance Regulatory Information System
5.27(508,515,520)	Asset valuation
5.28(508,515,518,518A,520)	Risk-based capital and surplus
5.29(508,515)	Actuarial certification of reserves
5.30(515)	Single maximum risk—fidelity and surety risks
5.31(515)	Reinsurance contracts
5.32(511,515)	Investments in medium grade and lower grade obligations
5.33(510)	Credit for reinsurance
5.34(508)	Actuarial opinion and memorandum
5.35 to 5.39	Reserved
5.40(515)	Premium tax
5.41(508)	Tax on gross premiums—life companies
5.42(432)	Cash refund of premium tax
5.43(510)	Managing general agents
	DISCLOSURE OF MORTGAGE LOAN APPLICATIONS
5.44 to 5.49	Reserved
5.50(535A)	Purpose
5.51(535A)	Definitions
5.52(535A)	Filing of reports
5.53(535A)	Form and content of reports
5.54(535A)	Additional information required
5.55(535A)	Written complaints

CHAPTER 6

ORGANIZATION OF DOMESTIC INSURANCE COMPANIES

6.1(506)	Definitions
6.2(506)	Promoters contributions
6.3(506)	Escrow
6.4(506)	Alienation
6.5(506)	Sales to promoters
6.6(506)	Options
6.7(506)	Qualifications of management
6.8(506)	Chief executive
6.9(506)	Directors

CHAPTER 7

DOMESTIC STOCK INSURERS PROXIES

PROXY REGULATIONS

7.1(523)	Application of regulation
7.2(523)	Proxies, consents and authorizations
7.3(523)	Disclosure of equivalent information
7.4(523)	Definitions
7.5(523)	Information to be furnished to stockholders
7.6(523)	Requirements as to proxy
7.7(523)	Material required to be filed
7.8(523)	False or misleading statements
7.9(523)	Prohibition of certain solicitations
7.10(523)	Special provisions applicable to election contests

SCHEDULE A

INFORMATION REQUIRED IN PROXY STATEMENT

SCHEDULE B

INFORMATION TO BE INCLUDED IN STATEMENTS FILED BY OR ON BEHALF OF A PARTICIPANT (OTHER THAN THE INSURER) IN A PROXY SOLICITATION IN AN ELECTION CONTEST

POLICYHOLDER PROXY SOLICITATION

7.11(523)	Application
7.12(523)	Conditions—revocation
7.13(523)	Filing proxy

7.14(523)	Solicitation by agents—use of funds
7.15 to 7.19	Reserved
	STOCK TRANSACTION REPORTING
7.20(523)	Statement of changes of beneficial ownership of securities

CHAPTER 8 BENEVOLENT ASSOCIATIONS

8.1 and 8.2	Reserved
8.3(512A)	Organization
8.4(512A)	Membership
8.5(512A)	Fees, dues and assessments
8.6(512A)	Reserve fund
8.7(512A)	Certificates
8.8(512A)	Beneficiaries
8.9(512A)	Mergers
8.10(512A)	Directors and officers
8.11(512A)	Stockholders
8.12(512A)	Bookkeeping and accounts

CHAPTER 9 Reserved

INSURANCE PRODUCERS

CHAPTER 10 INSURANCE PRODUCER LICENSES AND LIMITED LICENSES

10.1(515K,522B)	Purpose and authority
10.2(515K,522B)	Definitions
10.3(515K,522B)	Requirement to hold a license
10.4(515K,522B)	Licensing of resident producers
10.5(515K,522B)	Licensing of nonresident producers
10.6(515K,522B)	Issuance of license
10.7(522B)	License lines of authority
10.8(515K,522B)	License renewal
10.9(515K,522B)	License reinstatement
10.10(515K,522B)	Reinstatement or reissuance of a license after suspension, revocation or forfeiture in connection with disciplinary matters; and forfeiture in lieu of compliance
10.11(522B)	Temporary licenses
10.12(515K,522B)	Change in name, address or state of residence
10.13(515K,522B)	Reporting of actions
10.14(515K,522B)	Commissions and referral fees
10.15(515K,522B)	Appointments
10.16(515K,522B)	Appointment renewal
10.17(515K,522B)	Appointment terminations
10.18(515K,522B)	Licensing of a business entity
10.19(522B)	Use of senior-specific certifications and professional designations in the sale of life insurance and annuities
10.20(515K,522B)	Violations and penalties
10.21(252J,272D,515K)	Suspension for failure to pay child support or state debt
10.22 and 10.23	Reserved
10.24(522B)	Administration of examinations
10.25(515K,522B)	Forms
10.26(515K,522B)	Fees
10.27 to 10.50	Reserved
10.51(515K,522A,522E)	Limited licenses

CHAPTER 11 CONTINUING EDUCATION FOR INSURANCE PRODUCERS

11.1(505,522B)	Statutory authority—purpose—applicability

11.2(505,522B)	Definitions
11.3(505,522B)	Continuing education requirements for producers
11.4(505,522B)	Proof of completion of continuing education requirements
11.5(505,522B)	Course approval
11.6(505,522B)	Topic guidelines
11.7(505,522B)	CE course renewal
11.8(505,522B)	Appeals
11.9(505,522B)	CE provider approval
11.10(505,522B)	CE provider's responsibilities
11.11(505,522B)	Prohibited conduct—CE providers
11.12(505,522B)	Outside vendor
11.13(505,522B)	CE course audits
11.14(505,522B)	Fees and costs

CHAPTER 12 PORT OF ENTRY REQUIREMENTS

12.1(508,515)	Purpose
12.2(508,515)	Trust and other admission requirements
12.3(508,515)	Examination and preferred supervision
12.4(508,515)	Surplus required
12.5(508,515)	Investments

CHAPTER 13 CONSENT FOR PROHIBITED PERSONS TO ENGAGE IN THE BUSINESS OF INSURANCE

13.1(505,522B)	Purpose and authority
13.2(505,522B)	Definitions
13.3(505,522B)	Requirement for prohibited persons to obtain consent
13.4(505,522B)	Applications for consent
13.5(505,522B)	Consideration of applications for consent
13.6(505,522B)	Review of application by the division
13.7(505,522B)	Consent effective for specified positions and responsibilities only
13.8(505,522B)	Change in circumstances
13.9(505,522B)	Burden of proof
13.10(505,522B)	Violations and penalties

UNFAIR TRADE PRACTICES

CHAPTER 14 LIFE INSURANCE ILLUSTRATIONS MODEL REGULATION

14.1(507B)	Purpose
14.2(507B)	Authority
14.3(507B)	Applicability and scope
14.4(507B)	Definitions
14.5(507B)	Policies to be illustrated
14.6(507B)	General rules and prohibitions
14.7(507B)	Standards for basic illustrations
14.8(507B)	Standards for supplemental illustrations
14.9(507B)	Delivery of illustration and record retention
14.10(507B)	Annual report; notice to policyowners
14.11(507B)	Annual certifications
14.12(507B)	Penalties
14.13(507B)	Severability
14.14(507B)	Effective date

CHAPTER 15 UNFAIR TRADE PRACTICES

DIVISION I SALES PRACTICES

15.1(507B)	Purpose

15.2(507B)	Definitions
15.3(507B)	Advertising
15.4(507B)	Life insurance cost and benefit disclosure requirements
15.5(507B)	Health insurance sales to individuals 65 years of age or older
15.6	Reserved
15.7(507B)	Twisting prohibited
15.8(507B)	Producer responsibilities
15.9(507B)	Right to return a life insurance policy or annuity (free look)
15.10(507B)	Uninsured/underinsured automobile coverage—notice required
15.11(507B)	Unfair discrimination
15.12(507B)	Testing restrictions of insurance applications for the human immunodeficiency virus
15.13(507B)	Records maintenance
15.14(505,507B)	Enforcement section—cease and desist and penalty orders
15.15 to 15.30	Reserved

DIVISION II CLAIMS

15.31(507B)	General claims settlement guidelines
15.32(507B)	Prompt payment of certain health claims
15.33(507B)	Audit procedures for medical claims
15.34 to 15.40	Reserved
15.41(507B)	Claims settlement guidelines for property and casualty insurance
15.42(507B)	Acknowledgment of communications by property and casualty insurers
15.43(507B)	Standards for settlement of automobile insurance claims
15.44(507B)	Standards for determining replacement cost and actual cost values
15.45(507B)	Guidelines for use of aftermarket crash parts in motor vehicles
15.46 to 15.50	Reserved

DIVISION III DISCLOSURE FOR SMALL FACE AMOUNT LIFE INSURANCE POLICIES

15.51(507B)	Purpose
15.52(507B)	Definition
15.53(507B)	Exemptions
15.54(507B)	Disclosure requirements
15.55(507B)	Insurer duties
15.56 to 15.60	Reserved

DIVISION IV ANNUITY DISCLOSURE REQUIREMENTS

15.61(507B)	Purpose
15.62(507B)	Applicability and scope
15.63(507B)	Definitions
15.64(507B)	Standards for the disclosure document and Buyer's Guide
15.65(507B)	Content of disclosure documents
15.66(507B)	Standards for annuity illustrations
15.67(507B)	Report to contract owners
15.68(507B)	Penalties
15.69(507B)	Severability
15.70 and 15.71	Reserved

DIVISION V SUITABILITY IN ANNUITY TRANSACTIONS

15.72(507B)	Purpose
15.73(507B)	Applicability and scope
15.74(507B)	Definitions
15.75(507B)	Duties of insurers and producers
15.76(507B)	Producer training
15.77(507B)	Compliance; mitigation; penalties; enforcement
15.78(507B)	Recordkeeping
15.79	Reserved

DIVISION VI

INDEXED PRODUCTS TRAINING REQUIREMENT

15.80(507B,522B)	Purpose
15.81(507B,522B)	Definitions
15.82(507B,522B)	Special training required
15.83(507B,522B)	Conduct of training course
15.84(507B,522B)	Insurer duties
15.85(507B,522B)	Verification of training
15.86(507B,522B)	Penalties
15.87(507B,522B)	Compliance date

CHAPTER 16

REPLACEMENT OF LIFE INSURANCE AND ANNUITIES

DIVISION I

16.1 to 16.20	Reserved

DIVISION II

16.21(507B)	Purpose
16.22(507B)	Definitions
16.23(507B)	Exemptions
16.24(507B)	Duties of producers
16.25(507B)	Duties of all insurers that use producers on or after January 1, 2001
16.26(507B)	Duties of replacing insurers that use producers
16.27(507B)	Duties of the existing insurer
16.28(507B)	Duties of insurers with respect to direct-response solicitations
16.29(507B)	Violations and penalties
16.30(507B)	Severability

CHAPTER 17

LIFE AND HEALTH REINSURANCE AGREEMENTS

17.1(508)	Authority and purpose
17.2(508)	Scope
17.3(508)	Accounting requirements
17.4(508)	Written agreements
17.5(508)	Existing agreements

CHAPTERS 18 and 19

Reserved

PROPERTY AND CASUALTY INSURANCE

CHAPTER 20

PROPERTY AND CASUALTY INSURANCE

DIVISION I

FORM AND RATE REQUIREMENTS

20.1(505,509,514A,515,515A,515F)	General requirements for filing rates and forms
20.2(505)	Objection to form filing
20.3	Reserved
20.4(505,509,514A,515,515A,515F)	Policy form filing
20.5(515A)	Rate or manual rule filing
20.6(515A)	Exemption from rate filing requirement
20.7	Reserved
20.8(515F)	Rate filings for crop-hail insurance
20.9 and 20.10	Reserved
20.11(515)	Exemption from form and rate filing requirements
20.12 to 20.40	Reserved

DIVISION II

IOWA FAIR PLAN ACT

20.41(515,515F)	Purpose
20.42(515,515F)	Scope
20.43(515,515F)	Definitions

20.44(515,515F)	Eligible risks
20.45(515,515F)	Membership
20.46(515,515F)	Administration
20.47(515,515F)	Duties of the governing committee
20.48(515,515F)	Annual and special meetings
20.49(515,515F)	Application for insurance
20.50(515,515F)	Inspection procedure
20.51(515,515F)	Procedure after inspection and receipt of application
20.52(515,515F)	Reasonable underwriting standards for property coverage
20.53(515,515F)	Reasonable underwriting standards for liability coverage
20.54(515,515F)	Cancellation; nonrenewal and limitations; review of eligibility
20.55(515,515F)	Assessments
20.56(515,515F)	Commission
20.57(515,515F)	Public education
20.58(515,515F)	Cooperation and authority of producers
20.59(515,515F)	Review by commissioner
20.60(515,515F)	Indemnification
20.61 to 20.69	Reserved

DIVISION III

CERTIFICATES OF INSURANCE FOR COMMERCIAL LENDING TRANSACTIONS

20.70(515)	Purpose
20.71(515)	Definitions
20.72(515)	Evidence of insurance
20.73 to 20.79	Reserved

DIVISION IV

CANCELLATIONS, NONRENEWALS AND TERMINATIONS

20.80(505B,515,515D,518,518A,519)	Notice of cancellation, nonrenewal or termination of property and casualty insurance

CHAPTER 21

REQUIREMENTS FOR SURPLUS LINES,
RISK RETENTION GROUPS AND PURCHASING GROUPS

21.1(515E,515I)	Definitions
21.2(515I)	Eligible surplus lines insurer's duties
21.3(515I)	Surplus lines insurance producer's duties
21.4(515I)	Surplus lines insurance producer's duty to insured
21.5(515I)	Procedures for qualification and renewal as an eligible surplus lines insurer
21.6(515E)	Procedures for qualification as a risk retention group
21.7(515E)	Risk retention groups
21.8(515E)	Procedures for registration as a purchasing group
21.9(515E,515I)	Failure to comply; penalties

CHAPTER 22

FINANCIAL GUARANTY INSURANCE

22.1(515C)	Definitions
22.2(515)	Financial requirements and reserves

CHAPTERS 23 and 24

Reserved

CHAPTER 25

MILITARY SALES PRACTICES

25.1(505)	Purpose and authority
25.2(505)	Scope
25.3(505)	Exemptions
25.4(505)	Definitions
25.5(505)	Practices declared false, misleading, deceptive or unfair on a military installation
25.6(505)	Practices declared false, misleading, deceptive or unfair regardless of location
25.7(505)	Reporting requirements

25.8(505) Violation and penalties
 25.9(505) Severability

CHAPTER 26

Reserved

CHAPTER 27

PREFERRED PROVIDER ARRANGEMENTS

27.1(514F) Purpose
 27.2(514F) Definitions
 27.3(514F) Preferred provider arrangements
 27.4(514F) Health benefit plans
 27.5(514F) Preferred provider participation requirements
 27.6(514F) General requirements
 27.7(514F) Civil penalties
 27.8(514F) Health care insurer requirements

CHAPTER 28

CREDIT LIFE AND CREDIT ACCIDENT AND HEALTH INSURANCE

28.1(509) Purpose
 28.2(509) Definitions
 28.3(509) Rights and treatment of debtors
 28.4(509) Policy forms and related material
 28.5(509) Determination of reasonableness of benefits in relation to premium charge
 28.6 Reserved
 28.7(509) Credit life insurance rates
 28.8(509) Credit accident and health insurance
 28.9(509) Refund formulas
 28.10(509) Experience reports and adjustment of prima facie rates
 28.11(509) Use of rates—direct business only
 28.12(509) Supervision of credit insurance operations
 28.13(509) Prohibited transactions
 28.14(509) Disclosure and readability
 28.15(509) Severability
 28.16(509) Effective date
 28.17(509) Fifteen-day free examination

CHAPTER 29

CONTINUATION RIGHTS UNDER GROUP ACCIDENT AND HEALTH INSURANCE POLICIES

29.1(509B) Definitions
 29.2(509B) Notice regarding continuation rights
 29.3(509B) Qualifying events for continuation rights
 29.4(509B) Interplay between chapter 509B and COBRA
 29.5(509B) Effective date for compliance

LIFE AND HEALTH INSURANCE

CHAPTER 30

LIFE INSURANCE POLICIES

30.1(508) Purpose
 30.2(508) Scope
 30.3(508) Definitions
 30.4(508) Prohibitions, regulations and disclosure requirements
 30.5(508) General filing requirements
 30.6(508) Back dating of life policies
 30.7(508,515) Expiration date of policy vs. charter expiration date
 30.8(505B,509) Electronic delivery of group life insurance certificates
 30.9(505B,508) Notice of cancellation, nonrenewal or termination of life insurance and annuities

CHAPTER 31

LIFE INSURANCE COMPANIES—VARIABLE ANNUITIES CONTRACTS

31.1(508)	Definitions
31.2(508)	Insurance company qualifications
31.3(508)	Filing, policy forms and provision
31.4(508)	Separate account or accounts and investments
31.5(508)	Required reports
31.6(508)	Producers
31.7(508)	Foreign companies

CHAPTER 32

DEPOSITS BY A DOMESTIC LIFE COMPANY IN A
CUSTODIAN BANK OR CLEARING CORPORATION

32.1(508)	Purpose
32.2(508)	Definitions
32.3(508)	Requirements upon custodial account and custodial agreement
32.4(508)	Requirements upon custodians
32.5(508,511)	Deposit of securities

CHAPTER 33

VARIABLE LIFE INSURANCE MODEL REGULATION

33.1(508A)	Authority
33.2(508A)	Definitions
33.3(508A)	Qualification of insurer to issue variable life insurance
33.4(508A)	Insurance policy requirements
33.5(508A)	Reserve liabilities for variable life insurance
33.6(508A)	Separate accounts
33.7(508A)	Information furnished to applicants
33.8(508A)	Applications
33.9(508A)	Reports to policyholders
33.10(508A)	Foreign companies
33.11	Reserved
33.12(508A)	Separability article

CHAPTER 34

NONPROFIT HEALTH SERVICE CORPORATIONS

34.1(514)	Purpose
34.2(514)	Definitions
34.3(514)	Annual report requirements
34.4(514)	Arbitration
34.5(514)	Filing requirements
34.6(514)	Participating hospital contracts
34.7(514)	Composition, nomination, and election of board of directors

CHAPTER 35

ACCIDENT AND HEALTH INSURANCE

BLANKET ACCIDENT AND SICKNESS INSURANCE

35.1(509)	Purpose
35.2(509)	Scope
35.3(509)	Definitions
35.4(509)	Required provisions
35.5(509)	Application and certificates not required
35.6(509)	Facility of payment
35.7(509)	General filing requirements
35.8(509)	Electronic delivery of accident and health group insurance certificates
	GENERAL ACCIDENT AND HEALTH INSURANCE REQUIREMENTS
35.9(509B,513B,514D)	Notice of cancellation, nonrenewal or termination of accident and health insurance
35.10 to 35.19	Reserved
35.20(509A)	Life and health self-funded plans
35.21(509)	Review of certificates issued under group policies

LARGE GROUP HEALTH INSURANCE COVERAGE

35.22(509)	Purpose
35.23(509)	Definitions
35.24(509)	Eligibility to enroll
35.25(509)	Special enrollments
35.26(509)	Group health insurance coverage policy requirements
35.27(509)	Methods of counting creditable coverage
35.28(509)	Certificates of creditable coverage
35.29(509)	Notification requirements
35.30	Reserved
35.31(509)	Disclosure requirements
35.32(514C)	Treatment options
35.33(514C)	Emergency services
35.34(514C)	Provider access
35.35(509)	Reconstructive surgery

CONSUMER GUIDE

35.36(514K)	Purpose
35.37(514K)	Information filing requirements
35.38(514K)	Limitation of information published
35.39(514C)	Contraceptive coverage
35.40(514C)	Autism spectrum disorder coverage

CHAPTER 36

INDIVIDUAL ACCIDENT AND HEALTH—MINIMUM STANDARDS AND RATE HEARINGS

DIVISION I

MINIMUM STANDARDS

36.1(514D)	Purpose
36.2(514D)	Applicability and scope
36.3(514D)	Effective date
36.4(514D)	Policy definitions
36.5(514D)	Prohibited policy provisions
36.6(514D)	Accident and sickness minimum standards for benefits
36.7(514D)	Required disclosure provisions
36.8(507B)	Requirements for replacement
36.9(514D)	Filing requirements
36.10(514D)	Loss ratios
36.11(514D)	Certification
36.12(514D)	Severability
36.13(513C,514D)	Individual health insurance coverage for children under the age of 19
36.14 to 36.19	Reserved

DIVISION II

RATE HEARINGS

36.20(514D,505)	Rate hearings

CHAPTER 37

MEDICARE SUPPLEMENT INSURANCE

37.1(514D)	Purpose and authority
37.2(514D)	Applicability, scope, and appendices
37.3(514D)	Definitions
37.4(514D)	Policy definitions and terms
37.5(514D)	Policy provisions
37.6(514D)	Minimum benefit standards for prestandardized Medicare supplement benefit plan policies or certificates issued for delivery prior to January 1, 1992 (prestandardized plans)
37.7(514D)	Benefit standards for 1990 standardized Medicare supplement benefit plan policies or certificates issued for delivery on or after January 1, 1992, and with an effective date for coverage prior to June 1, 2010 (1990 plans)
37.8(514D)	Benefit standards for 2010 standardized Medicare supplement benefit plan policies or certificates issued for delivery with an effective date for coverage on or after June 1, 2010 (2010 plans)

37.9(514D)	Standard Medicare supplement benefit plans for 2020 standardized Medicare supplement benefit plan policies or certificates issued for delivery to individuals newly eligible for Medicare on or after January 1, 2020
37.10 to 37.19	Reserved
37.20(514D)	Medicare Select policies and certificates
37.21(514D)	Open enrollment
37.22(514D)	Standards for claims payment
37.23(514D)	Loss ratio standards and refund or credit of premium
37.24(514D)	Filing and approval of policies and certificates and premium rates
37.25(514D)	Permitted compensation arrangements
37.26(514D)	Required notice regarding policies or certificates which are not Medicare supplement policies or certificates
37.27(514D)	Requirements for application forms and replacement coverage
37.28(514D)	Required disclosure provisions
37.29	Reserved
37.30(514D)	Standards for marketing
37.31(514D)	Appropriateness of recommended purchase and excessive insurance
37.32(514D)	Reporting of multiple policies
37.33(514D)	Prohibition against preexisting conditions, waiting periods, elimination periods and probationary periods in replacement policies or certificates
37.34(514D)	Prohibitions against use of genetic information and against requests for genetic testing
37.35(514D)	Prohibition against using materials prepared by SHIP
37.36(514D)	Guaranteed issue for eligible persons
37.37 to 37.49	Reserved
37.50(507B,514D)	Medicare supplement advertising
37.51(514D)	Severability

CHAPTER 38 COORDINATION OF BENEFITS

DIVISION I

38.1 to 38.11	Reserved

DIVISION II

38.12(509,514)	Purpose and applicability
38.13(509,514)	Definitions
38.14(509,514)	Use of model COB contract provision
38.15(509,514)	Rules for coordination of benefits
38.16(509,514)	Procedure to be followed by secondary plan to calculate benefits and pay a claim
38.17(509,514)	Notice to covered persons
38.18(509,514)	Miscellaneous provisions

CHAPTER 39 LONG-TERM CARE INSURANCE

DIVISION I GENERAL PROVISIONS

39.1(514G)	Purpose
39.2(514G)	Authority
39.3(514G)	Applicability and scope
39.4(514G)	Definitions
39.5(514G)	Policy definitions
39.6(514G)	Policy practices and provisions
39.7(514G)	Required disclosure provisions
39.8(514G)	Prohibition against postclaims underwriting
39.9(514D,514G)	Minimum standards for home health care benefits in long-term care insurance policies
39.10(514D,514G)	Requirement to offer inflation protection
39.11(514D,514G)	Requirements for application forms and replacement coverage
39.12(514G)	Reserve standards
39.13(514D)	Loss ratio
39.14(514G)	Filing requirement

39.15(514D,514G)	Standards for marketing
39.16(514D,514G)	Suitability
39.17(514G)	Prohibition against preexisting conditions and probationary periods in replacement policies or certificates
39.18(514G)	Standard format outline of coverage
39.19(514G)	Requirement to deliver shopper's guide
39.20(514G)	Policy summary and delivery of life insurance policies with long-term care riders
39.21(514G)	Reporting requirement for long-term care benefits funded through life insurance by acceleration of the death benefit
39.22(514G)	Unintentional lapse
39.23(514G)	Denial of claims
39.24(514G)	Incontestability period
39.25(514G)	Required disclosure of rating practices to consumers
39.26(514G)	Initial filing requirements
39.27(514G)	Reporting requirements
39.28(514G)	Premium rate schedule increases
39.29(514G)	Nonforfeiture
39.30(514G)	Standards for benefit triggers
39.31(514G)	Additional standards for benefit triggers for qualified long-term care insurance contracts
39.32(514G)	Penalties
39.33(514G)	Notice of cancellation, nonrenewal or termination of long-term care insurance
39.34 to 39.40	Reserved

DIVISION II

INDEPENDENT REVIEW OF BENEFIT TRIGGER DETERMINATIONS

39.41(514G)	Purpose
39.42(514G)	Effective date
39.43(514G)	Definitions
39.44(514G)	Notice of benefit trigger determination and content
39.45(514G)	Notice of internal appeal decision and right to independent review
39.46(514G)	Independent review request
39.47(514G)	Certification process
39.48(514G)	Selection of independent review entity
39.49(514G)	Independent review process
39.50(514G)	Decision notification
39.51(514G)	Insurer information
39.52(514G)	Certification of independent review entity
39.53(514G)	Additional requirements
39.54(514G)	Toll-free telephone number
39.55(514G)	Division application and reports
39.56 to 39.74	Reserved

DIVISION III

LONG-TERM CARE PARTNERSHIP PROGRAM

39.75(514H)	Purpose
39.76(514H)	Effective date
39.77(514H)	Definitions
39.78(514H)	Eligibility
39.79(514H)	Discontinuance of partnership program
39.80(514H)	Required disclosures
39.81(514H)	Form filings
39.82(514H)	Exchanges
39.83(514H)	Required policy terms and disclosures
39.84(514H)	Standards for marketing and suitability
39.85(514H)	Required reports

CHAPTER 40

HEALTH MAINTENANCE ORGANIZATIONS

(Health and Insurance—Joint Rules)

40.1(514B)	Definitions
40.2(514B)	Application

40.3(514B)	Inspection of evidence of coverage
40.4(514B)	Governing body and enrollee representation
40.5(514B)	Quality of care
40.6(514B)	Change of name
40.7(514B)	Change of ownership
40.8(514B)	Termination of services
40.9(514B)	Complaints
40.10(514B)	Cancellation of enrollees
40.11(514B)	Application for certificate of authority
40.12(514B)	Net worth
40.13(514B)	Fidelity bond
40.14(514B)	Annual report
40.15(514B)	Cash or asset management agreements
40.16	Reserved
40.17(514B)	Reinsurance
40.18(514B)	Provider contracts
40.19(514B)	Producers' duties
40.20(514B)	Emergency services
40.21(514B)	Reimbursement
40.22(514B)	Health maintenance organization requirements
40.23(514B)	Disclosure requirements
40.24(514B)	Provider access
40.25(514B)	Electronic delivery of accident and health group insurance certificates
40.26(514B)	Notice of cancellation, nonrenewal or termination of enrollment

CHAPTER 41 LIMITED SERVICE ORGANIZATIONS

41.1(514B)	Definitions
41.2(514B)	Application
41.3(514B)	Inspection of evidence of coverage
41.4(514B)	Governing body and enrollee representation
41.5(514B)	Quality of care
41.6(514B)	Change of name
41.7(514B)	Change of ownership
41.8(514B)	Complaints
41.9(514B)	Cancellation of enrollees
41.10(514B)	Application for certificate of authority
41.11(514B)	Net equity and deposit requirements
41.12(514B)	Fidelity bond
41.13(514B)	Annual report
41.14(514B)	Cash or asset management agreements
41.15(514B)	Reinsurance
41.16(514B)	Provider contracts
41.17(514B)	Producers' duties
41.18(514B)	Emergency services
41.19(514B)	Reimbursement
41.20(514B)	Limited service organization requirements
41.21(514B)	Disclosure requirements

CHAPTER 42 GENDER-BLENDED MINIMUM NONFORFEITURE STANDARDS FOR LIFE INSURANCE

42.1(508)	Purpose
42.2(508)	Definitions
42.3(508)	Use of gender-blended mortality tables
42.4(508)	Unfair discrimination
42.5(508)	Separability
42.6(508)	2001 CSO Mortality Table

CHAPTER 43
ANNUITY MORTALITY TABLES FOR USE IN
DETERMINING RESERVE LIABILITIES FOR ANNUITIES

43.1(508)	Purpose
43.2(508)	Definitions
43.3(508)	Individual annuity or pure endowment contracts
43.4(508)	Group annuity or pure endowment contracts
43.5(508)	Application of the 1994 GAR Table
43.6(508)	Application of the 2012 IAR Mortality Table
43.7(508)	Separability

CHAPTER 44
SMOKER/NONSMOKER MORTALITY TABLES
FOR USE IN DETERMINING MINIMUM RESERVE LIABILITIES
AND NONFORFEITURE BENEFITS

44.1(508)	Purpose
44.2(508)	Definitions
44.3(508)	Alternate tables
44.4(508)	Conditions
44.5(508)	Separability
44.6(508)	2001 CSO Mortality Table

INSURANCE HOLDING COMPANY SYSTEMS

CHAPTER 45
INSURANCE HOLDING COMPANY SYSTEMS

45.1(521A)	Purpose
45.2(521A)	Definitions
45.3(521A)	Subsidiaries of domestic insurers
45.4(521A)	Control acquisition of domestic insurer
45.5(521A)	Registration of insurers
45.6(521A)	Alternative and consolidated registrations
45.7(521A)	Exemptions
45.8(521A)	Disclaimers and termination of registration
45.9(521A)	Transactions subject to prior notice—notice filing
45.10(521A)	Extraordinary dividends and other distributions
45.11(521A)	Enterprise risk report
45.12(521A)	Forms—additional information and exhibits

CHAPTER 46
MUTUAL HOLDING COMPANIES

46.1(521A)	Purpose
46.2(521A)	Definitions
46.3(521A)	Application—contents—process
46.4(521A)	Plan of reorganization
46.5(521A)	Duties of the commissioner
46.6(521A)	Regulation—compliance
46.7(521A)	Reorganization of domestic mutual insurer with mutual insurance holding company
46.8(521A)	Reorganization of foreign mutual insurer with mutual insurance holding company
46.9(521A)	Mergers of mutual insurance holding companies
46.10(521A)	Stock offerings
46.11(521A)	Regulation of holding company system
46.12(521A)	Reporting of stock ownership and transactions

CHAPTER 47
VALUATION OF LIFE INSURANCE POLICIES
(Including New Select Mortality Factors)

47.1(508)	Purpose
47.2(508)	Application
47.3(508)	Definitions

- 47.4(508) General calculation requirements for basic reserves and premium deficiency reserves
- 47.5(508) Calculation of minimum valuation standard for policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits (other than universal life policies)
- 47.6(508) Calculation of minimum valuation standard for flexible premium and fixed premium universal life insurance policies that contain provisions resulting in the ability of a policyowner to keep a policy in force over a secondary guarantee period
- 47.7(508) 2001 CSO Mortality Table

VIATICAL AND LIFE SETTLEMENTS

CHAPTER 48

VIATICAL AND LIFE SETTLEMENTS

- 48.1(508E) Purpose and authority
- 48.2(508E) Definitions
- 48.3(508E) License requirements
- 48.4(508E) Disclosure statements
- 48.5(508E) Contract requirements
- 48.6(508E) Filing of forms
- 48.7(508E) Reporting requirements
- 48.8(508E) Examination or investigations
- 48.9(508E) Requirements and prohibitions
- 48.10(508E) Penalties; injunctions; civil remedies; cease and desist
- 48.11(252J,272D) Suspension for failure to pay child support or state debt
- 48.12 and 48.13 Reserved
- 48.14(508E) Severability

CHAPTER 49

FINANCIAL INSTRUMENTS USED IN HEDGING TRANSACTIONS

- 49.1(511) Purpose
- 49.2(511) Definitions
- 49.3(511) Guidelines and internal control procedures
- 49.4(511) Documentation requirements
- 49.5(511) Trading requirements

SECURITIES

CHAPTER 50

**REGULATION OF SECURITIES OFFERINGS AND THOSE WHO ENGAGE
IN THE SECURITIES BUSINESS**

DIVISION I

DEFINITIONS AND ADMINISTRATION

- 50.1(502) Definitions
- 50.2(502) Cost of audit or inspection
- 50.3(502) Interpretative opinions or no-action letters
- 50.4 to 50.9 Reserved

DIVISION II

REGISTRATION OF BROKER-DEALERS AND AGENTS

- 50.10(502) Broker-dealer registrations, renewals, amendments, succession, and withdrawals
- 50.11(502) Principals
- 50.12(502) Agent and issuer registrations, renewals and amendments
- 50.13(502) Agent continuing education requirements
- 50.14(502) Broker-dealer record-keeping requirements
- 50.15(502) Broker-dealer minimum financial requirements and financial reporting requirements
- 50.16(502) Dishonest or unethical practices in the securities business
- 50.17(502) Rules of conduct
- 50.18(502) Limited registration of Canadian broker-dealers and agents
- 50.19(502) Brokerage services by national and state banks
- 50.20(502) Broker-dealers having contracts with national and state banks
- 50.21(502) Brokerage services by credit unions, savings banks, and savings and loan institutions

50.22(502)	Broker-dealers having contracts with credit unions, savings banks, and savings and loan institutions
50.23 to 50.29	Reserved

DIVISION III
REGISTRATION OF INVESTMENT ADVISERS,
INVESTMENT ADVISER REPRESENTATIVES,
AND FEDERAL COVERED INVESTMENT ADVISERS

50.30(502)	Electronic filing with designated entity
50.31(502)	Investment adviser applications and renewals
50.32(502)	Application for investment adviser representative registration
50.33(502)	Examination requirements
50.34(502)	Notice filing requirements for federal covered investment advisers
50.35(502)	Withdrawal of investment adviser registration
50.36(502)	Investment adviser brochure
50.37(502)	Cash solicitation
50.38(502)	Prohibited conduct in providing investment advice
50.39(502)	Custody of client funds or securities by investment advisers
50.40(502)	Minimum financial requirements for investment advisers
50.41(502)	Bonding requirements for investment advisers
50.42(502)	Record-keeping requirements for investment advisers
50.43(502)	Financial reporting requirements for investment advisers
50.44(502)	Solely incidental services by certain professionals
50.45(502)	Registration exemption for investment advisers to private funds
50.46(502)	Contents of investment advisory contract
50.47(502)	Business continuity and succession planning for investment advisers
50.48 and 50.49	Reserved

DIVISION IV
RULES COVERING ALL REGISTERED PERSONS

50.50(502)	Internet advertising by broker-dealers, investment advisers, broker-dealer agents, investment adviser representatives, and federal covered investment advisers
50.51(502)	Consent to service
50.52(252J)	Denial, suspension or revocation of agent or investment adviser representative registration for failure to pay child support
50.53	Reserved
50.54(272D)	Denial, suspension or revocation of agent or investment adviser representative registration for failure to pay state debt
50.55(502)	Use of senior-specific certifications and professional designations
50.56 to 50.59	Reserved

DIVISION V
REGISTRATION OF SECURITIES

50.60(502)	Notice filings for investment company securities offerings
50.61(502)	Registration of small corporate offerings
50.62(502)	Streamlined registration for certain equity securities
50.63(502)	Registration of multijurisdictional offerings
50.64(502)	Form of financial statements
50.65(502)	Reports contingent to registration by qualification
50.66(502)	NASAA guidelines and statements of policy
50.67(502)	Amendments to registration by qualification
50.68(502)	Delivery of prospectus
50.69(502)	Advertisements
50.70(502)	Fee for securities registration filings under Iowa Code section 502.305
50.71 to 50.79	Reserved

DIVISION VI
EXEMPTIONS

50.80	Reserved
50.81(502)	Notice filings for Rule 506 offerings
50.82(502)	Notice filings for agricultural cooperative associations
50.83(502)	Unsolicited order exemption

50.84(502)	Solicitation of interest exemption
50.85(502)	Internet offers exemption
50.86(502)	Denial, suspension, revocation, condition, or limitation of limited offering transaction exemption
50.87(502)	Nonprofit securities exemption
50.88(502)	Transactions with specified investors
50.89(502)	Designated securities manuals
50.90(502)	Intrastate crowdfunding exemption
50.91(502)	Notice filing requirement for federal crowdfunding offerings
50.92(502)	Notice filing requirement for Regulation A – Tier 2 offerings
50.93 to 50.99	Reserved

DIVISION VII

FRAUD AND OTHER PROHIBITED CONDUCT

50.100(502)	Fraudulent practices
50.101(502)	Rescission offers
50.102(502)	Fraudulent, deceptive or manipulative act, practice, or course of business in providing investment advice
50.103(502)	Investment advisory contracts
50.104 to 50.109	Reserved

DIVISION VIII

VIATICAL SETTLEMENT INVESTMENT CONTRACTS

50.110(502)	Application by viatical settlement investment contract issuers and registration of agents to sell viatical settlement investment contracts
50.111(502)	Risk disclosure
50.112(502)	Advertising of viatical settlement investment contracts
50.113(502)	Duty to disclose

CHAPTERS 51 to 54

Reserved

CHAPTER 55

LICENSING OF PUBLIC ADJUSTERS

55.1(522C)	Purpose
55.2(522C)	Definitions
55.3(522C)	License required to operate as public adjuster
55.4(522C)	Application for license
55.5(522C)	Issuance of resident license
55.6(522C)	Public adjuster examination
55.7(522C)	Exemptions from examination
55.8(522C)	Nonresident license reciprocity
55.9(522C)	Terms of licensure
55.10(522C)	Evidence of financial responsibility
55.11(522C)	Continuing education
55.12(522C)	License denial, nonrenewal or revocation
55.13(522C)	Reinstatement or reissuance of a license after suspension, revocation or forfeiture in connection with disciplinary matters; and forfeiture in lieu of compliance
55.14(522C)	Contract between public adjuster and insured
55.15(522C)	Escrow accounts
55.16(522C)	Record retention
55.17(522C)	Standards of conduct of public adjuster
55.18(522C)	Public adjuster fees
55.19(522C)	Penalties
55.20(522C)	Fees
55.21(522C)	Severability

CHAPTER 56

WORKERS' COMPENSATION GROUP SELF-INSURANCE

56.1(87,505)	General provisions
56.2(87,505)	Definitions
56.3(87,505)	Requirements for self-insurance

56.4	Reserved
56.5(87,505)	Excess insurance
56.6(87,505)	Rates and reporting of rates
56.7(87,505)	Special provisions
56.8(87,505)	Certificate of approval; termination
56.9(87,505)	Examinations
56.10(87,505)	Board of trustees—membership, powers, duties, and prohibitions
56.11(87,505)	Association membership; termination; liability
56.12(87,505)	Requirements of sales agents
56.13(87,505)	Requirements for continued approval
56.14(87,505)	Misrepresentation prohibited
56.15(87,505)	Investments
56.16(87,505)	Refunds
56.17(87,505)	Premium payment; reserves
56.18(87,505)	Deficits and insolvencies
56.19(87,505)	Grounds for nonrenewal or revocation of a certificate of relief from insurance
56.20(87,505)	Hearing and appeal
56.21(87,505)	Existing approved self-insurers
56.22(87,505)	Severability clause

CHAPTER 57

WORKERS' COMPENSATION SELF-INSURANCE FOR INDIVIDUAL EMPLOYERS

57.1(87,505)	General provisions
57.2(87,505)	Definitions
57.3(87,505)	Requirements for self-insurance
57.4(87,505)	Additional security requirements
57.5(87,505)	Application for an individual self-insurer
57.6	Reserved
57.7(87,505)	Excess insurance
57.8(87,505)	Insolvency
57.9(87,505)	Renewals
57.10(87,505)	Periodic examination
57.11(87,505)	Grounds for nonrenewal or revocation of a certificate of relief from insurance
57.12(87,505)	Hearing and appeal
57.13(87,505)	Existing approved self-insurers
57.14(87,505)	Severability clause

CHAPTER 58

THIRD-PARTY ADMINISTRATORS

58.1(510)	Purpose
58.2(510)	Definitions
58.3(505,510)	Registration required
58.4(510)	Third-party administrator duties
58.5(510)	Renewal procedure
58.6(505,510)	Responsibilities of the insurer
58.7(505,510)	Written agreement
58.8(510)	Compensation to the third-party administrator
58.9(510)	Disclosure of charges and fees
58.10(510)	Delivery of materials to covered individuals
58.11(510)	Annual report and fee
58.12(510)	Change of information
58.13(510)	Inquiry by commissioner
58.14(510)	Complaints
58.15(510)	Periodic examination
58.16(510)	Grounds for denial, nonrenewal, suspension or revocation of certificate of registration
58.17(510)	Confidential information
58.18(510)	Fees
58.19(510)	Severability clause
58.20(510)	Compliance date

CHAPTER 59 PHARMACY BENEFITS MANAGERS

59.1(510B,510C)	Purpose
59.2(510B)	Definitions
59.3(510B)	Timely payment of pharmacy claims
59.4(510B)	Audits of pharmacies by pharmacy benefits managers
59.5	Reserved
59.6(510B)	Termination or suspension of contracts with pharmacies by pharmacy benefits managers
59.7	Reserved
59.8(510B)	Complaints
59.9(510,510B)	Duty to notify commissioner of fraud
59.10(507,510,510B)	Commissioner examinations of pharmacy benefits managers
59.11(510B,510C)	Pharmacy benefits manager annual report
59.12(505,507,507B,510,510B,510C,514L)	Failure to comply

CHAPTER 60 WORKERS' COMPENSATION INSURANCE RATE FILING PROCEDURES

60.1(515A)	Purpose
60.2(515A)	Definitions, scope, authority
60.3(515A)	General filing requirements
60.4(515A)	Rate or manual rule filing
60.5(515A)	Violation and penalties
60.6(515A)	Severability
60.7(515A)	Effective date

CHAPTERS 61 to 69 Reserved

MANAGED HEALTH CARE

CHAPTER 70 UTILIZATION REVIEW

70.1(505,514F)	Purpose
70.2(505,514F)	Definitions
70.3(505,514F)	Application
70.4(505,514F)	Standards
70.5(505,514F)	Retroactive application
70.6(505,514F)	Variances allowed
70.7(505,514F)	Confidentiality
70.8(514C)	Utilization review of postdelivery benefits and care
70.9(505,507B,514F)	Enforcement
70.10(514F)	Credentialing—retrospective payment

HEALTH BENEFIT PLANS

CHAPTER 71 SMALL GROUP HEALTH BENEFIT PLANS

71.1(513B)	Purpose
71.2(513B)	Definitions
71.3(513B)	Applicability and scope
71.4(513B)	Establishment of classes of business
71.5(513B)	Transition for assumptions of business from another carrier
71.6(513B)	Restrictions relating to premium rates
71.7(513B)	Requirement to insure entire groups
71.8(513B)	Case characteristics
71.9(513B)	Application to reenter state
71.10(513B)	Creditable coverage
71.11(513B)	Rules related to fair marketing
71.12(513B)	Status of carriers as small employer carriers
71.13(513B)	Restoration of coverage

NOTE: In some instances, the numbering of this chapter does not adhere to the scheme developed for the Iowa Administrative Code.

71.14(513B)	Basic health benefit plan and standard health plan policy forms
71.15(513B)	Methods of counting creditable coverage
71.16(513B)	Certificates of creditable coverage
71.17(513B)	Notification requirements
71.18(513B)	Special enrollments
71.19(513B)	Disclosure requirements
71.20(514C)	Treatment options
71.21(514C)	Emergency services
71.22(514C)	Provider access
71.23(513B)	Reconstructive surgery
71.24(514C)	Contraceptive coverage
71.25(513B)	Suspension of the small employer health reinsurance program
71.26(513B)	Uniform health insurance application form

CHAPTER 72

LONG-TERM CARE ASSET PRESERVATION PROGRAM

72.1(514H)	Purpose
72.2(514H)	Applicability and scope
72.3(514H)	Definitions
72.4(514H)	Qualification of long-term care insurance policies and certificates
72.5(514H)	Standards for marketing
72.6(514H)	Minimum benefit standards for qualifying policies and certificates
72.7(514H)	Required policy and certificate provisions
72.8(514H)	Prohibited provisions in certified policies or certificates
72.9(514H)	Reporting requirements
72.10(514H)	Maintaining auditing information
72.11(514H)	Reporting on asset protection
72.12(514H)	Preparing a service summary
72.13(514H)	Plan of action
72.14(514H)	Auditing and correcting deficiencies in issuer record keeping
72.15(514H)	Separability

CHAPTER 73

Reserved

CHAPTER 74

HEALTH CARE ACCESS

74.1(505)	Purpose
74.2(505)	Applicability and scope
74.3(505)	Definitions
74.4(505)	Access to health care or health insurance for an employee
74.5(505)	Employer participation
74.6(505)	Violation of chapter

CHAPTER 75

IOWA INDIVIDUAL HEALTH BENEFIT PLANS

75.1(513C)	Purpose
75.2(513C)	Definitions
75.3(513C)	Applicability and scope
75.4(513C)	Establishment of blocks of business
75.5(513C)	Transition for assumptions of business from another carrier
75.6(513C)	Restrictions relating to premium rates
75.7(513C)	Availability of coverage
75.8(513C)	Disclosure of information
75.9(513C)	Standards to ensure fair marketing
75.10(513C)	Basic health benefit plan and standard health benefit plan policy forms
75.11(513C)	Maternity benefit rider
75.12(513C)	Disclosure requirements
75.13(514C)	Treatment options
75.14(514C)	Emergency services

75.15(514C)	Provider access
75.16(513C,514C)	Diabetic coverage
75.17(513C)	Reconstructive surgery
75.18(514C)	Contraceptive coverage

CHAPTER 76 EXTERNAL REVIEW

76.1(514J)	Purpose
76.2(514J)	Applicable law and definitions
76.3(514J)	Disclosure requirements
76.4(514J)	External review request
76.5(514J)	Communication between covered person, health carrier, independent review organization and the commissioner
76.6(514J)	Assignment of independent review organization by the commissioner
76.7(514J)	Decision notification
76.8(514J)	Health carrier information
76.9(514J)	Certification of independent review organization
76.10(514J)	Fees charged by independent review organizations
76.11(514J)	Penalties

CHAPTER 77 MULTIPLE EMPLOYER WELFARE ARRANGEMENTS

77.1(507A)	Purpose
77.2(507A)	Definitions
77.3(507A)	Self-insured multiple employer welfare arrangements
77.4(507A)	Fully insured multiple employer welfare arrangements
77.5(507A,513D)	Self-insured association health plans
77.6(507A)	Fully insured association health plans

CHAPTER 78 UNIFORM PRESCRIPTION DRUG INFORMATION CARD

78.1(514L)	Purpose
78.2(514L)	Definitions
78.3(514L)	Implementation

CHAPTER 79 PRIOR AUTHORIZATION—PRESCRIPTION DRUG BENEFITS

79.1(505)	Purpose
79.2(505)	Definitions
79.3(505)	Prior authorization protocols
79.4(505)	Filing with the division
79.5(505)	Violations
79.6(505)	Applicability

INSURANCE COVERAGE FOR PEDIATRIC PREVENTIVE SERVICES

CHAPTER 80 WELL-CHILD CARE

80.1(505)	Purpose
80.2(505)	Applicability and scope
80.3(505)	Effective date
80.4(505)	Policy definitions
80.5(505)	Benefit plan

CHAPTER 81 POSTDELIVERY BENEFITS AND CARE

81.1(514C)	Purpose
81.2(514C)	Applicability and scope
81.3(514C)	Postdelivery benefits

CHAPTERS 82 to 84

Reserved

CHAPTER 85

REGULATION OF NAVIGATORS

85.1(505,522D)	Purpose and authority
85.2(505,522D)	Definitions
85.3(505,522D)	Requirement to hold a license
85.4(505,522D)	Issuance of license
85.5(505,522D)	License renewal
85.6(505,522D)	License reinstatement
85.7(505,522D)	Reinstatement or reissuance of a license after suspension, revocation or forfeiture in connection with disciplinary matters; and forfeiture in lieu of compliance
85.8(505,522D)	Change in name, address or state of residence
85.9(505,522D)	Licensing of a business entity
85.10(505,522D)	Initial training of navigators
85.11(505,522D)	Continuing education requirements for navigators
85.12(505,522D)	Administration of examinations
85.13(505,522D)	Fees
85.14(505,522D)	Evidence of financial responsibility
85.15(505,522D)	Practices
85.16(505,522D)	Severability

CHAPTERS 86 to 89

Reserved

CHAPTER 90

FINANCIAL AND HEALTH INFORMATION REGULATION

90.1(505)	Purpose and scope
90.2(505)	Definitions

DIVISION I

RULES FOR FINANCIAL INFORMATION

90.3(505)	Initial privacy notice to consumers required
90.4(505)	Annual privacy notice to customers required
90.5(505)	Information to be included in privacy notices
90.6(505)	Form of opt-out notice to consumers and opt-out methods
90.7(505)	Revised privacy notices
90.8(505)	Delivery of notice
90.9(505)	Limits on disclosure of nonpublic personal financial information to nonaffiliated third parties
90.10(505)	Limits on redisclosure and reuse of nonpublic personal financial information
90.11(505)	Limits on sharing account number information for marketing purposes
90.12(505)	Exception to opt-out requirements for disclosure of nonpublic personal financial information for service providers and joint marketing
90.13(505)	Exceptions to notice and opt-out requirements for disclosure of nonpublic personal financial information for processing and servicing transactions
90.14(505)	Other exceptions to notice and opt-out requirements for disclosure of nonpublic personal financial information
90.15(505)	Notice through a website
90.16(505)	Licensee exception to notice requirement

DIVISION II

RULES FOR HEALTH INFORMATION

90.17(505)	Disclosure of nonpublic personal health information
90.18(505)	Authorizations
90.19(505)	Delivery of authorization request
90.20(505)	Relationship to federal rules
90.21(505)	Relationship to state laws
90.22(505)	Protection of Fair Credit Reporting Act
90.23(505)	Nondiscrimination
90.24(505)	Severability

90.25(505)	Penalties
90.26(505)	Effective dates
90.27 to 90.36	Reserved

DIVISION III SAFEGUARDING CUSTOMER INFORMATION

90.37(505)	Information security program
90.38(505)	Examples of methods of development and implementation
90.39(505)	Penalties
90.40(505)	Effective date

CHAPTER 91 2001 CSO MORTALITY TABLE

91.1(508)	Purpose
91.2(508)	Definitions
91.3(508)	2001 CSO Mortality Table
91.4(508)	Conditions
91.5(508)	Applicability of the 2001 CSO Mortality Table to 191—Chapter 47, Valuation of Life Insurance Policies
91.6(508)	Gender-blended table
91.7(508)	Separability

CHAPTER 92 UNIVERSAL LIFE INSURANCE

92.1(508)	Purpose and authority
92.2(508)	Definitions
92.3(508)	Scope
92.4(508)	Valuation
92.5(508)	Nonforfeiture
92.6(508)	Mandatory policy provisions
92.7(508)	Disclosure requirements
92.8(508)	Periodic disclosure to policyowner
92.9(508)	Interest-indexed universal life insurance policies
92.10(508)	Applicability

CHAPTER 93 CONDUIT DERIVATIVE TRANSACTIONS

93.1(511,521A)	Purposes
93.2(511,521A)	Definitions
93.3(511,521A)	Provisions not applicable
93.4(511,521A)	Standards for conduit derivative transactions
93.5(511,521A)	Internal controls
93.6(511,521A)	Reporting requirements for conduit derivative transactions
93.7(511,521A)	Conduit ownership
93.8(511,521A)	Exemption from applicability

CHAPTER 94 PREFERRED MORTALITY TABLES FOR USE IN DETERMINING MINIMUM RESERVE LIABILITIES

94.1(508)	Purpose
94.2(508)	Definitions
94.3(508)	2001 CSO Preferred Class Structure Mortality Table
94.4(508)	Conditions
94.5(508)	Separability

CHAPTER 95 determining reserve liabilities for preneed life insurance

95.1(508)	Authority
95.2(508)	Scope
95.3(508)	Purpose
95.4(508)	Definitions

95.5(508)	Minimum valuation mortality standards
95.6(508)	Minimum valuation interest rate standards
95.7(508)	Minimum valuation method standards
95.8(508)	Transition rules
95.9(508)	Effective date

CHAPTER 96

SYNTHETIC GUARANTEED INVESTMENT CONTRACTS

96.1(505,508)	Authority
96.2(505,508)	Purpose
96.3(505,508)	Scope and application
96.4(505,508)	Definitions
96.5(505,508)	Financial requirements and plan of operation
96.6(505,508)	Required contract provisions and filing requirements
96.7(505,508)	Investment management of the segregated portfolio
96.8(505,508)	Purchase of annuities
96.9(505,508)	Unilateral contract terminations
96.10(505,508)	Reserves
96.11(505,508)	Severability
96.12(505,508)	Effective date

CHAPTER 97

ACCOUNTING FOR CERTAIN DERIVATIVE INSTRUMENTS USED TO HEDGE THE GROWTH IN INTEREST CREDITED FOR INDEXED INSURANCE PRODUCTS AND ACCOUNTING FOR THE INDEXED INSURANCE PRODUCTS RESERVE

97.1(508)	Authority
97.2(508)	Purpose
97.3(508)	Definitions
97.4(508)	Asset accounting
97.5(508)	Indexed annuity product reserve calculation methodology
97.6(508)	Indexed life product reserve calculation methodology
97.7(508)	Other requirements

CHAPTER 98

ANNUAL FINANCIAL REPORTING REQUIREMENTS

98.1(505)	Authority
98.2(505)	Purpose
98.3(505)	Definitions
98.4(505)	General requirements related to filing and extensions for filing of annual audited financial reports and audit committee appointment
98.5(505)	Contents of annual audited financial report
98.6(505)	Designation of independent certified public accountant
98.7(505)	Qualifications of independent certified public accountant
98.8(505)	Consolidated or combined audits
98.9(505)	Scope of audit and report of independent certified public accountant
98.10(505)	Notification of adverse financial condition
98.11(505)	Communication of Internal Control Related Matters Noted in an Audit
98.12(505)	Definition, availability and maintenance of independent certified public accountants' work papers
98.13(505)	Requirements for audit committees
98.14(505)	Internal audit function requirements
98.15(505)	Conduct of insurer in connection with the preparation of required reports and documents
98.16(505)	Management's Report of Internal Control Over Financial Reporting
98.17(505)	Exemptions
98.18(505)	Letter to insurer with accountant's qualifications
98.19(505)	Canadian and British companies
98.20(505)	Severability provision
98.21(505)	Effective date

CHAPTER 99

LIMITED PURPOSE SUBSIDIARY LIFE INSURANCE COMPANIES

99.1(505,508)	Authority
99.2(505,508)	Purpose
99.3(505,508)	Definitions
99.4(505,508)	Formation of LPS
99.5(505,508)	Certificate of authority
99.6(505,508)	Capital and surplus
99.7(505,508)	Plan of operation
99.8(505,508)	Dividends and distributions
99.9(505,508)	Reports and notifications
99.10(505,508)	Material transactions
99.11(505,508)	Investments
99.12(508)	Securities
99.13(505,508)	Permitted reinsurance
99.14(505,508)	Certification of actuarial officer
99.15(505,508)	Effective date

REGULATED INDUSTRIES

CHAPTER 100

SALES OF CEMETERY MERCHANDISE, FUNERAL MERCHANDISE
AND FUNERAL SERVICES

100.1(523A)	Purpose
100.2(523A)	Definitions
100.3(523A)	Contact and correspondence
100.4 to 100.9	Reserved
100.10(523A)	License status
100.11(523A)	Application for license
100.12(523A)	Processing of application for a license
100.13(523A)	Approval and denial of license applications; issuance of license
100.14(523A)	Continuing education requirements
100.15(523A)	License renewal
100.16(523A)	Prohibited activities related to licensing
100.17(523A)	Reinstatement of a restricted license
100.18(523A)	Payment of fees
100.19(523A)	Master trusts
100.20(523A)	Trust interest or income
100.21(523A)	Cancellation refunds
100.22(523A)	Consumer price index adjustment
100.23(523A)	Preneed seller's use of surety bond in lieu of trust
100.24	Reserved
100.25(523A)	Funeral and cemetery merchandise warehoused by preneed sellers
100.26 to 100.29	Reserved
100.30(523A)	Standards of conduct for preneed sellers and sales agents
100.31(523A)	Advertisements, sales practices and disclosures
100.32	Reserved
100.33(523A)	Records maintenance and retention
100.34(523A)	Changes in funding methods for or terms of purchase agreements
100.35(523A)	Preneed seller's change of ownership and cessation of business operations
100.36 to 100.39	Reserved
100.40(523A)	Prohibited practices for preneed sellers and sales agents
100.41(523A)	Disciplinary procedures

CHAPTER 101

BURIAL SITES AND CEMETERIES

101.1(523I)	Purpose
101.2(523I)	Definitions
101.3(523I)	Examination expenses assessment
101.4(523I)	Sale of insurance

101.5(523I)	Notice of disinterment
101.6(523I)	Cemeteries owned or operated by a governmental subdivision
101.7(523I)	Commingling of care fund accounts
101.8(523I)	Distribution of care fund amounts using a total return distribution method
101.9(523I)	Filing annual reports
101.10(523I)	Independent review

CHAPTER 102

IOWA RETIREMENT FACILITIES

102.1(523D)	Purpose and applicability
102.2(523D)	Definitions
102.3(523D)	Forms and filings
102.4(523D)	Standards for the disclosure statement
102.5(523D)	Certified financial statements, studies, and forecasts
102.6(523D)	Amendments to the disclosure statement
102.7(523D)	Records
102.8(523D)	Misrepresentations
102.9(523D)	Violations

CHAPTER 103

RESIDENTIAL AND MOTOR VEHICLE SERVICE CONTRACTS

103.1(523C)	Purpose
103.2(523C)	Definitions
103.3(523C)	Filings of forms, contracts and other items
103.4(523C)	Forms and instructions
103.5(523C)	Financial security deposits
103.6(523C)	Prohibited acts or practices
103.7(523C)	Service company licenses
103.8	Reserved
103.9(523C)	Financial statements and calculation of net worth
103.10(523C)	Records
103.11 to 103.14	Reserved
103.15(523C)	Violations

CHAPTERS 104 to 109

Reserved

CHAPTER 110

STANDARDS AND COMMISSIONER'S AUTHORITY FOR COMPANIES DEEMED TO BE IN HAZARDOUS FINANCIAL CONDITION

110.1(505)	Authority
110.2(505)	Purpose
110.3(505)	Definition
110.4(505)	Standards
110.5(505)	Commissioner's authority
110.6(505)	Judicial review
110.7(505)	Separability
110.8(505)	Effective date

CHAPTER 111

CORPORATE GOVERNANCE ANNUAL DISCLOSURE

111.1(521H)	Purpose
111.2(521H)	Authority
111.3(521H)	Definitions
111.4(521H)	Filing procedures
111.5(521H)	Contents of corporate governance annual disclosure

CHAPTER 112

TERM AND UNIVERSAL LIFE INSURANCE RESERVE FINANCING

112.1(521B)	Authority

112.2(521B)	Purpose and intent
112.3(521B)	Applicability
112.4(521B)	Exemptions
112.5(521B)	Definitions
112.6(521B)	The actuarial method
112.7(521B)	Requirements applicable to covered policies to obtain credit for reinsurance; opportunity for remediation
112.8(521B)	Severability
112.9(521B)	Prohibition against avoidance

CHAPTER 113 CAPTIVE COMPANIES

113.1(521J)	Authority
113.2(521J)	Purpose
113.3(521J)	Definitions
113.4(521J)	Annual reporting requirements
113.5(521J)	Risk limitation
113.6(521J)	Annual audit
113.7(521J)	Annual certification of loss reserves and loss expense reserves
113.8(521J)	Designation of independent certified public accountant
113.9(521J)	Consolidated or combined audits
113.10(521J)	Notification of adverse financial condition
113.11(521J)	Additional deposit requirement
113.12(521J)	Availability and maintenance of work papers of the independent certified public accountant
113.13(521J)	Organizational examination
113.14(521J)	Reinsurance
113.15(521J)	Service providers
113.16(521J)	Directors
113.17(521J)	Conflict of interest
113.18(521J)	Acquisition of control of or merger with domestic captive company
113.19(521J)	Suspension or revocation
113.20(521J)	Change of information in initial application
113.21(521J)	Application and forms

CHAPTERS 114 to 2505 Reserved

CHAPTER 2506 CONTESTED CASES

2506.5(17A)	Notice of hearing
2506.13(17A)	Discovery
2506.17(17A)	Continuances
2506.26(17A)	Final decision
2506.32(17A)	Summary cease and desist orders
2506.33(17A)	Report by administrative law judge
2506.34(17A)	Settlement

CHAPTERS 114 to 2505
Reserved

CHAPTER 2506 CONTESTED CASES

Chapter exempt from chapter rescission pursuant to Iowa Code section 17A.7

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

[ARC 0385D, IAB 6/24/26, effective 6/4/26]

191—2506.5(17A) Notice of hearing.

2506.5(3) *Timing of hearing.* The hearing in a contested case shall be held within 90 days after the commencement of the contested case unless a continuance is granted by the presiding officer, or as otherwise permitted by law.

[ARC 0385D, IAB 6/24/26, effective 6/4/26]

191—2506.13(17A) Discovery.

2506.13(1) *Discovery procedures.* Discovery procedures applicable in civil actions are applicable in contested cases. Unless lengthened or shortened by these rules or by order of the presiding officer, time periods for compliance with discovery are as set forth in the Iowa Rules of Civil Procedure. No new discovery under Iowa Rules of Civil Procedure 1.509, 1.510, and 1.512 may be served within 40 days of the scheduled hearing. All discovery must be completed no later than 15 days before the prehearing conference.

2506.13(5) *Notice of discovery.* Discovery is only permitted after a party has filed, pursuant to rule 7—2506.12(17A), a notice of discovery no later than 15 days after the filing of an answer unless extended by the presiding officer for good cause shown or by agreement of the parties. The notice of discovery shall be a general notice that the party is serving discovery. The notice should include a statement regarding the type of discovery being conducted and the due date.

2506.13(6) *Discovery responses.* Parties must respond to discovery within 15 days of receipt unless the parties mutually agree there is good cause to lengthen the response period or by order of the presiding officer. Time periods for compliance with discovery may be lengthened or shortened by order of the presiding officer.

[ARC 0385D, IAB 6/24/26, effective 6/4/26]

191—2506.17(17A) Continuances.

2506.17(1)

a. Be made at the earliest possible time and no less than 14 days before the hearing, except in case of unanticipated emergencies or consent of all parties;

[ARC 0385D, IAB 6/24/26, effective 6/4/26]

191—2506.26(17A) Final decision.

2506.26(1) When the commissioner presides over the reception of evidence at the hearing, the commissioner's decision is the final decision. When the commissioner does not preside over the reception of evidence, the presiding officer shall make a proposed decision. The proposed decision becomes the final decision of the agency when adopted by the commissioner or without further proceedings after the time provided in rule 7—2506.27(17A).

[ARC 0385D, IAB 6/24/26, effective 6/4/26]

191—2506.32(17A) Summary cease and desist orders. When a statute authorizes action to be taken without a prior hearing, the commissioner's order shall be sent to the last-known address of the party by return receipt requested unless the party is a licensee in which case the order shall be sent by restricted certified mail. The order shall include a brief statement of findings of fact, conclusions of law, and policy reasons for the decision; direct the person or insurer to cease and desist from

engaging in the act or practice or to take other affirmative action as necessary, in the judgment of the commissioner, to comply with the statute; and state that the party will be afforded a contested case proceeding and a hearing if a request is filed with the commissioner within 30 days from the date that the order is issued unless a different time is specified by statute. The commissioner shall issue a notice of hearing no later than 30 days from the date of receipt of a timely request for a contested case proceeding and hearing. If a statute requires a hearing to be held following issuance of a summary order, the date and time of that hearing shall be set forth in the order. Summary orders shall remain effective during the pendency of proceedings.

[ARC 0385D, IAB 6/24/26, effective 6/4/26]

191—2506.33(17A) Report by administrative law judge. Any administrative law judge serving as a presiding officer in a contested case shall report to the commissioner on a monthly basis all matters taken under advisement for longer than 60 days, together with an explanation of the reasons for the delay and an expected date of a proposed decision. A matter shall be reported when all hearings have been completed and the matter awaits the issuance of a proposed decision without further appearance of the parties or their attorneys, even though briefs or transcripts have been ordered but have not yet been filed. The report shall be due on the tenth day of each calendar month for the period ending with the last day of the preceding calendar month. The report shall be signed by the administrative law judge. All reports received will be filed with the division as records available for public inspection.

[ARC 0385D, IAB 6/24/26, effective 6/4/26]

191—2506.34(17A) Settlement.

2506.34(1) A party to a controversy that may culminate or has culminated in contested case proceedings may attempt settlement by complying with the procedures set forth in this subrule. No party shall be required to settle the controversy or contested case by submitting to settlement procedures.

2506.34(2) Parties desiring settlement shall set forth in writing the various points of a proposed settlement, including findings of facts.

2506.34(3) When signed by the parties and approved by the commissioner, a settlement shall represent final disposition of the matter.

2506.34(4) When there is more than one party adverse to the division, a separate settlement between one party and the division is permissible.

2506.34(5) A proposed settlement that is not accepted or signed by the parties and the commissioner shall not be admitted as evidence in the record of a contested case proceeding. Evidence of conduct or statements made in settlement negotiations likewise are not admissible. This rule does not require exclusion when the evidence is offered for another purpose, such as proving bias or prejudice of a witness, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

[ARC 0385D, IAB 6/24/26, effective 6/4/26]

[Filed Emergency ARC 0385D, IAB 6/24/26, effective 6/4/26]

ARCHITECTURAL EXAMINING BOARD[193B]

Pursuant to 2023 Iowa Acts, Senate File 514, rules of Architectural Examining Board[193B] editorially transferred in IAB 6/24/26;
see 481—Chapters 1061 through 1067 for rules regarding Architectural Examining Board.

CHAPTER 1

DESCRIPTION OF ORGANIZATION

[Prior to 7/13/88, see Architectural Examiners, Board of[80]]

Transferred to 481—Chapter 1061, IAC Supplement 6/24/26

CHAPTER 2

LICENSURE

[Prior to 7/13/88, see Architectural Examiners, Board of[80]]

Transferred to 481—Chapter 1062, IAC Supplement 6/24/26

CHAPTER 3

CONTINUING EDUCATION

[Prior to 7/13/88, see Architectural Examiners, Board of[80]]

Transferred to 481—Chapter 1063, IAC Supplement 6/24/26

CHAPTER 4

RULES OF CONDUCT

[Prior to 7/13/88, see Architectural Examiners, Board of[80]]

Transferred to 481—Chapter 1064, IAC Supplement 6/24/26

CHAPTER 5

EXCEPTIONS

Transferred to 481—Chapter 1065, IAC Supplement 6/24/26

CHAPTER 6

DISCIPLINARY ACTION AGAINST LICENSEES

[Previously Ch 4; Ch 5, IAB 3/2/83]

[Prior to 7/13/88, see Architectural Examiners, Board of[80]]

[Prior to 10/3/01, see 193B—Chapter 5]

Transferred to 481—Chapter 1066, IAC Supplement 6/24/26

CHAPTER 7

DISCIPLINARY ACTION—UNLICENSED PRACTICE

[Previously Ch 4; Ch 5, IAB 3/2/83]

[Prior to 7/13/88, see Architectural Examiners, Board of[80]]

[Prior to 10/3/01, see 193B—Chapter 5]

Transferred to 481—Chapter 1067, IAC Supplement 6/24/26

CHAPTER 8

PETITION FOR RULE MAKING AND FOR DECLARATORY ORDER

Rescinded IAB 10/3/01, effective 11/7/01

CHAPTER 9

WAIVERS OR VARIANCES FROM RULES

Rescinded IAB 10/3/01, effective 11/7/01

ENGINEERING AND LAND SURVEYING EXAMINING BOARD[193C]

[Prior to 6/1/88, see Engineering and Land Surveying Examiners, Board of [390]]

[Engineering and Land Surveying Examining Board[193C] created by 1986 Iowa Acts, Ch 1245, §716,

within the Professional Licensing and Regulation Division[193] of the Commerce Department[181] “umbrella”]

Pursuant to 2023 Iowa Acts, Senate File 514, rules of Engineering and Land Surveying Examining Board[193C] editorially transferred in IAB 6/24/26; see 481—Chapters 1045 through 1057 for rules regarding Engineering and Land Surveying Examining Board.

CHAPTER 1 ADMINISTRATION

IAC Supp. 8/14/85

[Rules 1.5 to 1.13 were either rescinded or renumbered and new rules added, see IAB 8/14/85]

[Prior to 6/1/88, see Engineering and Land Surveying Examiners, Board of [390] Ch 1]

[Rules 1.10 to 1.29 were amended and transferred to 193C—Chapter 4, IAC Supplement 11/27/91]

Transferred to 481—Chapter 1045, IAC Supplement 6/24/26

CHAPTER 2 FEES AND CHARGES

[Prior to 11/14/01, see 193C—1.9(542B)]

Transferred to 481—Chapter 1046, IAC Supplement 6/24/26

CHAPTER 3 APPLICATION AND RENEWAL PROCESS

[Prior to 11/14/01, see 193C—Chapter 1]

Transferred to 481—Chapter 1047, IAC Supplement 6/24/26

CHAPTER 4 ENGINEERING LICENSURE

[Prior to 11/14/01, see 193C—1.4(542B)]

Transferred to 481—Chapter 1048, IAC Supplement 6/24/26

CHAPTER 5 LAND SURVEYING LICENSURE

[Prior to 11/14/01, see 193C—1.4(542B)]

Transferred to 481—Chapter 1049, IAC Supplement 6/24/26

CHAPTER 6 SEAL AND CERTIFICATE OF RESPONSIBILITY

[Prior to 11/14/01, see 193C—1.30(542B)]

Transferred to 481—Chapter 1050, IAC Supplement 6/24/26

CHAPTER 7 PROFESSIONAL DEVELOPMENT

[Prior to 11/14/01, see 193C—Chapter 3]

Transferred to 481—Chapter 1051, IAC Supplement 6/24/26

CHAPTER 8 PROFESSIONAL CONDUCT OF LICENSEES

[Prior to 11/14/01, see 193C—Chapter 4]

Transferred to 481—Chapter 1052, IAC Supplement 6/24/26

CHAPTER 9 COMPLAINTS, INVESTIGATIONS AND DISCIPLINARY ACTION

[Prior to 11/14/01, see 193C—Chapter 4]

Transferred to 481—Chapter 1053, IAC Supplement 6/24/26

CHAPTER 10 PEER REVIEW

[Prior to 11/14/01, see 193C—4.5(542B)]

Transferred to 481—Chapter 1054, IAC Supplement 6/24/26

CHAPTER 11

MINIMUM STANDARDS FOR PROPERTY SURVEYS

[Prior to 11/14/01, see 193C—Chapter 2]

Transferred to 481—Chapter 1055, IAC Supplement 6/24/26

CHAPTER 12

MINIMUM STANDARDS FOR U.S. PUBLIC LAND SURVEY
CORNER CERTIFICATES

[Prior to 11/14/01, see 193C—2.8(355)]

Transferred to 481—Chapter 1056, IAC Supplement 6/24/26

CHAPTER 13

CIVIL PENALTIES FOR UNLICENSED PRACTICE

[Prior to 11/14/01, see 193C—1.10(542B)]

Transferred to 481—Chapter 1057, IAC Supplement 6/24/26

INTERIOR DESIGN EXAMINING BOARD[193G]

Pursuant to 2023 Iowa Acts, Senate File 514, rules of Interior Design Examining Board[193G] editorially transferred in IAB 6/24/26; see 481—Chapters 1001 through 1005 for rules regarding Interior Design Examining Board.

CHAPTER 1

DESCRIPTION OF ORGANIZATION

Transferred to 481—Chapter 1001, IAC Supplement 6/24/26

CHAPTER 2

REGISTRATION

Transferred to 481—Chapter 1002, IAC Supplement 6/24/26

CHAPTER 3

CONTINUING EDUCATION

Transferred to 481—Chapter 1003, IAC Supplement 6/24/26

CHAPTER 4

PROFESSIONAL CONDUCT

Transferred to 481—Chapter 1004, IAC Supplement 6/24/26

CHAPTER 5

GROUND FOR DISCIPLINE, DISCIPLINARY INVESTIGATIONS,
AND DISCIPLINARY PROCEEDINGS

Transferred to 481—Chapter 1005, IAC Supplement 6/24/26

CHAPTER 6

DISCIPLINARY INVESTIGATIONS

Rescinded **ARC 9027C**, IAB 3/19/25, effective 4/23/25

CHAPTER 7

DISCIPLINARY PROCEEDINGS

Rescinded **ARC 9028C**, IAB 3/19/25, effective 4/23/25

CHAPTER 8

RENEWAL AND REINSTATEMENT

Rescinded **ARC 3025C**, IAB 4/12/17, effective 5/17/17

UTILITIES COMMISSION[199]

Former Commerce Commission[250] renamed Utilities Division[199]
under the “umbrella” of Commerce Department[181] by 1986 Iowa Acts, Senate File 2175, section 740.

CHAPTER 1 ORGANIZATION AND OPERATION

1.1(17A,474)	Purpose
1.2(17A,474)	Scope of rules
1.3(17A,474,476)	Waivers
1.4(17A,474)	Duties of the commission
1.5(17A,474)	Organization
1.6(17A,474)	Matters applicable to all proceedings

CHAPTER 2 Reserved

CHAPTER 3 RULEMAKING

3.1(17A,474,476)	Purpose and scope
3.2(17A,474,476)	Initial stakeholder input
3.3(17A,474,476)	Petition for adoption of rules
3.4(17A,474,476)	Commencement of proceedings
3.5(17A,474,476)	Rulemaking oral presentation
3.6(17A,474)	Review of rules

CHAPTER 4 DECLARATORY ORDERS

4.1(17A)	Petition for declaratory order
4.2(17A)	Intervention
4.3(17A)	Briefs
4.4(17A)	Service and filing of petitions
4.5(17A)	Informal meeting
4.6(17A)	Refusal to issue order
4.7(17A)	Effect of a declaratory order

CHAPTER 5 Reserved

CHAPTER 6 COMPLAINT PROCEDURES

6.1(476)	General inquiries
6.2(476)	Informal complaint procedures
6.3(476)	Processing the informal complaint
6.4(476)	Proposed resolution of an informal complaint
6.5(476)	Initiating formal complaint proceedings
6.6(476)	Applicable procedures
6.7(476)	Record
6.8(476)	Special procedures for complaints alleging unauthorized changes in telecommunications services

CHAPTERS 7 and 8 Reserved

CHAPTER 9 RESTORATION OF AGRICULTURAL LANDS DURING AND AFTER PIPELINE CONSTRUCTION

9.1(479,479B)	General information
9.2(479,479B)	Filing of land restoration plans
9.3(479,479B)	Procedure for review of plan
9.4(479,479B)	Staking and clearing of agricultural land
9.5(479,479B)	Restoration of agricultural lands

9.6(479,479B)	Designation of a pipeline company point of contact for landowner inquiries or claims
9.7(479,479B)	Separate agreements
9.8(479,479B)	Notice of violation and halting construction
9.9(479,479B)	Enforcement
9.10(479,479B)	Project completion
9.11(479,479B)	Document submittal

CHAPTER 10

INTRASTATE GAS PIPELINES AND UNDERGROUND GAS STORAGE

10.1(479)	General information
10.2(479)	Informational meetings
10.3(479)	Petition for permit
10.4(479)	Notice of hearing
10.5(479)	Hearing
10.6(479)	Pipeline permit
10.7(479)	Renewal of permit
10.8(479)	Amendment of permit
10.9(479)	Inspections
10.10(479)	Standards for construction, operation, and maintenance
10.11(479)	Crossings of highways, railroads, and rivers
10.12(479)	Transmission line factors
10.13(479)	Reports to federal agencies
10.14(479)	Reportable changes to pipelines under permit
10.15(479)	Sale or transfer of permit
10.16(479)	Termination of petition for pipeline permit proceedings
10.17(479)	Gathering line filing requirements

CHAPTER 11

ELECTRIC LINES

11.1(478)	General information
11.2(478)	Definitions
11.3(478)	Route selection
11.4(478)	Informational meetings
11.5(478)	Petition for a new franchise
11.6(478)	Petition for an amendment to a franchise
11.7(478)	Petition for the abbreviated franchise process
11.8(478)	Petition for extension of franchise
11.9(478)	Additional requirements
11.10(478)	Notices
11.11(478)	Common and joint use
11.12(478)	Termination of franchise petition proceedings
11.13(478)	Fees and expenses

CHAPTER 12

Reserved

CHAPTER 13

HAZARDOUS LIQUID PIPELINES AND UNDERGROUND STORAGE

13.1(479,479B)	General information
13.2(479,479B)	Informational meetings
13.3(479,479B)	Petition for permit
13.4(479,479B)	Notice of hearing
13.5(479,479B)	Objections
13.6(479,479B)	Hearing
13.7(479,479B)	Pipeline permit
13.8(479,479B)	Renewal permits
13.9(479,479B)	Amendment of permits
13.10(479,479B)	Fees and expenses
13.11(479,479B)	Land restoration
13.12(479,479B)	Crossings of highways, railroads, and rivers

13.13(479,479B)	Reportable changes to pipelines under permit
13.14(479,479B)	Sale or transfer of permit
13.15(479,479B)	Reports to federal agencies
13.16(479,479B)	Termination of petition for pipeline permit proceedings

CHAPTER 14 ELECTRONIC FILING

14.1(17A,476)	Purpose
14.2(17A,476)	Scope and applicability of electronic filing requirement
14.3(17A,476)	Definitions
14.4(17A,476)	Exceptions
14.5(17A,476)	Electronic filing procedures and formats
14.6(17A,476)	Registration
14.7(17A,476)	Electronic record
14.8(17A,476)	Maps, plan and profile drawings, and other oversized documents
14.9(17A,476)	When electronic filings can be made; official filing date
14.10(17A,476)	EFS unavailability; technical difficulties
14.11(17A,476)	Documents containing confidential material
14.12(17A,476)	Signatures
14.13(17A,476)	Original documents
14.14(17A,476)	Electronic service

UTILITIES AND TRANSPORTATION DIVISIONS

CHAPTER 15 COGENERATION AND SMALL POWER PRODUCTION

15.1(476)	Definitions
15.2(476)	Scope
15.3(476)	Information to commission
15.4(476)	Rate-regulated electric utility obligations under this chapter regarding qualifying facilities
15.5(476)	Rates for purchases from qualifying facilities by rate-regulated electric utilities
15.6(476)	Rates for sales to qualifying facilities and AEP facilities by rate-regulated electric utilities
15.7(476)	Additional services to be provided to qualifying facilities and AEP facilities by rate-regulated electric utilities
15.8(476)	System emergencies
15.9(476)	Standards for interconnection, safety, and operating reliability
15.10(476)	Additional rate-regulated electric utility obligations regarding AEP facilities
15.11(476)	Alternate energy purchase programs
15.12(476C)	Certification of eligibility for wind energy and renewable energy tax credits under Iowa Code chapter 476C
15.13(476C)	Applications for renewable energy tax credits under Iowa Code chapter 476C
15.14(476)	Small wind innovation zones

CHAPTER 16 ACCOUNTING

16.1(476)	Accounting—general information
16.2(476)	Uniform systems of accounts—electric
16.3(476)	Uniform systems of accounts—gas
16.4(476)	Uniform systems of accounts—water
16.5(476)	Uniform systems of accounts—wastewater and stormwater drainage
16.6(476)	Filing of promotional practices
16.7(476)	Compiling advertisements and expenses

CHAPTER 17 ASSESSMENTS

17.1(475A,476,546)	Purpose
17.2(475A,476)	Definitions
17.3(476)	Expenses to be included in direct assessments
17.4(476)	Direct assessments under Iowa Code section 476.10

17.5(476)	Reporting of operating revenues
17.6(475A,476)	Compilation and billing of assessment
17.7(476)	Assessments under Iowa Code section 476.95B
17.8(477C)	Assessments of expenses for dual party relay service program and equipment distribution program
17.9(475A,476)	Objection procedures
17.10(476,477C)	Refunds

CHAPTER 18 UTILITY RECORDS

18.1(476)	Definitions
18.2(476)	Location of records
18.3(476)	Availability of records
18.4(476)	Electric utilities other than rural electric cooperatives
18.5(476)	Rural electric cooperatives
18.6(476)	Gas utilities
18.7(476)	Water, sanitary sewage, and storm water drainage utilities

CHAPTER 19 SERVICE SUPPLIED BY RATE-REGULATED GAS UTILITIES

19.1(476)	General information
19.2(476)	Records, reports, and tariffs
19.3(476)	General service requirements
19.4(476)	Customer relations
19.5(476)	Engineering practice
19.6(476)	Metering
19.7(476)	Standards of quality of service
19.8(476)	Safety
19.9(476)	Purchased gas adjustment (PGA)
19.10(476)	Periodic review of gas procurement practices
19.11(476)	Flexible rates
19.12(476)	Transportation service
19.13(476)	Certification of competitive natural gas providers and aggregators
19.14(476)	Customer contribution fund
19.15(476)	Reserve margin
19.16(476)	Incident notification and reports
19.17(476)	Capital infrastructure investment automatic adjustment mechanism

CHAPTER 20 SERVICE SUPPLIED BY RATE-REGULATED ELECTRIC UTILITIES

20.1(476)	General information
20.2(476)	Records, reports, and tariffs
20.3(476)	General service requirements
20.4(476)	Customer relations
20.5(476)	Engineering practice
20.6(476)	Metering
20.7(476)	Standards of quality of service
20.8(476)	Safety
20.9(476)	Electric energy automatic adjustment
20.10(476)	Ratemaking standards
20.11(476)	Customer notification of peaks in electric energy demand
20.12(476)	Periodic electric energy supply and cost review [476.6(12)]
20.13(476)	Flexible rates
20.14(476)	Customer contribution fund
20.15(476)	Exterior flood lighting
20.16(476)	Ratemaking treatment of emission allowances
20.17(476,478)	Service reliability requirements for electric utilities
20.18(476,478)	Notification of outages
20.19(476)	Transmission cost adjustment (TCA)
20.20(476)	Electric vehicle charging service

CHAPTER 21 SERVICE SUPPLIED BY WATER, SANITARY SEWAGE, AND STORM WATER DRAINAGE UTILITIES

DIVISION I GENERAL PROVISIONS

- 21.1(476) Application of rules
- 21.2(476) Records and reports for water, sanitary sewage, and storm water drainage utilities

DIVISION II WATER UTILITIES

- 21.3(476) General water service requirements
- 21.4(476) Customer relations for water service
- 21.5(476) Engineering practice for water service
- 21.6(476) Meter testing for water service
- 21.7(476) Standards of quality of water service
- 21.8(476) Applications for water costs for fire protection services
- 21.9(476) Incident reports regarding water service
- 21.10(476) Separate books for acquired water service assets

DIVISION III SANITARY SEWAGE UTILITIES

- 21.11(476) General sanitary sewage disposal service requirements
- 21.12(476) Customer relations for sanitary sewage disposal service
- 21.13(476) Engineering practice for sanitary sewage disposal service
- 21.14(476) Meter testing for sanitary sewage disposal service
- 21.15(476) Standards of quality of sanitary sewage disposal service
- 21.16(476) Incident reports regarding sanitary sewage disposal service
- 21.17(476) Separate books for acquired sanitary sewage disposal service assets

DIVISION IV STORM WATER DRAINAGE UTILITIES

- 21.18(476) Standards of quality of storm water drainage service
- 21.19(476) Customer relations for storm water drainage service
- 21.20(476) Incident reports regarding storm water drainage service
- 21.21(476) Separate books for acquired storm water drainage service assets

CHAPTER 22 REGULATION OF TELECOMMUNICATIONS SERVICE

- 22.1(476) General information
- 22.2(476) Tariffs
- 22.3(476) Customer complaints
- 22.4(476) Intrastate access charge application, tariff procedures, and rates
- 22.5(476) Interexchange service and access
- 22.6(476) Alternative operator services
- 22.7(476) Local exchanges
- 22.8(476) Registration of telecommunications service providers
- 22.9(476) Unauthorized changes in telecommunications service

CHAPTER 23 ANNUAL REPORT

- 23.1(476) General information
- 23.2(476) Annual report requirements

CHAPTER 24 LOCATION AND CONSTRUCTION OF ELECTRIC POWER GENERATING FACILITIES

- 24.1(476A) Authority and purpose
- 24.2(476A) Definitions
- 24.3(476A) Form of application; place of filing
- 24.4(476A) Application for a certificate—contents
- 24.5(476A) Initial commission review—application acceptance
- 24.6(476A) Procedural schedule

24.7(476A)	Informational meeting
24.8(476A)	Hearing procedure
24.9(476A)	Separate hearings on separate issues
24.10(476A)	Certification decision
24.11(476A)	Site preparation
24.12(476A)	Issuance of a certificate
24.13(476A)	Exemptions from certification application; application for amendment for certificate: Contents
24.14(476A)	Waiver

CHAPTER 25

IOWA ELECTRICAL SAFETY CODE

25.1(476,476A,478)	General information
25.2(476,476A,478)	Iowa electrical safety code defined
25.3(476,478)	Inspection and maintenance plans
25.4(476,478)	Correction of problems found during inspections and pole attachment procedures
25.5(476,478)	Accident reports
25.6(476,478)	Additional requirements for higher voltage transmission lines

CHAPTER 26

RATE CASES, TARIFFS, AND RATE REGULATION ELECTION PRACTICE AND PROCEDURE

26.1(17A,476)	Scope
26.2(17A,476)	Definitions
26.3(17A,476)	Tariffs required
26.4(17A,476)	General rate increase applications filed pursuant to Iowa Code section 476.6
26.5(17A,476)	Compliance filings and tariffs
26.6(17A,476)	Subsequent proceeding in rate case proceedings based upon a future test year
26.7(476)	Rate case expense
26.8(476)	Procedural schedule in Iowa Code section 476.6 proceedings
26.9(17A,476)	Consumer comment meetings in Iowa Code section 476.6 general rate case proceedings
26.10(476)	Switching from a future test year to a historic test year
26.11(476)	Rate proceedings for small utilities
26.12(17A,476)	Applications pursuant to Iowa Code section 476.6 that are not general rate increase applications
26.13(17A,476)	Rate investigation pursuant to Iowa Code section 476.3
26.14(17A,476)	Applications pursuant to Iowa Code section 476.7
26.15(17A,476)	Proposal of settlements
26.16(476)	Rate regulation election—electric cooperative corporations and associations

CHAPTER 27

REGULATION OF ELECTRIC COOPERATIVES AND MUNICIPAL ELECTRIC UTILITIES UNDER IOWA CODE CHAPTER 476

27.1(476)	General information
27.2(476)	Assigned area of service and maps
27.3(476)	Customer relations
27.4(476)	Disconnection of service
27.5(476)	Engineering standards
27.6(476)	Safety
27.7(476)	Customer contribution fund
27.8(476,478)	Service reliability requirements for electric utilities
27.9(476,478)	Notification of outages
27.10(476)	Electric vehicle charging service
27.11(476)	Exterior flood lighting

CHAPTER 28

Reserved

CHAPTER 29

MANAGEMENT EFFICIENCY EVALUATION

29.1(476)	Policy and purpose
29.2(476)	Efficiency considered in a complaint or rate case proceeding

- 29.3(476) Management efficiency evaluation
- 29.4(476) Rewards and penalties

CHAPTER 30

Reserved

CHAPTER 31

ACCESS TO AFFILIATE RECORDS, REQUIREMENTS FOR ANNUAL FILINGS, AND SERVICE AND ASSET TRANSFER COSTING STANDARDS

- 31.1(476) Applicability and definition of terms
- 31.2(476) Availability of records
- 31.3(476) Annual filing
- 31.4(476) Verified copies
- 31.5(476) Comparable information
- 31.6(476) Standards for costing services between regulated operations and nonregulated affiliates
- 31.7(476) Standards for costing asset transfers between regulated operations and nonregulated affiliates valued at less than \$2 million

CHAPTER 32

REORGANIZATION

- 32.1(476) Applicability and definition of terms
- 32.2(476) Substantial part of a public utility's assets
- 32.3(476) Proposal for reorganization—filing requirements
- 32.4(476) Insufficient filing
- 32.5(476) Procedural matters
- 32.6(388) Approval of appraiser for municipal utilities

CHAPTER 33

NONUTILITY SERVICES—RECORDKEEPING AND COST ALLOCATIONS

- 33.1(476) Applicability
- 33.2(476) Definitions
- 33.3(476) Availability of records
- 33.4(476) Costing methodology
- 33.5(476) Cost allocation manuals
- 33.6(476) Standards for costing service transfers within a regulated subsidiary or utility
- 33.7(476) Standards for costing asset transfers within a regulated subsidiary or utility

CHAPTER 34

NONUTILITY SERVICE

- 34.1(476) Statement of purpose
- 34.2(476) Definitions
- 34.3(476) Charges permitted
- 34.4(476) Procedures for utilization of billing and collection system

CHAPTER 35

ENERGY EFFICIENCY AND DEMAND RESPONSE PLANNING AND REPORTING FOR RATE-REGULATED NATURAL GAS AND ELECTRIC UTILITIES

- 35.1(476) Authority and purpose
- 35.2(476) Definitions
- 35.3(476) Energy efficiency and demand response plan filing
- 35.4(476) Assessment of potential and collaboration
- 35.5(476) Energy efficiency and demand response plan requirements
- 35.6(476) Contested case proceeding
- 35.7(476) Exemptions from participation
- 35.8(476) Annual reporting requirements
- 35.9(476) Energy efficiency and demand response cost recovery
- 35.10(476) Modification of an approved plan
- 35.11(476) Prudence review
- 35.12(476) New structure energy conservation standards

CHAPTER 36

Reserved

CHAPTER 37

EQUIPMENT DISTRIBUTION PROGRAM

37.1(477C)	Purpose
37.2(477C)	Program structure
37.3(477C)	Equipment
37.4(477C)	Application process and eligibility
37.5(477C)	Voucher system
37.6(477C)	Complaints

CHAPTER 38

LOCAL EXCHANGE COMPETITION

38.1(476)	General information
38.2(476)	Interconnection requirements
38.3(476)	Unbundled facilities, services, features, functions, and capabilities
38.4(476)	Terminating access charge complaints
38.5(476)	Mediation and arbitration

CHAPTER 39

UNIVERSAL SERVICE

39.1(476)	Authority and purpose
39.2(476)	Definitions
39.3(476)	Applying for designation as an eligible telecommunications carrier
39.4(476)	Lifeline-only applicants
39.5(476)	Service area
39.6(476)	Universal service support for low-income consumers (Lifeline program and Tribal Link Up program)
39.7(476)	Annual reporting requirements
39.8(476)	Relinquishment of ETC designation

CHAPTER 40

Reserved

CHAPTER 41

RATEMAKING PRINCIPLES PROCEEDING

41.1(476)	Definitions
41.2(476)	Applicability and purpose
41.3(476)	Application for predetermined ratemaking principles; contents
41.4(476)	Coincident filing
41.5(476)	Acquisition of a water, sanitary sewage, or storm water utility

CHAPTER 42

CROSSING OF RAILROAD RIGHTS-OF-WAY

42.1(476)	Definitions
42.2(476)	Applicability and purpose
42.3(476)	General notice and specification exhibit requirements and payment of fee
42.4(476)	Emergency notice and repairs
42.5(476)	Relocation of public utility facilities
42.6(476)	Engineering standards for electric and communications lines
42.7(476)	Engineering standards for pipelines
42.8(476)	Liability
42.9(476)	Insurance
42.10(476)	Removal of equipment
42.11(476)	Assignment
42.12(476)	Prohibition against mechanic's liens
42.13(476)	Taxes
42.14(476)	Protection of signal systems
42.15(476)	Safety regulations

42.16(476)	Recording
42.17(17A,476)	Complaints and petitions for relief—general information
42.18(17A,476)	Complaints and petitions for relief

CHAPTER 43

Reserved

CHAPTER 44

CERTIFICATES OF FRANCHISE AUTHORITY FOR CABLE AND VIDEO SERVICE

44.1(17A,476,477A)	Authority and purpose
44.2(17A,476,477A)	Definitions
44.3(17A,476,477A)	Certificate of franchise authority
44.4(17A,476,477A)	Notice to municipality and incumbent cable provider
44.5(17A,476,477A)	Conversion of municipal franchise by incumbent cable provider
44.6(17A,476,477A)	Renewal of certificate of franchise authority

CHAPTER 45

ELECTRIC INTERCONNECTION OF DISTRIBUTED GENERATION FACILITIES

45.1(476)	Definitions
45.2(476)	Scope
45.3(476)	Technical standards
45.4(476)	Interconnection requests
45.5(476)	General requirements
45.6(476)	Lab-certified equipment
45.7(476)	Determining the review level
45.8(476)	Level 1 expedited review
45.9(476)	Level 2 expedited review
45.10(476)	Level 3 expedited review
45.11(476)	Level 4 review
45.12(476)	Disputes
45.13(476)	Records and reports

CHAPTERS 46 to 2504

Reserved

CHAPTER 2505

FAIR INFORMATION PRACTICES

2505.5(17A,22)	Requests for treatment of a record as a confidential record and its withholding from examination
2505.9(17A,22)	Records not routinely available for public inspection

CHAPTER 2506

CONTESTED CASES

2506.1(17A,474,476)	Scope and applicability
2506.2(17A,476)	Definitions
2506.3(17A,476)	Presiding officers
2506.4(17A,474,476)	General information
2506.5(17A,476)	Time requirements
2506.6(17A,476)	Electronic proceedings
2506.7(17A,476)	Electronic information
2506.8(17A,476)	Delivery of notice of hearing
2506.9(17A,476)	Pleadings and answers
2506.10(17A,476)	Prefiled testimony and exhibits
2506.11(17A,476)	Documentary evidence in books and materials
2506.12(17A,476)	Motions
2506.13(17A,476)	Intervention
2506.14(17A,476)	Consolidation and severance
2506.15(17A,476)	Discovery
2506.16(17A,476)	Subpoenas
2506.17(17A,476)	Prehearing or scheduling conference

2506.18(17A,476)	Settlements
2506.19(17A,476)	Stipulations
2506.20(17A,476)	Investigations
2506.21(17A,476)	Withdrawals
2506.22(17A,476)	Ex parte communication
2506.23(17A,476)	Hearings
2506.24(17A,476)	Reopening record
2506.25(17A,476)	Interlocutory appeals
2506.26(17A,476)	Appeals to commission from a proposed decision of a presiding officer
2506.27(17A,476)	Rehearing and reconsideration
2506.28(17A,476)	Stay of agency decision
2506.29(17A,476)	Emergency adjudicative proceedings

CHAPTER 1
ORGANIZATION AND OPERATION
[Prior to 10/8/86, Commerce Commission[250]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/4/29

199—1.1(17A,474) Purpose. This chapter describes the organization and operation of the Iowa utilities commission (hereinafter referred to as commission).

[ARC 8325C, IAB 10/30/24, effective 12/4/24]

199—1.2(17A,474) Scope of rules. These rules apply to all matters before the commission.

[ARC 8325C, IAB 10/30/24, effective 12/4/24]

199—1.3(17A,474,476) Waivers.

1.3(1) In response to a request, the commission may grant a waiver from a rule adopted by the commission, in whole or in part, as applied to a specific set of circumstances, if the commission finds, based on clear and convincing evidence, that the waiver request meets the requirements of Iowa Code section 17A.9A(2).

1.3(2) The commission may condition the grant of the waiver on such reasonable conditions as appropriate to achieve the objectives of the particular rule in question. The commission may at any time cancel a waiver upon appropriate notice and opportunity for hearing.

[ARC 8325C, IAB 10/30/24, effective 12/4/24]

199—1.4(17A,474) Duties of the commission. The commission regulates the services and rates of certain electric, gas, telephone, water, sanitary sewer, and storm water drainage utilities pursuant to Iowa Code chapter 476. The commission also has jurisdiction over certification of electric power generators pursuant to Iowa Code chapter 476A, franchises for cable and video service providers pursuant to Iowa Code chapter 477A, dual party relay service pursuant to Iowa Code chapter 477C, construction and safety of electric transmission lines pursuant to Iowa Code chapter 478, and the construction and operation of pipelines and underground storage pursuant to Iowa Code chapters 479 and 479B.

[ARC 8325C, IAB 10/30/24, effective 12/4/24]

199—1.5(17A,474) Organization. The commission consists of the three-member commission, the technical and administrative staff, and the general counsel. The three-member commission is the policymaking body, and the chair serves as the administrator of the commission. As administrator, the chair is responsible for all administrative functions and decisions.

[ARC 8325C, IAB 10/30/24, effective 12/4/24]

199—1.6(17A,474) Matters applicable to all proceedings.

1.6(1) *Communications.* All communications to the commission, other than those filed through the commission's electronic filing system, may be addressed to the Iowa Utilities Commission, 1375 East Court Avenue, Des Moines, Iowa 50319-0069, unless otherwise specifically directed. Unless otherwise specifically provided, all communications and documents are officially filed upon receipt and acceptance at the office of the commission.

1.6(2) *Office hours.* Office hours are 8 a.m. to 4:30 p.m. Monday through Friday. Offices are closed on Saturdays and Sundays and on official state holidays designated in accordance with state law.

[ARC 8325C, IAB 10/30/24, effective 12/4/24]

199—1.7(22) Public information and inspection of records.

1.7(1) *Public information.* Any interested person may examine all public records of the commission by written request or in person at the commission offices. Public records may be

examined at the commission office only during regular business hours, 8 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays. Public records in docketed matters may be examined at any time using the commission's electronic filing system. Unless otherwise provided by law, all public records, other than confidential records, maintained by the commission will be made available for public inspection.

1.7(2) Definitions. Rescinded IAB 6/24/26, effective 6/1/26.

1.7(3) Records not routinely available for public inspection. The following records are not routinely available for public inspection:

a. Material exempted from disclosure under Iowa's open records law. Certain public records are confidential under the open records law and cannot be released unless otherwise ordered by a court, by the commission as lawful custodian of the records, or by another person duly authorized to release such information pursuant to Iowa Code section 22.7. A person may request permission to inspect particular records withheld from inspection under this paragraph. If the request is granted, the commission shall withhold the material from public inspection for 14 days to allow the party that submitted the material an opportunity to seek injunctive relief.

b. Tax records. The commission is required to withhold tax records from public inspection pursuant to Iowa Code section 422.20.

c. Materials exempted pursuant to requests deemed granted by the commission. Requests to withhold from public inspection the materials and information listed in the subparagraphs below are deemed granted by the commission pursuant to Iowa Code section 22.7(3) or 22.7(6), or both sections, provided that the confidential portions of the filings are identified as confidential and filed as provided in 199—Chapter 14, and an attorney for the company or corporate officer avers that the material or information satisfies the requirements in Iowa Code section 22.7(3) or 22.7(6), or both sections. The material or information filed pursuant to this paragraph will be deemed confidential upon the filer's receipt of a notice of electronic filing without further review or acknowledgement by the commission, and the material or information will be withheld from public inspection subject to the provisions of subparagraph 1.7(6) "b"(3).

- (1) Negotiated transportation rates and prices for natural gas supply.
- (2) Reservation charges for portfolio gas supply contracts.
- (3) Terms and prices for all hedging activity, including financial hedges and weather-related information.
- (4) Sales data by individual natural gas customer.
- (5) Natural gas purchase volumes by individual receipt point, by pipeline.
- (6) Specific gas costs included in interstate pipeline contracts and contracted volume quantities, invoices, commodity contracts, and individual commodity purchases and invoices.
- (7) Design day forecasting model reserve margin calculations for natural gas service.
- (8) Negotiated purchase prices for electric power, fuel, and transportation.
- (9) Electric customer-specific information.
- (10) Power supply bills in support of energy adjustment clause filings.
- (11) Network improvement and maintenance plans and related extensions and progress reports filed with the commission pursuant to 199—Chapter 39.
- (12) Wireless coverage area maps depicting signal strength filed with the commission pursuant to 199—Chapter 39.
- (13) Revenue recovery amounts and loop or line count data filed with the commission pursuant to 199—Chapter 39.
- (14) Financial reports and loop or line count data included in rate floor data filed with the commission pursuant to 199—Chapter 39.
- (15) Loop or line count data included in rate floor data updates filed with the commission pursuant to 199—Chapter 39.
- (16) The financial records filed by applicants for certificates of convenience and necessity to provide competitive local exchange service.

(17) The financial records, number of customers, and volumes filed by competitive natural gas providers in each company's annual report. The aggregate total sales volume is not granted confidential treatment by this subparagraph.

(18) The financial information regarding affiliate transactions required for rate-regulated utilities. This information is subject to staff and legal review to ensure the information protected is similar to other information included in this subparagraph.

(19) Information filed in a particular docket that is of the same type, nature, and scope as information for which the commission previously granted confidentiality in that same docket.

1.7(4) *Requests that materials or information submitted to the commission be withheld from public inspection.* Any person submitting information or materials to the commission may submit a request that part or all of the information or materials not be made available for public inspection pursuant to the following requirements. Persons filing material in the commission's electronic filing system shall redact protected information as defined in Iowa Rules of Electronic Procedure 16.602 and 16.603.

a. Marked pages. Each page of the materials to which the request applies shall be marked confidential.

b. Content of request. The request shall contain a statement of the legal basis for withholding the materials from inspection and the supporting facts. The facts shall be supported by an affidavit from a corporate officer or employee (or an individual, if not a business entity) with personal knowledge of the specific facts.

c. Compliance. If a request complies with the requirements of paragraphs 1.7(4) "a" and "b," the materials will be temporarily withheld from public inspection. The commission will examine the information to determine whether the information should be afforded confidentiality. If the request is granted, the ruling will be placed in a public file in lieu of the materials withheld from public inspection. If no objection to the request for confidential treatment is filed within 20 days, the commission may defer consideration of the request until a public records request is made for the material or information, and the material or information shall be withheld from public inspection subject to the provisions of subparagraph 1.7(6) "b"(3).

d. Request denied. If a request for confidentiality is denied, the information will be held confidential for 14 days to allow the applicant an opportunity to seek injunctive relief. After the 14 days expire, the materials will be available for public inspection unless the commission is directed by a court to keep the information confidential.

1.7(5) *Procedures for the physical inspection of commission records that are routinely available for public inspection.* The records in question will be reasonably described by the person requesting them to permit their location by staff personnel. Members of the public will not be given access to the area in which records are kept and will not be permitted to search the files. Advance requests to have records available on a certain date may be made by telephone or by correspondence.

a. Search fees. An hourly fee may be charged for searching for requested records. The fee will be based upon the pay scale of the employee who makes the search. No search fee will be charged if the records are not located, the records are not made available for inspection, or the search does not exceed one-quarter hour in duration.

b. Written request. Written requests should list the telephone number (if any) of the person making the request and, for each document requested, should set out all available information that would assist in identifying and locating the document. The request should also set out the maximum search fee the person making the request is prepared to pay. If the maximum search fee is reached before all of the requested documents have been located and copied, the requesting person will be notified. When the requesting person requests that the commission mail copies of the materials, postage and handling expenses should also be included.

c. Procedure for written request. The records will be produced for inspection at the earliest possible date following a request. Records should be inspected within seven days after notice is given

that the records have been located and are available for inspection. After seven days, the records will be returned to storage and additional charges may be imposed for having to produce them again.

d. Copies. Copies of public records may be made in the commission's records and information center.

1.7(6) *Procedures for the inspection of commission records that are not routinely available for public inspection.* Any person may request access to records that are not routinely available for public inspection. The following procedures shall apply:

a. Content of request. The request shall include a description of the records requested.

b. Procedure. The commission may take action on the request as follows:

(1) Deny the request with an explanatory statement, if the commission is prohibited from disclosing the records or has determined the requested material is confidential.

(2) Redact any part of the document that the commission is prohibited from disclosing and disclose the remainder.

(3) Notify the interested persons, and withhold the materials from public inspection for 14 days to allow the party who submitted the materials an opportunity to seek injunctive relief.

1.7(7) *Procedures by which the filer of a confidential record may have a copy released to a named third party.* The filer of a confidential record may request in writing that a confidential record be released to a named third party.

1.7(8) *Advice and assistance.* Individuals who have questions regarding the procedures contained in these rules may contact the commission at the following address: Iowa Utilities Commission, 1375 East Court Avenue, Des Moines, Iowa 50319-0069.

[ARC 8325C, IAB 10/30/24, effective 12/4/24; ARC 0375D, IAB 6/24/26, effective 6/1/26]

These rules are intended to implement Iowa Code sections 17A.3, 474.1, 474.5, 474.10, 476.1, and 476.2.

[Filed 2/11/76, Notice 7/14/75—published 2/23/76, effective 3/29/76]

[Filed 6/15/76 without Notice—published 6/28/76, effective 8/2/76]

[Filed emergency 6/28/82—published 7/21/82, effective 6/28/82]

[Filed 5/20/83, Notice 4/13/83—published 6/8/83, effective 7/13/83]

[Filed emergency 6/3/83—published 6/22/83, effective 7/1/83]

[Filed 11/4/83, Notice 8/31/83—published 11/23/83, effective 1/1/84]

[Filed without Notice 7/27/84—published 8/15/84, effective 9/19/84]

[Filed 5/19/86, Notice 11/6/85—published 6/4/86, effective 7/9/86]

[Filed emergency 9/18/86—published 10/8/86, effective 9/18/86]

[Filed 10/2/87, Notice 8/12/87—published 10/21/87, effective 1/20/88]

[Filed 12/22/88, Notice 10/19/88—published 1/11/89, effective 2/15/89]

[Filed 3/29/91, Notice 11/14/90—published 4/17/91, effective 5/22/91]

[Filed emergency 8/14/92—published 9/2/92, effective 8/14/92]

[Published 6/17/98 to update name and address of board]

[Filed emergency 4/30/99—published 5/19/99, effective 4/30/99]

[Filed 11/24/99, Notice 8/11/99—published 12/15/99, effective 1/19/00]

[Filed 10/12/00, Notice 8/23/00—published 11/1/00, effective 12/6/00]

[Filed 11/21/01, Notice 5/30/01—published 12/12/01, effective 1/16/02]

[Filed 4/12/02, Notice 3/6/02—published 5/1/02, effective 6/5/02]

[Filed 4/26/02, Notice 1/9/02—published 5/15/02, effective 6/19/02]

[Filed 10/21/05, Notice 2/16/05—published 11/9/05, effective 12/14/05]

[Filed 7/27/06, Notice 6/7/06—published 8/16/06, effective 9/20/06]

[Filed 10/6/06, Notice 3/15/06—published 10/25/06, effective 11/29/06]

[Filed 10/31/08, Notice 4/9/08—published 11/19/08, effective 12/24/08]

[Editorial change: IAC Supplement 12/29/10]

[Filed ARC 1899C (Notice ARC 1563C, IAB 8/6/14), IAB 3/4/15, effective 4/8/15]

[Filed ARC 3340C (Notice ARC 2957C, IAB 3/1/17), IAB 9/27/17, effective 11/1/17]

[Filed ARC 8325C (Notice ARC 8105C, IAB 7/10/24), IAB 10/30/24, effective 12/4/24]
[Filed Emergency ARC 0375D, IAB 6/24/26, effective 6/1/26]

CHAPTER 7
PRACTICE AND PROCEDURE

[Previously ch 15, renumbered 10/20/75 Supp.]
[Prior to 10/8/86, Commerce Commission[250]]

Rescinded **ARC 0375D**, IAB 6/24/26, effective 6/1/26

CHAPTER 8
CIVIL PENALTIES

[Prior to 10/8/86, Commerce Commission[250]]

Rescinded **ARC 7836C**, IAB 4/17/24, effective 5/22/24

CHAPTER 11 ELECTRIC LINES

[Previously Ch 2, renumbered 10/20/75 Supp.]
[Prior to 10/8/86, Commerce Commission[250]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/26/30

199—11.1(478) General information.

11.1(1) Purpose and authority. The purpose of this chapter is to implement Iowa Code chapter 478 and to establish procedures for electric franchise proceedings before the Iowa utilities commission. This chapter applies to any person engaged in the construction, operation, and maintenance of electric transmission lines in Iowa.

11.1(2) Iowa electrical safety code. Overhead and underground electric line minimum safety requirements to be applied in installation, operation, and maintenance are found in 199—Chapter 25, Iowa electrical safety code.

11.1(3) Filings. An electric company shall use the appropriate forms available on the commission's website when filing a petition for new franchise, amendment to franchise, abbreviated franchise process, or extension of franchise. All filings shall be pursuant to 199—Chapter 14.

11.1(4) Franchise. An electric franchise shall be required for the construction, operation, and maintenance of any electric line capable of operating at 69,000 volts (69 kV) or more outside of cities. A franchise is not required for electric lines located entirely within the boundaries of property owned by a person engaged in the transmission or distribution of electric power or an end user.

11.1(5) Issuance of franchise. Where the commission has previously determined that an existing transmission line satisfies the requirements of Iowa Code section 478.4, and no evidence to the contrary has been offered and no objection has been filed in the docket, a franchise may be renewed or amended by the issuance of a franchise without an accompanying order.

[ARC 8898C, IAB 2/19/25, effective 3/26/25]

199—11.2(478) Definitions. The following definitions apply to the rules in this chapter:

“Affected person” means any person with a legal right or interest in the property, including but not limited to a landowner, contract purchaser of record, a person possessing the property under a lease, a record lienholder, and a record encumbrancer of the property.

“Capable of operating” means the standard voltage rating at which the electric line, wire, or cable can be operated consistent with the level of the insulators and the conductors used in construction of the electric line, wire, or cable based on manufacturer's specifications, industry practice, and applicable industry standards.

“Commission” means the utilities commission.

“Electric company” means any person that proposes to construct, erect, maintain, or operate an electric line, wire, or cable in Iowa.

“Person” means individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity as defined in Iowa Code section 4.1(20).

“Termini” means the electrically functional end points of an electric line, without which it could not serve a public use. Examples of termini may include but are not limited to generating stations, substations, switching stations, or another transmission line.

“Transmission line” means any electric line, wire, or cable capable of operating at 69 kV or more.

[ARC 8898C, IAB 2/19/25, effective 3/26/25]

199—11.3(478) Route selection. The planning for a route that is the subject of a petition for franchise shall begin with routes that are near and parallel to roads, railroad rights-of-way, or division lines of land, according to the government survey, consistent with the provisions of Iowa Code section 478.18(2).

11.3(1) *Where deviations are allowed.* Where a route planned near and parallel to roads, railroad rights-of-way, or division lines of land would contain segments making transmission line construction not practicable and reasonable, generally for engineering reasons, route deviation(s) may be proposed and accompanied by a proper evidentiary showing that the initial route or routes examined did not meet practicable and reasonable standards. Deviations based on landowner preference or those that minimize interference with land may be permissible; however, the electric company must demonstrate that route planning began with a route or routes located near and parallel to roads, railroad rights-of-way, or division lines of land.

11.3(2) *Distance from buildings.* No transmission line shall be constructed outside of cities, except by agreement, within 100 feet of any dwelling, house, or other building except where the transmission line crosses or passes along a public highway or is located alongside or parallel with the right-of-way of any railroad company, consistent with the provisions of Iowa Code section 478.20. Construction of a new building within 100 feet of an existing transmission line shall be construed as agreement within the meaning of Iowa Code section 478.20.

11.3(3) *Railroad crossings.* Where a petition for a temporary construction permit is made as provided in Iowa Code section 478.31, an affidavit filed by an electric company will be accepted as a showing of consent for the crossing if the affidavit states the following provisions have been met: (1) that proper application for approval of the railroad crossing has been made, (2) that a one-time crossing fee has been paid, and (3) that 35 days have passed since mailing of the application and payment with no claim of special circumstance or objection from the railroad. Such affidavit or an affirmative statement of consent from the railroad shall be filed as soon as possible and must be filed prior to commencement of construction of the railroad crossing.

[ARC 8898C, IAB 2/19/25, effective 3/26/25]

199—11.4(478) Informational meetings. Not less than 30 days or more than two years prior to filing a petition or related petitions requesting a franchise for a new transmission line with one or more miles of the total proposed route across privately owned real estate, the electric company shall hold an informational meeting in each county in which real property or real property rights will be affected. An informational meeting is required to be held in each county where property rights will be affected, regardless of the length of the portion of the proposed transmission line in a county. The length of easements required for conductor and crossarm overhang of private property, even if no supporting structures are located on that property, shall be included in determining whether an informational meeting is required pursuant to Iowa Code section 478.2.

11.4(1) *Facilities.* Electric companies filing a petition for franchise shall be responsible for negotiations and compensation for a suitable facility to be used for each informational meeting, including a building or facility that is in substantial compliance with any applicable accessibility requirements where such a building or facility is reasonably available.

11.4(2) *Personnel.* At the informational meeting, qualified personnel representing the electric company shall present the following information:

- a. Utility service requirements and planning that have resulted in the proposed construction.
- b. When the transmission line will be constructed.
- c. In general terms, the physical construction, appearance, and typical location of poles and conductors with respect to property lines.
- d. In general terms, the rights that the electric company seeks to acquire by easements.
- e. Procedures to be followed in contacting affected persons with whom the electric company may seek specific negotiations in acquiring voluntary easements.
- f. Methods and factors used in arriving at an offered price for voluntary easements, including the range of cash amount of each component. An example of an offer sheet shall be included with the presentation.
- g. The manner in which voluntary easement payments are made, including discussion of conditional easements, signing fees, and time of payment.

h. Other factors or damages that are not included in the easement but for which compensation is made, including features of interest to affected persons but not limited to computation of amounts and manner of payment.

i. If the undertaking is a joint effort by more than one electric company, all of the electric companies involved in the project shall be represented at the informational meeting by qualified personnel pursuant to this subrule.

11.4(3) *Commission approval.* An electric company proposing to schedule an informational meeting shall file a request with the commission to schedule the informational meeting and include a proposed date and time for the informational meeting, an alternate date and time, and a general description of the proposed project and route. The commission shall notify the electric company within ten days from the filing of the request whether the request is approved or alternative dates and times are required, unless the commission provides notice to the electric company that an additional ten days are required. Not less than 30 days prior to the informational meeting, the electric company shall file with the commission the location of the informational meeting and a map of the proposed route that includes the notification corridor. Once a date and time for the informational meeting have been approved and not less than 14 days prior to the informational meeting, the electric company shall file the informational meeting presentation with the commission.

11.4(4) *Notice of informational meeting.* The notice of each informational meeting shall be provided by certified mail, return receipt requested, to the persons required to be notified pursuant to Iowa Code section 478.2. The notification corridor includes any property over which the electric company may seek easements. Not less than 30 days prior to the date of the informational meeting, a copy of the notice shall be filed with the commission and the notice deposited in the U.S. mail by the electric company.

a. In addition to the information listed in Iowa Code section 478.2(3)“*b*,” the notice shall include a copy of the statement of damages as described in subrule 11.9(4) and the statement, “Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Commission at 515.725.7300 in advance of the scheduled date to request accommodations.”

b. The electric company’s published meeting notice shall include a map of the project.

c. The electric company shall file prior to the informational meeting an affidavit describing the good-faith effort the electric company undertook to locate the addresses of the persons required to be notified pursuant to Iowa Code section 478.2. The affidavit shall be signed by an officer of the electric company.

[ARC 8898C, IAB 2/19/25, effective 3/26/25]

199—11.5(478) *Petition for a new franchise.* A single docket will be assigned to a proposed transmission line even if the transmission line will be located in more than one county. The electric company may request one franchise for the entire transmission line or may request separate franchises in each county where the proposed transmission line is to be located.

11.5(1) *Petition and exhibits.* A petition for a new franchise shall be filed on forms prescribed by the commission, be notarized, and have all required exhibits attached. The petition shall be attested to by an officer, official, or attorney with authority to represent the electric company. The following exhibits shall be filed with the petition:

a. Exhibit A. A legal description of the route. The description shall include the name of the county, the maximum and nominal voltages, the beginning point and endpoint of the transmission line, the termini of the transmission line, the total mileage, and whether the route is on public, private, or railroad right-of-way. In the case of multicounty projects, the description shall identify all counties involved in the total project and the termini located in other counties. When the route is in or adjacent to the right-of-way of a named road or a railroad, the exhibit shall specifically identify the road or railroad by name.

b. Exhibit B.

(1) A map showing the route of the transmission line drawn with reasonable accuracy, considering the scale. The map may be to any scale appropriate for the level of detail to be shown but not smaller than one inch to the mile and is to be legible when printed on paper no larger than 11 by 17 inches. The filing company shall provide the following information:

1. The route of the transmission line that is the subject of the petition, including beginning point and endpoint and, when the transmission line is parallel to a road or railroad, which side the line is on. Line sections with multiple-circuit construction or underbuild shall be designated. The voltage at which other circuits are operated and ownership of other circuits or underbuild shall be indicated.

2. The name of the county, county and section lines, section numbers, and township and range numbers.

3. The location and identity of roads, named streams and bodies of water, and any other pertinent natural or man-made features or landmarks influencing the route.

4. The names and corporate limits of cities.

5. The names and boundaries of any public lands or parks, recreational areas, preserves or wildlife refuges.

6. All electric lines, including lines owned by the electric company, within six-tenths of a mile of the route, including the voltage at which the lines are operated, whether the lines are overhead or buried, and the names and addresses of the owners. Any electric lines to be removed or relocated shall be designated.

7. The location of railroad rights-of-way, including the names and addresses of the owners.

8. The location of airports or landing strips within one mile of the route, along with the names and addresses of the owners.

9. The location of pipelines used for the transportation of any solid, liquid, or gaseous substance, except water, within six-tenths of a mile of the route, along with the names and addresses of the owners.

10. The names and addresses of the owners of telephone, communication, or cable television lines within six-tenths of a mile of the route. The location of these lines need not be shown.

11. The names and addresses of the owners of rural water districts organized pursuant to Iowa Code chapter 357A that have facilities within six-tenths of a mile of the route. The location of these facilities need not be shown.

12. The locations of any buildings and any grain bins for which a conductor clearance drawing is provided as part of Exhibit C.

(2) A map of the entire route to be franchised if the route is located in more than one county or there is more than one map for a county.

c. *Exhibit C.* Technical information and engineering specifications describing typical materials, equipment, and assembly methods as specified on forms provided by the commission.

d. *Exhibit D.* The exhibit shall consist of a written text containing the following:

(1) An affidavit with an allegation and supporting information that the transmission line is necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest with any additional substantiated allegations as may be required by Iowa Code section 478.3(2).

(2) If the route or any portion thereof is not near and parallel to roads or railroad rights-of-way, or along division lines of the lands, according to government surveys, an explanation of why such parallel routing is not practicable or reasonable.

(3) A statement regarding the availability of routes on an existing electric line right-of-way and an explanation of why this route was not selected.

(4) Any other information or explanation in support of the petition.

(5) If a new franchise is sought for an existing transmission line, historical information regarding the prior franchise.

(6) The status of any other authorizations the electric company is required to obtain to construct the proposed transmission line.

(7) Information related to the transmission line's inclusion in planning organized by regional transmission operators.

e. Exhibit E. This exhibit is required only if the petition requests the right of eminent domain. This exhibit shall be in its final form prior to issuance of the official notice by the commission and approval of the eminent domain notice required by Iowa Code section 478.6(2). The exhibit shall consist of a map of the route showing the location of each property for which the right of eminent domain is sought, and for each property:

- (1) The legal description of the property.
- (2) The legal description of the desired easement.
- (3) A specific description of the easement rights being sought, including the right to install more than one circuit if an existing transmission line is proposed to be collated with the proposed new transmission line in the manner described in subrule 11.6(4), as well as the names of the owner and operator of the existing transmission line.

- (4) The names and addresses of all affected persons.

- (5) A map drawn to an appropriate scale showing the boundaries of the property, the boundaries and dimensions of the proposed easement, the location of all electric lines and supports within the proposed easement, the location of and distance to any building within 100 feet of the proposed transmission line, and any other features pertinent to the location of the transmission line, the supporting structures, or the rights being sought.

- (6) An affidavit affirming and describing the good-faith effort undertaken and the review of land records performed to identify all affected persons for all parcels over which the electric company is seeking eminent domain. The affidavit shall be signed by an attorney representing the electric company or an electric company employee responsible for conducting or overseeing the good-faith effort.

f. Exhibit F. The showing of notice to all persons identified in numbered paragraphs 11.5(1) "b" (1) "6" through 11.5(1) "b" (1) "11" and to the Iowa department of transportation. One copy of each letter of notification or one copy of the letter accompanied by a written statement listing all persons that were sent the notice, the date of mailing, and a copy of the map sent with the letters shall accompany the petition when it is filed with the commission.

g. Exhibit G. The affidavit required by Iowa Code section 478.3(2) "c" on the holding of an informational meeting. Copies of the mailed notice letter and the published notice(s) of each informational meeting shall be attached to the affidavit. This exhibit is required only if an informational meeting was conducted.

h. Exhibit H. This exhibit is required only if the petition requests separate pole lines as identified in rule 199—11.11(478). This exhibit shall contain a request describing in detail the good cause for the commission to authorize the construction of separate pole lines.

i. Exhibit I. This exhibit is required only for electric transmission lines with a maximum operating voltage of 170,000 volts or more. This exhibit shall contain an explanation for the electric company's plan to comply with the noise limit set by 199—subrule 25.6(1). The explanation shall include the assessment at the minimum conductor height and the maximum rms voltage.

j. Exhibit J. This exhibit is required only for electric transmission lines with a maximum operating voltage of 170,000 volts or more. This exhibit shall contain an explanation for the electric company's plan to comply with the maximum electric field strength limit set by 199—subrule 25.6(2). The explanation shall include the assessment at the minimum conductor height and the maximum rms voltage.

k. Other exhibits. The commission may require filing of additional exhibits if further information is deemed necessary.

11.5(2) Notice of franchise petition.

a. Whenever a petition for a new franchise is filed with the commission, the commission shall prepare a notice addressed to the citizens of each county through which the transmission line or lines extend. The electric company shall cause this notice to be published in a newspaper of

general circulation in each county for two consecutive weeks and file proof of publication with the commission. This published notice shall constitute sufficient notice to all persons of the proceeding, except owners of record and persons in possession of land to be crossed for which voluntary easements have not been obtained at the time of the first publication of the notice.

b. The electric company shall serve notice in writing of the filing of the petition on the affected persons over which easements have not been obtained. The served notices shall be by ordinary mail, addressed to the last-known address, mailed not later than the first day of publication of the official notice. One copy of each letter of notification, or one copy of the letter accompanied by a written statement listing all persons to which it was mailed and the date of mailing, shall be filed with the commission not later than five days after the date of second publication of the official notice. The electric company shall file a statement describing the action taken to ensure that the company has identified the names and addresses of all affected persons over which voluntary easements have not been obtained.

c. Published notices of petitions for franchise shall include provisions whereby interested persons can examine a map of the route. When the petition is filed, the electric company shall state whether a map is to be published with the notice or whether the notice is to include a telephone number and an address through which persons may request a map from the electric company at no cost. The map need not be as detailed as the Exhibit B map but shall include the proposed route, section lines, section and township numbers, roads and railroads, city boundaries, and rivers and named bodies of water. A copy of this map shall be filed with the petition.

11.5(3) Notice to other persons. The electric company shall give written notice, by ordinary mail, mailed at the time the petition is filed with the commission and accompanied by a map showing the route of the proposed electric transmission line, to the persons identified in numbered paragraphs 11.5(1)“b”(1)“6” through 11.5(1)“b”(1)“11” and to the Iowa department of transportation. One copy of each letter of notification or one copy of the letter accompanied by a written statement listing all persons that were sent the notice, the date of mailing, and a copy of the map sent with the letters shall accompany the petition when it is filed with the commission.

11.5(4) Eminent domain notice. If an electric company is requesting the right of eminent domain over property as part of a petition for a new franchise, notice shall be provided pursuant to subrule 11.10(1).

[ARC 8898C, IAB 2/19/25, effective 3/26/25; ARC 0404D, IAB 6/24/26, effective 7/29/26]

199—11.6(478) Petition for an amendment to a franchise. A petition for an amendment of a franchise shall include the same exhibits and information required for a new franchise. Prior to the filing of any petition for an amendment to a franchise where an electric company must obtain new or additional interests in real property for a total of one route mile or more, informational meetings shall be held that meet the requirements of rule 199—11.4(478).

11.6(1) When a petition for amendment is required. A petition for amendment of a franchise shall be filed with the commission for approval when the electric company is:

a. Increasing the operating voltage of any electric line, the level to which it is capable of operating, or to a voltage greater than that specified in the existing franchise.

b. Constructing an additional line that is capable of operating at a nominal voltage of 69 kV or more on a previously franchised line, where an additional line at such voltage is not authorized by the existing franchise.

c. Relocating a franchised line to a route different from that authorized by an existing franchise, including the construction of tap(s) to a substation or switching station, that requires that new or additional interests in property be obtained, or that new or additional authorization be obtained from highway or railroad authorities, for a total distance of one route mile or more, or for any relocations where the right of eminent domain is sought. An amendment is not required for relocations made pursuant to Iowa Code section 318.9(2).

11.6(2) When a new transmission line is proposed in a county where the electric company has a countywide franchise for all of the electric company's transmission lines in a county, the new transmission line will be included in the countywide franchise as an amendment to the countywide franchise.

11.6(3) When an existing franchise in a county is proposed to be combined with another existing franchise in a county, a petition for an amendment of the franchise with the latest expiration date shall be filed to combine the transmission lines into one of the existing franchises.

11.6(4) An amendment to a franchise shall not be required for a voltage increase, additional circuit, or electric line relocation where such activity takes place entirely within the boundaries of property owned by an electric company or an end user or for relocation of an existing franchised transmission line to common structures with a new transmission line, where such collocation has been approved in a petition for franchise for the new transmission line. In the case of such proposed collocation, the electric company shall file a notice in the docket of the line that is proposed to be relocated, either in whole or in part, no later than the date the electric company first mails its notice of public informational meeting pursuant to subrule 11.4(5) for the proposed new transmission line.

a. The notice shall include the following:

(1) A copy of the notice of public informational meeting pursuant to subrule 11.4(5) for the proposed new transmission line;

(2) The docket number for the proposed new transmission line;

(3) The date(s) of the public informational meeting(s) for the proposed new transmission line;

(4) To the extent known, a statement indicating the plans for the remaining existing infrastructure once the existing transmission line has been collocated with the new transmission line, which shall be updated as such plans are finalized;

(5) A copy of the map included with the public informational meeting notice, with indications for the proposed areas of collocation; and

(6) The possibility that the right-of-way for the collocated portions may be acquired by condemnation if approved by the commission.

b. A notice of modification not requiring an amendment to a franchise shall be filed in the docket of the relocated transmission line in accordance with subrule 11.10(4). The map filed with such notice shall indicate all areas of collocation.

11.6(5) Notice of a petition for franchise amendment. A petition for an amendment to a franchise requires the same notice as a petition for a new franchise as described in rule 199—11.5(478).

11.6(6) Eminent domain notice. If an electric company is requesting the right of eminent domain over property as part of a petition for amendment of a franchise, notice shall be provided pursuant to subrule 11.10(1).

[ARC 8898C, IAB 2/19/25, effective 3/26/25]

199—11.7(478) Petition for the abbreviated franchise process.

11.7(1) *Eligibility for abbreviated franchise process.* Petitions for an electric franchise or an amendment to a franchise may be filed pursuant to the abbreviated franchise process set forth in Iowa Code section 478.1(5) if the following requirements are met:

a. The project consists of the conversion, upgrading, or reconstruction of an existing electric line operating at 34.5 kV to a line capable of operating at 69 kV.

b. The project will be on substantially the same right-of-way as an existing 34.5 kV line. For purposes of this subrule, "substantially the same right-of-way" means that the new or additional interests in private property right-of-way will be required for less than one mile of the proposed project length. Easements required for conductor and crossarm overhang of private property or for anchor easements shall not be considered when determining the length of additional interests in private property right-of-way.

c. The project will have substantially the same effect on the underlying properties as the existing 34.5 kV line.

d. The completed transmission line will comply with the Iowa electrical safety code found in 199—Chapter 25.

e. The electric company does not request the power of eminent domain.

f. The electric company agrees to pay all costs and expenses of the franchise proceeding.

11.7(2) *Petition using abbreviated process.* A petition for a new franchise or an amendment to a franchise filed pursuant to the abbreviated franchise process set forth in Iowa Code section 478.1(5) shall be made on forms prescribed by the commission, be notarized, and have all required exhibits attached. The exhibits required to be attached are as follows:

a. *Exhibit A.* A legal description of the route. The description shall include the name of the county, the maximum and nominal voltages, the beginning point and endpoint of the transmission line, the termini of the transmission line, the total mileage, and whether the route is on public, private, or railroad right-of-way. When the route is in or adjacent to the right-of-way of a named road or a railroad, the exhibit shall specifically identify the road or railroad by name. The description shall identify any termini located in other counties.

b. *Exhibit B.* A map showing the route of the transmission line drawn with reasonable accuracy, considering the scale. The map may be to any scale appropriate for the level of detail to be shown but not smaller than one inch to the mile and legible when printed on paper no larger than 11 by 17 inches. The following information shall be provided:

(1) The route of the transmission line that is the subject of the petition, including the beginning point and endpoint and, when the transmission line is parallel to a road or railroad, the side on which the line is located. Line sections with multiple-circuit construction or underbuild shall be designated. The voltage at which other circuits are operated and ownership of other circuits or underbuild shall be indicated.

(2) The name of the county, county and section lines, section numbers, and township and range numbers.

(3) The location and identity of roads, railroads, named streams and bodies of water, and any other pertinent natural or man-made features or landmarks influencing the route.

(4) The names and corporate limits of cities.

(5) If any deviation from the existing route is proposed, the original and proposed routes shall be shown and identified.

(6) The location and identity of electric transmission lines that cross the proposed route.

(7) The locations of any buildings and any grain bins for which a conductor clearance drawing is provided as part of Exhibit C.

c. *Exhibit C.* Technical information and engineering specifications describing typical materials, equipment, and assembly methods as specified on forms provided by the commission.

d. *Exhibit D.* The exhibit shall consist of written text containing the following:

(1) A listing of any existing franchises that would be terminated or amended in whole or in part by this petition, including the docket number, franchise number, date of issue, county of location, and to whom the franchise is granted.

(2) An allegation, with supporting testimony, that the project is eligible for the abbreviated franchise process.

(3) An allegation, with supporting testimony, that the project is necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest.

(4) An explanation for any deviations from the existing transmission line route.

(5) A statement regarding the availability of routes on an existing electric line right-of-way and an explanation of why this route was not selected.

e. *Exhibit E.* A statement that the right of eminent domain is not being requested.

f. *Exhibit F.* The exhibit shall consist of a showing of notice to other electric, pipeline, telephone, communication, cable television, rural water district, and railroad companies that have facilities that are crossed by or in shared right-of-way with the proposed transmission line.

g. *Exhibit G.* The exhibit shall consist of the form of notice to be mailed in accordance with subrule 11.7(3) to owners of and persons in possession of or residing on property where construction shall occur.

h. *Exhibit H.* This exhibit is required if the petition requests separate pole lines. This exhibit shall contain a request describing in detail the good cause for the commission to authorize the construction of separate pole lines.

11.7(3) Notice of franchise or amendment to franchise under abbreviated franchise process.

a. One month prior to commencement of construction, an electric company shall provide written notice concerning the anticipated construction to the last-known address of the owners of record of the property where construction will occur and to persons in possession of or residing on such property. Notices may be served by ordinary mail, addressed to the last-known address of the owners of record of the property and to persons residing on such property. The electric company shall make a good-faith effort to identify and notify all owners of record and persons residing on the property.

b. The notice shall include the following information:

- (1) A description of the purpose of the project and the nature of the work to be performed.
- (2) A copy of the Exhibit B map.
- (3) The estimated dates the construction or reconstruction will commence and end.
- (4) The name, address, telephone number, and email address of a representative of the electric company who can respond to inquiries concerning the anticipated construction.

c. For the purposes of this rule, “construction” means physical entry onto private property by personnel or equipment for the purpose of rebuilding or reconstructing the transmission line.

d. After the form is mailed to the recipients, the company will file a copy of the final form and the date of mailing.

[ARC 8898C, IAB 2/19/25, effective 3/26/25]

199—11.8(478) Petition for extension of franchise.

11.8(1) Petition and exhibits. A petition for an extension of a franchise shall be made on forms prescribed by the commission; attested to by an officer, official, or attorney with authority to represent the electric company; and have all required exhibits attached. For a transmission line that extends into more than one county, the electric company may file a petition to combine the separate county franchises into one franchise for the entire transmission line.

a. *Exhibit A.* A legal description of the route. The description shall include the name of the county, the maximum and nominal voltages, the beginning point and endpoint of the transmission line, the termini of the transmission line, the total mileage, and whether the route is on public, private, or railroad right-of-way. When the route is in or adjacent to the right-of-way of a named road or a railroad, the exhibit shall identify the road or railroad by name. The description shall identify any termini located in other counties.

b. *Exhibit B.* A map showing the route of the transmission line drawn with reasonable accuracy, considering the scale. The map may be to any scale appropriate for the level of detail to be shown but not smaller than one inch to the mile and legible when printed on paper no larger than 11 by 17 inches. The following information shall be provided:

- (1) The route of the transmission line that is the subject of the petition, including beginning point and endpoint and, when the transmission line is parallel to a road or railroad, which side the line is on. Line sections with multiple-circuit construction or underbuild shall be designated. The voltage at which other circuits are operated and ownership of other circuits or underbuild shall be indicated.
- (2) The name of the county, county and section lines, section numbers, and township and range numbers.
- (3) The location and identity of roads, railroads, named streams and bodies of water, and any other pertinent natural or man-made features or landmarks influencing the route.
- (4) The names and corporate limits of cities.
- (5) The location and identity of electric transmission lines that cross the route.

(6) The locations of any buildings and any grain bins for which a conductor clearance drawing is provided as part of Exhibit C.

c. Exhibit C. Technical information and engineering specifications describing typical materials, equipment and assembly methods as specified on forms provided by the commission.

d. Exhibit D. The exhibit shall consist of a written text containing the following:

(1) A listing of all existing franchises for which extension in whole or in part is sought, including the docket number, franchise number, date of issue, county of location, and to whom granted.

(2) A listing of all amendments to the franchises listed in subparagraph 11.8(1)“d”(1), including the docket number, amendment number, date of issue, and purpose of the amendment.

(3) A description of any substantial rebuilds, reconstructions, alterations, relocations, or changes in operation not included in a prior franchise or amendment proceeding.

(4) A description of any changes in ownership or operating and maintenance responsibility.

(5) An allegation, with supporting testimony, that the transmission line remains necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest.

(6) Any other information or explanation in support of the petition.

11.8(2) *Date for filing petition for extension.* A petition for an extension of a franchise shall be filed at least one year, and no more than five years, prior to expiration of the franchise. Extensions of existing countywide franchises are permitted; however, petitions to extend the franchises of separate transmission lines within a county by combining those transmission lines into a countywide franchise are not permitted using the franchise extension process.

11.8(3) *When petition for extension unnecessary.* An extension of franchise is unnecessary for an electric line that is capable of operating at 69 kV or more when the electric line has been permanently retired from operation and the commission has been notified of the retirement. The notice to the commission shall include the franchise number and issue date, the docket number, and, if the entire franchised line is not retired, a map showing the location of the portion retired.

11.8(4) *Petition for extension of countywide franchise.* A petition for an extension of a countywide franchise shall include all of the franchised lines owned by the electric company and within one county and a statement of whether the published notice will contain a legal description of the route or will include a telephone number and an address through which persons may request a map from the electric company at no cost. The map shall comply with the requirements in subrule 11.8(6). A copy of this map shall be filed with the petition.

11.8(5) *Notice of petition for extension.* Whenever a petition for an extension of a franchise is filed with the commission, the commission shall prepare a notice addressed to the citizens of each county through which the transmission line or lines extend. The electric company shall cause this notice to be published for two consecutive weeks in a newspaper of general circulation in each county where the proposed line is to be located. Proof of publication shall be filed with the commission. This published notice shall constitute sufficient notice to all affected persons where the existing line is located.

11.8(6) *Maps in published notice.* Published notices of petitions for franchise shall include provisions whereby interested persons can examine a map of the route. When the petition is filed, the electric company shall state whether a map is to be published with the notice or whether the notice is to include a telephone number and an address through which persons may request a map from the electric company at no cost. The map required by this subrule need not be as detailed in the Exhibit B map but shall include the proposed route, section lines, section and township numbers, roads and railroads, city boundaries, and rivers and named bodies of water. A copy of this map shall be filed with the petition.

[ARC 8898C, IAB 2/19/25, effective 3/26/25]

199—11.9(478) Additional requirements.

11.9(1) *Segmental ownership or joint use.* Petitions covering transmission line routes having segments of the total transmission line with different owners shall establish that the entire transmission line is necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest. Such a petition shall include documentation showing that the different owners have agreed to the construction being proposed in the petition. Additionally, petitions covering transmission line routes with segments of an existing transmission line being relocated to common poles with the proposed new transmission line shall establish that the existing line continues to be necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest. Such a petition shall include documentation showing that the owners of the two transmission lines have agreed to the joint use of the poles for the proposed new transmission line.

11.9(2) *Compliance with Iowa electrical safety code.* If review of Exhibit C, or inspection of an existing electric line that is the subject of a franchise petition, finds noncompliance with 199—Chapter 25, the Iowa electrical safety code, the commission may delay final action on the petition or otherwise require a satisfactory showing by the electric company that the areas of noncompliance have been or will be corrected. Disputed safety code compliance issues will be resolved by the commission.

11.9(3) *Statement of damage claims.*

a. A petition proposing transmission line construction shall not be acted upon by the commission if the electric company does not file with the commission a written statement as to how damages resulting from the construction of the transmission line will be determined and paid.

b. The statement shall contain the following information: the type of damages that will be compensated for, how the amount of damages will be determined, the procedures by which disputes may be resolved, the manner of payment, and the procedures that the affected persons are to follow to obtain a determination of damages.

c. The statement shall be amended as necessary to reflect changes in the law, company policy, or the needs of a specific project.

d. A copy of this statement shall be mailed with the notice of informational meeting as provided for in Iowa Code section 478.2(3). Where no informational meeting is required, a copy shall be provided to each affected person prior to entering into negotiations for payment of damages.

e. Nothing in this rule shall prevent a person from negotiating with the electric company for terms that are different from, more specific than, or in addition to those in the statement filed with the commission.

11.9(4) *Route study.* If a hearing on a petition is required by Iowa Code section 478.6(1), an electric company shall file a route study, if conducted, with the commission at the earlier of either the electric company's next revised petition filing or its testimony in support of the petition after the commission orders a hearing.

[ARC 8898C, IAB 2/19/25, effective 3/26/25]

199—11.10(478) Notices.

11.10(1) *Notice of eminent domain proceedings.* If a petition for a franchise or amendment of franchise seeks the right of eminent domain, the electric company shall, in addition to publishing a notice of hearing, serve a written notice pursuant to Iowa Code section 478.6(2) on the landowners and any affected person for all parcels over which eminent domain is sought. The eminent domain notice shall be filed with the commission for approval. Service shall be by certified U.S. mail, return receipt requested, and addressed to the person's last-known address. This notice shall be mailed no later than the first day of publication of the official notice of hearing concerning the petition.

a. The notice of eminent domain proceedings shall include the following:

- (1) A copy of the Exhibit E filed with the commission for the affected property.
- (2) The proposed route of the electric transmission line.

(3) The eminent domain rights being sought over the property.

(4) The date, time and location of the hearing and a description of the hearing procedures, which includes the website address for the commission's electronic filing system and contact information of the commission's customer service section.

(5) The statement of individual rights pursuant to Iowa Code section 6B.2A(1).

b. Not less than five days prior to the date of hearing, the electric company shall file with the commission the return receipt for the certified notice.

11.10(2) *Notice of franchised line construction.*

a. Within 90 days after completion of a transmission line construction or reconstruction project authorized by a franchise or amendment to franchise, the holder of the franchise shall notify the commission in writing of the completion. The notice shall include the franchise and docket numbers and the date the franchise was issued.

b. If the project is not completed within two years after the date of issuance of the franchise or amendment to franchise, the electric company shall file a progress report regarding construction of the transmission line.

c. If construction of the transmission line authorized by a franchise has not commenced within two years of the date the franchise is granted, or within two years after final disposition of judicial review of a franchise order or of condemnation proceedings, the franchise shall be forfeited unless the electric company petitions the commission for an extension of time to commence construction. The commission may grant the extension if good cause is shown for the failure to commence construction.

d. Final petition Exhibits A and B shall be filed with a notice of franchised line construction. If there are no deviations from the previously filed Exhibit A and Exhibit B to the line as built, the electric company may file a statement advising that there are no such deviations in lieu of refileing the unchanged exhibits. The commission may require the filing of a revised Exhibit C if the commission determines, after inspection, that such filing is warranted.

11.10(3) *Notice of transfer or assignment of franchise.* The holder of a franchise shall notify the commission in writing when transferring any franchise or portion of a franchise, stating the applicable franchise number and docket number that are affected, in addition to the name of the transferee and date of transfer, not more than 30 days after the effective date of the transfer. If the entire franchise is not transferred, a description of the route and a map showing the transferred and not transferred portions shall be included with the notice.

11.10(4) *Notice of modification not requiring an amendment to a franchise.* Whenever a transmission line under franchise is relocated, reconstructed with different materials or specifications than those that appear on the most recent Exhibit C, taps to a new substation or switching station are constructed along and connected to the franchised line in a manner that does not require an amendment to a franchise, or a transmission line is permanently removed, the holder of the franchise shall notify the commission in writing of the construction, stating the franchise and docket numbers and date of franchise issuance for the affected transmission line, and providing revised Exhibits A, B, and C, as applicable, that reflect the changes in the route, materials, and specifications, not more than 30 days after the completion of the construction or removal.

[ARC 8898C, IAB 2/19/25, effective 3/26/25]

199—11.11(478) Common and joint use.

11.11(1) *Common use construction.* Whenever an overhead electric line capable of operating at 69 kV or more is built or rebuilt on public road rights-of-way located outside of cities, all parallel overhead electric supply circuits on the same road right-of-way shall be attached to the same or common line of structures unless the commission authorizes, for good cause shown, the construction of separate pole lines.

11.11(2) *Relocating lines.* When a transmission line is to be constructed in a location occupied by an electric line or a communication line, the expense of relocating the existing line shall be borne by the electric company proposing the new transmission line. The electric company proposing the new

transmission line shall not be required to pay any part of the used life of the existing line, but shall pay the nonbetterment expense of relocating the existing line.

[ARC 8898C, IAB 2/19/25, effective 3/26/25]

199—11.12(478) Termination of franchise petition proceedings.

11.12(1) *Termination of docket.* Upon written notice to the commission by an electric company that a franchise petition or petition for amendment of a franchise is withdrawn, the docket shall be closed.

11.12(2) *Failure to respond.* If an electric company fails to respond to written notification by the commission, to correct an incomplete or deficient franchise petition, or to publish the official notice after the form of notice is provided by the commission, the commission may dismiss the petition as abandoned. If dismissal would cause an existing transmission line to be without a franchise, the commission may also pursue imposition of civil penalties.

[ARC 8898C, IAB 2/19/25, effective 3/26/25]

199—11.13(478) Fees and expenses. The electric company shall pay the actual cost incurred by the commission attributable to the processing, investigation, and inspection related to a petition requesting an electric franchise, an amendment to an electric franchise, or an extension of an electric franchise.

[ARC 8898C, IAB 2/19/25, effective 3/26/25]

These rules are intended to implement Iowa Code chapter 478.

[Filed prior to 7/4/51, amended 9/24/65, 12/14/65]

[Filed 10/8/75—published 10/20/75]

[Filed 8/6/76, Notice 4/5/76—published 8/23/76, effective 9/27/76]

[Filed 4/10/79, Notice 5/3/78, 8/23/78—published 5/2/79, effective 6/6/79]

[Filed 8/29/80, Notice 6/25/80—published 9/17/80, effective 10/22/80]

[Filed 2/12/82, Notice 10/28/81—published 3/3/82, effective 4/7/82]

[Filed emergency 6/28/82—published 7/21/82, effective 6/28/82]

[Filed 10/5/84, Notice 7/18/84—published 10/24/84, effective 11/28/84]

[Filed emergency 9/18/86—published 10/8/86, effective 9/18/86]

[Filed 10/16/87, Notice 8/26/87—published 11/4/87, effective 12/9/87]

[Filed 7/1/93, Notice 12/9/92—published 7/21/93, effective 8/25/93]

[Filed 7/1/93, Notice 3/17/93—published 7/21/93, effective 8/25/93]

[Filed 4/21/95, Notice 10/26/94—published 5/10/95, effective 6/14/95]

[Filed 3/20/98, Notice 10/22/97—published 4/8/98, effective 5/13/98]

[Filed 10/13/99, Notice 5/19/99—published 11/3/99, effective 12/8/99]

[Filed 4/12/02, Notice 3/6/02—published 5/1/02, effective 6/5/02]

[Filed 6/21/02, Notice 5/15/02—published 7/10/02, effective 8/14/02]

[Filed 4/24/03, Notice 12/11/02—published 5/14/03, effective 6/18/03]

[Filed 9/24/04, Notice 8/18/04—published 10/13/04, effective 11/17/04]

[Filed 4/18/08, Notice 3/12/08—published 5/7/08, effective 6/11/08]

[Editorial change: IAC Supplement 9/10/08]

[Filed 10/31/08, Notice 4/9/08—published 11/19/08, effective 12/24/08]

[Filed ARC 8435B (Notice ARC 7859B, IAB 6/17/09; Amended Notice ARC 8012B, IAB 7/29/09),
IAB 12/30/09, effective 2/3/10]

[Editorial change: IAC Supplement 12/29/10]

[Filed ARC 5121C (Notice ARC 4776C, IAB 11/20/19), IAB 7/29/20, effective 9/2/20]¹

[Filed ARC 5628C (Notice ARC 5217C, IAB 10/7/20), IAB 5/19/21, effective 6/23/21]

[Filed ARC 6266C (Notice ARC 6016C, IAB 11/3/21), IAB 4/6/22, effective 5/11/22]

[Filed ARC 7014C (Notice ARC 6918C, IAB 2/22/23), IAB 5/17/23, effective 6/21/23]

[Editorial change: IAC Supplement 7/24/24]

[Filed ARC 8898C (Notice ARC 8276C, IAB 10/30/24), IAB 2/19/25, effective 3/26/25]

[Filed ARC 0404D (Notice ARC 0172D, IAB 4/1/26), IAB 6/24/26, effective 7/29/26]

¹ September 2, 2020, effective date of Chapter 11 [ARC 5121C] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 11, 2020.

CHAPTER 25
IOWA ELECTRICAL SAFETY CODE
[Prior to 10/8/86, Commerce Commission[250]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/23/30

199—25.1(476,476A,478) General information.

25.1(1) Authority. The standards relating to electric and communication facilities in this chapter are prescribed by the Iowa utilities commission pursuant to Iowa Code sections 476.1, 476.1B, 476.2, 476A.12, 478.19, and 478.20.

25.1(2) Purpose. The purpose of this chapter is to promote safe and adequate service to the public, to provide standards for uniform and reasonable practices by utilities, and to establish a basis for determining the reasonableness of such demands as may be made by the public upon the utilities. The rules apply to electric and communication utility facilities located in the state of Iowa and supersede all conflicting rules of any such utility. In no way does this rule relieve any utility from any of its duties under the laws of this state.

25.1(3) Definition of utility. For the purpose of this chapter, a utility is any owner or operator of electric or communications facilities subject to the safety jurisdiction of the commission.

25.1(4) Definition of crop and pasture land. For the purpose of this chapter, “crop and pasture land” means any land devoted to agricultural use, including but not limited to land used for crop production, cleared land capable of being cultivated, hay land, pasture land, truck gardens, farmsteads, commercial agricultural-related facilities, feedlots, rangeland, livestock confinement systems, land on which farm buildings are located, and land used to implement management practices and structures for the improvement or conservation of soil, water, air, and related plant and animal resources.

[ARC 9045C, IAB 3/19/25, effective 4/23/25; ARC 0404D, IAB 6/24/26, effective 7/29/26]

199—25.2(476,476A,478) Iowa electrical safety code defined. The standard minimum requirements for the installation and maintenance of electric substations, generating stations, and overhead and underground electric supply or communications lines adopted below, collectively constitute the “Iowa Electrical Safety Code.”

25.2(1) National Electrical Safety Code. The American National Standards Institute (ANSI) C2-2023, “National Electrical Safety Code” (NESC), as published on August 1, 2022, including issued Correction Sheets, is adopted as part of the Iowa electrical safety code, except Part 4, “Rules for Operation of Electric Supply and Communications Lines and Equipment,” which is not adopted by the commission.

25.2(2) Modifications and qualifications to the NESC. The standards set forth in the NESC are modified or qualified as follows:

a. Introduction to the National Electrical Safety Code. NESC 013A2 is modified to read as follows: “Types of construction and methods of installation other than those specified in the rules may be used experimentally to obtain information, if done where:

- “1. Qualified supervision is provided,
- “2. Equivalent safety is provided,
- “3. On joint-use facilities, all joint users are notified in a timely manner, and
- “4. Prior approval is obtained from the Iowa utilities commission.”

b. Minimum clearances.

(1) In any instance where minimum clearances are provided in Iowa Code chapter 478 that are greater than otherwise required by these rules, the statutory clearances prevail.

(2) The following clearances apply to all lines regardless of date of construction: NESC 232, vertical clearances for “Water areas not suitable for sailboating or where sailboating is prohibited,” “Water areas suitable for sailboating . . .,” and “Established boat ramps and associated rigging areas . . .”; and NESC 234E, “Clearance of Wires, Conductors, Cables or Unguarded Rigid Live Parts Installed Over or Near Swimming Areas With No Wind Displacement.”

(3) Table 232-1, Footnote 21, is changed to read: “Where the U.S. Army Corps of Engineers or the state, or a surrogate thereof, issues a crossing permit, the clearances of that permit govern if equal to or greater than those required herein. Where the permit clearances are less than those required herein and water surface use restrictions on vessel heights are enforced, the permit clearances may be used.”

(4) Except for clearances near grain bins, for measurements made under field conditions, the commission will consider compliance with the overhead vertical line clearance requirements of Subsection 232 and Table 232-1 of the 1987 NESC indicative of compliance with the 1990 through 2017 editions of the NESC. (For an explanation of the differences between 1987 and subsequent code edition clearances, see Appendix A of the 1990 through 2017 editions of the NESC.)

c. Rule 217C1 is changed to read: “The ground end of at least one guy per anchor shall be provided with a substantial marker not less than eight feet long. The guy marker shall be of a conspicuous color such as yellow, orange, or red. Noncomplying guy markers shall be replaced as part of the utility’s inspection and maintenance plan.”

d. There is added to Rule 381G: “(3) Pad-mounted and other aboveground equipment not located within a fenced or otherwise protected area shall have affixed to its outside access door or cover a prominent ‘Warning’ or other appropriate sign of highly visible color, warning of hazardous voltage and including the name of the utility. This rule applies to all signs placed or replaced after June 18, 2003.”

e. There is added to the first paragraph of Rule 110A1, after the sentence stating, “Entrances not under observation of an authorized attendant shall be kept locked,” the following sentences: “Entrances may be unlocked while authorized personnel are inside. However, if unlocked, the entrance gate must be fully closed, and latched or fastened if there is a gate-latching mechanism.”

f. Lines crossing railroad tracks will comply with the additional requirements of rule 199—42.6(476), “Engineering standards for electric and communications lines.”

25.2(3) Grain bins.

a. Electric utilities shall conduct or participate in annual public information campaigns to inform farmers, farm lenders, grain bin merchants, and city and county zoning officials of the hazards of and standards for construction of grain bins near power lines.

b. An electric utility may refuse to provide electric service to any grain bin built near an existing electric line that does not provide the clearances required by the ANSI C2-2023 “National Electrical Safety Code,” Rule 234F. This paragraph applies only to grain bins loaded by portable augers, conveyors or elevators and built after September 9, 1992, or to grain bins loaded by permanently installed augers, conveyors, or elevator systems installed after December 24, 1997.

25.2(4) General rules.

a. *Joint-use construction.* Where it is mutually agreeable between an electric utility and a communication or cable television company, communication circuits or cables may be buried in the same trench or attached to the same supporting structure, provided this joint use is permitted by, and is constructed in compliance with, the Iowa electrical safety code.

b. *Lines.* In order to limit the residual currents and voltages arising from line unbalances, the resistance, inductance, capacitance and leakage conductance of each phase conductor of an electric supply circuit in any section shall be as nearly equal as practical to the corresponding quantities in the other phase conductors in the same section.

The ampacity of a multigrounded neutral conductor of an electric supply circuit shall be adequate for the load that it carries. The ampacity of a multigrounded neutral conductor of an electric supply circuit shall not be less than 60 percent of that of any phase conductor with which it is associated, except for three phase four wire wye circuits where it shall have ampacity not less than 50 percent of that of any associated phase conductor. In no case shall the resistance of a multigrounded neutral conductor exceed 3.6 ohms per mile. (This does not modify the mechanical strength requirements for conductors.) A multigrounded conductor installed and utilized primarily for lightning shielding of the

associated phase conductors need not comply with the above percentage ampacity requirements for neutral conductors.

Where the neutral conductor of the electric supply circuit is not multigrounded or in an inductive exposure involving communication or signal circuits and equipment where the controlling frequencies are 360 Hertz or lower, any neutral conductor shall have the same ampacity as the phase conductors with which it is associated.

25.2(5) Other references adopted.

a. The “National Electrical Code,” ANSI/NFPA 70-2023, as published on December 7, 2022, is adopted as a standard of accepted good practice for customer-owned electrical facilities beyond the utility point of delivery, except for installations subject to the provisions of the state fire marshal standards in rule 661—504.1(103).

b. “The Lineman’s and Cableman’s Handbook,” Fourteenth Edition; Shoemaker, Thomas M. and Mack, James E.; New York, McGraw-Hill Book Co., is adopted as a recommended guideline to implement the “National Electrical Safety Code” or “National Electrical Code,” and for developing the inspection and maintenance plans required by rule 199—25.3(476,478).

c. “ANSI S12.9-2013/Part 1” as published February 27, 2013; “ANSI S12.9-2013/Part 3” as published February 13, 2015; “ANSI S1.4-2014/Part 1” as published July 21, 2014; and “Institute of Electrical and Electronics Engineers Standard 656-2018” as published February 15, 2018, are adopted as standards for determining noise from electric transmission lines.

d. The “Institute of Electrical and Electronics Engineers Standard 644-2019” as published November 7, 2019, is adopted as the standard for measuring the electric field strength from electric transmission lines.

[ARC 9045C, IAB 3/19/25, effective 4/23/25; ARC 0404D, IAB 6/24/26, effective 7/29/26]

199—25.3(476,478) Inspection and maintenance plans.

25.3(1) Filing of plan. Each electric utility shall adopt and file with the commission a written plan for inspecting and maintaining its electric supply lines and substations (excluding generating stations) in order to determine the necessity for replacement, maintenance, and repair and for tree trimming or other vegetation management. If the plan is amended or altered, revised copies of the appropriate plan pages shall be filed.

25.3(2) Annual report. Each investor-owned, rate-regulated utility shall include as part of its annual report to the commission, as required by 199—Chapter 23, certification of compliance with each area of the inspection and maintenance plan required by subrule 25.3(1) or a detailed statement on areas of noncompliance.

25.3(3) Contents of plan. The inspection plan shall include the following elements:

a. General. A listing of all counties or parts of counties in which the utility has electric supply lines in Iowa. If the utility has district or regional offices responsible for implementation of a portion of the plan, the addresses of those offices and a description of the territory for which they are responsible shall also be included.

b. Inspection of lines, poles, and substations.

(1) Inspection schedules. The plan shall contain a schedule for the periodic inspection of the various units of the utility’s electric plant. The period between inspections shall be based on accepted good practice in the industry, but for lines and substations, the period shall not exceed ten years for any given line or piece of equipment. Lines operated at 34.5 kV or above shall be inspected at least annually for damage and to determine the condition of the overhead line insulators.

(2) Inspection coverage. The plan shall provide for the inspection of all supply line and substation units within the adopted inspection periods and shall include a complete listing of all categories of items to be checked during an inspection.

(3) Conduct of inspections. Inspections shall be conducted in a manner conducive to the identification of safety, maintenance, and reliability concerns or needs.

(4) Instructions to inspectors. Copies of instructions or guide materials used by utility inspectors in determining whether a facility is in acceptable condition or in need of corrective action or further investigation.

c. Tree trimming or vegetation management plan.

(1) Schedule. The plan shall contain a schedule for periodic tree trimming or other measures to control vegetation growth under or along the various units of the utility's electric plant. The period between inspections shall be based on accepted good practice in the industry and may vary depending on the nature of the vegetation at different locations.

(2) Procedures. The plan shall include written procedures for vegetation management. The procedures shall promote the safety and reliability of electric lines and facilities. Where tree trimming is employed, practices shall be adopted that will protect the health of the tree and reduce undesirable regrowth patterns.

d. Pole inspections. Pole inspections shall periodically include an examination of the poles that includes tests in addition to visual inspection in appropriate circumstances. These additional tests may include sounding, boring, groundline exposure, and, if applicable, pole treatment.

25.3(4) Records. Each utility shall keep sufficient records to demonstrate compliance with its inspection and vegetation management plans. For each inspection unit, the records of line and substation inspections and pole inspections shall include the inspection date(s), the findings of the inspection, and the disposition or scheduling of repairs or maintenance found necessary during the inspection. For each inspection unit, the records of vegetation management shall include the date(s) during which the work was conducted. The records shall be kept until two years after the next periodic inspection or vegetation management action in the inspection and maintenance plan cycle is completed or until all necessary repairs and maintenance are completed, whichever is longer.

25.3(5) Guidelines. Applicable portions of Rural Utilities Service (RUS) Bulletins 1730-1, as approved on September 23, 2016; 1730B-121, as approved August 13, 2013; and 1724E-300, as approved June 7, 2001; and "The Lineman's and Cableman's Handbook" are suggested as guidelines for the development and implementation of an inspection plan. ANSI A300 (Part 1)-2017, "Pruning," as published April 2017, and Section 35 of "The Lineman's and Cableman's Handbook" are suggested as guides for tree trimming practices.

[ARC 9045C, IAB 3/19/25, effective 4/23/25]

199—25.4(476,478) Correction of problems found during inspections and pole attachment procedures.

25.4(1) Corrective action shall be taken within a reasonable period of time on all potentially hazardous conditions, instances of safety code noncompliance, maintenance needs, potential threats to safety and reliability, or other concerns identified during inspections. Hazardous conditions shall be corrected promptly. In addition to the general requirements stated in this subrule, pole attachments shall comply with the specific requirements and procedures established in subrule 25.4(2).

25.4(2) To ensure the safety of pole attachments to poles owned by utilities in Iowa, this subrule establishes requirements for attaching electric lines, communications lines, cable systems, video service lines, data lines, wireless antennae and other wireless facilities, or similar lines and facilities that are attached to the excess space on poles owned by utilities.

a. Definitions. The following definitions apply to this rule.

"Pole" means any pole owned by a utility that carries electric lines, communications lines, cable systems, video service lines, data service lines, wireless antennae or other wireless facilities, or similar lines and facilities.

"Pole attachment" means any electric line, communication circuit, cable system, video service line, data service line, antenna and other associated wireless equipment, or similar lines and facilities attached to a pole or other supporting structure subject to the safety jurisdiction of the commission pursuant to the Iowa electrical safety code, rule 199—25.2(476,476A,478).

“Pole occupant” means any electric utility, telecommunications carrier, cable system provider, video service provider, data service provider, wireless service provider, or similar person or entity that constructs, operates, or maintains pole attachments as defined in this chapter.

“Pole owner” means a utility that owns poles subject to the safety jurisdiction of the commission pursuant to the Iowa electrical safety code, rule 199—25.2(476,476A,478).

b. Compliance with Iowa electrical safety code. Pole attachments to poles shall be constructed, installed, operated, and maintained in compliance with the Iowa electrical safety code, rule 199—25.2(476,476A,478), and the requirements and procedures established in this subrule.

c. Requests for access to poles; exceptions for service drops and overlashing.

(1) A pole owner shall provide nondiscriminatory access to poles it owns, to the extent required by federal or state law. Requests for access to poles by an electric utility, telecommunications carrier, cable system operator, video service provider, data service provider, wireless service provider, or similar person or entity shall be made in writing or by any method as may be agreed upon by the pole owner and the person or entity requesting access to the pole. If access is denied, the pole owner shall explain in detail the specific reason for denial and how the denial relates to reasons of lack of capacity, safety, reliability, or engineering standards.

(2) Service drops are not subject to the notice and approval requirements in subparagraph 25.4(2)“c”(1). Instead, pole occupants shall provide notice to pole owners within 30 days of the installation of a new service drop unless the pole occupant and pole owner have negotiated a different notification requirement.

(3) Overlashing of existing lines is not subject to the notice and approval requirements in subparagraph 25.4(2)“c”(1). Pole occupants shall provide notice to pole owners of proposed overlashing at least seven days prior to installation of the overlashing unless the pole occupant and pole owner have negotiated a different notification requirement.

d. Notification of violation. A pole owner shall notify in writing a pole occupant of an alleged violation of the Iowa electrical safety code by a pole attachment owned by the pole occupant or may provide notice by another method as may be agreed upon by the parties to a pole attachment agreement. The notice shall include the address and pole location where the alleged violation occurred, a description of the alleged violation, and suggested corrective action.

e. Corrective action.

(1) Upon receipt of notification from a pole owner that the pole occupant has one or more pole attachments in violation of the Iowa electrical safety code, the pole occupant shall respond to the pole owner within 60 days in writing or by another method as may be agreed upon by the pole occupant and the pole owner. The response shall provide a plan for corrective action, state that the violation has been corrected, indicate that the pole attachment is owned by a different pole occupant, or indicate that the pole occupant disputes that a violation has occurred. The violation shall be corrected within 180 days of the date notification is received unless good cause is shown for any delay in taking corrective action. A disagreement that a violation has occurred, a claim that correction is not possible within the specific time frames due to events beyond the control of the pole occupant, or a claim that a different pole occupant is responsible for the alleged violation will be considered good cause to extend the time for taking corrective action. The pole occupant and pole owner may also agree to an extension of the time for taking corrective action. The pole owner and pole occupant shall cooperate in determining the cause of a violation and an efficient and cost-effective method of correcting a violation.

(2) If the violation could reasonably be expected to endanger life or property, the pole occupant shall take the necessary action to correct, disconnect, or isolate the problem immediately upon notification. If immediate corrective action is not taken by the pole occupant for a violation that could reasonably be expected to endanger life or property, the pole owner may take the necessary corrective action and the pole occupant shall reimburse the pole owner for the actual cost of any corrective measures. If the pole owner is later determined to have caused the violation and the pole occupant has taken corrective action, the pole owner shall reimburse the pole occupant for the actual cost of

the corrective action. Disputes concerning the ownership of the pole attachment should be resolved as quickly as possible.

f. Negotiated resolution of disputes. Parties to disputes over alleged violations of the Iowa electrical safety code, the cause of a violation, the pole occupant responsible for the violation, the cost-effective corrective action, or any other dispute regarding the provisions of subrule 25.4(2) shall attempt to resolve disputes through good-faith negotiations. Parties may file an informal complaint with the commission pursuant to 199—Chapter 6 as part of negotiations.

g. Complaints. Complaints concerning the requirements or procedures established in subrule 25.4(2), including alleged violations of the Iowa electrical safety code, may be filed with the commission by pole owners or pole occupants pursuant to the complaint procedures in 199—Chapter 6.

h. Civil penalties. Persons found to have violated the provisions of subrule 25.4(2) may be subject to civil penalties pursuant to Iowa Code section 476.51 or to other action by the commission.

[ARC 9045C, IAB 3/19/25, effective 4/23/25]

199—25.5(476,478) Accident reports. This rule applies to all owners or operators of electrical facilities subject to the safety jurisdiction of the commission under this chapter.

25.5(1) All owners and operators of electrical facilities subject to the safety jurisdiction of the commission shall provide the commission with a 24-hour contact number where the commission can obtain immediate access to a person knowledgeable about any incidents involving contact with energized electrical facilities.

25.5(2) All owners and operators of electrical facilities subject to the safety jurisdiction of the commission shall notify the commission of any incident or accident involving contact with energized electrical facilities that meets one or more of the following conditions:

- a.* An employee or other person coming in contact with energized electrical facilities that results in death or personal injury necessitating in-patient hospitalization.
- b.* Estimated property damage of \$25,000 or more to the property of the utility and others.
- c.* Any other incident considered significant by the company.
- d.* Any electrical lines being taken out of service for longer than 12 hours due to physical contact with the electrical lines.

25.5(3) The commission shall be notified immediately, or as soon as practical thereafter, by email to the commission duty officer at dutyofficer@iuc.iowa.gov or, if email service is not available, by calling 515.745.2332. The person contacting the commission shall leave a telephone number of a person who can provide the following information:

- a.* The name of the company, the name and telephone number of the person making the report, and the name and telephone number of a contact person knowledgeable about the incident.
- b.* The location of the incident.
- c.* The time of the incident.
- d.* The number of deaths or personal injuries requiring in-patient hospitalization and the extent of those injuries.
- e.* Initial estimate of damages.
- f.* A summary of the significant information available regarding the probable cause of the incident and extent of damages.

g. Any oral or written report made to a federal agency, the agency receiving the report, and the name and telephone number of the person who made or prepared the report.

25.5(4) Written incident reports. Within 30 days of the date of the incident, the owner or operator shall file a written report with the commission. The report shall include the information required for notice in subrule 25.5(3), the probable cause as determined by the company, the number and cause of any deaths or personal injuries requiring in-patient hospitalization, and a detailed description of property damage and the amount of monetary damages. If significant additional information becomes available at a later date, a supplemental report shall be filed. Duplicate copies of any written reports

filed with or submitted to a federal agency concerning the incident shall also be provided to the commission.

[ARC 9045C, IAB 3/19/25, effective 4/23/25]

199—25.6(476,478) Additional requirements for higher voltage transmission lines. This rule applies to overhead electric transmission lines with a maximum operation voltage of 170,000 volts or greater for which petitions have been filed pursuant to rule 199—11.5(478) or 199—11.6(478) after January 1, 2027.

25.6(1) Noise restriction. The audible noise from an overhead electric transmission line during a measurement period shall not exceed 55 dBA for more than 50 percent of the measured time. The measurement shall be one hour in length, adjusted for ambient noise, A-weighted, fast-time averaged, and be taken at the edge of the total combined transmission line right-of-way.

25.6(2) Electric field strength restriction. The electric field strength from an overhead electric transmission line shall not be greater than 6,000 volts per meter when measured one meter above the ground anywhere within the transmission line right-of-way.

25.6(3) Guy restriction. Overhead electric transmission line structures primarily reliant on guys for support shall not be constructed on crop and pasture land except by agreement with the landowner to specifically allow the use of such structures.

[ARC 0404D, IAB 6/24/26, effective 7/29/26]

These rules are intended to implement Iowa Code chapter 478.

[Filed 4/10/79, Notices 5/3/78, 8/23/78—published 5/2/79, effective 6/6/79]

[Filed 11/19/82, Notice 9/1/82—published 12/8/82, effective 1/12/83]

[Filed 1/28/83, Notice 12/8/82—published 2/16/83, effective 3/23/83]

[Filed emergency 9/18/86—published 10/8/86, effective 9/18/86]

[Filed 11/18/91, Notice 4/17/91—published 12/11/91, effective 1/15/92]

[Filed 7/15/92, Notice 12/11/91—published 8/5/92, effective 9/9/92]^o

[Filed 10/20/94, Notice 6/22/94—published 11/9/94, effective 12/14/94]

[Filed 10/31/97, Notice 5/7/97—published 11/19/97, effective 12/24/97]

[Filed 10/13/99, Notice 5/19/99—published 11/3/99, effective 12/8/99]

[Filed 3/29/02, Notice 2/6/02—published 4/17/02, effective 5/22/02]

[Filed 10/25/02, Notice 3/6/02—published 11/13/02, effective 12/18/02]

[Filed 4/24/03, Notice 12/11/02—published 5/14/03, effective 6/18/03]

[Filed 9/24/04, Notice 8/18/04—published 10/13/04, effective 11/17/04]

[Filed 5/2/07, Notice 3/28/07—published 5/23/07, effective 6/27/07]

[Filed 6/14/07, Notice 12/20/06—published 7/4/07, effective 8/8/07]

[Filed 12/27/07, Notice 9/26/07—published 1/30/08, effective 3/5/08]

[Filed ARC 7962B (Notice ARC 7749B, IAB 5/6/09), IAB 7/15/09, effective 8/19/09]

[Editorial change: IAC Supplement 12/29/10]

[Filed ARC 9501B (Notice ARC 9394B, IAB 2/23/11), IAB 5/18/11, effective 6/22/11]

[Filed ARC 1259C (Notice ARC 0784C, IAB 6/12/13), IAB 1/8/14, effective 2/12/14]

[Filed ARC 1359C (Notice ARC 1169C, IAB 11/13/13), IAB 3/5/14, effective 4/9/14]

[Filed ARC 1623C (Notice ARC 1460C, IAB 5/14/14), IAB 9/17/14, effective 10/22/14]

[Filed ARC 2711C (Notice ARC 2499C, IAB 4/13/16), IAB 9/14/16, effective 10/19/16]

[Filed ARC 3010C (Notice ARC 2815C, IAB 11/23/16), IAB 3/29/17, effective 5/3/17]

[Filed ARC 5531C (Notice ARC 5153C, IAB 8/26/20), IAB 3/24/21, effective 4/28/21]

[Editorial change: IAC Supplement 7/24/24]

[Filed ARC 9045C (Notice ARC 8200C, IAB 8/21/24), IAB 3/19/25, effective 4/23/25]

[Filed ARC 0404D (Notice ARC 0172D, IAB 4/1/26), IAB 6/24/26, effective 7/29/26]

◇ Two or more ARCs

CHAPTERS 46 to 2504
Reserved

CHAPTER 2505
FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/1/31

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapters are below.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2505.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination.

2505.5(4) *Compliance.* If a request complies with 7—subrule 2505.5(2), a record will be temporarily withheld from public inspection. The commission will examine the record to determine whether the information in the record should be afforded confidentiality. If the request is granted, the ruling will be placed in a publicly accessible file in lieu of the record withheld from public inspection. If no objection to the request for confidential treatment is filed within 20 days, the commission may defer consideration of the request until a public records request is made for the record or information, and the record or information shall be withheld from public inspection subject to the provisions of rule 7—2505.4(17A,22).

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2505.9(17A,22) Records not routinely available for public inspection.

2505.9(1) *Tax records.* The commission is required to withhold tax records from public inspection pursuant to Iowa Code section 422.20.

2505.9(2) *Records exempted pursuant to requests deemed granted by the commission.* Requests to withhold from public inspection the records and information listed in the paragraphs below are deemed granted by the commission pursuant to Iowa Code section 22.7(3) or 22.7(6) or both, provided that the confidential portions of the filings are identified as confidential and filed as provided in 199—Chapter 14, and an attorney for the company or corporate officer avers that the material or information satisfies the requirements in Iowa Code section 22.7(3) or 22.7(6) or both. The records or information filed pursuant to this subrule will be deemed confidential upon the filer's receipt of a notice of electronic filing without further review or acknowledgement by the commission, and the record or information will be withheld from public inspection subject to the provisions of subrule 2505.5(4).

- a. Negotiated transportation rates and prices for natural gas supply.
- b. Reservation charges for portfolio gas supply contracts.
- c. Terms and prices for all hedging activity, including financial hedges and weather-related information.
- d. Sales data by individual natural gas customer.
- e. Natural gas purchase volumes by individual receipt point, by pipeline.
- f. Specific gas costs included in interstate pipeline contracts and contracted volume quantities, invoices, commodity contracts, and individual commodity purchases and invoices.
- g. Design day forecasting model reserve margin calculations for natural gas service.
- h. Negotiated purchase prices for electric power, fuel, and transportation.
- i. Electric customer-specific information.
- j. Power supply bills in support of energy adjustment clause filings.
- k. Network improvement and maintenance plans and related extensions and progress reports filed with the commission pursuant to 199—Chapter 39.
- l. Wireless coverage area maps depicting signal strength filed with the commission pursuant to 199—Chapter 39.

m. Revenue recovery amounts and loop or line count data filed with the commission pursuant to 199—Chapter 39.

n. Financial reports and loop or line count data included in rate floor data filed with the commission pursuant to 199—Chapter 39.

o. Loop or line count data included in rate floor data updates filed with the commission pursuant to 199—Chapter 39.

p. The financial records filed by applicants for certificates of convenience and necessity to provide competitive local exchange service.

q. The financial records, number of customers, and volumes filed by competitive natural gas providers in each company's annual report. The aggregate total sales volume is not granted confidential treatment by this paragraph.

r. The financial information regarding affiliate transactions required for rate-regulated utilities. This information is subject to staff and legal review to ensure the information protected is similar to other information included in this paragraph.

s. Information filed in a particular docket that is of the same type, nature, and scope as information for which the commission previously granted confidentiality in that same docket.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

[Filed Emergency ARC 0375D, IAB 6/24/26, effective 6/1/26]

CHAPTER 2506 CONTESTED CASES

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/1/31

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. The commission adopts this chapter as an exception in full to 7—Chapter 2506.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.1(17A,474,476) Scope and applicability.

2506.1(1) This chapter applies to contested case proceedings, investigations, and other proceedings conducted by the commission or a presiding officer unless the proceedings have specific procedures established in commission rules. If there are no other applicable procedural rules, this chapter applies to other types of agency action unless the commission or presiding officer orders otherwise. The rules in this chapter regarding the content and format of pleadings, testimony, workpapers, and other supporting documents apply to both paper filings and electronic filings made pursuant to 199—Chapter 14. The rules in this chapter regarding filing, service, and the necessary number of copies apply to paper filings. The filing and service of electronically filed documents are governed by 199—Chapter 14. The commission has established additional procedural requirements in other chapters as described in subrules 2506.1(2) through 2506.1(5).

2506.1(2) Additional rules applicable only to rate cases, tariff filings, and rate regulation election by rural electric cooperatives are contained in 199—Chapter 26.

2506.1(3) Notice of inquiry dockets and investigations. The commission may issue a notice of inquiry or open an investigation and establish a docket through which the inquiry or investigation can be processed. The procedural rules in this chapter apply to these dockets unless otherwise ordered by the commission or presiding officer.

2506.1(4) Reorganizations. Procedural rules applicable to reorganizations are included in rule 199—32.5(476). In the event the requirements in rule 199—32.5(476) conflict with the requirements in this chapter, the requirements in rule 199—32.5(476) are controlling.

2506.1(5) Discontinuance of service incident to utility property transfer. This subrule does not apply to telecommunications service providers registered with the commission pursuant to Iowa Code section 476.95A.

a. Scope. This rule applies to discontinuance of utility service pursuant to Iowa Code section 476.20(1), which includes the termination or transfer of the right and duty to provide utility service to a community or part of a community incident to the transfer, by sale or otherwise, except a stock transfer incident to corporate reorganization.

b. Application. An application for permission to discontinue service should include a summary of the relevant facts and the grounds upon which the application should be granted. When the discontinuance of service is incident to the transfer of utility property, a joint application will be filed by the transferor utility and the transferee.

c. Approval. Within 30 days after an application is filed, the commission will approve the application or docket the application for further investigation.

d. Contested cases. Contested cases under paragraph 2506.1(5) “c” will be completed within four months after the date of docketing.

e. Criteria. The application will be granted if the commission finds the utility service is no longer necessary or if the commission finds the transferee is ready, willing, and able to provide comparable utility service.

2506.1(6) The purpose of these rules is to facilitate the transaction of business before the commission and to promote the just resolution of controversies. Consistent with this purpose,

the application of any of these rules, unless otherwise prescribed by law, may be waived by the commission or presiding officer pursuant to 7—Chapter 2504.

2506.1(7) Procedural orders.

a. Authority to issue procedural orders in all proceedings, including contested case proceedings, investigations, and all other dockets and matters before the commission when a majority of the commission is not available due to emergency, or for the efficient and reasonable conduct of proceedings, is granted to a single commission member. If no member of the commission is available to issue a procedural order due to emergency, or for the efficient and reasonable conduct of proceedings, the procedural order may be issued by a presiding officer designated by the commission. If a presiding officer is not available to issue a procedural order due to an emergency, or for the efficient and reasonable conduct of proceedings, a procedural order may be issued by the general counsel of the commission.

b. Procedural orders under this subrule will be issued only upon the showing of good cause and when the prejudice to a nonmoving party is not great. The procedural order under this subrule will state that it is issued pursuant to the delegation authority established in this subrule and that the procedural order so issued is subject to review by the commission upon its own motion or upon motion by any party or other interested person.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.2(17A,476) Definitions. Except where otherwise specifically defined by law:

“Commission” means the Iowa utilities commission or a majority thereof.

“Complainants” means persons who complain to the commission of any act or thing done or omitted to be done in violation, or claimed to be in violation, of any provision of Iowa Code chapters 476 through 476C, 477, 477A, and 477C through 479B or of any order or rule of the commission.

“Consumer advocate” means the office of consumer advocate, a division of the Iowa department of justice, referred to in Iowa Code chapter 475A.

“Contested case” means a proceeding defined by Iowa Code section 17A.2(5) and includes any matter defined as a no factual dispute contested case under Iowa Code section 17A.10A.

“Data request” means a discovery procedure in which the requesting party asks another person for specified information or requests the production of documents.

“Expedited proceeding” means a proceeding before the commission in which a statutory or other provision of law directs the commission to render a decision in the proceeding in six months or less.

“Filed” means “accepted for filing” by the commission as defined in rule 199—14.3(17A,476).

“Intervenor” means any person who, upon written petition, is permitted to intervene as a party in a specific proceeding before the commission.

“Issuance” means the date on which an order is uploaded into the commission’s electronic filing system.

“Party” means each person named or admitted as a party in a proceeding before the commission.

“Person” means the same as defined in Iowa Code section 4.1(20) and includes individuals and all forms of legal entities.

“Petitioner” or *“applicant”* means any party who, by written petition, application, or other filing, applies for or seeks relief from the commission.

“Presiding officer” means one commission member or another person designated by the commission with the authority to preside over a particular proceeding or matter before the commission.

“Proposed decision” means the presiding officer’s recommended findings of fact, conclusions of law, decision, and order in a proceeding that has been assigned by the commission to the presiding officer.

“Service” means service as prescribed in 199—Chapter 14.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.3(17A,476) Presiding officers. Presiding officers may be designated by the commission to preside over contested cases or other proceedings and conduct hearings and have the following authority unless otherwise ordered by the commission:

1. To regulate the course of hearings;
2. To administer oaths and affirmations;
3. To rule upon the admissibility of evidence and offers of proof;
4. To take or cause depositions to be taken;
5. To dispose of procedural matters, discovery disputes, motions to dismiss, and other motions that may involve final determination of proceedings, subject to review by the commission on its own motion or upon application by any party;
6. To certify any question to the commission, in the discretion of the presiding officer or upon direction of the commission;
7. To permit and schedule the filing of written briefs;
8. To hold appropriate conferences before, during, or after hearings;
9. To render a proposed decision and order in a contested case proceeding, or other proceeding, subject to review by the commission on its own motion or upon appeal by any party; and
10. To take any other action necessary or appropriate to the discharge of duties vested in the presiding officer, consistent with law and with the rules and orders of the commission.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.4(17A,474,476) General information.

2506.4(1) Orders. All orders will be issued and uploaded into the commission's electronic filing system. Orders are effective upon acceptance into the electronic filing system unless otherwise provided in the order. Orders and other filings in dockets may be viewed in the specific docket accessed through the commission's electronic filing system.

2506.4(2) Communications.

a. Electronic communications. Unless otherwise specifically provided, all electronic communications and documents are officially filed when they are accepted for filing as defined in rule 199—14.3(17A,476). The electronic service provisions in the "electronic service" rule in 199—Chapter 14 apply.

b. Paper filings. Paper filings may only be made with commission approval, except for filings made pursuant to the exceptions in rule 199—14.4(17A,476).

2506.4(3) Reference to docket number. The applicable docket number(s) should be included on the first page of all filings.

2506.4(4) Defective filings. Only submissions that conform to the requirements of the applicable rule, statute, or order of the commission or presiding officer will be accepted for filing, and submissions that fail to substantially conform with the applicable requirements will be considered defective and may be rejected unless waiver of the relevant requirement has been granted by the commission or presiding officer prior to filing. The commission or presiding officer may reject a filing even though commission employees have file-stamped or otherwise acknowledged receipt of the filing.

2506.4(5) Service of documents.

a. Method of service.

(1) Paper service. Paper service of filings is only necessary on those parties, or persons, whom the commission has approved to receive paper service. All filings served by paper are to be filed electronically pursuant to the "electronic service" rule in 199—Chapter 14 in the appropriate docket in the electronic filing system, include a certificate of service, and be served on the consumer advocate.

(2) Electronic service. The commission's rule regarding electronic service is the "electronic service" rule in 199—Chapter 14.

(3) Service of documents containing confidential information. Parties may condition the service of unredacted documents containing confidential information on the execution of a confidentiality

agreement. If the parties are unable to agree on a confidentiality agreement, they may ask the commission or presiding officer to issue an appropriate order.

b. Date of service.

(1) Paper service. Unless otherwise ordered by the commission or presiding officer, the date of service is the day when the document served is deposited in the United States mail or overnight delivery, is delivered in person, or otherwise as the parties may agree. Although service is effective, the document is not deemed filed with the commission until it is received by the commission.

(2) The commission's rule regarding electronic service is the "electronic service" rule in 199—Chapter 14.

c. Service upon attorneys. When a party has appeared by attorney, service upon the attorney is deemed proper service upon the party.

2506.4(6) Appearance. Each party to a proceeding is to file a written appearance in the docket that identifies one person upon whom the commission may electronically serve all orders, correspondence, or other documents. If a party has previously designated a person to be served on the party's behalf in all matters, filing the appearance will not change this designation unless the party directs that the designated person be changed in the appearance. If a person files an application, petition, or other initial pleading, or an answer or other responsive pleading on behalf of a party, containing the person's contact information, the filing of a separate appearance is not necessary. The appearance may be filed with the party's initial filing in the proceeding or may be filed after the proceeding has been docketed.

2506.4(7) Representation by attorney.

a. Any party to a proceeding before the commission or a presiding officer may appear and be heard through a licensed attorney. If the attorney is not licensed by the state of Iowa, the attorney is to apply for admission pro hac vice pursuant to and abide by the provisions of Iowa Court Rule 31.14.

b. A corporation or association may appear and present evidence by an officer or employee. However, only licensed attorneys may represent a party before the commission or a presiding officer in any matter involving the exercise of legal skill or knowledge, except with the consent of the commission or presiding officer. All persons appearing in proceedings before the commission or a presiding officer shall conform to the standard of ethical conduct applicable to attorneys appearing before the courts of Iowa.

2506.4(8) Expedited proceedings.

a. If a person claims that a provision of law imposes an obligation on the commission to render a decision in a contested case in six months or less, the person will include the phrase "expedited proceedings" in the caption of the first pleading filed by the person in the proceeding and set the basis for the claim in the body of the pleading. If the phrase is not so included in the caption, the commission or presiding officer may find and order that the proceeding did not commence for time calculation purposes until the date on which the first pleading containing the "expedited proceedings" phrase is filed or such other date that the commission or presiding officer finds is just and reasonable under the circumstances.

b. Shortened time limits applicable to expedited proceedings are contained in rules 199—2506.9(17A,476) (pleadings and answers), 199—2506.12(17A,476) (motions), 199—2506.13(17A,476) (intervention), 199—2506.15(17A,476) (discovery), and 199—2506.26(17A,476) (appeals from proposed decisions). An additional service requirement applicable to expedited proceedings is contained in subrule 2506.4(5) (service of documents).

c. A party may file a motion that proceedings be expedited even though such treatment is not mandated by statute or other provision of law. Such voluntary expedited treatment may be granted at the commission's or presiding officer's discretion in appropriate circumstances considering the needs of the parties and the interests of justice. In these voluntary expedited proceedings, the commission or presiding officer may shorten the filing dates or other procedures established in this chapter. The shortened time limits and additional service requirement applicable to expedited proceedings established in this chapter and listed in subrule 2506.4(8) do not apply to voluntary

expedited proceedings under this paragraph unless ordered by the commission or presiding officer. If a party requests an expedited proceeding pursuant to this paragraph, the party will include “Expedited Proceedings” in the title.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.5(17A,476) Time requirements.

2506.5(1) Time is computed as provided in Iowa Code section 4.1(34).

2506.5(2) In response to a request or on its own motion, for good cause, the commission or presiding officer may extend or shorten the time to take any action, except as precluded by statute.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.6(17A,476) Electronic proceedings. The commission or presiding officer may hold proceedings by telephone conference call or other electronic means, such as a webinar service, in which all parties have an opportunity to participate. The commission or presiding officer will determine the location of the parties and witnesses for electronic proceedings. The convenience of the witnesses or parties, as well as the nature of the case, will be considered when locations are determined.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.7(17A,476) Electronic information. Filing of electronic information shall comply with the commission’s rules on electronic filing in 199—Chapter 14 and the commission’s published standards for electronic information, available on the commission’s website at iuc.iowa.gov or from the commission’s customer service center.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.8(17A,476) Delivery of notice of hearing. When the commission or presiding officer issues an order containing a notice of hearing, delivery of the order will be by electronic notice through the electronic filing system, and to those persons who have been approved to receive paper documents unless otherwise ordered.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.9(17A,476) Pleadings and answers.

2506.9(1) *Pleadings.* Pleadings may be filed pursuant to statute, rule, or order or filed to initiate a docket.

2506.9(2) *Answers.*

a. Unless otherwise ordered by the commission or presiding officer, answers to complaints, petitions, applications, or other pleadings shall be filed with the commission within 20 days after the day on which the pleading being answered was filed in the commission’s electronic filing system and served upon the respondent or other party. However, when a provision of law requires that the commission issue a decision in the case in six months or less, the answer shall be filed with the commission within ten days of service of the pleading being answered unless otherwise ordered by the commission or presiding officer.

b. An answer will specifically admit, deny, or otherwise answer all material allegations of the pleadings and also briefly set forth the affirmative grounds relied upon to support each answer.

c. Any party who deems the complaint, petition, application, or other pleading insufficient to show a breach of legal duty or grounds for relief may move to dismiss instead of, or in addition to, answering.

d. A party may apply for a more definitive and detailed statement instead of, or in addition to, answering, if appropriate.

2506.9(3) *Amendments to pleadings.* Amendments to pleadings may be allowed upon proper motion at any time during the pendency of the proceeding upon such terms as are just and reasonable.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.10(17A,476) Prefiled testimony and exhibits.

2506.10(1) The commission or presiding officer may order the parties to file prefiled testimony and exhibits prior to the hearing. The use of prefiled testimony is the standard method for providing testimony in contested cases and other proceedings.

2506.10(2) Prefiled testimony contains all statements that a witness intends to give under oath at the hearing, set forth in question and answer form. If possible, each line should be separately numbered. When a witness who has submitted prefiled testimony takes the stand, the witness does not ordinarily repeat the written testimony or give new testimony. Instead, the witness is cross-examined by the other parties concerning the statements already made in writing. However, the witness may be permitted to correct or update prefiled testimony on the stand and, in appropriate circumstances and with the approval of the commission or presiding officer, may give a summary of the prefiled testimony. If the witness has more than three substantive corrections to make to the prefiled testimony or exhibits, then the corrected testimony or exhibits shall be filed in the appropriate docket in the commission's electronic filing system at least three days prior to the hearing. The prefiled testimony and any exhibits are to be marked and identified in conformance with the commission's approved naming convention provided on the commission's electronic filing system website or as directed in a commission order.

2506.10(3) Prefiled testimony and exhibits are to be accompanied by an affidavit in substantially the following form: "I, [person's name], being first duly sworn on oath, state that I am the same [person's name] identified in the testimony being filed with this affidavit, that I have caused the testimony [and exhibits] to be prepared and am familiar with its contents, and that the testimony [and exhibits] is true and correct to the best of my knowledge and belief as of the date of this affidavit."

2506.10(4) Prefiled testimony, exhibits, and supporting documents shall be filed in the commission's electronic filing system in conformance with this rule and the following:

a. All supporting workpapers.

(1) The commission's standards for electronic information, which are available on the commission's website or from the commission's customer service center, govern the filing of electronic workpapers in native electronic formats.

(2) Workpapers' underlying analyses and data presented in exhibits should be explicitly referenced within the exhibit, including the name and other identifiers (e.g., cell coordinates) for electronic workpapers and volume, tab, and page numbers for other workpapers.

(3) The source of any number used in a workpaper that was not generated by that workpaper will be identified.

b. The derivation or source of all numbers used in either testimony or exhibits that were not generated by workpapers.

c. Copies of any specific studies or financial literature relied upon or complete citations for them if publicly available.

d. Electronic copies, in native electronic format, of all computer-generated exhibits that comply with the commission's standards for electronic information, which are available on the commission's website or from the commission's customer service center.

2506.10(5) The commission's standards for electronic information, which are available on the commission's website or from the commission's customer service center, and the electronic filing rules in 199—Chapter 14 govern the filing of prefiled testimony and exhibits.

2506.10(6) If a party has filed part or all of its prefiled testimony and exhibits as confidential and then later withdraws the claim of confidentiality for part or all of the testimony and exhibits, or if the commission denies the request to hold the testimony and exhibits confidential, the party shall refile the testimony and exhibits with the information made public.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.11(17A,476) Documentary evidence in books and materials. When documentary evidence being offered is contained in a book, report, or other document, the offering party will file only the material, relevant portions in an exhibit.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.12(17A,476) Motions. Motions, unless made during hearing, are to be in writing, state the grounds for relief, and state the relief or order sought. Motions based on matters that do not appear of record may be supported by affidavit or other evidence. The filing of motions is governed by 199—Chapter 14. Any party may file a written response to a motion no later than 14 days from the date the motion is filed unless the time period is extended or shortened by the commission or presiding officer. When a provision of law directs the commission to issue a decision in the case in six months or less, a party filing a written response is to do so within seven days from the date the motion is filed unless otherwise ordered by the commission or presiding officer. Failure to file a timely response may be deemed a waiver of objection to the motion. Requirements regarding motions related to discovery are contained in rule 199—2506.15(17A,476).

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.13(17A,476) Intervention.

2506.13(1) Petition. Unless otherwise ordered by the commission or presiding officer, a request to intervene in a proceeding shall be by petition to intervene filed no later than 20 days following the order setting a procedural schedule. However, when a provision of law directs the commission to issue a decision in the case in six months or less, the petition to intervene is to be filed no later than ten days following the order setting a procedural schedule unless otherwise ordered by the commission or presiding officer.

2506.13(2) Response. Any party may file a response within seven days of service of the petition to intervene unless the time period is extended or shortened by the commission or presiding officer.

2506.13(3) Grounds for intervention. Any person having an interest in the subject matter of a proceeding may be permitted to intervene at the discretion of the commission or presiding officer. In determining whether to grant intervention, the commission or presiding officer will consider:

- a.* The prospective intervenor's interest in the subject matter of the proceeding;
- b.* The effect of a decision that may be rendered upon the prospective intervenor's interest;
- c.* The extent to which the prospective intervenor's interest will be represented by other parties;
- d.* The availability of other means by which the prospective intervenor's interest may be protected;
- e.* The extent to which the prospective intervenor's participation may reasonably be expected to assist in the development of a sound record through presentation of relevant evidence and argument; and
- f.* Any other relevant factors.

2506.13(4) In determining the extent to which the prospective intervenor's interest will be represented by other parties, the consumer advocate's role of representing the public interest will not be interpreted as representing every potential interest in a proceeding.

2506.13(5) The commission or presiding officer may limit a person's intervention to particular issues or to a particular stage of the proceeding, or may otherwise condition the intervenor's participation in the proceeding. Leave to intervene is generally granted by the commission or presiding officer to any person with a cognizable interest in the proceeding.

2506.13(6) When two or more intervenors have substantially the same interest, the commission or presiding officer, in the commission's or presiding officer's discretion, may order consolidation of petitions and briefs and limit the number of attorneys allowed to participate actively in the proceedings to avoid a duplication of effort.

2506.13(7) A person granted leave to intervene is a party to the proceeding. However, unless the commission or presiding officer rules otherwise for good cause shown, an intervenor is bound by any agreement, arrangement, or order previously made or issued in the case.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.14(17A,476) Consolidation and severance.

2506.14(1) Consolidation. The commission or presiding officer may consolidate in one docket any or all matters at issue in two or more dockets. When deciding whether to consolidate, the commission or presiding officer may consider:

- a.* Whether the matters at issue involve common parties or common questions of fact or law;
- b.* Whether consolidation is likely to expedite or simplify consideration of the issues involved;
- c.* Whether consolidation would adversely affect the substantial rights of any of the parties to the proceedings; and
- d.* Any other relevant factors.

2506.14(2) Severance. The commission or presiding officer may order any contested case or portions thereof severed for good cause.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.15(17A,476) Discovery.

2506.15(1) Discovery procedures applicable in civil actions are available to parties in contested cases.

2506.15(2) Unless otherwise ordered by the commission or presiding officer or agreed to by the parties, data requests or interrogatories served by any party shall either be responded to or objected to, with concisely stated grounds for relief, within seven business days of receipt. When a provision of law directs the commission to issue a decision in the case in six months or less, this time is reduced to five days. Data requests or interrogatories served on a day the commission is closed or after 4:30 p.m. central time on a day the commission is open are considered served on the next business day.

2506.15(3) Unless otherwise ordered by the commission or presiding officer, time periods for compliance with all forms of discovery other than those stated in subrule 2506.15(2) are the same as those provided in the Iowa Rules of Civil Procedure.

2506.15(4) A party shall make a good faith effort to resolve a discovery dispute by personally speaking with or attempting to speak with the opposing party before filing a discovery motion with the commission. A motion relating to discovery must set forth the date and time the moving party spoke with or attempted to speak with the opposing party in a good faith attempt to resolve the dispute.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.16(17A,476) Subpoenas.

2506.16(1) Issuance.

a. An agency subpoena will be issued to a party on a written request that includes the name, address, and telephone number of the requesting party. In the absence of good cause for permitting later action, a request for a subpoena will be filed at least seven days before the scheduled hearing.

b. Except to the extent otherwise provided by law, parties are responsible for service of their own subpoenas and payment of witness fees and mileage expenses. Subpoenas cannot be served electronically through the electronic filing system.

2506.16(2) Motion to quash or modify. Upon motion, the commission or presiding officer may quash or modify a subpoena for any lawful reason.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.17(17A,476) Prehearing or scheduling conference. The commission or presiding officer may schedule a prehearing conference, scheduling conference, or other informal conference at the commission's or presiding officer's discretion or at the request of any party for any appropriate purpose. Any agreement reached at the conference will be made a part of the record in the manner directed by the commission or presiding officer.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.18(17A,476) Settlements. Parties to a contested case may propose to settle all or some of the issues in the case. The commission or presiding officer will not approve settlements, whether contested or uncontested, unless the settlement is reasonable in light of the whole record, consistent with law, and in the public interest. Commission adoption of a settlement constitutes the final decision of the commission on issues addressed in the settlement.

2506.18(1) *Proposal of settlements.* Two or more parties may by written motion propose settlements for adoption by the commission or presiding officer. The motion will contain sufficient information to advise the commission or presiding officer and parties not expressly joining the proposal of its scope and of the grounds on which adoption is urged. Parties may propose a settlement for adoption by the commission or presiding officer at any time.

2506.18(2) *Conference.* After proposal of a settlement that is not supported by all parties, and prior to approval, the settling parties are to convene at least one conference with notice and opportunity to participate provided to all parties for the purpose of discussing the settlement proposal. Written notice of the date, time, and place is to be furnished at least seven days in advance to all parties to the proceeding. Only parties and their representatives are entitled to attend a settlement conference. A party that has been given notice and opportunity to participate in the conference and does not do so is deemed to have waived its right to contest a proposed settlement unless good cause is shown for the failure to participate.

2506.18(3) *Comment period.* When a party to a proceeding does not join in a settlement proposed for adoption by the commission or presiding officer, the party may file comments contesting all or part of the settlement with the commission within 14 days of the filing of the motion proposing settlement unless otherwise ordered by the commission or the presiding officer. Unless otherwise ordered by the commission or presiding officer, parties may file reply comments within seven days of filing of the comments.

2506.18(4) *Contents of comments.* A party contesting a proposed settlement is to specify in its comments the portions of the settlement that it opposes, the legal basis of its opposition, and the factual issues that it contests. Any failure by a party to file comments may, at the commission's or presiding officer's discretion, constitute waiver by that party of all objections to the settlement.

2506.18(5) *Contested settlements.* If the proposed settlement is contested, in whole or in part, on any material issue of fact by any party, the commission or presiding officer may schedule a hearing on the contested issue(s). The commission or presiding officer may decline to schedule a hearing where the contested issue of fact is not material or where the contested issue is one of law.

2506.18(6) *Unanimous proposed settlement.* In proceedings where all parties join in the proposed settlement, parties may propose a settlement for adoption by the commission or presiding officer any time after docketing. Subrules 2506.18(2) through 2506.18(5) do not apply to a proposed settlement filed concurrently by all parties to the proceeding. 199—Chapter 26 applies to settlements in rate cases.

2506.18(7) *Inadmissibility.* Any discussion, admission, concession, or offer to settle, whether oral or written, made during any negotiation on a settlement is privileged to the extent provided by law, including but not limited to Iowa Rule of Evidence 5.408.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.19(17A,476) Stipulations. Parties to any proceeding or investigation may, by stipulation filed with the commission, agree upon the facts or law or any portion thereof involved in the controversy, subject to approval by the commission or presiding officer.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.20(17A,476) Investigations. The availability of discovery pursuant to Iowa Code section 17A.13 or the Iowa Rules of Civil Procedure does not limit the investigatory powers of the commission, its representatives, or the consumer advocate.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.21(17A,476) Withdrawals. A party requesting a contested case proceeding may, with the permission of the commission or presiding officer, withdraw that request at any time prior to the issuance of a proposed or final decision in the case.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.22(17A,476) Ex parte communication. Ex parte communications are governed by Iowa Code section 17A.17.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.23(17A,476) Hearings.

2506.23(1) Commission or presiding officer. The commission or presiding officer presides at the hearing and may rule on motions and issue such orders and rulings as will ensure the orderly conduct of the proceedings. The commission or presiding officer will maintain the decorum of the hearing and may refuse to admit, may set limits on, or may expel from the hearing anyone whose conduct is disorderly.

2506.23(2) Witnesses. Each witness will be sworn or affirmed by the commission, presiding officer, or the court reporter and be subject to examination and cross-examination. The commission or presiding officer may limit questioning in a manner consistent with law. In appropriate circumstances, the commission or presiding officer may order that witnesses testify as members of a witness panel.

2506.23(3) Order of presenting evidence. The commission or presiding officer will determine the order of the presentation of evidence based on applicable law and the interests of efficiency and justice, considering the preferences of the parties. Normally, the petitioner opens the presentation of evidence. In cases where testimony has been prefiled and unless otherwise ordered by the commission or the presiding officer, each party will make its witnesses available for cross-examination on all testimony filed or on behalf of that witness.

2506.23(4) Evidence.

a. Subject to terms and conditions prescribed by the commission or presiding officer, parties have the right to introduce evidence, cross-examine witnesses, and present evidence in rebuttal. Ordinarily, prefiled testimony is used in hearings pursuant to rule 199—2506.10(17A,476). The sponsoring party is to provide one copy of prefiled testimony and included exhibits to the court reporter.

b. The commission or presiding officer will rule on admissibility of evidence and may, where appropriate, take official notice of facts in accordance with law.

c. Stipulation of facts is encouraged. The commission or presiding officer may make a decision based on stipulated facts.

d. Unless the exhibit was previously included with prefiled testimony, the party seeking admission of an exhibit at a hearing is to provide opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. All exhibits admitted into evidence are to be marked in accordance with the commission's approved naming convention and made part of the evidentiary record. If an exhibit is admitted, unless it was previously included with prefiled testimony, the sponsoring party is to provide at least one copy of the exhibit to each opposing party, one copy to each commission member or presiding officer, one copy to the witness (if any), one copy to the court reporter, and two copies to commission staff unless otherwise ordered. Parties are to file all their admitted hearing exhibits in the commission's electronic filing system within three days of the close of the hearing.

e. Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony is expected to briefly summarize the testimony or, with the permission of the commission or presiding officer, present the testimony. The commission or presiding officer may direct the offering party to file a written statement of the excluded oral testimony. If the excluded evidence consists of a document or exhibit, it will be marked as part of an offer of proof and inserted in the record. Unless previously included with prefiled testimony, the sponsoring party is to provide at least one copy of the document

or exhibit to each opposing party, one copy to each commission member or presiding officer, one copy to the witness (if any), one copy to the court reporter, and two copies to commission staff unless otherwise ordered.

2506.23(5) *Objections.* Any party may object to specific evidence or may request limits on the scope of any examination or cross-examination. All objections will be timely made on the record and state the grounds relied on. The commission or presiding officer may rule on the objection at the time it is made or may reserve a ruling until the written decision.

2506.23(6) *Further evidence.* At any stage during or after the hearing, the commission or presiding officer may order a party to present additional evidence and may conduct additional proceedings as appropriate.

2506.23(7) *Participation at hearings by nonparties.* The commission or presiding officer may permit any person to be heard at any hearing, but such person is not a party to the proceedings unless so designated. The testimony or statement of any person so appearing is given under oath and such person is subject to cross-examination by parties to the proceeding unless the commission or presiding officer orders otherwise. If a person who is not a party to a proceeding appears at a hearing and requests to examine or cross-examine witnesses, the commission or presiding officer may grant the person intervention in the proceeding as a party for the limited purpose requested by the person and in compliance with subrule 2506.4(7).

2506.23(8) *Briefs.*

a. Unless waived by the parties with the consent of the commission or presiding officer, times for the filing and service of briefs will be set by the commission or presiding officer. Unless otherwise ordered by the commission or presiding officer, initial briefs will be filed simultaneously by all parties and reply briefs will be filed simultaneously.

b. Initial briefs should contain a concise statement of the case and all arguments, with citations to the evidence, that the party intends to offer in support of its case. Unless otherwise ordered, a reply brief should be confined to refuting arguments made in the brief of an adverse party. Unless specifically ordered to brief an issue, a party's failure to address an issue by brief will not be deemed a waiver of that issue and does not preclude the commission or presiding officer from deciding the issue on the basis of evidence appearing in the record.

c. Every brief of more than 20 pages should contain at its beginning a table of contents with page references.

d. Briefs should comply with the following requirements:

- (1) The size of pages should be 8½ by 11 inches.
- (2) All printed matter should appear in at least 11-point type.
- (3) There should be margins of at least one inch on the top, bottom, right, and left sides of the sheet.
- (4) The body of the brief should be double spaced.
- (5) Footnotes may be single spaced.
- (6) The printed matter may appear in any pitch, as long as the characters are spaced in a readable manner. Any readable font is acceptable.

2506.23(9) *Oral arguments.* The commission or presiding officer may set a time for oral argument to address issues raised by the parties during the proceeding or at the conclusion of the hearing or may set a separate date and time for oral argument. The commission or presiding officer may set a time limit for argument. Oral argument may be either in addition to or in lieu of briefs. Unless specifically ordered to argue an issue, a party's failure to address an issue in oral argument will not be deemed a waiver of the issue.

2506.23(10) *Record.* The record of the case is maintained in the commission's electronic filing system. Unless the record is held confidential pursuant to the "public information and inspection of records" rule in 199—Chapter 1, parties and members of the public may examine the record and obtain copies of documents, including the transcript, when available.

2506.23(11) *Default.*

a. If a party fails to appear at a hearing after proper service of notice, or fails to answer or otherwise respond to an appropriate pleading directed to and properly served upon that party, the commission or presiding officer may, if no adjournment is granted, enter a default decision or proceed with the hearing and render a decision in the absence of the party.

b. Default decisions or decisions rendered on the merits after a party has failed to appear at a hearing constitute final agency action unless otherwise ordered by the commission or presiding officer. However, within 15 days after the date of electronic notification or mailing of the decision, a motion to vacate may be filed with the commission. The motion to vacate should state all facts relied on by the moving party that show good cause existed for that party's failure to appear at the hearing or answer or otherwise respond to an appropriate pleading directed to and properly served upon that party. The stated facts should be substantiated by citation to evidence in the record or by affidavit attached to the motion. Unless otherwise ordered, adverse parties have ten days to respond to a motion to vacate. If the decision is rendered by a presiding officer, the commission may review it on the commission's own motion within 15 days after the date of notification or mailing of the decision.

c. The time for appeal of a decision for which a timely motion to vacate has been filed is stayed pending a decision on the motion to vacate.

d. A motion to vacate will not be granted except upon a finding of good cause. The burden of proof as to good cause is on the moving party. "Good cause" for purposes of this rule has the same meaning as "good cause" for setting aside a default judgment under Iowa Rule of Civil Procedure 1.977.

e. A presiding officer's decision denying a motion to vacate is subject to further appeal within the time limit allowed for further appeal of a decision on the merits in the contested case. A presiding officer's decision granting a motion to vacate is subject to interlocutory appeal by the adverse party pursuant to rule 199—2506.25(17A,476).

f. If a motion to vacate is granted and no timely interlocutory appeal has been taken, the commission or presiding officer may schedule another contested case hearing.

g. A default decision may award any relief consistent with the record in the case. The default decision may provide either that the default decision is to be stayed pending a timely motion to vacate or that the default decision is to take effect immediately, subject to a timely motion to vacate, an appeal pursuant to rule 199—2506.26(17A,476), or a request for stay pursuant to rule 199—2506.28(17A,476).

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.24(17A,476) Reopening record. The commission or presiding officer, on the commission's or presiding officer's own motion or on the motion of a party, may reopen the record for the reception of further evidence. When the record was made before the commission, a motion to reopen the record may be made any time prior to the issuance of a final decision. When the record was made before a presiding officer, a motion to reopen the record may be made any time prior to issuance of the proposed decision. If the moving party requests the opportunity to present new evidence, the moving party will attach an affidavit from each witness who will present the new evidence with an explanation of the competence of the witness and a description of the evidence to be included in the record.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.25(17A,476) Interlocutory appeals. Upon written request of a party or on its own motion, the commission may review an interlocutory order of the presiding officer. In determining whether to do so, the commission may consider the extent to which granting the interlocutory appeal would expedite final resolution of the case and the extent to which review of that interlocutory order by the commission at the time it reviews the proposed decision would provide an adequate remedy. Any request for interlocutory review shall be filed within ten days of issuance of the challenged order, but no later than the time for compliance with the order or ten days prior to the date of hearing, whichever is first.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.26(17A,476) Appeals to commission from a proposed decision of a presiding officer.

2506.26(1) Notification of proposed decision. Notice of the presiding officer's proposed decision and order in a contested case will be sent through the electronic filing system, or by first-class mail if the commission has granted a party approval to receive service in paper, on the date the order is issued. The decision will normally include "Proposed Decision and Order" in the title and will normally inform the parties of their right to appeal an adverse decision and the time in which an appeal may be taken.

2506.26(2) Appeal from proposed decision. A proposed decision and order of the presiding officer in a contested case becomes the final decision of the commission unless, within 15 days after the decision is issued, the commission moves to review the decision or a party files an appeal of the decision with the commission. The presiding officer may shorten the time for appeal. In determining whether a request for a shortened appeal period should be granted, the presiding officer may consider the needs of the parties for a shortened appeal period, relevant objections of the parties, the relevance of any written objections filed in the case, and whether there are any issues that indicate a need for the 15-day appeal period.

2506.26(3) Any adversely affected party may appeal a proposed decision by timely filing a notice of appeal.

2506.26(4) On appeal of a proposed decision of a presiding officer that is based upon new evidence not introduced in the record before the presiding officer, the commission will determine whether the new evidence warrants a new hearing. If the commission determines that the new evidence is material to the proposed decision and a new hearing should be held, the commission may remand the proposed decision to the presiding officer for the taking of the new evidence or may conduct a hearing and issue an order based upon the record before the presiding officer and the new evidence.

2506.26(5) Contents of notice of appeal. The notice of appeal shall include the following in separately numbered paragraphs supported, where applicable, by controlling statutes and rules:

- a.* A brief statement of the facts.
- b.* A brief statement of the history of the proceeding, including the date and a description of any ruling claimed to be erroneous.
- c.* A statement of each of the issues to be presented for review.
- d.* A precise description of the error(s) upon which the appeal is based. If a claim of error is based on allegations that the presiding officer failed to correctly interpret the law governing the proceeding, exceeded the authority of a presiding officer, or otherwise failed to act in accordance with law, the appellant will include a citation to briefs or other documents filed in the proceeding before the presiding officer where the legal points raised in the appeal were discussed. If a claim of error is based on allegations that the presiding officer failed to adequately consider evidence introduced at hearing, the appellant will include a citation to pages of the transcript or other documents where the evidence appears.
- e.* A precise statement of the relief requested.
- f.* A statement as to whether an opportunity to file a brief or make oral argument in support of the appeal is requested and, if an opportunity is sought, a statement explaining the manner in which briefs and arguments presented to the presiding officer are inadequate for purposes of appeal.
- g.* A request, if a party seeks a stay or other temporary remedy pending review of the proposed decision by the commission, with the reasons justifying such a stay or other temporary remedy that includes a discussion of the factors listed in Iowa Code section 17A.19(5) "c."
- h.* Certification of service showing the names and addresses of all parties upon whom a copy of the notice of appeal was served.

2506.26(6) Responsive filings and cross-appeals. Parties may file a response to the notice of appeal or may file a cross-appeal within 14 days after the filing of the notice of appeal unless

otherwise ordered by the commission. If a request for a stay or other temporary remedy was included in the notice of appeal, any party wishing to respond to the request will include the response to the request in the party's response to the notice of appeal or notice of cross-appeal. When a provision of law directs the commission to issue a decision in the case in less than six months, the period for filing a response or cross-appeal is reduced to seven days from the filing of the notice of appeal.

a. Responses should specifically respond to each of the substantive paragraphs of the notice of appeal and state whether an opportunity to file responsive briefs or to participate in oral argument is requested.

b. The requirements contained in this rule pertaining to a notice of appeal also apply to a notice of cross-appeal, other than the time for filing.

2506.26(7) *Ruling on appeal.* After the filing of the last appeal, response, or cross-appeal, the commission will issue an order that may establish a procedural schedule for the appeal or may be the commission's final decision on the merits of the appeal. If a request for a stay or other temporary remedy was included in the notice of appeal, the request will be evaluated by the commission using the factors stated in rule 199—2506.28(17A,476). A stay or other temporary remedy may be vacated by the commission upon application of any party or upon the commission's own motion.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.27(17A,476) Rehearing and reconsideration.

2506.27(1) *Application for rehearing or reconsideration.* Any party to a contested case may file an application for rehearing or reconsideration of the final decision within 20 days after the issuance of a final decision in a contested case. The commission will either grant or refuse an application for rehearing within 30 days after the filing of the application or may, after giving the interested parties notice and opportunity to be heard and after consideration of all the facts, including those arising since the making of the order, abrogate or modify its order. A failure by the commission to act upon the application for rehearing within the above period is deemed a refusal of the application.

2506.27(2) *Contents of application.* Applications for rehearing or reconsideration will specify the findings of fact and conclusions of law claimed to be erroneous, with a brief statement of the alleged grounds of error. Any application for rehearing or reconsideration asserting that evidence has arisen since the final order was issued as a ground for rehearing or reconsideration will present the evidence by affidavit that includes an explanation of the competence of the person to sponsor the evidence and a brief description of the evidence sought to be included.

2506.27(3) *Requirements for objections to applications for rehearing or reconsideration.* Notwithstanding the provisions of subrule 2506.9(2) and unless otherwise ordered by the commission, within 14 days of the date the application was filed, an answer or objection to the application may be filed.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.28(17A,476) Stay of agency decision.

2506.28(1) Any party to a contested case proceeding may petition the commission for a stay or other temporary remedy pending judicial review of the proceeding. The petition will state the reasons justifying a stay or other temporary remedy and be served on all other parties pursuant to subrule 2506.4(5).

2506.28(2) In determining whether to grant a stay, the commission will consider the factors listed in Iowa Code section 17A.19(5) "c."

2506.28(3) A stay or other temporary remedy may be vacated by the commission upon application of any party or upon the commission's own motion.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

199—2506.29(17A,476) Emergency adjudicative proceedings.

2506.29(1) *Necessary emergency action.* To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare, and consistent with the Constitution and other

provisions of law, the commission may issue an emergency adjudicative order in compliance with Iowa Code section 17A.18A to order the cessation of any continuing activity, order affirmative action, or take other action within the jurisdiction of the agency. Before issuing an emergency adjudicative order, the commission may consider factors including but not limited to the following:

- a.* Whether there has been a sufficient factual investigation to provide reasonably reliable information under the circumstances;
- b.* Whether the specific circumstances that pose immediate danger to the public health, safety, or welfare are likely to be continuing;
- c.* Whether the person obligated to comply with the emergency adjudicative order may continue to engage in other activities without posing immediate danger to the public health, safety, or welfare;
- d.* Whether imposition of monitoring requirements or other interim safeguards would be sufficient to protect the public health, safety, or welfare; and
- e.* Whether the specific action contemplated by the commission is necessary to avoid the immediate danger.

2506.29(2) *Issuance of order.*

a. An emergency adjudicative order will contain findings of fact, conclusions of law, and policy reasons for the decision, if it is an exercise of the commission's discretion, to justify the determination of an immediate danger and the commission's decision to take immediate action.

b. The written emergency adjudicative order will be immediately delivered to persons who are to comply with the order by the most reasonably available method, which may include one or more of the following methods: notice through the electronic filing system, personal delivery, certified mail, first-class mail, fax, or email. To the degree practical, the commission will select the method or methods most likely to result in prompt, reliable delivery.

c. Unless the written emergency adjudicative order is delivered by personal service on the day issued, the commission will make reasonable efforts to contact the persons who are to comply with the order by telephone, in person, or otherwise.

2506.29(3) *Completion of proceedings.* Issuance and delivery of a written emergency adjudicative order will normally include notification of a procedural schedule for completion of the proceedings.

[ARC 0375D, IAB 6/24/26, effective 6/1/26]

These rules are intended to implement Iowa Code chapter 17A and sections 474.5 and 476.2.

[Filed Emergency ARC 0375D, IAB 6/24/26, effective 6/1/26]

HUMAN SERVICES DEPARTMENT[441]

Rules transferred from Social Services Department[770] to Human Services Department[498],
see 1983 Iowa Acts, Senate File 464, effective July 1, 1983.

Rules transferred from agency number [498] to [441] to conform with the reorganization
numbering scheme in general, IAC Supp. 2/11/87.

GENERAL DEPARTMENTAL PROCEDURES

TITLE I

CHAPTER 1

DEPARTMENT ORGANIZATION AND GENERAL DEFINITIONS

- 1.1(217) History and mission
- 1.2(217) Definitions
- 1.3(217) Department structure
- 1.4(217) Information
- 1.5(217) Health and human services council
- 1.6(217) State council on developmental disabilities

CHAPTER 2

Reserved

CHAPTER 3

DEPARTMENT PROCEDURE FOR RULEMAKING

- 3.3(17A) Public rulemaking docket
- 3.4(17A) Notice of proposed rulemaking
- 3.5(17A) Public participation
- 3.6(17A) Regulatory flexibility analysis
- 3.11(17A) Concise statement of reasons
- 3.13(17A) Agency rulemaking record

CHAPTER 4

PETITIONS FOR RULEMAKING

- 4.1(17A) Petition for rulemaking
- 4.3(17A) Inquiries

CHAPTER 5

DECLARATORY ORDERS

- 5.1(17A) Petition for declaratory order
- 5.2(17A) Notice of petition
- 5.3(17A) Intervention
- 5.5(17A) Inquiries
- 5.6(17A) Service and filing of petitions and other papers
- 5.8(17A) Action on petition

CHAPTER 6

WAIVERS OF HEALTH AND HUMAN SERVICES ADMINISTRATIVE RULES

- 6.1(17A,135) Waivers
- 6.2(17A,217) Sample petition for waiver

CHAPTER 7

APPEALS AND HEARINGS

- 7.1(17A) Definitions
- 7.2(17A) Governing law and regulations

DIVISION I

GENERAL APPEALS PROCESS

- 7.3(17A) When a contested case hearing will be granted
- 7.4(17A) Initiating an appeal
- 7.5(17A) How to request an appeal
- 7.6(17A) Prehearing procedures

7.7(17A)	Timelines for contested case hearings
7.8(17A)	Contested case hearing procedures
7.9(17A)	Miscellaneous rules governing contested case hearings
7.10(17A)	Proposed decision
7.11(17A)	Director's review
7.12(17A)	Final decisions
7.13(17A)	Expedited review
7.14(17A)	Effect
7.15(17A)	Calculating time
7.16(17A)	Authorized representatives
7.17(17A)	Continuation and reinstatement of benefits
7.18(17A)	Emergency adjudicative proceedings
7.19(17A)	Supplemental Nutrition Assistance Program (SNAP) administrative disqualification hearings
7.20 to 7.40	Reserved

DIVISION II

APPEALS BASED ON THE COMPETITIVE PROCUREMENT BID PROCESS

7.41(17A)	Scope, bidder and applicability
7.42(17A)	Requests for timely filing of an appeal
7.43(17A)	Bidder appeals
7.44(17A)	Procedures for bidder appeal
7.45(17A)	Stay of agency action for bidder appeal
7.46(17A)	Request for review of the proposed decision
7.47(17A)	Other procedural considerations
7.48(17A)	Appeal record
7.49(17A)	Pleadings
7.50(17A)	Ex parte communications
7.51(17A)	Right of judicial review

CHAPTER 8

PAYMENT OF SMALL CLAIMS

8.1(217)	Authorization to reimburse

CHAPTER 9

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

9.1(17A,22)	Statement of policy, purpose and scope of chapter
9.2	Reserved
9.3(17A,22)	Requests for access to records
9.4(17A,22)	Access to confidential records
9.5(17A,22)	Requests for treatment of a record as a confidential record and its withholding from examinations
9.6(17A,22)	Procedure by which additions, dissents, or objections may be entered into certain records
9.7(17A,22,228)	Consent to disclosure by the subject of a confidential record
9.8(17A,22)	Notice to suppliers of information
9.9(17A,22)	Release to subject
9.10(17A,22)	Use and disclosure without consent of the subject
9.11(22)	Availability of records
9.12	Reserved
9.13(17A,22)	Special policies and procedures for protected health information
9.14(17A,22)	Person who may exercise rights of the subject

CHAPTER 10

Reserved

CHAPTER 11

COLLECTION OF DEBT

11.1(217)	Definitions
11.2(217)	Establishment of claim
11.3(217)	Application of payment
11.4(217)	Setoff against state income tax refund, rebate, or other state payments, including, for example, state employee wages

- 11.5(234) Setoff against federal income tax refund or other federal payments, including, for example, federal employee wages

CHAPTER 12

Reserved

CHAPTER 13

PROGRAM EVALUATION

- 13.1(234,239B,249A,514I) Definitions
 13.2(234,239B,249A,514I) Review of public assistance records by the department
 13.3(234,239B,249A,514I) Cases to be reviewed
 13.4(234,239B,249A,514I) Notification of review
 13.5(234,239B,249A,514I) Review procedure
 13.6(234) Failure to cooperate
 13.7(234,239B,249A,514I) Report of findings
 13.8(234,237A,239B,249A,514I) Federal review

CHAPTERS 14 and 15

Reserved

CHAPTER 16

NOTICES

- 16.1(17A) Definitions
 16.2(17A) Notices

TITLE II

CHAPTERS 17 to 21

Reserved

TITLE III

MENTAL HEALTH

CHAPTER 22

AUTISM SUPPORT PROGRAM

- 22.1(225D) Definitions
 22.2(225D) Eligibility and application requirements
 22.3(225D) Cost-sharing requirements and graduated schedule of cost sharing
 22.4(225D) Review of financial eligibility, cost-sharing requirements, exemption from cost sharing, and disenrollment in the program
 22.5(225D) Initial-service authorization and renewal-of-service authorization
 22.6(225D) Provider network
 22.7(225D) Financial management of the program
 22.8(225D) Appeal

CHAPTER 23

Reserved

CHAPTER 24

ACCREDITATION OF PROVIDERS OF SERVICES TO PERSONS WITH MENTAL ILLNESS, INTELLECTUAL DISABILITIES, OR DEVELOPMENTAL DISABILITIES

DIVISION I

SERVICES FOR INDIVIDUALS WITH DISABILITIES

- 24.1(225C) Definitions
 24.2(225C) Standards for policy and procedures
 24.3(225C) Standards for organizational activities
 24.4(225C) Standards for services
 24.5(225C) Accreditation
 24.6(225C) Deemed status (all services)
 24.7(225C) Complaint process (all services)
 24.8(225C) Appeal procedure
 24.9(225C) Exceptions to policy

24.10 to 24.19 Reserved

DIVISION II
CRISIS RESPONSE SERVICES

24.20(225C)	Definitions
24.21(225C)	Standards for crisis response services
24.22(225C)	Standards for policies and procedures
24.23(225C)	Standards for organizational activities
24.24(225C)	Standards for crisis response staff
24.25(225C)	Standards for services
24.26(225C)	Accreditation
24.27(225C)	Deemed status
24.28(225C)	Complaint process
24.29(225C)	Appeal procedure
24.30(225C)	Exceptions to policy
24.31(225C)	Standards for individual crisis response services
24.32(225C)	Crisis evaluation
24.33(225C)	Twenty-four-hour crisis response
24.34(225C)	Twenty-four-hour crisis line
24.35(225C)	Warm line
24.36(225C)	Mobile response
24.37(225C)	Twenty-three-hour crisis observation and holding
24.38(225C)	Crisis stabilization community-based services (CSCBS)
24.39(225C)	Crisis stabilization residential services (CSRS)
24.40(225C)	Medication—administration, storage and documentation
24.41 to 24.49	Reserved

DIVISION III
COMMUNITY MENTAL HEALTH CENTERS

24.50(230A)	Definitions
24.51(230A)	Community mental health center designation
24.52(230A)	Standards for policies and procedures
24.53(230A)	Standards for organizational activities
24.54(230A)	Standards for core services and supports
24.55(230A)	Accreditation of community mental health centers

CHAPTERS 25 to 27

Reserved

CHAPTER 28
POLICIES FOR MENTAL HEALTH
INSTITUTES AND RESOURCE CENTER

28.1(218)	Definitions
28.2(222,230)	Payor of last resort
28.3(229)	Grievances
28.4(217,218)	Photographing and recording of individuals and use of cameras
28.5(217,218)	Interviews and statements
28.6(218)	Use of grounds, facilities, or equipment
28.7(218)	Tours of facility
28.8(218)	Donations
28.9(217)	Release of confidential information

CHAPTER 29
MENTAL HEALTH INSTITUTES

29.1(218,229)	Voluntary admissions
29.2(229)	Authorization for treatment
29.3(217,228,229)	Rights of individuals
29.4(218)	Visiting

CHAPTER 30
STATE RESOURCE CENTER

30.1(218,222)	Admission
30.2(222)	Liability for support
30.3(217,218)	Rights of individuals
30.4(218)	Visiting

CHAPTER 31

CIVIL COMMITMENT UNIT FOR SEXUAL OFFENDERS

31.1(229A)	Definitions
31.2(229A)	Visitation
31.3(229A)	Group visitation
31.4(229A)	Grievances
31.5(229A)	Photographing and recording individuals
31.6(229A)	Release of information
31.7(229A)	Communication with individuals
31.8(229A)	Building and grounds
31.9(8,218)	Gifts and bequests
31.10(229A)	Cost of care

CHAPTERS 32 to 35

Reserved

CHAPTER 36

FACILITY ASSESSMENTS

36.1(249A)	Intermediate care facilities for persons with an intellectual disability assessment
36.2(249A)	Determination and payment of fee
36.3(249L)	Nursing facility assessment
36.4(249L)	Determination and payment of assessment
36.5(249M)	Participating hospital assessment
36.6(249M)	Determination and payment of assessment

CHAPTER 37

Reserved

CHAPTER 38

DEVELOPMENTAL DISABILITIES BASIC STATE GRANT

38.1(217,42USC144)	Administering agency
38.2(217,42USC144)	Definitions
38.3(217,42USC144)	Program eligibility
38.4(217,42USC144)	Conflict of interest policy

CHAPTER 39

Reserved

TITLE IV

FAMILY INVESTMENT PROGRAM

CHAPTER 40

APPLICATION FOR AID

40.1 to 40.20	Reserved
40.21(239B)	Definitions
40.22(239B)	Application
40.23(239B)	Date of application
40.24(239B)	Procedure with application
40.25(239B)	Time limit for decision
40.26(239B)	Effective date of grant
40.27(239B)	Continuing eligibility
40.28(239B)	Referral for investigation
40.29(239B)	Alternate payees

CHAPTER 41

GRANTING ASSISTANCE

41.1 to 41.20	Reserved
41.21(239B)	Eligibility factors specific to child
41.22(239B)	Eligibility factors specific to payee
41.23(239B)	Home, residence, citizenship, and alienage
41.24(239B)	Promoting independence and self-sufficiency through employment job opportunities and basic skills (PROMISE JOBS) program
41.25(239B)	Uncategorized factors of eligibility
41.26(239B)	Resources
41.27(239B)	Income
41.28(239B)	Need standards
41.29(239B)	Composite FIP/SSI cases
41.30(239B)	Time limits

CHAPTERS 42 to 44

Reserved

CHAPTER 45

PAYMENT

45.1 to 45.20	Reserved
45.21(239B)	Issuing payment
45.22(239B)	Return
45.23(239B)	Held warrants
45.24(239B)	Underpayment
45.25(239B)	Deceased payees
45.26(239B)	Limitation on payment
45.27(239B)	Rounding of need standard and payment amount

CHAPTER 46

OVERPAYMENT RECOVERY

46.1 to 46.20	Reserved
46.21(239B)	Definitions
46.22(239B)	Monetary standards
46.23(239B)	Notification and appeals
46.24(239B)	Determination of overpayments
46.25(239B)	Source of recoupment
46.26	Reserved
46.27(239B)	Procedures for recoupment
46.28	Reserved
46.29(239B)	Fraudulent misrepresentation of residence

CHAPTER 47

DIVERSION INITIATIVES

47.1 to 47.20	Reserved
47.21(239B)	Definitions
47.22(239B)	Availability of the family self-sufficiency grants program
47.23(239B)	General criteria
47.24(239B)	Assistance available in family self-sufficiency grants
47.25(239B)	Application, notification, and appeals
47.26(239B)	Approved local plans for family self-sufficiency grants
47.27(239B)	Evaluation of family self-sufficiency grants
47.28(239B)	Recovery of FSSG overpayments

CHAPTER 48

PROMOTING AWARENESS OF THE BENEFITS OF A HEALTHY MARRIAGE

48.1(234)	Definitions
48.2(234)	Eligibility criteria
48.3(234)	Notice and eligibility period

CHAPTER 49

FAMILY DEVELOPMENT AND SELF-SUFFICIENCY (FaDSS) PROGRAM

49.1(216A)	Definitions
49.2(216A)	Identification of conditions and criteria for families at risk
49.3(216A)	Referral of families
49.4(216A)	Funding of grants
49.5(216A)	Grants not renewed and grants terminated or reduced
49.6(216A)	Appeal
49.7(216A)	Contract with grantee
49.8(216A)	Grantee responsibilities
49.9(216A)	Evaluation

TITLE V
STATE SUPPLEMENTARY ASSISTANCE

CHAPTER 50
APPLICATION FOR ASSISTANCE

50.1(249)	Definitions
50.2(249)	Application procedures
50.3(249)	Approval of application and effective date of eligibility
50.4(249)	Reviews
50.5(249)	Application under conditional benefits

CHAPTER 51
ELIGIBILITY

51.1(249)	Definitions
51.2(249)	Application for other benefits
51.3(249)	Supplementation
51.4(249)	Eligibility for residential care
51.5(249)	Dependent relatives
51.6(249)	Residence
51.7(249)	Eligibility for supplement for Medicare and Medicaid eligibles
51.8(249)	Income from providing room and board
51.9(249)	Furnishing of social security number
51.10(249)	Recovery

CHAPTER 52
PAYMENT

52.1(249)	Assistance standards

CHAPTER 53
Reserved

CHAPTER 54
FACILITY PARTICIPATION

54.1(249)	Application and contract agreement
54.2(249)	Maintenance of case records
54.3(249)	Payments for residential care facilities
54.4(249)	Goods and services provided
54.5(249)	Personal needs account
54.6(249)	Case activity report
54.7(249)	Billing procedures

TITLE VI
GENERAL PUBLIC ASSISTANCE PROVISIONS

CHAPTERS 55 and 56
Reserved

CHAPTER 57
INTERIM ASSISTANCE REIMBURSEMENT

57.1(249)	Definitions
57.2(249)	Requirements for reimbursement
57.3(249)	Certificate of authority

CHAPTERS 58 and 59

Reserved

CHAPTER 60

REFUGEE CASH ASSISTANCE

60.1(217)	Alienage requirements
60.2(217)	Application procedures
60.3(217)	Effective date of grant
60.4(217)	Accepting other assistance
60.5(217)	Eligibility factors
60.6(217)	Students in institutions of higher education
60.7(217)	Time limit for eligibility
60.8(217)	Criteria for exemption from registration for employment services, registration, and refusal to register
60.9(217)	Work and training requirements
60.10(217)	Uncategorized factors of eligibility
60.11(217)	Temporary absence from home
60.12(217)	Application
60.13(217)	Continuing eligibility
60.14(217)	Alternate payees
60.15(217)	Payment
60.16(217)	Overpayment recovery

CHAPTER 61

REFUGEE SERVICES PROGRAM

61.1(217)	Definitions
61.2(217)	Authority
61.3(217)	Eligibility
61.4(217)	Planning and coordinating the placement of refugees
61.5(217)	Services of the department available for refugees
61.6(217)	Provision of services
61.7(217)	Application for services
61.8(217)	Adverse service actions
61.9(217)	Client appeals
61.10(217)	Refugee resettlement moneys
61.11(217)	Unaccompanied refugee minors program
61.12(217)	Targeted assistance grants

CHAPTER 62

RENT REIMBURSEMENT

62.1(425)	Eligible claimants
62.2(425)	Dual claims
62.3(425)	Multipurpose building
62.4(425)	Income
62.5(425)	Simultaneous homesteads
62.6(425)	Mobile, modular, and manufactured homes
62.7(425)	Totally disabled
62.8(425)	Household
62.9(425)	Homestead
62.10(425)	Gross rent/rent constituting property taxes paid
62.11(425)	Leased land
62.12(425)	Property: taxable status
62.13(425)	Income: spouse
62.14(425)	Common law marriage
62.15(425)	Audit of claim
62.16(425)	Extension of time for filing a claim
62.17(425)	Proration of claims
62.18(425)	Unreasonable hardship
62.19(425)	Appeal

CHAPTERS 63 and 64

Reserved

TITLE VII

FOOD PROGRAMS

CHAPTER 65

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM ADMINISTRATION

65.1(234)	Definitions
65.2(234)	Administration of program
65.3(234)	State options
65.4(234)	Treatment centers and group living arrangements
65.5(234)	Appeals
65.6(234)	Proration of benefits
65.7(234)	Notice of expiration issuance
65.8(234)	Verification
65.9(234)	Prospective budgeting
65.10(234)	Effective date of change
65.11(234)	Work requirements
65.12(234)	Income
65.13(234)	Deductions
65.14(234)	Student resources
65.15(234)	Reinstatement

CHAPTER 66

EMERGENCY FOOD ASSISTANCE PROGRAM

66.1(234)	Definitions
66.2(234)	Household eligibility

CHAPTER 67

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM
FOR WOMEN, INFANTS, AND CHILDREN (WIC)

67.1(135)	Definitions
67.2(135)	Administration of program
67.3(135)	Certification of participants
67.4(135)	Food delivery
67.5(135)	Education
67.6(135)	Right to appeal—participant
67.7(135)	Right to appeal—local agencies
67.8(135)	Right to appeal—vendor
67.9(135)	State monitoring of contract agencies
67.10(135)	Civil rights
67.11(135)	WIC program violation

CHAPTERS 68 to 72

Reserved

TITLE VIII

MEDICAL ASSISTANCE

CHAPTER 73

MANAGED CARE

73.1(249A)	Definitions
73.2(249A)	Contracts with a managed care plan (MCP)
73.3(249A)	Enrollment
73.4(249A)	Disenrollment process
73.5(249A)	MCP covered services
73.6(249A)	Amount, duration and scope of services
73.7(249A)	Emergency services
73.8(249A)	Access to service
73.9(249A)	Incident reporting

73.10(249A)	Discharge planning
73.11(249A)	Level of care (LOC) assessment
73.12(249A)	Appeal of MCP actions
73.13(249A)	Appeal to department
73.14(249A)	Continuation of benefits
73.15(249A)	Grievances
73.16(249A)	Written record
73.17(249A)	Information concerning procedures relating to the review of MCP decisions and actions
73.18(249A)	Records and reports
73.19(249A)	Audits
73.20(249A)	Marketing
73.21(249A)	Enrollee education
73.22(249A)	Payment to the MCP
73.23(249A)	Claims payment by the MCP
73.24(249A)	Quality assurance
73.25(249A)	Certifications and program integrity

CHAPTER 74

IOWA HEALTH AND WELLNESS PLAN

74.1(249A,249N)	Definitions
74.2(249A,249N)	Eligibility factors
74.3(249A,249N)	Application
74.4(249A,249N)	Financial eligibility
74.5(249A,249N)	Enrollment period
74.6(249A,249N)	Reporting changes
74.7(249A,249N)	Reenrollment
74.8(249A,249N)	Terminating enrollment
74.9(249A,249N)	Recovery
74.10(249A,249N)	Right to appeal
74.11(249A)	Financial participation
74.12(249A)	Benefits and service delivery
74.13(249A,249N)	Claims and reimbursement methodologies
74.14(249A,249N)	Discontinuance of program

CHAPTER 75

CONDITIONS OF ELIGIBILITY

DIVISION I

DEFINITIONS, COVERAGE GROUPS, AND GENERAL CONDITIONS OF ELIGIBILITY

75.1(249A)	Definitions
75.2(249A)	Categories of persons covered
75.3(249A)	Family-related Medicaid
75.4(249A)	Persons who have been screened and found to need breast or cervical cancer treatment (BCCT)
75.5(249A)	Persons under age 65; refugees
75.6(249A)	Aged, blind or disabled
75.7(249A)	Presumptive eligibility
75.8(249A)	Medically needy persons
75.9(249A)	Furnishing of social security number
75.10(249A)	Residency requirements
75.11(249A)	Citizenship or alienage requirements
75.12(249A)	Inmates of public institutions
75.13	Reserved
75.14(249A)	Establishing liability and obtaining support
75.15(249A)	Medical resources
75.16(249A)	Medical assistance lien
75.17	Reserved
75.18(249A)	Continuous eligibility for pregnant women
75.19(249A)	Continuous eligibility for children
75.20(249A)	Medical assistance corrective payments
75.21(249A)	Health insurance premium payment (HIPP) program

75.22(249A)	AIDS/HIV health insurance premium payment program
75.23(249A)	Disposal of assets for less than fair market value after August 10, 1993
75.24(249A)	Treatment of trusts established after August 10, 1993
75.25(249A)	Treatment of Medicaid qualifying trusts
75.26(249A)	Conservatorships
75.27(249A)	AIDS/HIV settlement payments
75.28(249A)	Recovery
75.29(249A)	Investigation of eligibility
75.30 to 75.49	Reserved

DIVISION II

ELIGIBILITY FACTORS SPECIFIC TO FAMILY-RELATED COVERAGE GROUPS

75.50(249A)	Eligibility factors specific to child
75.51(249A)	Eligibility factors specific to parents and caretakers
75.52(249A)	The effect of age on eligibility
75.53(249A)	Absence from the home
75.54(249A)	Pending SSI approval
75.55(249A)	Resources not considered
75.56(249A)	Income eligibility
75.57 to 75.69	Reserved

DIVISION III

FINANCIAL ELIGIBILITY BASED ON MODIFIED ADJUSTED GROSS INCOME (MAGI)

75.70(249A)	Financial eligibility based on MAGI
75.71(249A)	Coverage groups subject to MAGI methodology
75.72(249A)	MAGI household composition
75.73(249A)	Income under MAGI methodology
75.74(249A)	Income limits
75.75 to 75.79	Reserved

DIVISION IV

ELIGIBILITY FACTORS SPECIFIC TO NON-MAGI-RELATED COVERAGE GROUPS, PERSONS IN MEDICAL INSTITUTIONS AND PERSONS RECEIVING LONG-TERM CARE SERVICES

75.80(249A)	Categorical relatedness to supplemental security income (SSI)
75.81(249A)	Disability requirements for non-MAGI-related Medicaid
75.82(249A)	Determination of countable income and resources for persons in a medical institution
75.83(249A)	Client participation in payment for medical institution care
75.84(249A)	Entrance fee for continuing care retirement community or life care community
75.85(249A)	Disqualification for long-term care assistance due to substantial home equity

CHAPTER 76

ENROLLMENT AND REENROLLMENT

76.1(249A)	Definitions
76.2(249A)	Application for medical assistance
76.3(249A)	Referrals from the FFM
76.4(249A)	Express lane eligibility
76.5(249A)	Enrollment through SSI
76.6(249A)	Referral for Medicare savings program
76.7(249A)	Presumptive eligibility
76.8(249A)	Applicant and member responsibilities
76.9(249A)	Responsible persons and authorized representatives
76.10(249A)	Right to withdraw the application
76.11(249A)	Choice of electronic notifications
76.12(249A)	Application not required
76.13(249A)	Initial enrollment
76.14(249A)	Reenrollment
76.15(249A)	Report of changes
76.16(249A)	Action on information received
76.17(249A)	Timeliness requirements for conducting automatic redeterminations of eligibility

CHAPTER 77
CONDITIONS OF PARTICIPATION FOR PROVIDERS
OF MEDICAL AND REMEDIAL CARE

77.1(249A)	Physicians
77.2(249A)	Retail pharmacies
77.3(249A)	Pharmacists
77.4(249A)	Hospitals
77.5(249A)	Dentists
77.6(249A)	Podiatrists
77.7(249A)	Optometrists
77.8(249A)	Opticians
77.9(249A)	Chiropractors
77.10(249A)	Home health agencies
77.11(249A)	Medical equipment and appliances, prosthetic devices and medical supplies
77.12(249A)	Ambulance service
77.13(249A)	Behavioral health intervention
77.14(249A)	Hearing aid dispensers
77.15(249A)	Audiologists
77.16(249A)	Community mental health centers
77.17(249A)	Screening centers
77.18(249A)	Physical therapists
77.19(249A)	Orthopedic shoe dealers and repair shops
77.20(249A)	Rehabilitation agencies
77.21(249A)	Independent laboratories
77.22(249A)	Rural health clinics
77.23(249A)	Psychologists
77.24(249A)	Maternal health centers
77.25(249A)	Ambulatory surgical centers
77.26(249A)	Federally qualified health centers
77.27(249A)	Advanced registered nurse practitioners
77.28(249A)	Speech-language pathologists
77.29(249A)	Physician associates
77.30(249A)	HCBS habilitation services
77.31(249A)	Behavioral health services
77.32(249A)	Birth centers
77.33(249A)	Area education agencies
77.34(249A)	Case management provider organizations
77.35(249A)	HCBS health and disability waiver service providers
77.36(249A)	Occupational therapists
77.37(249A)	Hospice providers
77.38(249A)	HCBS elderly waiver service providers
77.39(249A)	HCBS AIDS/HIV waiver service providers
77.40(249A)	HCBS intellectual disability waiver service providers
77.41(249A)	Assertive community treatment
77.42(249A)	HCBS brain injury (BI) waiver service providers
77.43(249A)	HCBS physical disability waiver service providers
77.44(249A)	Public health agencies
77.45(249A)	Infant and toddler program providers
77.46(249A)	Local education agency (LEA) services providers
77.47(249A)	Indian health facilities
77.48(249A)	HCBS children's mental health waiver service providers
77.49(249A)	Ordering and referring providers
77.50(249A)	Child care medical services
77.51(249A)	Community-based neurobehavioral rehabilitation services
77.52(249A)	Qualified Medicare beneficiary (QMB) providers
77.53(249A)	Health insurance premium payment (HIPPP) providers
77.54(249A)	Crisis response services
77.55(249A)	Subacute mental health services

CHAPTER 78

AMOUNT, DURATION AND SCOPE OF MEDICAL AND REMEDIAL SERVICES

78.1(249A)	Physicians' services
78.2(249A)	Prescribed outpatient drugs
78.3(249A)	Inpatient hospital services
78.4(249A)	Dental services
78.5(249A)	Podiatrists
78.6(249A)	Optometrists
78.7(249A)	Opticians
78.8(249A)	Chiropractors
78.9(249A)	Home health agencies
78.10(249A)	Durable medical equipment (DME), prosthetic devices and medical supplies
78.11(249A)	Ambulance service
78.12(249A)	Behavioral health intervention
78.13(249A)	Nonemergency medical transportation
78.14(249A)	Hearing aids
78.15(249A)	Orthopedic shoes
78.16(249A)	Community mental health centers
78.17(249A)	Physical therapists
78.18(249A)	Screening centers
78.19(249A)	Rehabilitation agencies
78.20(249A)	Independent laboratories
78.21(249A)	Rural health clinics
78.22(249A)	Family planning clinics
78.23(249A)	Other clinic services
78.24(249A)	Psychologists
78.25(249A)	Maternal health centers
78.26(249A)	Ambulatory surgical center services
78.27(249A)	Home- and community-based habilitation services
78.28(249A)	List of medical services and equipment requiring prior authorization, preprocedure review or preadmission review
78.29(249A)	Behavioral health services
78.30(249A)	Birth centers
78.31(249A)	Hospital outpatient services
78.32(249A)	Area education agencies
78.33(249A)	Case management services
78.34(249A)	HCBS health and disability waiver services
78.35(249A)	Occupational therapist services
78.36(249A)	Hospice services
78.37(249A)	HCBS elderly waiver services
78.38(249A)	HCBS AIDS/HIV waiver services
78.39(249A)	Federally qualified health centers
78.40(249A)	ARNPs
78.41(249A)	HCBS intellectual disability waiver services
78.42(249A)	Pharmacists providing covered vaccines
78.43(249A)	HCBS brain injury waiver services
78.44(249A)	Lead inspection services
78.45(249A)	Assertive community treatment
78.46(249A)	Physical disability waiver service
78.47(249A)	Pharmaceutical case management services
78.48(249A)	Public health agencies
78.49(249A)	Infant and toddler program services
78.50(249A)	Local education agency services
78.51(249A)	Indian health service 638 facility services
78.52(249A)	HCBS children's mental health waiver services
78.53(249A)	Speech-language pathology services
78.54(249A)	Services rendered via telehealth
78.55(249A)	Community-based neurobehavioral rehabilitation services
78.56(249A)	Child care medical services

- 78.57(249A) Qualified Medicare beneficiary (QMB) provider services
- 78.58(249A) Health insurance premium payment (HIPPP) provider services
- 78.59(249A) Crisis response services
- 78.60(249A) Subacute mental health services

CHAPTER 79

OTHER POLICIES RELATING TO PROVIDERS OF MEDICAL AND REMEDIAL CARE

- 79.1(249A) Principles governing reimbursement of providers of medical and health services
- 79.2(249A) Sanctions
- 79.3(249A) Maintenance of records by providers of service
- 79.4(249A) Reviews and audits
- 79.5(249A) Nondiscrimination on the basis of handicap
- 79.6(249A) Provider participation agreement
- 79.7(249A) Medicaid advisory council
- 79.8(249A) Beneficiary advisory council
- 79.9(249A) Requests for prior authorization
- 79.10(249A) General provisions for Medicaid coverage applicable to all Medicaid providers and services
- 79.11(249A) Requests for preadmission review
- 79.12(249A) Requests for preprocedure surgical review
- 79.13(249A) Advance directives
- 79.14(249A) Requirements for enrolled Medicaid providers supplying laboratory services
- 79.15(249A) Provider enrollment
- 79.16(249A) Education about false claims recovery
- 79.17(249A) Requirements for prescribing controlled substances

CHAPTER 80

PROCEDURE AND METHOD OF PAYMENT

- 80.1(249A) Submission of claims
- 80.2(249A) Payment from other sources
- 80.3(249A) Time limit for submission of claims and claim adjustments
- 80.4(249A) Authorization process
- 80.5(249A) Payment to provider—exception
- 80.6(249A) Health care data match program

CHAPTER 81

NURSING FACILITIES

- 81.1(249A) Definitions
- 81.2(249A) Initial approval for nursing facility care
- 81.3(249A) Arrangements with residents
- 81.4(249A) Discharge and transfer
- 81.5(249A) Financial and statistical report and determination of payment rate
- 81.6(249A) Continued review
- 81.7(249A) Records
- 81.8(249A) Payment procedures
- 81.9(249A) Billing procedures
- 81.10(249A) Closing of facility
- 81.11(249A) Conditions of participation for nursing facilities
- 81.12(249A) Audits
- 81.13(249A) Nurse aide requirements and training and testing programs
- 81.14(249A) Sanctions
- 81.15(249A) Out-of-state facilities
- 81.16(249A) Outpatient services
- 81.17(249A) Rates for Medicaid eligibles
- 81.18(249A) State-funded personal needs supplement
- 81.19(249A) Enforcement of compliance
- 81.20(249A) Appeal of a determination of noncompliance
- 81.21(249A) Civil money penalties—when penalty is collected
- 81.22(249A) Civil money penalties—settlement authority
- 81.23(249A) Civil money penalties—deduction of penalty from amount owed
- 81.24(249A) Use of penalties collected by the department

CHAPTER 82
INTERMEDIATE CARE FACILITIES FOR PERSONS
WITH AN INTELLECTUAL DISABILITY

82.1(249A)	Definitions
82.2(249A)	Licensing and certification
82.3(249A)	Conditions of participation for intermediate care facilities for persons with an intellectual disability
82.4(249A)	Financial and statistical report
82.5(249A)	Eligibility for services
82.6(249A)	Initial approval for ICF/ID care
82.7(249A)	Determination of need for continued stay
82.8(249A)	Arrangements with residents
82.9(249A)	Discharge and transfer
82.10(249A)	Records
82.11(249A)	Payment procedures
82.12(249A)	Billing procedures
82.13(249A)	Closing of facility
82.14(249A)	Audits
82.15(249A)	Out-of-state facilities
82.16(249A)	State-funded personal needs supplement

CHAPTER 83
MEDICAID WAIVER SERVICES

DIVISION I—HCBS HEALTH AND DISABILITY WAIVER SERVICES

83.1(249A)	Definitions
83.2(249A)	Eligibility
83.3(249A)	Application
83.4(249A)	Financial participation
83.5(249A)	Redetermination
83.6(249A)	Allowable services
83.7(249A)	Service plan
83.8(249A)	Adverse service actions
83.9(249A)	Appeal rights
83.10 to 83.20	Reserved

DIVISION II—HCBS ELDERLY WAIVER SERVICES

83.21(249A)	Definitions
83.22(249A)	Eligibility
83.23(249A)	Application
83.24(249A)	Client participation
83.25(249A)	Redetermination
83.26(249A)	Allowable services
83.27(249A)	Service plan
83.28(249A)	Adverse service actions
83.29(249A)	Appeal rights
83.30(249A)	Enhanced services
83.31 to 83.40	Reserved

DIVISION III—HCBS AIDS/HIV WAIVER SERVICES

83.41(249A)	Definitions
83.42(249A)	Eligibility
83.43(249A)	Application
83.44(249A)	Financial participation
83.45(249A)	Redetermination
83.46(249A)	Allowable services
83.47(249A)	Service plan
83.48(249A)	Adverse service actions
83.49(249A)	Appeal rights
83.50 to 83.59	Reserved

DIVISION IV—HCBS INTELLECTUAL DISABILITY WAIVER SERVICES

83.60(249A)	Definitions
83.61(249A)	Eligibility

83.62(249A)	Application
83.63(249A)	Client participation
83.64(249A)	Redetermination
83.65	Reserved
83.66(249A)	Allowable services
83.67(249A)	Service plan
83.68(249A)	Adverse service actions
83.69(249A)	Appeal rights
83.70(249A)	Rent subsidy program
83.71 to 83.80	Reserved

DIVISION V—BRAIN INJURY WAIVER SERVICES

83.81(249A)	Definitions
83.82(249A)	Eligibility
83.83(249A)	Application
83.84(249A)	Client participation
83.85(249A)	Redetermination
83.86(249A)	Allowable services
83.87(249A)	Service plan
83.88(249A)	Adverse service actions
83.89(249A)	Appeal rights
83.90 to 83.100	Reserved

DIVISION VI—PHYSICAL DISABILITY WAIVER SERVICES

83.101(249A)	Definitions
83.102(249A)	Eligibility
83.103(249A)	Application
83.104(249A)	Client participation
83.105(249A)	Redetermination
83.106(249A)	Allowable services
83.107(249A)	Individual service plan
83.108(249A)	Adverse service actions
83.109(249A)	Appeal rights
83.110 to 83.120	Reserved

DIVISION VII—HCBS CHILDREN'S MENTAL HEALTH WAIVER SERVICES

83.121(249A)	Definitions
83.122(249A)	Eligibility
83.123(249A)	Application
83.124(249A)	Financial participation
83.125(249A)	Redetermination
83.126(249A)	Allowable services
83.127(249A)	Service plan
83.128(249A)	Adverse service actions
83.129(249A)	Appeal rights

CHAPTER 84

EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT

84.1(249A)	Definitions
84.2(249A)	Eligibility
84.3(249A)	Screening services
84.4(249A)	Referral
84.5(249A)	Follow up

CHAPTER 85

SERVICES IN PSYCHIATRIC INSTITUTIONS

85.1(249A)	Acute care in psychiatric hospitals
85.2(249A)	Out-of-state placement
85.3(249A)	Eligibility of persons under the age of 21
85.4(249A)	Eligibility of persons aged 65 and over
85.5(249A)	Client participation
85.6(249A)	Responsibilities of hospitals
85.7(249A)	Psychiatric hospital reimbursement

85.8(249A,81GA,ch167)	Eligibility of persons aged 21 through 64
85.9(249A)	Psychiatric medical institutions for children—conditions for participation
85.10(249A)	Eligibility of persons under the age of 21
85.11(249A)	Client participation
85.12(249A)	Responsibilities of facilities
85.13(249A)	Outpatient day treatment for persons aged 20 or under
85.14(249A)	Conditions of participation
85.15(249A)	Out-of-state placement
85.16(249A)	Eligibility of persons aged 65 and over
85.17(249A)	Client participation
85.18(249A)	Responsibilities of nursing facility
85.19(249A)	Policies governing reimbursement
85.20(249A)	State-funded personal needs supplement

CHAPTER 86

HEALTHY AND WELL KIDS IN IOWA (HAWKI) PROGRAM

86.1(514I)	Definitions
86.2(514I)	Eligibility factors
86.3(514I)	Application process
86.4(514I)	Coordination with Medicaid
86.5(514I)	Effective date of coverage
86.6(514I)	Selection of a plan
86.7(514I)	Cancellation
86.8(514I)	Premiums and copayments
86.9(514I)	Annual reviews of eligibility
86.10(514I)	Reporting changes
86.11(514I)	Notice requirements
86.12(514I)	Appeals and fair hearings
86.13(514I)	Covered services
86.14(514I)	Participating health and dental plans
86.15(514I)	Use of donations to the hawki program
86.16(514I)	Recovery
86.17(514I)	Supplemental dental-only coverage

CHAPTER 87

FAMILY PLANNING PROGRAM

87.1(217)	Definitions
87.2(217)	Eligibility
87.3(217)	Enrollment
87.4(217)	Effective date of eligibility
87.5(217)	Period of eligibility
87.6(217)	Reporting changes
87.7(217)	Funding of family planning services program
87.8(217)	Availability of services
87.9(217)	Payment of covered services
87.10(217)	Submission of claims
87.11(217)	Providers eligible to participate

CHAPTER 88

SPECIALIZED MANAGED CARE PROGRAMS

88.1(249A)	Definitions
88.2(249A)	Process for new and expanding PACE organization service areas
88.3(249A)	Three-way agreement with Medicare and Medicaid
88.4(249A)	Center administration
88.5(249A)	Safety
88.6(249A)	Physical environment
88.7(249A)	Program services
88.8(249A)	Patient education
88.9(249A)	Grievances and appeals
88.10(249A)	Participant enrollment and disenrollment

88.11(249A)	Records and reports
88.12(249A)	Health Insurance Portability and Accountability Act of 1996 (HIPAA)
88.13(249A)	Funding
88.14(249A)	Federal and state monitoring; sanctions

CHAPTER 89

DEBTS DUE FROM TRANSFERS OF ASSETS

89.1(249F)	Definitions
89.2(249F)	Creation of debt
89.3(249F)	Exceptions
89.4(249F)	Presumption of intent
89.5(249F)	Notice of debt
89.6(249F)	No timely request of a hearing
89.7(249F)	Timely request for a hearing
89.8(249F)	Department-requested hearing
89.9(249F)	Filing and docketing of the order
89.10(249F)	Exemption from Iowa Code chapter 17A

CHAPTER 90

FEE-FOR-SERVICE CASE MANAGEMENT

90.1(249A)	Definitions
90.2(249A)	Targeted case management
90.3(249A)	Termination of TCM services
90.4(249A)	Case management services
90.5(249A)	Rights restrictions
90.6(249A)	Documentation and billing
90.7(249A)	Case management services provider requirements

CHAPTER 91

MEDICARE DRUG SUBSIDY

91.1(249A)	Definitions
91.2(249A)	Application
91.3(249A)	Eligibility determination
91.4(249A)	Effective date
91.5(249A)	Changes in circumstances
91.6(249A)	Reinvestigation
91.7(249A)	Appeals

CHAPTER 92

Reserved

TITLE IX

WORK INCENTIVE DEMONSTRATION

CHAPTER 93

PROMISE JOBS PROGRAM

93.1(239B)	Definitions
93.2(239B)	Program administration
93.3(239B)	Registration and referral
93.4(239B)	FIA
93.5(239B)	Assessment
93.6(239B)	Job readiness and job search activities
93.7(239B)	Work activities
93.8(239B)	Education and training activities
93.9(239B)	Other FIA activities
93.10(239B)	Required documentation and verification
93.11(239B)	Supportive payments
93.12(239B)	Recovery of PROMISE JOBS expense payments
93.13(239B)	Resolution of participation issues
93.14(239B)	Problems that may provide good cause for participation issues
93.15(239B)	Right of appeal

- 93.16(239B) Resolution of an LBP
- 93.17(239B) Worker displacement grievance procedure

TITLE X
SUPPORT RECOVERY

CHAPTER 94

CHILD SUPPORT PROMOTING OPPORTUNITIES FOR PARENTS PROGRAM

- 94.1(252B) Definitions
- 94.2(252B) Purpose and incentives
- 94.3(252B) Establishment of designated providers
- 94.4(252B) Selection of designated providers
- 94.5(252B) Termination of designated providers
- 94.6(252B) Reports and records
- 94.7(252B) Receipt of incentives
- 94.8(17A) Right of appeal

CHAPTER 95

CHILD SUPPORT SERVICES

- 95.1(252B) Definitions
- 95.2(252B) Child support eligibility and services
- 95.3(252B) Crediting of current and delinquent support
- 95.4(252B) Prepayment of support
- 95.5(252B) Lump sum settlement
- 95.6(17A) Appeals
- 95.7(252B) Termination of services
- 95.8(252B) Child support services attorney
- 95.9(252B) Effective date of support
- 95.10(252B) Continued services available to canceled FIP or Medicaid recipients
- 95.11(252B) Cooperation of public assistance recipients in establishing and obtaining support
- 95.12(252B) Cooperation of public assistance applicants in establishing and obtaining support
- 95.13(252B) Cooperation in establishing and obtaining support in nonpublic assistance cases
- 95.14(252B) Charging pass-through fees
- 95.15(252B) Reimbursing assistance with collections of assigned support
- 95.16(252B) Child support account
- 95.17(252B) Emancipation verification
- 95.18(17A) Right of appeal
- 95.19(17A) Appeal record

CHAPTER 96

INFORMATION AND RECORDS

- 96.1(252B) Access to information and records from other sources
- 96.2(252B) Refusal to comply with written request or subpoena
- 96.3(252B) Procedure for refusal
- 96.4(252B) Conference conducted
- 96.5(252B) Fine assessed
- 96.6(252B) Objection to fine or failure to pay
- 96.7(17A) Right of appeal

CHAPTER 97

COLLECTION SERVICES CENTER

- 97.1(252B) Definitions
- 97.2(252B) Transfer of records and payments
- 97.3(252B) Support payment records
- 97.4(252B) Method of payment
- 97.5(252D) Electronic transmission of payments
- 97.6(252B) Authorization of payment
- 97.7(252B) Processing misdirected payments
- 97.8(17A) Right of appeal

CHAPTER 98 SUPPORT ENFORCEMENT SERVICES

98.1(252E)	Definitions
98.2(252E)	Medical support health benefit plan information
98.3(252E)	Medical support insurer authorization
98.4(252E)	Medical support enforcement
98.5(252E)	Contesting enforcement of medical support
98.6(252D)	Income withholding of delinquent support
98.7(252D)	Income withholding amounts
98.8(252D)	Amendment of amount of withholding due to hardship
98.9(252D)	Immediate income withholding
98.10(252D)	Approval of request for immediate income withholding
98.11(252D)	Immediate income withholding amounts
98.12(252D)	Immediate income withholding amounts when current support has ended
98.13(252D,252E)	Income withholding for medical support
98.14(252D,252E)	Maximum amounts to be withheld for income withholding
98.15(252D)	Income withholding for multiple obligations
98.16(252D)	Income withholding notice to employer and obligor
98.17(252D)	Contesting the income withholding
98.18(252D)	Termination of income withholding
98.19(252D)	Modification of income withholding
98.20(252D)	Refunds of amounts improperly withheld
98.21(96)	Child support intercept of unemployment insurance benefits
98.22(252B)	Administrative seek employment order
98.23(252B)	Effective date of seek employment order
98.24(252B)	Method and requirements of reporting for administrative seek employment order
98.25(252B)	Reasons for noncompliance of administrative seek employment
98.26(252B)	Administrative seek employment method of service
98.27(252B)	Administrative seek employment order duration of order
98.28(252B)	Setoff against payment owed to a person by a state agency
98.29(252B)	Setoff against state income tax refund or rebate
98.30(252B)	Offset against federal income tax refund and federal nontax payment
98.31(252I)	Administrative levy
98.32(252J)	Referral for license sanction
98.33(252J)	Reasons for exemption from license sanction
98.34(252J)	Notice of potential sanction of license
98.35(252J)	License sanction conference
98.36(252J)	License Sanction Payment Agreement
98.37(252J)	Staying the process of license sanction due to full payment of support
98.38(252J)	Duration of license sanction
98.39(252B)	Procedures for providing information to consumer reporting agencies
98.40(252B)	Difficult-to-collect arrearages
98.41(252B)	Enforcement services by private attorney entitled to state compensation
98.42(17A)	Right of appeal
98.43(17A)	Appeal record

CHAPTER 99 CHILD SUPPORT GUIDELINES

99.1(234,252B,252H)	Income considered
99.2(234,252B)	Allowable deductions
99.3(234,252B)	Determining net income
99.4(234,252B)	Applying the guidelines
99.5(234,252B)	Deviation from guidelines
99.6(17A)	Right of appeal

CHAPTER 100 ESTABLISHMENT OF PATERNITY AND SUPPORT

100.1(598,600B)	Definitions
100.2(252A)	Temporary support

100.3(252F)	When paternity may be established administratively
100.4(252F)	Mother's certified statement
100.5(252F)	Notice of alleged paternity and support debt
100.6(252F)	Conference to discuss paternity and support issues
100.7(252F)	Amount of support obligation
100.8(252F)	Paternity contested
100.9(252F)	Paternity test results challenge
100.10(252F)	Agreement to entry of paternity and support order
100.11(252F)	Entry of order establishing paternity only
100.12(252F)	Exception to time limit
100.13(252F)	Genetic test costs assessed
100.14(598,600B)	Communication between parents
100.15(598,600B)	Continuation of enforcement
100.16(598,600B)	Satisfaction of accrued support
100.17(252C)	Establishment of an administrative order
100.18(17A)	Right of appeal

CHAPTER 101

ADJUSTMENT AND MODIFICATION OF SUPPORT

101.1(252B,252H)	Definitions
101.2(252H)	Confidentiality of financial information
101.3(252H)	Payment of fees
101.4(252B,252H)	Review of permanent child support obligations
101.5(252B,252H)	Notice requirements—review and adjustment
101.6(252B,252H)	Financial information—review and adjustment
101.7(252B,252H)	Review and adjustment of a child support obligation
101.8(252B,252H)	Medical support—review and adjustment
101.9(252B,252H)	Denying requests—review and adjustment
101.10(252B,252H)	Withdrawing requests — review and adjustment
101.11(252H)	Effective date of review and adjustment
101.12(252H)	Availability of service—administrative modification
101.13(252H)	Modification of child support obligations
101.14(252H)	Notice requirements—administrative modification
101.15(252H)	Financial information—administrative modification
101.16(252H)	Challenges to the proposed modification action
101.17(252H)	Misrepresentation of fact—administrative modification
101.18(252H)	Effective date of modification
101.19(252H)	Denying requests—administrative modification
101.20(252H)	Withdrawing requests—administrative modification
101.21(252B,252H)	Child care add-on
101.22(17A)	Right of appeal

CHAPTER 102

SUSPENSION AND REINSTATEMENT OF SUPPORT

102.1(252B)	Definitions
102.2(252B)	Availability of service—suspension by mutual consent
102.3(252B)	Basis for suspension of support by mutual consent
102.4(252B)	Request for assistance to suspend by mutual consent
102.5(252B)	Order suspending support by mutual consent
102.6(252B)	Suspension of enforcement of current support—suspension by mutual consent
102.7(252B)	Availability of service—suspension by payor's request
102.8(252B)	Basis for suspension of support by payor's request
102.9(252B)	Request for assistance to suspend by payor's request
102.10(252B)	Determining eligibility for suspension by payor's request
102.11(252B)	Order suspending support by payor's request
102.12(252B)	Suspension of enforcement of current support—suspension by payor's request
102.13(252B)	Request for reinstatement
102.14(252B)	Reinstatement
102.15(252B)	Reinstatement of enforcement of support
102.16(252B)	Temporary suspension becomes final

102.17(17A) Right of appeal

TITLE XI
CHILDREN'S INSTITUTIONS

CHAPTER 103
STATE TRAINING SCHOOL

103.1(218)	Definitions
103.2(218)	Admission
103.3(218)	Plan of care
103.4(218)	Communication with individuals
103.5(218)	Photographing and recording of individuals
103.6(218)	Employment of individual
103.7(218)	Temporary home visits
103.8(218)	Grievances
103.9(692A)	Sex offender registration
103.10(218)	Alleged child abuse
103.11(233A)	Cost of care
103.12(218)	Buildings and grounds
103.13(8,218)	Gifts and bequests

CHAPTER 104

Reserved

TITLE XII
LICENSING AND APPROVED STANDARDS

CHAPTER 105
JUVENILE DETENTION
AND SHELTER CARE HOMES

105.1(232)	Definitions
105.2(232)	Buildings and grounds
105.3(232)	Personnel policies
105.4	Reserved
105.5(232)	Staff
105.6(232)	Intake procedures
105.7(232)	Assessments
105.8(232)	Program services
105.9(232)	Medication management and administration
105.10(232)	Control room—juvenile detention home only
105.11(232)	Clothing
105.12(232)	Staffings
105.13(232)	Child abuse
105.14(232)	Daily log
105.15(232)	Children's rights
105.16(232)	Discipline
105.17(232)	Case files
105.18(232)	Discharge
105.19(232)	Approval
105.20(232)	Provisional approval
105.21(232)	Mechanical restraint—juvenile detention only
105.22(232)	Chemical restraint
105.23(232)	Mandatory reporting of child abuse and training

CHAPTER 106
CERTIFICATION STANDARDS FOR CHILDREN'S RESIDENTIAL FACILITIES

106.1(237C)	Definitions
106.2(237C)	Application of the standards
106.3(237C)	Application for a certificate of approval
106.4(237C)	Certificate of approval
106.5(237C)	Denial, suspension, or revocation

106.6(237C)	Providing for basic needs
106.7(237C)	Educational programs and services
106.8(237C)	Protection from mistreatment, physical abuse, sexual abuse, and neglect
106.9(237C)	Discipline
106.10(237C)	Record checks
106.11(237C)	Seclusion and restraints
106.12(237C)	Health
106.13(237C)	Safety
106.14(237C)	Emergencies
106.15(237C)	Buildings and physical premises
106.16(237C)	Sanitation, water, and waste disposal
106.17(237C)	Staffing
106.18(237C)	Reports and inspections
106.19(232)	Mandatory reporting of child abuse

CHAPTER 107

CERTIFICATION OF ADOPTION INVESTIGATORS

107.1(600)	Introduction
107.2(600)	Definitions
107.3(600)	Application
107.4(600)	Requirements for certification
107.5(600)	Granting, denial, or revocation of certification
107.6(600)	Certificate
107.7(600)	Renewal of certification
107.8(600)	Investigative services
107.9(600)	International adoptions postplacement report
107.10(600)	Retention of adoption records
107.11(600)	Reporting of violations
107.12(600)	Appeals

CHAPTER 108

LICENSING AND REGULATION OF CHILD-PLACING AGENCIES

108.1(238)	Definitions
108.2(238)	Licensing procedure
108.3(238)	Administration and organization
108.4(238)	Staff qualifications
108.5(238)	Staffing requirements
108.6(238)	Personnel administration
108.7(238)	Foster care services
108.8(238)	Foster home studies
108.9(238)	Adoption services
108.10(238)	Supervised apartment living placement services

CHAPTER 109

CHILD CARE CENTERS

109.1(237A)	Definitions
109.2(237A)	Licensure procedures
109.3(237A)	Inspection and evaluation
109.4(237A)	Administration
109.5(237A)	Parental participation
109.6(237A)	Personnel
109.7(237A)	Professional growth and development
109.8(237A)	Staff ratio requirements
109.9(237A)	Records
109.10(237A)	Health and safety policies
109.11(237A)	Physical facilities
109.12(237A)	Activity program requirements
109.13(237A)	Food services
109.14(237A)	Extended evening care
109.15(237A)	School-based before- and after-school and summer programs

109.16(237A) Get-well center

CHAPTER 110 CHILD DEVELOPMENT HOMES

110.1(237A)	Definitions
110.2(237A)	Application for registration
110.3(237A)	Renewal of registration
110.4(237A)	Compliance checks
110.5(237A)	Parental access
110.6(237A)	Number of children
110.7(237A)	Provider requirements
110.8(237A)	Standards
110.9(237A)	Files
110.10(237A)	Professional development
110.11(234)	Registration decision
110.12(237A)	Complaints
110.13(237A)	Additional requirements for child development home category A
110.14(237A)	Additional requirements for child development home category B
110.15(237A)	Additional requirements for child development home category C
110.16(237A)	Registration actions for nonpayment of child support
110.17(237A)	Prohibition from involvement with child care

CHAPTER 111 FAMILY-LIFE HOMES

111.1(249)	Definitions
111.2(249)	Application for certification
111.3(249)	Provisions pertaining to the certificate
111.4(249)	Physical standards
111.5(249)	Personal characteristics of family-life home family
111.6(249)	Health of family
111.7(249)	Planned activities and personal effects
111.8(249)	Client eligibility
111.9(249)	Medical examinations, records, and care of a client
111.10(249)	Placement agreement
111.11(249)	Legal liabilities
111.12(249)	Emergency care and release of client
111.13(249)	Information about client to be confidential

CHAPTER 112 LICENSING AND REGULATION OF CHILD FOSTER CARE FACILITIES

112.1(237)	Applicability
112.2(237)	Definitions
112.3(237)	Application for license
112.4(237)	License
112.5(237)	Denial
112.6(237)	Revocation
112.7(237)	Provisional license
112.8(237)	Adverse actions
112.9(237)	Suspension
112.10(232)	Mandatory reporting of child abuse and training
112.11(237)	Required training on the reasonable and prudent parent standard
112.12(237)	Record checks

CHAPTER 113 LICENSING AND REGULATION OF FOSTER FAMILY HOMES

113.1(237)	Applicability
113.2(237)	Definitions
113.3(237)	Licensing procedure
113.4(237)	Provisions pertaining to the license
113.5(237)	Physical standards

113.6(237)	Sanitation, water, and waste disposal
113.7(237)	Safety
113.8(237)	Foster parent training
113.9(237)	Involvement of kin
113.10(237)	Information on the child(ren) placed in the home
113.11(237)	Health of foster family
113.12(237)	Characteristics of foster parents
113.13(237)	Record checks
113.14(237)	Reference checks
113.15(237)	Unannounced visits
113.16(237)	Planned activities and personal effects
113.17(237)	Medical examinations and health care of the child(ren)
113.18(237)	Training and discipline of child(ren)
113.19(237)	Emergency care and release of child(ren)
113.20(237)	Changes in foster family home

CHAPTER 114

LICENSING AND REGULATION OF ALL GROUP LIVING FOSTER CARE FACILITIES FOR CHILDREN

114.1(237)	Applicability
114.2(237)	Definitions
114.3(237)	Physical standards
114.4(237)	Sanitation, water, and waste disposal
114.5(237)	Safety
114.6(237)	Organization and administration
114.7(237)	Policies and record-keeping requirements
114.8(237)	Staff
114.9(237)	Intake procedures
114.10(237)	Program services
114.11(237)	Case files
114.12(237)	Drug utilization and control
114.13(237)	Children's rights
114.14(237)	Personal possessions
114.15(237)	Religion—culture
114.16(237)	Work or vocational experiences
114.17(237)	Family involvement
114.18(237)	Children's money
114.19(237)	Child abuse
114.20(237)	Discipline
114.21(237)	Illness, accident, death, or unauthorized absence from the facility
114.22(237)	Records
114.23(237)	Unannounced visits
114.24(237)	Record check information
114.25(237)	Standards for private juvenile shelter care and detention homes

CHAPTER 115

LICENSING AND REGULATION OF COMPREHENSIVE RESIDENTIAL FACILITIES FOR CHILDREN

115.1(237)	Applicability
115.2(237)	Definitions
115.3(237)	Information upon admission
115.4(237)	Staff
115.5(237)	Casework services
115.6(237)	Restraints
115.7(237)	Control room
115.8(237)	Locked cottages
115.9(237)	Mechanical restraint
115.10(237)	Restraint and control room use debriefing
115.11(237)	Chemical restraint

CHAPTER 116
LICENSING AND REGULATION OF RESIDENTIAL FACILITIES
FOR CHILDREN WITH AN INTELLECTUAL DISABILITY OR BRAIN INJURY

116.1(237)	Applicability
116.2(237)	Definitions
116.3(237)	Qualifications of staff
116.4(237)	Staff to client ratio
116.5(237)	Program components
116.6(237)	Restraint

CHAPTER 117
FOSTER PARENT TRAINING

117.1(237)	Required preservice training
117.2(237)	Required orientation
117.3(237)	Application materials for in-service training
117.4(237)	Application process for in-service training
117.5(237)	Application decisions
117.6(237)	Application conference available
117.7(237)	Required in-service training
117.8(237)	Specific in-service training required
117.9(237)	Foster parent training expenses

CHAPTER 118
CHILD CARE QUALITY RATING SYSTEM

DIVISION I
QUALITY RATING SYSTEM (QRS)

118.1(237A)	Definitions
118.2(237A)	Application for quality rating
118.3(237A)	Rating standards for child care centers and preschools (sunsetting on July 31, 2011)
118.4(237A)	Rating criteria for child development homes (sunsetting on July 31, 2011)
118.5(237A)	Rating standards for child care centers, preschools, and programs operating under the authority of an accredited school district or nonpublic school
118.6(237A)	Rating criteria for child development homes
118.7(237A)	Award of quality rating
118.8(237A)	Adverse actions

DIVISION II
IOWA QUALITY FOR KIDS (IQ4K)

118.9(237A)	Definitions
118.10(237A)	Application for Iowa quality for kids (IQ4K) rating
118.11(237A)	Application effective date
118.12(237A)	Approved program's expiration date
118.13(237A)	Renewal application submission, Levels 1-4
118.14(237A)	Renewal application submission, Level 5
118.15(237A)	Increased rating
118.16(237A)	Change in location of facility
118.17(237A)	Ongoing eligibility
118.18(237A)	Monitoring
118.19(237A)	Professional development training
118.20(237A)	Rating standards for a child care center, a preschool, or a program operating under the authority of an accredited school district or nonpublic school
118.21(237A)	Criteria for IQ4K—Level 1 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school
118.22(237A)	Criteria for IQ4K—Level 2 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school
118.23(237A)	Criteria for IQ4K—Level 3 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school
118.24(237A)	Criteria for IQ4K—Level 4 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school

118.25(237A)	Criteria for IQ4K—Level 5 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school
118.26(237A)	Rating standards for school-aged only programs
118.27(237A)	Criteria for IQ4K—Level 1 school-aged only programs
118.28(237A)	Criteria for IQ4K—Level 2 school-aged only programs
118.29(237A)	Criteria for IQ4K—Level 3 school-aged only programs
118.30(237A)	Criteria for IQ4K—Level 4 school-aged only programs
118.31(237A)	Criteria for IQ4K—Level 5 school-aged only programs
118.32(237A)	Rating standards for registered child development homes
118.33(237A)	Criteria for IQ4K—Level 1 rating standards for registered child development homes
118.34(237A)	Criteria for IQ4K—Level 2 rating standards for registered child development homes
118.35(237A)	Criteria for IQ4K—Level 3 rating standards for registered child development homes
118.36(237A)	Criteria for IQ4K—Level 4 rating standards for registered child development homes
118.37(237A)	Criteria for IQ4K—Level 5 rating standards for registered child development homes
118.38(237A)	Award of quality rating
118.39(237A)	Adverse actions

CHAPTER 119

RECORD CHECK EVALUATIONS FOR CERTAIN EMPLOYERS AND EDUCATIONAL TRAINING PROGRAMS

119.1(135B,135C)	Definitions
119.2(135B,135C)	When record check evaluations are requested
119.3(135C)	Request for evaluation
119.4(135B,135C)	Completion of evaluation
119.5(135B,135C)	Appeal rights

CHAPTER 120

CHILD CARE HOMES

120.1(237A)	Definitions
120.2(237A)	Application for payment
120.3(237A)	Renewal of agreement
120.4(237A)	Compliance checks
120.5(237A)	Parental access
120.6(237A)	Number of children
120.7(237A)	Provider requirements
120.8(237A)	Standards
120.9(237A)	Children's files
120.10(237A)	Professional development
120.11(237A)	Child care assistance provider agreement decision
120.12(237A)	Complaints
120.13(237A)	Prohibition from involvement with child care

CHAPTER 121

EARLY CHILDHOOD IOWA INITIATIVE

121.1(256I)	Definitions
121.2(256I)	Early childhood Iowa state board responsibility
121.3(256I)	Early childhood Iowa coordination staff
121.4(256I)	Early childhood Iowa areas

CHAPTER 122

FISCAL OVERSIGHT OF THE EARLY CHILDHOOD IOWA INITIATIVE

122.1(256I)	Definitions
122.2(256I)	Fiscal oversight

CERTIFICATE OF NEED PROGRAM

CHAPTER 123

CERTIFICATE OF NEED PROGRAM

123.1(135)	Definitions
123.2(135)	Letter of intent

123.3(135)	Determination of reviewability
123.4(135)	Submission of application
123.5(135)	Organizational procedures
123.6(135)	Summary review
123.7(135)	Extension of review time
123.8(135)	Rehearing of certificate of need decision
123.9(135)	Finality
123.10(135)	Request for extension of certificate
123.11(135)	Application changes after approval
123.12(135)	Sanctions

CHAPTER 124

STANDARDS FOR CERTIFICATE OF NEED REVIEW

124.1(135)	Cardiac catheterization and cardiovascular surgery standards
124.2(135)	Radiation therapy standards
124.3(135)	Computerized tomography standards
124.4(135)	Long-term care
124.5(135)	MRI services standards
124.6(135)	PET services standards

CHAPTER 125

KINSHIP FOSTER CARE APPROVAL STANDARDS

125.1(237)	Definitions
125.2(237)	Application for approval
125.3(237)	Denial
125.4(237)	Approval procedure
125.5(237)	Involvement of kin
125.6(237)	Information on the child placed in the home
125.7(237)	Record checks
125.8(237)	Medical examinations and health care of the child
125.9(237)	Training and discipline of child
125.10(237)	Emergency care and release of child
125.11(237)	Changes in kinship foster care home
125.12(237)	Liability

CHAPTERS 126 to 129

Reserved

TITLE XIII

SERVICE ADMINISTRATION

CHAPTER 130

GENERAL PROVISIONS

130.1(234)	Definitions
130.2(234)	Application
130.3(234)	Eligibility
130.4(234)	Fees
130.5(234)	Adverse service actions
130.6(234)	Social casework
130.7(234)	Case plan
130.8	Reserved
130.9(234)	Entitlement

CHAPTER 131

SOCIAL CASEWORK

131.1(234)	Definitions
131.2(234)	Eligibility
131.3(234)	Service provision
131.4	Reserved
131.5(234)	Adverse actions

CHAPTER 132

Reserved

CHAPTER 133

IV-A EMERGENCY ASSISTANCE PROGRAM

133.1(235)	Definitions
133.2(235)	Application
133.3(235)	Eligibility
133.4(235)	Method of service provision
133.5(235)	Duration of services
133.6(235)	Discontinuance of the program

CHAPTERS 134 to 141

Reserved

CHAPTER 142

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

142.1(232)	Compact agreement
142.2(232)	Compact administrator
142.3 and 142.4	Reserved
142.5(232)	Article III(a) procedures
142.6(232)	Article III(c)
142.7(232)	Article V(c)
142.8(232)	Article VIII(a)
142.9(232)	Applicability
142.10(232)	NEICE database

CHAPTER 143

INTERSTATE COMPACT ON JUVENILES

143.1(232)	Compact agreement
143.2(232)	Compact administrator
143.3(232)	Sending a juvenile out of Iowa under the compact
143.4(232)	Receiving cases in Iowa under the interstate compact
143.5(232)	Runaways

CHAPTERS 144 to 149

Reserved

TITLE XIV

GRANT/CONTRACT/PAYMENT ADMINISTRATION

CHAPTER 150

Reserved

CHAPTER 151

JUVENILE COURT-ORDERED SERVICES

151.1(232)	Definitions
151.2(232)	Administration of funds for court-ordered services
151.3(232)	Use of other funding sources
151.4(232)	Expenses

CHAPTER 152

FOSTER CARE CONTRACTING

152.1(234)	Definitions
152.2(234)	Conditions of participation
152.3(234)	Provider reviews
152.4(234)	Sanctions against providers
152.5(234)	Adverse actions

CHAPTER 153

FUNDING FOR LOCAL SERVICES

DIVISION I
SOCIAL SERVICES BLOCK GRANT

153.1(234)	Definitions
153.2(234)	Development of preexpenditure report and intended use plan
153.3(234)	Amendment to preexpenditure report and intended use plan
153.4(234)	Service availability
153.5(234)	Allocation of block grant funds
153.6 and 153.7	Reserved
153.8(234)	Expenditure of supplemental funds
153.9 and 153.10	Reserved

DIVISION II
DECATEGORIZATION OF CHILD WELFARE AND JUVENILE JUSTICE FUNDING

153.11(232)	Definitions
153.12(232)	Implementation requirements
153.13(232)	Role and responsibilities of decategorization project governance boards
153.14(232)	Realignment of decategorization project boundaries
153.15(232)	Decategorization services funding pool
153.16(232)	Relationship of decategorization funding pool to other department child welfare funding
153.17(232)	Relationship of decategorization funding pool to juvenile court services funding streams
153.18(232)	Requirements for annual services plan
153.19(232)	Requirements for annual progress report

DIVISION III
MENTAL ILLNESS, MENTAL RETARDATION, AND
DEVELOPMENTAL DISABILITIES—LOCAL SERVICES

DIVISION IV
STATE PAYMENT PROGRAM FOR LOCAL MENTAL HEALTH, MENTAL RETARDATION, AND
DEVELOPMENTAL DISABILITIES SERVICES TO ADULTS WITHOUT LEGAL SETTLEMENT

CHAPTER 154

Reserved

CHAPTER 155

CHILD ABUSE PREVENTION PROGRAM

155.1(235A)	Definitions
155.2(235A)	Contract for program administration
155.3(235A)	Awarding of grants
155.4(235A)	Grantee requirements

CHAPTER 156

PAYMENTS FOR FOSTER CARE

156.1(234)	Definitions
156.2(234)	Foster care recovery
156.3(234)	Rate of maintenance payment for foster family care
156.4(234)	Kinship caregiver payment
156.5(234)	Additional payments
156.6(234)	Rate of payment for foster group care
156.7(234)	Payment for reserve bed days
156.8(234)	Emergency juvenile shelter care payment
156.9(234)	Supervised apartment living
156.10(234,252C)	Voluntary placements
156.11(234)	Child's earnings
156.12(234)	Trust funds and investments
156.13(234)	Preadoptive homes
156.14(234)	Eligibility for foster care payment

CHAPTER 157

Reserved

CHAPTER 158
FOSTER HOME INSURANCE FUND

158.1(237)	Applicability
158.2(237)	Definitions
158.3(237)	Payments from the foster home insurance fund
158.4(237)	Payment limits
158.5(237)	Claim procedures
158.6(237)	Time frames for filing claims
158.7(237)	Appeals

CHAPTERS 159 to 163
Reserved

CHAPTER 164
MORE OPTIONS FOR MATERNAL SUPPORT (MOMS) PROGRAM

164.1(217)	Definitions
164.2(217)	Pregnancy support services
164.3(217)	Program administrator responsibilities
164.4(217)	Client feedback
164.5(217)	Appeals

CHAPTER 165
Reserved

CHAPTER 166
QUALITY IMPROVEMENT INITIATIVE GRANTS

166.1(249A)	Definitions
166.2(249A)	Availability of grants
166.3(249A)	Grant eligibility
166.4(249A)	Grant application process and selection of proposals
166.5(249A)	Project contracts

CHAPTER 167
JUVENILE DETENTION REIMBURSEMENT

DIVISION I
ANNUAL REIMBURSEMENT PROGRAM

167.1(232)	Definitions
167.2(232)	Availability of funds
167.3(232)	Eligible detention homes
167.4(232)	Available reimbursement
167.5(232)	Submission of voucher
167.6(232)	Reimbursement by the department
167.7 to 167.10	Reserved

DIVISION II
SEVENTY-TWO HOUR REIMBURSEMENT PROGRAM

CHAPTERS 168 and 169
Reserved

TITLE XV
*INDIVIDUAL AND FAMILY SUPPORT
AND PROTECTIVE SERVICES*

CHAPTER 170
CHILD CARE SERVICES

170.1(237A)	Definitions
170.2(237A,239B)	Eligibility requirements
170.3(237A,239B)	Application and determination of eligibility
170.4(237A)	Elements of service provision
170.5(237A)	Adverse actions

170.6(237A)	Appeals
170.7(237A)	Provider fraud
170.8	Reserved
170.9(237A)	Child care assistance overpayments

CHAPTER 171

Reserved

CHAPTER 172

FAMILY-CENTERED SERVICES

172.1(234)	Definitions
172.2(234)	Purpose and scope
172.3(234)	Authorization
172.4	Reserved
172.5(234)	Client appeals

CHAPTER 173

Reserved

CHAPTER 174

STUDENT ABUSE REPORTS AND INVESTIGATIONS

174.1(232E)	Application—not exclusive
174.2(232E)	Definitions
174.3(232E)	Abuse intake process—report of alleged student abuse
174.4(232E)	Student abuse intake process—credible reports
174.5(232E)	Options if report dismissed or rejected during student abuse intake
174.6(232E)	Notification of school authorities and identifiable source regarding credible reports
174.7(232E)	Investigation—duties of an investigator and school authorities
174.8(232E)	School employee resignation during pendency of investigation
174.9(232E)	Substantiated report—right of school employee to contested case proceedings and further review
174.10(232E)	Case record retention—protection of identifiable source—disclosure limitations
174.11(232E)	Substantial compliance

CHAPTER 175

ABUSE OF CHILDREN

DIVISION I

CHILD ABUSE

175.1 to 175.20	Reserved

DIVISION II

CHILD ABUSE ASSESSMENT

175.21(232,235A)	Definitions
175.22(232)	Receipt of a report of suspected child abuse
175.23(232)	Sources of report of suspected child abuse
175.24(232)	Assessment intake process
175.25(232)	Assessment process
175.26(232)	Completion of a written assessment report
175.27(232)	Contact with juvenile court or the county attorney
175.28(232)	Consultation with health practitioners or mental health professionals
175.29(232)	Consultation with law enforcement
175.30(232)	Information shared with law enforcement
175.31(232)	Completion of required correspondence
175.32(232,235A)	Case records
175.33(232,235A)	Child protection centers
175.34(232)	Department-operated facilities
175.35(232,235A)	Jurisdiction of assessments
175.36(235A)	Multidisciplinary teams
175.37(232)	Community education
175.38(235)	Written authorizations
175.39(232)	Founded child abuse
175.40	Reserved

175.41(235A)	Access to child abuse information
175.42(235A)	Person conducting research
175.43(235A)	Child protection services citizen review panels

CHAPTER 176 DEPENDENT ADULT ABUSE

176.1(235B)	Definitions
176.2(235B)	Denial of critical care
176.3(235B)	Appropriate evaluation
176.4(235B)	Reporters
176.5(235B)	Reporting procedure
176.6(235B)	Duties of the department upon receipt of report
176.7(235B)	Appropriate evaluation or assessment
176.8(235B)	Registry records
176.9(235B)	Dependent adult abuse information disseminated
176.10(235B)	Person conducting research
176.11(235B)	Examination of information
176.12(235B)	Dependent adult abuse information registry
176.13(235B)	Multidisciplinary teams
176.14(235B)	Request for correction or expungement

CHAPTER 177 IN-HOME HEALTH-RELATED CARE

177.1(249)	In-home health-related care
177.2(249)	Definitions
177.3(249)	Service criteria
177.4(249)	Eligibility and application
177.5(249)	Qualifications of providers of health care services
177.6(249)	Physician's certification
177.7(249A)	Service worker duties
177.8(249)	Supervising practitioner duties
177.9(249)	Written agreements
177.10(249)	Payment
177.11(249)	Termination

CHAPTERS 178 to 186 Reserved

CHAPTER 187 AFTERCARE SERVICES PROGRAM

187.1(234)	Purpose
187.2(234)	Aftercare services program eligibility requirements
187.3(234)	Services and supports provided
187.4(234)	Termination of aftercare services
187.5(234)	Waiting list
187.6(234)	Administration

CHAPTERS 188 to 199 Reserved

TITLE XVI *ALTERNATIVE LIVING*

CHAPTER 200 ADOPTION SERVICES

200.1(600)	Definitions
200.2(600)	Application
200.3(600)	Adoption services
200.4(600)	Termination of parental rights
200.5(600)	Interstate placements
200.6 and 200.7	Reserved

200.8(600)	Removal of child from preadoptive family
200.9	Reserved
200.10(600)	Requests for access to information for research or treatment
200.11(600)	Requests for information for purposes other than research or treatment

CHAPTER 201 SUBSIDIZED ADOPTIONS

201.1(600)	Administration
201.2(600)	Definitions
201.3(600)	Conditions of eligibility or ineligibility
201.4(600)	Application
201.5(600)	Negotiation of amount of presubsidy or subsidy
201.6(600)	Types of subsidy
201.7(600)	Determination of ongoing subsidy eligibility and suspension of subsidy payments
201.8(600)	Termination of subsidy
201.9(600)	Reinstatement of subsidy
201.10(600)	New application
201.11(600)	Medical assistance based on residency
201.12(600)	Presubsidy recovery

CHAPTER 202 FOSTER CARE PLACEMENT AND SERVICES

202.1(234)	Definitions
202.2(234)	Eligibility
202.3(234)	Voluntary placements
202.4(234)	Selection of facility
202.5(234)	Preplacement
202.6(234)	Placement
202.7(234)	Out-of-area placements
202.8(234)	Out-of-state placements
202.9(234)	Supervised apartment living
202.10(234)	Services to foster parents
202.11(234)	Services to the child
202.12(234)	Services to parents
202.13(234)	Removal of the child
202.14(234)	Termination
202.15(234)	Case permanency plan
202.16(135H)	Department approval of need for a psychiatric medical institution for children
202.17(232)	Area group care targets
202.18(235)	Local transition committees

CHAPTER 203 IOWA ADOPTION EXCHANGE

203.1(232)	Definitions
203.2(232)	Children to be registered on the exchange system
203.3(232)	Families to be registered on the exchange system
203.4(232)	Matching process

CHAPTER 204 SUBSIDIZED GUARDIANSHIP PROGRAM

204.1(234)	Definitions
204.2(234)	Eligibility
204.3(234)	Application
204.4(234)	Negotiation of amount of subsidy
204.5(234)	Parental liability
204.6(234)	Determination of ongoing subsidy eligibility and suspension of subsidy payments
204.7(234)	Termination of subsidy
204.8(234)	Reinstatement of subsidy
204.9(234)	Appeals
204.10(234)	Medical assistance

CHAPTERS 205 to 209

Reserved

TITLE XVII

AGING AND DISABILITY SERVICES

CHAPTERS 210 to 220

Reserved

CHAPTER 221

DISABILITY SERVICES DEFINITIONS

221.1(225A) Definitions

CHAPTER 222

DISABILITY SERVICES ADVISORY COUNCILS

222.1(231) Appointment
 222.2(231) Officers
 222.3(231) Meetings
 222.4(231) Subcommittees
 222.5(231) Expenses of preparedness advisory committee voting members
 222.6(231) Council composition

CHAPTER 223

DISABILITY SERVICES

223.1(231) Eligibility for LTSS disability services
 223.2(231) Option for waiting lists for disability services
 223.3(231) Access standards
 223.4(231) Appeal rights

CHAPTER 224

AGING AND DISABILITY RESOURCE CENTERS

224.1(231) Definitions
 224.2(231) Department responsibilities
 224.3(231) ADRC member organizations
 224.4(231) ADRC member organization responsibilities
 224.5(231) ADRC member organization staff requirements and background checks
 224.6(231) Services
 224.7(231) Grievances
 224.8(231) Reporting and records authority
 224.9(231) Confidentiality

CHAPTER 225

AGING SERVICES

225.1(231) Applicability
 225.2(231) Definitions
 225.3(231) Aging network
 225.4(231) Conflict of interest

CHAPTER 226

STATE UNIT ON AGING RESPONSIBILITIES

226.1(231) Designated state unit on aging
 226.2(231) Policies and procedures
 226.3(231) Public input
 226.4(231) State plan on aging
 226.5(231) Designation of and changes to PSAs
 226.6(231) Designating area agencies on aging
 226.7(231) Withdrawal of designation of area agency on aging
 226.8(231) Appeals to withdrawal of area agency on aging designation
 226.9(231) Area plan on aging reviews and approvals
 226.10(231) Intrastate funding formula
 226.11(231) Evaluation and compliance

226.12(231)	Data management
226.13(231)	State agency Title III and Title VI coordination responsibilities
226.14(231)	Emergency and disaster requirements
226.15(231)	Prevention of elder abuse, neglect, and exploitation
226.16(231)	State legal assistance development program

CHAPTER 227

AREA AGENCY ON AGING RESPONSIBILITIES

227.1(231)	Area agency on aging responsibilities
227.2(231)	Board of directors
227.3(231)	Staffing
227.4(231)	Conflicts of interest
227.5(231)	Policies and procedures
227.6(231)	Public participation
227.7(231)	Advocacy
227.8(231)	Area plan on aging
227.9(231)	Title III and Title VI coordination
227.10(231)	Fiscal responsibilities
227.11(231)	Compliance monitoring
227.12(231)	Quality performance
227.13(231)	Data collection, sharing, and confidentiality
227.14(231)	Reporting
227.15(231)	Emergency and disaster requirements
227.16(231)	Direct service provisions
227.17(231)	Grievance

CHAPTER 228

DELIVERY OF AGING SERVICES

228.1(231)	Aging service delivery
228.2(231)	Eligibility
228.3(231)	Supportive services and senior centers
228.4(231)	Nutrition services
228.5(231)	Evidence-based disease prevention and health promotion services
228.6(231)	Family caregiver support services
228.7(231)	Prevention of elder abuse, neglect, and exploitation
228.8(231)	Service prioritization
228.9(231)	Service wait lists, unmet needs, and other changes to service
228.10(231)	Voluntary contributions
228.11(231)	Membership fees
228.12(231)	Prohibition against means testing

CHAPTER 229

DATA COLLECTION

229.1(231)	Authority

CHAPTER 230

LONG-TERM CARE OMBUDSMAN

230.1(231)	Definitions
230.2(231)	Interference
230.3(231)	Monetary civil penalties—basis
230.4(231)	Monetary civil penalties—notice of penalty
230.5(231)	Monetary civil penalties—appeals
230.6(231)	Certified volunteer long-term care ombudsman program
230.7(231)	Managed care ombudsman services

CHAPTER 231

OFFICE OF PUBLIC GUARDIAN

231.1(231E,633)	Purpose
231.2(231E,633)	Definitions
231.3(231E,633)	Public guardian qualifications

231.4(231E,633)	Ethics and standards of practice
231.5(231E,633)	Staffing ratio
231.6(231E,633)	Conflict of interest
231.7(231E,633)	Individuals eligible for services
231.8(231E,633)	Application and intake process—guardianship, conservatorship, and representative payee
231.9(231E,633)	Case records
231.10(231E,633)	Confidentiality
231.11(231E,633)	Termination or limitation
231.12(231E,633)	Service fees
231.13(231E,633)	Denial of services—appeal
231.14(231E,633)	Contesting the actions of a guardian, conservator, or representative payee

CHAPTERS 232 to 299

Reserved

TITLE XVIII

BEHAVIORAL HEALTH SERVICES

CHAPTER 300

DEFINITIONS

300.1(225A)	Definitions

CHAPTER 301

BEHAVIORAL HEALTH SERVICE SYSTEM ELIGIBILITY AND SERVICES

301.1(225A)	Individual eligibility for behavioral health service system funding
301.2(225A)	The behavioral health care continuum
301.3(225A)	Provider qualifications
301.4(225A)	Appeal rights

CHAPTER 302

BEHAVIORAL HEALTH ADMINISTRATIVE SERVICE ORGANIZATIONS

302.1(225A)	Implementation and maintenance of programs and services
302.2(225A)	Service availability and accessibility
302.3(225A)	Provider oversight and monitoring

CHAPTER 303

Reserved

CHAPTER 304

DISTRICT BEHAVIORAL HEALTH ADVISORY COUNCILS

304.1(225A)	Definitions
304.2(225A)	Appointment
304.3(225A)	Officers
304.4(225A)	Meetings
304.5(225A)	Subcommittees
304.6(225A)	Advisory council composition

CHAPTER 305

MENTAL HEALTH ADVOCATES

305.1(229)	Advocate appointment and qualifications
305.2(229)	Advocate assignment
305.3(229)	Advocate responsibilities
305.4(229)	County responsibilities
305.5(229)	Data collection requirements
305.6(229)	Quality assurance system

CHAPTER 306

OPIOID SETTLEMENT FUND DISBURSEMENT

306.1(12)	Definition
306.2(12)	Methodology
306.3(12)	Outcome measurement

306.4(12) Annual report

CHAPTERS 307 to 309
Reserved

CHAPTER 310
DATA COLLECTION

310.1(225A) Authority

CHAPTERS 311 to 2503
Reserved

CHAPTER 2504
RULE WAIVERS

2504.3(17A) Evaluation

CHAPTER 2505
FAIR INFORMATION PRACTICES

2505.1(17A,22) Definitions
2505.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination
2505.7(17A,22) Consent to disclosure by the subject of a confidential record
2505.9(22,252G) Personally identifiable information

CHAPTER 2506
CONTESTED CASES

2506.2(17A) Definitions
2506.3(17A) Time obligations
2506.4(17A) Electronic requests for contested case proceeding
2506.5(17A) Notice of hearing
2506.6(17A) Presiding officer
2506.10(17A) Consolidation—severance
2506.11(17A) Pleadings
2506.12(17A) Electronic service and filing of pleadings and other papers
2506.18(17A) Withdrawals
2506.20(17A) Hearing procedures
2506.27(17A) Appeals and review
2506.32(17A) Timelines for contested case hearings
2506.33(17A) Medical assistance expedited review
2506.34(17A) SNAP administrative disqualification hearings
2506.35(17A) Continuation and reinstatement of benefits

CHAPTER 75
CONDITIONS OF ELIGIBILITY

[Ch 75, 1973 IDR, renumbered as Ch 90]
[Prior to 7/1/83, Social Services[770] Ch 75]
[Prior to 2/11/87, Human Services[498]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/31

DIVISION I
DEFINITIONS, COVERAGE GROUPS, AND GENERAL CONDITIONS OF ELIGIBILITY

441—75.1(249A) Definitions. Unless otherwise specified, the definitions in this rule apply to 441—Chapters 74 through 88.

“*Act*” means the federal Social Security Act. All references to the Act herein are as amended to August 1, 2025.

“*Aged*” means a person 65 years of age or older.

“*Applicant*” means a person who is requesting medical assistance on the person’s own behalf or a person for whom medical assistance is requested.

“*AVS*” or “*asset verification system*” means the use of an electronic asset data source to verify assets held in banks and other financial institutions for non-MAGI.

“*Blind*” means a person with central visual acuity of 20/200 or less in the better eye with use of corrective lens or visual field restriction to 20 degrees or less.

“*Caretaker*” means an individual with whom a child is living and who assumes primary responsibility for the child’s care. For this purpose, two individuals may be considered to have assumed primary responsibility for a child’s care.

“*Change in income*” means a permanent change in hours worked or rate of pay, any change in the amount of unearned income, or the beginning or ending of any income.

“*Child*” means a natural or biological child, or an individual legally recognized as the child of a parent based on the conception, gestation, or birth of the child during a legal marriage; an adoptive child; or a child of an individual’s spouse (stepchild) unless parental rights have been legally terminated.

“*Client*” means all of the following:

1. A Medicaid applicant;
2. A Medicaid member;
3. A person whose income or assets are considered in determining eligibility for an applicant or member.

“*Code of Federal Regulations*” or “*CFR*” means the United States Code of Federal Regulations. All references to the CFR herein are as amended to August 1, 2025, unless another effective date is specified.

“*Community spouse*” means a noninstitutionalized spouse of an institutionalized spouse.

“*Conditionally eligible*” means that a person has been assigned but not met spenddown as defined in subrule 75.8(1), or has been assigned a monthly premium but has not yet paid the premium for that month pursuant to subparagraph 75.6(6) “b”(4).

“*Coverage group*” means a group of persons who meet certain common eligibility requirements.

“*Dependent child*” or “*dependent children*” means a child or children who meet the nonfinancial eligibility requirements of the applicable family-related coverage group.

“*Electronic data sources*” or “*EDS*” means federal and state data sources with which the department conducts data matches for the purpose of determining eligibility. Federal data sources include the Internal Revenue Service (IRS), the Social Security Administration (SSA) and the United States Department of Homeland Security. State data sources include Iowa workforce development

(IWD) wage and unemployment compensation, SSA, IRS, and the Public Assistance Reporting Information System (PARIS).

“Family-related Medicaid” includes coverage groups that apply to children, parents and caretakers and pregnant women who are not aged, blind or disabled.

“Federal poverty level” or *“FPL”* means the levels published and updated periodically in the Federal Register by the United States Department of Health and Human Services (DHHS) under the authority of 42 U.S.C. 9902(2) and revised annually on April 1.

“General conditions of eligibility” means the eligibility criteria specified in the following provisions:

1. Rule 441—75.9(249A): furnishing of social security number.
2. Rule 441—75.10(249A): residency requirements.
3. Rule 441—75.11(249A): citizenship or alienage requirements.
4. Rule 441—75.14(249A): establishing liability and obtaining support.
5. Rule 441—75.15(249A): medical resources.
6. Rule 441—75.16(249A): medical assistance lien.
7. Rule 441—75.29(249A): investigation of eligibility.

“Income in-kind” means any gain or benefit that is not in the form of money payable directly to the applicant, member, or person whose income or assets are considered in determining eligibility for an applicant or member, including nonmonetary benefits such as meals, clothing, and vendor payments. Vendor payments are monetary payments to a third party and not to the applicant, member, or person whose income is considered in determining eligibility.

“Institutionalized person” means a person who is an inpatient in a nursing facility or a Medicare-certified skilled nursing facility, a person who is an inpatient in a medical institution and for whom payment is made based on a level of care provided in a nursing facility, or a person who is as described in subrule 75.6(8).

“Institutionalized spouse” means a married person living in a medical institution, or nursing facility, or home- and community-based waiver setting who is likely to remain living in these circumstances for at least 30 consecutive days and whose spouse is not in a medical institution or nursing facility.

“Local office” means the county office of the department or a state mental health institute.

“Medical institution,” when used in this chapter, means a facility organized to provide medical care, including nursing and convalescent care, in accordance with accepted standards as authorized by state law and as evidenced by the facility’s license. A medical institution may be public or private. Medical institutions include the following:

1. Hospitals.
2. Extended care facilities (skilled nursing).
3. Intermediate care facilities.
4. Mental health institutions.

“Member” means any person who has been determined eligible and has been enrolled to receive medical assistance pursuant to 441—Chapter 75. “Member” may be used interchangeably with “recipient.” This definition does not apply to the phrase “household member.” For the medically needy program, “member” means a person who has been determined eligible for Medicaid under the medically needy program, has been approved, and has countable income at or below the medically needy income level (MNIL) or has reduced the person’s countable income to the MNIL during the certification period through spenddown. Unless otherwise specified, a person is not a member for any month in which Medicaid for that person is subject to recoupment because the person was ineligible.

“Modified adjusted gross income” or *“MAGI”* means the tax-based methodology used to determine income eligibility and household size for family-related Medicaid and other coverage groups as prescribed by 1902(e)(14) of the Act (42 U.S.C. 1396a(e)(14) and 42 CFR 435.603).

“Non-MAGI-related” means those persons whose eligibility is determined using regulations governing the supplemental security income (SSI) program administered by the SSA, except that

income is considered prospectively. “Non-MAGI-related” also includes persons who would be eligible for SSI except for certain eligibility factors as specified in rule 441—75.6(249A).

“*Nursing facility services*” means the level of care provided in a medical institution licensed for nursing services or skilled nursing services for the purposes of rules 441—75.23(249A) and 441—75.85(249A).

“*Parent*” means a natural or biological parent, or an individual legally recognized as the parent of a child based on the conception, gestation, or birth of the child during a legal marriage; an adoptive parent; or the spouse of another parent (stepparent) unless parental rights have been legally terminated.

“*Pay and chase*” means that the state pays the total amount allowed under the department’s payment schedule and then seeks reimbursement from a liable third party. The pay and chase provision applies to Medicaid claims for preventive pediatric services and all services provided to a person for whom there is court-ordered medical support.

“*Payee*” refers to an SSI payee as defined in 20 CFR 416.601.

“*Presumptive eligibility*” means that a person is presumed to be eligible for Medicaid on a temporary basis based on statements provided by the person.

“*Presumptive Medicaid*” means immediate and temporary health care coverage based on a presumptive eligibility decision to pay for the cost of care during the presumptive period as described in subrule 75.7(4).

“*Presumptive provider*” means an organization approved by the department to conduct and authorize presumptive eligibility determinations pursuant to 441—subrule 76.7(1).

“*Qualified entity*” means an individual, under the supervision and authority of a presumptive provider, who has been determined by the department to be capable of making presumptive Medicaid eligibility determinations pursuant to 441—subrule 76.7(2).

“*Reasonably compatible*” or “*reasonable compatibility*” means the standard by which the total attested countable income or resources for each person’s household size is compared with the total amount from available EDS or AVS used by the department. Attested income or resources must meet one of the following three criteria to meet the standards for reasonable compatibility:

1. Both the total attested income or resources and the total income or resources from the EDS or AVS are above, at, or below the applicable income or resource limit for Medicaid or hawki; or
2. The total attested income is within 10 percent of the total income from EDS or the total resources are below the resource limit for the applicable program; or
3. The total attested income or resources exceeds the total income or resources from EDS or AVS.

If the attested income or resources meet any of the reasonable compatibility criteria, the income or resources are considered to be verified.

“*Reasonable opportunity period*” means the 90-day period allowed for applicants and members to provide satisfactory documentation of citizenship, nationality, or qualified alien status pursuant to subparagraph 75.11(2)“c”(4).

“*Refugee*” means the same as defined in 8 U.S.C. §1101(a) INA 101 (a)(42).

“*Retroactive period*” means the three calendar months immediately preceding the month in which an application is filed.

“*Sibling*” means an individual who shares at least one common parent with another individual.

“*Spouse*” means a party to a legally recognized marriage, including a common-law marriage.

“*Stepparent*” means a person who is not the parent of the dependent child, but is the legal spouse of the dependent child’s parent. A stepparent is considered a parent under a coverage group that is subject to MAGI methodology pursuant to 42 CFR 435.603.

“*Supply*” or “*supplying*” means the requested information is received by the department by the specified due date.

“*Tax dependent*” means an individual who can be claimed by another individual as a dependent for federal income tax purposes.

“Transfer of assets” means the transfer of resources or income for less than fair market value as provided in rule 441—75.23(249A).

“Unborn child” includes an unborn child during the entire term of pregnancy.

“United States Code” or *“U.S.C.”* means the general and permanent laws of the United States. All references to the U.S.C. herein are as amended to August 1, 2025, unless another effective date is specified.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.2(249A) Categories of persons covered. Persons who meet the criteria of one of the categorical groups below receive Medicaid if they meet the eligibility requirements of a related coverage group described in rules 441—75.3(249A) through 441—75.8(249A) and the general conditions of eligibility described within this chapter.

75.2(1) *Family-related Medicaid.* Medicaid is available to the following categories of persons who meet the eligibility requirements of one of the family-related Medicaid coverage groups described in rule 441—75.3(249A), the general conditions of eligibility specified in Division I of this chapter, and the eligibility factors specific to family-related medical assistance described in Division II of this chapter unless stated otherwise within this chapter:

- a. Children under the age of 19.
- b. Parents and caretakers.
- c. Pregnant women.
- d. Persons in foster care, a subsidized adoption arrangement, or subsidized guardianship.
- e. Former foster care youth.
- f. Persons living in a medical institution.

75.2(2) *Persons who need breast or cervical cancer treatment.* Pursuant to rule 441—75.4(249A), Medicaid is available to persons who have been screened and found to need treatment for breast or cervical cancer.

75.2(3) *Persons aged 19 through 64.* Medicaid is available to persons who are aged 19 or older and under the age of 65 who meet the eligibility requirements of the Iowa health and wellness plan (IHAWP) as described in subrule 75.5(1) and 441—Chapter 74.

75.2(4) *Persons who are refugees.* Medicaid is available to refugees who meet the requirements described in subrules 75.5(3) and 75.5(4) and who do not meet the requirements of another Medicaid coverage group or hawki.

75.2(5) *Aged, blind, or disabled persons.* The following coverage groups are available to persons who are aged, blind, or disabled and who meet the eligibility criteria of a coverage group described in rule 441—75.6(249A) and the general conditions of eligibility specified in this chapter:

- a. Persons receiving SSI or state supplementary assistance or eligible for, but not receiving, SSI.
- b. Aged, blind or disabled persons ineligible for SSI or state supplementary assistance due to income or other requirements.
- c. Certain persons essential to the welfare of an aged, blind, or disabled person.
- d. Persons residing in a medical institution.
- e. Persons participating in Medicare savings programs.
- f. Working persons with disabilities.
- g. Children with disabilities.
- h. Persons who may be eligible for additional services that are not available through regular Medicaid, and a waiver of federal policy has been approved. These are known as waiver services and are defined in 441—Chapter 83.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.3(249A) Family-related Medicaid. Medicaid will be available to children, parents and other caretakers and to pregnant women who meet the eligibility requirements of a coverage group described within this rule and the general conditions of eligibility described in this chapter.

75.3(1) *Family medical assistance program (FMAP)*. Medicaid will be available to low-income children and to the children's parent or other caretaker if the following criteria are met:

- a. Children must meet the requirements described in rule 441—75.50(249A), and the parent or other caretaker must meet the requirements described in rule 441—75.51(249A).
- b. Countable household income must not exceed the FMAP limits prescribed in rule 441—75.74(249A). Financial eligibility will be determined according to MAGI methodology pursuant to Division III of this chapter.

75.3(2) *Pregnant women, infants, and children (mothers and children (MAC))*. Medicaid will be available to pregnant women, infants (under one year of age), and children who have not attained the age of 19 if the following criteria are met.

- a. Income.
 - (1) Household income must not exceed the applicable limits for the MAC program as stated in rule 441—75.74(249A).
 - (2) In establishing eligibility for pregnant women, infants, and children, income and household size will be determined pursuant to rule 441—75.72(249A).
 - (3) In establishing eligibility for a pregnant woman or any person whose MAGI household size includes a pregnant woman, the unborn child (or children) will be considered when determining the number of persons in the household. Attestation of pregnancy will be accepted in accordance with subrule 75.72(5).
- b. Eligibility for pregnant women under this rule will begin no earlier than the first day of the month in which conception occurred and will continue throughout the pregnancy when requirements described in rule 441—75.18(249A) are met.
- c. The effect of age on eligibility for an infant or a child will be determined pursuant to rule 441—75.52(249A).
- d. When determining eligibility under this coverage group, the requirement to live with a parent or other caretaker as specified at subrule 75.50(2) and the age and school attendance provisions specified in subrule 75.50(1) do not apply.
- e. A woman who was both eligible and enrolled in Medicaid on the date her pregnancy ends will be entitled to receive Medicaid through the postpartum period in accordance with subrule 75.3(4).
- f. If an infant loses eligibility under this coverage group at the time of the first birthday due to exceeding the income limit for children or if a child loses eligibility at the time of the nineteenth birthday, but the infant or child is receiving inpatient services in a medical institution, Medicaid will continue under this coverage group for the duration of continuous inpatient services.

75.3(3) *Newborn children*. Medicaid will be available without an application to newborn children of women who are determined eligible for Medicaid for the month of the child's birth or for emergency services for labor and delivery for the child's birth. Eligibility begins with the month of the birth and continues through the month of the first birthday as long as the child remains an Iowa resident.

- a. The department will accept any written or verbal statement as verification of the newborn's birth date unless the department determines the birth date is questionable.
- b. In order for Medicaid to continue after the month of the first birthday, a redetermination of eligibility must be completed.

75.3(4) *Postpartum eligibility following pregnancy*. Medicaid will continue to be available for a period of 12 months beginning the first of the month following the end of pregnancy and continuing for 12 months for a woman who was both eligible and enrolled in Medicaid on the date her pregnancy ends.

- a. Except as described in this subrule, the woman is not required to meet any eligibility criteria described in this chapter or the reenrollment requirements in rule 441—76.14(249A) during the 12-month postpartum period.
- b. The woman will not be required to file an application.

c. Pregnant women determined eligible only for emergency services pursuant to subrule 75.11(4) are eligible under this provision.

75.3(5) *Healthy and well kids in Iowa (hawki)*. Hawki will be available to children under the age of 19 who are not eligible for Medicaid and who meet the provisions of 441—Chapter 86.

75.3(6) *Transitional Medicaid*.

a. *Eligible persons*. Transitional Medicaid will be available for a period of up to 12 months to the following persons:

(1) A dependent child who becomes ineligible for FMAP due to increased income from employment of the dependent child or the child's parent or other caretaker;

(2) The child's parent or caretaker who becomes ineligible for FMAP due to increased income from employment of the dependent child or the child's parent or other caretaker; and

(3) The following household members of persons described in subparagraph 75.3(6) "a"(1) or "a"(2) who currently meet all FMAP requirements, except for income:

1. Persons who were in the home prior to FMAP discontinuance but did not receive FMAP at the time; and

2. Persons who entered the home prior to FMAP discontinuance or during the transitional Medicaid period.

b. *Increase in income from employment*. Increased income from employment includes but is not limited to the following:

(1) Beginning employment.

(2) Increased rate of pay.

(3) Increased hours of employment.

c. *Transitional Medicaid and continuous eligibility*. Transitional Medicaid eligibility rules supersede continuous eligibility rules for a child as described in rule 441—75.19(249A).

d. *FMAP received in three of six months*. In order to receive transitional Medicaid coverage under the provisions of this subrule, at least one of the individuals described in subparagraph 75.3(6) "a"(1) or "a"(2) must have received FMAP during at least three of the six months immediately preceding the month in which ineligibility occurred. The months the member receives FMAP due to continuous eligibility as described in rule 441—75.19(249A) do not count toward the transitional Medicaid requirement of receiving FMAP for at least three of the last six months. If there is an increase in income from employment when a child's continuous eligibility is ending, the child will not be redetermined to the transitional Medicaid coverage group.

e. *Period of transitional coverage*. The 12 months of transitional Medicaid coverage begin the day following discontinuance of FMAP eligibility and will continue for a consecutive 12-month period without regard to income changes, subject to paragraphs 75.3(6) "g," "h," and "i."

f. Reserved.

g. *Fraud*. Transitional Medicaid will not be allowed under the provisions of this subrule when it has been determined that the member received FMAP in any of the six months immediately preceding the month of discontinuance as the result of fraud. Fraud is defined in accordance with Iowa Code section 239B.14.

h. *Eligible child*. During the transitional Medicaid period, assistance will be discontinued at the end of the first month in which there is no longer an eligible child living in the household who meets the requirements in rule 441—75.50(249A).

i. *Other conditions of eligibility*. Members must meet all applicable general conditions of eligibility described in this chapter except for the income limits described in rule 441—75.74(249A).

j. *Transitional period ends*. Transitional Medicaid will be discontinued beginning with the first month following the month in which the household no longer meets the eligibility criteria. Notice will be provided to the household in accordance with adequate and timely notice provisions as specified in rule 441—16.2(17A).

75.3(7) *Extended Medicaid*.

a. Eligible persons. Extended Medicaid will be available for a period of up to four months to the following individuals:

(1) A dependent child who becomes ineligible for FMAP due to receipt of income from alimony or other spousal support;

(2) The child's parent or caretaker who becomes ineligible for FMAP due to receipt of income from alimony or other spousal support; and

(3) The following household members of persons described in subparagraph 75.3(7) "a"(1) or "a"(2) who currently meet all FMAP requirements, except for income:

1. Persons who were in the home prior to FMAP discontinuance but did not receive FMAP at the time; and

2. Persons who enter the home prior to FMAP discontinuance or during the extended Medicaid period.

b. FMAP received in three of six months. In order to receive extended Medicaid coverage under the provisions of this subrule, at least one member must have received FMAP during at least three of the six months immediately preceding the month in which ineligibility occurred.

c. Period of extended coverage. The four months of extended Medicaid coverage begins the day following discontinuance of FMAP eligibility and will continue for four consecutive months, subject to paragraph 75.3(7) "f."

d. Reserved.

e. Other conditions of eligibility. Members must meet all applicable general conditions of eligibility described in this chapter except for the income limits described in rule 441—75.74(249A).

f. Extended period ends. Extended Medicaid will be discontinued beginning with the first month following the month in which the household no longer meets eligibility criteria. Notice will be provided to the household in accordance with adequate and timely notice provisions as specified in rule 441—16.2(17A).

75.3(8) *Children in foster care, subsidized adoption arrangement, or subsidized guardianship arrangement not eligible under Title IV-E or Title XVI of the Act.* Medicaid will be available to persons under the age of 21 if the following criteria are met:

a. For the child medical assistance program (CMAP), the person is in foster care or a subsidized adoption arrangement in accordance with subparagraph 75.3(8) "a"(1), "a"(2), or "a"(3) and the person is not eligible for assistance under Title IV-E or Title XVI of the Act.

(1) The person is placed in licensed foster care for which the state pays foster care maintenance payments pursuant to Iowa Code section 234.35 and rule 441—156.20(234).

(2) The person is a special needs child in an adoption assistance agreement with the department pursuant to rule 441—201.5(600), regardless of whether the adoption assistance agreement provides for adoption subsidy maintenance payments.

(3) The person is a special needs child who resides in Iowa in a private home with the child's adoptive parent(s) and is in an adoption assistance agreement with another state with which Iowa has a reciprocity agreement as follows:

1. The other state is a member of the interstate compact on adoption and medical assistance (ICAMA); and

2. The other state provides medical assistance benefits pursuant to a program funded under Title XIX of the Act under the optional group in Section 1902(a)(10)(A)(ii)(VIII) of the Act to children residing in that state (at least until aged 18) for whom there is a state adoption assistance agreement in effect with the state of Iowa other than under Title IV-E of the Act.

b. For the subsidized guardianship medically needy program, the person resides in Iowa in a private home pursuant to a court-approved subsidized guardianship arrangement under 441—Chapter 204 and the person is not eligible for assistance under Title IV-E or Title XVI of the Act. As authorized under 42 CFR 435.308, this reasonable classification of individuals is a separate coverage group from the medical assistance available to medically needy persons described in rule 441—75.8(249A).

c. There are no financial eligibility requirements for these coverage groups.
d. The effect of reaching age 21 on the person's eligibility will be determined pursuant to rule 441—75.52(249A).

e. The age requirements and the requirement to live with a parent or other caretaker as provided in rule 441—75.50(249A) do not apply for persons under this coverage group.

75.3(9) *Children in foster care, subsidized adoption arrangement, or subsidized guardianship arrangement and eligible under Title IV-E.*

a. Medicaid will be available to a child under the age of 21 who is eligible under Title IV-E of the Act and for whom any of the following is provided:

(1) Foster care maintenance payments for a child placed in licensed foster care pursuant to Iowa Code section 234.35 and rule 441—156.20(234).

(2) Guardianship assistance pursuant to rule 441—204.4(234), regardless of whether the guardianship assistance agreement provides for guardianship subsidy maintenance payments.

(3) Adoption assistance pursuant to rule 441—201.5(600), regardless of whether the adoption assistance agreement provides for adoption subsidy maintenance payments.

b. IV-E assistance from another state. Medicaid will be available to children under the age of 21 who are eligible for federal foster care maintenance payments, adoption assistance, or guardianship assistance under Title IV-E of the Act from another state and live in Iowa, including children with an adoption or guardianship assistance agreement that does not provide for maintenance payments.

c. There are no financial eligibility requirements for these coverage groups.

d. The effect of reaching age 21 on the person's eligibility will be determined pursuant to rule 441—75.52(249A).

e. The age requirements and the requirement to live with a parent or other caretaker as provided in rule 441—75.50(249A) do not apply for persons under this coverage group.

75.3(10) *State-only funded medical assistance for children in foster care or a subsidized adoption arrangement for whom the department has financial responsibility in whole or in part.*

a. When the department is responsible for foster care maintenance payments for a child placed in licensed foster care pursuant to Iowa Code section 234.35 and rule 441—156.20(234), or has negotiated an adoption assistance agreement pursuant to rule 441—201.5(600) for a child living in a private home regardless of whether the agreement provides for adoption subsidy maintenance payments, state-only funded medical assistance will be available to the child if:

(1) The child is under the age of 21, lives in Iowa, and is not otherwise eligible under a category for which federal financial participation is available; or

(2) The child is under the age of 21, lives in another state, and is not eligible for benefits from the other state pursuant to a program funded under Title XIX of the Act, notwithstanding the residency requirements of 441—75.10(249A).

b. There are no financial eligibility requirements for this coverage group.

c. The effect of reaching the age of 21 on the person's eligibility will be determined pursuant to rule 441—75.52(249A).

d. The age requirements and the requirement to live with a parent or other caretaker as provided in rule 441—75.50(249A) do not apply for persons under this coverage group.

75.3(11) *State-only funded medical assistance for children in a court-approved subsidized guardianship home for whom the department has financial responsibility in whole or in part.*

a. When the department has negotiated a subsidized guardianship agreement for a child pursuant to 441—Chapter 204, state-only funded medical assistance will be available to the child under this subrule if the child is under the age of 21 and living in a private home pursuant to a court-approved subsidized guardianship agreement if:

(1) The child lives in Iowa and is not eligible for Medicaid under a category for which federal financial participation is available due to reasons other than:

1. Failure to provide information, or

2. Failure to comply with other procedural requirements; or

(2) Notwithstanding the residency requirements of rule 441—75.10(249A), the child lives in another state and is not eligible for benefits from the other state pursuant to a program funded under Title XIX of the Act, due to reasons other than:

1. Failure to provide information, or
2. Failure to comply with other procedural requirements.
- b.* There are no financial eligibility requirements for this coverage group.
- c.* The effect of reaching the age of 21 on the person's eligibility will be determined pursuant to rule 441—75.52(249A).
- d.* The age requirements and the requirement to live with a parent or other caretaker as provided in rule 441—75.50(249A) do not apply for persons under this coverage group.

75.3(12) *Medicaid for former foster care youth (EMIYA).* Medicaid will be available to a person who meets all of the following conditions:

a. The person is at least 18 years of age (or such higher age to which foster care is provided to the person, as provided in paragraph 75.3(12)“c”) and under 26 years of age. The effect of reaching the age of 26 on the person's eligibility will be determined pursuant to rule 441—75.52(249A).

b. The person is:

(1) Not described in and is not enrolled under any of subclauses (I) through (VII) of Section 1902(a)(10)(A)(i) of Title XIX of the Act; or

(2) Described in any of such subclauses but has income that exceeds the level of income applicable under Iowa's state Medicaid plan for eligibility to enroll for Medicaid under such subclause.

c. The person was in foster care as defined in Iowa Code section 232.2(20B):

(1) Under the responsibility of Iowa or a tribe within Iowa on the date of attaining 18 years of age or such higher age as described in Iowa Code section 234.1 on or prior to December 31, 2022; or

(2) Under the responsibility of any state on the date of attaining 18 years of age or such higher age as defined under Section 1902(a)(10)(A)(i) of the Act on or after January 1, 2023.

d. The person was enrolled in the Iowa Medicaid program under Title XIX of the Act on the date of attaining 18 years of age or such higher age as described in Iowa Code section 234.1 on or prior to December 31, 2022; or

e. The person was enrolled in Medicaid in any state on the date of attaining 18 years of age or such higher age as defined under Section 1902(a)(10)(A)(i) of the Act on or after January 1, 2023.

f. There are no financial eligibility requirements for this coverage group.

75.3(13) *Persons under 21 receiving care in a medical facility who would be eligible under a special income standard.* Medicaid will be available to persons under the age of 21 who meet the requirements in paragraph 75.6(4)“b.”

75.3(14) *Presumptive eligibility for family-related medical assistance.* Medicaid will be temporarily available to the following persons who are determined to be presumptively eligible for Medicaid pursuant to rule 441—75.7(249A):

a. Infants (within MAC income limits specified in rule 441—75.74(249A));

b. Children (within hawki income limits specified in 441—subrule 86.2(2));

c. Parents and other caretakers (within FMAP income limits specified in rule 441—75.74(249A));

d. Pregnant women (within MAC income limits specified in rule 441—75.74(249A)); and

e. EMIYA.

75.3(15) *Family-related medically needy.* Pursuant to rule 441—75.8(249A), Medicaid will be available to children under the age of 19 and pregnant women who would be eligible for a family-related coverage group except for excess income. The coverage group is also available to a “parent” and “caretaker” as defined in rule 441—75.1(249A) who meet the requirements described in rule 441—75.8(249A) and who would be eligible for a family-related coverage group or IHAWP except for excess income.

This rule is intended to implement Iowa Code sections 249A.3, 249A.3A and 249A.4.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.4(249A) Persons who have been screened and found to need breast or cervical cancer treatment (BCCT).

75.4(1) Medicaid is available to persons who meet the eligibility requirements described within this rule and the general conditions of eligibility described in this chapter.

a. Medicaid will be available to persons who:

(1) Are under the age of 65;

(2) Have been screened for breast or cervical cancer under the National Breast and Cervical Cancer Early Detection Program (NBCCEDP) established under Title XV of the Public Health Service Act as amended to August 1, 2025, and have been found to need BCCT (including a precancerous condition);

(3) Do not otherwise have creditable coverage, as that term is defined by the Health Insurance Portability and Accountability Act (HIPAA) (42 U.S.C. Section 300gg-3(c)(1)). An individual is not considered to have creditable coverage just because the individual may receive medical services provided by the Indian Health Service, a tribal organization, or an Urban Indian Organization; and

(4) Are not eligible for Medicaid under Iowa Code section 249A.3(1).

b. Eligibility established under this subrule continues until the person is:

(1) No longer receiving BCCT;

(2) Aged 65 or older; or

(3) Covered by creditable coverage or eligible for Medicaid under Iowa Code section 249A.3(1).

c. Persons applying for this coverage group are not subject to MAGI methodologies described in Division III of this chapter. Income eligibility is determined by the NBCCEDP.

75.4(2) Presumptive eligibility. Medicaid is temporarily available to persons who have been screened for breast or cervical cancer and found to need treatment for the cancer and who are determined to be presumptively eligible for Medicaid under BCCT pursuant to rule 441—75.7(249A).

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.5(249A) Persons under age 65; refugees. Medicaid is available to persons who are under age 65 and to persons admitted to the United States as refugees who meet the eligibility requirements of a coverage group described within this rule.

75.5(1) *Iowa health and wellness plan (IHAWP).* This coverage group is available to persons who are aged 19 or older and under the age of 65 who meet the eligibility requirements of the IHAWP as described in 441—Chapter 74 and who are not eligible for Medicaid under a family-related or non-MAGI-related coverage group.

75.5(2) *Presumptive eligibility for IHAWP.* Medicaid will be temporarily available to persons who are aged 19 or older and under the age of 65 who are determined to be presumptively eligible for IHAWP medical assistance pursuant to rule 441—75.7(249A).

75.5(3) *Refugee medical assistance (RMA).* RMA is available to refugees, subject to the time limit set forth in rule 441—60.7(217) and paragraph 75.5(3)“a,” when the requirements of this rule are met and eligibility does not exist under another Medicaid coverage group or hawki.

a. The time limit begins the month of entry, regardless of which day during the month is the refugee’s date of entry. The time limit applies to each person, not to each case or household.

b. The refugee must meet the immigration status and other non-financial requirements described in 441—Chapter 60.

c. Financial eligibility will be determined according to MAGI methodology pursuant to Division III of this chapter. Countable household income must not exceed the FMAP limits prescribed at rule 441—75.74(249A).

d. For purposes of Medicaid, the refugee is not required to meet the work and training requirements specified in rule 441—60.9(217).

75.5(4) *Extended coverage for refugees.* RMA will be available to a refugee for the remainder of the time limit described in subrule 75.5(3) when the refugee, who is a member, becomes ineligible for

RMA or Medicaid under another coverage group solely due to earnings of a household member and eligibility does not exist under another coverage group.

a. A refugee will not be required to meet any minimum program participation time frames to receive RMA coverage under this subrule.

b. A person who returns to the household after the family becomes ineligible for RMA or Medicaid may be included in the extended RMA household if the person was included in the RMA or Medicaid household the month the family became ineligible for RMA or other Medicaid.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.6(249A) Aged, blind or disabled. Medicaid is available to persons who are aged, blind or disabled and who meet the eligibility requirements of a coverage group described within this rule, the general conditions of eligibility, and the eligibility factors specific to non-MAGI-related Medicaid described in Division IV unless stated otherwise within this chapter.

75.6(1) *Persons receiving SSI or state supplementary assistance; persons eligible for but not receiving SSI.*

a. SSI recipients. Medicaid will be available to all persons receiving SSI payments as authorized by the SSA under Title XVI of the Act.

b. State supplementary assistance recipients. Medicaid will be available to all recipients of state supplementary assistance as authorized by Iowa Code chapter 249, 441—Chapters 50 through 54 and 177, and Title XVI of the Act. This applies to mandatory and optional state supplementary assistance payments, whether administered by the department or the SSA.

c. Persons who meet the income and resource requirements of SSI. Medicaid will be available to aged, blind, or disabled persons as described below who meet the income and resource guidelines of SSI but who are not receiving SSI:

- (1) Aged and blind persons, as defined in rule 441—75.1(249A).
- (2) Disabled persons, as determined pursuant to rule 441—75.81(249A).
- (3) In establishing eligibility for children for this coverage group, resources of the child and ineligible parent or stepparent, regardless of age, will be disregarded.
- (4) In establishing eligibility for adults for this coverage group, resources of non-MAGI persons will be treated according to SSI policies.

d. Persons who do not receive an SSI payment but are considered as SSI recipients. Medicaid will be available to a person who is not receiving an SSI payment because the SSA has determined that the person exceeds the income limit when the department still considers the person to be an SSI recipient.

75.6(2) *Persons who are not eligible for SSI or state supplementary assistance.*

a. Persons who are ineligible for SSI because of requirements that do not apply under Title XIX of the Act. Medicaid will be available to persons who would be eligible for SSI except for an eligibility requirement used in that program that is specifically prohibited under Title XIX of the Act.

b. Persons who would be eligible for SSI or state supplementary assistance but for social security cost-of-living increases received. Medicaid will be available to all current social security recipients who meet the following conditions:

- (1) They were entitled to and received concurrently in any month after April 1977 SSI and social security or state supplementary assistance and social security,
- (2) They subsequently lost eligibility for SSI or state supplementary assistance, and
- (3) They would be eligible for SSI or state supplementary assistance if all of the social security cost-of-living increases that they and their financially responsible spouses, parents, and dependent children received since they were last eligible for and received social security and SSI (or state supplementary assistance) concurrently were deducted from their income. Spouses, parents, and dependent children are considered financially responsible if their income would be considered in determining the applicant's eligibility.

c. Persons who would be eligible for SSI or state supplementary assistance, except that they receive social security benefits from a parent's account based on disability. Medicaid will be available to persons who receive SSI or state supplementary assistance after their eighteenth birthday because of a disability or blindness that began before the age of 22 and who would continue to receive SSI or state supplementary assistance except that they become entitled to or receive an increase in social security benefits from a parent's account.

d. Persons ineligible due to October 1, 1972, social security increase. Medicaid will be available to persons and families whose assistance grants were canceled as a result of the increase in social security benefits October 1, 1972, as long as these persons and families would be eligible for an assistance grant if the increase were not considered.

e. Persons who would be eligible for SSI or state supplementary assistance but for increases in social security benefits because of elimination of the actuarial reduction formula and cost-of-living increases received. Medicaid will be available to all current social security recipients who meet all of the following conditions:

- (1) They were eligible for a social security benefit in December of 1983.
- (2) They were eligible for and received a widow's or widower's disability benefit and SSI or state supplementary assistance for January of 1984.
- (3) They became ineligible for SSI or state supplementary assistance because of an increase in their widow's or widower's benefit that resulted from the elimination of the reduction factor in the first month in which the increase was paid and in which a retroactive payment of that increase for prior months was not made.
- (4) They have been continuously eligible for a widow's or widower's benefit from the first month the increase was received.
- (5) They would be eligible for SSI or state supplementary assistance benefits if the amount of the increase from elimination of the reduction factor and any subsequent cost-of-living adjustments were disregarded.

- (6) They submitted an application prior to July 1, 1988.

f. Widows and widowers who are no longer eligible for SSI or state supplementary assistance because of the receipt of social security benefits. Medicaid will be available to widows and widowers who meet the following conditions:

- (1) They have applied for and received or were considered recipients of SSI or state supplementary assistance.
- (2) They apply for and receive Title II widow's or widower's insurance benefits or any other Title II old age or survivor's benefits, if eligible for widow's or widower's benefits.
- (3) They were not entitled to Part A Medicare hospital insurance benefits at the time of application and receipt of Title II old age or survivor's benefits. They are not currently entitled to Part A Medicare hospital insurance benefits.
- (4) They are no longer eligible for SSI or state supplementary assistance solely because of the receipt of their social security benefits.

g. Continued Medicaid for disabled children from August 22, 1996. Medicaid will be available to persons who were receiving SSI as of August 22, 1996, and who would continue to be eligible for SSI but for Section 211(a) of the Personal Responsibility and Work Opportunity Act of 1996 (Public Law 104-193) as amended to August 1, 2025, and 42 U.S.C. 1382c(a)(3).

75.6(3) *Certain persons essential to the welfare of Title XVI beneficiaries.* Medicaid will be available to the person living with and essential to the welfare of a Title XVI beneficiary, provided the essential person was eligible for Medicaid as of December 31, 1973. The person will continue to be eligible for Medicaid as long as the person continues to meet the definition of "essential person" in effect for the Old Age Assistance, Aid to the Blind, or Aid to the Permanently and Totally Disabled public assistance programs on December 31, 1973, and as determined by SSA.

75.6(4) *Persons residing in a medical institution.*

a. Persons who would be eligible for SSI or state supplementary assistance except for their institutional status. Medicaid will be available to persons receiving care in a medical institution who would be eligible for SSI or state supplementary assistance if they were not institutionalized.

b. Persons receiving care in a medical facility who would be eligible under a special income standard.

(1) Medicaid will be available to persons who:

1. Meet level of care requirements as set forth in rules 441—78.3(249A), 441—81.2(249A), 441—82.6(3) and 441—82.7(249A).

2. Receive care in a hospital, nursing facility, psychiatric medical institution, intermediate care facility for the intellectually disabled (ICF-ID), or Medicare-certified skilled nursing facility.

3. Have gross countable monthly income that does not exceed 300 percent of the federal SSI benefits for one.

4. Either meets all SSI eligibility requirements except for income or is under age 21 pursuant to subrule 75.3(14).

(2) For all persons in this coverage group, income will be considered as provided for non-MAGI-related coverage groups under rule 441—75.80(249A). In establishing eligibility for persons aged 21 or older for this coverage group, resources will be considered as provided for non-MAGI-related coverage groups.

(3) A person in this group will not be eligible until the person has been institutionalized for a period of 30 consecutive days, and eligibility will be effective no earlier than the first day of the month in which the 30-day period begins. A period of 30 days means beginning from 12 a.m. of the day of admission to the medical institution and ending no earlier than 12 midnight of the thirtieth day following the beginning of the period.

1. A person who enters a medical institution and who dies prior to completion of the 30-day period will be considered to meet the 30-day period provision.

2. Only one 30-day period is required to establish eligibility during a continuous stay in a medical institution. Discharge during a subsequent month, creating a partial month of care, does not affect eligibility for that partial month regardless of whether the eligibility determination was completed prior to discharge.

3. A temporary absence of not more than 14 full consecutive days during which the person remains under the jurisdiction of the institution does not interrupt the 30-day period. In order to remain under the jurisdiction of the institution, a person must first have been physically admitted to the institution.

75.6(5) Medicare savings programs. The purpose of the coverage groups within this subrule is to assist low-income persons with the payments of Medicare premiums, coinsurance, and deductibles. These groups are known as Medicare savings programs.

a. Qualified Medicare beneficiary (QMB) program.

(1) Medicaid will be available to persons who are entitled to hospital insurance under Part A of Medicare to cover the cost of the Medicare Part A and B premiums, coinsurance, and deductibles, providing the following conditions are met:

1. The person's monthly income does not exceed 100 percent of the FPL applicable to the family size.

2. The amount of income will be determined as under the SSI program.

3. The person's resources do not exceed three times the maximum resource level allowed under the SSI program, annually adjusted by increases in the consumer price index for inflation as defined in Section 1905(p)(1)(C) of the Act.

(2) The amount of resources will be determined as under the SSI program unless the person lives and is expected to live at least 30 consecutive days in a medical institution and has a spouse at home, in which case the resource determination will be made according to subrules 75.82(3) and 75.82(4).

(3) Income will not include any amount of social security income attributable to the cost-of-living increase beginning January 1 until the annual revision of the FPL on April 1.

- (4) The effective date of eligibility is the first of the month after the month of decision.
 - (5) Pursuant to 42 CFR 435.909(b), SSI recipients are automatically enrolled in the QMB group.
 - b. *Qualified disabled and working persons.* Medicaid will be available to cover the cost of the premium for Part A of Medicare (hospital insurance benefits) for qualified disabled and working persons.
 - (1) Qualified disabled and working persons are persons who meet the following requirements:
 1. The person's monthly income does not exceed 200 percent of the applicable FPL for the family size.
 2. The person's resources do not exceed twice the maximum amount allowed under the SSI program.
 3. The person is not eligible for any other Medicaid benefits.
 4. The person is entitled to enroll in Medicare Part A of Title XVIII under Section 1818A of the Act (as added by Section 6012 of the Omnibus Budget Reconciliation Act (OBRA) 1989).
 - (2) The amount of the person's income and resources will be determined as under the SSI program.
 - c. *Specified low-income Medicare beneficiaries.*
 - (1) Medicaid will be available to persons who are entitled to hospital insurance under Part A of Medicare to cover the cost of the Medicare Part B premium, provided the following conditions are met:
 1. The person's monthly income exceeds 100 percent of the FPL but is less than 120 percent of the FPL applicable to a family of the size involved.
 2. The person's resources do not exceed three times the maximum resource level allowed under the SSI program, annually adjusted by increases in the consumer price index for inflation as defined in section 1905(p)(1)(C) of the Act.
 - (2) The amount of income and resources will be determined as under the SSI program unless the person lives and is expected to live at least 30 consecutive days in a medical institution and has a spouse at home, in which case the resource determination will be made according to subrules 75.82(3) and 75.82(4).
 - (3) Income will not include any amount of social security income attributable to the cost-of-living increase beginning January 1 until the annual revision of the FPL on April 1.
 - (4) The effective date of eligibility will be as set forth in 441—subrule 76.13(1).
 - d. *Expanded specified low-income Medicare beneficiaries.*
 - (1) Medicaid benefits to cover the cost of the Medicare Part B premium will be available to persons who are entitled to Medicare Part A provided the following conditions are met:
 1. The person is not otherwise eligible for Medicaid.
 2. The person's monthly income is at least 120 percent of the FPL but is less than 135 percent of the FPL applicable to a family of the size involved.
 3. The person's resources do not exceed three times the maximum resource level allowed under the SSI program, annually adjusted by increases in the consumer price index for inflation as defined in Section 1905(p)(1)(C) of the Act.
 - (2) The amount of the income and resources will be determined the same as under the SSI program unless the person lives and is expected to live at least 30 consecutive days in a medical institution and has a spouse at home, in which case the resource determination will be made according to subrules 75.82(3) and 75.82(4).
 - (3) Income will not include any amount of social security income attributable to the cost-of-living increase beginning January 1 until the annual revision of the FPL on April 1.
 - (4) The effective date of eligibility will be as set forth in 441—subrule 76.13(1).
- 75.6(6) Medicaid for employed people with disabilities (MEPD).**
- a. Medicaid will be available to persons who meet all of the following conditions:
 - (1) They are disabled as determined pursuant to rule 441—75.81(249A), except that being engaged in substantial gainful activity will not preclude a determination of disability.

- (2) They are less than 65 years of age.
 - (3) They are members of families (including families of one) whose income is less than 250 percent of the FPL for the family. Family income will include gross income of all family members, less SSI program disregards, exemptions, and exclusions, including the earned income disregards. The social security cost-of-living increase will be excluded in the current calendar year for January until April.
 - (4) They receive earned income from employment or self-employment or are eligible pursuant to paragraph 75.6(6) "c."
 - (5) They would be eligible for Medicaid under another coverage group set out in this rule (other than the medically needy coverage groups in rule 441—75.8(249A)), disregarding all income, up to \$10,000 of available resources for an individual and \$21,000 for a couple, and any additional resources held by the disabled individual in a retirement account, a medical savings account, or an assistive technology account.
 - (6) They have paid any premium assessed pursuant to paragraph 75.6(6) "b."
- b.* Persons whose gross income is greater than 150 percent of the FPL.
- (1) For a person whose gross income exceeds 150 percent of the FPL for an individual, eligibility is conditional upon payment of a premium. Gross income includes all earned and unearned income of the conditionally eligible person, except that income attributable to a social security cost-of-living adjustment will be included only in determining premium liability based on a subsequently published FPL. A monthly premium will be assessed at the time of application and at the annual review. The premium amounts and the FPL increments above 150 percent of the FPL used to assess premiums will be adjusted annually on August 1.
 - (2) Beginning with the month of application, the monthly premium amount will be established based on projected average monthly income. The monthly premium established will not be increased for any reason before the next eligibility review. The premium will not be reduced due to a change in the FPL but may be reduced or eliminated prospectively before the next eligibility review if a reduction in projected average monthly income is verified.
 - (3) Eligible persons are required to complete and return forms specified by the department with income information during the twelfth month of the annual enrollment period to determine the premium to be assessed for the next 12-month enrollment period.
 - (4) Premiums will be assessed as follows:

IF THE INCOME OF THE APPLICANT IS ABOVE:	THE MONTHLY PREMIUM IS:
150% of Federal Poverty Level	\$44
165% of Federal Poverty Level	\$60
180% of Federal Poverty Level	\$72
200% of Federal Poverty Level	\$84
225% of Federal Poverty Level	\$99
250% of Federal Poverty Level	\$115
300% of Federal Poverty Level	\$144
350% of Federal Poverty Level	\$175
400% of Federal Poverty Level	\$206
450% of Federal Poverty Level	\$238
550% of Federal Poverty Level	\$296
650% of Federal Poverty Level	\$358
750% of Federal Poverty Level	\$421
850% of Federal Poverty Level	\$497
1000% of Federal Poverty Level	\$597
1150% of Federal Poverty Level	\$699

IF THE INCOME OF THE APPLICANT IS ABOVE:	THE MONTHLY PREMIUM IS:
1300% of Federal Poverty Level	\$806
1480% of Federal Poverty Level	\$931

(5) Eligibility is contingent upon the payment of any assessed premiums. Medicaid eligibility will not be made effective for a month until the premium assessed for the month is paid. The premium must be paid within three months of the month of coverage or of the month of initial billing, whichever is later, for the person to be eligible for the month.

(6) When the department notifies the applicant of the amount of the premiums, the applicant shall pay any premiums due as follows:

1. The premium for each month is due the fourteenth day of the month the premium is to cover.

EXCEPTIONS: The premium for the month of initial billing is due the fourteenth day of the following month; premiums for any months prior to the month of initial billing are due on the fourteenth day of the third month following the month of billing.

2. If the fourteenth day falls on a weekend or a state holiday, payment is due the first working day following the holiday or weekend.

3. When any premium payment due in the month it is to cover is not received by the due date, Medicaid eligibility will be canceled.

(7) Payments received will be applied in the following order:

1. To the month in which the payment is received if the premium for the current calendar month is unpaid.

2. To the following month when the payment is received after a billing statement has been issued for the following month.

3. To prior months when a full payment has not been received. Payments will be applied beginning with the most recent unpaid month before the current calendar month, then the oldest unpaid prior month and forward until all prior months have been paid.

4. When premiums for all months above have been paid, any excess will be held and applied to any months for which eligibility is subsequently established, as specified in numbered paragraphs 75.6(6) “b”(7) “1,” “2,” and “3” above, and then to future months when a premium becomes due.

5. Any excess on an inactive account will be refunded to the client after two calendar months of inactivity, or no longer being assessed a monthly premium, or upon request from the client.

(8) An individual’s case may be reopened when Medicaid eligibility is canceled for nonpayment of premium. However, the full premium must be received by the department on or before the last day of the month following the month the premium is to cover.

(9) Premiums may be submitted in the form of money orders or personal checks to the address printed on the coupon attached to the MEPD billing statement.

(10) Once an individual is canceled from Medicaid due to nonpayment of premiums, the individual must reapply to establish Medicaid eligibility unless the reopening provisions of this subrule apply.

(11) When a premium due in the month it is to cover is not received by the due date, a notice of decision will be issued to cancel Medicaid. The notice will be provided in accordance with 441—Chapter 16 and will include reopening provisions that apply if payment is received, as well as appeal rights under 441—Chapter 2506.

(12) A form specified by the department will be used for billing and collection.

c. Members in this coverage group who become unable to work due to a change in their medical condition or who lose employment will remain eligible for a period of six months from the month of the change in their medical condition or loss of employment as long as they intend to return to work and continue to meet all other eligibility criteria under this subrule. Members shall submit a form prescribed by the department to report on the end of their employment and their intent to return to employment.

d. For purposes of this subrule, the following definitions apply:

“Assistive technology” is the systematic application of technologies, engineering, methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with disabilities in areas that include education, rehabilitation, technology devices, and assistive technology services.

“Assistive technology accounts” include funds in contracts, savings, trust or other financial accounts, financial instruments or other arrangements with a definite cash value set aside and designated for the purchase, lease or acquisition of assistive technology, assistive technology devices, or assistive technology services. Assistive technology accounts must be held separate from other accounts, and funds must be used to purchase, lease or otherwise acquire assistive technology, assistive technology services, or assistive technology devices for the working person with a disability when a physician, certified vocational rehabilitation counselor, licensed physical therapist, licensed speech therapist, or licensed occupational therapist has established the medical necessity of the device, technology, or service and determined the technology, device, or service can reasonably be expected to enhance the individual’s employment.

“Assistive technology device” is any item, piece of equipment, product system, or component part, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities or address or eliminate architectural, communication, or other barriers confronted by persons with disabilities.

“Assistive technology service” means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device or other assistive technology. It includes but is not limited to services referred to or described in the Assistive Technology Act of 1998, 29 U.S.C. §3002(4).

“Family,” if the individual is under the age of 18 and unmarried, includes parents living with the individual, unmarried siblings under the age of 18 and living with the individual, and children of the individual who live with the individual. If the individual is 18 years of age or older, or married, *“family”* includes the individual’s spouse living with the individual and any children living with the individual who are under the age of 18 and unmarried. No other persons will be considered members of an individual’s family. An individual living alone or with others not listed above will be considered to be a family of one.

“Medical savings account” means an account exempt from federal income taxation pursuant to Section 220 of the United States Internal Revenue Code (26 U.S.C. §220).

“Retirement account” means any retirement or pension fund or account, listed in Iowa Code section 627.6(8) *“f”* as exempt from execution, regardless of the amount of contribution, the interest generated, or the total amount in the fund or account.

75.6(7) Medicaid for kids with special needs (MKS). Medicaid will be available to children who meet all of the following conditions on or after January 1, 2009:

- a. The child is under 19 years of age.
- b. The child is disabled as determined pursuant to rule 441—75.81(249A) based on the disability standards for children used for SSI benefits under Title XVI of the Act but without regard to any income or asset eligibility requirements of the SSI program.
- c. The child is enrolled in any group health plan available through the employer of a parent living in the same household as the child if the employer contributes at least 50 percent of the total cost of annual premiums for that coverage. The parent shall enroll the child and pay any employee premium required to maintain coverage for the child.
- d. The child’s household has income at or below 300 percent of the FPL applicable to a family of that size.

(1) For this purpose, the child’s household includes any of the following persons who are living with the child and are not receiving Medicaid on another case:

1. The child’s parents.
2. The child’s unmarried siblings under the age of 19.
3. The child’s spouse.

4. The child's children.
5. The children of the child's spouse.

(2) Only those persons identified in subparagraph 75.6(7) "d"(1) will be considered a member of the child's household. A person who receives medically needy coverage with a spenddown or limited benefits such as Medicare savings programs is not considered to be "receiving Medicaid" for the purposes of subparagraph "d"(1). A child who lives alone or with persons not identified in subparagraph "d"(1) will be considered as having a household of one.

(3) For this purpose, all unearned and earned income of the household, unless specifically exempted, disregarded, deducted for work expenses, or diverted, will be considered in determining initial and continuing eligibility.

75.6(8) *Persons eligible for waiver services.* Medicaid will be available to members eligible for waiver services as defined in 441—Chapter 83.

[ARC 9763C, IAB 11/26/25, effective 1/1/26; Editorial change: IAC Supplement 6/10/26; ARC 0396D, IAB 6/24/26, effective 8/1/26]

441—75.7(249A) Presumptive eligibility. Medicaid will be temporarily available to persons who are determined to be presumptively eligible for Medicaid pursuant to this subrule. Presumptive eligibility will be determined by a qualified entity (QE) and will be based solely on the applicant's attested circumstances as provided to the QE and entered by the QE directly online into the Medicaid Presumptive Eligibility Portal (MPEP) system. Verification cannot be requested or required for a presumptive eligibility determination.

75.7(1) *Application process.* Persons and families requesting assistance under this subrule shall apply with a QE using the methods described in 441—subrule 76.7(3). The requirements for filing date of application, effective date of coverage, signature on application, notice and appeal rights, and full Medicaid eligibility determinations described in 441—subrules 76.7(4) through 76.7(7) apply.

75.7(2) *Eligibility requirements applicable to all presumptive eligibility determinations except as stated otherwise within this rule.* The following eligibility requirements are applicable to all presumptive eligibility determinations, except as stated otherwise within this rule.

a. Household size. Household size will be determined using MAGI methodology as described in rule 441—75.72(249A).

b. Countable income. Countable income will be determined using MAGI methodology as described in rule 441—75.73(249A).

c. Citizenship or qualified noncitizen status. The person for whom assistance is requested must be a citizen of the United States or a qualified noncitizen as defined in 441—75.11(249A), except for a pregnant woman described in paragraph 75.7(3) "c."

d. Iowa residency. The person for whom assistance is requested must be a resident of Iowa as described in rule 441—75.10(249A).

e. Prior presumptive eligibility. A person will not be determined presumptively eligible more than once in a 12 calendar month period, except as allowed in paragraph 75.7(3) "g." The first month of the 12 calendar month period begins with the calendar month the application is received by the qualified entity.

75.7(3) *Categories of eligibility and specific requirements.* The following categories of persons are eligible for a presumptive determination. Persons applying for a presumptive determination must meet all specific requirements related to the category of coverage in addition to the requirements in subrule 75.7(2), except as stated otherwise within this subrule. For categories where age is an eligibility factor, the effect of reaching an age limit on the person's eligibility will be determined pursuant to rule 441—75.52(249A).

a. Presumptive eligibility for children. Presumptive eligibility is available to children who meet the following requirements:

- (1) Age—the child must be under the age of 19 as described in rule 441—75.52(249A).
- (2) Income limits—household income must not exceed:

1. The MAC program limit for infants and the applicable household size as specified in rule 441—75.74(249A) when the child is under the age of one; or

2. The hawki program limit for a household of the same size as specified in 441—subrule 86.2(2) when the child is aged 0 through 18.

b. Presumptive eligibility for parents and other caretakers. Presumptive eligibility will be available to a parent or other caretaker who meets the following requirements:

(1) Household income must not exceed the family medical assistance program income limits specified in rule 441—75.74(249A).

(2) The parent or caretaker lives with a dependent child as described in subrule 75.50(2) and has primary responsibility for the child's care as described in subrule 75.51(2).

c. Presumptive eligibility for pregnant women. Presumptive eligibility for ambulatory prenatal care is available to a woman who is pregnant and who also meets the following requirements:

(1) Household income must not exceed the MAC program limit for pregnant women specified at rule 441—75.74(249A) for the applicable household size.

(2) A pregnant woman will not be required to meet the citizen or noncitizen requirements of rule 441—75.11(249A).

d. Presumptive eligibility for IHAWP. Presumptive eligibility for IHAWP is available to a person who meets the following requirements:

(1) The non-financial eligibility requirements described in rule 441—74.2(249A,249N).

(2) Household income not exceeding 133 percent of the FPL based on the size of the household pursuant to rule 441—74.4(249A,249N).

e. Presumptive eligibility for former foster care youth. Presumptive eligibility will be available to a person who is under the age of 26, was formerly in foster care, and meets the requirements described in subrule 75.3(12).

f. Presumptive eligibility for persons who have been screened and found to need treatment for breast or cervical cancer. Presumptive eligibility is available to a person who has been screened and found to need treatment for either breast or cervical cancer, subject to the following:

(1) The person must be determined to meet the eligibility requirements described in subrule 75.4(1).

(2) The person will not be required to meet the eligibility requirements described in paragraph 75.7(2) "a," "b," or "c."

g. Presumptive eligibility more than once in a 12 calendar month period. A person will be determined presumptively eligible only once in a 12 calendar month period beginning with the calendar month the application is received by the qualified entity, except as follows:

(1) A new period of presumptive eligibility will begin each time a person is screened as described in subparagraph 75.4(1) "a" and determined to need treatment for a new occurrence of breast or cervical cancer.

(2) A pregnant woman may be determined presumptively eligible for Medicaid once per pregnancy but no more than once per pregnancy.

75.7(4) Presumptive eligibility period. Presumptive eligibility is effective on the date that a qualified entity completes the presumptive eligibility determination pursuant to 441—subrule 76.7(5) and ends as described in the paragraphs below.

a. For persons determined presumptively eligible under paragraphs 75.7(3) "b" through "f," presumptive eligibility will continue until:

(1) In the case of a person on whose behalf a Medicaid application has not been filed, the last day of the calendar month following the month of the presumptive eligibility determination; or

(2) In the case of a person on whose behalf a Medicaid application has been filed, the day on which a decision is made on that application. Withdrawal of a Medicaid application before a decision is made will not affect the person's eligibility during the presumptive period.

b. For children determined presumptively eligible under paragraph 75.7(3) "a," presumptive eligibility will continue until:

(1) In the case of a child on whose behalf a Medicaid application has not been filed, the last day of the calendar month following the month of the presumptive eligibility determination; or

(2) In the case of a child on whose behalf a Medicaid (including hawki) application has been filed, the day the child is determined eligible for Medicaid, the last day of the month before the child is determined eligible for hawki, or the day the child is determined ineligible for both Medicaid and hawki. Withdrawal of a Medicaid (including hawki) application before a decision is made will not affect the child's eligibility during the presumptive period.

75.7(5) Services covered.

a. Persons determined presumptively eligible under paragraphs 75.7(3) "a," "b," "e," and "f" will be entitled to all Medicaid-covered services, including early and periodic screening, diagnosis, and treatment (EPSDT) services for children. Payment of claims for Medicaid services provided during the presumptive period is not dependent upon the department's determination of Medicaid or hawki eligibility.

b. Covered services for pregnant women determined presumptively eligible under paragraph 75.7(3) "c" will be limited to ambulatory prenatal care services during the presumptive period. Payment of claims for ambulatory prenatal care services is not dependent upon a determination of Medicaid eligibility by the department. "Ambulatory prenatal care" means all Medicaid-covered services, except inpatient hospital or institutional care and charges associated with delivery of the baby (including miscarriage or termination of a pregnancy).

c. Persons determined presumptively eligible under paragraph 75.7(3) "d" will be limited to all services offered under IHAWP pursuant to 441—Chapter 74. Payment of claims for services offered under IHAWP and provided during the presumptive eligibility period is not dependent upon the department's determination of IHAWP eligibility.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.8(249A) Medically needy persons.

75.8(1) Medically needy definitions. For purposes of this rule, the following definitions apply:

"Break in assistance" for medically needy means the lapse of more than three months from the end of the medically needy certification period to the beginning of the next current certification period.

"Certification period" for medically needy means the period of time not to exceed two consecutive months in which a person is conditionally eligible.

"Client" for medically needy means all of the following:

1. A medically needy applicant;
2. A medically needy member;
3. A person who is conditionally eligible for Medicaid under the medically needy coverage group; and
4. A person whose income or assets are considered in determining eligibility for an applicant or member.

"Conditionally eligible" means that a person has completed the application process and has been assigned a medically needy certification period and spenddown amount but has not met the spenddown amount for the certification period.

"Family-related medically needy" means those persons who would be eligible for a family-related coverage group pursuant to rule 441—75.3(249A) except for excess income.

"FMAP-related medically needy" means those persons who would be eligible for FMAP pursuant to subrule 75.3(1) except for excess income.

"Incurred medical expenses" for the medically needy program means:

1. Medical bills paid by a client, responsible relative, or state or political subdivision program other than Medicaid during the retroactive certification period or certification period, or
2. Unpaid medical expenses for which the client or responsible relative remains obligated.

“Member” for the medically needy program means a medically needy person who has income at or less than the medically needy income level (MNIL) or who has reduced countable income to the MNIL during the certification period through spenddown.

“Necessary medical and remedial services” for the medically needy program means medical services recognized by law that are currently covered under the Medicaid program.

“Needy specified relative” means a nonparental specified relative, as defined for the family investment program (FIP) in rule 441—40.21(239B), who meets all of the eligibility requirements of the FMAP coverage group pursuant to subrule 75.3(1).

“Noncovered Medicaid services” for the medically needy program means medical services that are not covered under Medicaid because the provider was not enrolled in Medicaid, the services are ones that are otherwise not covered under Medicaid, the bill is for a responsible relative who is not included in the Medically needy eligibility determination pursuant to subrule 75.8(3) or the bill is for services delivered before the start of a certification period.

“Obligated medical expense” for the medically needy program means a medical expense for which the client or responsible relative continues to be legally liable.

“Ongoing eligibility” for the medically needy program means that eligibility continues for an SSI-related, family-related, or FMAP-related medically needy person with a zero spenddown.

“Recertification” in the medically needy coverage group means establishing a new certification period when the previous period has expired and there has not been a break in assistance.

“Responsible relative” for medically needy means a spouse, parent, or stepparent of the applicant or member who lives with the applicant or member.

“Retroactive certification period” for the medically needy program means one, two, or three calendar months prior to the date of application. When applicable pursuant to 441—subrule 76.13(3), the retroactive certification period begins with the first day of the first month within the three-month period that Medicaid-covered services were received and continues to the end of the month immediately prior to the month of application.

“Retroactive period” means the three calendar months immediately preceding the month in which an application is filed and applies when applicable pursuant to 441—subrule 76.13(3).

“Spenddown” means the process by which a medically needy person obligates excess income for allowable medical expenses to reduce income to the appropriate MNIL.

“SSI-related medically needy” means those persons whose eligibility is determined using regulations governing the supplemental security income (SSI) program except for income or resources.

75.8(2) Coverage groups. Medically needy will be available to the following persons who meet the general conditions of eligibility described in this chapter:

a. *Pregnant women.* Pregnant women who would be eligible for a family-related coverage group pursuant to rule 441—75.3(249A) except for excess income. For family-related programs, pregnant women will have the unborn child or children counted in the household size as if the child or children were born and living with them pursuant to subrule 75.72(5).

b. *FMAP-related persons under 19.* Persons under the age of 19 who would be eligible for a family-related coverage group pursuant to rule 441—75.3(249A) except for excess income.

c. *SSI-related persons.* Persons who would be eligible for SSI except for excess income or resources.

d. *FMAP-related parents and caretakers.* Parents and caretakers who:

(1) Meet the requirements of rule 441—75.51(249A) and whose income exceeds the limits for FMAP; and

(2) Live with a dependent child who meets the requirements of rule 441—75.50(249A).

75.8(3) Family-related eligible group.

a. The eligible group consists of all eligible people specified below and living together, except when one or more of these people receive SSI under Title XVI of the Act. There will be at least one eligible parent or needy specified relative and at least one dependent child in the eligible group, except

when the only eligible child is receiving SSI. The parent or needy specified relative may be the only FMAP-related eligible group member receiving Medicaid if:

- (1) The only dependent child receives SSI, or
- (2) The dependent child is ineligible for Medicaid, or
- (3) The parent or needy specific relative voluntarily chooses to exclude the dependent child or children in order to receive coverage for the parent or needy relative.

b. The following persons will be included (except as otherwise provided in these rules) without regard to the person's employment status, income, or resources:

- (1) All dependent children who are siblings of whole or half blood or adoptive.
- (2) Any parent of such children if the parent is living in the same home as the dependent children.

c. The following persons may be included:

- (1) The needy specified relative who assumes the role of parent.
- (2) The needy specified relative who acts as payee when the parent is in the home but is unable to act as payee.

(3) An incapacitated stepparent, upon request, when the stepparent is the legal spouse of the parent and the incapacitated stepparent does not have a child in the eligible group.

1. A stepparent is considered incapacitated when a clearly identifiable physical or mental defect has a demonstrable effect upon earning capacity or the performance of the homemaking duties required to maintain a home for the stepchild. The incapacity shall be expected to last for a period of at least 30 days from the date of application.

2. The determination of incapacity shall be supported by medical or psychological evidence. The evidence may be obtained from either an independent licensed physician or psychologist or the state rehabilitation agency. The evidence may be submitted either by letter from the physician or on a form specified by the department. When an examination is required and other resources are not available to meet the expense of the examination, the physician will be authorized to make the examination and submit the claim for payment on a form specified by the department. A finding of eligibility for social security benefits or SSI benefits based on disability or blindness is acceptable proof of incapacity.

75.8(4) *Resources and income of all persons considered.*

a. Resources of all parents and other caretakers and of all potentially eligible individuals living together, except as specified at paragraph 75.8(4)“*b*” or those excluded in accordance with the provisions of paragraph 75.8(4)“*d*,” will be considered in determining eligibility of adults. Resources of all parents and other caretakers and of all potentially eligible individuals living together will be disregarded in determining eligibility of children. Income of all parents and other caretakers and of all potentially eligible individuals living together, except as specified in paragraph 75.8(4)“*b*” or those excluded in accordance with the provisions of paragraph 75.8(4)“*d*,” will be considered in determining eligibility.

b. The amount of income of the responsible relative that has been counted as available to a family-related household other than the medically needy applicant or member household or SSI individual will not be considered in determining the countable income for the medically needy applicant or member household.

c. The resource determination will be according to subrules 75.82(3) and 75.82(4) when one spouse is expected to reside at least 30 consecutive days in a medical institution.

d. Certain persons may be voluntarily excluded from the family-related medically needy eligibility determination as follows:

(1) Exclusions from the eligibility determination. In determining eligibility under the family-related medically needy coverage groups described in paragraphs 75.8(2)“*a*,” “*b*,” and “*d*,” the following persons may be excluded from consideration when determining medically needy eligibility of other household members:

1. Siblings (of whole or half blood, or adoptive) of eligible children.

2. Self-supporting parents of minor unmarried parents.
3. Stepparents of eligible children.
4. Children living with a parent or caretaker.

(2) Needs, income, and resource exclusions. The needs, income, and resources of persons who are voluntarily excluded will also be excluded. If a self-supporting parent of a minor unmarried parent is voluntarily excluded, then the minor unmarried parent will not be counted in the household size when determining eligibility for the minor unmarried parent's child. However, the income and resources of the minor unmarried parent will be used in determining eligibility for the unmarried minor parent's child. If a stepparent is voluntarily excluded, the legally recognized natural or adoptive parent will not be counted in the household size when determining eligibility for the natural or adoptive parent's children. However, the income and resources of the natural or adoptive parent will be used in determining eligibility for the natural or adoptive parent's children.

(3) Medicaid entitlement. Persons whose needs are voluntarily excluded from the eligibility determination will not be entitled to Medicaid under this or any other coverage group.

(4) Situations where a parent's needs are excluded. In situations where the parent's needs are excluded but the parent's income and resources are considered in the eligibility determination (e.g., minor unmarried parent living with self-supporting parents), the excluded parent will be allowed the earned income deduction, child care expenses, and work incentive disregard as provided at paragraph 75.8(6) "a."

(5) Situations where a child's needs, income, and resources are excluded. In situations where the child's needs, income, and resources are excluded from the eligibility determination pursuant to subparagraph 75.8(4) "d"(2), and the child's income is not sufficient to meet the child's needs, the parent will be allowed to divert income to meet the unmet needs of the excluded child. The maximum amount to be diverted will be the difference between the schedule of basic needs of all potentially eligible individuals living together with the child included and the schedule of basic needs with the child excluded, in accordance with the FIP provisions in 441—subrule 41.28(2), minus any countable income of the child.

75.8(5) Resources.

- a. The resource limit for adults in SSI-related households will be \$10,000 per household.
- b. Disposal of resources for less than fair market value by SSI-related applicants or members is governed by rule 441—75.23(249A).
- c. The resource limit for family-related adults will be \$10,000 per household. In establishing eligibility for children for this coverage group, resources of all persons in the medically needy household, regardless of age, will be disregarded. In establishing eligibility for adults for this coverage group, resources will be considered according to rule 441—41.26(239B).
- d. The resources of SSI-related persons will be treated according to SSI policies.
- e. When a resource is jointly owned by SSI-related persons and family-related persons, the resource will be treated according to SSI policies for the SSI-related person and according to the policies described in paragraph 75.8(5) "c" for the family-related persons.

75.8(6) Income. All unearned and earned income, unless specifically exempted, disregarded, deducted for work expenses, or diverted, will be considered in determining initial and continuing eligibility.

a. Income policies for family-related medically needy coverage groups. MAGI income and household size policies do not apply to the family-related medically needy coverage groups described in subrule 75.8(2). When determining eligibility for a family-related medically needy coverage group described in subrule 75.8(2), the department will determine countable income as described in the following subparagraphs.

(1) Earned income. "Earned income" means income in the form of a salary, wages, tips, bonuses, commission earned as an employee, income from Job Corps, or profit from self-employment. Earned income from commissions, wages, tips, bonuses, Job Corps, or salary means the total gross amount irrespective of the expenses of employment.

(2) Earned income deductions. Deductions from earned income will be made as follows:

1. Each person in the household whose gross nonexempt earned income is considered in determining eligibility is entitled to one 20 percent earned income deduction from the monthly gross earnings. The deduction is intended to include work-related expenses other than child care such as taxes, transportation, meals, and uniforms.

2. Each person in the household is entitled to a deduction for child or incapacitated adult care expenses for employment-related hours subject to the following limitations:

- The going rate in the community up to \$175 per month for each child aged two or older or each incapacitated adult.

- The going rate in the community up to \$200 per month for each child under the age of two.

- No deduction is allowed for any portion of the cost of care that is paid for by a third party such as but not limited to the child care assistance program.

- Stepparents and self-supporting parents on minor parent cases will be allowed incapacitated adult care or child care expenses for the ineligible dependents of the stepparent or self-supporting parent.

- No deduction is allowed when both parents are in the home and one parent is not employed during the hours that care is needed if the parent at home during those hours is physically and mentally able to provide the care.

- A deduction is allowable only when the care covers the actual employment hours plus a reasonable period of time for commuting, or the period of time when the person who would normally care for the child or incapacitated adult is employed at such hours that the person is required to sleep during the waking hours of the child or incapacitated adult, excluding any hours a child is in school.

- Any special needs of a physically or mentally handicapped child or adult will be taken into consideration in determining the deduction allowed.

- If the amount claimed is questionable, the expense shall be verified by a receipt or a statement from the provider of care. The expense will be allowed when paid to any person except a parent or legal guardian of the child or another member of the household.

(3) With respect to self-employment, a person is considered to be self-employed if the requirements of FIP in 441—subrule 41.27(2) are met. Income will be considered earned income when it is produced as a result of the performance of services by an individual.

1. Earned income means the net profit from self-employment, defined as gross income less the allowable costs of producing the income as allowed for FIP pursuant to 441—subrule 41.27(2) for a non-home based enterprise.

2. In determining net profit for a self-employed enterprise in the home other than providing room and board, renting apartments or providing child care services, the costs allowed for FIP pursuant to 441—subrule 41.27(2) will be allowed except deductions are limited to 10 percent of the total gross income to cover the costs of upkeep for the home.

(4) When the client is renting out apartments in the client's home, the following will be deducted from the gross rentals received to determine the profit:

1. Shelter expense in excess of that set forth on the chart of basic needs components for FIP in 441—subrule 41.28(2).

2. That portion of expense for utilities furnished to tenants that exceeds the amount set forth on the chart of basic needs components for FIP in 441—subrule 41.28(2).

3. Ten percent of gross rentals to cover the cost of upkeep.

(5) In determining profit from furnishing board, room, operating a family life home, or providing nursing care, the following amounts will be deducted from the payments received:

1. \$41 plus an amount equivalent to the monthly maximum Supplemental Nutrition Assistance Program benefit for a one-member household for a boarder and roomer or an individual in the home to receive nursing care, or \$41 for a roomer, or an amount equivalent to the monthly maximum food assistance program benefit for a one-member household for a boarder.

2. Ten percent of the total payment to cover the cost of upkeep for individuals receiving a room or nursing care.

(6) Gross income from providing child care in the applicant's or member's own home will include the total payments received for the service and any payment received due to the Child Nutrition Amendments of 1978 as amended to August 1, 2025, for the cost of providing meals to children.

1. In determining profit from providing child care services in the applicant's or member's own home, 40 percent of the total gross income received will be deducted to cover the costs of producing the income unless the applicant or member requests to have actual expenses in excess of the 40 percent considered.

2. When the applicant or member requests to have expenses in excess of the 40 percent considered, profit will be determined in the same manner as specified at numbered paragraph 75.8(6) "a"(3)"2."

(7) Unearned income. Unearned income is any income in cash that is not gained by labor or service. When taxes are withheld from unearned income, the amount considered will be the net income after the withholding of taxes (Federal Insurance Contributions Act as amended to August 1, 2025, state and federal income taxes). Net unearned income will be determined by deducting reasonable income-producing costs from the gross unearned income. Money left after this deduction will be considered gross income available to meet the needs of the eligible group.

1. Social security income is the amount of the entitlement before withholding of a Medicare premium.

2. When the client sells property on contract, proceeds from the sale will be considered exempt as income. The portion of any payment that represents principal is considered a resource upon receipt as defined for FIP in 441—subrule 41.26(4). The interest portion of the payment is considered a resource the month following the month of receipt.

3. Support payments in cash will be considered as unearned income in determining initial and continuing eligibility.

- Any nonexempt cash support payment for a member of the eligible group made while the application is pending will be treated as unearned income.

- Support payments will be considered as unearned income in the month in which the IV-A agency (the department's income maintenance area) is notified of the payment by the IV-D agency (child support services). The amount of income to consider will be the actual amount paid or the monthly entitlement, whichever is less.

- Support payments reported by child support services during a past month for which eligibility is being determined will be used to determine eligibility for the month. Support payments anticipated to be received in future months will be used to determine eligibility for future months. When support payments terminate in the month of decision of a family-related application, both support payments already received and support payments anticipated to be received in the month of decision will be used to determine eligibility for that month.

(8) Income will be diverted to meet the unmet needs of ineligible children and to permit payment of court-ordered support to children not living with the parent as allowed for FIP pursuant to 441—subrule 41.27(4).

(9) The following FIP policies also apply to determining income eligibility for family-related medically needy: 441—subrules 41.27(3), 41.27(5), 41.27(6), 41.27(7), and 41.27(8) and 441—paragraphs 41.27(9) "c," "g," "h," and "i."

b. Income policies as specified in federal SSI regulations regarding treatment of earned and unearned income are applied to SSI-related persons when determining initial and continuing eligibility.

c. The monthly income will be determined prospectively unless actual income is available.

d. The income for the certification period will be determined by adding both months' net income together to arrive at a total.

e. The income for the retroactive certification period when applicable pursuant to 441—subrule 76.13(3) will be determined by adding each month of the retroactive period to arrive at a total.

75.8(7) *Medically needy income level (MNIL).*

a. The MNIL is based on 133 1/3 percent of the schedule of basic needs, as provided for FIP in 441—subrule 41.28(2) with households of one treated as households of two, as follows:

Number of Persons	1	2	3	4	5	6	7	8	9	10
MNIL	\$483	\$483	\$566	\$666	\$733	\$816	\$891	\$975	\$1058	\$1158

Each additional person \$116

b. When determining household size for the MNIL, all potentially eligibles and all individuals whose income is considered as specified in subrule 75.8(4) shall be included unless the person has been excluded according to the provisions of paragraph 75.8(4) “*d.*”

c. The MNIL for the certification period will be determined by adding both months’ MNIL to arrive at a total. The MNIL for the retroactive certification period when applicable pursuant to 441—subrule 76.13(3) will be determined by adding each month of the retroactive period to arrive at a total.

d. The total net countable income for the certification period will be compared to the total MNIL for the certification period based on family size as specified in paragraph 75.8(7) “*b.*” If the total countable net income is equal to or less than the total MNIL, the medically needy individuals will be eligible for Medicaid. If the total countable net income exceeds the total MNIL, the medically needy individuals will not be eligible for Medicaid unless incurred medical expenses equal or exceed the difference between the net income and the MNIL.

e. Effective date of approval. Eligibility during the certification period, or the retroactive certification period when applicable pursuant to 441—subrule 76.13(3), will be effective as of the first day of the first month of the certification period or the retroactive certification period when the MNIL is met.

75.8(8) *Verification of medical expenses to be used in spenddown calculation.* The applicant or member shall submit evidence of medical expenses that are for noncovered Medicaid services and for covered services incurred prior to the certification period to the department on a claim form, which shall be completed by the medical provider.

a. Verification of medical expenses for the applicant or member that are covered Medicaid services and occurred during the certification period shall be submitted by the provider to Iowa Medicaid on a claim form. The applicant or member shall inform the provider of the applicant’s or member’s spenddown obligation at the time services are rendered or at the time the applicant or member receives notification of a spenddown obligation. In cases where the provider is uncooperative or where returning to the provider would constitute an unreasonable requirement on the applicant or member, the worker will obtain the claim form from the provider.

b. Verification of allowable expenses incurred for transportation to receive medical care as specified in rule 441—78.13(249A) will be on forms specified by the department. Applicants who have not established that they met spenddown in the current certification period will be allowed 12 months following the end of the certification period to submit medical expenses for that period or 12 months following the date of the notice of decision when the certification period had ended prior to the notice of decision.

75.8(9) *Spenddown calculation.*

a. Medical expenses that are incurred during the certification period may be used to meet spenddown. Medical expenses incurred prior to a certification period will be used to meet spenddown if not already used to meet spenddown in a previous certification period and if all of the following requirements are met:

(1) The expenses remain unpaid as of the first day of the certification period.

(2) The expenses are not Medicaid-payable in a previous certification period or the retroactive certification period when applicable pursuant to 441—subrule 76.13(3).

(3) The expenses are not incurred during any prior certification period with the exception of the retroactive period, when applicable pursuant to 441—subrule 76.13(3), in which the person was conditionally eligible but did not meet spenddown.

(4) Notwithstanding subparagraphs 75.8(9)“a”(1) through “a”(3), paid medical expenses from the retroactive period can be used to meet spenddown in the retroactive period or in the certification period for the two months immediately following the retroactive period.

b. Spenddown will be adjusted under the following circumstances:

(1) When a bill for a Medicaid-covered service incurred during the certification period has been applied to meet spenddown if a bill for a covered service incurred prior to the certification period is subsequently received.

(2) When a bill for a noncovered Medicaid service is subsequently received with a service date prior to the Medicaid-covered service.

(3) When an unpaid bill for a Medicaid-covered service incurred during the certification period has been applied to meet spenddown if a paid bill for a covered service incurred in the certification period is subsequently received with a service date prior to the date of the notice of spenddown status.

c. Order of deduction. Incurred medical expenses, including those reimbursed by a state or political subdivision program other than Medicaid but excluding those otherwise subject to payment by a third party, will be deducted in the following order:

(1) Medicare and other health insurance premiums, deductibles, or coinsurance charges.

EXCEPTION: When some of the household members are eligible for full Medicaid benefits under the Health Insurance Premium Payment Program (HIPP), as provided in rule 441—75.21(249A), the health insurance premium will not be allowed as a deduction to meet the spenddown obligation of household members in the medically needy coverage group.

(2) An average statewide monthly standard deduction for the cost of medically necessary personal care services provided in a licensed residential care facility will be allowed as a deduction for spenddown. These personal care services include assistance with activities of daily living such as preparation of a special diet, personal hygiene and bathing, dressing, ambulation, toilet use, transferring, eating, and managing medication. The average statewide monthly standard deduction for personal care services will be based on the average per day rate of health care costs associated with residential care facilities participating in the state supplementary assistance program for a 30.4-day month as computed by multiplying the previous year’s average per day rate by the inflation factor increase during the preceding calendar year ending December 31 of the consumer price index for all urban Consumers as published by the United States Bureau of Labor Statistics.

(3) Medical expenses for necessary medical and remedial services that are recognized under state law but not covered by Medicaid, chronologically by date of submission.

(4) Medical expenses for acupuncture, chronologically by date of submission.

(5) Medical expenses for necessary medical and remedial services that are covered by Medicaid, chronologically by date of submission.

d. When spenddown has been met and a bill is received with a service date after spenddown has been met, the bill will not be deducted to meet spenddown.

e. When incurred medical expenses have reduced income to the applicable MNIL, the individuals will be eligible for Medicaid.

f. Medical expenses reimbursed by a public program other than Medicaid prior to the certification period will not be considered a medical deduction.

75.8(10) Medicaid services. Persons eligible for Medicaid as medically needy will be eligible for all services covered by Medicaid except:

a. Care in a nursing facility or an ICF-ID.

b. Care in an institution for mental disease.

c. Care in a Medicare-certified skilled nursing facility.

75.8(11) *Reviews.* Reviews of eligibility will be made for SSI-related and family-related medically needy members with a zero spenddown as often as circumstances indicate but in no instance will the period of time between reviews exceed 12 months. Family-related medically needy persons and SSI-related needy persons shall complete forms specified by the department as part of the review process when requested to do so by the department.

75.8(12) *Redetermination.* When an SSI-related or family-related member who has had ongoing eligibility because of a zero spenddown has income that exceeds the MNIL, a redetermination of eligibility will be completed to change the member's eligibility to a two-month certification with spenddown. This redetermination will be effective the month the income exceeds the MNIL or the first month following timely notice.

a. The department will determine eligibility for SSI-related medically needy when an SSI recipient has been determined to be ineligible for SSI due to excess income or resources in one or more of the months after the effective date of the SSI eligibility decision.

b. All eligibility factors will be reviewed on redeterminations of eligibility.

75.8(13) *Recertifications.* A new application must be submitted when the certification period has expired and there has been a break in assistance as defined at subrule 75.8(1). When the certification period has expired and there has not been a break in assistance, the family-related members and SSI-related members shall use forms specified by the department to be recertified.

75.8(14) *Disability determinations.* An applicant receiving social security disability benefits under Title II of the Act or railroad retirement benefits based on the Act's definition of disability by the Railroad Retirement Board will be deemed disabled without any further determination. In other cases under the medically needy program, the department will conduct an independent determination of disability unless the applicant has been denied SSI benefits based on lack of disability and the applicant does not allege either (1) a disabling condition different from or in addition to that considered by the SSA or (2) that the applicant's condition has changed or deteriorated since the most recent SSA determination.

a. In conducting an independent determination of disability, the department will use the same criteria required by federal law to be used by the SSA in determining disability for purposes of SSI under Title XVI of the Act. The disability determination services division of Iowa workforce development will make the initial disability determination on behalf of the department.

b. For an independent determination of disability, the applicant or the applicant's authorized representative shall complete, sign, and submit forms as specified by the department.

c. In connection with any independent determination of disability, the department will determine whether reexamination of the person's medical condition will be necessary for periodic redeterminations of eligibility. When reexamination is required, the member or the member's authorized representative shall complete and submit the same forms specified by the department as required in paragraph 75.8(14) "b."

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.9(249A) Furnishing of social security number.

75.9(1) *Requirement.* As a condition of eligibility, except as provided by subrule 75.9(2), a Medicaid client must provide to the department all social security numbers issued to each individual (including children) for whom Medicaid is sought.

75.9(2) *Exceptions to requirement.* The requirement of subrule 75.9(1) does not apply to an individual who:

- a.* Is not eligible to receive a social security number;
- b.* Does not have a social security number and may only be issued a social security number for a valid nonwork reason in accordance with 20 CFR §422.104; or
- c.* Refuses to obtain a social security number because of a well-established religious objection.

For this purpose, a well-established religious objection means that the individual:

- (1) Is a member of a recognized religious sect or division of the sect; and

(2) Adheres to the tenets or teachings of the sect or division of the sect and for that reason is conscientiously opposed to applying for or using a national identification number.

75.9(3) Cooperation in obtaining social security number. If a social security number has not been issued or is not known, the individual seeking Medicaid must cooperate with the department in applying for a social security number with the SSA or in requesting the SSA to furnish the number.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.10(249A) Residency requirements. Residency in Iowa is a condition of eligibility for medical assistance.

75.10(1) Definitions. The following definitions apply for the purposes of this subrule:

a. Institution. “Institution” means an “institution” or a “medical institution” as those terms are defined in 42 CFR §435.1010. For purposes of state placement, “institution” also includes foster care homes licensed as set forth in 45 CFR §1355.20 and providing food, shelter and supportive services to one or more persons unrelated to the proprietor.

b. Incapable of expressing intent regarding residency. For purposes of this rule, an individual is considered to be “incapable of indicating intent regarding residency” if the individual:

- (1) Has an IQ of 49 or less or has a mental age of seven or less;
- (2) Has been judged legally incompetent; or
- (3) Has been determined to be incapable of indicating intent regarding residency by a physician, psychologist or other person licensed by the state in the field of intellectual disability.

c. Iowa resident. An Iowa resident is one:

(1) Who is living in Iowa voluntarily with the intention of making that person’s home there and not for a temporary purpose. A person is a resident of Iowa when living there on other than a temporary basis. Residence will not depend upon the reason for which the individual entered the state, except insofar as it may bear upon whether the individual is there voluntarily or for a temporary purpose; or

(2) Who, at the time of application, is living in Iowa, is not receiving assistance from another state, and entered Iowa with a job commitment or seeking employment in Iowa, whether or not currently employed.

75.10(2) Determination of residency. State residency is determined according to the following criteria. If more than one criterion applies, the applicable criterion listed first determines the individual’s residency.

a. Individuals receiving Title IV-E payments. Individuals who are receiving federal foster care maintenance payments or have a guardianship assistance agreement or have an adoption assistance agreement under Title IV-E of the Act are considered to be residents of the state where the child lives.

b. Cases of disputed residency. If two or more states do not agree on an individual’s state of residence, the state where the individual is physically located is the state of residence.

c. Temporary absence from state of residence. An individual who was a resident of a state pursuant to the other criteria of this rule, who is temporarily absent from that state, and who intends to return to that state when the purpose of the absence has been accomplished remains a resident of that state during the absence unless another state has determined that the person is a resident there for Medicaid purposes.

d. Individuals placed by a state in an out-of-state institution. If any agency of a state, including an entity recognized under state law as being under contract with the state for such purposes, arranges for an individual to be placed in an institution located in another state, the state arranging or actually making the placement is considered the individual’s state of residence during that placement.

(1) Any action beyond providing information to the individual and the individual’s family constitutes arranging or making a placement. However, the following actions do not constitute arranging or making a placement:

1. Providing basic information to individuals about another state’s Medicaid program and information about the availability of health care services and providing facilities in another state.

2. Assisting an individual in locating an institution in another state, provided the individual is not incapable of indicating intent regarding residency and independently decides to move.

(2) When a competent individual leaves an out-of-state institution in which the individual was placed by a state, that individual's state of residence is the state where the individual is physically located.

e. Individuals receiving a state supplementary assistance payment. Individuals who are receiving a state supplementary assistance payment pursuant to 42 U.S.C. §1382e (including payments from Iowa pursuant to 441—Chapters 50 through 54 and Chapter 177) are considered to be residents of the state paying the supplementary assistance.

f. Individuals aged 21 and over who are residing in an institution and who are capable of indicating intent regarding residency. For an individual aged 21 or over who is residing in an institution and who is capable of indicating intent regarding residency, the state of residence is the state where the individual is living and intends to reside.

g. Individuals aged 21 and over who are residing in an institution and who became incapable of indicating intent regarding residency before the age of 21. For an individual aged 21 or over who is residing in an institution and who became incapable of indicating intent regarding residency before the age of 21, the state of residence is:

(1) That of the parent applying for Medicaid on the individual's behalf if the parents reside in separate states (if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian is used instead of that of the parent);

(2) The parent's or legal guardian's state of residence at the time of placement (if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian is used instead of that of the parent);

(3) The current state of residence of the parent or legal guardian who files the application if the individual is residing in an institution in that state (if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian is used instead of that of the parent); or

(4) The state of residence of the individual or party who files an application if the individual has been abandoned by the individual's parent(s), does not have a legal guardian, and is residing in an institution in that state.

h. Individuals aged 21 and over who are residing in an institution and who became incapable of indicating intent regarding residency at or after the age of 21. For an individual aged 21 or over who is residing in an institution and who became incapable of indicating intent regarding residency at or after the age of 21, the state of residence is the state in which the individual is physically present.

i. Individuals aged 21 and over who are not residing in an institution and who are incapable of indicating intent regarding residency. For an individual aged 21 or over who is not residing in an institution and who is incapable of indicating intent regarding residency, the state of residence is the state where the individual is living.

j. Individuals aged 21 and over who are not residing in an institution and who are capable of indicating intent regarding residency. For an individual aged 21 or over who is not residing in an institution and who is capable of indicating intent regarding residency, the state of residence is the state where the individual is living and either:

(1) Intends to reside, with or without a fixed address; or

(2) Entered with a job commitment or to seek employment, whether or not currently employed.

k. Individuals under the age of 21 who are residing in an institution and who are not married or emancipated. For an individual under the age of 21 who is residing in an institution and who is neither married nor emancipated, the state of residence is:

(1) The parent's or legal guardian's state of residence at the time of placement (if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian is used instead of that of the parent);

(2) The current state of residence of the parent or legal guardian who files the application if the individual is residing in an institution in that state (if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian is used instead of that of the parent); or

(3) The state of residence of the individual or party who files an application if the individual has been abandoned by the individual's parent(s), does not have a legal guardian, and is residing in an institution in that state.

l. Individuals under the age of 21 who are capable of indicating intent regarding residency and who are married or emancipated. For an individual under the age of 21 who is capable of indicating intent regarding residency and who is married or emancipated from the individual's parent, the state of residence is determined in accordance with paragraph 75.10(2) "j."

m. Other individuals under the age of 21. For an individual under the age of 21 who is not described in paragraph 75.10(2) "k" or "l," the state of residence is:

(1) The state where the individual resides, with or without a fixed address; or

(2) The state of residency of the parent or caretaker, determined in accordance with paragraph 75.10(2) "j," with whom the individual resides.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.11(249A) Citizenship or alienage requirements.

75.11(1) Definitions. For purposes of this rule, the following definitions apply.

"Care and services necessary for the treatment of an emergency medical condition" means services provided in a hospital, clinic, office or other facility that is equipped to furnish the required care for an emergency medical condition, provided the care and services are not related to an organ transplant procedure furnished on or after August 10, 1993. Payment for emergency medical services will be limited to medical services that are required and directly related to the treatment of the emergency medical condition.

"Citizen" and *"citizenship"* includes both citizens of the United States and nationals of the United States as defined in 8 U.S.C. §1101(a)(22).

"Federal means-tested program" means all federal programs that are means-tested, with the exception of:

1. Medical assistance for care and services necessary for the treatment of an emergency medical condition not related to an organ transplant procedure furnished on or after August 10, 1993.

2. Short-term, non-cash, in-kind emergency disaster relief.

3. Assistance or benefits under the National School Lunch Act as amended to August 1, 2025.

4. Assistance or benefits under the Child Nutrition Act of 1966 as amended to August 1, 2025.

5. Public health assistance (not including any assistance under Title XIX of the Act) for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not the symptoms are caused by a communicable disease.

6. Payments of foster care and adoption assistance under Parts B and E of Title IV of the Act for a parent or a child who would, in the absence of numbered paragraph "1," be eligible to have payments made on the child's behalf under such part but only if the foster or adoptive parent (or parents) of the child is a qualified alien as defined in Section 431 of the Act.

7. Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the attorney general of the United States in the attorney general's sole and unreviewable discretion after consultation with appropriate federal agencies and departments that:

- Deliver in-kind services at the community level, including through public or private nonprofit agencies;

- Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and

- Are necessary for the protection of life or safety.

8. Programs of student assistance under Titles IV, V, IX, and X of the Higher Education Act of 1965 as amended to August 1, 2025, and Titles III, VII, and VIII of the Public Health Services Act as amended to August 1, 2025.

9. Means-tested programs under the Elementary and Secondary Education Act of 1965 as amended to August 1, 2025.

10. Benefits under the Head Start Act, as amended to August 1, 2025.

11. Benefits funded through an employment and training program of the U.S. Department of Labor.

“*INA*” means the Immigration and Naturalization Act as amended to August 1, 2025, unless another effective date is specified.

“*Noncitizen*” means the same as “alien” as defined in 8 U.S.C. §1101(a)(3).

“*Qualified noncitizen*” means the same as “qualified alien” as defined in 8 U.S.C. §1641(b) and (c). A qualified noncitizen is:

1. Lawfully admitted for permanent residence in the United States under the INA;
2. Granted asylum in the United States under Section 208 of the INA;
3. A refugee admitted to the United States under Section 207 of the INA;
4. Paroled into the United States under Section 212(d)(5) of the INA for a period of at least one year;
5. An individual whose deportation from the United States is withheld under Section 243(h) of the INA as in effect before April 1, 1997, or under Section 241(b)(3) of the INA;
6. Granted conditional entry to the United States pursuant to Section 203(a)(7) of the INA as in effect before April 1, 1980;
7. An Amerasian admitted to the United States as described in 8 U.S.C. Section 1612(b)(2)(A)(i) (V);
8. A Cuban/Haitian entrant to the United States as described in Section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422) as amended to August 1, 2025;
9. A battered noncitizen as described in 8 U.S.C. Section 1641(c);
10. Certified as a victim of trafficking as described in Section 107(b)(1)(A) of Public Law 106-386 as amended to August 1, 2025;
11. An American Indian born in Canada to whom Section 289 of the INA applies or is a member of a federally recognized Indian tribe as defined in 25 U.S.C. Section 450b(e) as amended to August 1, 2025;
12. Under the age of 21 and is lawfully residing in the United States as allowed by 42 U.S.C. Section 1396b(v)(4)(A)(ii); or
13. Lawfully residing in the United States in accordance with a Compact of Free Association with the Government of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau as described in 8 U.S.C. Section 1612(b)(2)(G) as amended by Section 208 of Division CC of Public Law 116-260 and as amended to August 1, 2025.

“*Qualifying quarters*” includes all of the qualifying quarters of coverage as defined under Title II of the Act worked by a parent of a noncitizen while the noncitizen was under the age of 18 and all of the qualifying quarters worked by a spouse of the noncitizen during their marriage if the noncitizen remains married to the spouse or the spouse is deceased. No qualifying quarter of coverage that is creditable under Title II of the Act for any period beginning after December 31, 1996, may be credited to a noncitizen if the parent or spouse of the noncitizen received any federal means-tested public benefit during the period for which the qualifying quarter is so credited.

75.11(2) *Citizenship and alienage.*

a. Eligibility. To be eligible for Medicaid, a person must be one of the following:

- (1) A citizen or national of the United States.
- (2) A qualified noncitizen continuously present (as described in Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility under Title IV of the Personal Responsibility and

Work Opportunity Reconciliation Act (PRWORA) at 62 FR 61415 dated November 11, 1997, and as amended to August 1, 2025) in the United States since before August 22, 1996.

- (3) A qualified noncitizen under the age of 21.
- (4) A refugee admitted to the United States under Section 207 of the INA.
- (5) A noncitizen who has been granted asylum under Section 208 of the INA.
- (6) A noncitizen whose deportation is withheld under Section 243(h) or 241(b)(3) of the INA.
- (7) A qualified noncitizen veteran who has an honorable discharge that is not due to alienage.
- (8) A qualified noncitizen who is on active duty in the Armed Forces of the United States other than active duty for training.
- (9) A qualified noncitizen who is the spouse or unmarried dependent child of a qualified noncitizen described in subparagraph 75.11(2)“a”(7) or “a”(8), including a surviving spouse who has not remarried.
- (10) A qualified noncitizen who has resided in the United States for a period of at least five years beginning on the date of the qualified noncitizen’s entry into the United States with a status within the meaning of numbered paragraph “1,” “4,” or “9” under the definition of “qualified noncitizen” in subrule 75.11(1).
- (11) An Amerasian admitted as described in 8 U.S.C. Section 1612(b)(2)(A)(i)(V).
- (12) A Cuban/Haitian entrant as described in Section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422) as amended to August 1, 2025.
- (13) A certified victim of trafficking as described in Section 107(b)(1)(A) of Public Law 106-386 as amended to August 1, 2025.
- (14) An American Indian born in Canada to whom Section 289 of the INA applies or who is a member of a federally recognized Indian tribe as defined in 25 U.S.C. Section 450b(e) as amended to August 1, 2025.
- (15) An Iraqi or Afghan immigrant treated as a refugee pursuant to Section 1244(g) of Public Law 110-181 as amended to August 1, 2025, or to Section 602(b)(8) of Public Law 111-8 as amended to August 1, 2025.
- (16) An Afghan paroled into the United States treated as a refugee pursuant to Section 2502 of Public Law 117-43 as amended to August 1, 2025.
- (17) A qualified noncitizen lawfully residing in the United States in accordance with a Compact of Free Association with the Government of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau as described in 8 U.S.C. Section 1612(b)(2)(G) as amended by Section 208 of Division CC of Public Law 116-260 and as amended to August 1, 2025.
- (18) A conditional entrant pursuant to Section 203(a)(7) of the INA as in effect before April 1, 1980.

b. Attestation of citizenship or qualified noncitizen status. As a condition of eligibility, each applicant and member shall attest in writing to the applicant’s or member’s citizenship or qualified noncitizen status by signing the applicable form identified in subparagraph 75.11(2)“b”(1), “b”(2), “b”(3), or “b”(4). The attestation may be provided, in writing and under penalty of perjury, by an adult member of the individual’s household, an authorized representative as defined in rule 441—76.1(249A), or, if the individual is a minor or incapacitated, by someone acting responsibly for the individual provided the person acting responsibly attests to having knowledge of the individual’s status.

- (1) All applicants for Medicaid shall attest to their citizenship or qualified noncitizen status by signing forms prescribed by the department that contain the declaration of their citizenship or qualified noncitizen status.
- (2) Family-related Medicaid members and members subject to MAGI methodology shall attest to their citizenship or qualified noncitizen status by completing and signing forms prescribed by the department that contain the declaration of their citizenship or qualified noncitizen status.

(3) Non-MAGI-related Medicaid members not actually receiving SSI who have been continuous members since August 1, 1988, shall attest to their citizenship or qualified noncitizen status by signing the application form described in subparagraph 75.11(2) “b”(1) at time of review.

(4) The department will prescribe forms for an attestation of citizenship or qualified noncitizen status that will meet the requirements of subrule 75.11(2) for children under the age of 19 who are otherwise eligible pursuant to rule 441—76.4(249A).

c. Verification of citizenship and identity or qualified noncitizen status. An applicant or member attestation of citizenship or qualified noncitizen status must be verified as a condition of eligibility for Medicaid. An applicant or member who attests to citizenship must also verify their identity. The verification of citizenship status is acceptable as identity verification, except as stated otherwise within this subrule.

(1) Verification by electronic data sources. The department will accept applicant or member attestation of citizenship or qualified noncitizen status as verified when the attestation is consistent with available EDS.

(2) Satisfactory documentation of citizenship and identity is required. Except for the persons identified in paragraph 75.11(2) “i,” applicants or members for whom an attestation of United States citizenship has been made pursuant to paragraph 75.11(2) “b” shall present satisfactory documentation of the attested status and their identity when the attestation is not verified by available electronic data sources. Satisfactory documentation is identified in paragraphs 75.11(2) “d,” “e,” “f,” “g,” and “h.” The provisions of the reasonable opportunity period described in subparagraphs 75.11(2) “c”(4) and “c”(5) apply.

(3) Satisfactory documentation of qualified noncitizen status is required. Except for persons receiving SSI benefits under Title XVI of the Act, applicants or members for whom an attestation of a qualified noncitizen status has been made pursuant to paragraph 75.11(2) “b” shall present satisfactory documentation of the attested status when the attestation is not verified by available EDS. Satisfactory documentation of qualified noncitizen status is identified in paragraph 75.11(2) “j.” The department will request documentation in writing from the applicant or member. The provisions of the reasonable opportunity period described in subparagraphs 75.11(2) “c”(4) and “c”(5) applies.

(4) Reasonable opportunity period for providing satisfactory documentation. Applicants and members will be allowed a reasonable opportunity period of 90 days to provide satisfactory documentation of citizenship and identity or qualified noncitizen status. The reasonable opportunity period begins on the date a written request for documentation or a notice pursuant to subparagraph 75.11(2) “c”(3) or “c”(7) above is issued to an applicant or member, whichever is later, and continues for 90 days.

(5) Medicaid approval pending reasonable opportunity period. Medicaid will be approved for new applicants and continue for members not previously required to provide documentation of citizenship and identity or qualified noncitizen status until the end of the reasonable opportunity period, subject to 441—subrule 76.16(1).

(6) No retroactive eligibility until citizenship and identity or qualified noncitizen status is verified. Retroactive eligibility pursuant to 441—subrule 76.13(3) is available only after citizenship and identity or qualified noncitizen status has been verified with EDS or documentation has been provided pursuant to paragraph 75.11(2) “d,” “e,” “f,” “g,” “h,” or “j.” When applicable, the retroactive months are outside the reasonable opportunity period during which Medicaid coverage may be provided without required documentation of citizenship and identity or qualified noncitizen status.

(7) Verification of citizenship and identity or qualified noncitizen status not required. Applicants who reapply following a break in coverage and members who are subject to an eligibility review are not required to reverify citizenship and identity or qualified noncitizen status unless:

1. The individual reports a change in citizenship or qualified noncitizen status;
2. The individual’s qualified noncitizen status is a type the department has determined is subject to change; or

3. The department receives information indicating a potential change in the individual's citizenship or qualified noncitizen status.

d. Standalone evidence of citizenship and identity. Any one of the documents described in 42 CFR 435.407(a) will be accepted as sufficient evidence of citizenship and identity. In addition, provision of an individual's name, social security number, and date of birth to the department will constitute satisfactory documentation of citizenship and identity if submission of the name, social security number, and date of birth to the SSA produces a data match response that substantiates the individual's citizenship and identity. If submission of the name, social security number, and date of birth to the SSA does not produce a data match response that substantiates the individual's citizenship and identity, the department will issue a written request for documentation or a notice to the applicant or member pursuant to subparagraph 75.11(2)"c"(4) giving the applicant or member 90 days to correct any errors in the name, social security number, or date of birth submitted; to correct any errors in the SSA's records; or to provide other documentation of citizenship and identity pursuant to paragraphs 75.11(2)"d" through "h."

e. Combination evidence of citizenship.

(1) If an applicant does not provide documentary evidence of citizenship and identity from the list in paragraph 75.11(2)"d," information or documentation as described in 42 CFR 435.407(b) will be accepted as satisfactory evidence to establish citizenship if accompanied by an identity document listed in paragraph 75.11(2)"f":

(2) If the applicant does not have one of the documents listed in paragraph 75.11(2)"d" or "e," they may submit an affidavit provided by the department, signed by another individual under penalty of perjury who can reasonably attest to the applicant's citizenship, that contains the applicant's name, date of birth, and place of U.S. birth. The affidavit does not have to be notarized.

f. Evidence of identity. Any of the following documents described in 42 CFR 435.407(c) or (d) will be accepted as proof of identify, provided the document has a photograph or other identifying information sufficient to establish identity, including but not limited to name, age, sex, race, height, weight, eye color, or address.

g. Reserved.

h. Documentary evidence. The department will accept documents in accordance with 42 CFR 435.407(f) and provide assistance in a timely manner to individuals who need assistance in securing satisfactory documentary evidence of citizenship or identity in accordance with 42 CFR 435.407(e).

i. Persons not required to verify citizenship and identity status. A person for whom an attestation of United States citizenship has been made pursuant to paragraph 75.11(2)"b" is not required to present documentation of citizenship and identity for Medicaid eligibility if any of the following circumstances apply:

(1) The person is entitled to or enrolled for benefits under any part of Title XVIII of the Act (Medicare).

(2) The person is receiving federal social security disability insurance (SSDI) benefits under Title II of the Act, Section 223 or 202, based on disability (as defined in Section 223(d)).

(3) The person is receiving SSI benefits under Title XVI of the Act.

(4) The person is or was exempted while assisted by child welfare services funded under Part B of Title IV of the Act on the basis of being a child in foster care as defined in Iowa Code section 232.2. This exemption does not apply and the person is subject to the citizenship and identity documentation requirements described in paragraph 75.11(2)"c" when services under Part B of Title IV were terminated due to failure to meet citizenship requirements.

(5) The person is or was exempted while assisted by foster care as defined in Iowa Code section 232.2 or adoption assistance funded under Part E of Title IV of the Act. This exemption does not apply and the person is subject to the citizenship and identity documentation requirements described in paragraph 75.11(2)"c" when services under Part E of Title IV were terminated due to failure to meet citizenship requirements.

(6) The person has previously presented satisfactory documentary evidence of citizenship and identity as specified by the United States Secretary of Health and Human Services.

(7) The person is or was deemed eligible for medical assistance pursuant to 42 U.S.C. Section 1396a(e)(4) on or after July 1, 2006, as the newborn of a Medicaid-eligible mother.

(8) The person is or was eligible for medical assistance pursuant to 42 U.S.C. Section 1397ll(e) as the newborn of a mother eligible for assistance under a State Children's Health Insurance Program (SCHIP) pursuant to Title XXI of the Act.

j. Satisfactory documentation of qualified noncitizen status. For the purpose of subparagraph 75.11(2)“c”(3), satisfactory documentation of qualified noncitizen status is documentation issued by the U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (formerly Immigration and Naturalization Service (INS)) that identifies the person's qualified noncitizen status.

75.11(3) Deeming of sponsor's income and resources. When a qualified noncitizen admitted for lawful permanent residence (including those who applied for an immigrant visa or for adjustment of status, other than those whose status was adjusted from refugee or asylee status under 8 U.S.C. §1159 on or after December 19, 1997) is sponsored by a person who executed an affidavit of support as described in 8 U.S.C. Section 1631(a)(1) on behalf of the qualified noncitizen, the income and resources of each sponsor will be deemed to determine eligibility only for the sponsored qualified noncitizen and not for any nonsponsored members of the sponsored qualified noncitizen's household as follows:

a. Income. For the family-related and non-MAGI-related coverage groups described in rules 441—75.3(249A) through 441—75.9(249A) applicable to the sponsored qualified noncitizen, the amount deemed to the sponsored qualified noncitizen will be the total gross countable income of each sponsor less the following deductions that will be applied to both family-related and non-MAGI-related applicants or members:

(1) The deductions described at 20 CFR §416.1166a, except that the amount to be deemed from each sponsor will be divided by the number of noncitizens sponsored by that sponsor.

(2) Diversion from countable earned and unearned income of the sponsor for the following:

1. Alimony or child support payments to persons not living with the sponsor.

2. Payments made to persons not living with the sponsor but who are claimed (or could be claimed) by the sponsor for federal income tax purposes.

b. Resources for non-MAGI-related coverage groups. When the sponsored qualified noncitizen's coverage group is non-MAGI-related, the total gross countable resources of each sponsor will be deemed to determine eligibility of the sponsored qualified noncitizen pursuant to 20 CFR §416.1204 less the applicable following deduction: \$2,000 if the sponsor does not live with a spouse, \$3,000 if the sponsor lives with a spouse who is not a sponsor, or \$4,000 if the sponsor lives with a spouse who is also the qualified noncitizen's sponsor. Resources are not considered for family-related coverage groups and therefore not deemed to a sponsored qualified noncitizen applying for or receiving under a family-related coverage group.

c. An indigent qualified noncitizen is exempt from the deeming of a sponsor's income and resources for 12 months after indigence is determined. A qualified noncitizen will be considered indigent if the following are true:

(1) The qualified noncitizen does not live with the sponsor; and

(2) The qualified noncitizen's gross income, including any income actually received from or made available by the sponsor, is less than 100 percent of the FPL for the sponsored qualified noncitizen's household size.

d. A battered qualified noncitizen as described in 8 U.S.C. Section 1641(c) is exempt from the deeming of a sponsor's income and resources for 12 months.

e. Deeming of the sponsor's income and resources does not apply when:

(1) The sponsored qualified noncitizen attains citizenship through naturalization pursuant to Chapter 2 of Title II of the INA as amended to August 1, 2025.

(2) The sponsored qualified noncitizen has earned 40 qualifying quarters of coverage as defined in Title II of the Act or can be credited with 40 qualifying quarters as defined in subrule 75.11(1).

(3) The sponsored qualified noncitizen or the sponsor dies.

(4) The sponsored qualified noncitizen is a lawfully residing child under the age of 21 as allowed by 42 U.S.C. Section 1396b(v)(4)(A)(ii).

(5) For non-MAGI-related Medicaid, the sponsored qualified noncitizen becomes blind or disabled as defined under Title XVI of the Act after admission to the United States as a lawful permanent resident.

(6) For non-MAGI-related Medicaid, three years after the date the sponsored qualified noncitizen was admitted to the United States as a lawful permanent resident.

75.11(4) *Eligibility for payment of emergency medical services.* Noncitizens who do not meet the provisions of subrule 75.11(2) and who would otherwise qualify except for their noncitizen status are eligible to receive Medicaid for care and services necessary for the treatment of an emergency medical condition as defined in subrule 75.11(1). To qualify for payment under this provision, the noncitizen must meet all other eligibility criteria, including state residence requirements in rule 441—75.10(249A), with the exception of rule 441—75.9(249A) and subrules 75.11(2) and 75.11(3).

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.12(249A) Inmates of public institutions. A person is not eligible for medical assistance for any care or services received while the person is an inmate of a public institution. For the purpose of this rule, “inmate of a public institution” and “public institution” mean the same as defined in 42 CFR Section 435.1010.

75.12(1) *Suspension.* Medical assistance will be suspended rather than canceled while a person is an inmate of a public institution if all of the following conditions are met:

a. The department is notified of the person’s entry into the public institution through either:

(1) A daily report that is provided to the department by the public institution and includes the person’s first name and last name and the date the person entered the institution; or

(2) Other verified notice received by the department.

b. The person has entered a public institution on or after January 1, 2012, and has been in the public institution for 30 days or more.

c. On the date of entry into the public institution, the person was a Medicaid member.

d. The person is eligible for medical assistance as an individual except for institutional status.

75.12(2) *Coverage during suspension.* While medical assistance is suspended, payment will be made only for services limited to inpatient hospital claims only.

75.12(3) *Reinstatement.* The Medicaid case for an inmate who is released from a public institution while Medicaid is suspended will be reopened without an application if both of the following conditions are met:

a. The department is notified of the person’s release from the public institution through either:

(1) A daily report provided to the department by the public institution that includes the person’s first name and last name and the date the person was released from the institution; or

(2) Other verified notice received by the department.

b. All information available to the department indicates that the person is currently eligible for Iowa Medicaid as an individual.

This rule is intended to implement Iowa Code section 249A.3 and 2011 Iowa Acts, Senate File 482, division IX.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.13 Reserved.

441—75.14(249A) Establishing liability and obtaining support.

75.14(1) As a condition of eligibility, adult Medicaid applicants and members shall cooperate in obtaining medical support for themselves and for any other person in the household for whom

Medicaid is requested or received and for whom the applicant or member can legally assign rights for medical support, except when the member has good cause for refusal to cooperate as defined in subrule 75.14(7).

a. The adult applicant shall agree to cooperate in obtaining medical support at the time of application.

b. The adult member shall cooperate in the following:

(1) Identifying and locating parties liable for the support of household members receiving Medicaid.

(2) Establishing liability for the support of household members receiving Medicaid, including establishment of paternity if paternity has not previously been established.

(3) Obtaining medical support and payments for medical care for household members receiving Medicaid.

c. Cooperation is defined as including the following actions by the adult member upon request:

(1) Appearing at the child support services as defined in 441—Chapter 95 to provide verbal or written information or documentary evidence known to, possessed by or reasonably obtainable by the member that is relevant to achieving the objectives of the child support recovery program.

(2) Appearing as a witness at judicial or other hearings or proceedings.

(3) Providing information, or attesting to the lack of information, under penalty of perjury.

d. Upon request, the adult member shall cooperate with the department in supplying information with respect to potentially liable parties, the receipt of medical support or payments for medical care, and the establishment of liability for support to the extent necessary to establish eligibility for assistance.

e. Upon request, the adult member shall cooperate with child support services by supplying all known information and documents pertaining to the location of potentially liable parties and taking action as may be necessary to secure medical support and payments for medical care or to establish liability. This includes completing and signing documents determined to be necessary by the state's attorney for any relevant judicial or administrative process.

f. Child support services will make the determination of whether or not the adult member has cooperated for the purposes of this rule.

75.14(2) Failure of an adult applicant to agree to cooperate or an adult member to cooperate will result in denial or cancellation of the noncooperating adult's Medicaid benefits. In family-related Medicaid cases, all exclusions, expenses and deductions described in rule 441—75.73(249A) will be allowed when otherwise applicable.

75.14(3) Each Medicaid member who is required to cooperate with child support services shall have the opportunity to claim good cause for refusing to cooperate in establishing liability or securing medical support and payments for medical care. The provisions set forth in subrules 75.14(7) through 75.14(11) will be used when making a determination of the existence of good cause.

75.14(4) Each Medicaid member shall assign to the department any rights to medical support and payments for medical care from any other person for which the person can legally make assignment. This shall include rights to medical support and payments for medical care on the member's own behalf or on behalf of any other person in the household who receives Medicaid.

An assignment is effective the same date the notice of eligibility is issued and is effective for the entire period for which eligibility is granted. Support payments not intended for medical support will not be assigned to the department.

75.14(5) Pregnant women establishing eligibility under the MAC coverage group as provided in subrule 75.3(2) will be exempt from the provisions in this rule for any born child for whom the pregnant woman applies for or receives Medicaid. Additionally, any previously pregnant woman eligible for postpartum coverage under the provision of subrule 75.3(4) will not be subject to the provisions in this rule until after the end of the month in which the postpartum period expires.

Pregnant women establishing eligibility under any other coverage groups, except those set forth in subrule 75.3(2) or 75.3(4), will be subject to the provisions in this rule when establishing eligibility for

born children. However, when a pregnant woman who is subject to these provisions fails to cooperate, the woman will lose eligibility under her current coverage group and her eligibility for Medicaid will be automatically redetermined under subrule 75.3(2).

75.14(6) Notwithstanding subrule 75.14(5), any pregnant woman or previously pregnant woman establishing eligibility under subrule 75.3(2) or 75.3(4) will not be exempt from the provisions of 75.14(4) that require an adult member to assign any rights to medical support and payments for medical care.

75.14(7) Good cause exists when it is determined that cooperation in establishing liability and securing support is against the best interests of the child.

a. The department will determine that cooperation is against the child's best interest when the member's cooperation in establishing liability or securing support is reasonably anticipated to result in:

- (1) Physical or emotional harm to the child for whom support is to be sought;
- (2) Physical or emotional harm to the parent or other caretaker with whom the child is living that reduces the person's capacity to care for the child adequately.

b. The department will determine that cooperation is against the child's best interest when at least one of the following circumstances exists and the department believes that because of the existence of that circumstance, in the particular case, proceeding to establish liability or secure support would be detrimental to the child for whom support would be sought:

- (1) The child was conceived as the result of incest or forcible rape.
- (2) Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction.

(3) The member is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep the child or relinquish the child for adoption and the discussions have not gone on for more than three months.

c. Physical harm and emotional harm shall be of a serious nature in order to justify a finding of good cause. A finding of good cause for emotional harm will be based only upon a demonstration of an emotional impairment that substantially affects the individual's functioning.

d. When the good cause determination is based in whole or in part upon the anticipation of emotional harm to the child, the parent, or the other caretaker, the following shall be considered:

- (1) The present emotional state of the individual subject to emotional harm.
- (2) The emotional health history of the individual subject to emotional harm.
- (3) Intensity and probable duration of the emotional impairment.
- (4) The degree of cooperation required.
- (5) The extent of involvement of the child in the liability establishment or support enforcement activity to be undertaken.

75.14(8) Each Medicaid member who is required to cooperate with child support services will have the opportunity to claim good cause for refusing to cooperate in establishing liability or securing support payments.

a. Before requiring cooperation, the department will notify the member of the right to claim good cause as an exception to the cooperation requirement and of all the requirements applicable to a good cause determination.

b. The initial notice advising of the right to refuse to cooperate for good cause will:

(1) Advise the member of the potential benefits the child may derive from the establishment of liability and securing support.

(2) Advise the member that by law cooperation in establishing liability and securing support is a condition of eligibility for the Medicaid program.

(3) Advise the member of the sanctions provided for refusal to cooperate without good cause.

(4) Advise the member that good cause for refusal to cooperate may be claimed and that if the department determines, in accordance with these rules, that there is good cause, the member will be excused from the cooperation requirement.

(5) Advise the member that upon request, or following a claim of good cause, the department will provide further notice with additional details concerning good cause.

c. When the member makes a claim of good cause or requests additional information regarding the right to file a claim of good cause, the department will issue a second notice. To claim good cause, the member shall sign and date a form prescribed by the department and return it. This form:

(1) Indicates that the member must provide corroborative evidence of good cause circumstance and must, when requested, furnish sufficient information to permit the county office to investigate the circumstances.

(2) Informs the member that, upon request, the department will provide reasonable assistance in obtaining the corroborative evidence.

(3) Informs the member that on the basis of the corroborative evidence supplied and the department's investigation, when necessary, the department will determine whether cooperation would be against the best interests of the child for whom support would be sought.

(4) Lists the circumstances under which cooperation may be determined to be against the best interests of the child.

(5) Informs the member that child support recovery services may review the findings and basis for a good cause determination and may participate in any hearings concerning the issue of good cause.

(6) Informs the member that child support recovery services may attempt to establish liability and collect support in those cases where it is determined that this can be done without risk to the member if done without the member's participation.

d. The member who refuses to cooperate and who claims to have good cause for refusing to cooperate has the burden of establishing the existence of a good cause circumstance. Failure to meet these requirements shall constitute a sufficient basis for the department to determine that good cause does not exist. The member shall:

(1) Specify the circumstances that the member believes provide sufficient good cause for not cooperating.

(2) Corroborate the good cause circumstances.

(3) When requested, provide sufficient information to permit an investigation.

75.14(9) The department will determine whether good cause exists for each Medicaid member who claims to have good cause.

a. The department will notify the member of its determination that good cause does or does not exist. The determination will:

(1) Be in writing.

(2) Contain the findings and basis for determination.

(3) Be entered in the case record.

b. The determination of whether good cause exists will be made within 45 days from the day the good cause claim is made. The department may exceed this time standard only when:

(1) The case record documents that the department needs additional time because the information required to verify the claim cannot be obtained within the time standard, or

(2) The case record documents that the claimant did not provide corroborative evidence within the time period set forth in subrule 75.14(10).

c. When the department determines that good cause does not exist:

(1) The member will be so notified and be afforded an opportunity to cooperate, withdraw the application for assistance, or have the case closed; and

(2) Continued refusal to cooperate will result in the loss of Medicaid for the person who refuses to cooperate.

d. The department will make a good cause determination based on the corroborative evidence supplied by the member only after it has examined the evidence and found that it verifies the good cause claim.

e. Before making a final determination of good cause for refusing to cooperate, the department will:

(1) Afford child support services the opportunity to review and comment on the findings and basis for the proposed determination, and

(2) Consider any recommendation from child support services.

f. Child support services may participate in any appeal hearing that results from a member's appeal of a department action with respect to a decision on a claim of good cause.

g. Assistance will not be denied, delayed, or discontinued pending a determination of good cause for refusal to cooperate when the member has specified the circumstances under which good cause can be claimed and provided the corroborative evidence and any additional information needed to establish good cause.

h. The department will:

(1) Periodically, but not less frequently than every six months, review those cases in which the department has determined that good cause exists based on a circumstance that is subject to change.

(2) When it determines that circumstances have changed so that good cause no longer exists, rescind its findings and proceed to enforce the requirements pertaining to cooperation in establishing liability and securing support.

75.14(10) The member who claims good cause shall provide corroborative evidence within 20 days from the day the claim was made. In exceptional cases where the department determines that the member requires additional time because of the difficulty in obtaining the corroborative evidence, the department will allow a reasonable additional period upon approval by the worker's immediate supervisor.

a. A good cause claim may be corroborated with the following types of evidence:

(1) Birth certificates or medical or law enforcement records that indicate that the child was conceived as the result of incest or forcible rape.

(2) Court documents or other records that indicate that legal proceedings for adoption are pending before a court of competent jurisdiction.

(3) Court, medical, criminal, child protective services, social services, psychological, or law enforcement records that indicate that the potentially liable person might inflict physical or emotional harm on the child.

(4) Medical records that indicate emotional health history and present emotional health status of the parent or other caretaker or the children for whom support would be sought; also, written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the parent or other caretaker or the child for whom support would be sought.

(5) A written statement from a public or licensed private social agency that the member is being assisted by the agency to resolve the issue of whether to keep the child or relinquish the child for adoption.

(6) Sworn statements from individuals other than the member with knowledge of the circumstances that provide the basis for the good cause claim.

b. When, after examining the corroborative evidence submitted by the member, the department wishes to request additional corroborative evidence needed to permit a good cause determination, the department will:

(1) Promptly notify the member that additional corroborative evidence is needed, and

(2) Specify the type of corroborative evidence needed.

c. When the member requests assistance in securing evidence, the department will:

(1) Advise the member how to obtain the necessary documents, and

(2) Make a reasonable effort to obtain any specific documents that the member is not reasonably able to obtain without assistance.

d. When a claim is based on the member's anticipation of physical harm and corroborative evidence is not submitted in support of the claim:

(1) The department will investigate the good cause claim when it believes that the claim is credible without corroborative evidence and corroborative evidence is not available.

(2) Good cause will be found when the claimant's statement and investigation satisfies the department that the member has good cause for refusing to cooperate.

(3) A determination that good cause exists will be reviewed and approved or disapproved by a supervisor and the findings will be recorded in the case record.

e. The department may further verify the good cause claim when the member's statement of the claim together with the corroborative evidence do not provide sufficient basis for making a determination. When the department determines that it is necessary, the department may conduct an investigation of good cause claims to determine whether good cause exists.

f. When it conducts an investigation of a good cause claim, the department will:

(1) Contact the potentially liable person from whom support would be sought when the contact is determined to be necessary to establish the good cause claim.

(2) Before making the necessary contact, notify the member so the member may present additional corroborative evidence or information so that contact with the potentially liable person becomes unnecessary, withdraw the application for assistance or have the case closed, or have the good cause claim denied.

75.14(11) Enforcement without parent or other caretaker's cooperation. When the department makes a determination that good cause exists, the department will also make a determination of whether child support services can proceed without risk of harm to the child, parent, or other caretaker when the enforcement or collection activities do not involve their participation.

a. Child support services will have an opportunity to review and comment on the findings and basis for the proposed determination and the department will consider any recommendations from child support services.

b. The determination will be in writing, contain the department's findings and basis for the determination, and be entered into the case record.

c. When the department excuses cooperation but determines that child support services may proceed to establish liability or enforce support, the department will notify the member to enable the individual to have the case closed.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.15(249A) Medical resources. Medical resources include health and accident insurance, eligibility for care through the Department of Veterans Affairs, specialized child health services, services received through Title XVIII of the Act (Medicare), and other resources for meeting the cost of medical care that may be available to the member. These resources must be used when reasonably available.

75.15(1) The department will approve payment only for those services or that part of the cost of a given service for which no medical resources exist unless pay and chase provisions as defined in rule 441—75.1(249A) are applicable.

75.15(2) As a condition of eligibility for Medicaid, a person who has the legal capacity to execute an assignment shall do all of the following:

a. Assign to the department all rights to payments of medical care from any third party to the extent that payment has been made under the Medicaid program. The applicant's signature on the application form listed in 441—paragraph 76.2(1) "c" shall constitute agreement to the assignment. The assignment shall be effective for the entire period during which Medicaid makes payment for medical care.

b. Cooperate with the department in obtaining third-party payments. The member or someone acting on the member's behalf shall:

(1) File a claim or submit an application for any reasonably available medical resource, and

(2) Cooperate in the processing of the claim or application.

c. Cooperate with the department in identifying and providing information to assist the department in pursuing any third party who may be liable to pay for medical care and services available under the Medicaid program.

75.15(3) Good cause for failure to cooperate in the filing or processing of a claim or application will be considered to exist when the member, or someone acting on behalf of a minor or legally incompetent adult member, is physically or mentally incapable of cooperation. Good cause will be considered to exist when cooperation is reasonably anticipated to result in:

- a. Physical or emotional harm to the member for whom medical resources are being sought;
- b. Physical or emotional harm to the parent or payee, acting on the behalf of a minor or legally incompetent adult member, for whom medical resources are being sought.

75.15(4) Failure to cooperate as required in subrule 75.15(2) without good cause as defined in subrule 75.15(3) will result in the termination of Medicaid benefits. The department will make the determination of good cause based on information and evidence provided by the member or by someone acting on the member's behalf.

a. The Medicaid benefits of a minor or legally incompetent adult member will not be terminated for failure to cooperate in reporting medical resources.

b. When a parent or payee acting on behalf of a minor or legally incompetent adult member fails to file a claim or application for reasonably available medical resources or fails to cooperate in the processing of a claim or application without good cause, the Medicaid benefits of the parent or payee will be terminated.

This rule is intended to implement Iowa Code sections 249A.4 and 249A.54.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.16(249A) Medical assistance lien.

75.16(1) When the Medicaid program pays for a member's medical care or expenses, the department will have a lien upon all monetary claims that the member may have against third parties for those expenses. Monetary claims will include medical malpractice claims for injuries sustained on or after July 1, 2011. The lien will be to the extent of the Medicaid payments only.

a. A lien is not effective unless the department files a notice of lien with the clerk of the district court in the county where the member resides and with the member's attorney when the member's eligibility for Medicaid is established. The notice of lien will be filed before the third party has concluded a final settlement with the member, the member's attorney, or other representative.

b. The third party shall obtain a written determination from the department concerning the amount of the lien before a settlement is deemed final.

(1) A compromise, including but not limited to notification, settlement, waiver or release of a claim, does not defeat the department's lien except pursuant to the written agreement of the director or the director's designee under which the department would receive less than full reimbursement of the amounts it expended.

(2) A settlement, award, or judgment structured in any manner not to include medical expenses or an action brought by a member or on behalf of a member that fails to state a claim for recovery of medical expenses does not defeat the department's lien if there is any recovery on the member's claim.

c. All notifications required by law shall be directed to the department. Notification shall be considered made as of the time the notification is deposited so addressed, postage prepaid, in the United States Postal Service system.

75.16(2) The department may pursue its rights to recover either directly from any third party or from any recovery obtained by or on behalf of any member. If a member incurs the obligation to pay attorney fees and court costs for the purpose of enforcing a monetary claim to which the department has a lien under this rule, upon the receipt of the judgment or settlement of the total claim, of which the lien for Medicaid payments is a part, the court costs and reasonable attorney fees will first be deducted from this total judgment or settlement. One-third of the remaining balance will then be deducted and paid to the member. From the remaining balance, the lien of the department will be

paid. Any amount remaining will be paid to the member. An attorney acting on behalf of a member for the purpose of enforcing a claim to which the department has a lien shall not collect from the member any amount as attorney fees that is in excess of the amount the attorney customarily would collect on claims not subject to this rule. The department will provide computer-generated documents or claim forms describing the services for which it has paid upon request of any affected member or the member's attorney. The documents may also be provided to a third party where necessary to establish the extent of the department's claim.

75.16(3) In those cases where appropriate notification is not given to the department or where the department's recovery rights are otherwise adversely affected by an action of the member or someone acting on the member's behalf, Medicaid benefits will be terminated. The Medicaid benefits of a minor child or a legally incompetent adult member will not be terminated under this subrule. Subsequent eligibility for Medicaid benefits will be denied until an amount equal to the unrecovered claim has been reimbursed to the department or the individual produces documentation of incurred medical expense equal to the amount of the unrecovered claim. The incurred medical expense will not be paid by the Medicaid program.

a. The member, or someone acting on the member's behalf, shall provide information and verification as required to establish the availability of medical or third-party resources.

b. The member or person acting on the member's behalf shall complete a form prescribed by the department, in a timely manner at the time of application, when any change in medical resources occurs during the application period, and when any changes in medical resources occur after the application is approved. A report will be considered timely when made within ten days from:

(1) The date that health insurance begins, changes, or ends.

(2) The date that eligibility begins for care through the Department of Veterans Affairs, specialized child health services, Title XVIII of the Act (Medicare) and other resources.

(3) The date the member, or someone acting on the member's behalf, files an insurance claim against an insured third party for the payment of medical expenses that otherwise would be paid by Medicaid.

(4) The date the member, or someone acting on the member's behalf, retains an attorney with the expectation of seeking restitution for injuries from a possibly liable third party, and the medical expenses resulting from those injuries would otherwise be paid by Medicaid.

(5) The date that the member, or someone acting on the member's behalf, receives a partial or total settlement for the payment of medical expenses that would otherwise be paid by Medicaid. The member may report the change in person, by telephone, by mail, or by using forms prescribed by the department when annual reviews are completed and when the client requests a form.

c. The member, or someone acting on the member's behalf, shall complete a form prescribed by the department when the department has reason to believe that the member has sustained an accident-related injury. Failure to cooperate in completing and returning this form or in giving complete and accurate information will result in the termination of Medicaid benefits.

d. When the recovery rights of the department are adversely affected by the actions of a parent or payee acting on behalf of a minor or legally incompetent adult member, the Medicaid benefits of the parent or payee will be terminated. When a parent or payee fails to cooperate in completing or returning any form required by the department, or fails to give complete and accurate information concerning the accident-related injuries of a minor legally incompetent adult member, the department will terminate the Medicaid benefits of the parent or payee.

e. The member, or someone acting on the member's behalf, shall refund to the department from any settlement or payment received the amount of any medical expenses paid by Medicaid. Failure of the member to do so will result in the termination of Medicaid benefits. In those instances where a parent or payee, acting on behalf of a minor or legally incompetent adult member, fails to refund a settlement overpayment to the department, the Medicaid benefits of the parent or payee will be terminated.

75.16(4) Third party and provider responsibilities.

a. The health care services provider shall inform the department by appropriate notation on Form CMS-1500 that other coverage exists but did not cover the service being billed or that payment was denied.

b. The health care services provider shall notify the department in writing by mailing copies of any billing information sent to a member, an attorney, an insurer or other third party after a claim has been submitted to or paid by the department.

c. An attorney representing an applicant for Medicaid or a past or present Medicaid member on a claim to which the department has filed a lien under this rule shall notify the department of the claim of which the attorney has actual knowledge, before filing a claim, commencing an action or negotiating a settlement offer. Actual knowledge shall include the notice to the attorney pursuant to subrule 75.16(1). The mailing and deposit in a U.S. post office or public mailing box of the notice, addressed to the department at its state or local office location, is adequate legal notice of the claim.

75.16(5) *Department's lien.*

a. The department's liens are valid and binding on an attorney, insurer or other third party only upon notice by the department or unless the attorney, insurer or other third party has actual notice that the member is receiving Medicaid from the department and only to the extent that the attorney, insurer or third party has not made payment to the member or an assignee of the member prior to the notice. Any information released to an attorney, insurer or other third party by the health care services provider that indicates that reimbursement from the state was contemplated or received will be construed as giving the attorney, insurer or other third party actual knowledge of the department's involvement. For example, information supplied by a health care services provider that indicates Medicaid involvement will be construed as showing involvement by the department under Iowa Code section 249A.54. Payment of benefits by an insurer or third party pursuant to the rights of the lienholder in this rule discharges the attorney, insurer or other third party from liability to the member or the member's assignee to the extent of the payment to the department.

b. When the department has reason to believe that an attorney is representing a member on a claim to which the department filed a lien under this rule, the department will issue notice to that attorney of the department's lien rights.

c. When the department has reason to believe that an insurer is liable for the costs of a member's medical expenses, the department will issue notice to the insurer of the department's lien rights.

d. The mailing and deposit in a U.S. post office or public mailing box of the notice, addressed to the attorney or insurer, is adequate legal notice of the department's subrogation rights.

75.16(6) For purposes of this rule, the term "third party" includes an attorney, individual, institution, corporation, or public or private agency that is or may be liable to pay part or all of the medical costs incurred as a result of injury, disease or disability by or on behalf of an applicant for Medicaid or a past or present Medicaid member.

75.16(7) The department may enforce its lien by a civil action against any liable third party.

This rule is intended to implement Iowa Code sections 249A.4 and 249A.54.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.17 Reserved.

441—75.18(249A) Continuous eligibility for pregnant women.

75.18(1) A pregnant woman who was eligible and enrolled in Medicaid under the provisions of this chapter prior to the end of her pregnancy shall remain continuously eligible throughout the pregnancy and the 12-month postpartum period as provided in subrule 75.3(4), regardless of changes in circumstances, except if any of the following occur:

- a.* The woman requests voluntary termination of eligibility.
- b.* The woman ceases to be a resident of the state of Iowa.

c. Iowa Medicaid finds that the woman's eligibility was determined incorrectly at the most recent determination or redetermination of eligibility because of agency error or fraud, abuse, or perjury.

d. The woman dies.

75.18(2) Except as described in subrule 75.3(4), the woman is not required to meet any eligibility criteria described in this chapter or the reenrollment requirements at 441—paragraph 76.14(1) “a” during the pregnancy and 12-month postpartum period.

75.18(3) At the end of the 12-month postpartum period, the woman will be subject to the reenrollment requirements at 441—paragraph 76.14(1) “b.”

75.18(4) Pregnant women determined eligible only for emergency services pursuant to subrule 75.11(4) are eligible under this provision.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.19(249A) Continuous eligibility for children. A child under the age of 19 who is determined eligible for ongoing Medicaid will retain that eligibility for up to 12 months regardless of changes in family circumstances, except as described in this rule.

75.19(1) Exceptions to coverage. This rule does not apply to the following:

a. Children whose eligibility was determined under the newborn coverage group described in subrule 75.3(3).

b. Children whose eligibility was determined under the medically needy coverage group described in rule 441—75.8(249A).

c. Children whose Medicaid is state-funded only.

d. Children eligible only in a retroactive month pursuant to 441—subrule 76.13(3).

e. Children whose U.S. citizenship and identity, or noncitizenship status, is not verified within the reasonable opportunity period described in paragraph 75.11(2) “c.”

f. Children whose eligibility was determined under express lane procedures described in rule 441—76.4(249A).

g. Children whose initial eligibility was established incorrectly.

75.19(2) Duration of coverage. Coverage under this rule will extend through the earliest of the following:

a. The month of the household's annual eligibility review;

b. The month when the child reaches the age of 19, except as stated in rule 441—75.52(249A);

c. The month when the child ceases to be a resident of Iowa or fails to provide the department with adequate information to determine whether the child meets residency requirements pursuant to rule 441—75.10(249A);

d. The month that voluntary termination of eligibility is requested; or

e. The month the child is determined to be deceased.

75.19(3) Assignment of review date. Children entering an existing Medicaid household will be assigned the same annual eligibility review date as that established for the household.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.20(249A) Medical assistance corrective payments. If a decision by the department or SSA following an appeal on a denied application for any of the coverage groups set forth in 441—75.3(249A) through 441—75.8(249A) is favorable to the claimant, reimbursement will be made to the claimant for any medical bills paid by the claimant during the period between the date of the denial on the initial application and the date regular Medicaid coverage began when the bills were for medical services rendered in the period now determined to be an eligible period based on the following conditions:

75.20(1) These bills must be for services covered by the Medicaid program as set forth in 441—Chapter 78.

75.20(2) Reimbursement will be based on Medicaid rates for services in effect at the time the services were provided.

75.20(3) If a county relief agency has paid medical bills on the member's behalf and has not received reimbursement through assignment as set forth in 441—Chapter 80, the department will reimburse the county relief agency directly on the same basis as if the reimbursement was made to the member.

75.20(4) Members and county relief agencies may file claims for payment under this subrule on forms prescribed by the department. These forms are available from the county office. All requests for reimbursement will be acted upon within 60 days of receipt of the forms in the county office.

75.20(5) Any adverse action taken by the department with respect to an application for reimbursement is appealable under 441—Chapter 2506.

[ARC 9763C, IAB 11/26/25, effective 1/1/26; Editorial change: IAC Supplement 6/10/26]

441—75.21(249A) Health insurance premium payment (HIPP) program. Under the HIPP program, the department will pay for the cost of premiums, coinsurance, copayments, and deductibles for Medicaid-eligible individuals when the department determines that those costs will be less than the cost of paying for the individual's care through Medicaid, including managed care capitation fees. Payment will include only the cost to the Medicaid-eligible individual or household.

75.21(1) Definitions. For purposes of this rule, the following definitions apply:

"Absent parent" means a noncustodial parent or a parent who is not living with the member.

"Authorized representative" means an individual or organization authorized by a competent applicant or member; authorized by a responsible person acting for an incompetent applicant or member pursuant to 441—subrule 76.9(2); or with other legal authority to represent the applicant or member in the application process, renewal of eligibility and other ongoing communications with the department.

"Capitation payment" means a monthly payment to the managed care contractor on behalf of each member for the provision of health services under the managed care organization contract. Payment is made by the department regardless of whether the member receives services during the month. The managed care capitation payment varies based on the eligible member's sex, age, and eligibility aid type.

"Cost-effective" means a determination has been made that a savings will accrue to the department by paying the insurance premium, cost sharing, wrap benefits, and administrative cost.

"Cost sharing" means the member's portions of in-network health care costs not covered by an insurance plan. "Cost sharing" includes copayments, coinsurance and deductibles, which vary among health care plans.

"Custodian" means the person recognized as representing the interests of the member for Medicaid assistance. When the member reaches the age of 18 and the custodian is not used in determining Medicaid eligibility, there shall be legal documentation in place that the custodian is now the responsible person or authorized representative.

"Employer-sponsored insurance" or *"ESI"* means any health insurance plan paid for by a business on behalf of its employees.

"High-deductible health plan" or *"HDHP"* means a health insurance plan that meets the definition found in Section 223(c)(2) of the United States Internal Revenue Code as amended to August 1, 2025.

"HIPP-eligible member" or *"HIPP enrollee"* means a person whose Medicaid eligibility is calculated in the cost-effective determination for HIPP.

"Household" means the group of people who are used in the budgeting and size when determining Medicaid eligibility.

"Individual plan" means an insurance plan purchased through a government-run health insurance marketplace or through a local broker or agent.

"Insurance plan" means major medical comprehensive health coverage provided through an employer, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) as amended to

August 1, 2025, a government-run health insurance marketplace, or a local broker or agent. Dental and vision plans are not considered to be insurance plans for purposes of this definition.

“Member” means an individual who has been determined eligible for Medicaid assistance and is enrolled to receive assistance.

“Policyholder” means the person in whose name an insurance policy is registered.

“Responsible person” means an individual recognized by the department pursuant to 441—subrule 76.9(1) as acting for an applicant or member who is unable to act on the applicant’s or member’s own behalf because the applicant or member is a minor or is incompetent, incapacitated, or deceased.

“Wrap benefits” means the services covered under the Medicaid state plans that are not paid for by insurance plans (i.e., waiver services, transportation).

75.21(2) Insurance plans. Participation in an insurance plan is not a condition of Medicaid eligibility. The department will pay for the cost of the insurance plan premiums, coinsurance, copayment, and deductibles of an insurance plan for a member if:

- a. A member is enrolled in or can be added to the insurance plan; and
- b. The insurance plan is cost-effective as described in subrule 75.21(3).

75.21(3) Cost-effectiveness. An insurance plan shall be considered cost-effective when the amount the department would pay for the member’s insurance premiums, cost sharing, wrap benefits, and administrative costs is likely to be less than the amount the department would pay through Medicaid, including managed care capitation fees. When determining the cost-effectiveness of an insurance plan, the following data will be considered:

- a. The cost to the member or household for the insurance premium, coinsurance, copayments and deductibles. Costs paid by an employer or other plan sponsor will not be considered in the cost-effectiveness determination.
- b. The cost of care through Medicaid, including managed care capitation fees, the department would pay for the member.
- c. The estimated cost of wrap benefits per member based on the member’s sex, age, and eligibility aid type.
- d. The specific health-related circumstances of the members covered under the health plan. The HIPP Medical History Questionnaire will be used to obtain this information. When the information indicates any health conditions that could be expected to result prospectively in higher-than-average bills for any Medicaid member:

(1) If the member is currently covered by the insurance plan, the department will request from the policyholder, or from the responsible person for the member, an insurance summary of the member’s paid claims for the previous 12 months. If there is sufficient evidence to indicate that such claims can be expected to continue in the next 12 months, the claims will be considered in determining the cost-effectiveness of the insurance plan. The cost of the insurance plan premium, member’s cost sharing, and administrative cost are compared to the actual claims to determine the cost-effectiveness of providing the coverage.

(2) If the member was not covered by the health plan in the previous 12 months, fee-for-service paid Medicaid claims may be used to project the cost-effectiveness of the plan.

- e. Annual administrative expenditures of \$150 per HIPP member covered under the health plan.
- f. Whether the estimated savings to the department for members covered under the health insurance plan is at least \$5 per month per household.

75.21(4) Coverage of non-Medicaid-eligible family members. When an insurance plan is determined to be cost-effective, the department will pay for insurance premiums for non-Medicaid-eligible family members if a non-Medicaid-eligible family member must be enrolled in the insurance plan in order to obtain coverage for the Medicaid-eligible family members. However:

- a. The needs of the non-Medicaid-eligible family members will not be taken into consideration when determining cost-effectiveness; and

b. Payments for deductibles, coinsurances or other cost-sharing obligations will not be made on behalf of family members who are not Medicaid-eligible.

75.21(5) *Insurance plans ineligible for reimbursement.* Premiums will not be paid for insurance plans under any of the following circumstances:

- a. The insurance plan is that of an absent parent.
- b. The insurance plan is an indemnity policy that supplements the policyholder's income or pays only a predetermined amount for services covered under the policy (e.g., \$50 per day for hospital services instead of 80 percent of the charge).
- c. The insurance plan is a school plan offered on the basis of attendance or enrollment at the school.
- d. The insurance premium is used to meet a spenddown obligation under the medically needy program, as provided in rule 441—75.8(249A), when all persons in the household are eligible or potentially eligible only under the medically needy program. When some of the household members are eligible for full Medicaid benefits under coverage groups other than medically needy, the premium will be paid if it is determined to be cost-effective when considering only the persons receiving full Medicaid coverage. In those cases, the insurance premium will not be allowed as a deduction to meet the spenddown obligation for those persons in the household participating in the medically needy program.
- e. The insurance plan is designed to provide coverage only for a temporary period of time (e.g., 30 to 180 days).
- f. The persons covered under the insurance plan are not Medicaid-eligible on the date the decision regarding eligibility for the HIPP program is made. No retroactive payments will be made if the case is not Medicaid-eligible on the date of decision.
- g. The person is eligible only for a coverage group that does not provide full Medicaid services.
- h. Insurance coverage is provided through the Iowa Comprehensive Health Insurance Association in accordance with Iowa Code chapter 514E.
- i. Insurance on the member(s) is maintained by someone who does not live with the member(s), is not the legal guardian of the member(s), is not a responsible person, or does not have legal permission to access the Medicaid information of the member(s) (e.g., self-supporting adult children).
- j. The member has Medicare. If other members in the household are covered by the insurance plan, cost-effectiveness is determined without including the Medicare-covered member.
- k. The insurance plan does not provide major medical coverage but pays only for specific situations (i.e., accident plans) or illnesses (i.e., cancer policy).
- l. The health plan pays secondary to another plan.
- m. The only Medicaid member is in foster care.
- n. The member is active for Medicaid under Medicaid for children with disabilities (i.e., MKSN) pursuant to subrule 75.6(7). Any other Medicaid members in the household who are covered by the health plan will be determined for cost-effectiveness.
- o. The insurance plan is limited due to preexisting conditions.
- p. The insurance plan is a subsidized insurance plan purchased through a government-run health insurance exchange.
- q. On the date the decision regarding eligibility for the HIPP program is made, the insurance is no longer available.
- r. The insurance plan is an HDHP.

75.21(6) *Department evaluation of ESI plans.* When evaluating ESI plans available through an employer, if there is more than one cost-effective insurance plan available, the department will pay the premium for only one plan. The member may choose the cost-effective plan in which to enroll.

75.21(7) *Effective date of premium payment.* The effective date of premium payments for a cost-effective health plan will be determined as follows:

- a. Premium payments shall begin the later of:

(1) The first day of the month in which the Employer's Statement of Earnings, HIPP Program Application, or the automated HIPP referral is received by the HIPP unit; or

(2) The first day of the first month in which the health plan is determined to be cost-effective.

b. If the person is not enrolled in the insurance plan when eligibility for participation in the HIPP program is established, premium payments will begin in the month in which the first premium payment is due after enrollment occurs.

c. If there was a lapse in coverage during the application process (e.g., the health plan is dropped and reenrollment occurs at a later date), premium payments will not be made for any period of time before the current effective date of coverage.

d. In no case will payments be made for premiums that were used as a deduction to income for determining client participation or the amount of the spenddown obligation.

e. The Employer Verification of Insurance Coverage will be used to verify the effective date of coverage and costs for persons enrolled in group health plans through an employer.

f. The effective date of coverage of an insurance plan not obtained through an employer will be verified by a copy of the certificate of coverage for the plan or by some other verification from the insurer.

75.21(8) *Method of premium payment.* Payments of premiums will be made directly to the insurance carrier, except as follows:

a. The department may arrange for payment to an employer in order to circumvent a payroll deduction.

b. When an employer will not agree to accept premium payments from the department in lieu of a payroll deduction to the employee's wages, the department will reimburse the employee directly for payroll deductions or for payments made directly to the employer for the payment of premiums. The department will issue reimbursement to the employee five working days before the employee's pay date.

c. When premium payments are occurring through an automatic withdrawal from a bank account by the insurance carrier, the department may reimburse the policyholder for those withdrawals.

d. Payments for COBRA coverage will be made directly to the insurance carrier, the COBRA administrator, or the former employer. Payments may be made directly to the former employee only in those cases where:

(1) Information cannot be obtained for direct payment; or

(2) The department pays for only part of the total premium.

75.21(9) *Payment of claims.* Claims from medical providers for persons participating in this program will be paid in the same manner as claims are paid for other persons with a third-party resource in accordance with the provisions of 441—Chapters 79 and 80.

75.21(10) *Reviews of cost-effectiveness and eligibility.* Reviews of cost-effectiveness and eligibility will be completed annually and may be conducted more frequently at the discretion of the department.

a. Annual review of ESI cost-effectiveness and eligibility will be completed using the HIPP Program Review form.

b. Annual review of individual health plan cost-effectiveness and eligibility will be the HIPP Private Policy Review form.

c. Failure of the household to cooperate in the annual review process will result in cancellation of premium payment.

d. Redeterminations will be completed whenever:

(1) A premium rate, copayment, deductible, or coinsurance changes;

(2) A person covered under the policy loses full Medicaid eligibility;

(3) Changes in employment or hours of employment affect the availability of an insurance plan;

(4) The insurance carrier changes;

(5) The policyholder leaves the Medicaid home;

- (6) There is a decrease in the services covered under the policy; or
- (7) The Medicaid category of coverage changes.

e. The policyholder shall report changes that may affect the availability of the insurance plan reimbursed by the HIPPP program, or changes that affect the cost-effectiveness of the policy, within ten calendar days from the date of the change.

f. If a change in the number of members in the Medicaid household causes the health plan not to be cost-effective, lesser health plan options, as defined in paragraph 75.21(15)“a,” will be considered if they are available and cost-effective.

g. When employment ends, hours of employment are reduced, or some other qualifying event affecting the availability of the group health plan occurs, the department will verify whether coverage may be continued under the provisions of COBRA.

(1) The Employer Verification of COBRA Eligibility form may be used for this purpose.

(2) If it is cost-effective to do so, the department will pay premiums to maintain insurance coverage for members after the occurrence of the event that would otherwise result in termination of coverage.

75.21(11) Time frames for determining cost-effectiveness. The department will determine cost-effectiveness of the insurance plan and notify the applicant of the decision regarding payment of the premiums within 65 calendar days from the date an application or referral (as defined in subrule 75.21(7)) is received. Additional time may be taken when, for reasons beyond the control of the department or the applicant, information needed to establish cost-effectiveness cannot be obtained within the 65-day period.

75.21(12) Notices.

a. Adequate notice will be provided to the household under the following circumstances:

- (1) To inform the household of the initial decision on cost-effectiveness and premium payment.
- (2) To inform the household that premium payments are being discontinued because Medicaid eligibility has been lost by all persons covered under the health plan.
- (3) The insurance plan is no longer available to the family (e.g., the employer no longer provides health insurance coverage or the policy is terminated by the insurance company).

b. The department will provide timely and adequate notice as defined in rule 441—16.2(17A) to inform the household of a decision to discontinue payment of the health insurance premium because:

- (1) The department has determined the insurance plan is no longer cost-effective; or
- (2) The member has failed to cooperate in providing information necessary to establish continued eligibility for the HIPPP program.

75.21(13) Rate refund. The department is entitled to any rate refund made when the insurance carrier determines a return of premiums to the policyholder is due for any time period for which the department paid the premium.

75.21(14) Reinstatement of HIPPP eligibility.

a. When eligibility for the HIPPP program is canceled because the persons covered under the insurance plan lose Medicaid eligibility, HIPPP eligibility will be reinstated when Medicaid eligibility is reestablished if all other eligibility factors are met.

b. When HIPPP eligibility is canceled because of the policyholder’s failure to cooperate in providing information necessary to establish continued eligibility for the HIPPP program, benefits will be reinstated the first day of the first month in which cooperation occurs if all other eligibility factors are met.

75.21(15) Amount of insurance premium paid.

a. For ESI plans, the policyholder shall provide verification of the cost of all possible insurance plan options (i.e., single, employee/children, family).

(1) The HIPPP program will pay only for the option that provides coverage to the cost-effective members of the household.

(2) The HIPPP program will not pay the portion of the premium cost that is the responsibility of the employer or other plan sponsor.

b. For individual health plans, the HIPP program will pay the cost of covering the cost-effective members covered by the plan.

c. For insurance plans, if another household member must be covered to obtain coverage for the members, the HIPP program will pay the cost of covering that household member if the coverage is cost-effective as determined pursuant to subrules 75.21(3) and 75.21(4).

75.21(16) *Reporting changes.* Failure to report and verify changes may result in cancellation of HIPP benefits.

a. The policyholder shall verify changes by providing a pay stub, a summary of benefits and coverage, a rate sheet, or a letter from the insurance carrier reflecting the change.

b. Changes in employment or the employment-related insurance carrier shall be verified by the employer.

c. Any benefits paid during a period in which there was ineligibility for HIPP due to unreported changes shall be subject to recovery in accordance with the provisions of 441—Chapter 11.

d. Any underpayment that results from an unreported change will be paid effective the first day of the month in which the change is reported.

75.21(17) *Discontinuation of premium payments.*

a. When the household loses Medicaid eligibility, premium payments will be discontinued as of the month of Medicaid ineligibility.

b. When only part of the household loses Medicaid eligibility, the department will complete a review in order to ascertain whether payment of the health insurance premium continues to be cost-effective. If the department determines that the insurance plan is no longer cost-effective, premium payment will be discontinued pending timely and adequate notice.

c. If the household fails to cooperate in providing information necessary to establish ongoing eligibility for the HIPP program, the department will discontinue premium payment after timely and adequate notice. The department will request all information in writing and allow the household ten calendar days in which to provide it.

d. If the policyholder leaves the Medicaid household, premium payments will be discontinued pending timely and adequate notice.

e. If the insurance plan is no longer available or the policy has lapsed, premium payments will be discontinued as of the effective date of the termination of the coverage.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.22(249A) AIDS/HIV health insurance premium payment program. For the purposes of this rule, “AIDS” and “HIV” mean the same as defined in Iowa Code section 141A.1.

75.22(1) *Conditions of eligibility.* The department will pay for the cost of continuing health insurance coverage to persons with AIDS or an HIV-related illness when the following criteria are met:

a. The person with AIDS or an HIV-related illness shall be the policyholder, or the spouse of the policyholder, of an individual or group health plan.

b. The person shall be a resident of Iowa in accordance with the provisions of rule 441—75.10(249A).

c. The person shall not be eligible for Medicaid. The person shall be required to apply for Medicaid benefits when it appears Medicaid eligibility may exist. Persons who are required to meet a spenddown obligation under the medically needy program, as provided in rule 441—75.8(249A), are not considered Medicaid-eligible for the purpose of establishing eligibility under these provisions. When Medicaid eligibility is attained, premium payments shall be made under the provisions of rule 441—75.21(249A) if all criteria of that rule are met.

d. A physician’s statement shall be provided verifying the policyholder or the spouse of the policyholder suffers from AIDS or an HIV-related illness. The physician’s statement shall also verify that the policyholder or the spouse of the policyholder is or will be unable to continue employment in the person’s current position or that hours of employment will be significantly reduced due to AIDS

or an HIV-related illness. The Physician's Verification of Diagnosis form shall be used to obtain this information from the physician.

e. Gross income shall not exceed 300 percent of the FPL for a family of the same size. The gross income of all family members will be counted using the definition of gross income under the SSI program.

f. Liquid resources shall not exceed \$10,000 per household. The following are examples of countable resources:

- (1) Unobligated cash.
- (2) Bank accounts.
- (3) Stocks, bonds, and certificates of deposit, excluding IRS-defined retirement plans.

g. The health insurance plan must be cost-effective based on the amount of the premium and the services covered.

75.22(2) *Application process.*

a. Application. Persons applying for participation in this program shall complete the AIDS/HIV HIPP Application. The applicant shall be required to provide documentation of income and assets. The application will be available from and may be filed at any county office or the department.

An application will be considered as filed on the date an AIDS/HIV HIPP Application containing the applicant's name, address and signature is received and date-stamped in any county office or the department.

b. Time limit for decision. Every reasonable effort will be made to render a decision within 30 days. Additional time for rendering a decision may be taken when, due to circumstances beyond the control of the applicant or the department, a decision regarding the applicant's eligibility cannot be reached within 30 days (e.g., verification from a third party has not been received).

c. Eligible on the day of decision. No payments will be made for current or retroactive premiums if the person with AIDS or an HIV-related illness is deceased prior to a final eligibility determination being made on the application, if the insurance plan has lapsed, or if the person has otherwise lost coverage under the insurance plan.

d. Waiting list. After funds appropriated for this purpose are obligated, the department will deny pending applications. The department will mail a notice of decision within ten calendar days following the determination that funds have been obligated. The notice will state that the applicant meets eligibility requirements but no funds are available and that the applicant will be placed on the waiting list or that the applicant does not meet eligibility requirements. Applicants not awarded funding who meet the eligibility requirements will be placed on a statewide waiting list according to the order in which the completed applications were filed. In the event that more than one application is received at one time, applicants will be entered on the waiting list on the basis of the day of the month of the applicant's birthday, lowest number being first on the waiting list. Any subsequent tie will be decided by the month of birth, January being month one and the lowest number.

75.22(3) *Presumed eligibility.* The applicant may be presumed eligible to participate in the program for a period of two calendar months or until a decision regarding eligibility can be made, whichever is earlier. Presumed eligibility will be granted when all of the following occur:

- a.* The application is accompanied by a completed Physician's Verification of Diagnosis form.
- b.* The application is accompanied by a premium statement from the insurance carrier indicating the policy will lapse before an eligibility determination can be made.
- c.* It can be reasonably anticipated that the applicant will be determined eligible from income and resource statements on the application.

75.22(4) *Family coverage.* When the person is enrolled in a policy that provides health insurance coverage to other members of the family, only that portion of the premium required to maintain coverage for the policyholder or the policyholder's spouse with AIDS or an HIV-related illness will be paid under this rule unless modification of the policy would result in a loss of coverage for the person with AIDS or an HIV-related illness.

75.22(5) *Method of premium payment.* Premiums shall be paid in accordance with the provisions of subrule 75.21(8).

75.22(6) *Effective date of premium payment.* Premium payments will be effective with the month of application or the effective date of eligibility, whichever is later.

75.22(7) *Reviews.* The department will review circumstances of persons participating in the program quarterly to ensure eligibility criteria continue to be met. The AIDS/HIV HIPP Program Review form shall be completed by the recipient or someone acting on the recipient's behalf for this purpose.

75.22(8) *Termination of assistance.* Premium payments for otherwise eligible persons shall be paid under this rule until one of the following conditions is met:

- a. The person becomes eligible for Medicaid. In which case, premium payments shall be paid in accordance with the provisions of rule 441—75.21(249A).
- b. The insurance coverage is no longer available.
- c. Maintaining the insurance plan is no longer considered the most cost-effective way to pay for medical services.
- d. Funding appropriated for the program is exhausted.
- e. The person with AIDS or an HIV-related illness dies.
- f. The person fails to provide requested information necessary to establish continued eligibility for the program.

75.22(9) *Notices.*

a. An adequate notice as defined in rule 441—16.1(17A) will be provided under the following circumstances:

(1) To inform the applicant of the initial decision regarding eligibility to participate in the program.

(2) To inform the recipient that premium payments are being discontinued under these provisions because Medicaid eligibility has been attained and premium payments will be made under the provisions of rule 441—75.21(249A).

(3) To inform the recipient that premium payments are being discontinued because the policy is no longer available.

(4) To inform the recipient that premium payments are being discontinued because funding for the program is exhausted.

(5) The person with AIDS or an HIV-related illness dies.

b. A timely and adequate notice as defined in rule 441—16.2(17A) will be provided to the recipient informing the recipient of a decision to discontinue payment of the health insurance premium when the recipient no longer meets the eligibility requirements of the program or fails to cooperate in providing information to establish eligibility.

75.22(10) *Confidentiality.* The department will protect the confidentiality of persons participating in the program in accordance with Iowa Code section 141A.9. When it is necessary for the department to contact a third party to obtain information in order to determine initial or ongoing eligibility, a Consent to Obtain and Release Information form shall be signed by the recipient authorizing the department to make the contact.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.23(249A) Disposal of assets for less than fair market value after August 10, 1993. In determining Medicaid eligibility for persons described in 441—Chapters 75 and 83, a transfer of assets occurring after August 10, 1993, will affect Medicaid payment for medical services as provided in this rule.

75.23(1) *Ineligibility for services.* When an individual or spouse has transferred or disposed of assets for less than fair market value as defined in 75.23(11) on or after the look-back date specified in subrule 75.23(2), the individual shall be ineligible for medical assistance as provided in this subrule.

a. Institutionalized individual. When an institutionalized individual or the spouse of the individual disposed of assets for less than fair market value on or after the look-back date, the institutionalized individual is ineligible for medical assistance payment for nursing facility services, a level of care in any institution equivalent to that of nursing facility services, and home- and community-based waiver services. The period of ineligibility is equal to the number of months specified in subrule 75.23(3). The department will determine the beginning of the period of ineligibility as follows:

(1) Transfer before February 8, 2006. When assets were transferred before February 8, 2006, the period of ineligibility begins on the first day of the first month during which the assets were transferred, except as provided in subparagraph 75.23(1)“a”(3).

(2) Transfer on or after February 8, 2006. Within the limits of subparagraph 75.23(1)“a”(3), when the assets were transferred on or after February 8, 2006, the period of ineligibility begins on the later of:

1. The first day of the first month during which the assets were transferred; or
2. The date on which the individual is eligible for medical assistance under this chapter and would be receiving nursing facility services, a level of care in any institution equivalent to that of nursing facility services, or home- and community-based waiver services, based on an approved application for such care, but for the application of this rule.

(3) Exclusive period. The period of ineligibility due to the transfer will not begin during any other period of ineligibility under this rule.

b. Noninstitutionalized individual. When a noninstitutionalized individual or the spouse of the individual disposed of assets for less than fair market value on or after the look-back date, the individual is ineligible for medical assistance payment for home health care services, home and community care for functionally disabled elderly individuals, personal care services, and other long-term care services. The period of ineligibility is equal to the number of months specified in subrule 75.23(3). The department will determine the beginning of the period of ineligibility as follows:

(1) Transfer before February 8, 2006. When the assets were transferred before February 8, 2006, the period of ineligibility begins on the first day of the first month during which the assets were transferred, except as provided in subparagraph 75.23(1)“b”(3).

(2) Transfer on or after February 8, 2006. Within the limits of subparagraph 75.23(1)“b”(3), when the assets were transferred on or after February 8, 2006, the period of ineligibility begins on the later of:

1. The first day of the first month during which the assets were transferred; or
2. The date on which the individual is eligible for medical assistance under this chapter and would be receiving home health care services, home and community care for functionally disabled elderly individuals, personal care services, or other long-term care services, based on an approved application for such care, but for the application of this rule.

(3) Exclusive period. The period of ineligibility due to the transfer will not begin during any other period of ineligibility under this rule.

c. Client participation after period of ineligibility. Expenses incurred for long-term care services during a transfer of assets penalty period will not be deducted as medical expenses in determining client participation pursuant to subrule 75.83(2).

75.23(2) Look-back date.

a. Transfer before February 8, 2006. When assets were transferred before February 8, 2006, the look-back date is the date that is 36 months (or, in the case of payments from a trust or portion of a trust that are treated as assets disposed of by the individual, 60 months) before:

(1) The date an institutionalized individual is both an institutionalized individual and has applied for medical assistance; or

(2) The date a noninstitutionalized individual applies for medical assistance.

b. Transfer on or after February 8, 2006. When assets were transferred on or after February 8, 2006, the look-back date is the date that is 60 months before:

(1) The date an institutionalized individual is both an institutionalized individual and has applied for medical assistance; or

(2) The date a noninstitutionalized individual applies for medical assistance.

75.23(3) *Period of ineligibility.* The number of months of ineligibility will be equal to the total cumulative uncompensated value of all assets transferred by the individual (or the individual's spouse) on or after the look-back date specified in subrule 75.23(2), divided by the statewide average private-pay rate for nursing facility services at the time of application. The department will determine the average statewide cost to a private-pay resident for nursing facilities and update the cost annually. Current average statewide costs will be published on the department's website.

75.23(4) *Reduction of period of ineligibility.* The number of months of ineligibility otherwise determined with respect to the disposal of an asset will be reduced by the months of ineligibility applicable to the individual prior to a change in institutional status.

75.23(5) *Exceptions.* An individual will not be ineligible for medical assistance under this rule to the extent that:

a. The assets transferred were a home and title to the home was transferred to either:

(1) A spouse of the individual.

(2) A child of the individual who is under the age of 21 or is blind or permanently and totally disabled as defined in 42 U.S.C. Section 1382c.

(3) A sibling of the individual who has an equity interest in the home and who was residing in the individual's home for a period of at least one year immediately before the individual became institutionalized.

(4) A child of the individual who was residing in the individual's home for a period of at least two years immediately before the date of institutionalization and who provided care to the individual that permitted the individual to reside at home rather than in an institution or facility.

b. The assets were transferred:

(1) To the individual's spouse or to another for the sole benefit of the individual's spouse.

(2) From the individual's spouse to another for the sole benefit of the individual's spouse.

(3) To a child of the individual who is blind or permanently and totally disabled as defined in 42 U.S.C. Section 1382c or to a trust established solely for the benefit of such a child.

(4) To a trust established solely for the benefit of an individual under 65 years of age who is disabled as defined in 42 U.S.C. Section 1382c.

c. A satisfactory showing is made that one of the following is true:

(1) The individual intended to dispose of the assets either at fair market value or for other valuable consideration.

(2) The assets were transferred exclusively for a purpose other than to qualify for medical assistance.

(3) All assets transferred for less than fair market value have been returned to the individual.

d. The denial of eligibility would work an undue hardship. Undue hardship exists only when all of the following conditions are met:

(1) Applying the transfer of asset penalty would deprive the individual of medical care such that the individual's health or life would be endangered or of food, clothing, shelter, or other necessities of life.

(2) The person who transferred the resource or the person's spouse has exhausted all means including legal remedies and consultation with an attorney to recover the resource.

(3) The person's remaining available resources (after the attribution for the community spouse) are less than the monthly statewide average cost of nursing facility services to a private pay resident, counting the value of all resources, except for:

1. The home if occupied by a dependent relative or if a licensed physician verifies that the person is expected to return home.

2. Household goods.

3. A vehicle required by the client for transportation.

4. Funds for burial of \$4,000 or less.

Hardship will not be found if the resource was transferred to a person who was handling the financial affairs of the client or to the spouse or children of a person handling the financial affairs of the client unless the client demonstrates that payments cannot be obtained from the funds of the person who handled the financial affairs to pay for long-term care services.

75.23(6) *Assets held in common.* In the case of an asset held by an individual in common with another person or persons in a joint tenancy, tenancy in common, or similar arrangement, the asset, or the affected portion of the asset, will be considered to be transferred by the individual when any action is taken, either by the individual or by any other person, that reduces or eliminates the individual's ownership or control of the asset.

75.23(7) *Transfer by spouse.* In the case of a transfer by a spouse of an individual that results in a period of ineligibility for medical assistance under the state plan for the individual, the period of ineligibility will be apportioned between the individual and the individual's spouse if the spouse otherwise becomes eligible for medical assistance under the state plan. The remaining penalty period will be evenly divided on a monthly basis, with any remaining month of penalty (prorated as a half month to each spouse) applied to the spouse who initiated the transfer action.

If a spouse subsequently dies prior to the end of the penalty period, the remaining penalty period will be applied to the surviving spouse's period of ineligibility.

75.23(8) *Definitions.* For the purposes of this rule the following definitions apply:

"Assets" includes all income and resources of the individual and the individual's spouse, including any income or resources that the individual or the individual's spouse is entitled to but does not receive because of action by:

1. The individual or the individual's spouse.
2. A person, including a court or administrative body, with legal authority to act in place of or on behalf of the individual or the individual's spouse.
3. Any person, including any court or administrative body, acting at the direction or upon the request of the individual or the individual's spouse.

"Income" means the same as defined in 42 U.S.C. Section 1382a.

"Institutionalized individual" means an individual who is an inpatient in a nursing facility, who is an inpatient in a medical institution and with respect to whom payment is made based on a level of care provided in a nursing facility, or who is eligible for home- and community-based waiver services.

"Resources" means the same as defined in 42 U.S.C. Section 1382b without regard (in the case of an institutionalized individual) to the exclusion of the home and land appertaining thereto.

"Transfer or disposal of assets" means any transfer or assignment of any legal or equitable interest in any asset as defined above, including:

1. Giving away or selling an interest in an asset;
2. Placing an interest in an asset in a trust that is not available to the grantor (subparagraph 75.24(2) "b"(2));
3. Removing or eliminating an interest in a jointly owned asset in favor of other owners;
4. Disclaiming an inheritance of any property, interest, or right pursuant to Iowa Code section 633E.5 on or after July 1, 2000 (Iowa Code section 249A.3(11) "c");

75.23(9) *Purchase of annuities.* Funds used to purchase an annuity for more than its fair market value will be treated as assets transferred for less than fair market value regardless of when the annuity was purchased or whether the conditions described in this subrule were met.

a. The entire amount used to purchase an annuity on or after February 8, 2006, with a Medicaid applicant or member as the annuitant will be treated as assets transferred for less than fair market value unless the annuity meets one of the conditions described in paragraph 75.23(9) "b" and also meets the condition described in paragraph 75.23(9) "c."

b. To be exempted from treatment as an asset transferred at less than fair market value, an annuity described in paragraph 75.23(9) "a" must meet one of the following conditions:

(1) The annuity is an annuity described in Subsection (b) or (q) of Section 408 of the United States Internal Revenue Code of 1986 as amended to August 1, 2025 (U.S. IRC).

(2) The annuity is purchased with proceeds from:

1. An account or trust described in Subsection (a), (c), or (p) of Section 408 of the U.S. IRC;
2. A simplified employee pension (within the meaning of Section 408(k) of the U.S. IRC); or
3. A Roth IRA described in Section 408A of the U.S. IRC.

(3) The annuity:

1. Is irrevocable and nonassignable;
2. Is actuarially sound (as determined in accordance with actuarial publications of the Office of the Chief Actuary of the SSA); and
3. Provides for payments in equal amounts during the term of the annuity, with no deferral and no balloon payments made.

c. To be exempted from treatment as an asset transferred at less than fair market value, an annuity described in paragraph 75.23(9) "a" must have Iowa named as the remainder beneficiary for at least the total amount of medical assistance paid on behalf of the annuitant or the annuitant's spouse if either is institutionalized. Iowa may be named either:

(1) In the first position; or

(2) In the second position after the spouse or minor or disabled child and in the first position if the spouse or a representative of the child disposes of any of the remainder for less than fair market value.

d. The entire amount used to purchase an annuity on or after February 8, 2006, with the spouse of a Medicaid applicant or member as the annuitant will be treated as assets transferred for less than fair market value unless Iowa is named as the remainder beneficiary for at least the total amount of medical assistance paid on behalf of the annuitant or the annuitant's spouse if either is institutionalized. Iowa may be named either:

(1) In the first position; or

(2) In the second position after the spouse or minor or disabled child and in the first position if the spouse or a representative of the child disposes of any of the remainder for less than fair market value.

75.23(10) *Purchase of promissory notes, loans, or mortgages.*

a. Funds used to purchase a promissory note, loan, or mortgage after February 8, 2006, will be treated as assets transferred for less than fair market value in the amount of the outstanding balance due on the note, loan, or mortgage as of the date of the individual's application for medical assistance for services described in subrule 75.23(1) unless the note, loan, or mortgage meets all of the following conditions:

(1) Has a repayment term that is actuarially sound (as determined in accordance with actuarial publications of the Office of the Chief Actuary of the SSA).

(2) Provides for payments to be made in equal amounts during the term of the loan, with no deferral and no balloon payments made.

(3) Prohibits the cancellation of the balance upon the death of the lender.

b. Funds used to purchase a promissory note, loan, or mortgage for less than its fair market value will be treated as assets transferred for less than fair market value regardless of whether the note, loan, or mortgage was:

(1) Purchased before February 8, 2006; or

(2) Purchased on or after February 8, 2006, and the conditions described in paragraph 75.23(9) "a" were met.

75.23(11) *Purchase of life estates.*

a. The entire amount used to purchase a life estate in another individual's home after February 8, 2006, will be treated as assets transferred for less than fair market value unless the purchaser resides in the home for at least one year after the date of the purchase.

b. Funds used to purchase a life estate in another individual's home for more than its fair market value will be treated as assets transferred for less than fair market value regardless of whether the life estate was:

- (1) Purchased before February 8, 2006; or
- (2) Purchased on or after February 8, 2006, and the purchaser resided in the home for one year after the date of purchase.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.24(249A) Treatment of trusts established after August 10, 1993. For purposes of determining an individual's eligibility for, or the amount of, medical assistance benefits, trusts (except for trusts specified in subrule 75.24(3)) established after August 10, 1993, will be treated in accordance with subrule 75.24(2).

75.24(1) *Establishment of trust.*

a. For the purposes of this rule, an individual is considered to have established a trust if assets of the individual were used to form all or part of the principal of the trust and if any of the following individuals established the trust other than by will:

- (1) The individual,
 - (2) The individual's spouse, or
 - (3) A person, including a court or administrative body:
 1. With legal authority to act in place of or on behalf of the individual or the individual's spouse,
- or
2. Acting at the direction or upon the request of the individual or the individual's spouse.

b. The term "assets," with respect to an individual, includes all income and resources of the individual and of the individual's spouse, including any income or resources that the individual or the individual's spouse is entitled to but does not receive because of action by:

- (1) The individual,
 - (2) The individual's spouse, or
 - (3) A person, including a court or administrative body:
 1. With legal authority to act in place of or on behalf of the individual or the individual's spouse,
- or
2. Acting at the direction or upon the request of the individual or the individual's spouse.

c. In the case of a trust, the principal of which includes assets of an individual and assets of any other person or persons, the provisions of this rule apply to the portion of the trust attributable to the individual.

d. This rule applies without regard to:

- (1) The purposes for which a trust is established.
- (2) Whether the trustees have or exercise any discretion under the trust.
- (3) Any restrictions on when or whether distribution may be made for the trust.
- (4) Any restriction on the use of distributions from the trust.

e. The term "trust" includes any legal instrument or device that is similar to a trust, including a conservatorship.

75.24(2) *Treatment of revocable and irrevocable trusts.*

a. In the case of a revocable trust:

- (1) The principal of the trust will be considered an available resource.
- (2) Payments from the trust to or for the benefit of the individual will be considered income of the individual.
- (3) Any other payments from the trust will be considered assets disposed of by the individual subject to the penalties described in rule 441—75.23(249A) and 441—Chapter 89.

b. In the case of an irrevocable trust:

- (1) If there are any circumstances under which payment from the trust could be made to or for the benefit of the individual, the portion of or income on the principal from which payment to the

individual could be made will be considered an available resource to the individual and payments from that principal or income to or for the benefit of the individual will be considered income to the individual. Payments for any other purpose will be considered a transfer of assets by the individual subject to the penalties described in rule 441—75.23(249A) and 441—Chapter 89.

(2) Any portion of the trust from which, or any income on the principal from which no payment could under any circumstances be made to the individual will be considered as of the date of establishment of the trust (or, if later, the date on which payment to the individual was foreclosed) to be assets disposed of by the individual subject to the penalties specified in subrule 75.23(3) and 441—Chapter 89. The value of the trust will be determined for this purpose by including the amount of any payments made from this portion of the trust after this date.

75.24(3) Exceptions. This rule does not apply to any of the following:

a. A trust that contains the assets of an individual under the age of 65 who is disabled (as defined in Section 1614(a)(3) of the Act) and that is established for the benefit of the individual by a parent, grandparent, legal guardian of the individual, or court if the state will receive all amounts remaining in the trust upon the death of the individual up to an amount equal to the total medical assistance paid on behalf of the individual.

b. A trust established for the benefit of an individual if the trust is composed only of pension, social security, and other income to the individual (and accumulated income of the trust); the state will receive all amounts remaining in the trust upon the death of the individual up to the amount equal to the total medical assistance paid on behalf of the individual. For disposition of trust amounts pursuant to Iowa Code chapter 633C, the average statewide charges and Medicaid rates are updated annually and will be published on the department's website.

c. A trust containing the assets of an individual who is disabled (as defined in Section 1614(a)(3) of the Act) that meets the following conditions:

(1) The trust is established and managed by a nonprofit association.

(2) A separate account is maintained for each beneficiary of the trust, but for purposes of investment and management of funds, the trust pools these accounts.

(3) Accounts in the trust are established solely for the benefit of individuals who are disabled (as defined in Section 1614(a)(3) of the Act) by the parent, grandparent, or legal guardian of the individuals; by the individuals; or by a court.

(4) To the extent that amounts remaining in the beneficiary's account upon death of the beneficiary are not retained by the trust, the trust pays to the state from the remaining amounts in the account an amount equal to the total amount of medical assistance paid on behalf of the beneficiary.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.25(249A) Treatment of Medicaid qualifying trusts.

75.25(1) A Medicaid qualifying trust is a trust or similar legal device established on or before August 10, 1993, other than by will by a person or that person's spouse under which the person may be the beneficiary of payments from the trust and the distribution of these payments is determined by one or more trustees who are permitted to exercise any discretion with respect to the distribution to the person. Trusts or initial trust decrees established prior to April 7, 1986, solely for the benefit of an intellectually disabled person who resides in an ICF-ID are exempt.

75.25(2) The amount of income and principal from a Medicaid qualifying trust that will be considered available will be the maximum amount permitted under the terms of the trust assuming the full exercise of discretion by the trustee or trustees for the distribution of the funds.

a. Trust income considered available will be counted as income.

b. Trust principal (including accumulated income) considered available will be counted as a resource, except where the trust explicitly limits the amount of principal that can be made available on an annual or less frequent basis. Where the trust limits the amount, the principal considered available over any particular period of time will be counted as income for that period of time.

c. To the extent that the trust principal and income are available only for medical care, the principal or income will not be used to determine eligibility. To the extent that the trust is restricted to medical expenses, it will be used as a third-party resource.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.26(249A) Conservatorships.

75.26(1) *Conservatorships established prior to February 9, 1994.* The department will determine whether assets from a conservatorship established prior to February 9, 1994, except one established solely for the payment of medical expenses, are available by examining the language of the order establishing the conservatorship.

a. Funds clearly conserved and available for care, support, or maintenance will be considered toward income limitations and resource limitations when applicable for the coverage group.

b. When assets in the conservatorship are not clearly available, the department may contact the conservator and request that the funds in the conservatorship be made available for current support and maintenance. When the conservator chooses not to make the funds available, the department may petition the court to have the funds released either partially or in their entirety or as periodic income payments.

c. Funds in a conservatorship that are not clearly available will be considered unavailable until the conservator or court actually makes the funds available.

d. Payments received from the conservatorship for basic or special needs are considered income.

75.26(2) *Conservatorships established on or after February 9, 1994.* Conservatorships established on or after February 9, 1994, will be treated according to the provisions of paragraphs 75.24(1)“e” and 75.24(2)“b.”

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.27(249A) AIDS/HIV settlement payments. The following payments are exempt as income and resources when determining eligibility for or the amount of Medicaid benefits under any coverage group if the payments are kept in a separate, identifiable account:

75.27(1) *Class settlement payments.* Payments made from any fund established pursuant to a class settlement in the case of *Susan Walker v. Bayer Corporation, et al.*, 96-C-5024 (N.D. Ill.) are exempt.

75.27(2) *Other settlement payments.* Payments made pursuant to a release of all claims in a case that is entered into in lieu of the class settlement referred to in subrule 75.27(1) and that is signed by all affected parties in the cases on or before the later of December 31, 1997, or the date that is 270 days after the date on which the release is first sent to the person (or the legal representative of the person) to whom payment is to be made are exempt.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.28(249A) Recovery.

75.28(1) *Definitions.* For the purposes of this rule, the following definitions apply:

“*Administrative overpayment*” means medical assistance incorrectly paid to or for the client because of continuing assistance during the appeal process or allowing a deduction for the Medicare Part B premium in determining client participation while the department arranges to pay the Medicare premium directly.

“*Agency error*” means medical assistance incorrectly paid to or for the client because of action attributed to the department as the result of one or more of the following circumstances:

1. Misfiling or loss of forms or documents.
2. Errors in typing or copying.
3. Computer input errors.
4. Mathematical errors.

5. Failure to determine eligibility correctly or to certify assistance in the correct amount when all essential information was available to the department.

6. Failure to make prompt revisions in medical payment following changes in policies requiring the changes as of a specific date.

“Client” means a current or former Medicaid member.

“Client error” means medical assistance incorrectly paid to or for the client because the client or client’s representative failed to disclose information or gave false or misleading statements, oral or written, regarding the client’s income, resources, or other eligibility and benefit factors. “Client error” also means assistance incorrectly paid to or for the client because of failure by the client or client’s representative to timely report as defined in rule 441—76.15(249A).

“Premiums paid for medical assistance” means monthly premiums assessed to a member or household for Medicaid or IHAWP coverage.

75.28(2) *Amount subject to recovery.* The department will recover from a client all Medicaid funds incorrectly expended to or on behalf of the client and all unpaid premiums assessed by the department for medical assistance. The incorrect expenditures or unpaid premiums may result from client or agency error or administrative overpayment.

75.28(3) *Notification.* All clients will be promptly notified when it is determined that assistance was incorrectly expended or when assessed premiums are unpaid.

a. Notification of incorrect expenditures will include:

- (1) The person for whom assistance was paid;
- (2) The period during which assistance was incorrectly paid;
- (3) The amount of assistance subject to recovery; and
- (4) The reason for the incorrect expenditure.

b. Notification of unpaid premiums will include:

- (1) The amount of the premium; and
- (2) The month covered by the medical assistance premium.

75.28(4) *Source of recovery.* Recovery will be made from the client or from parents of children under the age of 21 when the parents completed the application and had responsibility for reporting changes. Recovery may come from income, resources, the estate, income tax refunds, and lottery winnings of the client.

75.28(5) *Repayment.* The repayment of incorrectly expended Medicaid funds shall be made to the department. However, repayment of funds incorrectly paid to a nursing facility, a Medicare-certified skilled nursing facility, a psychiatric medical institution for children, an ICF-ID, or a mental health institute enrolled as an inpatient psychiatric facility may be made by the client to the facility. The department will then recover the funds from the facility through a vendor adjustment.

75.28(6) *Appeals.* The client shall have the right to appeal the amount of funds subject to recovery under the provisions of 441—Chapter 2506.

75.28(7) *Estate recovery.* Medical assistance, including the amount the state paid to a managed care organization (MCO) for provision of medical services, also called capitation fees, is subject to recovery from the estate of a Medicaid member, of the member’s surviving spouse, or of the member’s surviving child as provided in this subrule. Effective January 1, 2010, medical assistance that has been paid for Medicare cost sharing or for benefits described in Section 1902(a)(10)(E) of the Act is not subject to recovery. All assets included in the estate of the member, the surviving spouse, or the surviving child are subject to probate for the purposes of medical assistance estate recovery pursuant to Iowa Code section 249A.53(2)“d.” The classification of the debt is defined in Iowa Code section 633.425(7).

a. Definitions. In addition to the definitions in subrule 75.28(1), the following definitions apply:

“Capitated payment/rate” means a monthly payment to the contractor on behalf of each member for the provision of health services under the contract. Payment is made regardless of whether the member receives services during the month.

“Estate.” For the purpose of this subrule, the “estate” of a Medicaid member, a surviving spouse, or a surviving child shall include all real property, personal property, or any other asset in which the member, spouse, or surviving child had any legal title or interest at the time of death, or at the time

a child reaches the age of 21, to the extent of that interest. An estate includes but is not limited to interest in jointly held property, retained life estates, and interests in trusts.

“Managed care organization” or “MCO” means an entity that:

1. Is under contract with the department to provide services to Medicaid recipients, and
2. Meets the definition of “health maintenance organization” in Iowa Code section 514B.1.

b. Debt due for member 55 years of age or older. Receipt of medical assistance when a member is 55 years of age or older creates a debt due to the department from the member’s estate upon the member’s death for all medical assistance provided on the member’s behalf on or after July 1, 1994.

c. Debt due for member under the age of 55 in a medical institution.

(1) Receipt of medical assistance creates a debt due to the department from the member’s estate upon the member’s death for all medical assistance provided on the member’s behalf on or after July 1, 1994, when the member:

1. Is under the age of 55;
2. Is a resident of a nursing facility, an ICF-ID, or a mental health institute; and
3. Cannot reasonably be expected to be discharged and return home.

(2) If the member is discharged from the facility and returns home before staying six consecutive months, no debt will be assessed for medical assistance payments made on the member’s behalf for the time in the institution.

(3) If the member remains in the facility for six consecutive months or longer or dies before staying six consecutive months, the department will presume that the member cannot or could not reasonably be expected to be discharged and return home and a debt due will be established. The department will notify the member of the presumption and the establishment of a debt due.

d. Request for a determination of ability to return home. Upon receipt of a notice of the establishment of a debt due based on the presumption that the member cannot return home, the member or someone acting on the member’s behalf may request that the department determine whether the member can or could reasonably have been expected to return home.

(1) When a written request is made within 30 days of the notice that a debt due will be established, no debt due will be established until the department has made a decision on the member’s ability to return home. If the determination is that there is or was no ability to return home, a debt due will be established for all medical assistance as of the date of entry into the institution.

(2) When a written request is made more than 30 days after the notice that a debt due will be established, a debt due will be established for medical assistance provided before the request even if the determination is that the member can or could have returned home.

e. Determination of ability to return home. When the member or someone acting on the member’s behalf requests a determination, the department will determine if the member can or could have returned home.

(1) The department cannot make a determination until the member has been in an institution at least six months or after the death of the member, whichever is earlier. The department will notify the member or the member’s representative and the department of the determination.

(2) If the determination is that the member can or could return home, Iowa Medicaid will establish the date the return is expected or could have been expected to occur.

(3) If the determination is that the member cannot or could not return home, a debt due will be established unless the member or the member’s representative asks for a reconsideration of the decision. The department will notify the member or the member’s representative of the reconsideration decision.

(4) If the reconsideration decision is that the member cannot or could not return home, a debt due will be established against the member unless the decision is appealed pursuant to 441—Chapter 2506. The appeal decision will determine the final outcome for the establishment of a debt due and the period when the debt is established.

f. Debt collection.

(1) A nursing facility participating in the medical assistance program shall notify the department upon the death of a member residing in the facility by submitting a form prescribed by the department.

(2) Upon receipt of the form or a report of a member's death through other means, the department will request a statement of the member's assets from the member's personal representative. The representative shall sign and return a form prescribed by the department indicating whether assets remain and, if so, what the assets are and what higher priority expenses exist.

EXCEPTION: The procedures in this subparagraph are not necessary when a probate estate has been opened because those procedures provide for an inventory, an accounting, and a final report of the estate.

g. Waiving the collection of debt.

(1) The department will waive the collection of the debt created under this subrule from the estate of the member to the extent that collection of the debt would result in either of the following:

1. Reduction in the amount received from the member's estate by a surviving spouse or by a surviving child who is under the age of 21, blind, or permanently and totally disabled at the time of the member's death.

2. Creation of an undue hardship for the person seeking a waiver of estate recovery. Undue hardship exists when total household income is less than 200 percent of the FPL for a household of the same size; total household resources do not exceed \$10,000; and application of estate recovery would result in deprivation of food, clothing, shelter, or medical care such that life or health would be endangered. For this purpose, "income" and "resources" will be defined as being under FIP.

(2) To apply for a waiver of estate recovery due to undue hardship, the person shall provide a written statement and supporting verification to the department within 30 days of the notice of estate recovery pursuant to Iowa Code section 249A.53(2).

(3) The department will determine whether undue hardship exists on a case-by-case basis. Appeals of adverse decisions regarding an undue hardship determination may be filed in accordance with 441—Chapter 2506.

h. Amount waived. If collection of all or part of a debt is waived pursuant to paragraph 75.28(7)"g," to the extent that the person received the member's estate, the amount waived will be a debt due from the following:

(1) The estate of the member's surviving spouse, upon the death of the spouse.

(2) The estate of the member's surviving child who is blind or has a disability, upon the death of the child.

(3) A surviving child who was under 21 years of age at the time of the member's death, when the child reaches the age of 21.

(4) The estate of a surviving child who was under 21 years of age at the time of the member's death, if the child dies before reaching the age of 21.

(5) The hardship waiver recipient, when the hardship no longer exists.

(6) The estate of the recipient of the undue hardship waiver, at the time of death of the hardship waiver recipient.

i. Impact of asset disregard on debt due. The estate of a member who is eligible for Medicaid under subrule 75.82(5) will not be subject to a claim for Medicaid paid on the member's behalf up to the amount of the assets disregarded by asset disregard. Medicaid paid on behalf of the member before these conditions will be recovered from the estate, regardless of the member's having purchased precertified or approved insurance.

j. Interest on debt. Interest will accrue on a debt due under this subrule in accordance with Iowa Code section 249A.53(2)"e."

k. Reimbursement to a county. If a county reimburses the department for medical assistance provided under this subrule and the amount of medical assistance is subsequently repaid through a medical assistance income trust or a medical assistance special needs trust as defined in Iowa Code chapter 633C, the department will reimburse the county on a proportionate basis.

[ARC 9763C, IAB 11/26/25, effective 1/1/26; Editorial change: IAC Supplement 6/10/26]

441—75.29(249A) Investigation of eligibility. An applicant or member shall cooperate when the applicant's or member's case is selected by the department or the department of inspections, appeals, and licensing for verification of eligibility unless the investigation revolves solely around the circumstances of a person whose income and resources do not affect Medicaid eligibility. (More information is contained in 481—Chapter 72.) Failure to cooperate will serve as a basis for denial of an application or discontinuance of Medicaid unless the Medicaid eligibility is determined by SSA. Once a person's eligibility is denied or discontinued for failure to cooperate, the person may reapply but will not be determined eligible until cooperation occurs.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.30 to 75.49 Reserved.

DIVISION II
ELIGIBILITY FACTORS SPECIFIC TO FAMILY-RELATED COVERAGE GROUPS

441—75.50(249A) Eligibility factors specific to child. A child must meet the requirements of this rule to be eligible for FMAP or the coverage groups specified in subrules 75.3(6), 75.3(7), and 75.3(14).

75.50(1) Age and school attendance. Medicaid will be available to a child under the age of 18 without regard to school attendance.

a. The effect of age on the child's eligibility will be determined pursuant to rule 441—75.52(249A).

b. Medicaid will also be available to a child aged 18 years who is a full-time student in a secondary school, or in the equivalent level of vocational or technical training, and who is reasonably expected to complete the program before reaching the age of 19 if the following criteria are met:

(1) A child will be considered attending school full-time when enrolled or accepted in a full-time (as certified by the school or institute attended) elementary, secondary or the equivalent level of vocational or technical school or training leading to a certificate or diploma. Correspondence school is not an allowable program of study.

(2) A child will also be considered to be in regular attendance in months when the child is not attending because of an official school or training program vacation, illness, convalescence, or family emergency. A child meets the definition of regular school attendance until the child has been officially dropped from the school rolls.

(3) When a child's education is temporarily interrupted pending adjustment of an education or training program, exemption will be continued for a reasonable period of time to complete the adjustment.

75.50(2) Residing with a parent or other caretaker. The child shall be living in the home of a parent or other caretaker as defined in rule 441—75.1(249A). The parent or other caretaker must meet the requirements of rule 441—75.51(249A).

a. When the mother intends to place her child for adoption shortly after birth, the child will be considered as living with the mother until the time custody is actually relinquished.

b. Living with a parent or other caretaker implies the existence of a relationship involving an accepted responsibility on the part of the caretaker for the primary care of the child. A non-parental caretaker must attest to having primary responsibility for the child's care pursuant to paragraph 75.51(2) "b."

c. A child can receive Medicaid in one household only. In a joint custody situation, when a child lives in the home of one parent or other caretaker some of the time and also lives in the separate home of the other parent or another caretaker, who the child will be considered to be living with is determined as follows:

(1) As specified in a court order or binding separation, divorce or custody agreement, or,

(2) If there is no such order, the parent or other caretaker with whom the child spends most nights will be considered the custodial parent or other caretaker. When a child spends equal amounts of time in the home of each parent and both parents apply for Medicaid for the child, the parents must decide which parent will continue with the application. Likewise, when a child spends equal amounts of time in the home of a parent and the home of another caretaker, the parent or other caretaker must decide which caretaker will continue with the application. If the parents, or the parent and other caretaker, cannot reach a decision, the department will make the determination based on the totality of the available information.

d. Upon the determination that a child is living with a parent or other caretaker, the Medicaid household size for each applicant or member is determined according to rule 441—75.72(249A) for the purpose of determining eligibility.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.51(249A) Eligibility factors specific to parents and caretakers.

75.51(1) *FMAP and other requirements.* To be eligible for FMAP or the coverage groups specified in subrules 75.3(6), 75.3(7), and 75.3(14), a parent or other caretaker must:

- a.* Meet the definition of “parent” or “caretaker” in rule 441—75.1(249A);
- b.* Live with an eligible child as defined in rule 441—75.50(249A); and
- c.* Satisfy the FMAP requirements specified in subrule 75.3(1) and the general conditions of eligibility specified in this chapter.

75.51(2) *Assumes primary responsibility for care of child.* To be eligible for FMAP, the parent or other caretaker living in the home with the child must assume primary responsibility for the care of the child.

a. A parent who is living with their child is presumed to have primary responsibility for the child’s care.

b. For a child and a non-parental caretaker to meet the requirements of this subrule, the non-parental caretaker who is living with the child must attest to having primary responsibility for the child’s care on an application or other document submitted to the department.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.52(249A) The effect of age on eligibility. When age is an eligibility factor and a person has reached the age limit, the birth date impacts eligibility for the birth month.

75.52(1) A person is eligible for the entire month in which the person’s birth date occurs, unless the birthday falls on the first day of the month. Ineligibility based on age will be effective the first of the month following the birth month.

75.52(2) A person whose birth date is on the first day of the month is not eligible for the age-limited coverage group for the birth month. Ineligibility based on age will be effective on the person’s birth date.

75.52(3) This rule applies to the following coverage groups:

- a.* FMAP;
- b.* MAC;
- c.* Child medical assistance program (CMAP);
- d.* Subsidized guardianship medically needy program;
- e.* Children eligible under Title IV-E;
- f.* State-only funded medical assistance for children in foster care or subsidized adoption;
- g.* State-only funded medical assistance for children in subsidized guardianship; and
- h.* Medicaid for former foster care youth (EMIYA).

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.53(249A) Absence from the home.

75.53(1) A person who is absent from the home will not be included in the household, except when temporarily absent as described in subrule 75.53(2).

a. A parent who is permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday is considered absent from the home.

b. A parent whose absence from the home is due solely to a pattern of employment is not considered to be absent.

c. A parent whose absence is occasioned solely by reason of the performance of active duty in the uniformed services of the United States is considered absent from the home. “Uniformed service” means the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanographic and Atmospheric Administration, or Public Health Service of the United States.

75.53(2) The needs of a person who is temporarily absent from the home are included in a household if otherwise eligible. A temporary absence exists in any of the following circumstances:

a. A person is anticipated to be in a medical institution for less than a year, as verified by a physician’s statement. Failure to return within one year from the date of entry into the medical institution will result in the person no longer being included in the household;

b. A child is out of the home to secure education or training as defined in paragraph 75.50(1) “*b*” as long as the child remains a dependent;

c. A parent or other caretaker is temporarily out of the home to secure education or training and was in the household before leaving the home to secure education or training. For this purpose, “education or training” means any academic or vocational training program that prepares a person for a specific professional or vocational area of employment; or

d. A person is out of the home for reasons other than reasons in paragraphs 75.53(2) “*a*” through “*c*” and intends to return to the home within three months. Failure to return within three months from the date the person left the home will result in the person no longer being included in the household.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.54(249A) Pending SSI approval. When a person who would ordinarily be in the family-related Medicaid household has applied for SSI benefits, the person’s needs will be included in the family-related Medicaid household pending approval of SSI.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.55(249A) Resources not considered. There is no resource test to determine eligibility for family-related Medicaid coverage groups.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.56(249A) Income eligibility. Unless otherwise stated within this chapter, income eligibility under family-related coverage groups will be determined using MAGI methodologies pursuant to Division III of this chapter.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.57 to 75.69 Reserved.

DIVISION III FINANCIAL ELIGIBILITY BASED ON MODIFIED ADJUSTED GROSS INCOME (MAGI)

441—75.70(249A) Financial eligibility based on MAGI. Notwithstanding any other provision of this chapter, financial eligibility for Medicaid is determined using MAGI and household income pursuant to 42 U.S.C. §1396a(e)(14) to the extent required by that section as a condition of federal funding under Title XIX of the Act. For this purpose, financial eligibility for Medicaid includes any applicable purpose for which a determination of income is required for a coverage group that is subject to MAGI methodology as specified in rule 441—75.71(249A) and defined in rule 441—75.1(249A), including the imposition of any premiums or cost sharing.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.71(249A) Coverage groups subject to MAGI methodology. Financial eligibility will be determined under MAGI methodology for the following coverage groups:

1. FMAP as described in subrule 75.3(1).
2. MAC program as described in subrule 75.3(2).
3. Hawki as described in 441—Chapter 86.
4. IHAWP as described in 441—Chapter 74.
5. RMA as described in subrule 75.5(3).

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.72(249A) MAGI household composition. For the purpose of determining financial eligibility, each applicant's or member's household is determined based on federal tax policy and with regard to the applicant's or member's federal tax status as described below.

75.72(1) *Applicant or member is a tax-filer.* An applicant or member who expects to file a federal tax return for the year in which the applicant or member requests Medicaid and does not expect to be claimed as a tax dependent by another taxpayer is considered a tax-filer. A tax-filer's Medicaid household includes:

- a. The tax-filer,
- b. The tax-filer's spouse, under either of the following circumstances:
 - (1) The tax-filer and spouse are living together, or
 - (2) The expected tax status is married filing jointly, regardless of whether the spouse is present in the home, and
- c. Each dependent that the tax-filer expects to claim.

75.72(2) *Applicant or member is a tax dependent.* An applicant or member who expects to be claimed as a tax dependent on a federal tax return for the year in which the applicant or member requests Medicaid is a tax dependent. A tax dependent's Medicaid household is the same as the tax-filer who claims the dependent, except the dependent's household is determined pursuant to subrule 75.72(3) when the dependent:

- a. Expects to be claimed by someone other than a spouse or parent.
- b. Is a child under the age of 19 who expects to be claimed by one parent while living with two parents who do not expect to file a joint return.
- c. Is a child under the age of 19 who expects to be claimed by a noncustodial parent in accordance with a court order or binding separation, divorce, or custody agreement establishing physical custody controls. If there is no such order or agreement, the custodial parent is the parent with whom the child spends most nights pursuant to subparagraph 75.50(2) "c"(2).

75.72(3) *Applicant or member is a non-filer (does not file taxes) and is not claimed as a tax dependent.*

- a. This subrule applies to an applicant or member who:
 - (1) Does not expect to file a federal tax return for the year in which Medicaid is requested,
 - (2) Does not expect to be claimed as a tax dependent for the year in which Medicaid is requested,
 or
 - (3) Meets an exception described in paragraph 75.72(2) "a," "b," or "c."
- b. The household consists of the applicant or member and each of the following who is living with and in relation to the applicant:
 - (1) Parent, when the applicant or member is a child under the age of 19.
 - (2) Spouse.
 - (3) Child under the age of 19.
 - (4) Sibling under the age of 19, when the applicant or member is a child under the age of 19.
- c. For the purpose of paragraph 75.72(3) "b," "living with" must be in accordance with subrule 75.50(2).

75.72(4) *Married couples.* In the case of a married couple living together, each spouse will be included in the household of the other spouse, regardless of federal tax status.

75.72(5) Pregnancy.

a. Household size. In establishing eligibility for a pregnant woman or any person whose household includes a pregnant woman, the unborn child (or children if more than one fetus exists) will be considered when determining the number of persons in the household.

b. Verification of pregnancy. The applicant's or member's attestation of the pregnancy, date of conception, due date, and number of children expected to deliver will serve as verification unless questionable as determined by the department.

75.72(6) Applicant or member attestation of federal tax status. The department will accept the applicant's or member's statement of the applicant's or member's federal tax status and claimed dependents or such statement from an adult who is living with and in the Medicaid household of an applicant or member who is a child.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.73(249A) Income under MAGI methodology. The total countable earned and unearned income of the applicant or member included in the household as defined in rule 441—75.72(249A) will be considered when determining initial and ongoing Medicaid eligibility for coverage groups that are subject to MAGI methodology as specified in rule 441—75.71(249A). For eligibility to exist, the total countable monthly income of the applicant's or member's household must be at or below the income limit for the applicable coverage group pursuant to rule 441—75.74(249A).

75.73(1) Household member income exclusions under MAGI. The income of a household member that meets the requirements of paragraph 75.73(1)“a” or “b” is excluded from the household's total countable income.

a. Income of children under age 19.

(1) The income of a child under the age of 19 who is:

1. Included in the household of the child's parent, and

2. Not expected to be required to file a federal tax return under 26 U.S.C. Section 6012(a)(1) for the taxable year in which Medicaid is being determined, regardless of whether a tax return is filed by the child for the tax year.

(2) A child with income of less than the threshold determined annually by the IRS is considered not expected to be required to file a tax return for the taxable year in which Medicaid is being determined.

b. Income of tax dependent other than spouse or child.

(1) The income of a tax dependent other than a spouse or a child who is not expected to be required to file a federal tax return under 26 U.S.C. Section 6012(a)(1) for the taxable year in which Medicaid is being determined is not included, regardless of whether a tax return is filed by the tax dependent for the tax year.

(2) A dependent with income of less than the threshold determined annually by the IRS is considered not expected to be required to file a tax return for the taxable year in which Medicaid is being determined.

(3) Any cash support provided to the claimed dependent by the tax-filer.

75.73(2) Countable income under MAGI. For the purpose of determining initial and ongoing MAGI Medicaid eligibility, countable income is the amount that remains after allowable expenses and deductions have been subtracted from gross countable income as defined in paragraph 75.73(2)“a.” Income described in paragraph 75.73(2)“b” is excluded as countable income. Allowable expenses and deductions are limited to those allowed in accordance with paragraphs 75.73(2)“c” and “d.”

a. Gross countable income. Gross countable income under MAGI includes income types that are considered as gross income for federal tax purposes pursuant to 26 U.S.C. Sections 61 and 71 through 91 and calculated pursuant to 26 U.S.C. Section 36B(d)(2)(B), except as specified in paragraph 75.73(2)“b.” Gross countable income for the purpose of Medicaid eligibility under MAGI includes but is not limited to the following income types:

(1) Earned income, including salaries, wages, tips and other compensation for services that include fees, commissions, fringe benefits such as sick pay, vacation pay, severance pay, and similar items, and including foreign earned income and housing expenses of a U.S. citizen or resident who lives abroad even though these types of income may not be taxable.

(2) Gross profit derived from a self-employment trade or business as defined in paragraph 75.73(2) “e” and 26 U.S.C. Section 1402;

(3) Capital gains derived from dealings in assets or property;

(4) Interest (taxable and non-taxable);

(5) Rental income, including room and board;

(6) Royalties;

(7) Taxable dividends;

(8) Alimony and separate maintenance payments;

(9) Taxable annuities;

(10) Income from life insurance and endowment contracts;

(11) Pensions;

(12) Income from discharge of indebtedness;

(13) Distributive share of partnership or S-corporation gross income;

(14) Income in respect of a deceased person;

(15) Income from an interest in an estate or trust;

(16) Deemed sponsor income;

(17) Social security benefits (taxable and nontaxable);

(18) Disability payments, including government, private, temporary and permanent payments;

(19) Unemployment Insurance Benefits (UIB);

(20) Gambling winnings;

(21) Survivor’s benefits; and

(22) Strike pay.

b. Income types excluded from gross income. Income that meets the following criteria is not considered when determining countable gross income under MAGI despite the fact that the income may be considered for federal tax purposes. The exclusion of these income types is in accordance with 42 CFR Section 435.603(e).

(1) An amount received as a nonrecurring lump sum from a source that is considered in determining adjusted gross income for federal tax purposes pursuant to paragraph 75.73(2) “a” is counted only in the month received for determining Medicaid eligibility under MAGI. A nonrecurring lump sum received from a source that is not considered in determining adjusted gross income for federal tax purposes is entirely excluded.

(2) Scholarships, awards, or fellowship grants used for education purposes and not for living expenses are excluded from income.

(3) Certain American Indian and Alaska Native income derived from distributions, payments, ownership interests, real property usage rights, and student financial assistance pursuant to 42 CFR Section 435.603(e)(3) is excluded from income.

(4) Student financial assistance provided under the Bureau of Indian Affairs education programs is excluded from income.

(5) Any other type of income that is not identified as countable in paragraph 75.73(2) “a” and is not otherwise included in “adjusted gross income” for federal tax purposes pursuant to 26 U.S.C. Section 62 is excluded from income.

c. Allowable expenses. Expenses that are allowed as deductions from gross income when determining a person’s adjusted gross income for federal tax purposes pursuant to 26 U.S.C. Section 62 are subtracted from gross income as defined in paragraphs 75.73(2) “a” and “b” when determining countable income under MAGI. Allowable expenses include:

(1) Educator expenses.

(2) Certain business expenses of reservists, performing artists, and fee-based government officials.

(3) Health savings account contributions.

(4) Moving expenses for members of the Armed Forces.

(5) Deductible part of self-employment tax.

(6) Contributions to self-employed Simplified Employee Pension (SEP), Savings Incentive Match Plan for Employees of Small Employers (SIMPLE) and Qualified Plans.

(7) Self-employed health insurance contributions.

(8) Amount of penalty for early withdrawal of savings.

(9) Alimony payments made under a divorce or separation agreement executed before January 1, 2019.

(10) Certain individual retirement account (IRA) contributions.

(11) Student loan interest expense.

(12) Expenses directly related with the conduct of a self-employment trade or business, including but not limited to depreciation and capital losses.

d. MAGI Income Deduction. An amount equal to 5 percent of the FPL for the applicable household size will be subtracted from the total monthly countable MAGI income amount when:

(1) An applicant's monthly MAGI income exceeds the highest income limit of all of the coverage groups for which the applicant meets the categorical requirements, and

(2) Deducting 5 percent results in the applicant's income being within the income limit of the coverage group with the highest income limit for which the applicant meets categorical requirements.

e. Self-employment defined for MAGI purposes. A person is considered self-employed if the person:

(1) Carries on a trade or business with the goal of making a profit and is the sole proprietor of the trade or business, or

(2) Is an independent contractor and the person paying for the work has the right to control or to direct only the result of the work and not how the work will be done.

75.73(3) *Income verification.* The department will accept an applicant's or member's attestation of income and use the attested income to determine eligibility when the attested amount is reasonably compatible with electronic data sources as defined in rule 441—75.1(249A).

a. Verification not required. The department will not require the applicant or member to provide verification when attested income is reasonably compatible with EDS or verification is available to the department from other sources.

b. Verification required. When attested income is not reasonably compatible with EDS or verification is not available to the department from other sources, the applicant or member must provide verification of the income in accordance with 441—subrule 76.8(2) or provide a statement that reasonably explains the discrepancy between the attested income and electronic data sources.

75.73(4) *Budgeting procedures for determining financial eligibility under MAGI.* Initial and ongoing financial eligibility under MAGI is based on current monthly household composition and income with consideration given to any anticipated changes or fluctuation in income or expenses pursuant to 42 CFR Section 435.603(h). Total countable earned and unearned income of all persons in the applicant or member household after applicable expenses and deductions is considered in determining financial eligibility under MAGI in accordance with subrules 75.73(1) and 75.73(2).

a. Current monthly household income. Both initial and ongoing eligibility will be based on current monthly income when current income and any applicable expenses are a good indicator of future income except when the income is unemployment insurance benefits as described in paragraph 75.73(4)“c.”

b. Change in current month's income. If the household indicates that current countable income is not indicative of future income due to a change that is reasonably expected to occur in the current or next month, the amount of monthly income used for initial and ongoing eligibility will be calculated

based on the change. When the anticipated change is with unemployment insurance benefits, income will be budgeted as described in paragraph 75.73(4) "c."

c. Unemployment insurance benefits (UIB). When current income includes UIB, the monthly amount of UIB income used for initial and ongoing eligibility will be determined by annualizing the remaining balance according to the applicable item below:

(1) For applicants, the monthly amount is determined by using the remaining balance as of the first day of the month in which the application was filed and dividing the balance by 12. If the UIB will end in the application month, the annualized amount will be used for the application month only and no UIB income will be used for months thereafter.

(2) For members in the review process described in rule 441—76.14(249A), the monthly amount is determined by using the remaining balance as of the first day of the month of the new certification period and dividing the balance by 12. If the UIB will end in the first month of the new certification period, the annualized amount will be used for the first month and no UIB income will be used for months thereafter.

(3) For members reporting a change and not due for review as described in rule 441—76.14(249A), the monthly amount is determined by using the remaining balance as of the first day of the month in which the change can be acted upon in accordance with rule 441—76.16(249A).

d. Recurring lump-sum income. Recurring lump-sum earned and unearned income, except for the income of the self-employed, will be prorated over the number of months for which the income was received and applied to the eligibility determination for the same number of months.

(1) Income received by an individual employed under a contract will be prorated over the period of the contract.

(2) Income received at periodic intervals or intermittently will be prorated over the period covered by the income and applied to the eligibility determination for the same number of months.

EXCEPTION: Periodic or intermittent income from self-employment will be treated as described in paragraph 75.73(4) "h."

(3) Applicable expenses and deductions will be applied to the monthly prorated income.

e. Conversion of weekly or biweekly income to a monthly amount. When income received weekly or biweekly (once every two weeks) is projected for future months, it will be projected by adding all income received in the time period being used and dividing the result by the number of instances of income received in that time period. The result will be multiplied by four if the income is received weekly, or by two if the income is received biweekly, regardless of the number of weekly or biweekly payments to be made in future months.

f. Self-employment income. Countable income from self-employment not received on a regular weekly, biweekly, semimonthly or monthly basis will be annualized (annual income averaged over a 12-month period of time) to arrive at the monthly amount to be used to determine eligibility, even if the income is received within a short period of time during that 12-month period. Countable self-employment income is gross countable income as defined in paragraph 75.73(2) "a" less allowable expenses pursuant to subrule 75.73(2) "c." Any change in self-employment will be handled in accordance with subparagraph 75.73(4) "f"(3).

(1) When a self-employment enterprise that does not produce a regular weekly, biweekly, semimonthly or monthly income has been in existence for less than a year, income will be averaged over the period of time the enterprise has been in existence to arrive at a projected monthly amount to be used to determine eligibility. If the enterprise has been in existence for such a short time that there is very little income information or income in the period of time is not a good indicator of future income, the department will establish, with the cooperation of the applicant or member, a reasonable estimate of the projected monthly income to be used for eligibility.

(2) The policies outlined in this paragraph apply when self-employment income is received before the month of decision and the income is expected to continue, in the month of decision, after assistance is approved.

(3) A change in the cost of producing self-employment income is defined as an established, permanent, ongoing change in the operating expenses of a self-employment enterprise that will result in a significant change in the person's annual net income. Change in self-employment income is defined as a change that will result in a significant change in the person's annual income.

1. When an applicant or member reports that change in operating expenses has occurred and the person's self-employment income has been annualized, the department will recalculate the expenses on the basis of the change.

2. When a change in self-employment income occurs and the person's self-employment income has been annualized, the department will recalculate income and expenses on the basis of the change.

3. A change in the cost of producing self-employment income or income received from self-employment that occurs as a result of seasonal business fluctuations is not considered a change for the purpose of this subparagraph.

g. Rounding procedures. The following rounding procedures apply when determining countable MAGI income.

(1) The third digit to the right of the decimal point in any calculation of income will be dropped.

(2) When the monthly countable income is converted to a percentage of the FPL and the resulting percentage is not a whole number, the FPL percentage is rounded up to the next whole percentage.

75.73(5) Shared living arrangements. When an applicant or member shares living arrangements with another family or person, funds combined to meet mutual obligations for shelter and other basic needs are not income. Funds made available to the applicant or member exclusively for the applicant's or member's needs are considered income, except as described at 75.73(1) "b"(3).

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.74(249A) Income limits. The following income limits apply to the MAGI-related coverage groups specified below, as identified by the legal references provided:

Coverage Group	Legal Reference	Household Size (persons)	Income Limit (per month)
FMAP	441—subrule 75.3(1); 42 CFR Part 435.110 and 435.118; Title XIX of the Act, Section 1931	1	\$447
		2	\$716
		3	\$872
		4	\$1,033
		5	\$1,177
		6	\$1,330
		7	\$1,481
		8	\$1,633
		9	\$1,784
		10	\$1,950
		over 10	\$1,950 plus \$178 for each additional person
Mothers and Children, for pregnant women	441—subrule 75.3(2); 42 CFR Part 435.116 and 435.118; Title XIX of the Act, Section 1902	215% of the FPL for the household	
Mothers and Children, for infants under one year of age		300% of the FPL for the household	
Mothers and Children, for children aged 1 through 18 years	441—subrule 75.3(2); 42 CFR Part 435.118; Title XIX of the Act, Section 1902	167% of the FPL for the household	

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.75 to 75.79 Reserved.

DIVISION IV

ELIGIBILITY FACTORS SPECIFIC TO NON-MAGI-RELATED COVERAGE GROUPS, PERSONS IN MEDICAL INSTITUTIONS AND PERSONS RECEIVING LONG-TERM CARE SERVICES

441—75.80(249A) Categorical relatedness to supplemental security income (SSI). Except as otherwise provided in 441—Chapters 75 and 76, persons who are 65 years of age or older, blind, or disabled are eligible for Medicaid only if eligible for the SSI program administered by the SSA.

75.80(1) SSI policy reference. The statutes, regulations, and policy governing eligibility for SSI (collectively, “SSI policies”) are found in Title XVI of the Act (42 U.S.C. Sections 1381 through 1383f), in the federal regulations promulgated pursuant to Title XVI of the Act (20 CFR 416.101 to 416.2227), and in Part 5 of the program operations manual system published by the SSA. The program operations manual system is available online; at SSA offices in Ames, Burlington, Carroll, Cedar Rapids, Coralville, Council Bluffs, Creston, Davenport, Des Moines, Dubuque, Fort Dodge, Marshalltown, Mason City, Ottumwa, Sioux City, Spencer, and Waterloo; and through the department.

75.80(2) Income considered. For non-MAGI-related Medicaid eligibility purposes, income will be considered prospectively.

75.80(3) Trust contributions. Income that a person contributes to a trust as specified in paragraph 75.24(3)“b” will not be considered for purposes of determining eligibility for non-MAGI-related Medicaid.

75.80(4) Conditional eligibility. For purposes of determining eligibility for non-MAGI-related Medicaid, the SSI conditional eligibility process, by which a client may receive SSI benefits while attempting to sell excess resources found at 20 CFR Sections 416.1240 through 416.1245, is not considered an eligibility methodology.

75.80(5) Valuation of life estates and remainder interests. In the absence of other evidence, the value of a life estate or remainder interest in property will be determined using the following table by multiplying the fair market value of the entire underlying property (including all life estates and all remainder interests) by the life estate or remainder interest decimal corresponding to the age of the life estate holder or other person whose life controls the life estate. If a Medicaid applicant or member disputes the value determined using the following table, the applicant or member may submit other evidence and the value of the life estate or remainder interest will be determined based on the preponderance of all the evidence submitted to or obtained by the department, including the value given by the following table.

Age	Life Estate	Remainder	Age	Life Estate	Remainder	Age	Life Estate	Remainder
0	.97188	.02812	37	.93026	.06974	74	.53862	.46138
1	.98988	.01012	38	.92567	.07433	75	.52149	.47851
2	.99017	.00983	39	.92083	.07917	76	.51441	.49559
3	.99008	.00992	40	.91571	.08429	77	.48742	.51258
4	.98981	.01019	41	.91030	.08970	78	.47049	.52951
5	.98938	.01062	42	.90457	.09543	79	.45357	.54643
6	.98884	.01116	43	.89855	.10145	80	.43569	.56341
7	.98822	.01178	44	.89221	.10779	81	.41967	.58033
8	.98748	.01252	45	.88558	.11442	82	.40295	.59705
9	.98663	.01337	46	.87863	.12137	83	.38642	.61358
10	.98565	.01435	47	.87137	.12863	84	.36998	.63002
11	.98453	.01547	48	.86374	.13626	85	.35359	.64641
12	.98329	.01671	49	.85578	.14422	86	.33764	.66236
13	.98198	.01802	50	.84743	.15257	87	.32262	.67738
14	.98066	.01934	51	.83674	.16126	88	.30859	.69141

Age	Life Estate	Remainder	Age	Life Estate	Remainder	Age	Life Estate	Remainder
15	.97937	.02063	52	.82969	.17031	89	.29526	.70474
16	.97815	.02185	53	.82028	.17972	90	.28221	.71779
17	.97700	.02300	54	.81054	.18946	91	.26955	.73045
18	.97590	.02410	55	.80046	.19954	92	.25771	.74229
19	.97480	.02520	56	.79006	.20994	93	.24692	.75308
20	.97365	.02635	57	.77931	.22069	94	.23728	.76272
21	.97245	.02755	58	.76822	.23178	95	.22887	.77113
22	.97120	.02880	59	.75675	.24325	96	.22181	.77819
23	.96986	.03014	60	.74491	.25509	97	.21550	.78450
24	.96841	.03159	61	.73267	.26733	98	.21000	.79000
25	.96678	.03322	62	.72002	.27998	99	.20486	.79514
26	.96495	.03505	63	.70696	.29304	100	.19975	.80025
27	.96290	.03710	64	.69352	.30648	101	.19532	.80468
28	.96062	.03938	65	.67970	.32030	102	.19054	.80946
29	.95813	.04187	66	.66551	.33449	103	.18437	.81563
30	.95543	.04457	67	.65098	.343902	104	.17856	.82144
31	.95254	.04746	68	.63610	.363690	105	.16962	.83038
32	.94942	.05058	69	.62086	.37914	106	.15488	.84512
33	.94608	.05392	70	.60522	.39478	107	.13409	.86591
34	.94250	.05750	71	.58914	.41086	108	.10068	.89932
35	.93868	.06132	72	.57261	.42739	109	.04545	.95455
36	.93460	.06540	73	.55571	.44429			

75.80(6) *Resource eligibility for non-MAGI-related Medicaid for children.* Resources of all household members will be disregarded when determining eligibility for children under any non-MAGI-related coverage group except for those groups in paragraphs 75.6(1) “a” and “b”; 75.6(2) “a,” “b,” “c,” “d,” “e,” and “g”; 75.6(4) “a”; and 75.6(5) “a,” “b,” “c,” and “d.”

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.81(249A) Disability requirements for non-MAGI-related Medicaid.

75.81(1) *Applicants receiving federal benefits.* An applicant receiving SSI on the basis of disability, social security disability benefits under Title II of the Act, or railroad retirement benefits based on the Social Security Act’s definition of disability by the Railroad Retirement Board, will be deemed disabled without further determination of disability.

75.81(2) *Applicants not receiving federal benefits.* When disability has not been established based on the receipt of social security disability or railroad retirement benefits based on the same disability criteria as used by the SSA, the department will determine eligibility for non-MAGI-related Medicaid based on disability as follows:

a. An SSA disability determination under either a social security disability (Title II) application or an SSI application is binding on the department until changed by SSA unless the applicant meets one of the following criteria:

(1) The applicant alleges a disabling condition different from, or in addition to, that considered by SSA in making its determination.

(2) The applicant alleges more than 12 months after the most recent SSA determination denying disability that the applicant’s condition has changed or deteriorated since that SSA determination and alleges a new period of disability that meets the durational requirements, and has not applied to SSA for a determination with respect to these allegations.

(3) The applicant alleges less than 12 months after the most recent SSA determination denying disability that the applicant’s condition has changed or deteriorated since that SSA determination, alleges a new period of disability that meets the durational requirements, and:

1. The applicant has applied to SSA for reconsideration or reopening of its disability decision and SSA refused to consider the new allegations, or

2. The applicant no longer meets the nondisability requirements for SSI but may meet the department's nondisability requirements for Medicaid eligibility.

b. When there is no binding SSA decision and the department is required to establish eligibility for non-MAGI-related Medicaid based on disability, initial determinations will be made by the department of workforce development's disability determination services division. The applicant or the applicant's authorized representative shall complete and submit forms as prescribed by the department.

c. When an SSA decision on disability is pending when the person applies for Medicaid or when the person applies for either Title II benefits or SSI within ten working days of the Medicaid application, the department will stay a decision on disability pending the SSA decision on disability.

75.81(3) *Time frames for decisions.* Determination of eligibility based on disability will be completed within 90 days unless the applicant or an examining physician delays or fails to take a required action or there is an administrative or other emergency beyond the department's or applicant's control.

75.81(4) *Reviews of disability.* In connection with any independent determination of disability, the department will determine whether reexamination of the member's disability will be required for periodic eligibility reviews. When a disability review is required, the member or the member's authorized representative shall complete and submit forms as prescribed by the department.

75.81(5) *Members whose disability was determined by the department.* When a Medicaid member has been approved for Medicaid based on disability determined by the department and later is determined by SSA not to be disabled for SSI, the member will continue to be considered disabled for Medicaid eligibility purposes for 65 days from the date of the SSA denial. If at the end of the 65 days there is no appeal to the SSA, Medicaid will be canceled with timely notice in accordance with 441—Chapter 16. If there is an appeal to SSA within 65 days, the member will continue to be considered disabled for Medicaid eligibility purposes until a final SSA decision.

75.81(6) *Disability redeterminations for members who attain age 18.* If a member is eligible based on an independent determination of disability made under the standards applicable to persons under 18 years of age, the department will redetermine the member's disability after the member attains the age of 18 years. The member's disability will be redetermined:

a. Using the standards applicable to persons who are 18 years of age or older, and

b. Regardless of whether a review of the member's disability would otherwise be due.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.82(249A) Determination of countable income and resources for persons in a medical institution. In determining eligibility for any coverage group under rules 441—75.3(249A) through 441—75.8(249A), certain factors must be considered differently for persons who reside in a medical institution, as follows.

75.82(1) *Determining income from property.*

a. Nontrust property. Where there is nontrust property, unless the document providing income specifies differently, income paid in the name of one person shall be available only to that person. If payment of income is in the name of two persons, one-half is attributed to each. If payment is in the name of several persons, including a Medicaid client, a client's spouse, or both, the income will be considered in proportion to the Medicaid client's or spouse's interest. If payment is made jointly to both spouses and no interest is specified, one-half of the couple's joint interest will be considered available for each spouse. If the client or the client's spouse can establish different ownership by a preponderance of evidence, the income will be divided in proportion to the ownership.

b. Trust property. Where there is trust property, the payment of income will be considered available as provided in the trust. In the absence of specific provisions in the trust, the income will be considered as stated above for nontrust property.

75.82(2) *Division of income between married people for non-MAGI coverage groups.*

a. Institutionalized spouse and community spouse. If there is a community spouse, only the institutionalized spouse's income will be considered in determining eligibility for the institutionalized spouse.

b. Spouses institutionalized and living together. Partners in a marriage who are residing in the same room in a medical institution will be treated as a couple until the first day of the seventh calendar month that they continuously reside in the facility. The couple may continue to be considered as a couple for Medicaid effective the first day of the seventh calendar month of continuous residency if one partner would be ineligible for Medicaid or receive reduced benefits by considering them separate individuals or if they choose to be considered together. When spouses are treated as a couple, the combined income of the couple shall not exceed twice the amount of the income limit established in subrule 75.6(4). Persons treated together as a couple for income must be treated together for resources, and persons treated individually for income must be treated individually for resources. Spouses residing in the same room in a medical institution may be treated as individuals effective the first day of the seventh calendar month. The income of each spouse shall not exceed the income limit established in subrule 75.6(4).

c. Spouses institutionalized and living apart. Partners in a marriage who are both institutionalized, although not residing in the same room of the institution, will be treated as individuals effective the month after the month the partners cease living together. Their income will be treated separately for eligibility. If they live in the same facility after six months of continuous residence, they may be considered as a couple for Medicaid effective the first day of the seventh calendar month of continuous residency if one partner would be ineligible for Medicaid or receive reduced benefits by considering them separate individuals or if they choose to be considered together.

In the month of entry into a medical institution, income shall not exceed the amount of the income limit established in subrule 75.6(4).

75.82(3) *Attribution of resources to institutionalized spouse and community spouse.* The department will determine the attribution of a couple's resources to the institutionalized spouse and to the community spouse when the institutionalized spouse is expected to remain in a medical institution at least 30 consecutive days on or after September 30, 1989, at the beginning of the first continuous period of institutionalization.

a. When determined. The department will determine the attribution of resources between spouses at the earlier of the following:

(1) When either spouse requests that the department determine the attribution of resources at the beginning of the person's continuous stay in a medical facility prior to an application for Medicaid benefits. This request must be accompanied by a form prescribed by the department and necessary documentation.

(2) When the institutionalized spouse or someone acting on that person's behalf applies for Medicaid benefits. If the application is not made in the month of entry, the applicant shall also complete a form prescribed by the department and provide necessary documentation.

b. Information required. The couple must provide the social security number of the community spouse. The attribution process will include a match of the IRS data for both the institutionalized and community spouses.

c. Resources considered. The resources attributed shall include resources owned by both the community spouse and institutionalized spouse, except for the following resources:

(1) The home in which the spouse or relatives as defined in 441—paragraph 41.22(3)“a” live (including the land that appertains to the home).

(2) Household goods, personal effects, and one automobile.

(3) The value of any burial spaces held for the purpose of providing a place for the burial of either spouse or any other member of the immediate family.

(4) Other property essential to the means of self-support of either spouse as to warrant its exclusion under the SSI program.

(5) Resources of a blind or disabled person who has a plan for achieving self-support as determined by division of vocational rehabilitation or by the department.

(6) For natives of Alaska, shares of stock held in a regional or village corporation, during the period of 20 years in which the stock is inalienable, as provided in Sections 7(h) and 8(c) of the Alaska Native Claims Settlement Act as amended to August 1, 2025.

(7) Assistance under the Disaster Relief Act and Emergency Assistance Act as amended to August 1, 2025, or other assistance provided pursuant to federal statute on account of a presidentially declared major disaster and interest earned on these funds for the nine-month period beginning on the date these funds are received or for a longer period where good cause is shown.

(8) Any amount of underpayment of SSI or social security benefits due either spouse for one or more months prior to the month of receipt. This exclusion is limited to the first six months following receipt.

(9) A life insurance policy (or policies) whose total face value is \$1,500 or less per spouse.

(10) An amount, not more than \$1,500 for each spouse, that is separately identifiable and has been set aside to meet the burial and related expenses of that spouse. The amount of \$1,500 will be reduced by an amount equal to the total face value of all insurance policies that are owned by the person or spouse and the total of any amounts in an irrevocable trust or other irrevocable arrangement available to meet the burial and related expenses of that spouse.

(11) Federal assistance paid for housing occupied by the spouse.

(12) Assistance from a fund established by a state to aid victims of crime for nine months from receipt when the client demonstrates that the amount was paid as compensation for expenses incurred or losses suffered as a result of a crime.

(13) Relocation assistance provided by a state or local government to a client comparable to assistance provided under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended to August 1, 2025, which is subject to the treatment required by Section 216 of that Act.

d. Method of attribution. The resources attributed to the institutionalized spouse shall be one-half of the documented resources of both the institutionalized spouse and the community spouse as of the first moment of the first day of the month of the spouse's first entry to a medical facility. However, if one-half of the resources is less than the minimum set by the federal spousal impoverishment provisions, then the greater of \$24,000 or the federally established minimum will be protected for the community spouse. Also, when one-half of the resources attributed to the community spouse exceeds the maximum amount allowed as a community spouse resource allowance under the federal spousal impoverishment provisions, the amount over the maximum will be attributed to the institutionalized spouse. (The minimum and maximum limits are indexed annually according to the consumer price index.) The federal spousal impoverishment provisions are defined in Section 1924(f)(2)(A)(i) of the Act (42 U.S.C. §1396r-5(f)(2)(A)(i)). If the institutionalized spouse has transferred resources to the community spouse under a court order for the support of the community spouse, the amount transferred will be the amount attributed to the community spouse if it exceeds the specified limits above.

e. Notice and appeal rights. The department will provide each spouse a notice of the attribution results. The notice will state that either spouse has a right to appeal the attribution if the spouse believes:

(1) That the attribution is incorrect, or

(2) That the amount of income generated by the resources attributed to the community spouse is inadequate to raise the community spouse's income to the minimum monthly maintenance allowance. If an attribution has not previously been appealed, either spouse may appeal the attribution upon the denial of an application for Medicaid benefits based on the attribution.

f. Appeals. Hearings on attribution decisions are governed by procedures in 441—Chapter 2506. If the hearing establishes that the community spouse's resource allowance is inadequate to raise the community spouse's income to the minimum monthly maintenance allowance,

there will be substituted an amount adequate to provide the minimum monthly maintenance needs allowance.

(1) To establish that the resource allowance is inadequate and receive a substituted allowance, the applicant must provide verification of all the income of the community spouse. For an applicant who became an institutionalized spouse on or after February 8, 2006, all income of the institutionalized spouse that could be made available to the community spouse pursuant to paragraph 75.83(2)“d” will be treated as countable income of the community spouse when the attribution decision was made on or after February 8, 2006.

(2) The amount of resources adequate to provide the community spouse minimum maintenance needs allowance will be based on the cost of a single premium lifetime annuity with monthly payments equal to the difference between the monthly maintenance needs allowance and other countable income not generated by either spouse’s countable resources.

(3) The resources necessary to provide the minimum maintenance needs allowance will be based on the maintenance needs allowance as provided by these rules at the time the appeal is filed.

(4) To receive the substituted allowance, the applicant will be required to obtain one estimate of the cost of the annuity.

(5) The estimated cost of an annuity will be substituted for the amount of resources attributed to the community spouse when the amount of resources previously determined is less than the estimated cost of an annuity. If the amount of resources previously attributed for the community spouse is greater than the estimated cost of an annuity, there will be no substitution for the cost of the annuity and the attribution will remain as previously determined.

(6) The applicant will not be required to purchase this annuity as a condition of Medicaid eligibility.

(7) If the appellant provides a statement from an insurance company that it will not provide an estimate due to the potential annuitant’s age, the amount to be set aside will be determined using the following calculation: the difference between the community spouse’s gross monthly income not generated by countable resources (multiplied by 12) and the minimum monthly maintenance needs allowance (multiplied by 12) will be multiplied by the annuity factor for the age of the community spouse. This amount will be substituted for the amount of resources attributed to the community spouse pursuant to subparagraph 75.82(3)“f”(5).

75.82(4) *Consideration of resources of married people.*

a. One spouse in a medical facility who entered the facility on or after September 30, 1989.

(1) Initial month. When the institutionalized spouse is expected to stay in a medical facility less than 30 consecutive days, the resources of both spouses will be considered in determining initial Medicaid eligibility. When the institutionalized spouse is expected to be in a medical facility 30 consecutive days or more, only the resources not attributed to the community spouse according to subrule 75.82(3) will be considered in determining initial eligibility for the institutionalized spouse. The amount of resources counted for eligibility for the institutionalized spouse shall be the difference between the couple’s total resources at the time of application and the amount attributed to the community spouse under this rule.

(2) Ongoing eligibility. After the month in which the institutionalized spouse is determined eligible, no resources of the community spouse will be deemed available to the institutionalized spouse during the continuous period in which the spouse is in an institution. Resources that are owned wholly or in part by the institutionalized spouse and that are not transferred to the community spouse will be counted in determining ongoing eligibility. The resources of the institutionalized spouse will not count for ongoing eligibility to the extent that the institutionalized spouse intends to transfer and does transfer the resources to the community spouse within 90 days unless unable to effect the transfer.

(3) Exception based on estrangement. When it is established by a disinterested third-party source that the institutionalized spouse is estranged from the community spouse, Medicaid eligibility will not be denied on the basis of resources when the applicant can demonstrate hardship. The applicant

can demonstrate hardship when the applicant is unable to obtain information about the community spouse's resources after exploring all legal means. The applicant can also demonstrate hardship when resources attributed from the community spouse cause the applicant to be ineligible but the applicant is unable to access these resources after exhausting legal means.

(4) Exception based on assignment of support rights. The institutionalized spouse will not be ineligible by attribution of resources that are not actually available when:

1. The institutionalized spouse has assigned to the state any rights to support from the community spouse, or

2. The institutionalized spouse lacks the ability to execute an assignment due to physical or mental impairment but the state has the right to bring a support proceeding against a community spouse without an assignment.

b. One spouse in a medical institution prior to September 30, 1989. When one spouse is in the medical institution prior to September 30, 1989, only the resources of the institutionalized spouse will count for eligibility according to SSI policies the month after the month of entry. In the month of entry, the resources of both spouses are countable toward the couple resource limit.

c. Spouses institutionalized and living together. The combined resources of both partners in a marriage who are residing in the same room in a medical institution will be subject to the resource limit for a married couple until the first of the seventh calendar month that they continuously reside in the facility. The couple may continue to be considered as a couple for Medicaid effective with the seventh month if one partner would be ineligible for Medicaid or would receive reduced benefits by considering them separately or if they choose to be considered together. Persons treated together as a couple for resources must be treated together for income, and persons treated individually for resources must be treated individually for income. Effective the first of the seventh calendar month of continuous residence, they may be treated as individuals, with the resource limit for each spouse the limit for a single person.

d. Spouses institutionalized and living apart. Partners in a marriage who are both institutionalized, although not residing in the same room of the institution, will be treated as individuals effective the month after the month the partners cease living together. If they live in the same facility after six months of continuous residence, they may be considered as a couple for Medicaid effective the first day of the seventh calendar month of continuous residency if one partner would be ineligible for Medicaid or would receive reduced benefits by considering them separately or if they choose to be considered together. In the month of entry into a medical institution, all resources of both spouses will be combined and will be subject to the resource limit for a married couple.

75.82(5) *Consideration of resources for persons in a medical institution who have purchased and used a qualified or approved long-term care insurance policy pursuant to 191—Chapter 39 or 72.*

a. Eligibility. A person may be eligible for Medicaid under this subrule if:

(1) The person is the beneficiary of a qualified long-term care insurance policy or is enrolled in a prepaid health care delivery plan that provides long-term care services pursuant to 191—Chapter 39 or 72; and

(2) The person is eligible for Medicaid under subrule 75.3(14), 75.3(15), 75.6(4), or 75.6(8), except for excess resources; and

(3) The excess resources causing ineligibility under the listed coverage groups do not exceed the "asset adjustment" provided in this subrule.

b. Definition.

"Asset adjustment" means a \$1 disregard of resources for each \$1 that has been paid out under the person's qualified or approved long-term care insurance policy.

c. Estate recovery. An amount equal to the benefits paid out under a member's qualified or approved long-term care insurance policy will be exempt from recovery from the estate of the member or the member's spouse for payments made by the Medicaid program on behalf of the member.

This rule is intended to implement Iowa Code sections 249A.3, 249A.4, and 249A.35 and chapter 514H.

[ARC 9763C, IAB 11/26/25, effective 1/1/26; Editorial change: IAC Supplement 6/10/26]

441—75.83(249A) Client participation in payment for medical institution care. Medicaid clients are required to participate in the cost of medical institution care. However, no client participation is charged when the combination of Medicare payments and the Medicaid benefits available to qualified Medicare beneficiaries covers the cost of institutional care.

75.83(1) *Income considered in determining client participation.* The department determines the amount of client participation based on the client's total monthly income. Income is determined pursuant to the SSI program under Title XVI of the Act (42 U.S.C. §1396r-5(f)(2)(A)(i)), with the following exceptions.

a. MAGI-related clients. The income of a client and family whose eligibility is MAGI-related is not available for client participation when both of the following conditions exist:

- (1) The client has a parent or child at home.
- (2) The family's income is considered together in determining eligibility.

b. Non-MAGI-related clients who are employed. If a client receives SSI and is substantially gainfully employed, as determined by SSA, the client shall have the SSI and any mandatory state supplementary assistance payment exempt from client participation for the two full months after entry to a medical institution.

c. Non-MAGI-related clients returning home within three months. If SSA continues a client's SSI or federally administered state supplementary assistance payments for three months because it is expected that the client will return home within three months, these payments will be exempt from client participation.

d. Married couples.

(1) Institutionalized spouse and community spouse. If there is a community spouse, only the institutionalized person's income will be considered in determining client participation.

(2) Both spouses institutionalized. Client participation for each partner in a marriage will be based on one-half of the couple's combined income when the partners are considered together for eligibility. Client participation for each partner who is considered individually for eligibility will be determined individually from each person's income.

e. State supplementary assistance recipients. The amount of client participation that a client paid under the state supplementary assistance program is not available for Medicaid client participation in the month of the client's entry to a medical institution.

f. Foster care recipients. The amount of income paid for foster care for the days that a child is in foster care in the same month as entry to a medical institution is not available for client participation.

g. Clients receiving a VA pension. The amount of \$90 of veteran's pension income will be exempt from client participation if the client is a veteran or a surviving spouse of a veteran who:

- (1) Receives a reduced pension pursuant to 38 U.S.C. Section 5503(d)(2); or
- (2) Resides at the Iowa Veterans Home and does not have a spouse or minor child.

75.83(2) *Allowable deductions from income.* In determining the amount of client participation, the department allows the following deductions from the client's income, taken in the order they appear.

a. Ongoing personal needs allowance. All clients shall retain \$55 of their monthly income for a personal needs allowance. Iowa Code section 249A.30A contains information regarding potential state-funded personal needs supplements.

(1) If the client has a trust described in Section 1917(d)(4) of the Act (including Medicaid income trusts and special needs trusts), a reasonable amount paid or set aside for necessary expenses of the trust is added to the personal needs allowance. This amount will not exceed \$10 per month except with court approval.

(2) If the client has earned income, an additional \$65 is added to the ongoing personal needs allowance from the earned income only.

b. Personal needs in the month of entry.

(1) Single person. A single person will be given an allowance for stated home living expenses during the month of entry, up to the amount of the SSI benefit for a single person.

(2) Spouses entering institutions together and living together. Partners in a marriage who enter a medical institution in the same month and live in the same room will be given an allowance for stated home living expenses during the month of entry, up to the amount of the SSI benefit for a couple.

(3) Spouses entering an institution together but living apart. Partners in a marriage who enter a medical institution during the same month and who are considered separately for eligibility will each be given an allowance for stated home living expenses during the month of entry, up to one-half of the amount of the SSI benefit for a married couple. However, if the income of one spouse is less than one-half of the SSI benefit for a couple, the remainder of the allowance will be given to the other spouse. If the couple's eligibility is determined together, an allowance for stated home living expenses will be given to them during the month of entry up to the SSI benefit for a married couple.

(4) Community spouse enters a medical institution. When the second member of a married couple enters a medical institution in a later month, that spouse will be given an allowance for stated expenses during the month of entry, up to the amount of the SSI benefit for one person.

c. Personal needs in the month of discharge. The client will be allowed a deduction for home living expenses in the month of discharge. The amount of the deduction will be the SSI benefit for one person (or for a couple if both members are discharged in the same month). This deduction does not apply when a spouse is at home.

d. Maintenance needs of spouse and other dependents.

(1) Persons covered. An ongoing allowance will be given for the maintenance needs of a community spouse. The allowance is limited to the extent that income of the institutionalized spouse is made available to or for the benefit of the community spouse. If there are minor or dependent children, dependent parents, or dependent siblings of either spouse who live with the community spouse, an ongoing allowance will also be given to meet their needs.

(2) Income considered. The verified gross income of the spouse and dependents will be considered in determining maintenance needs. The gross income of the spouse and dependent will include all monthly earned and unearned income and assistance from FIP, SSI, and state supplementary assistance. It will also include the proceeds of any annuity or contract for sale of real property. Otherwise, the income will be considered as the SSI program considers income.

(3) Needs of spouse. The maintenance needs of the spouse will be determined by subtracting the spouse's gross income from the maximum amount allowed as a minimum monthly maintenance needs allowance for the community spouse by Section 1924(d)(3)(C) of the Act (42 U.S.C. §1396r-5(d)(3)(C)). (This amount is indexed for inflation annually according to the consumer price index.)

However, if either spouse has established through the appeal process that the community spouse needs income above the minimum monthly maintenance needs allowance, due to exceptional circumstances resulting in significant financial duress, an amount adequate to provide additional income as is necessary will be substituted.

Also, if a court has entered an order against an institutionalized spouse for monthly income to support the community spouse, then the community spouse income allowance will not be less than this amount.

(4) Needs of other dependents. The maintenance needs of the other dependents will be established by subtracting each person's gross income from 150 percent of the monthly FPL for a family of two and dividing the result by three.

e. Maintenance needs of children (without spouse). When the client has children under the age of 21 at home, an ongoing allowance will be given to meet the children's maintenance needs.

The income of the children is considered in determining maintenance needs. The children's countable income will be their gross income less the disregards allowed in FIP.

The children's maintenance needs will be determined by subtracting the children's countable income from the FIP payment standard for that number of children. However, if the children receive FIP, no deduction is allowed for their maintenance needs.

f. Client's medical expenses. A deduction will be allowed for the client's incurred expenses for medical or remedial care that are not subject to payment by a third party and were not incurred for long-term care services during the imposition of a transfer of assets penalty period pursuant to rule 441—75.23(249A). This includes Medicare premiums and other health insurance premiums, deductibles, or coinsurance, and necessary medical or remedial care recognized under state law but not covered under the state Medicaid plan.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.84(249A) Entrance fee for continuing care retirement community or life care community. When an individual resides in a continuing care retirement community or life care community that collects an entrance fee on admission, the entrance fee paid will be considered a resource available to the individual for purposes of determining the individual's Medicaid eligibility and the amount of benefits to the extent that:

75.84(1) The individual has the ability to use the entrance fee, or the contract between the individual and the community provides that the entrance fee may be used to pay for care should the individual's other resources or income be insufficient to pay for such care;

75.84(2) The individual is eligible for a refund of any remaining entrance fee when the individual dies or when the individual terminates the community contract and leaves the community; and

75.84(3) The entrance fee does not confer an ownership interest in the community.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

441—75.85(249A) Disqualification for long-term care assistance due to substantial home equity. Notwithstanding any other provision of this chapter, if an individual's equity interest in the individual's home exceeds the limit set annually according to subrule 75.85(1), the individual will not be eligible for Medicaid with respect to nursing facility services or other long-term care services, except as provided in subrule 75.85(2).

75.85(1) Equity interest limit. The limit on the equity interest in the individual's home for purposes of this rule will be increased from year to year based on the percentage increase in the consumer price index for all urban consumers (all items; United States city average), rounded to the nearest \$1,000.

75.85(2) Exception to disqualification. Disqualification based on equity interest in the individual's home will not apply when one of the following persons is lawfully residing in the home:

a. The individual's spouse; or

b. The individual's child who is under the age of 21 or is blind or disabled as defined in Section 1614 of the Act.

[ARC 9763C, IAB 11/26/25, effective 1/1/26]

These rules are intended to implement Iowa Code sections 249A.3 and 249A.4.

[Filed 3/11/70; amended 12/17/73, 5/16/74, 7/1/74]

[Filed emergency 1/16/76—published 2/9/76, effective 2/1/76]

[Filed emergency 1/29/76—published 2/9/76, effective 1/29/76]

[Filed 6/25/76, Notice 5/17/76—published 7/12/76, effective 8/16/76]

[Filed 1/31/77, Notice 12/1/76—published 2/23/77, effective 3/30/77]

[Filed 4/13/77, Notice 11/3/76—published 5/4/77, effective 6/8/77]

[Filed emergency 6/22/77—published 7/13/77, effective 7/1/77]

[Filed 12/6/77, Notice 10/19/77—published 12/28/77, effective 2/1/78]

[Filed emergency 6/28/78—published 7/26/78, effective 7/1/78]

[Filed emergency 7/28/78 after Notice 4/19/78—published 8/23/78, effective 7/28/78]

[Filed 8/9/78, Notice 6/28/78—published 9/6/78, effective 10/11/78]

- [Filed 2/2/79, Notice 12/27/78—published 2/21/79, effective 3/28/79]
- [Filed 6/5/79, Notice 4/4/79—published 6/27/79, effective 8/1/79]
- [Filed emergency 6/26/79—published 7/25/79, effective 7/1/79]
- [Filed 8/2/79, Notice 5/30/79—published 8/22/79, effective 9/26/79]
- [Filed emergency 5/5/80—published 5/28/80, effective 5/5/80]
- [Filed emergency 6/30/80—published 7/23/80, effective 7/1/80]
- [Filed without Notice 9/25/80—published 10/15/80, effective 12/1/80]
- [Filed 12/19/80, Notice 10/15/80—published 1/7/81, effective 2/11/81]
- [Filed emergency 6/30/81—published 7/22/81, effective 7/1/81]
- [Filed 9/25/81, Notice 7/22/81—published 10/14/81, effective 11/18/81]
- [Filed 1/28/82, Notice 10/28/81—published 2/17/82, effective 4/1/82]
- [Filed 1/28/82, Notice 12/9/81—published 2/17/82, effective 4/1/82]
- [Filed emergency 3/26/82—published 4/14/82, effective 4/1/82]
- [Filed emergency 5/21/82—published 6/9/82, effective 6/1/82]
- [Filed emergency 5/21/82—published 6/9/82, effective 7/1/82]
- [Filed emergency 7/30/82—published 8/18/82, effective 8/1/82]
- [Filed 9/23/82, Notices 6/9/82, 8/4/82—published 10/13/82, effective 12/1/82]
- [Filed emergency 3/18/83—published 4/13/83, effective 4/1/83]
- [Filed emergency 6/17/83—published 7/6/83, effective 7/1/83]
- [Filed emergency 9/26/83—published 10/12/83, effective 10/1/83]
- [Filed 10/28/83, Notice 9/14/83—published 11/23/83, effective 1/1/84]
- [Filed 11/18/83, Notice 10/12/83—published 12/7/83, effective 2/1/84]
- [Filed 12/16/83, Notice 11/9/83—published 1/4/84, effective 2/8/84]
- [Filed emergency 1/13/84—published 2/1/84, effective 2/8/84]
- [Filed emergency 8/31/84—published 9/26/84, effective 10/1/84]
- [Filed emergency 9/28/84—published 10/24/84, effective 10/1/84]
- [Filed emergency 1/17/85—published 2/13/85, effective 1/17/85]
- [Filed without Notice 1/22/85—published 2/13/85, effective 4/1/85]
- [Filed emergency 3/22/85—published 4/10/85, effective 4/1/85]
- [Filed 3/22/85, Notice 2/13/85—published 4/10/85, effective 6/1/85]
- [Filed 4/29/85, Notice 10/24/84—published 5/22/85, effective 7/1/85]
- [Filed 10/1/85, Notice 7/31/85—published 10/23/85, effective 12/1/85]
- [Filed 2/21/86, Notice 1/15/86—published 3/12/86, effective 5/1/86]
- [Filed emergency 3/21/86 after Notice 2/12/86—published 4/9/86, effective 4/1/86]
- [Filed emergency 4/28/86—published 5/21/86, effective 5/1/86]
- [Filed emergency 8/28/86—published 9/24/86, effective 9/1/86]
- [Filed 9/5/86, Notice 6/18/86—published 9/24/86, effective 11/1/86]
- [Filed emergency 1/15/87—published 2/11/87, effective 1/15/87]
- [Filed without Notice 1/15/87—published 2/11/87, effective 4/1/87]
- [Filed 3/3/87, Notice 12/31/86—published 3/25/87, effective 5/1/87]
- [Filed 3/26/87, Notice 2/11/87—published 4/22/87, effective 6/1/87]
- [Filed 4/29/87, Notice 3/11/87—published 5/20/87, effective 7/1/87]
- [Filed emergency 5/29/87 after Notice 4/22/87—published 6/17/87, effective 7/1/87]
- [Filed emergency 6/19/87—published 7/15/87, effective 7/1/87]
- [Filed emergency after Notice 9/24/87, Notice 8/12/87—published 10/21/87, effective 10/1/87]
- [Filed 9/24/87, Notice 8/12/87—published 10/21/87, effective 12/1/87]
- [Filed emergency after Notice 10/23/87, Notice 9/9/87—published 11/18/87, effective 11/1/87]
- [Filed 10/23/87, Notice 9/9/87—published 11/18/87, effective 1/1/88]
- [Filed 1/21/88, Notice 12/16/87—published 2/10/88, effective 4/1/88]
- [Filed emergency 3/16/88—published 4/6/88, effective 3/16/88]
- [Filed 3/17/88, Notice 1/13/88—published 4/6/88, effective 6/1/88]

- [Filed emergency 4/22/88—published 5/18/88, effective 5/1/88]
- [Filed 4/22/88, Notice 3/9/88—published 5/18/88, effective 7/1/88]
- [Filed 6/9/88, Notice 4/20/88—published 6/29/88, effective 9/1/88]
- [Filed 8/4/88, Notices 6/29/88^o—published 8/24/88, effective 10/1/88]
- [Filed without Notice 9/21/88—published 10/19/88, effective 12/1/88]
- [Filed 10/27/88, Notice 8/24/88—published 11/16/88, effective 1/1/89]
- [Filed emergency 11/14/88—published 11/30/88, effective 11/14/88]
- [Filed emergency 12/8/88 after Notices 10/19/88, 11/2/88—published 12/28/88, effective 1/1/89]
- [Filed emergency 4/13/89 after Notice 3/8/89—published 5/3/89, effective 5/1/89]
- [Filed 4/13/89, Notice 2/22/89—published 5/3/89, effective 7/1/89]
- [Filed 5/10/89, Notice 4/5/89—published 5/31/89, effective 8/1/89]
- [Filed emergency 6/9/89 after Notice 5/3/89—published 6/28/89, effective 7/1/89]
- [Filed emergency 6/9/89—published 6/28/89, effective 7/1/89]
- [Filed 7/14/89, Notices 4/19/89, 5/31/89—published 8/9/89, effective 10/1/89]
- [Filed 8/17/89, Notice 6/28/89—published 9/6/89, effective 11/1/89]
- [Filed emergency 10/10/89—published 11/1/89, effective 12/1/89]
- [Filed 10/10/89, Notice 8/23/89—published 11/1/89, effective 1/1/90]
- [Filed 12/19/89, Notice 11/1/89—published 1/10/90, effective 3/1/90]
- [Filed emergency 1/10/90—published 2/7/90, effective 1/10/90]
- [Filed 1/16/90, Notice 11/15/89—published 2/7/90, effective 4/1/90]
- [Filed emergency 2/16/90—published 3/7/90, effective 4/1/90]
- [Filed without Notice 2/16/90—published 3/7/90, effective 5/1/90]
- [Filed emergency 3/14/90—published 4/4/90, effective 3/14/90]
- [Filed 3/16/90, Notice 2/7/90—published 4/4/90, effective 6/1/90]
- [Filed 4/13/90, Notice 3/7/90—published 5/2/90, effective 7/1/90]
- [Filed emergency 6/13/90—published 7/11/90, effective 6/14/90]
- [Filed emergency 6/20/90 after Notice 4/18/90—published 7/11/90, effective 7/1/90]
- [Filed 7/13/90, Notice 5/16/90—published 8/8/90, effective 10/1/90]
- [Filed emergency 8/16/90 after Notice of 6/27/90—published 9/5/90, effective 10/1/90]
- [Filed 8/16/90, Notices 6/13/90, 7/11/90—published 9/5/90, effective 11/1/90]
- [Filed emergency 12/13/90—published 1/9/91, effective 1/1/91]
- [Filed 2/14/91, Notice 1/9/91—published 3/6/91, effective 5/1/91]
- [Filed emergency 3/14/91—published 4/3/91, effective 3/14/91]
- [Filed 3/14/91, Notice 1/23/91—published 4/3/91, effective 6/1/91]
- [Filed emergency 4/11/91—published 5/1/91, effective 4/11/91]
- [Filed 4/11/91, Notice 2/20/91—published 5/1/91, effective 7/1/91]
- [Filed emergency 5/17/91 after Notice 4/3/91—published 6/12/91, effective 7/1/91]
- [Filed 5/17/91, Notices 4/3/90^o—published 6/12/91, effective 8/1/91]
- [Filed emergency 6/14/91 after Notice 5/1/91—published 7/10/91, effective 7/1/91]
- [Filed 7/10/91, Notice 5/29/91—published 8/7/91, effective 10/1/91]
- [Filed 8/8/91, Notice 6/26/91—published 9/4/91, effective 11/1/91]
- [Filed emergency 9/18/91 after Notice 4/17/91—published 10/16/91, effective 10/1/91]
- [Filed 9/18/91, Notice 7/10/91—published 10/16/91, effective 12/1/91]
- [Filed emergency 12/11/91—published 1/8/92, effective 1/1/92]
- [Filed emergency 12/11/91 after Notice 10/30/91—published 1/8/92, effective 1/1/92]
- [Filed 12/11/92, Notice 10/16/91—published 1/8/92, effective 3/1/92]¹
- [Filed 1/15/92, Notice 11/13/91—published 2/5/92, effective 4/1/92]
- [Filed 2/13/92, Notices 1/8/92^o—published 3/4/92, effective 5/1/92]
- [Filed emergency 4/15/92—published 5/13/92, effective 4/16/92]
- [Filed emergency 4/16/92 after Notice 2/19/92—published 5/13/92, effective 5/1/92]
- [Filed emergency 5/14/92 after Notice 3/18/92—published 6/10/92, effective 7/1/92]

- [Filed 5/14/92, Notices 3/18/92^o—published 6/10/92, effective 8/1/92]
- [Filed 6/11/92, Notice 4/29/92—published 7/8/92, effective 9/1/92]
- [Filed emergency 9/11/92—published 9/30/92, effective 10/1/92]
- [Filed 10/15/92, Notice 8/19/92—published 11/11/92, effective 1/1/93]
- [Filed 11/10/92, Notice 9/30/92—published 12/9/92, effective 2/1/93]
- [Filed emergency 12/1/92—published 12/23/92, effective 1/1/93]
- [Filed emergency 1/14/93 after Notice 10/28/92—published 2/3/93, effective 2/1/93]
- [Filed 1/14/93, Notices 10/28/92, 11/25/92, 12/9/92—published 2/3/93, effective 4/1/93]
- [Filed 2/10/93, Notice 12/23/92—published 3/3/93, effective 5/1/93]
- [Filed 4/15/93, Notice 2/17/93—published 5/12/93, effective 7/1/93]
- [Filed emergency 6/11/93—published 7/7/93, effective 7/1/93]
- [Filed emergency 6/11/93 after Notice 4/28/93—published 7/7/93, effective 7/1/93]
- [Filed 7/14/93, Notice 5/12/93—published 8/4/93, effective 10/1/93]
- [Filed 8/12/93, Notice 7/7/93—published 9/1/93, effective 11/1/93]
- [Filed emergency 9/17/93—published 10/13/93, effective 10/1/93]
- [Filed 9/17/93, Notice 7/21/93—published 10/13/93, effective 12/1/93]
- [Filed emergency 11/12/93—published 12/8/93, effective 1/1/94]
- [Filed emergency 12/16/93—published 1/5/94, effective 1/1/94]
- [Filed without Notice 12/16/93—published 1/5/94, effective 2/9/94]
- [Filed 12/16/93, Notices 10/13/93, 10/27/93—published 1/5/94, effective 3/1/94]
- [Filed 2/10/94, Notices 12/8/93, 1/5/94^o—published 3/2/94, effective 5/1/94]
- [Filed 3/10/94, Notice 2/2/94—published 3/30/94, effective 6/1/94]
- [Filed 4/14/94, Notice 2/16/94—published 5/11/94, effective 7/1/94]
- [Filed 5/11/94, Notice 3/16/94—published 6/8/94, effective 8/1/94]
- [Filed 6/16/94, Notice 4/27/94—published 7/6/94, effective 9/1/94]
- [Filed 9/15/94, Notice 8/3/94—published 10/12/94, effective 11/16/94]
- [Filed 10/12/94, Notice 8/17/94—published 11/9/94, effective 1/1/95]
- [Filed emergency 12/15/94—published 1/4/95, effective 1/1/95]
- [Filed 12/15/94, Notices 10/26/94, 11/9/94—published 1/4/95, effective 3/1/95]
- [Filed 2/16/95, Notices 11/23/94, 12/21/94, 1/4/95—published 3/15/95, effective 5/1/95]
- [Filed 4/13/95, Notices 2/15/95, 3/1/95—published 5/10/95, effective 7/1/95]
- [Filed emergency 9/25/95—published 10/11/95, effective 10/1/95]
- [Filed 11/16/95, Notices 9/27/95, 10/11/95—published 12/6/95, effective 2/1/96]
- [Filed emergency 12/12/95—published 1/3/96, effective 1/1/96]
- [Filed 12/12/95, Notice 10/25/95—published 1/3/96, effective 3/1/96]
- [Filed 2/14/96, Notice 1/3/96—published 3/13/96, effective 5/1/96]
- [Filed 4/10/96, Notice 2/14/96—published 5/8/96, effective 7/1/96]
- [Filed emergency 9/19/96—published 10/9/96, effective 9/19/96]
- [Filed 10/9/96, Notice 8/28/96—published 11/6/96, effective 1/1/97]
- [Filed emergency 12/12/96—published 1/1/97, effective 1/1/97]^o
- [Filed 12/12/96, Notices 9/11/96, 10/9/96—published 1/1/97, effective 3/1/97]
- [Filed 2/12/97, Notice 1/1/97—published 3/12/97, effective 5/1/97]
- [Filed 3/12/97, Notice 1/1/97—published 4/9/97, effective 6/1/97]
- [Filed 4/11/97, Notice 2/26/97—published 5/7/97, effective 7/1/97]
- [Filed emergency 9/16/97—published 10/8/97, effective 10/1/97]
- [Filed 9/16/97, Notice 7/16/97—published 10/8/97, effective 12/1/97]
- [Filed emergency 12/10/97—published 12/31/97, effective 1/1/98]
- [Filed emergency 12/10/97 after Notices 10/22/97, 11/5/97—published 12/31/97, effective 1/1/98]
- [Filed emergency 1/14/98 after Notice 11/19/97—published 2/11/98, effective 2/1/98]
- [Filed 2/11/98, Notice 12/31/97—published 3/11/98, effective 5/1/98]^o
- [Filed 3/11/98, Notice 1/14/98—published 4/8/98, effective 6/1/98]

- [Filed 4/8/98, Notice 2/11/98—published 5/6/98, effective 7/1/98]
- [Filed emergency 6/10/98—published 7/1/98, effective 7/1/98]
- [Filed emergency 6/25/98—published 7/15/98, effective 7/1/98]
- [Filed 7/15/98, Notices 6/3/98—published 8/12/98, effective 10/1/98]
- [Filed 8/12/98, Notices 6/17/98, 7/1/98—published 9/9/98, effective 11/1/98]
- [Filed 9/15/98, Notice 7/15/98—published 10/7/98, effective 12/1/98]
- [Filed 11/10/98, Notice 9/23/98—published 12/2/98, effective 2/1/99]
- [Filed emergency 12/9/98—published 12/30/98, effective 1/1/99]
- [Filed 2/10/99, Notice 12/30/98—published 3/10/99, effective 4/15/99]
- [Filed 3/10/99, Notice 11/18/98—published 4/7/99, effective 6/1/99]
- [Filed 3/10/99, Notice 1/27/99—published 4/7/99, effective 7/1/99]
- [Filed 4/15/99, Notice 2/10/99—published 5/5/99, effective 7/1/99]
- [Filed 5/14/99, Notice 4/7/99—published 6/2/99, effective 8/1/99]
- [Filed emergency 6/10/99—published 6/30/99, effective 7/1/99]
- [Filed 6/10/99, Notice 4/21/99—published 6/30/99, effective 9/1/99]
- [Filed emergency 8/12/99 after Notice 6/16/99—published 9/8/99, effective 9/1/99]
- [Filed 8/11/99, Notice 6/30/99—published 9/8/99, effective 11/1/99]
- [Filed emergency 11/10/99 after Notice 10/6/99—published 12/1/99, effective 12/1/99]
- [Filed emergency 12/8/99—published 12/29/99, effective 1/1/00]
- [Filed 12/8/99, Notice 11/3/99—published 12/29/99, effective 2/2/00]
- [Filed 12/8/99, Notice 10/6/99—published 12/29/99, effective 3/1/00]
- [Filed 2/9/00, Notice 12/29/99—published 3/8/00, effective 5/1/00][◇]
- [Filed emergency 3/8/00—published 4/5/00, effective 4/1/00]
- [Filed 5/10/00, Notice 3/22/00—published 5/31/00, effective 8/1/00]
- [Filed emergency 6/8/00—published 6/28/00, effective 7/1/00]
- [Filed emergency 6/8/00 after Notice 4/19/00—published 6/28/00, effective 7/1/00]
- [Filed 6/8/00, Notice 4/5/00—published 6/28/00, effective 9/1/00]
- [Filed 8/9/00, Notice 6/14/00—published 9/6/00, effective 11/1/00]
- [Filed emergency 9/12/00 after Notice 7/12/00—published 10/4/00, effective 10/1/00]
- [Filed 10/11/00, Notice 8/23/00—published 11/1/00, effective 1/1/01]
- [Filed 11/8/00, Notice 10/4/00—published 11/29/00, effective 1/3/01]
- [Filed emergency 12/14/00—published 1/10/01, effective 1/1/01]
- [Filed 2/14/01, Notice 1/10/01—published 3/7/01, effective 5/1/01]
- [Filed emergency 6/13/01—published 7/11/01, effective 7/1/01][◇]
- [Filed 6/13/01, Notice 4/18/01—published 7/11/01, effective 9/1/01]
- [Filed 9/11/01, Notice 7/11/01—published 10/3/01, effective 12/1/01][◇]
- [Filed 10/10/01, Notice 8/22/01—published 10/31/01, effective 1/1/02]
- [Filed emergency 12/12/01—published 1/9/02, effective 1/1/02]
- [Filed 1/9/02, Notice 11/14/01—published 2/6/02, effective 4/1/02]
- [Filed 2/14/02, Notice 12/26/01—published 3/6/02, effective 5/1/02]
- [Filed 2/14/02, Notice 1/9/02—published 3/6/02, effective 5/1/02]
- [Filed 3/13/02, Notice 1/23/02—published 4/3/02, effective 6/1/02][◇]
- [Filed emergency 6/13/02—published 7/10/02, effective 7/1/02]
- [Filed 10/10/02, Notice 8/21/02—published 10/30/02, effective 1/1/03]
- [Filed emergency 12/12/02—published 1/8/03, effective 1/1/03][◇]
- [Filed emergency 1/9/03 after Notice 11/27/02—published 2/5/03, effective 2/1/03]
- [Filed 1/9/03, Notice 11/27/02—published 2/5/03, effective 4/1/03]
- [Filed emergency 3/14/03—published 4/2/03, effective 4/1/03]
- [Filed without Notice 5/16/03—published 6/11/03, effective 7/16/03]
- [Filed 9/22/03, Notice 7/9/03—published 10/15/03, effective 12/1/03]
- [Filed emergency 10/10/03—published 10/29/03, effective 10/10/03]

[Filed emergency 10/10/03—published 10/29/03, effective 11/1/03]
 [Filed 10/10/03, Notice 8/20/03—published 10/29/03, effective 1/1/04]
 [Filed emergency 11/19/03—published 12/10/03, effective 1/1/04]
 [Filed emergency 3/11/04—published 3/31/04, effective 4/1/04]
 [Filed emergency 6/14/04—published 7/7/04, effective 7/1/04]
 [Filed emergency 9/23/04 after Notice 7/7/04—published 10/13/04, effective 10/1/04]
 [Filed 10/8/04, Notice 7/7/04—published 10/27/04, effective 12/1/04]
 [Filed 10/14/04, Notice 8/4/04—published 11/10/04, effective 1/1/05]
 [Filed emergency 12/14/04—published 1/5/05, effective 1/1/05]
 [Filed emergency 1/13/05 after Notice 12/8/04—published 2/2/05, effective 2/1/05]
 [Filed without Notice 5/4/05—published 5/25/05, effective 7/1/05]
 [Filed emergency 6/17/05 after Notice 8/4/04—published 7/6/05, effective 7/1/05]
 [Filed emergency 6/17/05—published 7/6/05, effective 7/1/05]
 [Filed emergency 7/15/05 after Notice 5/11/05—published 8/3/05, effective 8/1/05]
 [Filed 10/21/05, Notice 8/31/05—published 11/9/05, effective 1/1/06]
 [Filed emergency 11/16/05—published 12/7/05, effective 12/1/05]
 [Filed emergency 12/14/05—published 1/4/06, effective 1/1/06]
 [Filed emergency 1/12/06 after Notice 11/23/05—published 2/1/06, effective 2/1/06]
 [Filed 2/10/06, Notice 1/4/06—published 3/1/06, effective 4/5/06]
 [Filed without Notice 4/17/06—published 5/10/06, effective 7/1/06]
 [Filed emergency 5/12/06—published 6/7/06, effective 6/1/06]
 [Filed emergency 6/16/06 after Notice 4/12/06—published 7/5/06, effective 7/1/06]
 [Filed emergency 6/16/06 after Notice 5/10/06—published 7/5/06, effective 7/1/06]
 [Filed emergency 6/16/06—published 7/5/06, effective 7/1/06][°]
 [Filed 7/14/06, Notice 6/7/06—published 8/2/06, effective 9/6/06]
 [Filed 10/20/06, Notice 8/2/06—published 11/8/06, effective 1/1/07]
 [Filed 11/8/06, Notice 7/5/06—published 12/6/06, effective 1/10/07]
 [Filed 12/13/06, Notice 7/5/06—published 1/3/07, effective 2/7/07]
 [Filed 4/11/07, Notice 2/28/07—published 5/9/07, effective 7/1/07]
 [Filed 5/16/07, Notice 2/14/07—published 6/6/07, effective 8/1/07]
 [Filed emergency 6/13/07—published 7/4/07, effective 7/1/07][°]
 [Filed emergency 6/15/07—published 7/4/07, effective 7/1/07][°]
 [Filed emergency 6/13/07—published 7/4/07, effective 8/1/07]
 [Filed emergency 7/12/07 after Notice 5/9/07—published 8/1/07, effective 8/1/07]
 [Filed 9/12/07, Notice 7/4/07—published 10/10/07, effective 11/14/07][°]
 [Filed emergency 10/10/07 after Notice 8/29/07—published 11/7/07, effective 11/1/07]
 [Filed 12/12/07, Notice 7/4/07—published 1/2/08, effective 2/6/08][°]
 [Filed emergency 1/9/08 after Notice 12/5/07—published 1/30/08, effective 2/1/08]
 [Filed emergency 2/13/08 after Notice 12/19/07—published 3/12/08, effective 2/15/08]
 [Filed emergency 3/12/08—published 4/9/08, effective 3/12/08]
 [Filed 4/10/08, Notice 1/30/08—published 5/7/08, effective 7/1/08]
 [Filed 4/10/08, Notice 2/27/08—published 5/7/08, effective 7/1/08]
 [Filed emergency 6/11/08—published 7/2/08, effective 7/1/08][°]
 [Filed 6/11/08, Notice 4/9/08—published 7/2/08, effective 8/6/08]
 [Filed 7/9/08, Notice 5/7/08—published 7/30/08, effective 10/1/08]
 [Filed emergency 10/14/08 after Notice 7/2/08—published 11/5/08, effective 11/1/08]
 [Filed emergency 10/14/08 after Notice 8/27/08—published 11/5/08, effective 11/1/08]
 [Filed emergency 11/12/08 after Notice 9/24/08—published 12/3/08, effective 1/1/09]
 [Filed 11/12/08, Notice 8/13/08—published 12/3/08, effective 2/1/09]
 [Filed ARC 7546B (Notice ARC 7356B, IAB 11/19/08), IAB 2/11/09, effective 4/1/09]
 [Filed ARC 7741B (Notice ARC 7526B, IAB 1/28/09), IAB 5/6/09, effective 7/1/09]

[Filed ARC 7834B (Notice ARC 7630B, IAB 3/11/09), IAB 6/3/09, effective 7/8/09]
[Filed ARC 7833B (Notice ARC 7629B, IAB 3/11/09), IAB 6/3/09, effective 8/1/09]
[Filed Emergency ARC 7929B, IAB 7/1/09, effective 7/1/09]
[Filed Emergency ARC 7931B, IAB 7/1/09, effective 7/1/09]
[Filed Emergency ARC 7932B, IAB 7/1/09, effective 7/1/09]
[Filed ARC 7935B (Notice ARC 7718B, IAB 4/22/09), IAB 7/1/09, effective 9/1/09]
[Filed ARC 8095B (Notice ARC 7930B, IAB 7/1/09), IAB 9/9/09, effective 10/14/09]
[Filed ARC 8096B (Notice ARC 7934B, IAB 7/1/09), IAB 9/9/09, effective 10/14/09]
[Filed ARC 8260B (Notice ARC 8056B, IAB 8/26/09), IAB 11/4/09, effective 1/1/10]
[Filed Emergency After Notice ARC 8261B, IAB 11/4/09, effective 10/15/09]
[Filed ARC 8439B (Notice ARC 8083B, IAB 8/26/09), IAB 1/13/10, effective 3/1/10]
[Filed ARC 8443B (Notice ARC 8220B, IAB 10/7/09), IAB 1/13/10, effective 3/1/10]
[Filed ARC 8444B (Notice ARC 8221B, IAB 10/7/09), IAB 1/13/10, effective 3/1/10]
[Filed Emergency After Notice ARC 8503B (Notice ARC 8311B, IAB 11/18/09), IAB 2/10/10, effective 1/13/10]
[Filed Emergency After Notice ARC 8500B (Notice ARC 8272B, IAB 11/4/09), IAB 2/10/10, effective 3/1/10]
[Filed Emergency After Notice ARC 8556B (Notice ARC 8407B, IAB 12/16/09), IAB 3/10/10, effective 2/10/10]
[Filed ARC 8642B (Notice ARC 8461B, IAB 1/13/10), IAB 4/7/10, effective 6/1/10]
[Filed Without Notice ARC 8713B, IAB 5/5/10, effective 8/1/10]
[Filed Emergency After Notice ARC 8786B (Notice ARC 8552B, IAB 2/24/10), IAB 6/2/10, effective 6/1/10]
[Filed ARC 8785B (Notice ARC 8619B, IAB 3/24/10), IAB 6/2/10, effective 8/1/10]
[Filed Emergency ARC 8898B, IAB 6/30/10, effective 7/1/10]
[Filed ARC 8897B (Notice ARC 8705B, IAB 4/21/10), IAB 6/30/10, effective 9/1/10]
[Filed ARC 9043B (Notice ARC 8853B, IAB 6/16/10), IAB 9/8/10, effective 11/1/10]
[Filed ARC 9044B (Notice ARC 8864B, IAB 6/16/10), IAB 9/8/10, effective 11/1/10]
[Filed ARC 9404B (Notice ARC 9277B, IAB 12/15/10), IAB 3/9/11, effective 5/1/11]
[Filed ARC 9439B (Notice ARC 9309B, IAB 12/29/10), IAB 4/6/11, effective 6/1/11]
[Filed Emergency ARC 9582B, IAB 6/29/11, effective 7/1/11]
[Filed ARC 9581B (Notice ARC 9479B, IAB 4/20/11), IAB 6/29/11, effective 8/3/11]
[Filed Emergency ARC 9647B, IAB 8/10/11, effective 8/1/11]
[Filed Emergency ARC 9696B, IAB 9/7/11, effective 9/1/11]
[Filed ARC 9881B (Notice ARC 9697B, IAB 9/7/11), IAB 11/30/11, effective 1/4/12]
[Filed Emergency After Notice ARC 9956B (Notice ARC 9648B, IAB 8/10/11), IAB 1/11/12, effective 1/1/12]
[Filed Emergency After Notice ARC 9957B (Notice ARC 9804B, IAB 10/19/11), IAB 1/11/12, effective 1/1/12]
[Filed ARC 0149C (Notice ARC 0047C, IAB 3/21/12), IAB 6/13/12, effective 8/1/12]
[Filed Emergency ARC 0192C, IAB 7/11/12, effective 7/1/12]
[Filed ARC 0579C (Notice ARC 0432C, IAB 10/31/12), IAB 2/6/13, effective 4/1/13]
[Filed Emergency After Notice ARC 0822C (Notice ARC 0690C, IAB 4/17/13), IAB 7/10/13, effective 7/1/13]
[Filed Emergency After Notice ARC 0821C (Notice ARC 0691C, IAB 4/17/13), IAB 7/10/13, effective 7/1/13]
[Filed Emergency After Notice ARC 0820C (Notice ARC 0668C, IAB 4/3/13), IAB 7/10/13, effective 8/1/13]
[Filed ARC 0990C (Notice ARC 0746C, IAB 5/15/13), IAB 9/4/13, effective 1/1/14]
[Filed Emergency After Notice ARC 1134C (Notice ARC 0971C, IAB 8/21/13), IAB 10/30/13, effective 10/2/13]

[Filed Emergency ARC 1212C, IAB 12/11/13, effective 1/1/14]
 [Filed Emergency ARC 1266C, IAB 1/8/14, effective 1/1/14]
 [Filed ARC 1355C (Notice ARC 1265C, IAB 1/8/14), IAB 3/5/14, effective 4/9/14]
 [Filed ARC 1356C (Notice ARC 1211C, IAB 12/11/13), IAB 3/5/14, effective 4/9/14]
 [Filed ARC 1447C (Notice ARC 1368C, IAB 3/5/14), IAB 4/30/14, effective 7/1/14]
 [Filed Emergency After Notice ARC 1484C (Notice ARC 1415C, IAB 4/2/14), IAB 6/11/14, effective 7/1/14]
 [Filed Emergency After Notice ARC 1483C (Notice ARC 1416C, IAB 4/2/14), IAB 6/11/14, effective 7/1/14]
 [Filed ARC 1482C (Notice ARC 1417C, IAB 4/2/14), IAB 6/11/14, effective 8/1/14]
 [Filed Emergency After Notice ARC 2027C (Notice ARC 1952C, IAB 4/1/15), IAB 6/10/15, effective 7/1/15]
 [Filed ARC 2029C (Notice ARC 1951C, IAB 4/1/15), IAB 6/10/15, effective 8/1/15]
 [Filed Emergency After Notice ARC 2361C (Notice ARC 2242C, IAB 11/11/15), IAB 1/6/16, effective 1/1/16]
 [Filed ARC 2557C (Notice ARC 2469C, IAB 3/30/16), IAB 6/8/16, effective 8/1/16]
 [Filed Emergency After Notice ARC 2605C (Notice ARC 2505C, IAB 4/27/16), IAB 7/6/16, effective 7/1/16]
 [Filed ARC 3094C (Notice ARC 3001C, IAB 3/29/17), IAB 6/7/17, effective 8/1/17]
 [Filed Emergency After Notice ARC 3182C (Notice ARC 3016C, IAB 4/12/17), IAB 7/5/17, effective 7/1/17]
 [Filed Emergency After Notice ARC 3183C (Notice ARC 3017C, IAB 4/12/17), IAB 7/5/17, effective 7/1/17]
 [Filed Emergency ARC 3353C, IAB 10/11/17, effective 10/1/17]
 [Filed Emergency ARC 3354C, IAB 10/11/17, effective 10/1/17]
 [Filed ARC 3493C (Notice ARC 3323C, IAB 9/27/17), IAB 12/6/17, effective 1/10/18]
 [Filed ARC 3549C (Notice ARC 3355C, IAB 10/11/17), IAB 1/3/18, effective 2/7/18]
 [Filed ARC 3550C (Notice ARC 3356C, IAB 10/11/17), IAB 1/3/18, effective 2/7/18]
 [Filed Emergency After Notice ARC 3869C (Notice ARC 3760C, IAB 4/25/18), IAB 7/4/18, effective 7/1/18]
 [Filed Emergency After Notice ARC 3870C (Notice ARC 3761C, IAB 4/25/18), IAB 7/4/18, effective 7/1/18]
 [Filed ARC 3873C (Notice ARC 3704C, IAB 3/28/18), IAB 7/4/18, effective 8/8/18]
 [Filed ARC 4208C (Notice ARC 4106C, IAB 11/7/18), IAB 1/2/19, effective 2/6/19]
 [Filed Emergency After Notice ARC 4572C (Notice ARC 4443C, IAB 5/22/19), IAB 7/31/19, effective 7/11/19]
 [Filed ARC 4574C (Notice ARC 4442C, IAB 5/22/19), IAB 7/31/19, effective 9/4/19]
 [Filed ARC 4898C (Notice ARC 4738C, IAB 11/6/19), IAB 2/12/20, effective 3/18/20]
 [Filed ARC 4973C (Notice ARC 4675C, IAB 9/25/19), IAB 3/11/20, effective 4/15/20]
 [Filed ARC 5174C (Notice ARC 5049C, IAB 6/17/20), IAB 9/9/20, effective 11/1/20]
 [Filed ARC 6022C (Notice ARC 5904C, IAB 9/8/21), IAB 11/3/21, effective 1/1/22]
 [Filed ARC 9381C (Notice ARC 9185C, IAB 4/30/25), IAB 6/25/25, effective 8/1/25]
 [Filed ARC 9763C (Notice ARC 9581C, IAB 10/1/25), IAB 11/26/25, effective 1/1/26]
 [Editorial change: IAC Supplement 6/10/26]
 [Filed ARC 0396D (Notice ARC 0229D, IAB 4/29/26), IAB 6/24/26, effective 8/1/26]

◇ Two or more ARCs

¹ Effective date of 3/1/92 delayed until adjournment of the 1992 General Assembly by the Administrative Rules Review Committee at its meeting held February 3, 1992.

CHAPTER 178

Reserved

CHAPTER 179

WRAP-AROUND FUNDING PROGRAM

Rescinded IAB 7/11/01, effective 7/1/01

CHAPTER 180

RESPIRE CARE SERVICES

Rescinded IAB 6/8/05, effective 7/1/05

CHAPTER 181

FAMILY PRESERVATION SUPPORTIVE AND NONREHABILITATIVE
TREATMENT SERVICES

Rescinded IAB 4/11/07, effective 7/1/07

CHAPTER 182

FAMILY-CENTERED SERVICES

[Prior to 2/11/87, Human Services[498]]

Rescinded IAB 5/6/09, effective 7/1/09

CHAPTER 183

ADULT SUPPORT PROGRAM

[Prior to 9/23/87, see Human Services Department[441] Chs 178 and 179]

Rescinded IAB 5/6/09, effective 7/1/09

CHAPTER 184

INDIVIDUAL AND FAMILY DIRECT SUPPORT

Rescinded **ARC 0397D**, IAB 6/24/26, effective 8/1/26

CHAPTER 185

REHABILITATIVE TREATMENT SERVICES

Rescinded IAB 5/6/09, effective 7/1/09

CHAPTER 186

COMMUNITY CARE

Rescinded **ARC 5248C**, IAB 11/4/20, effective 1/1/21

INSPECTIONS AND APPEALS DEPARTMENT[481]**CHAPTER 1
ADMINISTRATION**

1.1(10A)	Definitions
1.2(10A)	Organization
1.3(10A)	Information
1.4(10A,17A)	Subpoenas
1.5(10A,68B)	Consent for the sale of goods and services

**CHAPTER 2
PETITIONS FOR RULEMAKING**

2.1(17A)	Petition for rulemaking
2.3(17A)	Inquiries

**CHAPTER 3
DECLARATORY ORDERS**

3.1(17A)	Petition for declaratory order
3.2(17A)	Notice of petition
3.3(17A)	Intervention
3.5(17A)	Inquiries
3.6(17A)	Service and filing of petitions and other papers
3.8(17A)	Action on petition

**CHAPTER 4
AGENCY PROCEDURE FOR RULEMAKING**

4.3(17A)	Public rulemaking docket
4.4(17A)	Notice of proposed rulemaking
4.5(17A)	Public participation
4.6(17A)	Regulatory analysis
4.11(17A)	Concise statement of reasons
4.13(17A)	Agency rulemaking record

**CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
(Uniform Rules)**

5.1(17A,22)	Definitions
5.3(17A,22)	Requests for access to records
5.6(17A,22)	Procedure by which a subject may have additions, dissents, or objections entered into the record
5.9(17A,22)	Disclosures without the consent of the subject
5.10(17A,22)	Routine use
5.11(17A,22)	Consensual disclosure of confidential records
5.12(17A,22)	Release to subject
5.13(17A,22)	Availability of records
5.14(17A,22)	Authority to release confidential records
5.15(17A,22)	Personnel files
5.16(17A,22)	Personally identifiable information

**CHAPTER 6
UNIFORM WAIVER STANDARDS**

6.1(10A,17A)	Waivers
6.2(10A,17A)	Sample petition for waiver

**CHAPTER 7
MILITARY SERVICE, VETERAN RECIPROCITY, AND
SPOUSES OF ACTIVE-DUTY SERVICE MEMBERS**

7.1(272C)	Applicability and definitions
7.2(272C)	Military education, training, and service credit
7.3(272C)	Veteran and active-duty military spouse reciprocity

CHAPTER 8
LICENSING AND CHILD SUPPORT NONCOMPLIANCE, STUDENT LOAN
REPAYMENT NONCOMPLIANCE, AND NONPAYMENT OF STATE DEBT

8.1(252J,272D)	Definitions	CHILD SUPPORT NONCOMPLIANCE
8.2(252J)	Definitions	
8.3(252J)	Child support certificates of noncompliance	STUDENT LOAN REPAYMENT NONCOMPLIANCE
8.4(272C)	Student loan repayment noncompliance	NONPAYMENT OF STATE DEBT
8.5(272D)	Definitions	
8.6(272D)	State debt certificates of noncompliance	

CHAPTER 9
CONTESTED CASES

9.1(10A,17A)	Applicability
9.2(10A,17A)	Initiation of a contested case proceeding
9.3(10A,17A)	Director review
9.4(10A,17A)	Rehearing
9.5(10A,17A)	Judicial review

ADMINISTRATIVE HEARINGS DIVISION

CHAPTER 10
RULES OF PROCEDURE AND PRACTICE
BEFORE THE ADMINISTRATIVE HEARINGS DIVISION

10.1(10A)	Definitions
10.2(10A,17A)	Time requirements
10.3(10A)	Requests for a contested case hearing
10.4(10A)	Transmission of contested cases
10.5(17A)	Notices of hearing
10.6(10A)	Waiver of procedures
10.7(10A,17A)	Telephone proceedings
10.8(10A,17A)	Scheduling
10.9(17A)	Disqualification
10.10(10A,17A)	Consolidation—severance
10.11(10A,17A)	Pleadings
10.12(17A)	Service and filing of documents
10.13(17A)	Discovery
10.14(10A,17A)	Subpoenas
10.15(10A,17A)	Motions
10.16(10A,17A)	Prehearing conference
10.17(10A)	Continuances
10.18(10A,17A)	Withdrawals
10.19(10A,17A)	Intervention
10.20(17A)	Hearing procedures
10.21(17A)	Evidence
10.22(17A)	Default
10.23(17A)	Ex parte communication
10.24(10A,17A)	Decisions
10.25	Reserved
10.26(10A,17A,272C)	Board hearings
10.27	Reserved
10.28(10A)	Recording costs

CHAPTER 11
PROCEDURE FOR CONTESTED CASES INVOLVING PERMITS
TO CARRY WEAPONS AND ACQUIRE FIREARMS

11.1(17A,724)	Definitions
11.2(724)	Appeals

11.3(17A,724)	Notice of hearing
11.4(17A,724)	Agency record
11.5(17A)	Contested case hearing
11.6(17A,724)	Service and filing of documents
11.7(17A)	Witness lists and exhibits
11.8(17A)	Evidence
11.9(17A)	Withdrawals and dismissals
11.10(17A)	Default
11.11(10A,724)	Attorney fees, court costs, and contested case costs
11.12(724)	Probable cause
11.13(724)	Clear and convincing evidence
11.14(17A)	Rehearing

CHAPTERS 12 to 14

Reserved

CHAPTER 15

IOWA CODE OF ADMINISTRATIVE JUDICIAL CONDUCT

15.1(10A)	Canon 1
15.2(10A)	Canon 2
15.3(10A)	Canon 3
15.4(10A)	Canon 4
15.5(10A)	Scope, definitions, and application

CHAPTER 16

ADMINISTRATIVE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM

16.1(10A)	Scope
16.2(10A)	Definitions
16.3(10A)	Registration, username, and passwords
16.4(10A)	Electronic filing not mandatory
16.5(10A)	Filing of paper documents
16.6(10A)	Date and time of filing
16.7(10A)	Signatures
16.8(10A)	Redaction of electronic documents
16.9(10A)	General requirements when filing documents
16.10(10A)	Case initiation and service

CHAPTERS 17 to 19

Reserved

AUDITS DIVISION

CHAPTERS 20 to 29

Reserved

INSPECTIONS DIVISION

CHAPTER 30

FOOD AND CONSUMER SAFETY

30.1(10A,137C,137F)	Food and consumer safety bureau
30.2(10A,137C,137F)	Definitions
30.3(137C,137F)	Licensing and postings
30.4(137C,137F)	License fees
30.5(137F)	Penalty and delinquent fees
30.6(137C,137F)	Returned checks
30.7(137F)	Double licenses
30.8(137C,137F)	Inspection frequency
30.9(22)	Examination of records
30.10(17A,137C,137F)	Denial, suspension, or revocation of a license to operate
30.11(10A,137C,137F)	Formal hearing
30.12(137F)	Primary servicing laboratory

30.13(10A,137F)

Cottage food

CHAPTER 31 FOOD ESTABLISHMENT AND FOOD PROCESSING PLANT INSPECTIONS

- 31.1(137F) Inspection standards for food establishments
- 31.2(137F) Inspection standards for food processing plants
- 31.3(137F) Adulterated food and disposal
- 31.4(137F) False label or defacement
- 31.5(137F) Temporary food establishments and farmers market time/temperature control for safety food licensees

CHAPTERS 32 and 33 Reserved

CHAPTER 34 HOME FOOD PROCESSING ESTABLISHMENTS

- 34.1(137D) Definitions
- 34.2(137D) Licensing
- 34.3(137D) Physical facilities and equipment
- 34.4(137D) Management and personnel
- 34.5(137D) Receiving, storage, and distribution
- 34.6(137D) Food preparation and protection
- 34.7(137D) Packaging and labeling requirements
- 34.8(137D) Sanitation
- 34.9(137D) Maintenance of records by licensee
- 34.10(137D) Violations and enforcement
- 34.11(137D) Denial, suspension, or revocation of license
- 34.12(137D) Inspection and access to records
- 34.13(137D) Public examination of records
- 34.14(137D) Appeals

CHAPTER 35 CONTRACTOR REQUIREMENTS

- 35.1(137C,137D,137F) Definitions
- 35.2(137C,137D,137F) Contracts
- 35.3(137C,137D,137F) Contractor
- 35.4(137C,137D,137F) Contractor inspection personnel
- 35.5(137C,137D,137F) Investigation
- 35.6(137C,137D,137F) Inspection standards
- 35.7(137C,137D,137F) Enforcement
- 35.8(137C,137D,137F) Licensing
- 35.9(137C,137D,137F) Records
- 35.10(137C,137D,137F) Contract rescinded

CHAPTER 36 Reserved

CHAPTER 37 HOTEL AND MOTEL INSPECTIONS

- 37.1(137C) Building and grounds
- 37.2(137C) Guest rooms
- 37.3(137C) Bedding
- 37.4(137C) Lavatory facilities
- 37.5(137C) Glasses and ice
- 37.6 Reserved
- 37.7(137C) Room rates
- 37.8(137C) Inspections
- 37.9(137C) Enforcement
- 37.10(137C) Criminal offense—conviction of license holder

CHAPTERS 38 to 40

Reserved

CHAPTER 41

PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN (PMIC)

41.1(135H)	Definitions
41.2(135H)	Application for license
41.3(135H)	Renewal application or change of ownership
41.4(135H)	Licenses for distinct parts
41.5(135H)	Waivers
41.6(135H)	Notice to the department
41.7(135H)	Inspection of complaints
41.8(135H)	General requirement
41.9(135H)	Certification of need for services
41.10(135H)	Active treatment
41.11(135H)	Individual plan of care
41.12(135H)	Individual written plan of care
41.13(135H)	Plan of care team
41.14(135H)	Required discharge
41.15(135H)	Criminal behavior involving children
41.16(22,135H)	Confidential or open information
41.17(135H)	Additional provisions concerning physical restraint

CHAPTERS 42 to 48

Reserved

CHAPTER 49

AMBULATORY SURGICAL CENTERS

49.1(135R)	Definitions
49.2(135R,10A)	Application and licensing
49.3(135R,10A)	Inspections
49.4(135R)	General licensing standards
49.5(135R)	Enforcement and penalties
49.6(135R,10A)	Public and confidential information
49.7(135R,10A)	Waivers

CHAPTER 50

HEALTH CARE FACILITIES ADMINISTRATION

50.1(10A)	Inspections
50.2(10A)	Definitions
50.3(135B,135C)	Licensing
50.4(135C)	Fines and citations
50.5(135C)	Denial, suspension or revocation
50.6(10A)	Formal hearing
50.7(10A,135C)	Additional notification
50.8(22,135B,135C)	Records
50.9(135C)	Criminal, dependent adult abuse, and child abuse record checks
50.10(135C)	Inspections, exit interviews, plans of correction, and revisits
50.11(135C)	Complaint and self-reported incident investigation procedure
50.12(135C)	Requirements for service
50.13(135C)	Inspectors' conflicts of interest

CHAPTER 51

HOSPITALS

51.1(135B)	Definitions
51.2(135B)	Classification, compliance and license
51.3(135B)	Quality improvement program
51.4(135B)	Long-term acute care hospital located within a general hospital
51.5(135B)	Medical staff
51.6(135B)	Patient rights and responsibilities

51.7(135B)	Abuse
51.8(135B)	Organ, tissue and eye procurement
51.9(135B)	Nursing services
51.10(135B)	Records and reports
51.11(135B)	Pharmaceutical service
51.12(135B)	Verbal orders
51.13(135B)	Radiological services
51.14(135B)	Laboratory service
51.15(135B)	Food and nutrition service
51.16(135B)	Equipment for patient care
51.17(135B)	Infection control
51.18(135B)	Surgical services
51.19(135B)	Anesthesia services
51.20(135B)	Emergency services
51.21(135B)	Obstetric and neonatal services
51.22(135B)	Pediatric services
51.23(135B)	Psychiatric services
51.24(135B)	Long-term care service
51.25(135B)	Criminal, dependent adult abuse, and child abuse record checks
51.26(135B)	Minimum standards for construction
51.27(135B)	Critical access hospitals
51.28(135B)	Rural emergency hospitals
51.29(135B)	Specialized hospitals

CHAPTER 52

DEPENDENT ADULT ABUSE IN FACILITIES AND PROGRAMS

52.1(235E)	Definitions
52.2(235E)	Reporting
52.3(235E)	Reports and central registry
52.4(235E)	Separation mandatory
52.5(235E)	Interviews, examination of evidence, and investigation
52.6(235E)	Notification to subsequent employers

CHAPTER 53

HOSPICE LICENSE STANDARDS

53.1(135J)	Definitions
53.2(135J)	License
53.3(135J)	Patient rights
53.4(135J)	Governing body
53.5(135J)	Quality assurance and utilization review
53.6(135J)	Attending physician services
53.7(135J)	Medical director
53.8(135J)	Interdisciplinary team (IDT)
53.9(135J)	Nursing services
53.10	Reserved
53.11(135J)	Coordinator of patient care
53.12(135J)	Social services
53.13(135J)	Counseling services
53.14(135J)	Volunteer services
53.15(135J)	Spiritual counseling
53.16(135J)	Optional services
53.17(135J)	Contracted services
53.18(135J)	Short-term hospital services
53.19(135J)	Bereavement services
53.20(135J)	Records

CHAPTER 54

GOVERNOR'S AWARD FOR QUALITY CARE

54.1(135C)	Purpose
54.2(135C)	Definitions

54.3(135C)	Nomination
54.4(135C)	Applicant eligibility
54.5(135C)	Nomination information
54.6(135C)	Evaluation
54.7(135C)	Selection of finalists
54.8(135C)	Certificate of recognition

CHAPTER 55 HEALTH CARE EMPLOYMENT AGENCIES AND HEALTH CARE TECHNOLOGY PLATFORMS

55.1(135Q)	Definitions
55.2(135Q)	Registration
55.3(135Q)	General requirements
55.4(135Q)	Prohibitions
55.5(135Q)	Record retention and reporting
55.6(135Q)	Complaints
55.7(135Q)	Investigations
55.8(135Q)	Penalties
55.9(135Q)	Public and confidential information

CHAPTER 56 FINING AND CITATIONS

56.1(135C)	Authority for citations
56.2(135C)	Classification of violations—classes
56.3(135C)	Fines
56.4(135C)	Time for compliance
56.5(135C)	Failure to correct a violation within the time specified—penalty
56.6(135C)	Treble and double fines
56.7(135C)	Notation of classes of violations
56.8(135C)	Notation for more than one class of violation
56.9(135C)	Factors determining selection of class of violation
56.10(135C)	Factors determining imposition of citation and fine
56.11(135C)	Class I violation not specified in the rules
56.12(135C)	Class I violation as a result of multiple lesser violations
56.13(135C)	Form of citations
56.14(135C)	Licensee's response to a citation
56.15(135C)	Informal conference
56.16(135C)	Procedure for facility after informal conference
56.17(135C)	Formal contest

CHAPTER 57 RESIDENTIAL CARE FACILITIES

57.1(135C)	Definitions
57.2(135C,17A)	Waiver
57.3(135C)	Application for licensure
57.4(135C)	Issuance of license
57.5(135C)	Licenses for distinct parts
57.6(135C)	Special classifications
57.7(135C)	General requirements
57.8(135C)	Certified volunteer long-term care ombudsman program
57.9(135C)	Required notifications to the department
57.10(135C)	Administrator
57.11(135C)	Personnel
57.12(135C)	General policies
57.13(135C)	Admission, transfer and discharge
57.14(135C)	Involuntary discharge or transfer
57.15(135C)	Residency agreement
57.16(135C)	Medical examinations
57.17(135C)	Records
57.18(135C)	Resident care and personal services

57.19(135C)	Drugs
57.20(135C)	Dental services
57.21(135C)	Dietary
57.22(135C)	Orientation and service plan
57.23(135C)	Resident activities program
57.24(135C)	Residents' rights
57.25(135C)	Dignity preserved
57.26(135C)	Communications
57.27(135C)	Resident activities
57.28(135C)	Resident property
57.29(135C)	Financial affairs—management
57.30(135C)	Resident work
57.31(135C)	Family—shared rooms
57.32(135C)	Resident abuse prohibited
57.33(135C)	Crisis intervention
57.34(135C)	Safety
57.35(135C)	Housekeeping
57.36(135C)	Maintenance
57.37(135C)	Laundry
57.38(135C)	Garbage and waste disposal
57.39(135C)	Supplies
57.40(135C)	Buildings, furnishings, and equipment
57.41(135C)	Family and employee accommodations
57.42(135C)	Animals
57.43(135C)	Another business or activity in a facility
57.44(135C)	Respite care services

CHAPTER 58 NURSING FACILITIES

58.1(135C)	Definitions
58.2(135C)	Waivers
58.3(135C)	Application for licensure
58.4(135C)	General requirements
58.5(135C)	Notifications required by the department
58.6	Reserved
58.7(135C)	Licenses for distinct parts
58.8(135C)	Administrator
58.9(135C)	Administration
58.10(135C)	General policies
58.11(135C)	Personnel
58.12(135C)	Admission, transfer, and discharge
58.13(135C)	Contracts
58.14(135C)	Medical services
58.15(135C)	Records
58.16(135C)	Resident care and personal services
58.17	Reserved
58.18(135C)	Nursing care
58.19(135C)	Required nursing services for residents
58.20(135C)	Duties of health service supervisor
58.21(135C)	Drugs, storage, and handling
58.22(135C)	Rehabilitative services
58.23(135C)	Dental, diagnostic, and other services
58.24(135C)	Dietary
58.25(135C)	Social services program
58.26(135C)	Resident activities program
58.27	Reserved
58.28(135C)	Safety
58.29(135C)	Resident care
58.30	Reserved
58.31(135C)	Housekeeping

58.32(135C)	Maintenance
58.33(135C)	Laundry
58.34(135C)	Garbage and waste disposal
58.35(135C)	Buildings, furnishings, and equipment
58.36(135C)	Family and employee accommodations
58.37(135C)	Animals
58.38(135C)	Supplies
58.39(135C)	Residents' rights in general
58.40(135C)	Involuntary discharge or transfer
58.41(135C)	Residents' rights
58.42(135C)	Financial affairs—management
58.43(135C)	Resident abuse prohibited
58.44(135C)	Resident records
58.45(135C)	Dignity preserved
58.46(135C)	Resident work
58.47(135C)	Communications
58.48(135C)	Resident activities
58.49(135C)	Resident property
58.50(135C)	Family visits
58.51(135C)	Choice of physician and pharmacy
58.52(135C)	Incompetent resident
58.53	Reserved
58.54(135C)	Special unit or facility dedicated to the care of persons with chronic confusion or a dementing illness (CCDI unit or facility)
58.55(135C)	Another business or activity in a facility
58.56(135C)	Respite care services
58.57(135C)	Training of inspectors

CHAPTER 59

TUBERCULOSIS (TB) SCREENING

59.1(135B,135C)	Purpose
59.2(135B,135C)	Definitions
59.3(135B,135C)	TB risk assessment
59.4(135B,135C)	Health care facility or hospital risk classification
59.5(135B,135C)	Baseline TB screening procedures for health care facilities and hospitals
59.6(135B,135C)	Serial TB screening procedures for health care facilities and hospitals
59.7(135B,135C)	Screening of HCWs who transfer to other health care facilities or hospitals
59.8(135B,135C)	Baseline TB screening procedures for residents of health care facilities
59.9(135B,135C)	Serial TB screening procedures for residents of health care facilities
59.10(135B,135C)	Performance of screening and testing

CHAPTER 60

MINIMUM PHYSICAL STANDARDS FOR RESIDENTIAL CARE FACILITIES

60.1(135C)	Definitions
60.2(135C)	General requirements
60.3(135C)	Submission of construction documents
60.4(135C)	Waivers
60.5(135C)	Additional notification requirements
60.6(135C)	Construction requirements
60.7(135C)	Typical construction
60.8(135C)	Sleeping, bathing, and medication rooms
60.9(135C)	Dining, activity, and storage rooms
60.10(135C)	Service area
60.11(135C)	Administration and staff area
60.12(135C)	Public area
60.13(135C)	Specialized unit or facility for persons with chronic confusion or a dementing illness (memory care unit or facility)
60.14(135C)	Elevator requirements

CHAPTER 61

MINIMUM PHYSICAL STANDARDS FOR NURSING FACILITIES

61.1(135C)	Definitions
61.2(135C)	General requirements
61.3(135C)	Submission of construction documents
61.4(135C)	Waivers
61.5(135C)	Additional notification requirements
61.6(135C)	Construction requirements
61.7(135C)	Nursing care unit
61.8(135C)	Dietetic and other service areas
61.9(135C)	Specialized unit or facility for persons with chronic confusion or a dementing illness (CCDI unit or facility)

CHAPTER 62

RESIDENTIAL CARE FACILITIES FOR PERSONS WITH MENTAL ILLNESS (RCFs/PMI)

62.1(135C)	Applicability
62.2(135C)	Definitions
62.3(135C)	Personnel
62.4(135C)	Admission criteria
62.5(135C)	Evaluation services

CHAPTER 63

RESIDENTIAL CARE FACILITY—THREE- TO FIVE-BED SPECIALIZED LICENSE

63.1(135C)	Definitions
63.2(135C,17A)	Waiver
63.3(135C)	Application for licensure
63.4(135C)	Issuance of license
63.5(135C)	General requirements
63.6(135C)	Required notifications to the department
63.7(135C)	Administrator
63.8(135C)	Personnel
63.9(135C)	General policies
63.10(135C)	Admission, transfer and discharge
63.11(135C)	Involuntary discharge or transfer
63.12(135C)	Residency agreement
63.13(135C)	Medical examinations
63.14(135C)	Records
63.15(135C)	Resident care and personal services
63.16(135C)	Drugs
63.17(135C)	Dental services
63.18(135C)	Dietary
63.19(135C)	Orientation and service plan
63.20(135C)	Resident activities program
63.21(135C)	Residents' rights
63.22(135C)	Dignity preserved
63.23(135C)	Communications
63.24(135C)	Resident property
63.25(135C)	Financial affairs—management
63.26(135C)	Resident work
63.27(135C)	Resident abuse prohibited
63.28(135C)	Crisis intervention
63.29(135C)	Safety
63.30(135C)	Housekeeping
63.31(135C)	Maintenance
63.32(135C)	Laundry
63.33(135C)	Garbage and waste disposal
63.34(135C)	Supplies
63.35(135C)	Buildings, furnishings, and equipment
63.36(135C)	Family and employee accommodations

63.37(135C) Animals

CHAPTER 64 INTERMEDIATE CARE FACILITIES FOR THE INTELLECTUALLY DISABLED

64.1	Reserved
64.2(135C)	Waivers
64.3(135C)	Application for license
64.4(135C)	General requirements
64.5(135C)	Notifications required by the department
64.6(135C)	Veteran eligibility
64.7(135C)	Licenses for distinct parts
64.8 to 64.16	Reserved
64.17(135C)	Contracts
64.18(135C)	Records
64.19 to 64.32	Reserved
64.33(135C)	Allegations of dependent adult abuse
64.34(135C)	Employee criminal record checks, child abuse checks and dependent adult abuse checks and employment of individuals who have committed a crime or have a founded abuse
64.35	Reserved
64.36(135C)	Involuntary discharge or transfer
64.37 to 64.59	Reserved
64.60(135C)	Federal regulations adopted—conditions of participation
64.61	Reserved
64.62(135C)	Another business or activity in a facility
64.63(135C)	Respite care services

CHAPTER 65 INTERMEDIATE CARE FACILITIES FOR PERSONS WITH MENTAL ILLNESS (ICF/PMI)

65.1(135C)	Definitions
65.2(135C)	Application for license
65.3(135C)	Licenses for distinct parts
65.4(135C)	Waivers
65.5(135C)	General requirements
65.6(135C)	Notification required by the department
65.7(135C)	Administrator
65.8(135C)	Administration
65.9(135C)	Personnel
65.10(135C)	General admission policies
65.11(135C)	Evaluation services
65.12(135C)	Individual program plan (IPP)
65.13(135C)	Activity program
65.14(135C)	Crisis intervention
65.15(135C)	Restraint or seclusion
65.16(135C)	Discharge or transfer
65.17(135C)	Medication management
65.18(135C)	Resident property and personal affairs
65.19(135C)	Financial affairs
65.20(135C)	Records
65.21(135C)	Health and safety
65.22(135C)	Nutrition
65.23(135C)	Physical facilities and maintenance
65.24	Reserved
65.25(135C)	Residents' rights in general
65.26(135C)	Incompetent residents
65.27(135C)	County care facilities
65.28(135C)	Violations
65.29(135C)	Another business or activity in a facility

See Interpretive Guidelines at end hereof

65.30(135C) Respite care services

CHAPTER 66 BOARDING HOMES

66.1(135O) Definitions
66.2(135O) Registration of boarding homes
66.3(135O) Occupancy reports
66.4(135O) Complaints and investigations
66.5 Reserved
66.6(135O) Penalties
66.7(135O) Public and confidential information

CHAPTER 67 GENERAL PROVISIONS FOR ELDER GROUP HOMES, ASSISTED LIVING PROGRAMS, AND ADULT DAY SERVICES

67.1(231B,231C,231D) Definitions
67.2(231B,231C,231D) Program policies and procedures
67.3(231B,231C,231D) Tenant rights
67.4(231B,231C,231D) Program notification to the department
67.5(231B,231C,231D) Medications
67.6(231B,231C,231D) Another business or activity located in a program
67.7(231B,231C,231D) Waiver of criteria for retention of a tenant in the program
67.8(231B,231C,231D) All other waiver requests
67.9(231B,231C,231D) Staffing
67.10(17A,231B,231C,231D) Monitoring
67.11(231B,231C,231D) Complaint and program-reported incident report investigation procedure
67.12(17A,231B,231C,231D,85GA,HF2365) Exit interview, final report, plan of correction
67.13(17A,231B,231C,231D,85GA,HF2365) Response to final report
67.14(17A,231B,231C,231D) Denial, suspension or revocation of a certificate
67.15(17A,231B,231C,231D) Conditional certification
67.16(17A,231B,231C,231D) Civil penalties
67.17(17A,231B,231C,231D) Judicial review
67.18(135C,231B,231C,231D) Criminal, dependent adult abuse, and child abuse record checks
67.19(17A,231C,231D) Emergency removal of tenants
67.20(231C) Nursing assistant work credit
67.21(231B,231C,231D) Public or confidential information

CHAPTER 68 ELDER GROUP HOMES

68.1(231B) Definitions
68.2(231B) Program certification and posting requirements
68.3(231B) Certification—application process
68.4(231B) Certification—application content
68.5(231B) Initial certification process
68.6(231B) Expiration of program certification
68.7(231B) Recertification process
68.8(231B) Notification of recertification
68.9(231B) Listing of all certified programs
68.10(231B) Change of ownership—notification to the department
68.11(231B) Cessation of program operation that includes seeking decertification
68.12(231B) Occupancy agreement
68.13(231B) Evaluation of tenant
68.14(231B) Criteria for admission and retention of tenants
68.15(231B) Involuntary transfer from the program
68.16(231B) Tenant documents
68.17(231B) Service plans
68.18(231B) Nurse review
68.19(231B) Staffing
68.20(231B) Managed risk policy and managed risk consensus agreements
68.21(231B) Transportation

68.22(231B)	Identification of veteran's benefit eligibility
68.23	Reserved
68.24(231B)	Life safety—emergency policies and procedures and structural safety requirements
68.25(231B)	Structural standards

CHAPTER 69 ASSISTED LIVING PROGRAMS

69.1(231C)	Definitions
69.2(231C)	Program certification
69.3(231C)	Certification of a nonaccredited program—application process
69.4(231C)	Nonaccredited program—application content
69.5(231C)	Initial certification process for a nonaccredited program
69.6(231C)	Expiration of the certification of a nonaccredited program
69.7(231C)	Recertification process for a nonaccredited program
69.8(231C)	Notification of recertification for a nonaccredited program
69.9(231C)	Certification or recertification of an accredited program—application process
69.10(231C)	Certification or recertification of an accredited program—application content
69.11(231C)	Initial certification process for an accredited program
69.12(231C)	Recertification process for an accredited program
69.13(231C)	Listing of all certified programs
69.14(231C)	Recognized accrediting entity
69.15(231C)	Requirements for an accredited program
69.16(231C)	Maintenance of program accreditation
69.17(231C)	Change of ownership—notification to the department
69.18(231C)	Plan reviews of a building for a new program
69.19(231C)	Plan review prior to the remodeling of a building for a certified program
69.20(231C)	Cessation of program operation that includes seeking decertification
69.21(231C)	Occupancy agreement
69.22(231C)	Evaluation of tenant
69.23(231C)	Criteria for admission and retention of tenants
69.24(231C)	Involuntary transfer from the program
69.25(231C)	Tenant documents
69.26(231C)	Service plans
69.27(231C)	Nurse review
69.28(231C)	Food service
69.29(231C)	Staffing
69.30(231C)	Dementia-specific education for program personnel
69.31(231C)	Managed risk policy and managed risk consensus agreements
69.32(231C)	Life safety—emergency policies and procedures and structural safety requirements
69.33(231C)	Transportation
69.34(231C)	Activities
69.35(231C)	Structural requirements
69.36(231C)	Dwelling units in dementia-specific programs
69.37	Reserved
69.38(83GA,SF203)	Identification of veteran's benefit eligibility
69.39(231C)	Respite care services

CHAPTER 70 ADULT DAY SERVICES

70.1(231D)	Definitions
70.2(231D)	Program certification
70.3(231D)	Certification of a nonaccredited program—application process
70.4(231D)	Nonaccredited program—application content
70.5(231D)	Initial certification process for a nonaccredited program
70.6(231D)	Expiration of the certification of a nonaccredited program
70.7(231D)	Recertification process for a nonaccredited program
70.8(231D)	Notification of recertification for a nonaccredited program
70.9(231D)	Certification or recertification of an accredited program—application process
70.10(231D)	Certification or recertification of an accredited program—application content
70.11(231D)	Initial certification process for an accredited program

70.12(231D)	Recertification process for an accredited program
70.13(231D)	Listing of all certified programs
70.14(231D)	Recognized accrediting entity
70.15(231D)	Requirements for an accredited program
70.16(231D)	Maintenance of program accreditation
70.17(231D)	Change of ownership—notification to the department
70.18(231D)	Plan reviews of a building for a new program
70.19(231D)	Plan review prior to the remodeling of a building for a certified program
70.20(231D)	Cessation of program operation that includes seeking decertification
70.21(231D)	Contractual agreement
70.22(231D)	Evaluation of participant
70.23(231D)	Criteria for admission and retention of participants
70.24(231D)	Involuntary discharge from the program
70.25(231D)	Participant documents
70.26(231D)	Service plans
70.27(231D)	Nurse review
70.28(231D)	Food service
70.29(231D)	Staffing
70.30(231D)	Dementia-specific education for program personnel
70.31(231D)	Managed risk policy and managed risk consensus agreements
70.32(231D)	Life safety—emergency policies and procedures and structural safety requirements
70.33(231D)	Transportation
70.34(231D)	Activities
70.35(231D)	Structural requirements
70.36(231D)	Identification of veteran's benefit eligibility

CHAPTER 71

SUBACUTE MENTAL HEALTH CARE FACILITIES

71.1(135G)	Purpose—subacute mental health services
71.2(135G)	Definitions
71.3(135G)	Application for licensure
71.4(135G)	Licenses for distinct parts
71.5(135G)	Waivers
71.6(135G)	Provisional license
71.7(135G)	General requirements
71.8(135G)	Required notifications to the department
71.9(135G)	Reports of dependent adult abuse
71.10(135G)	Administrator
71.11(135G)	Administration
71.12(135G)	Personnel
71.13(135G)	Admission, transfer, and discharge
71.14(135G)	Treatment plan
71.15(135G)	Crisis intervention
71.16(135G)	Seclusion and restraint
71.17(135G)	Medication management
71.18(135G)	Dietary
71.19(135G)	Buildings, furnishings, and equipment
71.20(135G)	Records
71.21(135G)	Residents' rights in general
71.22(135G)	Health and safety

INVESTIGATIONS DIVISION

CHAPTERS 72 to 81

Reserved

CHAPTER 82

ECONOMIC FRAUD BUREAU

82.1(10A)	Definitions
82.2(10A)	Economic fraud bureau (EFB or bureau)

82.3(10A)	Investigation procedures
82.4(10A)	EBT trafficking investigations
82.5(10A)	Findings
82.6(10A)	Confidentiality

CHAPTER 83 MEDICAID FRAUD CONTROL UNIT

83.1(10A)	Definitions
83.2(10A)	Investigative authority
83.3(10A)	Access to records
83.4(10A)	Subpoenas
83.5(10A)	Confidentiality

CHAPTER 84 AUDITS UNIT

84.1(10A)	Audit occurrence
84.2(10A)	Confidentiality

CHAPTERS 85 to 89 Reserved

CHAPTER 90 PUBLIC ASSISTANCE DEBT RECOVERY UNIT (PADRU)

90.1(10A)	Definitions
90.2(10A)	Recovery process
90.3(10A)	Records
90.4(10A)	Debt repayment
90.5(10A)	Further collection action
90.6(10A)	Appeal rights
90.7(10A)	Data processing systems matches
90.8(10A)	Confidentiality

CHAPTERS 91 to 99 Reserved

GAMES OF SKILL, CHANCE, BINGO AND RAFFLES

CHAPTER 100 GENERAL PROVISIONS FOR SOCIAL AND CHARITABLE GAMBLING

100.1(99B)	Definitions
100.2(99B)	Licensure
100.3(99B)	License application
100.4	Reserved
100.5(99B)	Returned checks
100.6(99B)	Payment systems
100.7(99B)	Participation—game of skill, game of chance or raffle
100.8(99B)	Posted rules—games other than bingo and raffles
100.9	Reserved
100.10(99B)	Rules—raffles
100.11(99B)	Prizes
100.12(99B)	Games of chance—prohibited games
100.13(99B)	Records
100.14(99B)	Reports
100.15(10A,17A,99B)	Appeal rights
100.16(99B)	Raffles
100.17(99B)	Expenses
100.18(99B)	Net receipts
100.19(99B)	Licensure of manufacturers and distributors of bingo equipment and supplies and electronic raffle systems
100.20(99B)	Bingo supplies and equipment
100.21(99B)	Electronic raffles

CHAPTER 101 AMUSEMENT CONCESSIONS

- 101.1(99B) License requirements
- 101.2(99B) Prizes

CHAPTER 102 Reserved

CHAPTER 103 BINGO

- 103.1(99B) Definitions
- 103.2(99B) License
- 103.3 Reserved
- 103.4(99B) Game of bingo
- 103.5(99B) State rules and rules established by the licensee
- 103.6(99B) Prizes
- 103.7(99B) Workers
- 103.8(99B) Expenses
- 103.9(99B) Location
- 103.10(10A,725) Advertising
- 103.11(10A,99B) Equipment
- 103.12(99B) Records
- 103.13(99B) Bingo checking account
- 103.14(10A,99B) Bingo savings account and bingo change fund
- 103.15(99B) Annual gambling reports
- 103.16(10A,99B) Inspections and audits
- 103.17(99B) Electronic bingo
- 103.18(99B) Bingo at a fair or community festival

CHAPTER 104 GENERAL PROVISIONS FOR ALL AMUSEMENT DEVICES

- 104.1(10A,99B) Definitions
- 104.2(99B) Device restrictions
- 104.3(99B) Prohibited games/devices
- 104.4(99B) Prizes
- 104.5(99B) Registration
- 104.6(99B) Violations
- 104.7(99B,17A) Declaratory orders

CHAPTER 105 REGISTERED AMUSEMENT DEVICES

- 105.1(10A,99B) Definitions
- 105.2(99B) Registered amusement devices
- 105.3(99B) Prohibited registered amusement devices
- 105.4(99B) Prizes
- 105.5(99B) Registration by a manufacturer, distributor, or an owner that operates for profit
- 105.6(99B) Registration of registered amusement devices
- 105.7(99B) Violations
- 105.8(10A,99B) Appeal rights
- 105.9(10A,99B) Procedure for denial, revocation, or suspension of a registration
- 105.10(99B) Annual verification of device location
- 105.11(99B) Criteria for approval or denial of a registration
- 105.12(10A,99B) Suspension or revocation of a registration

CHAPTER 106 CARD GAME TOURNAMENTS BY VETERANS ORGANIZATIONS

- 106.1(99B) Definitions
- 106.2(99B) Licensing
- 106.3(99B) Card game tournament
- 106.4(99B) Records

CHAPTERS 107 to 202

Reserved

IOSHA DIVISION

CHAPTER 203

POSTING, INSPECTIONS, CITATIONS AND PROPOSED PENALTIES

203.1(88)	Posting of notice; availability of the Act, regulations and applicable standards
203.2(88)	Objection to inspection
203.3(88)	Entry not a waiver
203.4(88)	Advance notice of inspections
203.5(88)	Conduct of inspections
203.6(88)	Representatives of employers and employees
203.7(88)	Complaints by employees
203.8(88)	Trade or governmental secrets
203.9(88)	Imminent danger
203.10(88)	Consultation with employees
203.11(88)	Citations
203.12(88)	Informal conferences
203.13(88)	Petitions for modification of abatement date
203.14 to 203.18	Reserved
203.19(88)	Abatement verification
203.20(88)	Policy regarding employee rescue activities
203.21	Reserved
203.22(88,89B)	Additional hazard communication training requirements
203.23(88)	Definitions

CHAPTER 204

RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

204.1(88)	Purpose and scope
204.2(88)	First reports of injury
204.3(88)	Recording and reporting regulations

CHAPTER 205

RULES OF PRACTICE FOR OSHA VARIANCES

205.1(17A,88)	Purpose and scope
205.2(17A,88)	Definitions
205.3	Reserved
205.4(88)	Effect of variances
205.5(17A,88)	Submission of waiver information
205.6	Reserved
205.7(88)	Temporary variance
205.8(88)	Permanent variance
205.9(88)	Special variance
205.10(88)	Modification and revocation of rules or orders
205.11(88)	Action on applications
205.12(88)	Requests for hearings on applications
205.13(88)	Consolidation of proceedings
205.14(88)	Notice of hearing
205.15(88)	Manner of service
205.16(88)	Hearing examiner; powers and duties
205.17(88)	Prehearing conferences
205.18(88)	Consent findings and rules or orders
205.19(88)	Discovery
205.20(88)	Hearings
205.21(88)	Decisions of hearing examiner
205.22(88)	Motion for summary decision
205.23(88)	Summary decision
205.24(88)	Finality for purposes of judicial review

CHAPTERS 206 and 207

Reserved

CHAPTER 208

CONSULTATIVE SERVICES

- 208.1(88) Purpose and scope
- 208.2(88) Definitions
- 208.3(88) Requesting and scheduling of on-site consultation visit
- 208.4(88) Conducting a visit
- 208.5(88) Relationship to enforcement

CHAPTER 209

OSHA DISCRIMINATION AGAINST EMPLOYEES

- 209.1(88) Complaints and proceedings under or related to the Iowa occupational safety and health Act
- 209.2(88) Unprotected activities distinguished
- 209.3(88) Filing of complaint for discrimination
- 209.4(88) Notice of determination
- 209.5(88) Arbitration or other agency proceedings

CHAPTER 210

GENERAL INDUSTRY SAFETY AND HEALTH RULES

- 210.1(88) Applicability of standards
- 210.2(88) Incorporation by reference
- 210.3(88) Definitions and requirements for a nationally recognized testing laboratory
- 210.4(88) Adoption by reference

CHAPTER 211

CONSTRUCTION SAFETY AND HEALTH RULES

- 211.1(88) Adoption by reference
- 211.2(88) Beryllium exposure limits

CHAPTER 212

OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR AGRICULTURE

- 212.1(88) Adoption by reference

CHAPTER 213

SANITATION AND SHELTER RULES FOR RAILROAD EMPLOYEES

- 213.1(88) Definitions
- 213.2(88) Water supply—requirements
- 213.3(88) Toilets—requirements
- 213.4(88) Eating places and lunchrooms—requirements
- 213.5(88) Sleeping accommodations—requirements
- 213.6(88) Cleanliness and maintenance—requirements
- 213.7(88) Conflicts resolved

CHAPTERS 214 to 219

Reserved

CHAPTER 220

COMMUNITY RIGHT TO KNOW HAZARDOUS CHEMICALS

- 220.1(89B) Employer's duty
- 220.2(89B) Records accessibility
- 220.3(89B) Application for exemption
- 220.4(89B) Burden of proof and criteria
- 220.5(89B) Formal ruling
- 220.6(89B) Request for information
- 220.7(89B) Filing with division
- 220.8(89B) Grounds for complaint against the employer
- 220.9(89B) Investigation or inspection upon complaint
- 220.10(89B) Order to comply

CHAPTER 221

PUBLIC SAFETY/EMERGENCY RESPONSE RIGHT TO KNOW

- 221.1(89B) Employer waiver applications
- 221.2(89B) Agreement between an employer and fire department
- 221.3(89B) Information submitted to local fire department
- 221.4(89B) Procedure for noncompliance
- 221.5(89B) Notice of noncompliance

CHAPTERS 222 to 224

Reserved

INVESTIGATIONS DIVISION: WAGE AND CHILD LABOR UNIT

CHAPTER 225

WAGE CLAIMS

- 225.1(91A) Definitions
- 225.2(91A) Right of private action
- 225.3(91A) Filing a claim
- 225.4(91A) Investigation
- 225.5(91A) Legal action on wage claims

CHAPTER 226

Reserved

CHAPTER 227

WAGE CIVIL PENALTIES

- 227.1(91A) Civil penalties for Iowa Code chapter 91A violations
- 227.2(91A) Investigation
- 227.3(91A) Calculation of penalty
- 227.4(91A) Settlement opportunity
- 227.5(91A) Notice of penalty assessment; contested case proceedings
- 227.6(91A) Judicial review

CHAPTERS 228 and 229

Reserved

CHAPTER 230

MINIMUM WAGE SCOPE AND COVERAGE

- 230.1(91D) Initial employment wage rate
- 230.2(91D) Definitions
- 230.3(91D) Exceptions
- 230.4(91D) Interpretative guidelines

CHAPTER 231

DOMESTIC SERVICE

- 231.1(91D) Purpose and scope
- 231.2(91D) Domestic service employment
- 231.3(91D) Babysitting services
- 231.4(91D) Casual basis
- 231.5(91D) Companionship services for the aged or infirm
- 231.6(91D) Application of minimum wage provisions
- 231.7(91D) Domestic service employment
- 231.8(91D) Live-in domestic service employees
- 231.9(91D) Babysitting services in general
- 231.10(91D) Babysitting services performed on a casual basis
- 231.11(91D) Individuals performing babysitting services in their own homes
- 231.12(91D) Companionship services for the aged or infirm
- 231.13(91D) Yard maintenance workers
- 231.14(91D) Third-party employment

CHAPTER 232

EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

232.1(91D)	Definition
232.2(91D)	Exclusion for elected officials and their appointees
232.3(91D)	Exclusion for employees of legislative branches
232.4(91D)	Introduction
232.5(91D)	Compensatory time and compensatory time off
232.6(91D)	Payments for unused compensatory time
232.7(91D)	Other compensatory time

OTHER EXEMPTIONS

232.8(91D)	Substitution

RECORDKEEPING

232.9(91D)	Records to be kept of compensatory time

VOLUNTEERS

232.10(91D)	General
232.11(91D)	Volunteer defined
232.12(91D)	Employment by the same public agency
232.13(91D)	Same type of services defined
232.14(91D)	Private individuals who volunteer services to public agencies
232.15(91D)	Payment of expenses, benefits, or fees

FIRE PROTECTION AND LAW ENFORCEMENT

EMPLOYEES OF PUBLIC AGENCIES

232.16(91D)	Compensable hours of work
232.17(91D)	Sleep time
232.18(91D)	Early relief
232.19(91D)	Training time

CHAPTER 233

WAGES

233.1(91D)	Purpose and scope
233.2(91D)	Reasonable cost
233.3(91D)	Free and clear payment; kickbacks
233.4(91D)	General characteristics of tips
233.5(91D)	Payments that constitute tips
233.6(91D)	Tip pooling
233.7(91D)	Dual jobs

CHAPTER 234

RECORDS TO BE KEPT BY EMPLOYERS

234.1(91D)	Employees subject to minimum wage
234.2(91D)	Exempt employees
234.3(91D)	Posting of notices
234.4(91D)	Records to be preserved three years
234.5(91D)	Records to be preserved two years
234.6(91D)	Tipped employees
234.7(91D)	Industrial homeworkers
234.8(91D)	Employees in agriculture
234.9(91D)	Relationship to other recordkeeping and reporting requirements

CHAPTER 235

Reserved

CHAPTER 236

WAGE DISCRIMINATION

236.1(91A)	Definitions
236.2(91A)	General requirements
236.3(91A)	Unprotected activities distinguished
236.4(91A)	Complaint under or related to the Act
236.5(91A)	Proceedings related to the Act
236.6(91A)	Filing of complaint for discrimination or discharge

236.7(91A) Decision of the director

CHAPTERS 237 to 239

Reserved

CHAPTER 240

CHILD LABOR

240.1(92) Definitions
 240.2 to 240.4 Reserved
 240.5(92) Terms
 240.6(92) Terms
 240.7 Reserved
 240.8(92) Terms
 240.9(92) Terms
 240.10 Reserved
 240.11(92) Civil penalty calculation
 240.12(92) Civil penalty procedures

CHAPTERS 241 to 244

Reserved

CHAPTER 245

EMPLOYER REQUIREMENTS FOR NON-ENGLISH SPEAKING EMPLOYEES

245.1(91E) Purpose and scope
 245.2(91E) Definitions
 245.3(91E) Knowledge of English
 245.4(91E) Community services referral agent requirements
 245.5(91E) Exemptions
 245.6(91E) Inspections
 245.7(91E) Enforcement and penalties

CHAPTERS 246 to 249

Reserved

IOWA ATHLETIC COMMISSION

CHAPTER 250

GENERAL REQUIREMENTS FOR ATHLETIC COMMISSION EVENTS

250.1(90A) Scope and application
 250.2(92) Definitions
 250.3(90A) Prohibited events
 250.4(90A) Advance notice of event
 250.5(90A) Event license
 250.6(90A) Promoter responsibilities
 250.7(90A) Taxes

CHAPTER 251

PROFESSIONAL BOXING

251.1(90A) Limitation of rounds
 251.2(90A) Weight restrictions
 251.3(90A) Injury
 251.4(90A) Knockdown
 251.5(90A) Limitation on number of bouts
 251.6(90A) Contestants' arrival
 251.7(90A) Persons allowed in the ring
 251.8(90A) Protection of hands
 251.9(90A) Scoring
 251.10(90A) Gloves
 251.11(90A) Proper attire
 251.12(90A) Use of substances

251.13(90A)	“Down”
251.14(90A)	Foul
251.15(90A)	Penalties
251.16(90A)	Weight classes
251.17(90A)	Attendance of commissioner
251.18(90A)	Weighing of contestants
251.19(90A)	General requirements
251.20(90A)	Excessive coaching
251.21(90A)	Abusive language
251.22 to 251.24	Reserved
251.25(90A)	Ring requirements
251.26(90A)	Ring posts
251.27(90A)	Ropes
251.28(90A)	Ring floor
251.29(90A)	Bell
251.30(90A)	Gloves
251.31(90A)	Referee’s duties
251.32(90A)	Chief second
251.33(90A)	Naming referee
251.34(90A)	Reasons for stopping bout
251.35(90A)	Forfeit of purse
251.36(90A)	Shaking hands
251.37(90A)	Assessing fouls
251.38(90A)	Delaying prohibited
251.39(90A)	Count
251.40(90A)	Intentional foul
251.41(90A)	Use of the ropes
251.42(90A)	Attending ring physician
251.43(90A)	Technical knockout
251.44(90A)	Timekeeper
251.45(90A)	Seconds
251.46(90A)	Requirements for seconds
251.47 to 251.49	Reserved
251.50(90A)	Use of water
251.51(90A)	Stopping the fight
251.52(90A)	Removing objects from ring
251.53(90A)	Decision
251.54(90A)	Boxer registration

CHAPTER 252 ELIMINATION TOURNAMENTS

252.1(90A)	Purpose and scope
252.2(90A)	Bouts, rounds and rest periods
252.3(90A)	Required protective equipment
252.4(90A)	Weight restrictions
252.5(90A)	Down
252.6(90A)	Suspension
252.7(90A)	Training requirements
252.8(90A)	Judges
252.9(90A)	Impartiality of timekeeper
252.10(90A)	Ringside

CHAPTER 253 Reserved

CHAPTER 254 MIXED MARTIAL ARTS

254.1(90A)	Definitions
254.2(90A)	Equipment specifications
254.3(90A)	Event requirements

254.4(90A)	Contestants
254.5(90A)	Procedural rules
254.6(90A)	Decision
254.7(90A)	Forfeit of purse
254.8(90A)	Professional fighter registration

CHAPTER 255 PROFESSIONAL KICKBOXING

255.1(90A)	Scope and purpose
255.2(90A)	GLORY rules adopted by reference
255.3(90A)	Professional boxing rules followed
255.4(90A)	Additional provisions

CHAPTER 256 Reserved

CHAPTER 257 PROFESSIONAL WRESTLING

257.1(90A)	General requirements
257.2(90A)	Separation of boxing and wrestling
257.3(90A)	Safety

CHAPTERS 258 and 259 Reserved

CHAPTER 260 GRANT APPLICATIONS AND AWARDS

260.1(90A)	Scope
260.2(90A)	Application process
260.3(90A)	Grant process
260.4(90A)	Evaluation

HEALTH AND SAFETY DIVISION: FIRE SAFETY BUREAU

CHAPTER 261 FIRE SAFE CIGARETTE CERTIFICATION PROGRAM

261.1(101B)	Definitions
261.2(101B)	Certification and fee
261.3(101B)	Test method, performance standard, test report
261.4(101B)	Notification of certification
261.5(101B)	Marking fire safe cigarette packaging
261.6(17A)	Violations and penalties

CHAPTERS 262 and 263 Reserved

CHAPTER 264 CONSUMER FIREWORKS RETAIL SELLER LICENSING AND WHOLESALER REGISTRATION

264.1(10A)	Definitions
264.2(10A)	Sale of consumer fireworks—safety standards
264.3(10A)	Sales allowed
264.4(10A)	License fees—consumer fireworks seller licenses
264.5(10A)	Application and issuance of license
264.6(10A)	Fireworks site plan review, approval, and inspection
264.7(10A)	Unauthorized use of license
264.8(10A)	Revocation of license
264.9(10A)	Consumer fireworks wholesalers—registration—safety—insurance
264.10(10A)	Consumer fireworks fee fund
264.11(10A)	Local fire protection and emergency medical service providers grant program

CHAPTER 265

LICENSING OF FIRE PROTECTION SYSTEM CONTRACTORS

265.1(100C)	Establishment of program
265.2(100C)	Definitions
265.3(100C)	Responsible managing employee
265.4(100C)	License requirements
265.5(100C)	Application and fees
265.6(100C)	Complaints
265.7(100C)	Denial, suspension, or revocation of licensure; civil penalties; and appeals

CHAPTER 266

LICENSING OF FIRE PROTECTION SYSTEM TECHNICIANS

266.1(100D)	Establishment of program
266.2(100D)	Definitions
266.3(100D)	Licensing requirements
266.4(100D)	Application and fees
266.5(100D)	Complaints
266.6(100D)	Denial, suspension, or revocation of licensure; civil penalties; appeals

CHAPTER 267

LICENSING OF ALARM SYSTEM CONTRACTORS AND TECHNICIANS

267.1(100C)	Establishment of program
267.2(100C)	Definitions
267.3(100C)	Responsible managing employee
267.4(100C)	Contractor licensing
267.5(100C)	Contractor application and fees
267.6(100C)	Technician licensure requirements
267.7(100C)	Technician application and fees
267.8(100C)	Complaints
267.9(100C)	Denial, suspension, or revocation of licensure; civil penalties; and appeals

CHAPTER 268

MANUFACTURING, STORAGE, HANDLING, USE OF EXPLOSIVE MATERIALS,
AND LICENSING FOR COMMERCIAL EXPLOSIVE CONTRACTORS AND BLASTERS

268.1(101A)	Explosive materials
268.2(101A)	Definitions
268.3(101A)	Licenses required
268.4(101A,272C)	License application process
268.5(101A)	Issuance of commercial explosive contractor license
268.6(101A)	Issuance of a commercial explosive blaster license
268.7(272C)	Licensure of persons licensed in other jurisdictions
268.8(101A)	Inventory and records
268.9(101A)	Complaints
268.10(101A,252J)	Grounds for suspension, revocation, or denial of commercial explosive licenses; appeals

CHAPTERS 269 to 279

Reserved

CHAPTER 280

FIRE CONTROL ADMINISTRATION

280.1(10A)	Fire control administration description and contact information
280.2(10A)	Definitions
280.3(10A)	Building plan submission
280.4(10A,101,101A)	Inspections and inspection fees
280.5(10A)	Certificates for licensure
280.6(10A)	Fire drills
280.7(10A)	Inspection based on complaint
280.8(10A)	General provisions
280.9(10A)	Electrical installations
280.10(10A)	Existing buildings or structures

- 280.11(10A) Recognition of local fire ordinances and enforcement
REQUIREMENTS FOR SPECIFIC OCCUPANCIES
- 280.12(10A) Scope of rules related to specific occupancies
- 280.13(10A,135C) Residential care facilities with a three- to five-bed specialized license and facilities in which foster care is provided by agencies to fewer than six children pursuant to Iowa Code chapter 237
FIRE SAFETY REQUIREMENTS FOR HOSPITALS AND HEALTH CARE FACILITIES
- 280.14(10A) Fire safety requirements for ambulatory surgical centers, hospitals, and health care facilities
SMOKE ALARMS/DETECTORS
- 280.15(10A) Scope, definitions, and requirements for smoke alarms and smoke detectors
CARBON MONOXIDE ALARMS
- 280.16(10A) Scope and definitions
- 280.17(10A) Requirements for carbon monoxide alarms and detection systems

CHAPTER 281

Reserved

CHAPTER 282

FLAMMABLE OR COMBUSTIBLE LIQUIDS

- 282.1(101) Scope and definitions
- 282.2 Reserved
- 282.3(101) Compliance
- 282.4(101) Flammable or combustible liquids
- 282.5(101) Motor fuel dispensing facilities and repair garages
- 282.6(101) Temporary storage in disaster emergencies
- 282.7(101) Aircraft fueling
- 282.8(101) Helicopter fueling
- 282.9(101) Fuel-fired appliances
- 282.10(101) Stationary combustion engines and gas turbines
- 282.11(101) Plans and plan review fees
- 282.12(101) Approval of plans
- 282.13(101) Inspections
- 282.14(101) Registration of existing and new tanks—fees
- 282.15(101) Inspections and orders
- 282.16(101) Leaks, spills, or damage
- 282.17(101) Civil penalty
- 282.18(17A,101) Appeals

CHAPTERS 283 to 285

Reserved

CHAPTER 286

LIQUEFIED PETROLEUM GAS

- 286.1(101) General requirements

CHAPTER 287

Reserved

CHAPTER 288

LIQUEFIED NATURAL GAS

- 288.1(101) Transportation, storage, handling, and use of liquefied natural gas

CHAPTERS 289 to 299

Reserved

BUILDING AND CONSTRUCTION DIVISION: BUILDING CODE BUREAU

CHAPTER 300

STATE BUILDING CODE—ADMINISTRATION

- 300.1(103A) State building code promulgated; definitions
- 300.2(103A) Building code commissioner
- 300.3(103A) Building code advisory council

300.4(103A)	Plan reviews
300.5(103A)	Inspections
300.6(103A)	Local code enforcement

CHAPTER 301 STATE BUILDING CODE

PART 1 GENERAL PROVISIONS

301.1(103A)	Scope and applicability
301.2(103A)	Definitions
301.3(103A)	General provisions
301.4(103A)	Mechanical requirements
301.5(103A)	Electrical requirements
301.6(103A)	Plumbing requirements
301.7(103A)	Existing buildings
301.8(103A)	Residential construction requirements
301.9(103A)	Fuel gas piping requirements
301.10(103A)	Transition period
301.11 to 301.15	Reserved

PART 2 ACCESSIBILITY OF BUILDINGS AND FACILITIES AVAILABLE TO THE PUBLIC

301.16(103A,104A)	Purpose and scope
301.17(103A,104A)	Definitions
301.18(103A,104A)	Accessibility of buildings and facilities available to the public
301.19(103A,104A)	Making apartments accessible and functional for persons with disabilities
301.20 to 301.22	Reserved

PART 3 REQUIREMENTS FOR ENERGY CONSERVATION IN CONSTRUCTION

301.23(103A)	Scope and applicability of energy conservation requirements
301.24(103A)	Residential energy code
301.25(103A)	Adoption of nonresidential energy code
301.26 and 301.27	Reserved

PART 4 LIFE CYCLE COST ANALYSIS OF PUBLIC FACILITIES

301.28(470)	Life cycle cost analysis
301.29	Reserved

PART 5 SUSTAINABLE DESIGN STANDARDS

301.30(103A)	Scope and purpose
301.31(103A)	Definitions
301.32(103A)	Submission of projects
301.33(103A)	Sustainable design criteria for residential projects
301.34(103A)	Sustainable design criteria for commercial projects
301.35(103A)	Fees
301.36	Reserved

PART 6 WEATHER SAFE ROOMS

301.37(103A)	Scope
301.38(103A)	Definition
301.39(103A)	Standards
301.40	Reserved

PART 7 STATE HISTORIC BUILDING CODE

301.41(103A)	Scope and definition
301.42(103A)	Adoption

CHAPTERS 302 to 320 Reserved

CHAPTER 321

STATE BUILDING CODE—FACTORY-BUILT STRUCTURES

321.1 to 321.609 Reserved

PART 1—MODULAR FACTORY-BUILT STRUCTURES

321.610(103A) “Modular factory-built structures”

321.611 to 321.619 Reserved

PART 2—MANUFACTURED HOUSING

321.620(103A) Manufactured home construction

321.621(103A) Installation of manufactured homes

321.622 Reserved

321.623(103A) Installation seal and certificate procedures for manufactured homes

321.624 to 321.626 Reserved

321.627(103A) Approval of existing manufactured home tie-down systems

321.628(103A) Procedure for governmental subdivisions for installation of factory-built structures

321.629(103A) Support and anchoring systems submission

CHAPTER 322

STATE BUILDING CODE—MANUFACTURED
HOUSING SUPPORT AND ANCHORAGE SYSTEMS

322.1 Reserved

322.2(103A) Definitions

322.3 to 322.10 Reserved

322.11(103A) Support and anchorage of manufactured homes

322.12(103A) Suspension of installation requirements in proclaimed disaster emergencies

322.13 to 322.19 Reserved

322.20(103A) Fees

CHAPTER 323

TEMPORARY EMERGENCY USE OF FACTORY-BUILT
STRUCTURES—COMMERCIAL USE

323.1(103A) Temporary factory-built structures for commercial use

CHAPTER 324

MANUFACTURED OR MOBILE HOME RETAILERS,
MANUFACTURERS, AND DISTRIBUTORS

324.1(103A) Definitions

324.2(103A) Criteria for obtaining a manufactured or mobile home retailer’s license

324.3(103A) Operation under distinct name

324.4(103A) Supplemental statements

324.5(103A) Denial, suspension, or revocation—civil penalties

324.6(103A,321) Sale or transfer of manufactured or mobile homes

324.7(103A) Right of inspection

324.8(103A) Criteria for obtaining a manufactured or mobile home manufacturer’s or distributor’s license

324.9(17A,103A) Waivers

CHAPTER 325

MANUFACTURED HOUSING INSTALLER CERTIFICATION

325.1(103A) Certification program

325.2(103A) Certified installer required

325.3(103A) Requirements for installer certification

325.4(103A) Certification fee

325.5(103A) Certification period

325.6(103A) Review of application for certification

325.7(103A) Certification renewal and continuing education

325.8(103A) Suspension or revocation of certification

325.9(103A) Civil penalties

325.10(103A) Inspections

325.11(103A) Temporary certification during proclaimed disaster emergencies

CHAPTERS 326 to 364

Reserved

ELEVATOR SAFETY BOARD

CHAPTER 365

ELEVATOR SAFETY BOARD ADMINISTRATIVE AND REGULATORY AUTHORITY

365.1(89A)	Definitions
365.2(89A)	Authority of the board
365.3(21,89A)	Board officers
365.4(21,89A)	Public meetings
365.5(17A,89A)	Procedures for waivers in addition to 7—Chapter 2504
365.6(17A,89A)	Procedures for contested cases in addition to 7—Chapter 2506
365.7(89A)	Official communications

CHAPTER 366

WAIVERS FROM ADMINISTRATIVE RULES BY THE ELEVATOR SAFETY BOARD

366.1(17A,89A)	Criteria for waiver
366.2(17A,89A)	Filing of petition
366.3(17A,89A)	Content of petition
366.4(17A,89A)	Waiver form
366.5(17A,89A)	Notice
366.6(17A,89A)	Board review procedures
366.7(17A,89A)	Hearing procedures
366.8(17A,89A)	Ruling
366.9(17A,89A)	Public availability
366.10(17A,89A)	Summary reports
366.11(17A,89A)	Cancellation of a waiver
366.12(17A,89A)	Violations
366.13(17A,89A)	Judicial review

CHAPTER 367

CONTESTED CASES BEFORE THE ELEVATOR SAFETY BOARD

367.1(17A,89A)	Reconsideration of inspection report
367.2(17A,89A)	Appeal to the board
367.3(17A,89A)	Informal review
367.4(17A,89A)	Delivery of notice
367.5(17A,89A)	Contents of notice
367.6	Reserved
367.7(17A,89A)	File transmitted to the board
367.8(17A,89A)	Legal representation
367.9(17A,89A)	Presiding officer
367.10(17A,89A)	Service and filing
367.11(17A,89A)	Time requirements
367.12(17A,89A)	Waiver of procedures
367.13(17A,89A)	Telephone and electronic proceedings
367.14(17A,89A)	Disqualification
367.15(17A,89A)	Consolidation and severance
367.16(17A,89A)	Discovery
367.17(17A,89A)	Subpoenas in a contested case
367.18(17A,89A)	Motions
367.19(17A,89A)	Settlements
367.20(17A,89A)	Prehearing conference
367.21(17A,89A)	Continuances
367.22(17A,89A)	Withdrawals
367.23(17A,89A)	Hearing procedures
367.24(17A,89A)	Evidence
367.25(17A,89A)	Ex parte communication
367.26(17A,89A)	Interlocutory appeals
367.27(17A,89A)	Decisions

367.28(17A,89A)	Contested cases with no factual disputes
367.29(17A,89A)	Applications for rehearing
367.30(17A,89A)	Stays of board actions
367.31(17A,89A)	Judicial review

CHAPTERS 368 to 370

Reserved

CHAPTER 371

ADMINISTRATION OF THE CONVEYANCE SAFETY PROGRAM

371.1(89A)	Definitions
371.2(89A)	Registration of conveyances
371.3(89A)	State identification number
371.4(89A)	Responsibility for obtaining permits
371.5(89A)	Installation permit requirements
371.6(89A)	Construction permits—requirements
371.7(89A)	Operating permits—requirements
371.8(89A)	Controller upgrade permits—requirements
371.9(89A)	Alteration permits—requirements
371.10(89A)	Alteration requirements
371.11(89A)	Inspection requirements
371.12(89A,252J,272D)	Special inspector commissions
371.13(89A)	Safety tests
371.14(89A)	Authorized companies—requirements
371.15(89A)	Fees
371.16(89A)	Publications available for review
371.17(89A)	Accidents and injuries—requirements
371.18(89A)	Temporary removal from service
371.19(89A)	Other regulations affecting elevators

CHAPTER 372

CONVEYANCES INSTALLED ON OR AFTER JANUARY 1, 1975

372.1(89A)	Purpose and scope
372.2(89A)	Definitions
372.3(89A)	Accommodating the physically disabled
372.4(89A)	Electric elevators
372.5(89A)	Hydraulic elevators
372.6(89A)	Power sidewalk elevators
372.7(89A)	Performance-based safety code
372.8(89A)	Hand and power dumbwaiters
372.9(89A)	Escalators and moving walks
372.10(89A)	General requirements
372.11(89A)	Wind tower lifts
372.12(89A)	Alterations, repairs, replacements and maintenance
372.13(89A)	Power-operated special purpose elevators
372.14(89A)	Inclined and vertical wheelchair lifts
372.15(89A)	Hand-powered elevators
372.16(89A)	Limited-use/limited-application elevators
372.17(89A)	Rack and pinion, screw-column elevators
372.18(89A)	Inclined elevators
372.19(89A)	Material lift elevators
372.20(89A)	Elevators used for construction
372.21(89A)	Construction personnel hoists
372.22(89A)	Alarm bell
372.23(89A)	Child entrapment safeguards
372.24(89A)	Handicapped restricted use elevators
372.25(89A)	Elevators in broadcast towers

CHAPTER 373

CONVEYANCES INSTALLED PRIOR TO JANUARY 1, 1975

373.1(89A)	Scope, definitions, and schedule
373.2(89A)	Electrical protective devices
373.3(89A)	Maintenance, repair and alteration requirements
373.4(89A)	Existing hand elevators
373.5(89A)	Dumbwaiters
373.6(89A)	Child entrapment safeguard requirements
373.7(89A)	Elevators in broadcast towers
373.8(89A)	Handicapped restricted use elevator requirements

CHAPTERS 374 to 379

Reserved

BOILER AND PRESSURE VESSEL BOARD

CHAPTER 380

BOILER AND PRESSURE VESSEL BOARD

ADMINISTRATIVE AND REGULATORY AUTHORITY

380.1(89)	Definitions
380.2(89)	Authority of the board
380.3(89)	Organization of board officers
380.4(21,89)	Public meetings
380.5(17A,89)	Procedures for waivers in addition to 7—Chapter 2504
380.6(17A,89)	Procedures for contested cases in addition to 7—Chapter 2506
380.7(89)	Official communications

CHAPTER 381

BOILER AND PRESSURE VESSEL BOARD WAIVERS

381.1(17A,89)	Criteria for waiver
381.2(17A,89)	Filing of petition
381.3(17A,89)	Content of petition
381.4(17A,89)	Notice
381.5(17A,89)	Board review procedures
381.6(17A,89)	Hearing procedures
381.7(17A,89)	Ruling
381.8(17A,89)	Public availability
381.9(17A,89)	Submission of waiver information
381.10(17A,89)	Cancellation of a waiver
381.11(17A,89)	Violations
381.12(17A,89)	Judicial review

CHAPTER 382

CONTESTED CASES BEFORE THE BOILER AND PRESSURE VESSEL BOARD

382.1(17A,89)	Reconsideration of inspection report
382.2(17A,89)	Appeal to the board
382.3(17A,89)	Informal review
382.4(17A,89)	Delivery of notice
382.5(17A,89)	Contents of notice
382.6(17A,89)	Scope of issues
382.7(17A,89)	File transmitted to the board
382.8(17A,89)	Legal representation
382.9(17A,89)	Presiding officer
382.10(17A,89)	Service and filing
382.11(17A,89)	Time requirements
382.12(17A,89)	Waiver of procedures
382.13(17A,89)	Telephone and electronic proceedings
382.14(17A,89)	Disqualification
382.15(17A,89)	Consolidation and severance
382.16(17A,89)	Discovery
382.17(17A,89)	Subpoenas in a contested case
382.18(17A,89)	Motions

382.19(17A,89)	Settlements
382.20(17A,89)	Prehearing conference
382.21(17A,89)	Continuances
382.22(17A,89)	Withdrawals
382.23(17A,89)	Hearing procedures
382.24(17A,89)	Evidence
382.25(17A,89)	Ex parte communication
382.26(17A,89)	Interlocutory appeals
382.27(17A,89)	Decisions
382.28(17A,89)	Contested cases with no factual disputes
382.29(17A,89)	Applications for rehearing
382.30(17A,89)	Stays of board actions
382.31(17A,89)	Judicial review

CHAPTERS 383 to 389

Reserved

CHAPTER 390

ADMINISTRATION OF THE BOILER AND PRESSURE VESSEL PROGRAM

390.1(89)	Purpose and scope
390.2(89,252J,272D)	Definitions
390.3(89)	Iowa identification numbers
390.4(89)	Preinspection owner or user preparation
390.5(89)	Inspections
390.6(89)	Fees
390.7(89)	Certificate
390.8(89,252J,272D)	Special inspector commissions
390.9(89)	Quality reviews, surveys and audits
390.10(89)	Reporting requirements
390.11(89)	Publications available for review
390.12(89)	Notice prior to installation
390.13(89)	Temporary objects
390.14(89)	Conversion of a power boiler to a low-pressure boiler
390.15(89)	Definitions regarding objects

CHAPTER 391

GENERAL REQUIREMENTS FOR ALL OBJECTS

391.1(89)	Codes and code cases adopted by reference
391.2(89)	Safety appliance
391.3(89)	Blowoff equipment
391.4(89)	Location of discharge piping outlets
391.5(89)	Pipe, valve, and fitting requirements
391.6(89)	Repairs and alterations to unfired steam pressure vessels
391.7(89)	Plugging boiler tubes
391.8(89)	Equipment room
391.9(89)	Fall protection
391.10(89)	Air and ventilation requirements
391.11(89)	Condensate return tank
391.12(89)	Conditions not covered
391.13(89)	English language and U.S. customary units required
391.14(89)	National Board registration
391.15(89)	ASME stamp

CHAPTER 392

POWER BOILERS

392.1(89)	Scope
392.2(89)	Codes adopted by reference
392.3(89)	Maximum allowable working pressure for steel boilers
392.4(89)	Maximum allowable working pressure and temperature for cast iron headers and mud drums
392.5(89)	Rivets

392.6(89)	Safety valve requirements
392.7(89)	Boiler feeding requirements
392.8(89)	Water level indicator requirements
392.9(89)	Pressure gage requirements
392.10(89)	Steam stop valve requirements
392.11(89)	Blowoff connection requirements

CHAPTER 393

MINIATURE POWER BOILERS INSTALLED PRIOR TO SEPTEMBER 20, 2006

393.1(89)	Scope
393.2(89)	Code adopted by reference
393.3(89)	Maximum working pressure
393.4(89)	Safety valve requirements
393.5(89)	Steam stop valves
393.6(89)	Water gage requirements
393.7(89)	Feedwater supply requirements
393.8(89)	Blowoff
393.9(89)	Washout opening requirements
393.10(89)	Fixtures and fittings

CHAPTER 394

STEAM HEATING BOILERS, HOT WATER HEATING BOILERS AND HOT WATER SUPPLY BOILERS

394.1(89)	Scope
394.2(89)	Codes adopted by reference
394.3(89)	General requirements
394.4(89)	Steam heating boilers installed before July 1, 1960—requirements
394.5(89)	Hot water heating boilers installed before July 1, 1960—requirements
394.6(89)	Hot water supply boilers installed before July 1, 1960—requirements

CHAPTER 395

UNFIRED STEAM PRESSURE VESSELS

395.1(89)	Codes adopted by reference
395.2(89)	Objects installed prior to July 1, 1983—requirements

CHAPTERS 396 to 399

Reserved

ELECTRICAL EXAMINING BOARD

CHAPTER 400

ELECTRICIAN AND ELECTRICAL CONTRACTOR LICENSING PROGRAM— ORGANIZATION AND ADMINISTRATION

400.1(103)	Establishment of program
400.2(103)	Definitions

CHAPTER 401

ELECTRICIAN AND ELECTRICAL CONTRACTOR LICENSING PROGRAM—LICENSING REQUIREMENTS, PROCEDURES, AND FEES

401.1(103)	License categories and authority
401.2(103)	License requirements
401.3(103)	License terms and fees
401.4(103)	Disqualifications for licensure
401.5(103)	License application
401.6(103)	Restriction of use of class B licenses by political subdivisions
401.7(103)	Financial responsibility
401.8(272C)	Use of criminal convictions in eligibility determinations and initial licensing decisions
401.9(272C)	Licensure by verification
401.10(272C)	Licensure by work experience in jurisdictions without licensure requirements

CHAPTER 402
ELECTRICIAN AND ELECTRICAL CONTRACTOR LICENSING PROGRAM—
COMPLAINTS AND DISCIPLINE

402.1(103)	Complaints
402.2(103)	Discipline
402.3(103)	Action against an unlicensed person
402.4(103)	Appeals

CHAPTER 403
ELECTRICIAN AND ELECTRICAL CONTRACTOR
LICENSING PROGRAM—EDUCATION

DIVISION I
POSTSECONDARY ELECTRICAL EDUCATION PROGRAMS

403.1 to 403.100	Reserved
403.101(103)	Program approval
403.102(103)	Standards for postsecondary electrical education programs

DIVISION II
CONTINUING EDUCATION

403.103 to 403.200	Reserved
403.201(103)	Continuing education requirements
403.202(103)	Course approval
403.203(103)	Requirements for continuing education programs

CHAPTER 404
ELECTRICAL INSPECTION PROGRAM

404.1(103)	Electrical inspection program
404.2(103)	Definitions
404.3(103)	Installation requirements
404.4(103)	Qualifications of inspectors
404.5(103)	Required permits and inspections
404.6(103)	Requests for permit and inspection
404.7(103)	Fees
404.8(103)	Scheduling of inspections
404.9(103)	Report of inspection
404.10(103)	Appeals
404.11(103)	Civil penalty
404.12(103)	Civil penalty—appeal

CHAPTERS 405 to 424
Reserved

PLUMBING AND MECHANICAL SYSTEMS BOARD

CHAPTER 425
STATE PLUMBING CODE

425.1(105)	Adoption
425.2(105)	Applicability
425.3(105)	Fuel gas piping
425.4(105)	Amendments to Uniform Plumbing Code
425.5(105)	Backflow prevention with containment

CHAPTER 426
STATE MECHANICAL CODE

426.1(105)	Definitions
426.2(105)	Adoption by reference
426.3(105)	Amendments to International Mechanical Code
426.4(105)	Hospitals and health care facilities
426.5(105)	Enforcement

CHAPTER 427
PLUMBING AND MECHANICAL SYSTEMS BOARD—ADMINISTRATIVE AND
REGULATORY AUTHORITY

427.1(17A,105)	Definitions
427.2(17A,105)	Purpose of board
427.3(17A,105)	Organization of board and proceedings
427.4(17A,105)	Official communications
427.5(21)	Public meetings

CHAPTER 428
PLUMBING AND MECHANICAL SYSTEMS BOARD—LICENSURE FEES

428.1(105)	Fees
428.2(105)	Annual review of fee schedule
428.3(105)	Waiver of fees

CHAPTER 429
PLUMBING AND MECHANICAL SYSTEMS BOARD—APPLICATION,
LICENSURE, AND EXAMINATION

429.1(105)	Definitions
429.2(105)	Available licenses and general requirements
429.3(105)	Medical gas piping certification
429.4(105)	Minimum qualifications for licensure
429.5(105)	General requirements for application for licensure
429.6(105)	Examination
429.7(105)	License renewal
429.8(105)	Waiver from examination for military service
429.9(105)	Reactivation of an inactive license
429.10(105)	Review of applications
429.11(105)	Grounds for denial of an application
429.12(105)	Use of criminal convictions in eligibility determinations and initial licensing decisions

CHAPTER 430
PLUMBING AND MECHANICAL SYSTEMS BOARD—ALTERNATIVE
LICENSURE PATHWAYS

430.1(105)	Definitions
430.2(105)	Reciprocity agreements
430.3(105)	Licensure by reciprocity
430.4(105)	Licensure by verification
430.5(105)	Licensure by work experience in jurisdictions without licensure requirements

CHAPTER 431
PLUMBING AND MECHANICAL SYSTEMS BOARD—LICENSEE PRACTICE

431.1(105)	Definitions
431.2(105)	Duties of all licensees, specialty licensees, and certificate holders
431.3(105)	Contractor license
431.4(105)	Master license
431.5(105)	Journeyman license
431.6(105)	Apprentice license
431.7(105)	Specialty licenses and certifications
431.8(105)	Inactive license

CHAPTER 432
CONTINUING EDUCATION FOR PLUMBING AND
MECHANICAL SYSTEMS PROFESSIONALS

432.1(105)	Definitions
432.2(105)	Continuing education requirements
432.3(105)	Continuing education programs/activities
432.4(105)	Course instructor(s)
432.5(105)	Compliance review of continuing education requirements

432.6(105)	Continuing education exemptions
432.7(105)	Continuing education extensions
432.8(105)	Continuing education reporting requirements

CHAPTER 433

PLUMBING AND MECHANICAL SYSTEMS BOARD—COMPLAINTS AND INVESTIGATIONS

433.1(272C)	Complaints
433.2(272C)	Report of malpractice claims or actions or disciplinary actions
433.3(272C)	Report of acts or omissions
433.4(272C)	Investigation of complaints or reports
433.5(17A,272C)	Issuance of investigatory subpoenas
433.6(272C)	Peer review
433.7(17A)	Appearance

CHAPTER 434

PLUMBING AND MECHANICAL SYSTEMS BOARD—LICENSEE DISCIPLINE

434.1(105,272C)	Definitions
434.2(105,272C)	Grounds for discipline
434.3(105,272C)	Method of discipline
434.4(272C)	Discretion of board
434.5(105)	Civil penalties—unlicensed penalties
434.6(105,272C)	Collection of delinquent civil penalties and discipline-related debts

CHAPTER 435

PLUMBING AND MECHANICAL SYSTEMS BOARD—CONTESTED CASES

435.1(17A,105,272C)	Scope and applicability
435.2(17A,105,272C)	Definitions
435.3(17A)	Time requirements
435.4(17A,272C)	Probable cause
435.5(17A,272C)	Informal settlement
435.6(17A)	Statement of charges
435.7(17A)	Requests for contested case proceeding
435.8(105)	Legal representation
435.9(17A,105,272C)	Presiding officer in a disciplinary contested case
435.10(17A)	Presiding officer in a nondisciplinary contested case
435.11(17A)	Disqualification
435.12(17A)	Consolidation—severance
435.13(17A)	Pleadings
435.14(17A)	Service and filing
435.15(17A)	Discovery
435.16(17A,272C)	Subpoenas in a contested case
435.17(17A)	Motions
435.18(17A)	Withdrawals
435.19(17A)	Intervention
435.20(17A)	Telephone proceedings
435.21(17A)	Prehearing conferences
435.22(17A)	Continuances
435.23(272C)	Settlement agreements
435.24(17A)	Hearing procedures
435.25(17A)	Evidence
435.26(17A)	Default
435.27(17A)	Ex parte communication
435.28(17A)	Recording costs
435.29(17A)	Interlocutory appeals
435.30(17A,272C)	Decisions
435.31(17A,272C)	Client notification
435.32(17A,272C)	Application for rehearing
435.33(17A)	Stays of board actions
435.34(17A)	No factual dispute contested cases

435.35(17A)	Emergency adjudicative proceedings
435.36(17A,105,272C)	License denial
435.37(17A,105,272C)	Denial of application to renew license
435.38(105,272C)	Recovery of hearing fees and expenses
435.39(17A)	Judicial review
435.40(17A,272C)	Reinstatement

CHAPTERS 436 to 460

Reserved

AMUSEMENT RIDE REQUIREMENTS AND INSPECTIONS

CHAPTER 461

AMUSEMENT RIDE INSPECTIONS

461.1(88A)	Scope
461.2(88A)	Definitions
461.3(88A)	Owner and operator requirements
461.4(88A)	Inspection requirements
461.5(88A)	Amusement inspection sticker requirements
461.6(88A,252J,272D)	Termination, denial, suspension, or revocation of an operating permit
461.7(17A,88A,252J,272D)	Procedures for revocation, suspension, or denial of an application certificate or amusement inspection sticker

CHAPTER 462

SAFETY RULES FOR AMUSEMENT RIDES, AMUSEMENT DEVICES, AND CONCESSION BOOTHS

462.1(88A)	Scope
462.2(88A)	Other codes
462.3(88A)	Site requirements
462.4(88A)	Design and manufacture of covered equipment
462.5(88A)	Maintenance of covered equipment—requirements
462.6(88A)	Operations—requirements
462.7(88A)	Patrons

CHAPTER 463

SAFETY RULES FOR BUNGEE JUMPS

463.1(88A)	Definitions
463.2(88A)	Prohibited activities
463.3(88A)	Site requirements
463.4(88A)	Design requirements
463.5(88A)	Maintenance requirements
463.6(88A)	Operations requirements

CHAPTER 464

Reserved

BUILDING AND CONSTRUCTION DIVISION: ENVIRONMENTAL HEALTH AND CONTRACTOR BUREAU

CHAPTER 465

CONSTRUCTION CONTRACTOR REGISTRATION

465.1(91C)	Scope
465.2(91C)	Definitions
465.3(91C)	Registration required
465.4(91C)	Application
465.5(91C)	Amendments to application
465.6(91C)	Fee
465.7(91C)	Registration number issuance
465.8(91C)	Workers' compensation insurance cancellation notifications
465.9(91C)	Investigations and complaints
465.10(91C)	Citations/penalties and appeal hearings
465.11(91C)	Revocation of registrations and appeal hearings

- 465.12(91C) Concurrent actions
- 465.13(91C) Bond release

CHAPTERS 466 to 468

Reserved

CHAPTER 469

RENOVATION, REMODELING, AND REPAINTING—LEAD HAZARD NOTIFICATION PROCESS

- 469.1(10A) Applicability
- 469.2(10A) Definitions
- 469.3(10A) Notification required in target housing
- 469.4(10A) Notification required in multifamily housing
- 469.5(10A) Emergency renovation, remodeling, or repainting in target housing
- 469.6(10A) Certification of attempted delivery in target housing
- 469.7(10A) Notification required in child-occupied facilities
- 469.8(10A) Emergency renovation, remodeling, or repainting in child-occupied facilities
- 469.9(10A) Certification of attempted delivery for child-occupied facilities
- 469.10(10A) Subcontracts
- 469.11(10A) Exemption
- 469.12(10A) Recordkeeping requirements
- 469.13(10A) Compliance inspections
- 469.14(10A) Enforcement
- 469.15(10A) Waivers

CHAPTER 470

LEAD-BASED PAINT ACTIVITIES

- 470.1(10A) Applicability
- 470.2(10A) Definitions
- 470.3(10A) Lead professional certification
- 470.4(10A) Course approval and standards
- 470.5(10A) Certification, interim certification, and recertification
- 470.6(10A) Work practice standards for lead professionals conducting lead-based paint activities in target housing and child-occupied facilities
- 470.7(10A) Firms
- 470.8 Reserved
- 470.9(10A) Compliance inspections
- 470.10(10A) Denial, suspension, or revocation of certification; denial, suspension, revocation, or modification of course approval; and imposition of penalties
- 470.11(10A) Waivers
- 470.12(10A) References to federal law

CHAPTERS 471 to 474

Reserved

CHAPTER 475

ASBESTOS REMOVAL AND ENCAPSULATION

- 475.1(88B) Definitions
- 475.2(88B) Permit application procedures
- 475.3(88B) Other asbestos regulations
- 475.4(88B) Asbestos project records
- 475.5(88B) Ten-day notices
- 475.6(88B) License application procedures
- 475.7(88B) Duplicate permits and licenses
- 475.8(17A,88B,252J,272D) Denial, suspension and revocation
- 475.9(17A,88B) Contested cases

CHAPTER 476

BACKFLOW PREVENTION ASSEMBLY TESTER REGISTRATION

- 476.1(135K) Definitions

476.2(135K)	Registration
476.3(135K)	Returned checks
476.4(135K)	Backflow prevention assembly tester training
476.5(135K)	Registration
476.6(135K)	Standards of conduct
476.7(135K)	Penalty
476.8(135K)	Denial, probation, suspension or revocation

CHAPTERS 477 to 480

Reserved

CHAPTER 481

GENERAL RULES FOR MIGRATORY LABOR CAMPS

481.1(138)	Shelters
481.2(138)	Water supply
481.3(138)	Waste disposal
481.4(138)	Bathing facilities
481.5(138)	Central dining facilities
481.6(138)	Safety and fire

CHAPTERS 482 to 484

Reserved

CHAPTER 485

SWIMMING POOLS, SPAS, AND SPRAY PADS

485.1(135I)	Applicability
485.2	Reserved
485.3(135I)	Definitions

SWIMMING POOLS

485.4(135I)	Swimming pool operations
485.5(135I)	Construction and reconstruction

ADMINISTRATION

485.6(135I)	Enforcement
485.7(135I)	Waivers
485.8(135I)	Penalties
485.9(135I)	Registration
485.10(135I)	Training courses
485.11(135I)	Swimming pool/spa operator qualifications
485.12(135I)	Fees
485.13(135I)	Inspection and enforcement agreements
485.14(135I)	Application denial or partial denial—appeal
485.15 to 485.50	Reserved

SPAS

485.51(135I)	Spa operations
485.52(135I)	Construction and reconstruction

CHAPTERS 486 to 491

Reserved

CHAPTER 492

PRACTICE OF TATTOOING

492.1	Reserved
492.2(10A)	Definitions
492.3(10A)	General provisions
492.4(10A)	Sanitation and infection control
492.5(10A)	Equipment
492.6(10A)	Procedures
492.7(10A)	Permit issuance and renewal
492.8(10A)	Fees
492.9(10A)	Tattoo establishment permit criteria
492.10(10A)	Tattoo artist permit criteria

492.11(10A)	Temporary establishment permit criteria
492.12(10A)	Mobile tattoo unit permit criteria
492.13(10A)	Inspections
492.14(10A)	Tattoo inspector qualifications
492.15(10A)	Enforcement
492.16(10A)	Adverse actions and appeals

CHAPTERS 493 to 495

Reserved

CHAPTER 496

MINIMUM REQUIREMENTS FOR TANNING FACILITIES

496.1(136D)	Purpose and scope
496.2(136D)	Definitions
496.3(136D)	Exemptions
496.4(136D)	Permits and fees
496.5(136D)	Construction and operation of tanning facilities
496.6(136D)	Inspections, violations and injunctions

CHAPTERS 497 to 499

Reserved

MODEL RULES GOVERNING PROFESSIONAL LICENSING DIVISION PROGRAMS

CHAPTER 500

MODEL RULES FOR BOARD ADMINISTRATIVE PROCESSES

500.1(17A)	Definitions
500.2(17A)	Purpose of board
500.3(17A,147,272C)	Organization of board and proceedings
500.4(17A)	Name and address changes
500.5(147)	Duplicate certificate
500.6(17A,147,272C)	License denial
500.7(272C)	Audit of continuing education
500.8(272C,83GA,SF2325)	Automatic exemption
500.9(272C)	Continuing education exemption for disability or illness
500.10(147,272C)	Order for physical, mental, substance abuse or clinical competency examination
500.11(252J,272D)	Noncompliance rules regarding child support and nonpayment of state debt

CHAPTER 501

MODEL RULES FOR LICENSURE BY VERIFICATION OR WORK EXPERIENCE

501.1(272C)	Licensure by verification
501.2(272C)	Applicants with work experience in jurisdictions without licensure requirements

CHAPTER 502

MODEL RULES FOR USE OF CRIMINAL CONVICTIONS IN ELIGIBILITY DETERMINATIONS AND INITIAL LICENSING DECISIONS

502.1(272C)	Definitions
502.2(272C)	License application
502.3(272C)	Eligibility determination
502.4(272C)	Appeal
502.5(272C)	Future petitions or applications

CHAPTER 503

MODEL RULES FOR COMPLAINTS AND INVESTIGATIONS

503.1(272C)	Complaints
503.2(272C)	Report of malpractice claims or actions or disciplinary actions
503.3(272C)	Report of acts or omissions
503.4(272C)	Investigation of complaints or reports
503.5(17A,272C)	Issuance of investigatory subpoenas
503.6(272C)	Peer review

503.7(17A) Appearance

CHAPTER 504 MODEL RULES FOR DISCIPLINE

504.1(272C) Definitions
 504.2(147,272C) Grounds for discipline
 504.3(272C) Method of discipline
 504.4(272C) Discretion of board

CHAPTER 505 MODEL RULES FOR LICENSEE REVIEW COMMITTEE

505.1(272C) Definitions
 505.2(272C) Purpose
 505.3(272C) Composition of the committee
 505.4(272C) Eligibility
 505.5(272C) Terms of participation in the impaired practitioner recovery program
 505.6(272C) Confidentiality

CHAPTER 506 MODEL RULES FOR CONTESTED CASES BEFORE LICENSING BOARDS AND SETTLEMENTS

506.1(17A) Scope and applicability
 506.2(17A) Definitions
 506.3(17A) Time requirements
 506.4(17A) Probable cause
 506.5(17A) Statement of charges and notice of hearing
 506.6(17A,272C) Legal representation
 506.7(17A,272C) Presiding officer in a disciplinary contested case
 506.8(17A,272C) Delegation by board to administrative law judge
 506.9(17A) Presiding officer in a nondisciplinary contested case
 506.10(17A) Disqualification
 506.11(17A) Consolidation—severance
 506.12(17A) Pleadings
 506.13(17A) Service and filing
 506.14(17A) Discovery
 506.15(17A,272C) Subpoenas in a contested case
 506.16(17A) Motions
 506.17(17A) Prehearing conferences
 506.18(17A) Continuances
 506.19(17A,272C) Hearing procedures
 506.20(17A) Evidence
 506.21(17A) Default
 506.22(17A) Ex parte communication
 506.23(17A) Recording costs
 506.24(17A) Interlocutory appeals
 506.25(17A) Decisions
 506.26(17A) Applications for rehearing
 506.27(17A) Stays of agency actions
 506.28(17A) No factual dispute contested cases
 506.29(17A) Emergency adjudicative proceedings
 506.30(17A) Appeal
 506.31(272C) Public record
 506.32(272C) Reinstatement
 506.33(17A,272C) License denial
 506.34(272C) Disciplinary hearings—fees and costs
 506.35(17A,272C) Settlement agreements
 506.36(17A) Waiver of procedures

CHAPTER 507 PROFESSIONAL LICENSING DIVISION FEES

507.1(147,152D)	Athletic training license fees
507.2	Reserved
507.3(147,154D)	Behavioral science license fees
507.4(151)	Chiropractic license fees
507.5(147,157)	Barbering and cosmetology arts and sciences license fees
507.6(147,152A)	Dietetics license fees
507.7(147,154A)	Hearing aid specialists license fees
507.8(147)	Massage therapy license fees
507.9(147,156)	Mortuary science license fees
507.10(147,155)	Nursing home administrators license fees
507.11(147,148B)	Occupational therapy license fees
507.12(147,154)	Optometry license fees
507.13(147,148A)	Physical therapy license fees
507.14(148C)	Physician associates license fees
507.15(147,148F,149)	Podiatry license fees
507.16(147,154B)	Psychology license fees
507.17(147,152B)	Respiratory care and polysomnography license fees
507.18(147,154E)	Sign language interpreters and transliterators license fees
507.19(147,154C)	Social work license fees
507.20(147)	Speech pathology and audiology license fees

CHAPTERS 508 to 549

Reserved

BOARD OF PHARMACY

CHAPTER 550

DEFINITIONS

550.1(124,147,155A,272C)	Definitions

CHAPTER 551

LICENSES, REGISTRATIONS, AND PERMITS

551.1(124,147,155A,272C)	Definitions
551.2(124,124B,147,155A,272C)	General requirements
551.3(124,124B,147,155A,272C)	Notifications to the board
551.4(147,155A,272C)	Pharmacists
551.5(155A)	Nonresident pharmacists in charge
551.6(155A)	Pharmacist-interns
551.7(155A)	Pharmacy technicians
551.8(155A)	Pharmacy support persons
551.9(124)	CSA—individuals
551.10(124,155A)	Pharmacies
551.11(124)	CSA—businesses
551.12(124B)	Precursor substances
551.13(155A)	Wholesale distributors
551.14(155A)	Outsourcing facilities
551.15(155A)	Limited distributors
551.16(155A)	Third-party logistics providers

CHAPTER 552

STANDARDS—PRACTICE OF PHARMACY

552.1(124,155A)	Definitions
552.2(155A)	Pharmacy department
552.3(155A)	Security
552.4(155A)	Pharmacy personnel standards
552.5(155A)	Standard of care
552.6(155A)	Patient confidentiality
552.7(155A)	Pharmacist-interns
552.8(155A)	Supervision of nonpharmacist personnel
552.9(155A)	Delegation of functions
552.10(155A)	Technician product verification

552.11(155A)	Unprofessional conduct
552.12(155A)	Manner of issuance of prescriptions
552.13(124,155A)	Electronic transmission mandate—exemptions and petition
552.14(155A)	Manner of issuance of medication orders
552.15(155A)	Prospective drug use review
552.16(155A)	Transfer of prescriptions
552.17(155A)	Contract pharmacy services
552.18(155A)	Telepharmacy
552.19(155A)	Packaging
552.20(155A)	AMDS
552.21(155A)	Labeling
552.22(155A)	Compounding
552.23(155A)	Patient counseling
552.24(155A)	Provision of emergency kits
552.25(155A)	Continuous quality improvement program
552.26(155A)	Statewide protocols
552.27(155A)	Collaborative pharmacy practice
552.28(155A)	Pharmacy pilot or demonstration research projects
552.29(155A)	Nuclear pharmacy
552.30(155A)	Records

CHAPTER 553

CONTROLLED AND PRECURSOR SUBSTANCES

553.1(124,124B)	Definitions
553.2(124,124B)	General requirements
553.3(124,124B)	Security
553.4(124)	Policies and procedures
553.5(124)	Physical count and record of inventory
553.6(124)	Controlled substance accountability
553.7(124)	Report of theft or significant loss—controlled substances
553.8(124,124B)	Disposal of registrant stock
553.9(124)	Prescription requirements—valid prescriber-patient relationship
553.10(124)	Schedule II prescription changes
553.11(124)	Dispensing scheduled listed chemical products without a prescription
553.12(124)	PTS access
553.13(124,124B)	Temporary designation of controlled and precursor substances
553.14(124)	Excluded and exempt substances
553.15(124B)	Precursor substances—reports
553.16(124B)	Precursor substances—identification of purchaser or other recipient

CHAPTER 554

OPERATIONAL STANDARDS—DISTRIBUTION AND DRUG SUPPLY CHAIN

554.1(124,124B)	Definitions
554.2(155A)	Compliance with federal laws and regulations
554.3(155A)	Policies and procedures
554.4(155A)	Records
554.5(155A)	Facilities
554.6(155A)	Standards for outsourcing facilities
554.7(155A)	Standards for limited distributors

CHAPTER 555

STANDARDS—DRUGS IN EMERGENCY MEDICAL SERVICES PROGRAMS

555.1(124,155A)	Definitions
555.2(124)	Registration required
555.3(124,155A)	Identification
555.4(124,155A)	Policies and procedures
555.5(124,155A)	Storage
555.6(124,155A)	Removal of drugs from program stock
555.7(124,155A)	Administration wastage
555.8(124,155A)	Monthly inspections

555.9(124,155A) Records

CHAPTER 556

IOWA PRESCRIPTION MONITORING PROGRAM

556.1(124,155A) Definitions
 556.2(124) PMP advisory committee
 556.3(124) Registration
 556.4(124) Reporting requirements
 556.5(124) Security
 556.6(124) Access to and reporting of PMP information

CHAPTER 557

BOARD OF PHARMACY OPERATIONS

557.1(17A,147,155A,272C) Board of pharmacy operations

CHAPTERS 558 to 569

Reserved

DENTAL BOARD

CHAPTER 570

DENTAL BOARD ADMINISTRATION

570.1(153) Definitions
 570.2(17A,147,153,272C) Purpose of the board
 570.3(17A,147,153) Organization of the board
 570.4(153) Organization of the dental hygiene committee
 570.5(153) Committees of the board
 570.6(17A,21,147,153) Meetings
 570.7(17A,272C) Adoption of uniform and model rules

CHAPTER 571

DENTAL BOARD FEES

571.1(147,153) Establishment of fees
 571.2(153) Application fees
 571.3(153) Renewal fees
 571.4(153) Late renewal fees
 571.5(147,153) Reinstatement fees
 571.6(153) Miscellaneous fees
 571.7(153) Contested case hearings—fees and costs
 571.8(153) Facility inspection fee
 571.9(22,147,153) Public records
 571.10(22,147,153) Data or mailing lists
 571.11(147,153) Returned checks
 571.12(147,153,272C) Copies of the laws and rules
 571.13(17A,147,153,272C) Waiver prohibited

CHAPTER 572

DENTAL LICENSURE, REGISTRATION, RENEWAL, REACTIVATION AND REINSTATEMENT

572.1(147,153) Applicant responsibilities
 572.2(147,153) Review of applications
 572.3(147,153) Licensure
 572.4(153) Graduates of foreign dental schools
 572.5(153) Dental assistant registration
 572.6(136C,153) Dental radiography qualification
 572.7(272C) Licensure or registration by verification
 572.8(153) Resident license
 572.9(153) Dental college and dental hygiene program faculty permits
 572.10(147,153) Requirements for issuance and renewal of a local anesthesia permit
 572.11(153) Requirements for issuance or renewal of a moderate sedation or general anesthesia permit
 572.12(153) Temporary permit

572.13(153)	Retired volunteer license
572.14(147,153)	Clinical examination required for licensure
572.15(147,153)	Jurisprudence examination
572.16(147,153)	Examinations for registration or qualification
572.17(147,153,272C)	Renewal of a license, permit, registration, or qualification
572.18(147,153,272C)	Grounds for nonrenewal
572.19(147,153,272C)	Late renewal
572.20(147,153,272C)	Reinstatement or reactivation of a lapsed license, permit, registration or qualification
572.21(136C,153)	Reactivation of lapsed radiography qualification
572.22(147,153,272C)	Grounds for action against a license, permit, registration or qualification

CHAPTER 573

DENTAL CONTINUING EDUCATION

573.1(153)	Continuing education requirements
573.2(153)	Documentation of continuing education hours
573.3(153)	Acceptable programs and activities
573.4(153)	Unacceptable programs and activities
573.5(153)	Extensions and exemptions
573.6(153)	Continuing education sponsors
573.7(153)	Review of programs or sponsors
573.8(153)	Noncompliance with continuing dental education requirements
573.9(153)	Dental hygiene continuing education

CHAPTER 574

GENERAL REQUIREMENTS AND STANDARDS OF PRACTICE

574.1(153)	Licensed, registered or trained personnel
574.2(147,153)	Display of current license, registration, permit or qualification
574.3(147,153,272C)	Change of name or address
574.4(147,153,272C)	Other requirements
574.5(153)	Use of personnel
574.6(153,272C)	Patient acceptance
574.7(153)	Emergency service
574.8(153)	Consultation and referral
574.9(153,272C)	Patient records
574.10(153)	Teledentistry
574.11(153)	Public health supervision allowed
574.12(153)	Representation of treatment and fees
574.13(153)	Retention of patient records and discontinuance of practice
574.14(153)	Unethical and unprofessional conduct
574.15(153)	Communications
574.16(153)	Advertising standards
574.17(153)	Fees
574.18(153)	Public representation
574.19(153)	Responsibility for advertisements
574.20(147,153,272C)	Mandatory reporting requirements
574.21(17A,147,153,272C)	Waiver prohibited

CHAPTER 575

DENTAL ASSISTANTS, DENTAL RADIOGRAPHY QUALIFICATIONS, AND DENTAL LABORATORY TECHNICIANS

575.1(153)	Registration required
575.2(136C,153)	Qualification required
575.3(153)	Dental assistants
575.4(153)	Scope of practice
575.5(153)	Supervision required
575.6(153)	Continuing education
575.7(153)	Students enrolled in dental assisting programs
575.8(153)	Unlawful practice
575.9(153)	Advertising and soliciting of dental services prohibited

CHAPTER 576 DENTAL HYGIENISTS

- 576.1(153) Authorized practice of a dental hygienist
- 576.2(153) Scope of practice and supervision requirements
- 576.3(153) Unauthorized practice of a dental hygienist
- 576.4(153) Students enrolled in dental hygiene programs

CHAPTER 577 EXPANDED FUNCTIONS

- 577.1(153) Expanded function requirements and eligibility
- 577.2(153) Expanded function categories
- 577.3(153) Level 1 expanded function procedures
- 577.4(153) Level 2 expanded function procedures for dental hygienists and dental assistants
- 577.5(153) Expanded function training

CHAPTER 578 PRESCRIBING, ADMINISTERING, AND DISPENSING DRUGS

- 578.1(153) Scope of authority and prescribing requirements
- 578.2(153) Dispensing—requirements for containers and labeling
- 578.3(153) Prescription requirements
- 578.4(153) Required use of the prescription monitoring program (PMP)

CHAPTER 579 SEDATION AND NITROUS OXIDE

- 579.1(153) Nitrous oxide inhalation analgesia
- 579.2(153) Minimal sedation standards
- 579.3(153) Shared standards for moderate sedation, deep sedation and general anesthesia
- 579.4(153) Moderate sedation standards
- 579.5(153) Deep sedation or general anesthesia standards
- 579.6(153) Training and certification requirements for patient monitors
- 579.7(153) Recordkeeping requirements for nitrous oxide, sedation or anesthesia
- 579.8(153) Facility and equipment requirements for moderate sedation, deep sedation or general anesthesia
- 579.9(153) Use of another licensed sedation provider or permit holder
- 579.10(153) Advertising
- 579.11(153) Noncompliance

CHAPTER 580 DENTAL BOARD COMPLAINTS AND INVESTIGATIONS

- 580.1(147,153,272C) Complaint review
- 580.2(153) Form, content and submission of complaints
- 580.3(153) Investigation
- 580.4(17A,153,272C) Investigatory subpoenas
- 580.5(153) Board appearances
- 580.6(153) Peer review
- 580.7(272C) Duties of peer review committees
- 580.8(272C) Board review
- 580.9(272C) Confidentiality of investigative files
- 580.10(272C) Investigation of reports of judgments and settlements
- 580.11(147,272C) Immunities

CHAPTER 581 DENTAL BOARD DISCIPLINE

- 581.1(147,153,272C) Authority and methods of discipline
- 581.2(153,272C) Discretion of the board
- 581.3(147,153,272C) Grounds for discipline
- 581.4(272C) Prohibited grounds for discipline

CHAPTERS 582 to 614 Reserved

NURSING BOARD

CHAPTER 615

ADMINISTRATIVE AND REGULATORY AUTHORITY

- 615.1(17A,147,152,152E,272C) Description and organization of the board
- 615.2(17A,152,152E,272C) Responsibilities
- 615.3(17A,272) Submission of requests, obtaining information, and board office
- 615.4(17A,21) Meetings
- 615.5(147,152,272C) Communications
- 615.6(17A,272C) Adoption of uniform and model rules

CHAPTER 616

NURSING EDUCATION PROGRAMS

- 616.1(152) Definitions
- 616.2(152) Programs eligible for board approval
- 616.3(152) Application for interim approval of a nursing program
- 616.4(152) Approval and reapproval of in-state nursing programs
- 616.5(152) Conditional approval
- 616.6(152) Denial or withdrawal of approval
- 616.7(152) Closure of an approved program
- 616.8(152) Organization and administration of the program
- 616.9(152) Resources of the controlling institution
- 616.10(152) Curriculum
- 616.11(152) Faculty
- 616.12(152) Program responsibilities
- 616.13(152) Student criminal history checks
- 616.14(152) Clinical facilities
- 616.15(152) Undergraduate and non-ARNP graduate program preceptorship
- 616.16(152) ARNP program preceptorship
- 616.17(152) Results of graduates who take the licensure examination for the first time
- 616.18(152) Reports to the board

CHAPTER 617

LICENSURE TO PRACTICE—REGISTERED NURSE/LICENSED PRACTICAL NURSE

- 617.1(17A,147,152,152E,272C) Definitions
- 617.2(17A,147,152,152E,272C) Fees for licensure
- 617.3(17A,147,152,272C) Mandatory licensure
- 617.4(17A,147,152,272C) Licensure qualifications for registered nurse and licensed practical nurse
- 617.5(17A,147,152,272C) Licensure by examination
- 617.6(17A,147,152,272C) Licensure by endorsement
- 617.7(17A,147,152,272C) Applicants educated in a foreign country or in a U.S. territory that is not a member of NCSBN
- 617.8(17A,147,152,272C) License renewal and reactivation
- 617.9(17A,147,152,272C) Verification
- 617.10(17A,272C) License denial
- 617.11(152) Nurse refresher course
- 617.12(272C) Use of criminal convictions in eligibility determinations and initial licensing decisions

CHAPTER 618

COMPLAINTS, INVESTIGATIONS AND DISCIPLINE

- 618.1(17A,147,152,272C) Complaints and investigations
- 618.2(17A,147,152,272C) Board action
- 618.3(17A,147,152,272C) Peer review committee
- 618.4(17A,147,152,272C) Grounds for discipline
- 618.5(17A,147,152,272C) Voluntary surrender
- 618.6(272C) Disciplinary hearing—fees and costs

CHAPTER 619

CONTINUING EDUCATION

- 619.1(272C) Definitions

619.2(272C) Continuing education—licensees

CHAPTER 620

NURSING PRACTICE FOR REGISTERED NURSES/LICENSED PRACTICAL NURSES

620.1(152) Definitions
 620.2(152) Standards of nursing practice for registered nurses
 620.3(152) Standards of nursing practice for licensed practical nurses
 620.4(152) Telehealth

CHAPTER 621

ADVANCED REGISTERED NURSE PRACTITIONERS

621.1(17A,124,147,152) Definitions
 621.2(152) Requirements for licensure as an ARNP
 621.3(17A,147,152) Application process
 621.4(17A,147,152) Advanced nursing practice
 621.5(17A,147,152) Standards of practice for treating patients
 621.6(17A,124,147,152,272C) Standards of practice for controlled substances
 621.7(124) Use of the prescription monitoring program
 621.8(152) Prescribing epinephrine auto-injectors, bronchodilator canisters, bronchodilator canisters and spacers, or opioid antagonists in the name of a facility or school
 621.9(152) Standards of practice for telehealth

CHAPTER 622

REGISTERED NURSE CERTIFYING ORGANIZATIONS/ UTILIZATION AND COST CONTROL REVIEW

622.1(509,514,514B,514F) Purpose
 622.2 Reserved
 622.3(509,514,514B) National certifying organizations
 622.4(514F) Utilization and cost control review (U.C.C.R.) committee
 622.5(514F) Selection and composition of the U.C.C.R. committee
 622.6(514F) Scope of review
 622.7(514F) Procedures for utilization and cost control review

CHAPTER 623

CERTIFIED PROFESSIONAL MIDWIVES

623.1(148I) Definitions
 623.2(148I) Licensure
 623.3(148I) Practice standards
 623.4(148I) Delegation to another CPM
 623.5(148I) Testing and drugs
 623.6(148I) Discipline
 623.7(148I) Telehealth

CHAPTERS 624 to 649

Reserved

BOARD OF MEDICINE

CHAPTER 650

ADMINISTRATIVE AND REGULATORY AUTHORITY

650.1(17A,147) Definitions
 650.2(17A) Purpose of board
 650.3(17A) Organization of board
 650.4(17A) Official communications
 650.5(17A) Office hours
 650.6(17A) Meetings
 650.7(17A,272C) Adoption of uniform and model rules

CHAPTER 651

FEES

651.1(147,148,272C) Definitions

651.2(147,148,272C)	Application and licensure fees for acupuncturists
651.3(147,148,272C)	Interstate medical licensure compact (IMLC) fees
651.4(147,148,272C)	Application and licensure fees to practice medicine and surgery or osteopathic medicine and surgery or administrative medicine
651.5(147,148,272C)	Fees for verification of physician licensure and certification of examination scores
651.6(147,148,272C)	Public records
651.7(147,148,272C)	Licensee data list
651.8(147,148,272C)	Returned checks
651.9(147,148,272C)	Copies of the laws and rules
651.10(147,148,272C)	Refunds
651.11(17A,147,148,272C)	Waiver prohibited
651.12(8,147,148,272C)	Monitoring fee
651.13(147,148,272C)	Application and licensure fees for genetic counselors

CHAPTER 652

PERMANENT AND ADMINISTRATIVE MEDICINE PHYSICIAN LICENSURE

652.1(147,148)	Definitions
652.2(147,148)	General licensure provisions
652.3(147,148)	Eligibility for licensure
652.4(147,148)	Licensure application
652.5(272C)	Licensure by verification
652.6(147,148)	Licensure examinations
652.7(147,148)	Permanent licensure application review process
652.8(147,148)	Licensure application cycle
652.9(147,148)	Discretionary board actions on licensure applications
652.10(147,148)	Issuance of a license
652.11(147,148)	Notification required to change the board's data system
652.12(147,148)	Renewal of a permanent or administrative medicine license
652.13(147,148)	Inactive status of a license
652.14(147,148)	Reactivation of an unrestricted Iowa license
652.15(147,148)	Reinstatement of a restricted Iowa license
652.16(147,148)	Relinquishment of license to practice
652.17(147,148)	Administrative medicine licensure
652.18(147,147B,148)	Licensure through IMLC
652.19(147,148)	Denial of licensure, determination of ineligibility for licensure through the IMLC, or termination of a license issued through the IMLC

CHAPTER 653

RESIDENT, SPECIAL AND TEMPORARY PHYSICIAN LICENSURE

653.1(147,148)	Definitions
653.2(148)	Licensure required
653.3(147,148)	Resident physician licensure
653.4(147,148)	Special licensure
653.5(147,148)	Temporary licensure
653.6(147,148,148J)	Provisional licensure for foreign medical graduates

CHAPTER 654

CONTINUING EDUCATION AND TRAINING REQUIREMENTS

654.1(272C)	Definitions
654.2(272C)	Continuing education credit and alternatives
654.3(272C)	Continuing education and training requirements for renewal or reactivation
654.4(272C)	Failure to fulfill requirements for continuing education and training for identifying and reporting abuse

CHAPTER 655

STANDARDS OF PRACTICE AND PRINCIPLES OF MEDICAL ETHICS

655.1(148,272C)	Standards of practice—packaging, labeling and records of prescription drugs dispensed by a physician
655.2(124,148,272C)	Standards of practice—appropriate pain management
655.3(147,148)	Standards of practice—chelation therapy

655.4(79GA,HF726)	Standards of practice—automated dispensing systems
655.5(147,148,272C)	Standards of practice—office practices
655.6(148,272C)	Standards of practice—medical directors at medical spas—delegation and supervision of medical aesthetic services performed by qualified licensed or certified nonphysician persons or qualified laser technicians
655.7(147,148,272C)	Standards of practice—interventional chronic pain management
655.8(147,148,272C)	Standards of practice—physicians who prescribe or administer abortion-inducing drugs
655.9(147,148,272C)	Standards of practice—telemedicine
655.10(135,147,148,272C,280)	Standards of practice—prescribing epinephrine auto-injectors, bronchodilator canisters, bronchodilator canisters and spacers, or opioid antagonists in the name of an authorized facility
655.11(144E,147,148,272C)	Standards of practice—experimental treatments for patients with a terminal illness
655.12(147,148,272C)	Standards of practice—tick-borne disease diagnosis and treatment
655.13(124E,147,148,272C)	Standards of practice—medical cannabidiol
655.14(146A)	Abortion prerequisites
655.15(135L,146A,146E,147,148,272C)	Standards of practice for physicians who perform or induce abortions—definitions—detection of fetal heartbeat—fetal heartbeat exceptions—discipline
655.16(147,148)	Principles of medical ethics
655.17(147A)	Emergency medical care provider

CHAPTER 656

LICENSURE OF ACUPUNCTURISTS

656.1(148E)	Scope of chapter
656.2(148E)	Definitions
656.3(147,148E)	Eligibility for licensure
656.4(147,148E)	Application requirements
656.5(147,148E,272C)	Biennial renewal of license required
656.6(147,272C)	Reactivation of an inactive license
656.7(272C)	Continuing education requirements
656.8(147,148E,272C)	General provisions

CHAPTER 657

PRESCRIBING PSYCHOLOGISTS

657.1(148,154B)	Joint rules adopted
657.2(17A,124,147,148,154B,272C)	Standards of practice—supervision of a conditional prescribing psychologist
657.3(17A,124,147,148,154B,272C)	Standards of practice—collaboration with a prescribing psychologist
657.4(17A,124,147,148,272C)	Grounds for discipline

CHAPTER 658

LICENSURE OF GENETIC COUNSELORS

658.1(148H)	Scope of chapter
658.2(148H)	Definitions
658.3(148H)	Titles used
658.4(148H)	Qualifications for licensure
658.5(148H)	Qualifications for provisional licensure
658.6(147,148H)	Application requirements
658.7(147,148H)	Display of license and notification required to change the board's data system
658.8(147,148H,272C)	Biennial renewal of license required
658.9(147,272C)	Reactivation of an inactive license
658.10(272C)	Code of ethics
658.11(148H,272C)	Surrender of license to the board

CHAPTER 659

PHYSICIAN SUPERVISION OF A PHYSICIAN ASSOCIATE PURSUANT TO IOWA CODE CHAPTER 148C

659.1(148,272C)	Ineligibility determinants
659.2(148,272C)	Exemptions from this chapter
659.3(148)	Board notification

659.4(148,272C)	Requirements for supervising
659.5(148,272C)	Grounds for discipline
659.6(148,272C)	Disciplinary sanction
659.7(148,272C)	Communication with physician associate supervisees

CHAPTER 660

MANDATORY REPORTING

660.1(272C)	Mandatory reporting—judgments or settlements
660.2(272C)	Mandatory reporting—wrongful acts or omissions
660.3(272C)	Mandatory reporting—disciplinary action in another jurisdiction
660.4(272C)	Mandatory reporting—child abuse and dependent adult abuse
660.5(272C)	Mandatory reporting—hospital disciplinary action

CHAPTER 661

GROUND FOR DISCIPLINE

661.1(272C)	Grounds for discipline

CHAPTER 662

COMPLAINTS AND INVESTIGATIONS

662.1(17A,147,148,272C)	Complaints
662.2(17A,147,148,272C)	Processing complaints and investigations
662.3(272C)	Peer review
662.4(272C)	Order for physical, mental, or clinical competency evaluation

CHAPTER 663

REINSTATEMENT AFTER DISCIPLINARY ACTION

663.1(17A)	Reinstatement

CHAPTERS 664 to 699

Reserved

BOARD OF PODIATRY

CHAPTER 700

LICENSURE OF PODIATRISTS

700.1(149)	Definitions
700.2(149)	Requirements for licensure
700.3(149)	Written examinations
700.4(149)	Educational qualifications
700.5(149)	Title designations
700.6(147,149)	Temporary license
700.7(149)	Licensure by endorsement
700.8(149)	License renewal
700.9(17A,147,272C)	License reactivation
700.10(17A,147,272C)	License reinstatement

CHAPTER 701

LICENSURE OF ORTHOTISTS, PROSTHETISTS, AND PEDORTHISTS

701.1(148F)	Definitions
701.2(148F)	Requirements for licensure
701.3(148F)	Written examinations
701.4(148F)	Educational qualifications
701.5(148F)	Licensure by endorsement
701.6(148F)	License renewal
701.7(17A,147,272C)	License reactivation
701.8(17A,147,272C)	License reinstatement

CHAPTER 702

CONTINUING EDUCATION FOR PODIATRISTS

702.1(149,272C)	Definitions
702.2(149,272C)	Continuing education requirements

702.3(149,272C) Standards

CHAPTER 703 PRACTICE OF PODIATRY

703.1(149) Definitions
 703.2(149) Requirements for administering conscious sedation
 703.3(139A) Preventing HIV and HBV transmission
 703.4(149) Unlicensed graduate of a podiatric college
 703.5(149) Prescribing opioids

CHAPTER 704 DISCIPLINE FOR PODIATRISTS, ORTHOTISTS, PROSTHETISTS, AND PEDORTHISTS

704.1(148F,149,272C) Grounds for discipline
 704.2(148F,149,272C) Indiscriminately prescribing, administering or dispensing any drug for other than a lawful purpose

CHAPTER 705 CONTINUING EDUCATION FOR ORTHOTISTS, PROSTHETISTS, AND PEDORTHISTS

705.1(148F) Definitions
 705.2(148F,272C) Continuing education requirements
 705.3(148F,272C) Standards
 705.4(148F,272C) Audit of continuing education report

CHAPTER 706 ADOPTION OF UNIFORM AND MODEL RULES

706.1(17A,272C) Board of podiatry adoption of uniform and model rules

CHAPTERS 707 to 719 Reserved

BOARD OF RESPIRATORY CARE AND POLYSOMNOGRAPHY

CHAPTER 720 LICENSURE OF RESPIRATORY CARE PRACTITIONERS, POLYSOMNOGRAPHIC TECHNOLOGISTS, AND RESPIRATORY CARE AND POLYSOMNOGRAPHY PRACTITIONERS

720.1(148G,152B) Definitions
 720.2(148G,152B) General requirements for licensure
 720.3(152B) Additional requirements for respiratory care practitioner licensure
 720.4(148G,152B) Additional requirements for polysomnographic technologist licensure
 720.5(148G,152B) Requirements for dual licensure
 720.6(148G,152B) License renewal
 720.7(17A,147,272C) License reactivation
 720.8(17A,147,272C) License reinstatement

CHAPTER 721 CONTINUING EDUCATION FOR RESPIRATORY CARE PRACTITIONERS AND POLYSOMNOGRAPHIC TECHNOLOGISTS

721.1(148G,152B,272C) Definitions
 721.2(148G,152B,272C) Continuing education requirements
 721.3(148G,152B,272C) Standards

CHAPTER 722 PRACTICE OF RESPIRATORY CARE PRACTITIONERS AND POLYSOMNOGRAPHIC TECHNOLOGISTS

722.1(148G,152B,272C) Definitions
 722.2(148G,152B,272C) Code of ethics
 722.3(152B,272C) Intravenous administration
 722.4(152B,272C) Setup and delivery of respiratory care equipment
 722.5(152B,272C) Respiratory care as a practice

- 722.6(148G,272C) Practice of polysomnography
- 722.7(148G,152B,272C) Students
- 722.8(148G,272C) Location of polysomnography services

CHAPTER 723

ADOPTION OF UNIFORM AND MODEL RULES

- 723.1(17A,272C) Board of respiratory care and polysomnography adoption of uniform and model rules

CHAPTERS 724 to 739

Reserved

BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY

CHAPTER 740

LICENSURE OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS

- 740.1(147) Definitions
- 740.2(147) Requirements for licensure
- 740.3(147) Educational qualifications
- 740.4(147) Examination requirements
- 740.5(147) Speech therapy and audiology compact
- 740.6(147) Temporary clinical license
- 740.7(147) Temporary permit
- 740.8(147) Use of assistants
- 740.9(147) Licensure by endorsement
- 740.10(147) License renewal
- 740.11(17A,147,272C) License reactivation
- 740.12(17A,147,272C) License reinstatement

CHAPTER 741

PRACTICE OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS

- 741.1(147) Telehealth visits
- 741.2(147) Hearing aid dispensing

CHAPTER 742

CONTINUING EDUCATION FOR SPEECH PATHOLOGISTS AND AUDIOLOGISTS

- 742.1(147) Definitions
- 742.2(147) Continuing education requirements
- 742.3(147,272C) Standards

CHAPTER 743

DISCIPLINE FOR SPEECH PATHOLOGISTS AND AUDIOLOGISTS

- 743.1(272C) Grounds for discipline

CHAPTER 744

ADOPTION OF UNIFORM AND MODEL RULES

- 744.1(17A,272C) Board of speech pathology and audiology adoption of uniform and model rules

CHAPTERS 745 to 759

Reserved

BOARD OF OPTOMETRY

CHAPTER 760

LICENSURE OF OPTOMETRISTS

- 760.1(154) Definitions
- 760.2(154) Requirements for licensure
- 760.3(154) Licensure by endorsement
- 760.4(154) License renewal
- 760.5(17A,147,272C) License reactivation
- 760.6(17A,147,272C) License reinstatement

CHAPTER 761
CONTINUING EDUCATION FOR OPTOMETRISTS

761.1(154)	Definitions
761.2(154)	Continuing education requirements
761.3(154,272C)	Standards

CHAPTER 762
PRACTICE OF OPTOMETRISTS

762.1(154)	Code of ethics
762.2(154,272C)	Recordkeeping
762.3(154)	Furnishing prescriptions
762.4(155A)	Prescription drug orders
762.5(154)	Use of injectables
762.6(154)	Education and training approval
762.7(154)	Education and training

CHAPTER 763
DISCIPLINE FOR OPTOMETRISTS

763.1(154,272C)	Grounds for discipline

CHAPTER 764
ADOPTION OF UNIFORM AND MODEL RULES

764.1(17A,272C)	Board of optometry adoption of uniform and model rules

CHAPTERS 765 to 779

Reserved

BOARD OF PHYSICIAN ASSOCIATES

CHAPTER 780
LICENSURE OF PHYSICIAN ASSOCIATES

780.1(148C)	Definitions
780.2(148C)	Initial licensure
780.3(148C)	Temporary licensure
780.4(148C)	Physician supervision not required
780.5(148C)	Physician supervision required
780.6(148C)	Physician eligibility to supervise physician associates
780.7(148C)	Collaborative practice
780.8(148C)	License renewal
780.9(17A,147,272C)	Requirements for reactivation
780.10(17A,147,272C)	License reinstatement
780.11(148C)	Use of title
780.12(148C)	Address change
780.13(148C)	Student physician associate

CHAPTER 781
PRACTICE OF PHYSICIAN ASSOCIATES

781.1(148C,88GA,ch1020)	Duties
781.2(148C)	Prohibition
781.3(147,88GA,ch1020)	Identification as a physician associate
781.4(147)	Prescription requirements
781.5(147)	Supplying—requirements for containers, labeling, and records
781.6(147,148C,272C)	Standards of practice—telemedicine

CHAPTER 782
CONTINUING EDUCATION FOR PHYSICIAN ASSOCIATES

782.1(148C)	Definitions
782.2(148C)	Continuing education requirements
782.3(148C,272C)	Standards

CHAPTER 783

DISCIPLINE FOR PHYSICIAN ASSOCIATES

- 783.1(148C) Definitions
- 783.2(147,272C) Grounds for discipline

CHAPTER 784

ADOPTION OF UNIFORM AND MODEL RULES

- 784.1(17A,272C) Board of physician associates adoption of uniform and model rules

CHAPTERS 785 to 799

Reserved

BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY

CHAPTER 800

LICENSURE OF PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

- 800.1(147) Definitions
- 800.2(147) Initial licensure
- 800.3(147) Physical therapy compact
- 800.4(147) Examination requirements for physical therapists and physical therapist assistants
- 800.5(147) Educational qualifications
- 800.6(147) License renewal
- 800.7(17A,147,272C) License reactivation
- 800.8(17A,147,272C) License reinstatement

CHAPTER 801

PRACTICE OF PHYSICAL THERAPISTS
AND PHYSICAL THERAPIST ASSISTANTS

- 801.1(148A,272C) Code of ethics for physical therapists and physical therapist assistants
- 801.2(147) Recordkeeping
- 801.3(147) Telehealth visits
- 801.4(147) Delegation by a supervising physical therapist

CHAPTER 802

DISCIPLINE FOR PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

- 802.1(148A) Definitions
- 802.2(272C) Grounds for discipline

CHAPTER 803

CONTINUING EDUCATION FOR PHYSICAL THERAPISTS
AND PHYSICAL THERAPIST ASSISTANTS

- 803.1(272C) Definitions
- 803.2(148A) Continuing education requirements
- 803.3(148A,272C) Standards

CHAPTER 804

LICENSURE OF OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS

- 804.1(147) Definitions
- 804.2(147) Initial licensure
- 804.3(147) Licensure by endorsement
- 804.4(147) Limited permit to practice pending licensure
- 804.5(147) Examination requirements
- 804.6(147) Educational qualifications
- 804.7(147) License renewal
- 804.8(17A,147,272C) License reactivation
- 804.9(17A,147,272C) License reinstatement

CHAPTER 805
CONTINUING EDUCATION FOR OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS

- 805.1(148B) Definitions
- 805.2(272C) Continuing education requirements
- 805.3(148B,272C) Standards

CHAPTER 806
PRACTICE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY
ASSISTANTS

- 806.1(148B,272C) Code of ethics for occupational therapists and occupational therapy assistants
- 806.2(147) Recordkeeping
- 806.3(147) Telehealth visits
- 806.4(147) Practice of occupational therapy limited permit holders
- 806.5(148B) Supervision requirements

CHAPTER 807
DISCIPLINE FOR OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS

- 807.1(148B) Definitions
- 807.2(272C) Grounds for discipline

CHAPTER 808
ADOPTION OF UNIFORM AND MODEL RULES

- 808.1(17A,272C) Board of physical and occupational therapy adoption of uniform and model rules

CHAPTERS 809 to 820
Reserved

BOARD OF MASSAGE THERAPY

CHAPTER 821
LICENSURE OF MASSAGE THERAPISTS

- 821.1(152C) Definitions
- 821.2(272C) Licensure by examination
- 821.3(152C) Educational qualifications for foreign-trained massage therapists
- 821.4(152C) Licensure by endorsement
- 821.5(152C) Licensure by verification
- 821.6(152C) Temporary license
- 821.7(152C) License display
- 821.8(152C) License renewal
- 821.9(17A,147,272C) License reactivation
- 821.10(17A,147,272C) License reinstatement

CHAPTER 822
MASSAGE THERAPY EDUCATION CURRICULUM

- 822.1(152C) Definitions
- 822.2(152C) Application for approval of massage therapy education curriculum
- 822.3(152C) Curriculum requirements
- 822.4(152C) Student clinical practicum standards
- 822.5(152C) School records retention
- 822.6(152C) Massage school curriculum compliance
- 822.7(152C) Denial or withdrawal of approval

CHAPTER 823
CONTINUING EDUCATION FOR MASSAGE THERAPISTS

- 823.1(152C) Definitions
- 823.2(152C) Continuing education requirements
- 823.3(152C,272C) Continuing education criteria

CHAPTER 824

DISCIPLINE FOR MASSAGE THERAPISTS

824.1(152C) Civil penalties

CHAPTER 825

ADOPTION OF UNIFORM AND MODEL RULES

825.1(17A,272C) Board of massage therapy adoption of uniform and model rules

CHAPTERS 826 to 840

Reserved

BOARD OF CHIROPRACTIC

CHAPTER 841

LICENSURE OF CHIROPRACTIC PHYSICIANS

841.1(151) Definitions
 841.2(151) Initial licensure
 841.3(151) Examination requirements
 841.4(151) Educational qualifications
 841.5(151) Temporary certificate
 841.6(151) License renewal
 841.7(17A,147,272C) Requirements for reactivation
 841.8(17A,147,272C) License reinstatement

CHAPTER 842

COLLEGES FOR CHIROPRACTIC PHYSICIANS

842.1(151) Definitions
 842.2(151) Board-approved chiropractic colleges
 842.3(151) Practice by chiropractic interns and chiropractic residents
 842.4(151) Approved chiropractic preceptorship program
 842.5(151) Approved chiropractic physician preceptors
 842.6(151) Termination of preceptorship

CHAPTER 843

PRACTICE OF CHIROPRACTIC PHYSICIANS

843.1(151) Definitions
 843.2(147,272C) Principles of chiropractic ethics
 843.3 Reserved
 843.4(151) Chiropractic insurance consultant
 843.5(151) Acupuncture
 843.6(151) Adjunctive procedures
 843.7(151) Physical examination
 843.8(151) Recordkeeping
 843.9(151) Billing procedures
 843.10(151) Certified chiropractic assistants

CHAPTER 844

CONTINUING EDUCATION FOR CHIROPRACTIC PHYSICIANS

844.1(151) Definitions
 844.2(272C) Continuing education requirements
 844.3(151,272C) Standards

CHAPTER 845

DISCIPLINE FOR CHIROPRACTIC PHYSICIANS

845.1(151,272C) Grounds for discipline

CHAPTER 846

ADOPTION OF UNIFORM AND MODEL RULES

846.1(17A,272C) Board of chiropractic adoption of uniform and model rules

CHAPTERS 847 to 860

Reserved

BOARD OF ATHLETIC TRAINING

CHAPTER 861

LICENSURE OF ATHLETIC TRAINERS

861.1(152D)	Definitions
861.2(152D)	Initial licensure
861.3(152D)	Educational qualifications
861.4(152D)	Examination requirements
861.5(152D)	Documentation of physician direction
861.6(152D)	Athletic training standards of professional practice
861.7(147)	License renewal
861.8(17A,147,272C)	License reactivation
861.9(17A,147,272C)	License reinstatement

CHAPTER 862

CONTINUING EDUCATION FOR ATHLETIC TRAINERS

862.1(272C)	Definitions
862.2(152D)	Continuing education requirements
862.3(152D,272C)	Standards

CHAPTER 863

DISCIPLINE FOR ATHLETIC TRAINERS

863.1(152D)	Definitions
863.2(152D,272C)	Grounds for discipline

CHAPTER 864

ADOPTION OF UNIFORM AND MODEL RULES

864.1(17A,272C)	Board of athletic training adoption of uniform and model rules

CHAPTERS 865 to 879

Reserved

BOARD OF BEHAVIORAL HEALTH PROFESSIONALS

CHAPTER 880

BEHAVIORAL HEALTH PROFESSIONALS LICENSING

880.1(148,154B,154C,154D)	Definitions
880.2(154B,154C,154D)	License requirements
880.3(154B,154C,154D)	Examination requirements
880.4(154B,154C,154D)	Educational requirements
880.5(154D)	Licensure by endorsement for mental health counselors and marital and family therapists
880.6(147)	Licensure by endorsement for psychologists
880.7(154C,154D)	Supervised clinical experience
880.8(154B)	Psychology postdoctoral residency
880.9(154B)	Psychologists' supervision of persons other than postdoctoral residents in a practice setting
880.10(147)	License renewal for mental health counselors and marriage and family therapists
880.11(272C)	Initial licensing, reactivation, and license renewal for behavior analysts and assistant behavior analysts
880.12(147)	Psychology license renewal
880.13(154C)	Social work license renewal
880.14(17A,147,272C)	License reactivation for mental health counselors, marital and family therapists, psychologists, and social workers
880.15(17A,147,272C)	License reinstatement
880.16(154C)	Social work services subject to regulation
880.17(147,154B)	Psychology title designations
880.18(147)	Professional counselor licensing compact
880.19(154D)	Temporary licensees

CHAPTER 881

CONTINUING EDUCATION FOR MARITAL AND FAMILY THERAPISTS, MENTAL HEALTH COUNSELORS, SOCIAL WORKERS, AND PSYCHOLOGISTS

- 881.1(272C) Definitions
- 881.2(272C) Continuing education requirements

CHAPTER 882

DISCIPLINE FOR MARITAL AND FAMILY THERAPISTS, MENTAL HEALTH COUNSELORS, BEHAVIOR ANALYSTS, PSYCHOLOGISTS, AND SOCIAL WORKERS

- 882.1(154D,272C) Mental health counselors, marriage and family therapists, and behavioral analysts—grounds for discipline
- 882.2(147,272C) Psychologists—grounds for discipline
- 882.3(272C) Social workers—grounds for discipline

CHAPTER 883

PRESCRIBING PSYCHOLOGISTS

- 883.1(148,154B) Definitions—joint rule
- 883.2(154B) Conditional prescription certificate
- 883.3(148,154B) Educational requirements for conditional prescription certificate—joint rule
- 883.4(148,154B) Supervised practice as a conditional prescribing psychologist—joint rule
- 883.5(154B) Prescription certificate
- 883.6(148,154B) Prescribing—joint rule
- 883.7(148,154B) Consultation with primary care providers—joint rule
- 883.8(148,154B) Collaborative practice—joint rule
- 883.9(154B) Grounds for discipline
- 883.10(154B) List of psychologists
- 883.11(148,154B) Complaints—joint rule
- 883.12(148,154B) Joint waiver—joint rule
- 883.13(148,154B) Amendment—joint rule

CHAPTER 884

PRACTICE OF SOCIAL WORKERS, PSYCHOLOGISTS, MARRIAGE AND FAMILY THERAPISTS, AND MENTAL HEALTH COUNSELORS

- 884.1(154B,154C) Definitions
- 884.2(147,154B,272C) Purpose and scope
- 884.3(147) Mental health counselor and marriage and family therapist recordkeeping
- 884.4(154C) Social work rules of conduct

CHAPTER 885

ADOPTION OF UNIFORM AND MODEL RULES

- 885.1(17A,272C) Board of behavioral health professions adoption of uniform and model rules

CHAPTERS 886 to 899

Reserved

BOARD OF MORTUARY SCIENCE

CHAPTER 900

PRACTICE OF FUNERAL DIRECTORS, FUNERAL ESTABLISHMENTS, AND CREMATION ESTABLISHMENTS

- 900.1(156) Definitions
- 900.2(156) Funeral director duties
- 900.3(156) Permanent identification tag
- 900.4(142,156) Removal and transfer of human remains
- 900.5(135,144) Burial transit permits
- 900.6(156) Preparation and embalming activities
- 900.7(156) Arranging and directing funeral and memorial ceremonies
- 900.8(142,156) Unclaimed human remains for scientific use
- 900.9(144) Disinterments
- 900.10(156) Cremation of human remains

900.11(156) Records to be retained by a funeral establishment

CHAPTER 901

LICENSURE OF FUNERAL DIRECTORS, FUNERAL ESTABLISHMENTS, AND CREMATION ESTABLISHMENTS

901.1(156) Definitions
 901.2(156) Requirements for licensure
 901.3(147,156) Internship and preceptorship
 901.4(156) Student practicum
 901.5(156) Funeral establishment license or cremation establishment license
 901.6(156) Renewal of funeral director license
 901.7(272C) Renewal of a funeral establishment license or a cremation establishment license
 901.8(272C) Inactive funeral establishment license or cremation establishment license
 901.9(17A,147,272C) Reinstatement of a funeral establishment license or a cremation establishment license
 901.10(17A,147,272C) License reactivation
 901.11(17A,147,272C) Reinstatement of a funeral director license
 901.12(156) Removal technician education and training requirements
 901.13(156) Removal technician supervision and requirements

CHAPTER 902

CONTINUING EDUCATION FOR FUNERAL DIRECTORS

902.1(272C) Definitions
 902.2(272C) Continuing education requirements
 902.3(156,272C) Standards
 902.4(272C) Automatic exemption

CHAPTER 903

Reserved

CHAPTER 904

DISCIPLINARY PROCEEDINGS

904.1(156) Definitions
 904.2(17A,147,156,272C) Disciplinary authority
 904.3(17A,147,156,272C) Grounds for discipline against funeral directors
 904.4(17A,147,156,272C) Grounds for discipline against funeral establishments and cremation establishments
 904.5(17A,147,156,272C) Method of discipline
 904.6(17A,147,156,272C) Board discretion in imposing disciplinary sanctions
 904.7 Reserved
 904.8(17A,147,156,272C) Informal discussion

CHAPTER 905

ENFORCEMENT PROCEEDINGS AGAINST NONLICENSEES

905.1(156) Civil penalties against nonlicensees
 905.2(156) Unlawful practices
 905.3(156) Investigations
 905.4(156) Subpoenas
 905.5(156) Notice of intent to impose civil penalties
 905.6(156) Requests for hearings
 905.7(156) Factors to consider
 905.8(156) Enforcement options

CHAPTER 906

ADOPTION OF UNIFORM AND MODEL RULES

906.1(17A,272C) Board of mortuary science adoption of uniform and model rules

CHAPTER 907

PLACES WHERE DEAD HUMAN BODIES ARE PREPARED FOR BURIAL OR ENTOMBMENT

907.1(156) Purpose

907.2(156)	Definitions
907.3(156)	Licensing
907.4(156)	Public access areas
907.5(156)	Preparation room
907.6(156)	Crematorium chambers
907.7(156)	Inspection fees

CHAPTERS 908 to 920

Reserved

BOARD OF DIETETICS

CHAPTER 921

LICENSURE OF DIETITIANS

921.1(152A)	Definitions
921.2(152A)	Nutrition care
921.3(152A)	Requirements for licensure
921.4(152A)	Educational qualifications
921.5(152A)	Supervised experience
921.6(152A)	Licensure by endorsement
921.7(152A)	License renewal
921.8(17A,147,272C)	License reactivation
921.9(17A,147,272C)	License reinstatement
921.10(152A,272C)	Telehealth visits

CHAPTER 922

CONTINUING EDUCATION FOR DIETITIANS

922.1(152A)	Definitions
922.2(152A)	Continuing education requirements
922.3(152A,272C)	Standards

CHAPTER 923

DISCIPLINE FOR DIETITIANS

923.1(152A,272C)	Grounds for discipline

CHAPTER 924

ADOPTION OF UNIFORM AND MODEL RULES

924.1(17A,272C)	Board of dietetics adoption of uniform and model rules

CHAPTERS 925 to 939

Reserved

BOARD OF BARBERING AND COSMETOLOGY ARTS AND SCIENCES

CHAPTER 940

LICENSURE OF BARBERS AND COSMETOLOGISTS, ELECTROLOGISTS, ESTHETICIANS, NAIL TECHNOLOGISTS, AND INSTRUCTORS OF BARBERING AND COSMETOLOGY ARTS AND SCIENCES

940.1(157)	Definitions
940.2(157)	Initial licensure
940.3(157)	Examination requirements
940.4(157)	Criteria for licensure in prescribed practice disciplines
940.5(157)	Prescribed practice training requirements
940.6(157)	Licensure restrictions relating to practice
940.7(157)	Consent form requirements
940.8(157)	License renewal
940.9(17A,147,272C)	License reactivation
940.10(17A,147,272C)	License reinstatement

CHAPTER 941

LICENSURE OF ESTABLISHMENTS AND SCHOOLS OF BARBERING AND COSMETOLOGY
ARTS AND SCIENCES

941.1(157)	Definitions
941.2(157)	Establishment licensing
941.3(157)	Readily movable establishment
941.4(157)	Establishment license renewal
941.5(272C)	Inactive establishment license
941.6(157)	Display requirements for establishments
941.7(147)	Duplicate certificate for establishments
941.8(157)	Licensure for schools of barbering and cosmetology arts and sciences
941.9(157)	School license renewal
941.10(272C)	Inactive school license
941.11(157)	Display requirements for schools
941.12(157)	Physical requirements for schools of barbering and cosmetology arts and sciences
941.13(157)	Minimum equipment requirements
941.14(157)	Course of study requirements
941.15(157)	Instructors
941.16(157)	Student instructors
941.17(157)	Students
941.18(157)	Attendance requirements
941.19(157)	Accelerated learning
941.20(157)	Mentoring program
941.21(157)	Graduate of a school of barbering and cosmetology arts and sciences
941.22(157)	Records requirements
941.23(157)	Classrooms used for other educational purposes

CHAPTER 942

Reserved

CHAPTER 943

INFECTION CONTROL FOR ESTABLISHMENTS AND SCHOOLS OF BARBERING AND
COSMETOLOGY ARTS AND SCIENCES

943.1(157)	Definitions
943.2(157)	Infection control rules and inspection report
943.3(157)	Responsibilities of establishment owners
943.4(157)	Responsibilities of licensees
943.5(157)	Joint responsibility
943.6(157)	Building standards
943.7(157)	Establishments in residential buildings
943.8(157)	Establishments adjacent to other businesses
943.9(157)	Smoking
943.10(157)	Personal cleanliness
943.11(157)	Universal precautions
943.12(157)	Blood exposure procedures
943.13(157)	Disinfecting and sterilizing instruments and equipment
943.14(157)	Porous instruments and supplies that cannot be disinfected
943.15(157)	Infection control methods for creams, cosmetics and applicators
943.16(157)	Events and services provided outside of a licensed establishment
943.17(157)	Prohibited hazardous substances and use of products and equipment
943.18(157)	Proper protection of neck
943.19(157)	Proper laundering and storage
943.20(157)	Animals
943.21(157)	General maintenance
943.22(157)	Records
943.23(157)	Establishments and schools providing electrolysis or esthetics
943.24(157)	Cleaning and disinfecting circulating and noncirculating tubs, bowls, and spas
943.25(157)	Paraffin wax

CHAPTER 944

CONTINUING EDUCATION FOR BARBERING AND COSMETOLOGY ARTS AND SCIENCES

- 944.1(157) Definitions
- 944.2(157) Continuing education requirements
- 944.3(157,272C) Standards

CHAPTER 945

DISCIPLINE FOR BARBERING AND COSMETOLOGY ARTS AND SCIENCES LICENSEES,
INSTRUCTORS, ESTABLISHMENTS, AND SCHOOLS

- 945.1(157,272C) Definitions
- 945.2(157,272C) Grounds for discipline
- 945.3(157,272C) Unlawful practices

CHAPTER 946

ADOPTION OF UNIFORM AND MODEL RULES

- 946.1(17A,272C) Board of barbering and cosmetology arts and sciences adoption of uniform and model rules

CHAPTERS 947 to 960

Reserved

BOARD OF SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

CHAPTER 961

LICENSURE OF SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

- 961.1(154E) Definitions
- 961.2(154E) Requirements for licensure
- 961.3(154E) Requirements for temporary license
- 961.4(154E) Licensure by endorsement
- 961.5(154E) License renewal
- 961.6(17A,147,272C) License reactivation
- 961.7(17A,147,272C) License reinstatement

CHAPTER 962

CONTINUING EDUCATION FOR SIGN LANGUAGE INTERPRETERS AND
TRANSLITERATORS

- 962.1(154E,272C) Definitions
- 962.2(154E,272C) Continuing education requirements
- 962.3(154E,272C) Standards

CHAPTER 963

DISCIPLINE FOR SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

- 963.1(154E) Definition
- 963.2(154E,272C) Grounds for discipline

CHAPTER 964

ADOPTION OF UNIFORM AND MODEL RULES

- 964.1(17A,272C) Board of sign language interpreters and transliterators adoption of uniform and model rules

CHAPTER 965

LICENSURE OF EMPLOYERS FOR SIGN LANGUAGE
INTERPRETERS AND TRANSLITERATORS

- 965.1(154E) Definition
- 965.2(154E) Requirements for licensure
- 965.3(154E) License renewal
- 965.4(17A,147,272C) License reactivation
- 965.5(17A,147,272C) License reinstatement
- 965.6(154E,272C) License discipline

CHAPTERS 966 to 979

Reserved

*BOARD OF NURSING HOME ADMINISTRATORS***CHAPTER 980****LICENSURE OF NURSING HOME ADMINISTRATORS**

980.1(155)	Definitions
980.2(155)	Requirements for licensure
980.3(147,155)	Foreign-trained applicants
980.4(155)	Preceptor qualifications
980.5(155)	Provisional license
980.6(155)	Licensure by endorsement
980.7(147,155)	License renewal
980.8(17A,147,272C)	License reactivation
980.9(17A,147,272C)	License reinstatement

CHAPTER 981**CONTINUING EDUCATION FOR NURSING HOME ADMINISTRATION**

981.1(272C)	Definitions
981.2(272C)	Continuing education requirements
981.3(155,272C)	Standards
981.4(155,272C)	Exemptions

CHAPTER 982**DISCIPLINE FOR NURSING HOME ADMINISTRATORS**

982.1(155,272C)	Grounds for discipline

CHAPTER 983**ADOPTION OF UNIFORM AND MODEL RULES**

983.1(17A,272C)	Board of nursing home administrators adoption of uniform and model rules

CHAPTERS 984 to 1000

Reserved

*INTERIOR DESIGN EXAMINING BOARD***CHAPTER 1001****DESCRIPTION OF ORGANIZATION**

1001.1(544C,17A)	Definitions
1001.2(544C)	Description
1001.3(544C,17A)	Organization and duties
1001.4(544C,17A)	Meetings
1001.5(544C)	Other meetings
1001.6(544C)	Administrative committees
1001.7(544C,17A)	Waivers

CHAPTER 1002**REGISTRATION**

1002.1(544C)	Certificate of registration
1002.2(17A,272C,544C)	Renewal of certificates of registration
1002.3(544A,17A,272C)	Grounds for denial of registration renewal
1002.4(544A,17A)	Reinstatement of certificates of registration
1002.5(544A)	Applications

CHAPTER 1003**CONTINUING EDUCATION**

1003.1(17A,272C,544C)	Definitions
1003.2(17A,272C,544C)	Continuing education requirements
1003.3(17A,272C,544C)	Controls and reporting
1003.4(17A,544C)	Exemptions

CHAPTER 1004**PROFESSIONAL CONDUCT**

1004.1(544C) Rules of conduct

CHAPTER 1005
 GROUNDS FOR DISCIPLINE, DISCIPLINARY INVESTIGATIONS,
 AND DISCIPLINARY PROCEEDINGS

1005.1(17A,272C,544C) Grounds for discipline
 1005.2(17A,272C,544C) Initiation of disciplinary investigations
 1005.3(17A,272C,544C) Conflict of interest
 1005.4(272C,544C) Complaints
 1005.5(272C,544C) Case numbers
 1005.6(17A,272C,544C) Investigation procedures
 1005.7(17A,272C,544C) Informal discussion
 1005.8(17A,272C,544C) Closing complaint files
 1005.9(17A,272C,544C) Initiation of disciplinary proceedings
 1005.10(17A,272C,544C) Disciplinary contested case procedures
 1005.11(272C,544C) Disciplinary sanctions
 1005.12(272C,544C) Publication of decisions
 1005.13(272C,544C) Reinstatement

CHAPTERS 1006 to 1020

Reserved

ACCOUNTANCY EXAMINING BOARD

CHAPTER 1021
 DEFINITIONS

1021.1(542) Definitions

CHAPTER 1022
 ORGANIZATION AND ADMINISTRATION

1022.1(542) Description
 1022.2(542) Advisory committees
 1022.3(542) Annual meeting
 1022.4(542) Other meetings
 1022.5(542) Board administrator's duties
 1022.6(542) Disclosure of confidential information
 1022.7(17A,21,22,272C,542) Uniform rules

CHAPTER 1023
 CERTIFICATION OF CPAs

1023.1(542) Qualifications for a certificate as a certified public accountant
 1023.2(542) Colleges or universities recognized by the board
 1023.3(542) Accounting concentration
 1023.4(542) Examination applications
 1023.5(542) Content and grading of the examination
 1023.6(542) Conditional requirements
 1023.7(542) Extension of conditional status
 1023.8(542) Transfer of credit from another jurisdiction
 1023.9(542) Examination procedures
 1023.10(542) Conduct of the examination
 1023.11(542) Refunding of examination fees
 1023.12(542) Experience for certificate
 1023.13(542) Ethics course and examination
 1023.14(542) Obtaining the certificate
 1023.15(542) Use of title

CHAPTER 1024
 LICENSURE OF LPAs

1024.1(542) Qualifications for a license as a licensed public accountant
 1024.2(542) Examination application
 1024.3(542) Major in accounting

1024.4(542)	Transcripts needed
1024.5	Reserved
1024.6(542)	Content and grading of the examination
1024.7(542)	Conditional requirements
1024.8(542)	Examination procedures
1024.9(542)	Refunding of examination fees
1024.10(542)	Credit for an examination taken in another state
1024.11(542)	Experience for license
1024.12(542)	Ethics course and examination
1024.13(542)	Statements on standards for accounting and review services (SSARS) education
1024.14(542)	Obtaining the license
1024.15(542)	Licensure by reciprocity
1024.16(542)	Use of title

CHAPTER 1025

LICENSURE STATUS AND RENEWAL OF CERTIFICATES AND LICENSES

1025.1(542)	Licensure status and practice privilege
1025.2(542)	Notices
1025.3(542)	Renewal procedures
1025.4(542)	Failure to renew
1025.5(272C,542)	Certificates and licenses—property of the board
1025.6(542)	Licensee's continuing duty to report
1025.7(272C,542)	Inactive status

CHAPTER 1026

ATTEST AND COMPILATION SERVICES

1026.1(542)	Who may perform attest services
1026.2(542)	Necessary attest experience
1026.3(542)	Attest qualification
1026.4(542)	Compilation services

CHAPTER 1027

CERTIFIED PUBLIC ACCOUNTING FIRMS

1027.1(542)	When licensure is needed
1027.2(542)	Application process
1027.3(542)	Application contents
1027.4(542)	Renewal procedures
1027.5(542)	Failure to renew permit
1027.6(542)	Notice to the board
1027.7(542)	Noncompliance

CHAPTER 1028

LICENSED PUBLIC ACCOUNTING FIRMS

1028.1(542)	Initial permit to practice
1028.2(542)	Renewal procedures
1028.3(542)	Failure to renew permit
1028.4(542)	Notice to the board
1028.5(542)	Noncompliance
1028.6(542)	Peer review obligations

CHAPTER 1029

RECIPROCITY AND SUBSTANTIAL EQUIVALENCY

1029.1(542)	Iowa CPA certificate necessary
1029.2(542)	Application forms
1029.3(542)	Background and character
1029.4(542)	Verification of state licensure
1029.5(542)	Qualifications for a CPA certificate
1029.6(542)	Continuing obligations
1029.7(542)	Expedited application processing

CHAPTER 1030 CONTINUING EDUCATION

1030.1(542)	Scope
1030.2(542)	Definitions
1030.3(542)	Applicability
1030.4(542)	Cost of continuing professional education
1030.5(542)	Basic continuing professional education
1030.6(542)	Measurement standards
1030.7(542)	Mandatory education
1030.8(542)	Programs that qualify and CPE limitations
1030.9(542)	Controls and reporting
1030.10(542)	Grounds for discipline
1030.11(272C,542)	Alternative continuing education cycles authorized

CHAPTER 1031 PEER REVIEW

1031.1(542)	Peer review obligations
1031.2(542)	Three-year cycle
1031.3(542)	System of internal quality control
1031.4(542)	Peer review programs that qualify
1031.5(542)	Waiver of peer review
1031.6(542)	Submission of peer review reports

CHAPTER 1032 FEES

1032.1(542)	Fees
1032.2(542)	Reinstatement
1032.3(542)	Prorating of certain fees

CHAPTER 1033 RULES OF PROFESSIONAL ETHICS AND CONDUCT

1033.1(542)	Applicability
1033.2(542)	Rules applicable to all CPAs and LPAs
1033.3(542)	Rules applicable to CPAs and LPAs who use the titles in offering or rendering products or services to clients
1033.4(542)	Audit, review and other attest services
1033.5(542)	Compilation
1033.6(542)	Rules applicable to tax practice

CHAPTER 1034 DISCIPLINARY AUTHORITY AND GROUNDS FOR DISCIPLINE

1034.1(17A,272C,542)	Disciplinary authority
1034.2(17A,272C,542)	Disciplinary policy
1034.3(17A,272C,542)	Grounds for discipline

CHAPTER 1035 DISCIPLINARY INVESTIGATIONS

1035.1(17A,272C,542)	Initiation of disciplinary investigations
1035.2(17A,272C,542)	Conflict of interest
1035.3(272C,542)	Complaints
1035.4(272C,542)	Case numbers
1035.5(272C,542)	Confidentiality of complaint and investigative information
1035.6(17A,272C,542)	Subpoena authority
1035.7(17A,272C,542)	Informal discussion
1035.8(17A,272C,542)	Closing complaint files

CHAPTER 1036 DISCIPLINARY PROCEEDINGS

1036.1(17A,272C,542)	Initiation of disciplinary proceedings
1036.2(17A,272C,542)	Disciplinary contested case procedures

1036.3(272C,542)	Disciplinary sanctions
1036.4(272C,542)	Notification of decisions
1036.5(272C,542)	Reinstatement

CHAPTER 1037

ENFORCEMENT PROCEEDINGS AGAINST NONLICENSEES

1037.1(542)	Civil penalties against nonlicensees
1037.2(17A,542)	Investigations
1037.3(17A,542)	Notice of intent to impose civil penalties
1037.4(17A,542)	Request for hearing
1037.5(542)	“Safe harbor” language
1037.6(542)	Enforcement options

CHAPTER 1038

LICENSEES’ DUTY TO REPORT

1038.1(272C,542)	Reporting acts or omissions committed by licensees
1038.2(272C,542)	Reporting judgments and settlements alleging malpractice
1038.3(272C,542)	Timely reporting
1038.4(272C,542)	Failure to make reports

CHAPTER 1039

PRACTICE PRIVILEGE FOR OUT-OF-STATE CERTIFIED PUBLIC ACCOUNTANTS

1039.1(542)	Overview and timing
1039.2(542)	Out-of-state licensure status
1039.3(542)	When Iowa licensure may be necessary
1039.4(542)	Individuals ineligible for a practice privilege
1039.5(542)	Attest and compilation services
1039.6(542)	Rights and duties
1039.7(542)	Penalties
1039.8(542)	Relationship between Iowa licensure and the exercise of a practice privilege

CHAPTER 1040

PRACTICE PRIVILEGE FOR OUT-OF-STATE CERTIFIED PUBLIC ACCOUNTING FIRMS

1040.1(542)	Overview and timing
1040.2(542)	Out-of-state licensure status
1040.3(542)	When Iowa licensure may be necessary
1040.4(542)	CPA firms, revocation of practice privilege
1040.5(542)	Attest and compilation services
1040.6(542)	Rights and duties
1040.7(542)	Penalties
1040.8(542)	Relationship between Iowa licensure and the exercise of a practice privilege

CHAPTERS 1041 to 1044

Reserved

ENGINEERING AND LAND SURVEYING EXAMINING BOARD

CHAPTER 1045

ADMINISTRATION

1045.1(542B)	General statement
1045.2(542B)	Definitions
1045.3(542B)	Declaratory orders
1045.4(542B)	Waivers
1045.5(542B)	Licensed professional engineers and building construction

CHAPTER 1046

FEES AND CHARGES

1046.1(542B)	General statement
1046.2(542B)	Nonrefundable fees

CHAPTER 1047 APPLICATION AND RENEWAL PROCESS

1047.1(542B)	General statement
1047.2(542B)	Application components and due dates
1047.3(542B)	Comity applications
1047.4(542B)	Renewal applications
1047.5(542B)	Reinstatement of licensure

CHAPTER 1048 ENGINEERING LICENSURE

1048.1(542B)	Licensure by examination
1048.2(542B)	Requirements for licensure by comity
1048.3(542B)	Requirements for a licensee requesting additional examination

CHAPTER 1049 LAND SURVEYING LICENSURE

1049.1(542B)	Requirements for licensure by examination
1049.2(542B)	Requirements for licensure by comity
1049.3(542B,272C)	Licensure by verification

CHAPTER 1050 SEAL AND CERTIFICATE OF RESPONSIBILITY

1050.1(542B)	Seal and certificate of responsibility

CHAPTER 1051 PROFESSIONAL DEVELOPMENT

1051.1(542B,272C)	General statement
1051.2(542B,272C)	Definitions
1051.3(542B,272C)	Professional development hours
1051.4(542B,272C)	Professional development guidelines
1051.5(542B,272C)	Biennial requirement
1051.6(542B,272C)	Exemptions
1051.7(542B,272C)	Hardships or extenuating circumstances
1051.8(542B,272C)	Reports, records, and compliance review

CHAPTER 1052 PROFESSIONAL CONDUCT OF LICENSEES

1052.1(542B)	General statement
1052.2(542B)	Code of professional conduct
1052.3(542B)	Reporting of acts or omissions
1052.4(542B)	Standards of integrity
1052.5(542B)	Engineering and land surveying services offered by business entities

CHAPTER 1053 COMPLAINTS, INVESTIGATIONS AND DISCIPLINARY ACTION

1053.1(542B)	Complaints and investigations
1053.2(542B)	Ruling on the initial inquiry
1053.3(10A,17A,272C,542B)	Grounds for discipline
1053.4(542B)	Disciplinary findings and sanctions
1053.5(272C)	Civil penalties
1053.6(542B)	Publication of decisions
1053.7(542B)	Disputes between licensees and clients
1053.8(272C,542B)	Confidentiality of complaint and investigative information

CHAPTER 1054 PEER REVIEW

1054.1(542B,272C)	Peer review
1054.2(542B,272C)	Reports
1054.3(542B,272C)	Confidentiality
1054.4(542B,272C)	Testimony

CHAPTER 1055
MINIMUM STANDARDS FOR PROPERTY SURVEYS

1055.1(542B)	Scope
1055.2(542B)	Definitions
1055.3(542B)	Boundary location
1055.4(542B)	Descriptions
1055.5(542B)	Plats
1055.6(542B)	Measurements
1055.7(542B)	Monuments

CHAPTER 1056
MINIMUM STANDARDS FOR U.S. PUBLIC LAND SURVEY
CORNER CERTIFICATES

1056.1(542B)	General statement
1056.2(355)	U.S. Public Land Survey Corner Certificate

CHAPTER 1057
CIVIL PENALTIES FOR UNLICENSED PRACTICE

1057.1(542B)	General statement

CHAPTERS 1058 to 1060
Reserved

ARCHITECTURAL EXAMINING BOARD

CHAPTER 1061
DESCRIPTION OF ORGANIZATION

1061.1(544A,17A)	Duties
1061.2(544A,17A)	Meetings
1061.3(544A,17A)	Certificates

CHAPTER 1062
LICENSURE

1062.1(544A,17A)	Definitions
1062.2(544A,17A)	Licensure
1062.3(17A,272C,544A)	Renewal of certificates of licensure
1062.4(544A,17A)	Reinstatement of lapsed certificate of licensure to active status
1062.5(544A)	Reinstatement from inactive status to active status
1062.6(544A,17A)	Finding of probable cause for unlicensed practice
1062.7(544A,272C)	Responsibility for accuracy of applications
1062.8(544A,272C)	Application denial
1062.9(544A,17A)	Fee schedule

CHAPTER 1063
CONTINUING EDUCATION

1063.1(544A,272C)	Continuing education
1063.2(544A,272C)	Definitions
1063.3(544A,272C)	Basic requirements
1063.4(544A,272C)	Authorized structured educational activities
1063.5(544A,272C)	Exemptions

CHAPTER 1064
RULES OF CONDUCT

1064.1(544A,17A)	Rules of conduct

CHAPTER 1065
EXCEPTIONS

1065.1(544A)	Definitions
1065.2(544A)	Exceptions
1065.3(544A)	Building use

1065.4(544A) Exceptions matrix

CHAPTER 1066

DISCIPLINARY ACTION AGAINST LICENSEES

1066.1(544A,272C) Disciplinary action
 1066.2(544A,272C) Investigation of complaints
 1066.3(544A,272C) Peer investigative committee
 1066.4(544A,272C) Investigation report
 1066.5(544A,272C) Informal discussion
 1066.6(544A,272C) Decisions
 1066.7(544A,272C) Voluntary surrender

CHAPTER 1067

DISCIPLINARY ACTION—UNLICENSED PRACTICE

1067.1(544A,272C) Disciplinary action
 1067.2(544A,272C) Investigation of complaints
 1067.3(544A) Civil penalties against unlicensed person

CHAPTERS 1068 to 1080

Reserved

LANDSCAPE ARCHITECTURAL EXAMINING BOARD

CHAPTER 1081

DESCRIPTION OF ORGANIZATION

1081.1(544B,17A) Definitions
 1081.2(544B,17A) Organization and duties
 1081.3(544B,17A) Meetings
 1081.4(544B,17A) Order of business
 1081.5(17A) Interim waivers

CHAPTER 1082

EXAMINATIONS AND LICENSING

1082.1(544B,17A) Application for licensure by examination
 1082.2(544B,17A) Procedure for processing applications
 1082.3(544B,17A) Registration of applicants
 1082.4(544B,17A) Written examination
 1082.5(544B,17A) Exemption from written examination
 1082.6(544B,17A) Certificate of licensure
 1082.7(17A,272C,544B) Renewal of certificates of licensure
 1082.8(544B,17A) Reinstatement
 1082.9(544B,17A) Responsibility for accuracy of applications
 1082.10(544B,17A) Fee schedule

CHAPTER 1083

CONTINUING EDUCATION

1083.1(544B,17A) Definitions
 1083.2(544B,17A) Continuing education requirements
 1083.3(544B,17A) Compliance
 1083.4(544B,17A) Hearings
 1083.5(544B,17A) Physical disability, illness, hardship, or extenuating circumstances
 1083.6(544B,17A) Methods of compliance and exemptions
 1083.7(544B,17A) Grounds for denial of license renewal

CHAPTER 1084

RULES OF PROFESSIONAL CONDUCT AND DISCIPLINE PROCEDURES

1084.1(544B,17A) Rules of conduct
 1084.2(544B,17A) Receipt of complaints
 1084.3(544B,17A) Peer review committee
 1084.4(544B,272C) Investigation report of complaints
 1084.5(544B,272C) Dispensation

CHAPTERS 1085 to 2000

Reserved

REAL ESTATE COMMISSION

CHAPTER 2001

ADMINISTRATION

2001.1(543B)	Mission of the commission
2001.2(543B)	Correspondence and communications
2001.3(543B)	Meetings of the commission
2001.4(543B)	Custodian of records, filings, and requests for public information
2001.5(543B)	Investigation and subpoena
2001.6(543B)	Impaired licensee review committees

CHAPTER 2002

DEFINITIONS

2002.1(543B)	Definitions

CHAPTER 2003

BROKER LICENSE

2003.1(543B)	Broker licensure
2003.2(543B)	License examination
2003.3(543B)	Application for broker license
2003.4(543B)	Broker continuing education
2003.5(17A,272C,543B)	Renewing a broker license
2003.6(272C,543B)	Reinstatement of an expired broker license

CHAPTER 2004

SALESPERSON LICENSE

2004.1(543B)	General criteria for salesperson license
2004.2(543B)	License examination
2004.3(543B)	Application for salesperson license
2004.4(543B)	Salesperson continuing education requirements
2004.5(543B)	Renewing a license
2004.6(272C,543B)	Reinstatement of an expired salesperson license

CHAPTER 2005

LICENSEES OF OTHER JURISDICTIONS AND RECIPROCITY

2005.1(543B)	Licensees of other jurisdictions
2005.2(543B)	Nonresident application
2005.3(543B)	License by examination
2005.4(543B)	Licensure by reciprocity
2005.5(543B)	Renewal of a license issued by reciprocity
2005.6(543B)	Reinstatement of a license issued by reciprocity
2005.7(543B)	Nonresident real estate offices and licenses required
2005.8(543B)	Actions against nonresidents
2005.9(543B)	Nonresident continuing education
2005.10(543B)	License discipline reporting
2005.11(543B)	Licensure by verification

CHAPTER 2006

TERMINATION AND TRANSFER

2006.1(543B)	Terminating employment or association
2006.2(543B)	Transfer of license and necessary transfer application

CHAPTER 2007

OFFICES AND MANAGEMENT

2007.1(543B)	Real estate offices and licenses needed
2007.2(543B)	Notification needed
2007.3(543B)	Suspended and revoked licenses
2007.4(543B)	Barred practices

2007.5(543B)	Loan finder fees
2007.6(543B)	Lotteries barred
2007.7(543B)	Broker needed to furnish progress report
2007.8(543B)	Disclosure of licensee interest, acting as a principal, and status as a licensee
2007.9(543B)	Financial interest disclosure needed
2007.10(543B)	Agency-designated broker responsibilities
2007.11(543B)	Supervision needed
2007.12(543B)	Compensation controversies
2007.13(543B)	Support personnel for licensees; permitted and barred activities
2007.14(543B)	Information provided by nonlicensed support personnel limited
2007.15(543B)	Presenting purchase agreements

CHAPTER 2008

CLOSING A REAL ESTATE BUSINESS

2008.1(543B)	Closing a real estate firm
2008.2(543B)	Involuntary closing of a sole-proprietor brokerage
2008.3(543B)	Involuntary closing of a corporation, partnership, or association brokerage firm

CHAPTER 2009

FEES

2009.1(543B)	Fees
2009.2(543B)	Refunds and bad payments
2009.3(543B)	Examination fee

CHAPTER 2010

ADVERTISING

2010.1(543B)	Advertising
2010.2(543B)	Advertising under own name
2010.3(543B)	Signs on property

CHAPTER 2011

BROKERAGE AGREEMENTS AND LISTINGS

2011.1(543B)	Brokerage agreements
2011.2(543B)	Cooperation, compensation, and compliance
2011.3(543B)	Terms or conditions
2011.4(543B)	Distribution of executed instruments
2011.5(543B)	Enforcing a protective clause
2011.6(543B)	Rebates and inducements
2011.7(543B)	New construction

CHAPTER 2012

DISCLOSURE OF RELATIONSHIPS

2012.1(543B)	Written company policy needed
2012.2(543B)	Disclosure of agency
2012.3(543B)	Single agent representing a seller or landlord
2012.4(543B)	Single agent representing a buyer or tenant
2012.5(543B)	Disclosed dual agent
2012.6(543B)	Appointed agents within a brokerage
2012.7(543B)	Appointed agent procedures and disclosure

CHAPTER 2013

TRUST ACCOUNTS AND CLOSINGS

2013.1(543B)	Trust account
2013.2(543B)	Closing transactions
2013.3(543B)	Salesperson cannot handle closing
2013.4(543B)	Consent to return earnest money not necessary
2013.5(543B)	File recordkeeping
2013.6(543B)	Licensee acting as a principal

CHAPTER 2014 SELLER PROPERTY CONDITION DISCLOSURE

2014.1(543B) Property condition disclosure

CHAPTER 2015 PROPERTY MANAGEMENT

2015.1(543B) Property management

CHAPTER 2016 PRELICENSE EDUCATION AND CONTINUING EDUCATION

2016.1(543B) Definitions
 2016.2(543B) Salesperson prelicense criteria
 2016.3(543B) Broker prelicense education criteria
 2016.4(543B) Continuing education criteria
 2016.5(543B) Continuing education records
 2016.6(543B) Reactivating an inactive license
 2016.7(543B) Full-time attendance
 2016.8(543B) Education criteria for out-of-state licensees
 2016.9(543B) Examination as a substitute for continuing education
 2016.10(543B) Use of prelicense courses as continuing education
 2016.11(543B) Requests for prior approval or postapproval of a course(s)

CHAPTER 2017 APPROVAL OF SCHOOLS, COURSES AND INSTRUCTORS

2017.1(543B) Administrative criteria for schools, courses and instructors
 2017.2(543B) Certificates of attendance
 2017.3(543B) Instructors taking license examinations for auditing purposes
 2017.4(543B) Continuing education credit for instructors
 2017.5(543B) Acceptable course topics
 2017.6(543B) Nonqualifying courses
 2017.7(543B) Standards for approval of courses of instruction
 2017.8(543B) Responsibilities of instructors and course developers
 2017.9(543B) Standards for approval of classroom courses
 2017.10(543B) Standards for approval of distance learning courses
 2017.11(543B) Standards for approval of paper and pencil home-study courses
 2017.12(543B) Qualifying as an instructor

CHAPTER 2018 INVESTIGATIONS AND DISCIPLINARY PROCEDURES

2018.1(17A,272C,543B) Disciplinary and investigative authority
 2018.2(17A,272C,543B) Grounds for discipline
 2018.3(17A,272C,543B) Initiation of disciplinary investigations
 2018.4(272C,543B) Sources of information
 2018.5(17A,272C,543B) Conflict of interest
 2018.6(272C,543B) Complaints
 2018.7(272C,543B) Case numbers
 2018.8(272C,543B) Confidentiality of complaint and investigative information
 2018.9(17A,272C,543B) Investigation procedures
 2018.10(17A,272C,543B) Informal discussion
 2018.11(17A,272C,543B) Closing complaint files
 2018.12(17A,272C,543B) Initiation of disciplinary proceedings
 2018.13(17A,272C,543B) Disciplinary contested case procedures
 2018.14(272C,543B) Disciplinary sanctions
 2018.15(17A,272C,543B) Reinstatement

CHAPTER 2019 REQUIREMENTS FOR MANDATORY ERRORS AND OMISSIONS INSURANCE

2019.1(543B) Insurance definitions
 2019.2(543B) Insurance criteria—general
 2019.3(543B) Other coverage

2019.4(543B)	Administrative criteria—general
2019.5(543B)	Commission responsibilities
2019.6(543B)	Compliance
2019.7(543B)	Records and retention

CHAPTER 200 TIME-SHARE FILING

2020.1(557A)	Time-share interval filing fees

CHAPTER 201 ENFORCEMENT PROCEEDINGS AGAINST UNLICENSED PERSONS

2021.1(17A,543B)	Civil penalties against unlicensed persons
2021.2(17A,543B)	Unlawful practices
2021.3(17A,543B)	Investigations
2021.4(17A,543B)	Subpoenas
2021.5(17A,543B)	Notice of intent to impose civil penalty
2021.6(17A,543B)	Requests for hearings
2021.7(17A,543B)	Alternative procedure
2021.8(17A,543B)	Factors to consider
2021.9(17A,543B)	Enforcement options

CHAPTER 202 WHOLESALE OF RESIDENTIAL PROPERTY

2022.1(543B)	Real estate wholesaling
2022.2(543B)	Disclosure of wholesaling
2022.3(543B)	Penalties

CHAPTERS 2023 to 2030 Reserved

REAL ESTATE APPRAISER EXAMINING BOARD

CHAPTER 2031 ORGANIZATION AND ADMINISTRATION

2031.1(543D)	Description
2031.2(543D)	Administrative authority
2031.3(543D)	Annual meeting
2031.4(543D)	Other meetings
2031.5(543D)	Executive officer's duties
2031.6(543D)	Records, filings, and requests for public information
2031.7(543D)	Adoption, amendment or repeal of administrative rules
2031.8(543D)	Types of appraiser classifications
2031.9(543D)	Qualified state appraiser certifying agency
2031.10(543D)	AQB criteria

CHAPTER 2032 DEFINITIONS

2032.1(543D)	Applicability

CHAPTER 2033 GENERAL PROVISIONS FOR EXAMINATIONS

2033.1(543D)	Examinations
2033.2(543D)	Conduct of applicant
2033.3(543D)	Application for certification or registration

CHAPTER 2034 ASSOCIATE REAL ESTATE APPRAISER

2034.1(543D)	Qualifications to register as an associate appraiser
2034.2(543D)	Supervision of associate appraisers
2034.3(543D)	Renewal of associate appraiser registration
2034.4(543D)	Progress toward certification as a certified residential appraiser or certified general appraiser

- 2034.5(543D) Applying for certification as a certified residential appraiser or certified general appraiser
- 2034.6(272C,543D) Reinstating or reactivating an associate registration
- 2034.7(543D) Supervisory appraiser requirements

CHAPTER 2035

CERTIFIED REAL ESTATE APPRAISER

- 2035.1(543D) General
- 2035.2(543D) Education
- 2035.3(543D) Examination
- 2035.4(543D) Supervised experience needed for initial certification
- 2035.5(543D) Demonstration of experience
- 2035.6(543D) Work product review
- 2035.7(543D) PAREA
- 2035.8(543D) Upgrade from a certified residential real estate appraiser to a certified general real estate appraiser

CHAPTER 2036

DISCIPLINARY ACTIONS AGAINST CERTIFIED AND ASSOCIATE APPRAISERS

- 2036.1(17A,272C,543D) Disciplinary authority
- 2036.2(543D) Standards of practice
- 2036.3(17A,272C,543D) Grounds for discipline

CHAPTER 2037

INVESTIGATIONS AND DISCIPLINARY PROCEDURES

- 2037.1(272C,543D) Disciplinary action
- 2037.2(17A,272C,543D) Initiation of disciplinary investigations
- 2037.3(17A,272C,543D) Conflict of interest
- 2037.4(272C,543D) Complaints
- 2037.5(272C,543D) Case numbers
- 2037.6(17A,272C,543D) Investigation procedures
- 2037.7(17A,272C,543D) Informal discussion
- 2037.8(272C,543D) Peer review committee (PRC)
- 2037.9(17A,272C,543D) Closing complaint files
- 2037.10(17A,272C,543D) Initiation of disciplinary proceedings
- 2037.11(543D) Decisions
- 2037.12(272C,543D) Mitigating and aggravating factors
- 2037.13(272C,543D) Voluntary surrender
- 2037.14(272C,543D) Reinstatement

CHAPTER 2038

RENEWAL, EXPIRATION AND REINSTATEMENT OF CERTIFICATES AND REGISTRATIONS, RETIRED STATUS, AND INACTIVE STATUS

- 2038.1(272C,543D) Biennial renewal
- 2038.2(272C,543D) Notices
- 2038.3(272C,543D) Renewal procedures
- 2038.4(272C,543D) Failure to renew
- 2038.5(272C,543D) Inactive status
- 2038.6(272C,543D) Retired status
- 2038.7(272C,543D) Property of the board

CHAPTER 2039

RECIPROCITY

- 2039.1(543D) Nonresident certification by reciprocity
- 2039.2(543D) Temporary practice permit

CHAPTER 2040

CONTINUING EDUCATION

- 2040.1(272C,543D) Definitions
- 2040.2(272C,543D) Continuing education obligations

2040.3(272C,543D)	Minimum program qualifications
2040.4(272C,543D)	Standards for provider and program approval
2040.5(272C,543D)	Acceptable distance education courses
2040.6(272C,543D)	Applications for approval of programs
2040.7(272C,543D)	Waiver of application fees
2040.8(272C,543D)	Authority to approve education
2040.9(272C,543D)	Appraiser request for preapproval of continuing education programs
2040.10(272C,543D)	Appraiser request for postapproval of continuing education program
2040.11(272C,543D)	Review of provider or program
2040.12(272C,543D)	Hearings

CHAPTER 2041 FEES

2041.1(543D)	Fees
2041.2(543D)	Prorating of registration fees

CHAPTER 2042 ENFORCEMENT PROCEEDINGS AGAINST NONLICENSEES

2042.1(543D)	Civil penalties against nonlicensees
2042.2(543D)	Grounds for imposing civil penalties
2042.3(543D)	Notice of intent to impose civil penalties
2042.4(543D)	Request for hearing

CHAPTER 2043 LICENSURE OF PERSONS LICENSED IN OTHER JURISDICTIONS

2043.1(272C)	Definitions
2043.2(272C)	Licensure of persons licensed in other jurisdictions

CHAPTERS 2044 to 2049 Reserved

APPRAISAL MANAGEMENT COMPANIES

CHAPTER 2050 APPRAISAL MANAGEMENT COMPANIES

2050.1(17A,543E)	Definitions
2050.2(17A,543E)	Application for registration
2050.3(17A,543E)	Grounds for denial of a registration
2050.4(17A,543E)	Renewal of registration
2050.5(17A,543E)	Reinstatement of lapsed registration
2050.6(17A,543E)	Changes in the registrant's name, location, or ownership
2050.7(17A,543E)	Notice of significant events
2050.8(17A,543E)	Fees
2050.9(17A,543E)	Registrant records
2050.10(17A,543E)	Examinations, investigations, and complaints
2050.11(17A,543E)	Disciplinary action
2050.12(17A,543E)	Appraisal management company national registry maintained by the appraisal subcommittee
2050.13(17A,543E)	Preregistration

CHAPTERS 2051 to 2059 Reserved

HEARING AID SPECIALISTS

CHAPTER 2060 LICENSURE OF HEARING AID SPECIALISTS

2060.1(154A)	Definitions
2060.2(154A)	Temporary permits
2060.3(154A)	Supervision requirements
2060.4(154A)	Requirements for initial licensure

2060.5(154A)	Licensure by endorsement
2060.6(154A)	Display of license
2060.7(154A)	License renewal
2060.8(17A,147,272C)	License reactivation
2060.9(17A,147,272C)	License reinstatement

CHAPTER 2061

CONTINUING EDUCATION FOR HEARING AID SPECIALISTS

2061.1(154A)	Definitions
2061.2(154A)	Continuing education requirements
2061.3(154A,272C)	Standards

CHAPTER 2062

PRACTICE OF HEARING AID DISPENSING

2062.1(154A)	Definitions
2062.2(154A)	Requirements prior to sale of a hearing aid
2062.3(154A)	Requirements for sales receipt
2062.4(154A)	Requirements for recordkeeping
2062.5(154A)	Telehealth appointments

CHAPTER 2063

DISCIPLINE FOR HEARING AID SPECIALISTS

2063.1(154A,272C)	Grounds for discipline

CHAPTER 2064

ADOPTION OF UNIFORM AND MODEL RULES

2064.1(17A,272C)	Board of hearing aid specialists adoption of uniform and model rules

CHAPTERS 2065 to 2201

Reserved

CERTIFICATE OF NEED PROGRAM

CHAPTER 2202

CERTIFICATE OF NEED PROGRAM

2202.1(10A)	Definitions
2202.2(10A)	Letter of intent
2202.3(10A)	Determination of reviewability
2202.4(10A)	Submission of application
2202.5(10A)	Organizational procedures
2202.6(10A)	Public hearing on application
2202.7(10A)	Summary review
2202.8(10A)	Extension of review time
2202.9(10A)	Rehearing of certificate of need decision
2202.10(10A)	Status reports to affected persons
2202.11(10A)	Finality
2202.12(10A)	Project progress reports
2202.13(10A)	Request for extension of certificate
2202.14(10A)	Application changes after approval
2202.15(10A)	Sanctions
2202.16(10A)	Reporting requirements

CHAPTER 2203

STANDARDS FOR CERTIFICATE OF NEED REVIEW

2203.1	Reserved
2203.2(10A)	Cardiac catheterization and cardiovascular surgery standards
2203.3(10A)	Radiation therapy standards
2203.4(10A)	Computerized tomography standards
2203.5(10A)	Long-term care
2203.6 to 2203.11	Reserved
2203.12(10A)	Magnetic resonance imaging services standards

2203.13(10A) Positron emission tomography services standards

CHAPTER 62
RESIDENTIAL CARE FACILITIES FOR PERSONS WITH MENTAL ILLNESS (RCFs/PMI)

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

481—62.1(135C) Applicability. This chapter relates specifically to the licensing and regulation of residential care facilities for persons with mental illness (RCFs/PMI). Refer to 481—Chapter 57 for the licensing and regulation of all residential care facilities, including RCFs/PMI, and to 481—Chapter 60 for minimum physical standards for all residential care facilities.

[ARC 3739C, IAB 4/11/18, effective 5/16/18]

481—62.2(135C) Definitions. In addition to the definitions in 481—Chapter 57 and Iowa Code chapter 135C, the following definitions apply.

“Commission” means the mental health and disability services commission.

“Department” means the Iowa department of inspections and appeals.

“Dependent adult abuse” is as defined in rule 481—52.1(235E).

“Evaluation services” means those activities designed to identify a person’s current level of functioning and those factors which are barriers to maintaining the current level or achieving a higher level of functioning.

“Interdisciplinary team process” means an approach to assessment, service planning, and service implementation in which members of an interdisciplinary team utilize the skills, competencies, insights and perspectives provided by each member’s training and experience to develop a single, integrated, individual program plan to meet a resident’s needs for services.

“Level of functioning” means a person’s current physiological and psychological status and current academic, community living, self-care, and vocational skills.

“Mental health counselor” means a person who is certified or eligible for certification as a mental health counselor by the National Academy of Certified Clinical Mental Health Counselors.

“Mental illness” means a substantial disorder of thought or mood which significantly impairs judgment, behavior, or the capacity to recognize reality or the ability to cope with the ordinary demands of life. Mental disorders include the organic and functional psychoses, neuroses, personality disorders, alcoholism and drug dependence, behavioral disorders and other disorders as defined by the current edition of American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders.

“Physical or physiological treatment” means those activities designed to prevent, halt, control, relieve, or reverse symptoms or conditions which interfere with the physical or physiological functioning of the human body.

“Psychiatric advanced registered nurse practitioner” means an individual currently licensed as a registered nurse under Iowa Code chapter 152 or 152E who holds a national certification in psychiatric mental health care and who is licensed by the board of nursing as an advanced registered nurse practitioner.

“Psychiatric nurse” means a person who meets the requirements of a certified psychiatric nurse, is eligible for certification by the American Nursing Association, and is licensed by the state of Iowa to practice nursing as defined in Iowa Code chapter 152.

“Psychiatrist” means a doctor of medicine or osteopathic medicine and surgery who is certified by the American Board of Psychiatry and Neurology or who is eligible for certification.

“Psychologist” means a person who is licensed to practice psychology in the state of Iowa, or is certified by the Iowa department of education as a school psychologist, or is eligible for certification, or meets the requirements for eligibility for a license to practice psychology in the state of Iowa that were effective prior to July 1, 1985.

“Psychotherapeutic treatment” means those activities designed to assist a person in the identification or modification of beliefs, emotions, attitudes, or behaviors in order to maintain or improve the person’s functioning in response to the physical, emotional and social environment.

“Qualified mental health professional” or *“QMHP”* means a person who:

1. Is a psychiatrist, psychologist, social worker, certified psychiatric nurse, psychiatric advanced registered nurse practitioner, or mental health counselor; or
2. Is a doctor of medicine or osteopathic medicine, a physician associate, or an advanced registered nurse practitioner and has at least one year’s documented supervised experience in providing mental health services; or
3. Has a master’s degree with coursework focusing on diagnosis, evaluation, and psychotherapeutic treatment of mental health problems and mental illness; or
4. Is employed by a community mental health center or mental health service provider accredited by the commission and has less than a master’s degree but at least a bachelor’s degree and sufficient education and experience as determined by the chief administrative officer of the community mental health center, with the approval of the commission, with coursework and experience focusing on diagnosis and evaluation and treatment of persons with mental health problems and mental illness.

If the person is practicing in a field covered by an Iowa licensure law, the person shall hold a current Iowa license.

“Resident” means a person who has been admitted to the facility to receive care and services.

“Social worker” means a person who is licensed to practice social work in the state of Iowa or who is eligible for licensure.

[ARC 3739C, IAB 4/11/18, effective 5/16/18; Editorial change: IAC Supplement 6/24/26]

481—62.3(135C) Personnel. In addition to personnel requirements found in 481—Chapter 57, the RCF/PMI shall provide for services of a qualified mental health professional, by direct employment or contract, whose responsibilities shall include, but not be limited to: (II, III)

1. Approval of each resident’s service plan; (II, III)
2. Monitoring the implementation of each resident’s service plan; (II, III)
3. Recording each resident’s progress; and (II, III)
4. Participating in a periodic review of each resident’s service plan. (II, III)

[ARC 3739C, IAB 4/11/18, effective 5/16/18]

481—62.4(135C) Admission criteria. In addition to admission criteria found in 481—Chapter 57, the facility’s admission criteria shall include but not be limited to age, sex, diagnosis from the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders, substance abuse, dual diagnosis and criteria that are consistent with the résumé of care. (III)

[ARC 3739C, IAB 4/11/18, effective 5/16/18]

481—62.5(135C) Evaluation services.

62.5(1) Evaluation services shall be provided to each resident. An annual evaluation of each resident shall be completed no later than 12 months from the date of the last available evaluation. For residents who are on leave from a state mental health institution, the institution shall be responsible for the completion of the evaluation. The facility shall ensure the completion of the evaluation of all other residents. The annual evaluation shall identify physical health and current level of functioning and need for services. (II, III)

62.5(2) The portion of the evaluation to identify the resident’s physical health shall:

- a. Result in identification of current illness and disabilities and recommendations for physical and physiological treatment and services. (II, III)
- b. Include an evaluation of the resident’s ability for health maintenance. (III)
- c. Be performed by a primary care provider. (II, III)

62.5(3) Evaluation.

a. The portion of the evaluation to identify the resident's current level of functioning and need for services shall:

(1) Identify the resident's level of functioning and need for services in each of the following areas: self-care, community living skills, psychotherapeutic treatment, vocational skills, and academic skills. (II, III)

(2) Be of sufficient detail to determine the appropriateness of placement according to the skills and needs of the resident. (II, III)

(3) Be made without regard to the availability of services. (III)

(4) Be performed by a QMHP, in consultation with the interdisciplinary team. (II, III)

b. If an evaluation is available from the referral source, the evaluation shall be secured by the facility prior to the admission of the applicant. (III)

c. If an evaluation is not available or does not contain all the required information, the facility shall ensure an evaluation to the extent necessary to determine if the applicant meets the criteria for admission. For those admitted, the remainder of the evaluation shall be performed prior to the development of a service plan. (III)

d. Results of all evaluations shall be in writing and maintained in the resident's record. Evaluations subsequent to the initial evaluation shall be performed in sufficient detail to determine changes in the resident's physical health, skills and need for services. (II, III)

62.5(4) A narrative social history shall be completed for each resident within 30 days of admission and approved by the qualified mental health professional prior to the development of the service plan. (III)

a. When the social history was secured from another provider, the information contained shall be reviewed within 30 days of admission. The date of the review, signature of the staff reviewing the history, and a summary of significant changes in the information shall be entered in the resident's record. (III)

b. An annual review of the information contained within the social history shall be incorporated into the service plan progress note. (III)

c. The social history shall minimally address the following areas:

(1) Referral source and reason for admission, (II, III)

(2) Legal status, (II, III)

(3) A description of previous living arrangements, (III)

(4) A description of previous services received and summary of current service involvements, (II, III)

(5) A summary of significant medical conditions including, but not limited to, illnesses, hospitalizations, past and current drug therapies, and special diets, (II, III)

(6) Substance abuse history, (II, III)

(7) Work history, (III)

(8) Educational history, (III)

(9) Relationship with family, significant others, and other support systems, (III)

(10) Cultural and ethnic background and religious affiliation, (II, III)

(11) Hobbies and leisure time activities, (III)

(12) Likes, dislikes, habits, and patterns of behavior, (II, III)

(13) Impressions and recommendations. (II, III)

[ARC 3739C, IAB 4/11/18, effective 5/16/18]

These rules are intended to implement Iowa Code section 135C.14(7).

[Filed 2/5/88, Notice 10/7/87—published 2/24/88, effective 3/30/88]

[Filed 5/26/88, Notice 4/20/88—published 6/15/88, effective 7/20/88]

[Filed 9/30/88, Notice 8/24/88—published 10/19/88, effective 11/23/88]

[Filed 12/9/88, Notices 8/24/88, 10/5/88—published 12/28/88, effective 2/1/89]

[Filed 4/14/89, Notice 2/8/89—published 5/3/89, effective 6/7/89]

[Filed 6/23/89, Notice 5/17/89—published 7/12/89, effective 8/16/89]

[Filed 7/20/89, Notice 6/14/89—published 8/9/89, effective 9/13/89]
 [Filed 8/16/89, Notices 4/19/89, 7/12/89—published 9/6/89, effective 10/11/89]
 [Filed 3/14/91, Notice 9/19/90—published 4/3/91, effective 5/8/91]
 [Filed 1/31/92, Notice 11/13/91—published 2/19/92, effective 7/1/92]
 [Filed 3/12/92, Notice 12/11/91—published 4/1/92, effective 5/6/92]
 [Filed 1/15/93, Notice 11/25/92—published 2/3/93, effective 3/10/93]
 [Filed 5/16/95, Notice 3/15/95—published 6/7/95, effective 7/12/95]
 [Filed 11/30/95, Notice 9/13/95—published 12/20/95, effective 1/24/96]
 [Filed 7/11/97, Notice 4/23/97—published 7/30/97, effective 9/3/97]
 [Filed emergency 7/25/97—published 8/13/97, effective 7/25/97]
 [Filed emergency 11/14/97—published 12/3/97, effective 11/14/97]
 [Filed 11/14/97, Notice 8/13/97—published 12/3/97, effective 1/7/98]
 [Filed 3/31/98, Notice 12/3/97—published 4/22/98, effective 5/27/98]
 [Filed 7/9/98, Notice 4/22/98—published 7/29/98, effective 9/2/98]
 [Filed 1/15/04, Notice 10/1/03—published 2/4/04, effective 3/10/04]
 [Filed 1/15/04, Notice 12/10/03—published 2/4/04, effective 3/10/04]
 [Filed 9/20/06, Notice 8/2/06—published 10/11/06, effective 11/15/06]
 [Filed ARC 0663C (Notice ARC 0513C, IAB 12/12/12), IAB 4/3/13, effective 5/8/13]
 [Filed ARC 0903C (Notice ARC 0776C, IAB 5/29/13), IAB 8/7/13, effective 9/11/13]
 [Filed ARC 1050C (Notice ARC 0907C, IAB 8/7/13), IAB 10/2/13, effective 11/6/13]
 [Filed ARC 1205C (Notice ARC 1082C, IAB 10/2/13), IAB 12/11/13, effective 1/15/14]
 [Filed ARC 1204C (Notice ARC 1083C, IAB 10/2/13), IAB 12/11/13, effective 1/15/14]
 [Filed ARC 1752C (Notice ARC 1648C, IAB 10/1/14), IAB 12/10/14, effective 1/14/15]
 [Filed ARC 2643C (Notice ARC 2395C, IAB 2/3/16), IAB 8/3/16, effective 9/7/16]¹
 [Filed ARC 3523C (Notice ARC 3407C, IAB 10/25/17), IAB 12/20/17, effective 1/24/18]
 [Filed ARC 3739C (Notice ARC 3474C, IAB 12/6/17), IAB 4/11/18, effective 5/16/18]
 [Editorial change: IAC Supplement 6/24/26]

¹ September 7, 2016, effective date of 57.19(3)“d,” 62.15(2)“d,” and 63.18(3)“d” [ARC 2643C] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 5, 2016.

ELEVATOR SAFETY BOARD

CHAPTER 365

ELEVATOR SAFETY BOARD ADMINISTRATIVE AND REGULATORY AUTHORITY

[Prior to 7/9/25, see Labor Services Division[875] Ch 65]

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/12/30

481—365.1(89A) Definitions. The definitions contained in this rule apply to 481—Chapters 365 through 373.

“*Board*” means the elevator safety board.

“*Board office*” means the offices of the department of inspections, appeals, and licensing.

“*Conveyance*” means an elevator, construction personnel hoist, dumbwaiter, escalator, moving walk, lift or inclined or vertical wheelchair lift subject to regulation under Iowa Code chapter 89A and includes hoistways, rails, guides, and all other related mechanical and electrical equipment.

“*Department*” means the department of inspections, appeals, and licensing.

“*Director*” means the director of the department of inspections, appeals, and licensing or the director’s designee.

[ARC 8771C, IAB 1/8/25, effective 2/12/25; Editorial change: IAC Supplement 7/9/25]

481—365.2(89A) Authority of the board. The authority and responsibilities of the board include but are not limited to:

365.2(1) Adopting rules necessary to protect public health, safety and welfare and to administer the duties of the board.

365.2(2) Hearing and deciding appeals concerning inspection reports that relate to the installation, alteration, operation, and maintenance of conveyances in the state.

365.2(3) Hearing and deciding appeals concerning actions by the director to deny, suspend or revoke operating permits.

365.2(4) Establishing fees.

365.2(5) Establishing committees of the board.

[ARC 8771C, IAB 1/8/25, effective 2/12/25; Editorial change: IAC Supplement 7/9/25]

481—365.3(21,89A) Board officers. The board shall elect a chairperson, vice chairperson, and secretary from its membership at the first meeting after July 1 of each year. Neither the director nor the director’s designee may serve as chairperson. The chairperson presides at meetings, appoints members and chairpersons of committees, and performs all duties and exercises all powers of the chairperson. The vice chairperson, in the absence or incapacity of the chairperson, performs all duties and exercises all powers of the chairperson.

[ARC 8771C, IAB 1/8/25, effective 2/12/25; Editorial change: IAC Supplement 7/9/25]

481—365.4(21,89A) Public meetings.

365.4(1) The board shall hold at least one meeting each calendar quarter.

365.4(2) Board meetings are governed in accordance with Iowa Code chapter 21 and conducted in accordance with Robert’s Rules of Order.

365.4(3) The chairperson or the chairperson’s designee prepares the agenda listing all matters to be discussed at the meeting.

365.4(4) A majority of the members of the board constitutes a quorum, and all final motions and actions must receive a majority of a quorum vote.

365.4(5) Members of the public may be present during board meetings unless the board votes to hold a closed session in accordance with Iowa Code chapter 21. The dates and locations of board meetings may be obtained from the board’s website or the board office.

365.4(6) At every regularly scheduled board meeting, time will be designated for public comment. During the public comment period, any person may speak for up to two minutes. Requests

to speak for two minutes per person when a particular topic comes before the board may be granted at the discretion of the chairperson. The chairperson may limit total public comment time to ten minutes.

365.4(7) The person presiding at a meeting of the board may exclude a person from an open meeting for behavior that obstructs the meeting.

365.4(8) Cameras and recording devices may be used at open meetings provided the cameras and recording devices do not obstruct the meeting. If the user of a camera or recording device obstructs the meeting by the use of such device, the person presiding at the meeting may request the user to discontinue use of the camera or device.

[ARC 8771C, IAB 1/8/25, effective 2/12/25; Editorial change: IAC Supplement 7/9/25]

481—365.5(17A,89A) Procedures for waivers in addition to 7—Chapter 2504.

365.5(1) *Filing petition.* A petition is deemed filed when it is received in the board's office. The petition shall include the state identification number of the conveyance and the age of the conveyance. A petition should be sent to the Elevator Safety Board, Department of Inspections, Appeals, and Licensing, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321. The petitioner shall submit the petition and all related materials for consideration at least three weeks prior to a scheduled board meeting for board review of the petition at the meeting.

365.5(2) *Waiver form.* Waiver applicants shall use the board's petition for waiver form. The board may request additional information from the petitioner.

365.5(3) *Posting of orders granting waivers.* The order or a copy of the order granting a waiver shall be conspicuously and permanently posted in the machine room corresponding to the conveyance. The order or a copy of the order granting a waiver that relates to a conveyance that does not have a machine room shall be posted in a protective sleeve attached to the inside of the controller cabinet door corresponding to the conveyance.

365.5(4) *Violations.* Violation of a condition in a waiver order will be treated as a violation of the particular rule for which the waiver was granted. As a result, the recipient of a waiver under this rule who violates a condition of the waiver may be subject to the same remedies or penalties as a person who violates the rule at issue.

[ARC 0372D, IAB 6/24/26, effective 5/29/26]

481—365.6(17A,89A) Procedures for contested cases in addition to 7—Chapter 2506.

365.6(1) *Reconsideration of inspection report.* The owner or operator of a piece of equipment subject to a written inspection report may petition the director for reconsideration of the report within 30 days of the issuance of the report. Failure to seek timely reconsideration of the inspection report is a waiver of all appeal rights. The burden of demonstrating compliance with all applicable statutory provisions, administrative rules, and codes adopted by reference rests upon the petitioning owner or operator.

a. A petition for reconsideration shall be in writing and must be signed by the requesting party or a representative of that party. The required form for a petition for reconsideration is available on the board's website. A petition for reconsideration specifies:

- (1) The party seeking reconsideration, including mailing address and telephone number;
- (2) The location of the equipment subject to the challenged inspection report;
- (3) The inspection date;
- (4) The inspector who issued the challenged inspection report;
- (5) The specific findings or conclusions to which exception is taken;
- (6) The relief sought.

b. A copy of the challenged inspection report shall be attached to the petition for reconsideration. The petitioning party shall also include all relevant documents that the petitioning party desires the director to consider when evaluating the petition.

c. The director or a designee of the director is authorized to seek additional information relating to a petition for reconsideration from the petitioning party or any other entity possessing information the director deems relevant to the petition. This subrule, however, does not impose any responsibility

or duty on the director to discover documents or other information that was not submitted with the petition for reconsideration.

d. Any petition for reconsideration that is not received by the office of the director within 30 days of the issuance of the challenged inspection report is untimely and will not be considered by the director.

e. The director will not consider any request for waiver of an administrative rule made as part of a petition for reconsideration. Requests for waivers of administrative rules may only be made to the board pursuant to the provisions of 481—Chapter 365.

f. In ruling on a petition for reconsideration, the director may:

- (1) Affirm the inspection report as issued;
- (2) Issue an amended inspection report;
- (3) Rescind the inspection report;
- (4) Deny the petition as untimely.

g. Any petition for reconsideration that is not ruled upon by the director within 20 days of receipt by the office of the director shall be deemed denied and the challenged inspection report affirmed as issued.

365.6(2) *Appeal to the board.* The director's ruling on a petition for reconsideration or the director's deemed denial of a petition for reconsideration may be appealed to the board. An appeal must be filed in writing with the board within 30 calendar days of the earlier of either the issuance of the director's written ruling on a petition for reconsideration or the director's deemed denial of a petition for reconsideration. At a minimum, an appeal includes a short and concise statement of the basis for the appeal. The required form for an appeal is available on the board's website. Consideration of an appeal of a ruling on a petition for reconsideration is a contested case proceeding subject to the provisions of Iowa Code chapter 17A. The director has an automatic right of intervention in any appeal of the ruling on petition for reconsideration and may defend the ruling in a contested case proceeding.

365.6(3) *Informal review.*

a. In order to preserve the ability of board members to participate in decision-making, a party who elects an informal review under this rule waives the party's right to seek disqualification of a board member as a presiding officer in a later contested case proceeding based on the board member's participation in the informal review. Parties would not be waiving their right to seek disqualification on any other ground.

b. The board may propose a preliminary order at the time of informal review. If a party does not consent to the preliminary order, the party must submit a request to proceed with formal contested case proceedings, including hearing, within ten days of the informal review.

c. File transmitted to the board. Upon receipt of a notice of hearing issued by the board, the director shall within 30 days forward to the board and all parties of record to the appeal copies of the challenged inspection report, the appellant's petition for reconsideration and all supporting documents, all other documents collected by the director in ruling on the petition for reconsideration, and the director's ruling on the petition for reconsideration.

365.6(4) *Presiding officer.*

a. The presiding officer in all contested cases is the board, a panel of board members, or an administrative law judge assigned by the department of inspections, appeals, and licensing. When board members act as presiding officer, the board members shall conduct the hearing and issue either a final decision or, if a quorum of the board is not present, a proposed decision. The board may be assisted by an administrative law judge when the board acts as presiding officer.

b. The board or a panel of board members when acting as presiding officer may request that an administrative law judge perform certain functions as an aid to the board or board panel, such as ruling on prehearing motions, conducting the prehearing conference, ruling on evidentiary objections at hearing, assisting in deliberations, or drafting the written decision for review by the board or board panel.

c. All rulings by an administrative law judge who acts either as presiding officer or assistant to the board are subject to appeal to the board. A party must timely seek intra-agency appeal of prehearing rulings or proposed decisions in order to exhaust adequate administrative remedies. While a party may seek immediate board or board panel review of rulings made by an administrative law judge when sitting with and acting as an aid to the board or board panel during a hearing, such immediate review is not required to preserve error for judicial review.

d. Unless otherwise provided by law, when reviewing a proposed decision of a panel of the board or an administrative law judge, board members have the powers of and shall comply with the provisions of this chapter that apply to presiding officers.

365.6(5) *Subpoenas in a contested case.*

a. A request for a subpoena shall include the following information, as applicable:

- (1) The name, address, and telephone number of the person requesting the subpoena;
- (2) The name and address of the person to whom the subpoena will be directed;
- (3) The date, time, and location at which the person shall be commanded to attend and give testimony;
- (4) Whether the testimony is requested in connection with a deposition or hearing;
- (5) A description of the books, papers, records, or other evidence requested;
- (6) The date, time, and location for production or inspection and copying.

b. Each subpoena shall contain, as applicable:

- (1) The caption of the case;
- (2) The name, address, and telephone number of the person who requested the subpoena;
- (3) The name and address of the person to whom the subpoena is directed;
- (4) The date, time, and location at which the person is commanded to appear;
- (5) Whether the testimony is commanded in connection with a deposition or hearing;
- (6) A description of the books, papers, records, or other evidence the person is commanded to produce;
- (7) The date, time, and location for production or inspection and copying;
- (8) The time within which a motion to quash or modify the subpoena must be filed;
- (9) The signature, address, and telephone number of the presiding officer;
- (10) The date of issuance;
- (11) A return of service attached to the subpoena.

c. Any person who is aggrieved or adversely affected by compliance with the subpoena or any party to the contested case who desires to challenge the subpoena must, within 14 days after service of the subpoena, or before the time specified for compliance if such time is less than 14 days, file with the board a motion to quash or modify the subpoena. The motion shall describe the legal reasons why the subpoena should be quashed or modified and may be accompanied by legal briefs or factual affidavits.

d. Upon receipt of a timely motion to quash or modify a subpoena, the board chairperson shall request an administrative law judge to hold a hearing and issue a decision. Oral argument may be scheduled at the discretion of the board or the administrative law judge. The administrative law judge may quash or modify the subpoena or deny the motion.

e. A person aggrieved by a ruling of an administrative law judge who desires to challenge that ruling must appeal the ruling to the board by serving on the board, either in person or by certified mail, a notice of appeal within ten days after service of the decision of the administrative law judge. If the decision of the administrative law judge to quash or modify the subpoena or to deny the motion to quash or modify the subpoena is appealed to the board, the board may uphold or overturn the decision of the administrative law judge.

f. If the person contesting the subpoena is not the party whose appeal is the subject of the contested case, the board's decision is final for purposes of judicial review. If the person contesting the subpoena is the party whose appeal is the subject of the contested case, the board's decision is not final for purposes of judicial review until there is a final decision in the contested case.

365.6(6) Decisions.

a. Proposed decision. Decisions issued by a panel of less than a quorum of the board or by an administrative law judge are proposed decisions. A proposed decision issued by a panel of the board or an administrative law judge becomes a final decision if not timely appealed by any party or reviewed by the board.

b. Final decision. When a quorum of the board presides over the reception of evidence at the hearing, the decision is a final decision. A copy of the final decision and order shall immediately be sent by certified mail to the appellant's last-known post office address or may be served as in the manner of original notices. Copies shall be mailed by interoffice mail or first-class mail to the counsel of record.

[ARC 0372D, IAB 6/24/26, effective 5/29/26]

481—365.7(89A) Official communications. All official communications, including submissions and requests, are to be addressed to the Elevator Safety Board, Department of Inspections, Appeals, and Licensing, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321.

[ARC 8771C, IAB 1/8/25, effective 2/12/25; Editorial change: IAC Supplement 7/9/25; ARC 0372D, IAB 6/24/26, effective 5/29/26]

These rules are intended to implement Iowa Code chapters 21 and 89A.

[Filed 6/16/06, Notice 5/10/06—published 7/5/06, effective 8/9/06]

[Filed ARC 8621B (Notice ARC 8322B, IAB 12/2/09), IAB 3/24/10, effective 4/28/10]

[Filed ARC 5570C (Notice ARC 5436C, IAB 2/10/21), IAB 4/21/21, effective 6/1/21]

[Filed ARC 8771C (Notice ARC 8319C, IAB 10/30/24), IAB 1/8/25, effective 2/12/25]

[Editorial change: IAC Supplement 7/9/25]

[Editorial change: IAC Supplement 11/26/25]

[Filed Emergency ARC 0372D, IAB 6/24/26, effective 5/29/26]

BOARD OF PHYSICIAN ASSOCIATES

CHAPTER 780

LICENSURE OF PHYSICIAN ASSOCIATES

[Prior to 8/7/02, see 645—325.2(148C) to 645—325.5(148C) and 645—325.16(148C)]

[Prior to 9/18/24, see Professional Licensure Division[645] Ch 326]

Chapter rescission date pursuant to Iowa Code section 17A.7: 10/8/30

481—780.1(148C) Definitions. In addition to the definitions herein, and unless otherwise stated, the board adopts by reference the definitions found in Iowa Code section 148C.1.

“Active license” means a license that is current and has not expired.

“Approved program” means a program for the education of physician associates that has been accredited by the Accreditation Review Commission on Education for the Physician Assistant, or its successor, or, if accredited prior to 2001, either by the Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs.

“CME” means continuing medical education.

“Collaboration” means consultation with or referral to the appropriate physician or other health care professional by a physician associate as indicated by the patient’s condition; the education, competencies, and experience of the physician associate; and the best practice guidelines.

“Direction” means authoritative policy or procedural guidance for the accomplishment of a function or activity.

“Grace period” means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

“HIPAA” means the Health Insurance Portability and Accountability Act of 1996, PL 104-191, August 21, 1996, 110 Stat 1936.

“Inactive license” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

“Licensee” means a person licensed by the board as a physician associate.

“Licensure by endorsement” means the issuance of an Iowa license to practice as a physician associate to an applicant who is or has been licensed in another state.

“Locum tenens” means the temporary substitution of one licensed physician associate for another.

“Mandatory training” means training on identifying and reporting child abuse or dependent adult abuse required of physician associates who are mandatory reporters. The full requirements on mandatory reporting of child abuse and the training requirements are found in Iowa Code section 232.69. The full requirements on mandatory reporting of dependent adult abuse and the training requirements are found in Iowa Code section 235B.16.

“NCCPA” means the National Commission on Certification of Physician Assistants.

“Opioid” means a drug that produces an agonist effect on opioid receptors and is indicated or used for the treatment of pain or opioid use disorder.

“Other health care provider” means a person licensed as a physician associate under Iowa Code chapter 148C or an advanced registered nurse practitioner licensed under Iowa Code chapter 152.

“Physician” means a person who is currently licensed in Iowa to practice medicine and surgery or osteopathic medicine and surgery. A physician supervising a physician associate practicing in a federal facility or under federal authority will not be required to obtain licensure beyond licensure requirements mandated by the federal government for supervising physicians.

“Prescription monitoring program database” or *“PMP database”* means the Iowa prescription monitoring program database administered by the board of pharmacy pursuant to Iowa Code chapter 124, subchapter VI, and 481—Chapter 556.

“Reactivate” or *“reactivation”* means the process as outlined in rule 481—780.9(17A,147,272C) by which an inactive license is restored to active status.

“Reinstatement” means the process as outlined in rule 481—506.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

“Supervising physician” means a physician who supervises the medical services provided by the physician associate engaged in independent practice consistent with the physician associate’s education, training, or experience. Supervision shall not be construed as a requirement to be applied to those physician associates who (1) are not engaged in an independent practice arrangement, (2) have already met the requirements to practice independently, or (3) are not required by law to be supervised. Supervision shall not be construed as requiring the personal presence of a supervising physician at the place where such services are rendered, except insofar as the personal presence is expressly required by these rules or by Iowa Code chapter 148C.

“Supply prescription drugs” means to deliver to a patient or the patient’s representative a quantity of prescription drugs or devices that are properly packaged and labeled.

[ARC 9536C, IAB 9/3/25, effective 10/8/25; Editorial change: IAC Supplement 6/10/26]

481—780.2(148C) Initial licensure.

780.2(1) The following criteria shall apply to the initial licensure of physician associates:

a. The applicant for licensure will complete an online application packet and pay the nonrefundable application fee.

b. The applicant for licensure will successfully pass the certifying examination conducted by the NCCPA or a successor examination approved by the board. The applicant will request the NCCPA, or its successor agency, to send a copy of the initial certification to the board office.

c. The applicant for licensure will request the approved program for education of physician associates to submit official copies of the applicant’s transcript to the board office.

EXCEPTION: An applicant who is not a graduate of an approved program but who passed the NCCPA initial certification examination prior to 1986 is exempt from the graduation requirement.

d. In lieu of paragraphs 780.2(1)“*b*” and “*c*,” an applicant for licensure may provide documentation from the Federation Credentials Verification Service (FCVS) of the Federation of State Medical Boards as primary source verification for identity, education and national certification information.

780.2(2) If licensed in another jurisdiction, an applicant for licensure will:

a. Complete the licensure by endorsement application;

b. Submit a license verification document that discloses any disciplinary action taken in all jurisdictions where the applicant was previously licensed; and

c. Submit proof of completion of 100 CME hours for each biennium since the licensee was initially certified.

780.2(3) An applicant for licensure who is licensed in another jurisdiction who cannot satisfy the requirements of licensure by endorsement may apply for licensure by verification, if eligible, in accordance with rule 481—501.1(272C).

780.2(4) An application not completed according to guidelines will not be reviewed by the board.

780.2(5) Incomplete applications that have been on file in the board office for more than two years will be:

a. Considered invalid and destroyed; or

b. Maintained upon written request from the applicant for licensure.

[ARC 9536C, IAB 9/3/25, effective 10/8/25; Editorial change: IAC Supplement 6/10/26]

481—780.3(148C) Temporary licensure.

780.3(1) A temporary license may be issued for an applicant for licensure who has not taken the NCCPA initial certification examination or successor agency examination or is waiting for the results of the examination.

780.3(2) An applicant for licensure must comply with subrule 780.2(1), with the exception of paragraphs 780.2(1) “b” and “c.”

780.3(3) A temporary license will be valid for one year from the date of issuance.

780.3(4) The temporary license will be renewed only once upon an applicant for licensure’s showing proof that, through no fault of the applicant, the applicant was unable to take the certification examination recognized by the board. Proof of inability to take the certification examination will be submitted to the board office with written request for renewal of a temporary license, accompanied by the temporary license renewal fee.

780.3(5) If the temporary licensee fails the certification examination, the temporary licensee must cease practice immediately and surrender the temporary license by the next business day.

780.3(6) There is no additional fee for converting temporary licensure to permanent licensure.

780.3(7) An applicant for licensure will ensure that certification of completion is sent to the board directly from an approved program for the education of physician associates. The certification of completion must be signed by a designee from the approved program.

[ARC 9536C, IAB 9/3/25, effective 10/8/25; Editorial change: IAC Supplement 6/10/26]

481—780.4(148C) Physician supervision not required. A physician associate is not required to be supervised by a physician when:

780.4(1) The physician associate is licensed in the state of Iowa or eligible to become licensed in the state of Iowa; and

780.4(2) The physician associate has previously practiced under a supervising physician or in collaboration with an Iowa-licensed physician or other licensed health care professional for a period of at least two years; or

780.4(3) The physician associate is not practicing in an independent practice arrangement as defined in Iowa Code section 148C.1(5).

[ARC 9536C, IAB 9/3/25, effective 10/8/25; Editorial change: IAC Supplement 6/10/26]

481—780.5(148C) Physician supervision required.

780.5(1) A physician associate is required to be supervised by a physician when the physician associate is practicing in an independent practice arrangement as defined in Iowa Code section 148C.1(5) and the physician associate has not previously practiced under a supervising physician or in collaboration with the appropriate physician or other health care professional for a period of at least two years.

780.5(2) Requirements for a physician associate and supervising physician.

a. A physician associate will use the jointly approved board forms to notify the board of the identity of the physician associate’s supervising physician prior to beginning practice in Iowa. The physician associate will notify the board of the identity of each of the physician associate’s supervising physicians and of any change in the status of the supervisory relationships during the physician associate’s required supervisory biennium.

b. A physician associate and a supervising physician will utilize the board form to show a mutual understanding of the physician associate’s scope of practice, identified medical procedures and the areas of medicine performed.

c. A physician associate will maintain documentation of current supervising physicians, which will be made available to the board upon request.

d. It shall be the joint responsibility of a physician associate and a supervising physician to ensure the physician associate is adequately supervised. Upon agreeing to supervise the physician associate, the supervising physician will be advised that the physician’s name will be listed with the board as a supervising physician. The physician associate and the supervising physician are each responsible for knowing and complying with the supervision provisions of these rules.

e. Patient care provided by a physician associate will be reviewed with a supervising physician determined at the practice level, ensuring each patient has received the appropriate medical care.

f. Patient care provided by a physician associate may be reviewed with a supervising physician in person, by telephone or by other means of telecommunication and determined at the practice level.
[ARC 9536C, IAB 9/3/25, effective 10/8/25; Editorial change: IAC Supplement 6/10/26]

481—780.6(148C) Physician eligibility to supervise physician associates. Information on physician eligibility to supervise physician associates is contained in 653—subrules 21.1(1) through 21.1(4).
[ARC 9536C, IAB 9/3/25, effective 10/8/25; Editorial change: IAC Supplement 6/10/26]

481—780.7(148C) Collaborative practice.

780.7(1) After the conclusion of two years of practice under a supervising physician as required by rule 481—780.5(148C), a physician associate will continue collaboration with a physician or other health care provider as defined in rule 481—780.1(148C), which will be determined at the practice level. This rule shall not be construed to apply to physician associates in independent practice who did not previously meet the criteria of rule 481—780.5(148C).

780.7(2) A collaborating physician or other health care provider defined in rule 481—780.1(148C) and a physician associate should follow best practice guidelines and discuss cases as determined at the practice level. If there are any deficiencies in care noted, the collaborating health care provider will educate the physician associate on best practice guidelines.

780.7(3) The scope of practice for a physician associate shall be limited to medical care that is within the physician associate's education, training, and experience.

780.7(4) Documentation of the collaboration between a physician associate and a physician or other health care provider shall be kept by the physician associate and provided to the board upon request.

780.7(5) Eligibility of other health care provider for collaboration. During the two-year period of collaboration, the other health care provider as defined in rule 481—780.1(148C) shall be a provider who has been in practice for a minimum of five years and is not subject to discipline by the provider's respective licensing authority.

[ARC 9536C, IAB 9/3/25, effective 10/8/25; Editorial change: IAC Supplement 6/10/26]

481—780.8(148C) License renewal.

780.8(1) The license renewal period for a license to practice will begin on October 1 and end on September 30 two years later. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive notice from the board does not relieve the licensee of the responsibility for renewing the license.

780.8(2) An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the subsequent renewal date two years later.

780.8(3) A licensee applying for renewal will:

a. Meet the continuing education requirements of 481—Chapter 782 and the mandatory reporting requirements of subrule 780.8(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

b. Complete the online renewal application, pay the fee, and attach certificate of completion of continuing education hours before the expiration date.

780.8(4) Mandatory reporter training requirements.

a. A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children in Iowa will indicate on the renewal application completion of training in child abuse identification and reporting as required by Iowa Code section 232.69(3)“*b*” in the previous three years or condition(s) for waiver of this requirement as identified in paragraph 780.8(4)“*e*.”

b. A licensee who, in the course of employment responsibilities, examines, attends, counsels or treats adults in Iowa will indicate on the renewal application completion of training in dependent adult

abuse identification and reporting as required by Iowa Code section 235B.16(5) “b” in the previous three years or condition(s) for waiver of this requirement as identified in paragraph 780.8(4) “e.”

c. The course(s) will be the curriculum provided by the department of health and human services.

d. The licensee will maintain written documentation for three years after mandatory training as identified in paragraphs 780.8(4) “a” through “c,” including program date(s), content, duration, and proof of participation.

e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse will be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements.

f. The board may select licensees for audit of compliance with the requirements in paragraphs 780.8(4) “a” through “e.”

780.8(5) Upon receiving the information required by this rule and the required fee, a two-year license will be issued. In the event the board receives adverse information on the renewal application, the board will issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

780.8(6) A person licensed to practice as a physician associate will keep the license certificate and renewal displayed in a conspicuous public place at the primary site of practice.

780.8(7) Late renewal. The license will become late when the license has not been renewed by the expiration date on the renewal. A licensee will be assessed a late fee as specified in 481—subrule 507.14(4). To renew a late license, the licensee will complete the renewal requirements and submit the late fee within the grace period.

780.8(8) Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa but may not practice as a physician associate in Iowa until the license is reactivated. A licensee who practices as a physician associate in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

[ARC 9536C, IAB 9/3/25, effective 10/8/25; Editorial change: IAC Supplement 6/10/26]

481—780.9(17A,147,272C) Requirements for reactivation. To apply for reactivation, a licensee will:

780.9(1) Complete an online reactivation application and pay the nonrefundable reactivation fee.

780.9(2) Provide verification of current competence to practice as a physician associate by satisfying one of the following criteria:

a. If the license has been on inactive status for five years or less, an applicant must:

(1) Submit a license verification document that discloses if disciplinary action was taken in the jurisdiction where the applicant was most recently licensed.

(2) Submit proof of completing 100 hours of continuing education within two years of application for reactivation or NCCPA or successor agency certification.

b. If the license has been on inactive status for more than five years, an applicant must:

(1) Submit a license verification document that discloses if disciplinary action was taken against the applicant from every jurisdiction in which the applicant has been licensed.

(2) Submit proof of completing 200 hours of continuing education within two years of application for reactivation, of which at least 40 percent of the hours completed will be in Category I, or NCCPA or successor agency certification.

[ARC 9536C, IAB 9/3/25, effective 10/8/25; Editorial change: IAC Supplement 6/10/26]

481—780.10(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with rule 481—506.31(272C) and must apply for and be granted reactivation of the license in accordance with rule 481—780.9(17A,147,272C) prior to practicing as a physician associate in this state.

[ARC 9536C, IAB 9/3/25, effective 10/8/25; Editorial change: IAC Supplement 6/10/26]

481—780.11(148C) Use of title. A physician associate licensed under Iowa Code chapter 148C may use the words “physician associate” after the person’s name or signify the same by the use of the letters “PA.” A person who meets the qualifications for licensure under Iowa Code chapter 148C but does not possess a current license may use the title “PA” or “physician associate” but may not act or practice as a physician associate unless licensed under Iowa Code chapter 148C.

[ARC 9536C, IAB 9/3/25, effective 10/8/25; Editorial change: IAC Supplement 6/10/26]

481—780.12(148C) Address change. A physician associate will notify the board of any change in permanent address within 30 days of its occurrence.

[ARC 9536C, IAB 9/3/25, effective 10/8/25; Editorial change: IAC Supplement 6/10/26]

481—780.13(148C) Student physician associate.

780.13(1) Any person who is enrolled as a student in an approved program will comply with the rules set forth in this chapter. A student is exempted from licensure requirements.

780.13(2) Notwithstanding any other provisions of these rules, a student may perform medical services when the medical services are rendered within the scope of an approved program.

[ARC 9536C, IAB 9/3/25, effective 10/8/25; Editorial change: IAC Supplement 6/10/26]

These rules are intended to implement Iowa Code chapters 17A, 147, 148C and 272C.

[Filed 7/19/02, Notice 4/3/02—published 8/7/02, effective 9/11/02]

[Filed emergency 7/18/03—published 8/6/03, effective 7/18/03]

[Filed 4/22/04, Notice 2/18/04—published 5/12/04, effective 6/16/04]⁰¹

[Filed 1/19/05, Notice 11/10/04—published 2/16/05, effective 3/23/05]

[Filed 7/21/05, Notice 5/11/05—published 8/17/05, effective 9/21/05]

[Filed 4/20/06, Notice 2/15/06—published 5/10/06, effective 6/14/06]

[Filed 1/18/07, Notice 11/8/06—published 2/14/07, effective 3/21/07]

[Filed 2/5/07, Notice 11/8/06—published 2/28/07, effective 4/4/07]

[Filed 10/19/07, Notice 8/15/07—published 11/7/07, effective 12/12/07]

[Filed 7/17/08, Notice 5/7/08—published 8/13/08, effective 9/17/08]

[Filed ARC 9665B (Notice ARC 9549B, IAB 6/1/11), IAB 8/10/11, effective 9/14/11]

[Filed ARC 0462C (Notice ARC 0283C, IAB 8/22/12), IAB 11/28/12, effective 1/2/13]

[Filed ARC 4299C (Notice ARC 4128C, IAB 11/21/18), IAB 2/13/19, effective 3/20/19]

[Filed ARC 4952C (Notice ARC 4662C, IAB 9/25/19), IAB 2/26/20, effective 4/1/20]

[Filed ARC 5177C (Notice ARC 5043C, IAB 6/3/20), IAB 9/9/20, effective 10/14/20]

[Filed ARC 5752C (Notice ARC 5368C, IAB 12/30/20), IAB 7/14/21, effective 8/18/21]

[Filed ARC 6896C (Notice ARC 6664C, IAB 11/16/22), IAB 2/22/23, effective 3/29/23]

[Editorial change: IAC Supplement 9/18/24]

[Filed ARC 9536C (Notice ARC 9377C, IAB 6/25/25), IAB 9/3/25, effective 10/8/25]

[Editorial change: IAC Supplement 10/29/25]

[Editorial change: IAC Supplement 6/10/26]

[Editorial change: IAC Supplement 6/24/26]

◇ Two or more ARCs

- ¹ Effective date of 326.1, “remote medical site,” delayed 70 days by the Administrative Rules Review Committee at its meeting held June 7, 2004.

CHAPTER 781
PRACTICE OF PHYSICIAN ASSOCIATES

[Prior to 8/7/02, see 645—325.6(148C) to 645—325.9(148C) and 645—325.18(148C)]

[Prior to 9/18/24, see Professional Licensure Division[645] Ch 327]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/3/29

481—781.1(148C,88GA,ch1020) Duties. The medical services to be provided by the physician associate are those for which the physician associate has been prepared by education, training, or experience and is competent to perform. The ultimate role of the physician associate cannot be rigidly defined because of the variations in practice requirements due to geographic, economic, and sociologic factors. The high degree of responsibility a physician associate may assume requires that, at the conclusion of the formal education, the physician associate possess the knowledge, skills, and abilities necessary to provide those services appropriate to the practice setting. The physician associate's services may be utilized in any clinical settings including but not limited to offices, ambulatory clinics, hospitals, patient's homes, extended care facilities, and nursing homes.

781.1(1) A physician associate's duties relating to prescribing, dispensing, ordering, administering, and procuring drugs and medical devices include all of the following:

a. Administering any drug.

b. Prescribing, dispensing, ordering, administering, and procuring drugs and medical devices. A physician associate may plan and initiate a therapeutic regimen that includes ordering and prescribing nonpharmacological interventions, including but not limited to durable medical equipment, nutrition, blood and blood products, and diagnostic support services, including but not limited to home health care, hospice, and physical and occupational therapy. The prescribing and dispensing of drugs may include Schedule II through V substances, as described in Iowa Code chapter 124, and all legend drugs.

c. A physician associate may prescribe drugs and medical devices subject to all of the following conditions:

(1) The physician associate will have passed the national certifying examination conducted by the National Commission on Certification of Physician Assistants or its successor examination approved by the board.

(2) The physician associate must comply with appropriate federal and state regulations.

(3) If a physician associate prescribes or dispenses controlled substances, the physician associate must register with the federal Drug Enforcement Administration.

(4) The physician associate may prescribe or order Schedule II controlled substances that are listed as depressants in Iowa Code chapter 124.

(5) The physician associate may prescribe, supply, and administer drugs and medical devices in all settings, including but not limited to hospitals, health care facilities, health care institutions, hospice, clinics, offices, health maintenance organizations, and outpatient and emergency care settings.

(6) A physician associate may request, receive, and supply sample drugs and medical devices.

d. Supplying properly packaged and labeled prescription drugs, controlled substances, or medical devices when pharmacist services are not reasonably available or when it is in the best interest of the patient.

(1) If the physician associate is the prescriber of the medications supplied pursuant to this paragraph, the medications supplied will be for the purpose of accommodating the patient and will not be sold for more than the cost of the drug and reasonable overhead costs as they relate to supplying prescription drugs to the patient and not at a profit to the physician associate.

(2) A nurse or staff assistant may assist the physician associate in supplying medications.

781.1(2) The medical services to be provided by the physician associate also include but are not limited to the following:

- a.* Initial approach to a patient of any age group in any setting to elicit a medical history and perform a physical examination.
- b.* Assessment, diagnosis and treatment of medical or surgical problems and recording the findings.
- c.* Order, interpret, or perform laboratory tests, X-rays or other medical procedures or studies.
- d.* Performance of therapeutic procedures such as injections, immunizations, suturing and care of wounds, removal of foreign bodies, ear and eye irrigation and other clinical procedures.
- e.* Performance of office surgical procedures including, but not limited to, skin biopsy, mole or wart removal, toenail removal, removal of a foreign body, arthrocentesis, incision and drainage of abscesses.
- f.* Assisting in surgery.
- g.* Prenatal and postnatal care and assisting a physician in obstetrical care.
- h.* Care of orthopedic problems.
- i.* Performing and screening the results of special medical examinations including, but not limited to, electrocardiogram or Holter monitoring, radiography, audiometric and vision screening, tonometry, and pulmonary function screening tests.
- j.* Instruction and counseling of patients regarding physical and mental health on matters such as diets, disease, therapy, and normal growth and development.
- k.* Function in the hospital setting by performing medical histories and physical examinations, making patient rounds, recording patient progress notes and other appropriate medical records, assisting in surgery, performing or assisting with medical procedures, providing emergency medical services and issuing, transmitting and executing patient care orders.
- l.* Providing services to patients requiring continuing care (i.e., home, nursing home, extended care facilities).
- m.* Referring patients to specialty or subspecialty physicians, medical facilities or social agencies as indicated by the patients' problems.
- n.* Immediate evaluation, treatment and institution of procedures essential to providing an appropriate response to emergency medical problems.
- o.* Order drugs and supplies in the office, and assist in keeping records and in the upkeep of equipment.
- p.* Admit patients to a hospital or health care facility as defined in Iowa Code section 135C.1.
- q.* Order diets, physical therapy, inhalation therapy, or other rehabilitative services as indicated by the patient's problems.
- r.* At the request of the peace officer, withdraw a specimen of blood from a patient for the purpose of determining the alcohol concentration or the presence of drugs.
- s.* Direct medical personnel, health professionals, and others involved in caring for patients and the execution of patient care.
- t.* Authenticate a medical form by signing the form.
- u.* Perform other duties appropriate to a physician associate's practice.
- v.* Health care providers will consider the instructions of a physician associate to be authoritative.

781.1(3) Emergency medicine duties.

- a.* A physician associate may be a member of the staff of an ambulance or rescue squad pursuant to Iowa Code chapter 147A.
- b.* A physician associate will document skills, training and education equivalent to that required of a certified advanced emergency medical technician or a paramedic.
- c.* A physician associate must apply for approval of advanced care training equivalency on forms supplied by the board of physician associates.
- d.* Exceptions to this subrule include:
 - (1) A physician associate who accompanies and is responsible for a transfer patient;
 - (2) A physician associate who serves on a basic ambulance or rescue squad service; and

(3) A physician associate who renders aid within the physician associate's skills during an emergency.

[ARC 8038C, IAB 5/29/24, effective 7/3/24; Editorial change: IAC Supplement 9/18/24; Editorial change: IAC Supplement 6/10/26; Editorial change: IAC Supplement 6/24/26]

481—781.2(148C) Prohibition. No physician associate engaged in independent practice, as defined in Iowa Code section 148C.1(5), will be permitted to measure the visual power and visual efficiency of the human eye, as distinguished from routine visual screening, except in the personal presence of a supervising physician at the place where these services are rendered.

[ARC 8038C, IAB 5/29/24, effective 7/3/24; Editorial change: IAC Supplement 9/18/24; Editorial change: IAC Supplement 6/10/26]

481—781.3(147,88GA,ch1020) Identification as a physician associate. The physician associate will be identified as a physician associate to patients and to the public, regardless of the physician associate's educational degree.

[ARC 8038C, IAB 5/29/24, effective 7/3/24; Editorial change: IAC Supplement 9/18/24; Editorial change: IAC Supplement 6/10/26]

481—781.4(147) Prescription requirements.

781.4(1) Each written outpatient prescription drug order issued by a physician associate will contain the following:

- a. The date of issuance.
- b. The name and address of the patient for whom the drug is prescribed.
- c. The name, strength, and quantity of the drug, medicine, or device prescribed and directions for use.
- d. The physician associate's name and the practice address.
- e. The signature of the physician associate followed by the initials "PA."
- f. The Drug Enforcement Administration (DEA) number of the physician associate if the prescription is for a controlled substance.

781.4(2) Each oral prescription drug order issued by a physician associate will include the same information required for a written prescription, except for the written signature of the physician associate and the physician associate's practice address.

781.4(3) Prior to prescribing an opioid, a physician associate will review the patient's information contained in the prescription monitoring program database, unless the patient is receiving inpatient hospice care or long-term residential facility patient care.

781.4(4) Beginning January 1, 2020, every prescription issued for a prescription drug will be transmitted electronically unless exempted pursuant to Iowa Code section 124.308 or 155A.27. Beginning January 1, 2020, a licensee who fails to comply with the electronic prescription mandate may be subject to a nondisciplinary administrative penalty of \$250 per violation, up to a maximum of \$5,000 per calendar year.

[ARC 8038C, IAB 5/29/24, effective 7/3/24; Editorial change: IAC Supplement 9/18/24; Editorial change: IAC Supplement 6/10/26; Editorial change: IAC Supplement 6/24/26]

481—781.5(147) Supplying—requirements for containers, labeling, and records.

781.5(1) Containers. A prescription drug will be supplied in a container that meets the requirements of the Poison Prevention Packaging Act of 1970, 15 U.S.C. §1471-1476 (1976), which relate to childproof closure, unless otherwise requested by the patient. The containers must also meet the requirements of Section 502G of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §301 et seq. (1976), which pertain to light resistance and moisture resistance needs of the drug supplied.

781.5(2) Labeling. A label bearing the following information will be affixed to a container in which a prescription drug is supplied:

- a. The name and practice address of the supervising physician and physician associate.
- b. The name of the patient.
- c. The date supplied.

d. The directions for administering the prescription drug and any cautionary statement deemed appropriate by the physician associate.

e. The name, strength and quantity of the prescription drug in the container.

f. When supplying Schedule II, III, or IV controlled substances, the federal transfer warning statement must appear on the label as follows: "Caution: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed."

781.5(3) Samples. Prescription sample drugs will be provided without additional charge to the patient. Prescription sample drugs supplied in the original container or package will be deemed to conform to labeling and packaging requirements.

781.5(4) Records. A record of prescription drugs supplied by the physician associate to a patient will be kept that contains the label information required by paragraphs 781.7(2)"b" through "e." Noting such information on the patient's chart or record is sufficient.

[ARC 8038C, IAB 5/29/24, effective 7/3/24; Editorial change: IAC Supplement 9/18/24; Editorial change: IAC Supplement 6/10/26]

481—781.6(147,148C,272C) Standards of practice—telemedicine. This rule establishes standards of practice for the provision of telemedicine services.

781.6(1) Telemedicine, generally.

a. Technological advances have made it possible for licensees in one location to provide medical care to patients in another location with or without an intervening health care provider.

b. Telemedicine is a useful tool that, if applied appropriately, can provide important benefits to patients, including increased access to health care, expanded utilization of specialty expertise, rapid availability of patient records, and potential cost savings.

c. Licensees using telemedicine will be held to the same standards of care and professional ethics as licensees using traditional in-person medical care.

d. Failure to conform to the appropriate standards of care or professional ethics while using telemedicine may subject the licensee to potential discipline by the board.

781.6(2) Definitions. For the purposes of this rule:

"*Asynchronous store-and-forward transmission*" means the collection of a patient's relevant health information and the subsequent transmission of the data from an originating site to a health care provider at a distant site without the presence of the patient.

"*Board*" means the Iowa board of physician associates.

"*HIPAA*" means the Health Insurance Portability and Accountability Act of 1996, PL 104-191, August 21, 1996, 110 Stat. 1936.

"*In-person encounter*" means that the physician associate and the patient are in the physical presence of each other and are in the same physical location during the physician associate-patient encounter.

"*Licensee*" means a physician associate licensed by the board.

"*Telemedicine*" means the practice of medicine using electronic audiovisual communications and information technologies or other means, including interactive audio with asynchronous store-and-forward transmission, between a licensee in one location and a patient in another location with or without an intervening health care provider. Telemedicine includes asynchronous store-and-forward technologies, remote monitoring, and real-time interactive services, including teleradiology and telepathology. Telemedicine, for the purposes of this rule establishing standards of practice, does not include the provision of medical services only through an audio-only telephone, email messages, facsimile transmissions, or U.S. mail or other parcel service, or any combination thereof.

"*Telemedicine technologies*" means technologies and devices enabling secure electronic communications and information exchanges between a licensee in one location and a patient in another location with or without an intervening health care provider.

781.6(3) Practice guidelines. A licensee who uses telemedicine will utilize evidence-based telemedicine practice guidelines and standards of practice, to the degree they are available, to ensure patient safety, quality of care, and positive outcomes. The board acknowledges that some nationally

recognized medical specialty organizations have established comprehensive telemedicine practice guidelines that address the clinical and technological aspects of telemedicine for many medical specialties.

781.6(4) *License required.* A physician associate who uses telemedicine in the diagnosis and treatment of a patient located in Iowa will hold an active Iowa physician associate license consistent with state and federal laws. Nothing in this rule will be construed to supersede the exceptions to licensure contained in rule 481—780.17(148C).

781.6(5) *Standards of care and professional ethics.* A licensee who uses telemedicine will be held to the same standards of care and professional ethics as a licensee using traditional in-person encounters with patients. Failure to conform to the appropriate standards of care or professional ethics while using telemedicine may be a violation of the laws and rules governing the practice of medicine and may subject the licensee to potential discipline by the board.

781.6(6) *Scope of practice.* A licensee who uses telemedicine will ensure that the services provided are consistent with the licensee's scope of practice, including the licensee's education, training, experience, ability, licensure, and certification.

781.6(7) *Identification of patient and physician associate.* A licensee who uses telemedicine will verify the identity of the patient and ensure that the patient has the ability to verify the identity, licensure status, certification, and credentials of all health care providers who provide telemedicine services prior to the provision of care.

781.6(8) *Physician associate-patient relationship.*

a. A licensee who uses telemedicine will establish a valid physician associate-patient relationship with the person who receives telemedicine services. The physician associate-patient relationship begins when:

- (1) The person with a health-related matter seeks assistance from a licensee;
- (2) The licensee agrees to undertake diagnosis and treatment of the person; and
- (3) The person agrees to be treated by the licensee whether or not there has been an in-person encounter between the physician associate and the person.

b. A valid physician associate-patient relationship may be established by:

- (1) In-person encounter. Through an in-person medical interview and physical examination where the standard of care would require an in-person encounter;
- (2) Consultation with another licensee. Through consultation with another licensee (or other health care provider) who has an established relationship with the patient and who agrees to participate in, or supervise, the patient's care; or
- (3) Telemedicine encounter. Through telemedicine, if the standard of care does not require an in-person encounter, and in accordance with evidence-based standards of practice and telemedicine practice guidelines that address the clinical and technological aspects of telemedicine.

781.6(9) *Medical history and physical examination.* Generally, a licensee will perform an in-person medical interview and physical examination for each patient. However, the medical interview and physical examination may not be in person if the technology utilized in a telemedicine encounter is sufficient to establish an informed diagnosis as though the medical interview and physical examination had been performed in person. Prior to providing treatment, including issuing prescriptions, electronically or otherwise, a licensee who uses telemedicine will interview the patient to collect the relevant medical history and perform a physical examination, when medically necessary, sufficient for the diagnosis and treatment of the patient. An internet questionnaire that is a static set of questions provided to the patient, to which the patient responds with a static set of answers, in contrast to an adaptive, interactive and responsive online interview, does not constitute an acceptable medical interview and physical examination for the provision of treatment, including issuance of prescriptions, electronically or otherwise, by a licensee.

781.6(10) *Non-physician associate health care providers.* If a licensee who uses telemedicine relies upon or delegates the provision of telemedicine services to a non-physician associate health care provider, the licensee will:

a. Ensure that systems are in place to ensure that the non-physician associate health care provider is qualified and trained to provide that service within the scope of the non-physician associate health care provider's practice;

b. Ensure that the licensee is available in person or electronically to consult with the non-physician associate health care provider, particularly in the case of injury or an emergency.

781.6(11) *Informed consent.* A licensee who uses telemedicine will ensure that the patient provides appropriate informed consent for the medical services provided, including consent for the use of telemedicine to diagnose and treat the patient, and that such informed consent is timely documented in the patient's medical record.

781.6(12) *Coordination of care.* A licensee who uses telemedicine will, when medically appropriate, identify the medical home or treating clinician(s) for the patient, when available, where in-person services can be delivered in coordination with the telemedicine services. The licensee will provide a copy of the medical record to the patient's medical home or treating clinician(s).

781.6(13) *Follow-up care.* A licensee who uses telemedicine will have access to, or adequate knowledge of, the nature and availability of local medical resources to provide appropriate follow-up care to the patient following a telemedicine encounter.

781.6(14) *Emergency services.* A licensee who uses telemedicine will refer a patient to an acute care facility or an emergency department when referral is necessary for the safety of the patient or in the case of an emergency.

781.6(15) *Medical records.* A licensee who uses telemedicine will ensure that complete, accurate and timely medical records are maintained for the patient when appropriate, including all patient-related electronic communications, records of past care, physician associate-patient communications, laboratory and test results, evaluations and consultations, prescriptions, and instructions obtained or produced in connection with the use of telemedicine technologies. The licensee will note in the patient's record when telemedicine is used to provide diagnosis and treatment. The licensee will ensure that the patient or another licensee designated by the patient has timely access to all information obtained during the telemedicine encounter. The licensee will ensure that the patient receives, upon request, a summary of each telemedicine encounter in a timely manner.

781.6(16) *Privacy and security.* A licensee who uses telemedicine will ensure that all telemedicine encounters comply with the privacy and security measures of HIPAA to ensure that all patient communications and records are secure and remain confidential.

a. Written protocols will be established that address the following:

- (1) Privacy;
- (2) Health care personnel who will process messages;
- (3) Hours of operation;
- (4) Types of transactions that will be permitted electronically;
- (5) Required patient information to be included in the communication, including patient name, identification number and type of transaction;
- (6) Archiving and retrieval; and
- (7) Quality oversight mechanisms.

b. The written protocols should be periodically evaluated for currency and should be maintained in an accessible and readily available manner for review. The written protocols will include sufficient privacy and security measures to ensure the confidentiality and integrity of patient-identifiable information, including password protection, encryption or other reliable authentication techniques.

781.6(17) *Technology and equipment.* Broad categories of telemedicine technologies currently exist, including asynchronous store-and-forward technologies, remote monitoring, and real-time interactive services. While some telemedicine programs are multispecialty in nature, others are tailored to specific diseases and medical specialties. The technology and equipment utilized for telemedicine will comply with the following requirements:

a. The technology and equipment utilized in the provision of telemedicine services must comply with all relevant safety laws, rules, regulations, and codes for technology and technical safety for devices that interact with patients or are integral to diagnostic capabilities;

b. The technology and equipment utilized in the provision of telemedicine services must be of sufficient quality, size, resolution and clarity such that the licensee can safely and effectively provide the telemedicine services; and

c. The technology and equipment utilized in the provision of telemedicine services must be compliant with HIPAA.

781.6(18) *Disclosure and functionality of telemedicine services.* A licensee who uses telemedicine will ensure that the following information is clearly disclosed to the patient:

a. Types of services provided;

b. Contact information for the licensee;

c. Identity, licensure, certification, credentials, and qualifications of all health care providers who are providing the telemedicine services;

d. Limitations in the drugs and services that can be provided via telemedicine;

e. Fees for services, cost-sharing responsibilities, and how payment is to be made, if these differ from an in-person encounter;

f. Financial interests, other than fees charged, in any information, products, or services provided by the licensee(s);

g. Appropriate uses and limitations of the technologies, including in emergency situations;

h. Uses of and response times for emails, electronic messages and other communications transmitted via telemedicine technologies;

i. To whom patient health information may be disclosed and for what purpose;

j. Rights of patients with respect to patient health information; and

k. Information collected and passive tracking mechanisms utilized.

781.6(19) *Patient access and feedback.* A licensee who uses telemedicine will ensure that the patient has easy access to a mechanism for the following purposes:

a. To access, supplement and amend patient-provided personal health information;

b. To provide feedback regarding the quality of the telemedicine services provided; and

c. To register complaints. The mechanism will include information regarding the filing of complaints with the board.

781.6(20) *Financial interests.* Advertising or promotion of goods or products from which the licensee receives direct remuneration, benefit or incentives (other than the fees for the medical services) is prohibited to the extent that such activities are prohibited by state or federal law. Notwithstanding such prohibition, internet services may provide links to general health information sites to enhance education; however, the licensee should not benefit financially from providing such links or from the services or products marketed by such links. When providing links to other sites, licensees should be aware of the implied endorsement of the information, services or products offered from such sites. The maintenance of a preferred relationship with any pharmacy is prohibited. Licensees will not transmit prescriptions to a specific pharmacy, or recommend a pharmacy, in exchange for any type of consideration or benefit from the pharmacy.

781.6(21) *Circumstances where the standard of care may not require a licensee to personally interview or examine a patient.* Under the following circumstances, whether or not such circumstances involve the use of telemedicine, a licensee may treat a patient who has not been personally interviewed, examined and diagnosed by the licensee:

a. Situations in which the licensee prescribes medications on a short-term basis for a new patient and has scheduled or is in the process of scheduling an appointment to personally examine the patient;

b. For institutional settings, including writing initial admission orders for a newly hospitalized patient;

- c. Call situations in which a licensee is taking calls for another health care provider who has an established provider-patient relationship with the patient;
- d. Cross-coverage situations in which a licensee is taking calls for another health care provider who has an established provider-patient relationship with the patient;
- e. Emergency situations in which the life or health of the patient is in imminent danger;
- f. Emergency situations that constitute an immediate threat to the public health including, but not limited to, empiric treatment or prophylaxis to prevent or control an infectious disease outbreak;
- g. Situations in which the licensee has diagnosed a sexually transmitted disease in a patient and the licensee prescribes or dispenses antibiotics to the patient's named sexual partner(s) for the treatment of the sexually transmitted disease as recommended by the U.S. Centers for Disease Control and Prevention; and
- h. For licensed or certified nursing facilities, residential care facilities, intermediate care facilities, assisted living facilities, hospice settings, and correctional facilities.

781.6(22) *Prescribing based solely on an internet request, internet questionnaire or a telephonic evaluation—prohibited.* Prescribing to a patient based solely on an internet request or internet questionnaire (i.e., a static questionnaire provided to a patient, to which the patient responds with a static set of answers, in contrast to an adaptive, interactive and responsive online interview) is prohibited. Absent a valid physician associate-patient relationship, a licensee's prescribing to a patient based solely on a telephonic evaluation is prohibited, with the exception of the circumstances described in subrule 781.9(21).

[ARC 8038C, IAB 5/29/24, effective 7/3/24; Editorial change: IAC Supplement 9/18/24; Editorial change: IAC Supplement 6/10/26]

These rules are intended to implement Iowa Code sections 147.10 and 147.107 and chapters 148C and 272C.

[Filed 7/19/02, Notice 4/3/02—published 8/7/02, effective 9/11/02]

[Filed 4/22/04, Notice 2/18/04—published 5/12/04, effective 6/16/04]¹

[Filed emergency 8/25/04—published 9/15/04, effective 8/25/04]

[Filed 10/18/06, Notice 8/16/06—published 11/8/06, effective 12/13/06]

[Filed 10/19/07, Notice 8/15/07—published 11/7/07, effective 12/12/07]

[Filed ARC 9217B (Notice ARC 8775B, IAB 6/2/10), IAB 11/3/10, effective 12/8/10]

[Filed ARC 9844B (Notice ARC 9580B, IAB 6/29/11), IAB 11/16/11, effective 12/21/11]

[Filed ARC 1909C (Notice ARC 1741C, IAB 11/26/14), IAB 3/18/15, effective 4/22/15]²

[Filed Emergency ARC 2436C, IAB 3/16/16, effective 2/16/16]

[Filed ARC 3642C (Notice ARC 3455C, IAB 11/22/17), IAB 2/14/18, effective 3/21/18]

[Filed ARC 4299C (Notice ARC 4128C, IAB 11/21/18), IAB 2/13/19, effective 3/20/19]

[Filed ARC 4300C (Notice ARC 4130C, IAB 11/21/18), IAB 2/13/19, effective 3/20/19]

[Filed ARC 4953C (Notice ARC 4768C, IAB 11/20/19), IAB 2/26/20, effective 5/27/20]

[Filed ARC 5177C (Notice ARC 5043C, IAB 6/3/20), IAB 9/9/20, effective 10/14/20]

[Filed ARC 5862C (Notice ARC 5555C, IAB 4/7/21), IAB 8/25/21, effective 9/29/21]

[Filed ARC 8038C (Notice ARC 7528C, IAB 1/24/24), IAB 5/29/24, effective 7/3/24]

[Editorial change: IAC Supplement 9/18/24]

[Editorial change: IAC Supplement 6/10/26]

[Editorial change: IAC Supplement 6/24/26]

¹ June 16, 2004, effective date of amendments published in ARC 3345B delayed 70 days by the Administrative Rules Review Committee at its meeting held June 7, 2004.

² April 22, 2015, effective date of ARC 1909C [327.4(2)] delayed until the adjournment of the 2016 General Assembly by the Administrative Rules Review Committee at a special meeting held April 20, 2015. At its meeting held February 5, 2016, the Committee extended the delay 70 days beyond the adjournment of the 2016 General Assembly.

CHAPTERS 984 to 1000
Reserved

INTERIOR DESIGN EXAMINING BOARD
CHAPTER 1001
DESCRIPTION OF ORGANIZATION
[Prior to 6/24/26, see Interior Design Examining Board[193G] Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/23/30

481—1001.1(544C,17A) Definitions. As used in these rules, the following definitions of words and terms apply:

“*Board*” means the same as in Iowa Code section 544C.1(1).

“*CIDQ*” means the Council for Interior Design Qualification.

“*Department*” means the same as in Iowa Code section 544C.1(4).

“*Registered interior design*” means the same as in Iowa Code section 544C.1(9).

“*Registered interior designer*” means the same as in Iowa Code section 544C.1(10).

[ARC 9023C, IAB 3/19/25, effective 4/23/25]

481—1001.2(544C) Description.

1001.2(1) The purpose of the board is to administer and enforce the provisions of Iowa Code chapter 544C. The board has promulgated these rules to clarify the board’s intent and procedures.

1001.2(2) The primary mission of the board is to protect the public interest. All board rules are construed as fostering the guiding policies and principles described in Iowa Code chapter 544C.

[ARC 9023C, IAB 3/19/25, effective 4/23/25]

481—1001.3(544C,17A) Organization and duties. The board elects annually from its members a chairperson and a vice-chairperson. A quorum of the board is four members, and all final motions and actions must receive a majority vote. The board enforces the provisions of Iowa Code chapter 544C and maintains a roster of all registered interior designers in the state.

1001.3(1) Chairperson. The chairperson, when present, presides at the meetings, appoints committees, and exercises all duties and powers of the chairperson.

1001.3(2) Vice chairperson. The vice chairperson, in the absence or incapacity of the chairperson, exercises the duties and powers of the chairperson.

[ARC 9023C, IAB 3/19/25, effective 4/23/25]

481—1001.4(544C,17A) Meetings. Calls for meetings are issued in accordance with Iowa Code section 21.4. The first meeting scheduled after April 30 is the annual meeting. The chairperson and vice chairperson are elected at the annual meeting. The chairperson and vice chairperson serve one-year terms. The newly elected officers assume the duties of their respective offices at the conclusion of the meeting at which they are elected.

[ARC 9023C, IAB 3/19/25, effective 4/23/25]

481—1001.5(544C) Other meetings. In addition to the annual meeting and any subsequent meetings, the time and place of which may be fixed by vote of the board, a meeting may be called by the chairperson of the board or by joint call of a majority of its members.

[ARC 9023C, IAB 3/19/25, effective 4/23/25]

481—1001.6(544C) Administrative committees. The board chairperson may appoint administrative committees of members of the board for the purpose of making recommendations on matters specified by the board.

[ARC 9023C, IAB 3/19/25, effective 4/23/25]

481—1001.7(544C,17A) Waivers. Persons who wish to seek waivers from board rules should consult the uniform rules for the department at 481—Chapter 6.

[ARC 9023C, IAB 3/19/25, effective 4/23/25]

These rules are intended to implement Iowa Code chapters 17A, 21, 22, 252J, 261, 272C and 544C.

[Filed 9/21/06, Notice 8/16/06—published 10/11/06, effective 11/15/06]

[Filed ARC 3024C (Notice ARC 2797C, IAB 11/9/16), IAB 4/12/17, effective 5/17/17]

[Filed ARC 5568C (Notice ARC 5360C, IAB 12/30/20), IAB 4/21/21, effective 5/26/21]

[Filed ARC 9023C (Notice ARC 8547C, IAB 12/25/24), IAB 3/19/25, effective 4/23/25]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1002 REGISTRATION

[Prior to 6/24/26, see Interior Design Examining Board[193G] Ch 2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/23/30

481—1002.1(544C) Certificate of registration. All applicants for registration will complete a board-approved application and satisfy the interior design education, practical training, examination, and fee requirements established by this rule.

1002.1(1) *Education and practical training.* An applicant for registration shall meet the education and training requirements set forth in Iowa Code section 544C.5.

1002.1(2) *Examination.* An applicant for registration will verify successful completion of the National Council for Interior Design Qualification examination or its equivalent.

1002.1(3) *Reciprocity.* The board may also grant registration by reciprocity as provided in Iowa Code section 544C.6.

1002.1(4) *Military service and veteran reciprocity.* The board may grant registration for military service applicants, spouses, and veterans as provided for in 481—Chapter 7.

1002.1(5) *Registration by verification.* The board may grant registration via verification as provided for in 481—Chapter 501.

[ARC 9024C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

481—1002.2(17A,272C,544C) Renewal of certificates of registration. Certificates of registration expire biennially on June 30. Certificates issued to registrants with last names beginning with A through K expire on June 30 of even-numbered years and certificates issued to registrants with last names beginning with L through Z expire on June 30 of odd-numbered years. However, a registration issued on or after May 1 but before June 30 will not expire until June 30 of the next renewal. For example, a license issued on May 17, 2020, would not expire until June 30, 2022. A registrant who fails to renew by the expiration date is not authorized to use the title of registered interior designer in Iowa until the certificate is reinstated as provided in rule 481—1002.3(544C,17A).

1002.2(1) It is the policy of the board to send to each registrant a notice of the pending expiration date. Failure to receive this notice does not relieve the registrant of the responsibility to timely renew the certificate and pay the renewal fee.

1002.2(2) If grounds exist to deny a timely and sufficient application to renew, the board shall send written notification to the applicant by restricted certified mail, return receipt requested. Grounds may exist to deny an application to renew if, for instance, the registrant failed to satisfy the continuing education provisions required as a condition for registration. If the basis for denial is a pending disciplinary action or disciplinary investigation that is reasonably expected to culminate in disciplinary action, the board shall proceed as provided in 481—Chapter 506. If the basis for denial is not related to a pending or imminent disciplinary action, the applicant may contest the board's decision as provided in 481—Chapter 506.

1002.2(3) When a registrant appears to be in violation of mandatory continuing education requirements, the board may, in lieu of proceeding to a contested case hearing on the denial of a renewal application as provided in 481—Chapter 506, and after or in lieu of giving the licensee an opportunity to come into compliance under rule 481—1003.3(17A,544C), offer a registrant the opportunity to sign a consent order. While the terms of the consent order will be tailored to the specific circumstances at issue, the consent order will typically impose a penalty between \$50 and \$250, depending on the severity of the violation; establish deadlines for compliance; and require that the registrant complete hours equal to double the deficiency in addition to the required hours. The consent order may impose additional educational requirements on the registrant. Any additional hours of continuing education completed in compliance with the consent order cannot again be claimed at the next renewal. The board will address subsequent offenses on a case-by-case basis. A registrant is free to accept or reject the offer. If the offer of settlement is accepted, the registrant will be issued a

renewed certificate of registration and will be subject to disciplinary action if the terms of the consent order are not fulfilled. If the offer of settlement is rejected, the matter will be set for hearing if timely requested by the registrant pursuant to 481—Chapter 506.

1002.2(4) A registrant who continues to use the title of registered interior designer in Iowa after the registration has expired may be subject to disciplinary action. Such unauthorized activity may also be grounds to deny a registrant's application for reinstatement.

1002.2(5) Registrants shall notify the board within 30 days of any change of address or business.
[ARC 9024C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

481—1002.3(544A,17A,272C) Grounds for denial of registration renewal. Failure of a registrant to complete the continuing education requirements as set forth in 481—Chapter 1003, failure to file a report of completed continuing education, or failure to submit a written request for waiver or exemption shall be grounds for the board to deny renewal of the registration.

[ARC 9024C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

481—1002.4(544A,17A) Reinstatement of certificates of registration. An individual may reinstate a lapsed certificate of registration to active registration by doing the following:

1. Paying the current renewal fee;
2. Paying the reinstatement fee of \$100;
3. Providing a written statement outlining the professional activities that the applicant performed in Iowa during the period of nonregistration, including a list of all projects with which the applicant had involvement and explaining the service provided by the applicant; and
4. Submitting documented evidence of completion of 10 continuing education hours, which should have been reported on the June 30 renewal date on which the applicant failed to renew, and 5 continuing education hours for each year or portion of a year of expired registration up to a maximum of 20 continuing education hours. All continuing education hours are to be completed in health, safety, and welfare subjects; be acquired in structured educational activities; and be in compliance with requirements in 481—Chapter 1003. The continuing education hours used for reinstatement may not be used again at the next renewal and may not have been earned more than four years prior to the date of the application to reinstate.

[ARC 9024C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

481—1002.5(544A) Applications.

1002.5(1) The interior designer is responsible for verifying the accuracy of the information submitted on applications regardless of how the application is submitted or by whom it is submitted. For instance, if the office manager of an interior designer's firm submits an application for renewal on behalf of the interior designer and that information is incorrect, the interior designer will be held responsible for the information and may be subject to disciplinary action.

1002.5(2) Persons applying for initial, renewal, or reciprocal registration will submit an application on a form provided by the board and pay a registration fee of \$275. An applicant applying for initial, reciprocal, or reinstatement registration within 12 months from the applicant's renewal date pays half of the required fee. An applicant applying for initial, reciprocal, or reinstatement registration 12 months or more from the applicant's renewal date pays the full registration fee.

1002.5(3) Fee schedule.

Type of fee	Amount
Registration fee	\$275
Renewal	\$275
Reinstatement of lapsed registration	\$100
License predetermination fee	\$25
Dishonored check, draft, order or other payment failure	\$30

All fees are nonrefundable.

[ARC 9024C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code chapter 544C.

[Filed 9/21/06, Notice 8/16/06—published 10/11/06, effective 11/15/06]

[Filed ARC 9480B (Notice ARC 9347B, IAB 2/9/11), IAB 5/4/11, effective 6/8/11]

[Filed ARC 1431C (Notice ARC 1298C, IAB 2/5/14), IAB 4/30/14, effective 6/4/14]

[Filed ARC 3025C (Notice ARC 2796C, IAB 11/9/16), IAB 4/12/17, effective 5/17/17]

[Filed ARC 4011C (Notice ARC 3841C, IAB 6/20/18), IAB 9/26/18, effective 10/31/18]

[Filed ARC 5568C (Notice ARC 5360C, IAB 12/30/20), IAB 4/21/21, effective 5/26/21]

[Filed ARC 9024C (Notice ARC 8549C, IAB 12/25/24), IAB 3/19/25, effective 4/23/25]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1003
CONTINUING EDUCATION
[Prior to 6/24/26, see Interior Design Examining Board[193G] Ch 3]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/23/30

481—1003.1(17A,272C,544C) Definitions. As used in these rules, the following definitions apply:

“Contact hour” means one 60-minute clock hour of educational activity of which at least 50 minutes are devoted to instructional content. Where other units of credit are stated for an educational experience (e.g., continuing education units (CEUs)), they will be credited in terms of actual contact hours.

“Distance education” means any education process based on the geographical separation of student and instructor.

“Health, safety and welfare subjects” or *“HSW subjects”* means subjects that relate to the planning and designing of spaces and elements to minimize the risk of injury to persons or property. Such subjects include compliance with applicable building and safety codes, the planning and designing of spaces and elements that optimize over time the physically and mentally healthful use of those spaces and elements, and the planning and designing of spaces and elements that are durable, maintainable, cost-effective, environmentally conscientious and conservative of resources; that function properly in all relevant respects; that encourage access, functional independence and use by all relevant populations; that encourage user satisfaction, including aesthetic appeal; that promote a sense of user confidence and peace of mind; that integrate effectively with the surrounding environment; and that, in other similar ways, enhance the health, safety and well-being of the public.

“Structured activity” means a method of interior design-related learning led by a qualified individual and conducted or sponsored by a professional organization, technical organization, industry source or accredited college or university taught in person or through distance education.

[ARC 9025C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

481—1003.2(17A,272C,544C) Continuing education requirements.

1003.2(1) Hours required. Completion of a minimum of ten contact hours in acceptable health, safety and welfare subjects satisfies the continuing education necessary for biennial registration renewal. All hours shall be in structured activity programs and must be acquired during the renewal period. A registrant may carry over up to five contact hours of continuing education credit obtained in excess of the requirements for a renewal period to the following renewal period.

1003.2(2) Continuing education hours may be acquired in any state, provided that the registrant can demonstrate that the program meets the definition of structured activity as defined in this chapter.

1003.2(3) A registered interior designer who holds a registration in Iowa for less than 12 months from the date of initial registration is not required to report continuing education at the first registration renewal. A registered interior designer who holds a registration in Iowa for 12 months or more, but less than 24 months from the date of initial registration, will report five contact hours of HSW subjects in a structured activity, earned in the preceding 12 months, at the first registration renewal.

1003.2(4) Sources of continuing education. Credit may not be claimed for any activity required as part of a registered interior designer’s routine professional responsibilities. Structured activities include the following:

a. Completion of any program or course sponsored by a professional or technical organization or industry source.

b. Instruction of a course, seminar, lecture, presentation, workshop, webinar or similar formal educational program. Credit is allowed at a maximum of three preparation hours for each class hour spent for actual presentation, valid for the initial presentation only. College and university faculty may not claim contact or preparation credit for teaching regular curriculum courses.

c. Research that is formally presented to the profession or public. Credit is allowed at a maximum of four contact hours per reporting period and shall be valid for the initial presentation only.

d. Completion of college or university credit courses dealing with interior-design-related subjects. Each semester hour equals 15 contact hours. A quarter hour equals ten contact hours.

1003.2(5) Approved continuing education. The board does not preapprove continuing education activities or courses; however, acceptable HSW subjects that enhance the health, safety, and well-being of the public include the following topics:

a. Life safety, ADA, and other building and safety codes, standards and administrative regulations governing the practice of interior design.

b. Safety and security.

c. Physical and mental health issues.

d. Topics that relate to human physiology, perception, anthropometrics, ergonomics, psychology, sociology, ecology and cultural factors.

e. Energy efficiency.

f. Environmental issues.

g. Accessibility and universal design.

h. Materials and methods.

i. Building systems.

j. Statutes and rules relating to interior design regulation.

k. Professional ethics.

l. Legal aspects of professional practice.

m. Construction documents and services.

n. Project administration.

[ARC 9025C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

481—1003.3(17A,272C,544C) Controls and reporting.

1003.3(1) An applicant for registration renewal may be requested to provide, in such manner and at such time as prescribed by the board, a signed statement, under penalty of perjury, on forms provided by the board, setting forth the continuing education in which the registrant has participated.

a. When an applicant is requested to provide a listing of the continuing education completed for structured activities, the information will include the following:

(1) The school, firm or organization conducting the course.

(2) The location of the course.

(3) The title of the course or a description of the course content.

(4) The name of the principal instructor.

(5) The dates attended.

(6) The hours claimed.

b. Reserved.

1003.3(2) The board may verify information submitted by registrants. If an application for renewal is not approved, the applicant will be notified and may be granted a period of time by the board in which to correct the deficiencies noted. Any discrepancy between the number of CEUs reported and the number of CEUs actually supported by documentation may result in a disciplinary review. If, after the disciplinary review, the board disallows any CEUs, or the registrant has failed to complete the required CEUs, the interior designer has 60 days from notification by the board to either provide further evidence of having completed the CEUs disallowed or remedy the discrepancy by completing the required number of CEUs (provided that such CEUs shall not again be used for the next renewal). An extension of time may be granted on an individual basis if requested by the registrant within 30 days of notification by the board. If the registrant fails to comply with the requirements of this subrule, the registrant may be subject to disciplinary action. If the board finds,

after proper notice and hearing, that the interior designer willfully disregarded these requirements or falsified documentation of required CEUs, the interior designer may be subject to disciplinary action.

1003.3(3) The registrant is responsible for maintaining verification of claimed credit for a minimum of five years subsequent to submission of the report to the board office. Acceptable verification may be presented with a course completion certificate or a college transcript.

[ARC 9025C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

481—1003.4(17A,544C) Exemptions.

1003.4(1) As provided in Iowa Code section 272C.2(4), a registered interior designer is deemed to have complied with the continuing education requirements set forth in this chapter if during the continuing education compliance period the registrant:

- a.* Has served honorably on active duty in the military service; or
- b.* Is a resident of another state or district having a continuing education requirement for registered interior design and has complied with all requirements of that state or district for practice therein; or
- c.* Is a government employee working as a registered interior designer outside the United States.

1003.4(2) The board shall have authority to make exceptions for reasons of individual hardship, including health (certified by a medical doctor) or other good cause. See 7—Chapter 2504.

[ARC 9025C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code chapter 544C.

[Filed 9/7/07, Notice 7/18/07—published 9/26/07, effective 10/31/07]

[Filed ARC 3025C (Notice ARC 2796C, IAB 11/9/16), IAB 4/12/17, effective 5/17/17]

[Filed ARC 4011C (Notice ARC 3841C, IAB 6/20/18), IAB 9/26/18, effective 10/31/18]

[Filed ARC 5568C (Notice ARC 5360C, IAB 12/30/20), IAB 4/21/21, effective 5/26/21]

[Filed ARC 9025C (Notice ARC 8550C, IAB 12/25/24), IAB 3/19/25, effective 4/23/25]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1004 PROFESSIONAL CONDUCT

[Prior to 6/24/26, see Interior Design Examining Board[193G] Ch 4]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/8/29

481—1004.1(544C) Rules of conduct. A registered interior designer shall maintain a high standard of integrity and professional responsibility within the profession of registered interior design to protect the public health, life, safety, and welfare. Failure by a registrant to adhere to the provisions of Iowa Code section 272C.10 and chapter 544C and the following rules of conduct may be grounds for disciplinary action.

1004.1(1) Competence.

a. A registered interior designer shall act with reasonable care and competence and apply the technical knowledge and skill ordinarily applied by a registered interior designer of good standing providing interior design services in the same locality.

b. The board may initiate discipline against a registered interior designer or may, when appropriate, refer a registered interior designer to the board's impaired practitioner review committee based on habitual intoxication or addiction to the use of drugs or other impairment that adversely affects the registrant's ability to practice in a safe and competent manner.

1004.1(2) Conflict of interest.

a. A registered interior designer shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosures and agreements are to be in writing) by all interested parties in advance of payment of such compensation.

b. If a registered interior designer has any business association or direct or indirect financial interest that is substantial enough to influence the registered interior designer's judgment in connection with the registered interior designer's performance of professional services, the registered interior designer shall fully disclose, in writing, to the client or employer the nature of the business association or financial interest, and if the client or employer objects to the association or financial interest, the registered interior designer will either terminate such association or interest or offer to give up the commission or employment.

c. A registered interior designer shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing the products.

d. When acting as the interpreter of building contract documents and the judge of contract performance, a registered interior designer shall render decisions impartially, favoring neither party to the contract.

1004.1(3) Full disclosure.

a. A registered interior designer shall not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with application for registration or renewal of registration.

b. A registered interior designer shall not assist in the application for registration of a person known by the registered interior designer to be unqualified with respect to education, training, experience or character.

c. A registered interior designer engaged in the practice of interior design must act in the best interest of the client and shall not allow integrity, objectivity or professional judgment to be impaired.

d. A registered interior designer with knowledge of a violation of these rules by another registered interior designer shall report such knowledge to the board.

1004.1(4) Professional conduct.

a. A registered interior designer shall respect the confidentiality of sensitive information obtained in the course of the interior designer's professional activities.

b. A registered interior designer shall not engage in conduct involving fraud, deceit, misrepresentation or dishonesty in the practice of interior design.

c. A registered interior designer shall neither attempt to obtain a contract to provide interior design services through any unlawful means nor assist others in such an attempt.

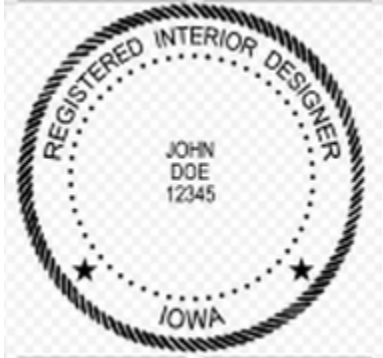
d. A registered interior designer shall neither offer nor make any payment to a governmental official with the intent of influencing the official's judgment in connection with a prospective or existing project in which the interior designer has an interest.

1004.1(5) Seal and certificate of responsibility.

a. The seal under Iowa Code section 544C.14 shall include:

- (1) An outside circle with a diameter of approximately 1 ¾ inches.
- (2) The name of the registered interior designer and the words "Registered Interior Designer."
- (3) The Iowa registration number and the word "Iowa."

b. The seal will substantially conform to the sample shown below:



c. A legible rubber stamp, electronic image or other facsimile of the seal may be used.

d. Each technical submission submitted to a client or any public agency, hereinafter referred to as the official copy, shall contain an information block on its first page or on an attached cover sheet with application of a seal by the registered interior designer in responsible charge and an information block with application of a seal by each professional consultant contributing to the technical submission. The seal and original signature shall be applied only to a final technical submission. Each official copy of a technical submission shall be stapled, bound or otherwise attached together so as to clearly establish the complete extent of the technical submission. Each information block shall display the seal of the individual responsible for that portion of the technical submission. The area of responsibility for each sealing professional shall be designated in the area provided in the information block, so that responsibility for the entire technical submission is clearly established by the combination of the stated seal responsibilities. The information block will substantially conform to the sample shown below:

S E A L	I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly registered interior designer under the laws of the state of Iowa.	
	Signature	Date
	Printed or typed name _____	
	Registration number _____	
	My registration renewal date is June 30, _____	
	Pages or sheets covered by this seal: _____ _____ _____ _____	

e. The information requested in each information block must be typed or legibly printed in permanent ink or a secure electronic signature. An electronic signature as defined in or governed by Iowa Code chapter 554D meets the signature requirements of this rule if it is protected by a security procedure, as defined in Iowa Code section 554D.103(14), such as digital signature technology. It is the registrant's responsibility to ensure, prior to affixing an electronic signature to a technical submission, that security procedures are adequate to:

- (1) Verify that the signature is that of a specific person, and
- (2) Detect any changes that may be made or attempted after the signature of the specific person is affixed. The seal implies responsibility for the entire technical submission unless the area of responsibility is clearly identified in the information accompanying the seal.

f. It is the responsibility of the registered interior designer who signed the original submission to forward copies of all changes and amendments to the technical submission, which becomes a part of the official copy of the technical submission, to the public official charged with the enforcement of the state, county, or municipal building code.

g. A registered interior designer is responsible for the custody and proper use of the seal. Improper use of the seal may be grounds for disciplinary action.

h. The seal appearing on any technical submission establishes prima facie evidence that said technical submission was prepared by or under the responsible charge of the individual named on that seal.

[ARC 7742C, IAB 4/3/24, effective 5/8/24; Editorial change: IAC Supplement 6/24/26]

This rule is intended to implement Iowa Code chapter 544C.

[Filed 5/15/07, Notice 3/28/07—published 6/6/07, effective 7/11/07]

[Filed ARC 7742C (Notice ARC 7510C, IAB 1/24/24), IAB 4/3/24, effective 5/8/24]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1005
GROUNDS FOR DISCIPLINE, DISCIPLINARY INVESTIGATIONS,
AND DISCIPLINARY PROCEEDINGS

[Prior to 6/24/26, see Interior Design Examining Board[193G] Ch 5]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/23/30

481—1005.1(17A,272C,544C) Grounds for discipline. The board may initiate disciplinary action against a registered interior designer on any of the following grounds:

1. A violation of any of the rules of professional conduct set forth in 481—Chapter 1004.
2. A violation of Iowa Code section 272C.9(2) or 272C.9(3).
3. Failure to comply with an order of the board imposing discipline.
4. Continuing to practice as a registered interior designer without satisfying the continuing education requirement, absent express waiver granted by the board.
5. Failure to fully cooperate with a registrant disciplinary investigation or investigation against a nonregistrant, including failure to respond to a board inquiry within 30 calendar days of the date of mailing by certified mail of a written communication directed to the registrant's last address on file at the board office.
6. A violation of Iowa Code section 544C.9 or 272C.10.

[ARC 9026C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

481—1005.2(17A,272C,544C) Initiation of disciplinary investigations. The board may initiate a registrant disciplinary investigation upon the board's receipt of information suggesting that a registrant may have violated a law or rule enforced by the board which violation, if true, would constitute grounds for registrant discipline. The board may also review the publicly available work product of a registrant on a general or random basis to determine whether reasonable grounds exist to initiate disciplinary proceedings or to conduct a more specific investigation.

[ARC 9026C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

481—1005.3(17A,272C,544C) Conflict of interest. If the subject of a complaint is a member of the board, or if a member of the board has a conflict of interest in any disciplinary matter before the board, that member will abstain from participation in any consideration of the complaint and from participation in any disciplinary hearing that may result from the complaint.

[ARC 9026C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

481—1005.4(272C,544C) Complaints. Written complaints may be submitted to the board office by mail, email, website portal, or personal delivery.

1005.4(1) Contents of a written complaint. Written complaints may be submitted on forms provided by the board that are available from the board's website. Written complaints should include as much of the following information as possible:

- a. The full name, address and telephone number of the complainant (person filing the complaint).
- b. The full name, address and telephone number of the respondent (registrant against whom the complaint is filed).
- c. A statement of the facts and circumstances giving rise to the complaint, including a description of the alleged acts or omissions that the complainant believes demonstrate that the respondent has violated or is violating laws or rules enforced by the board.
- d. If known, citations to the laws or rules allegedly violated by the respondent.
- e. Evidentiary supporting documentation.
- f. Steps, if any, taken by the complainant to resolve the dispute with the respondent prior to filing a complaint.

1005.4(2) Immunity. As provided by Iowa Code section 272C.8, a person will not be civilly liable as a result of filing a report or complaint with the board unless such act is done with malice, nor will an employee be dismissed from employment or discriminated against by an employer for filing such a report or complaint.

1005.4(3) Role of complainant. The role of the complainant in the disciplinary process is limited to providing the board with factual information relative to the complaint. A complainant is not party to any disciplinary proceeding that may be initiated by the board based in whole or in part on information provided by the complainant.

1005.4(4) Role of the board. The board does not act as an arbiter of disputes between private parties, nor does the board initiate disciplinary proceedings to advance the private interest of any person or party. The role of the board in the disciplinary process is to protect the public by investigating complaints and initiating disciplinary proceedings in appropriate cases. The board possesses sole decision-making authority throughout the disciplinary process, including the authority to determine whether a case will be investigated, the manner of the investigation, whether a disciplinary proceeding will be initiated, and the appropriate registrant discipline to be imposed, if any.

1005.4(5) Initial complaint screening. All written complaints received by the board are initially screened to determine whether the allegations of the complaint fall within the board's investigatory jurisdiction and whether the facts presented, if true, would constitute a basis for disciplinary action against a registrant. Complaints that are clearly outside the board's jurisdiction, that clearly do not allege facts upon which disciplinary action would be based, or that are frivolous are referred to the board for closure at the next scheduled board meeting. All other complaints are referred to the board's disciplinary committee for committee review as described in rule 481—1005.6(17A,272C,544C).

[ARC 9026C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

481—1005.5(272C,544C) Case numbers. Whether based on a written complaint received by the board or a complaint initiated by the board, all complaint files are tracked by a case numbering system. The board administrator maintains a case file log noting the date each case file was opened, whether disciplinary proceedings were initiated in the case, and the final disposition of the case. Once a case file number is assigned to a complaint, all persons communicating with the board regarding that complaint are encouraged to include the case file number to facilitate accurate recordkeeping and a prompt response.

[ARC 9026C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

481—1005.6(17A,272C,544C) Investigation procedures.

1005.6(1) Disciplinary committee. The board chairperson may annually appoint, as needed, two to three members of the board to serve on the board's disciplinary committee to review and process disciplinary complaints. The disciplinary committee is a purely advisory body that reviews complaint files referred by the board administrator, generally supervises the investigation of complaints, and makes recommendations to the full board on the disposition of complaints. Members of the committee may not personally investigate complaints, but they may review the investigative work product of others in formulating recommendations to the board.

1005.6(2) Committee screening of complaints. Upon the referral of a complaint from the board administrator or from the full board, the committee determines whether the complaint presents facts that, if true, suggest that a registrant may have violated a law or rule enforced by the board. If the committee concludes that the complaint does not present facts that suggest such a violation or that the complaint does not otherwise constitute an appropriate basis for disciplinary action, the committee will refer the complaint to the full board with the recommendation that the complaint be closed with no further action. If the committee determines that the complaint does present a credible basis for disciplinary action, the committee may either immediately refer the complaint to the full board recommending that a disciplinary proceeding be commenced or initiate a disciplinary investigation.

1005.6(3) *Committee procedures.* If the committee determines that additional information is necessary or desirable to evaluate the merits of a complaint, the committee may assign an investigator or expert consultant, appoint a peer-review committee, provide the registrant an opportunity to appear before the disciplinary committee for an informal discussion as described in rule 481—503.4(272) or request that board staff conduct further investigation. Upon completion of an investigation, the investigator, expert consultant and peer-review committee or board staff will present a report to the committee. The committee will review the report and determine what further action is necessary. The committee may do any of the following:

- a.* Request further investigation.
- b.* Determine there is not probable cause to believe a disciplinary violation has occurred and refer the case to the full board with the recommendation of closure.
- c.* Determine there is probable cause to believe that a law or rule enforced by the board has been violated but that disciplinary action is unwarranted on other grounds and refer the case to the full board with the recommendation of closure. The committee may also recommend that the registrant be informally cautioned or educated about matters that could form the basis for disciplinary action in the future.
- d.* Determine there is probable cause to believe a disciplinary violation has occurred and refer the case to the full board with the recommendation that the board initiate a disciplinary proceeding (contested case).

1005.6(4) *Subpoena authority.* Pursuant to Iowa Code sections 17A.13(1) and 272C.6(3), the board is authorized in connection with a disciplinary investigation to issue subpoenas to compel witnesses to testify or persons to produce books, papers, records and any other real evidence, whether or not privileged or confidential under law, that the board deems necessary as evidence in connection with a disciplinary proceeding or relevant to the decision of whether to initiate a disciplinary proceeding. Board procedures concerning investigatory subpoenas are set forth in rule 481—503.5(17A,272C).

[ARC 9026C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

481—1005.7(17A,272C,544C) Informal discussion. If the disciplinary committee considers it advisable, or if requested by the affected registrant, the committee may grant the registrant an opportunity to appear before the committee for a voluntary informal discussion of the facts and circumstances of an alleged violation, subject to the provisions of this rule.

1005.7(1) An informal discussion is intended to provide a registrant an opportunity to share the registrant's account of a complaint in an informal setting before the board determines whether probable cause exists to initiate a disciplinary proceeding. A registrant is not required to attend an informal discussion. Because disciplinary investigations are confidential, the registrant may not bring other persons to an informal discussion, but registrants may be represented by legal counsel.

1005.7(2) Unless disqualification is waived by the registrant, board members or staff who personally investigate a disciplinary complaint are disqualified from making decisions or assisting the decision makers at a later formal hearing. An informal discussion is a form of investigation because it is conducted in a question-and-answer format. In order to preserve the ability of all board members to participate in board decision making and to receive the advice of staff, a registrant who desires to attend an informal discussion must therefore waive the right to seek disqualification of a board member or staff based solely on the board member's or staff's participation in an informal discussion. A registrant would not waive the right to seek disqualification on any other ground. By electing to attend an informal discussion, a registrant accordingly agrees that none of the participating board members or staff is disqualified from acting as a presiding officer in a later contested case proceeding or from advising the decision-maker.

1005.7(3) Because an informal discussion constitutes a part of the board's investigation of a pending disciplinary case, the facts discussed at the informal discussion may be considered by the

board in the event the matter proceeds to a contested case hearing and those facts are independently introduced into evidence.

1005.7(4) The disciplinary committee, subject to board approval, may propose a consent order at the time of the informal discussion. If the registrant agrees to a consent order, a statement of charges will be filed simultaneously with the consent order, as provided in 481—Chapter 506.

[ARC 9026C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

481—1005.8(17A,272C,544C) Closing complaint files.

1005.8(1) *Grounds for closing.* Upon the recommendation of the board's executive officer pursuant to subrule 1005.4(5), the recommendation of the disciplinary committee pursuant to rule 481—1005.6(17A,272C,544C), or on its own motion, the board may close a complaint file, with or without prior investigation. The board's decision is final and not eligible for judicial review.

1005.8(2) *Cautionary letters.* The board may issue a confidential letter of caution to a registrant when a complaint file is closed that informally cautions or educates the registrant about matters that could form the basis for disciplinary action in the future if corrective action is not taken by the registrant. Cautionary letters do not constitute disciplinary action, but the board may take such letters into consideration in the future if a registrant continues a practice about which the registrant has been cautioned.

1005.8(3) *Reopening closed complaint files.* The board may reopen a closed complaint file if additional information arises after closure that provides a basis to reassess the merits of the initial complaint.

[ARC 9026C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

481—1005.9(17A,272C,544C) Initiation of disciplinary proceedings. Disciplinary proceedings may be initiated only by the affirmative vote of a quorum of the board at a public meeting. Board members who are disqualified shall not be included in determining whether a quorum exists. If, for example, two members of the board are disqualified, four members of the board constitute a quorum of the remaining six board members for purposes of voting on the case in which the two members are disqualified. When three or more members of the board are disqualified or otherwise unavailable for any reason, the board's executive officer may request the special appointment of one or more substitute board members pursuant to Iowa Code section 17A.11(5).

[ARC 9026C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

481—1005.10(17A,272C,544C) Disciplinary contested case procedures. Unless in conflict with a provision of board rules in this chapter, all of the procedures set forth in 481—Chapter 506 apply to disciplinary contested cases initiated by the board.

[ARC 9026C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

481—1005.11(272C,544C) Disciplinary sanctions.

1005.11(1) *Types of sanctions.* The board has authority to impose the following disciplinary sanctions:

- a. Revoke a registration issued by the board.
- b. Suspend a registration issued by the board.
- c. Revoke or suspend the privilege to engage in one or more areas of registered interior design.
- d. Impose a period of probation, either with or without conditions.
- e. Impose requirements regarding continuing education. The board may specify that a designated amount of continuing education be taken in specific subjects and may specify the time period for completing these courses. The board may also specify whether that continuing education be in addition to the continuing education routinely required for registration renewal. The board may also specify that additional continuing education be a condition for the termination of any suspension or reinstatement of a registration. The board may also specify that current reference materials be obtained and maintained.

f. Require reexamination, using one or more parts of the National Council for Interior Design Qualification (NCIDQ) examination given to candidates for the registered interior design registration.

g. Impose civil penalties in an amount set by the board but not to exceed \$1,000 per violation. Civil penalties may be imposed for any of the disciplinary violations specified in rule 481—1005.2(17A,272C,544C).

h. Issue a reprimand.

1005.11(2) *Imposing discipline.* Discipline may be imposed against a registrant only by the affirmative vote of a majority of the members of the board who are not disqualified.

1005.11(3) *Voluntary surrender.* The board may accept the voluntary surrender of a registration to resolve a pending disciplinary investigation or contested case. The board shall not accept a voluntary surrender of a registration to resolve a pending disciplinary investigation unless a statement of charges will be filed along with the order accepting the voluntary surrender. Such a voluntary surrender is considered disciplinary action and will be published in the same manner as other disciplinary orders.

1005.11(4) *Notification requirements.* Whenever a registration is revoked, suspended, restricted, or voluntarily surrendered under this chapter, the registrant shall:

a. Within 15 days of receipt of the board's final order, notify in writing all clients of the fact that the registration has been revoked, suspended or voluntarily surrendered or that the practice of the registrant has been restricted. Such notice shall advise the client to obtain alternative professional services unless the restriction at issue would not impact the registered interior design services provided for that client;

b. Within 30 days of receipt of the board's final order, file with the board copies of the notices sent pursuant to paragraph 1005.11(4)“*a.*” Compliance with this requirement is a condition for an application for reinstatement.

1005.11(5) *Civil penalties.* Factors the board may consider when determining whether to assess the amount of civil penalties include:

a. Whether other forms of discipline are being imposed for the same violation.

b. Whether the amount imposed will be a substantial deterrent to the violation.

c. The circumstances leading to the violation.

d. The severity of the violation and the risk of harm to the public.

e. The economic benefits gained by the registrant as a result of the violation.

f. The interest of the public.

g. Evidence of reform or remedial action.

h. Time elapsed since the violation occurred.

i. Whether the violation is a repeat offense following a prior cautionary letter, disciplinary order, or other notice of the nature of the infraction.

j. The clarity of the issues involved.

k. Whether the violation was willful and intentional.

l. Whether the registrant acted in bad faith.

m. The extent to which the registrant cooperated with the board.

[ARC 9026C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

481—1005.12(272C,544C) Publication of decisions.

1005.12(1) The board will publish the name of each registrant disciplined by the board, along with a brief description of the underlying circumstances, regardless of the nature of the violation.

1005.12(2) The board will issue a formal press release in those instances in which a registration has been suspended or revoked.

1005.12(3) The board will notify other state interior design boards that have issued a similar license to an Iowa registrant of disciplinary action taken against the Iowa registrant. The board will also notify the CIDQ of disciplinary action taken against an Iowa registrant.

[ARC 9026C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

481—1005.13(272C,544C) Reinstatement.

1005.13(1) The term “reinstatement,” as used in this rule and in rule 481—506.32(272C), includes the reinstatement of a suspended registration, the modification or removal of a practice restriction, the issuance of a registration following the denial of an application to renew a registration, and the issuance of a new registration following the revocation or voluntary surrender of a registration.

1005.13(2) Any person whose registration has been revoked, suspended or restricted by the board or who has voluntarily surrendered a registration to conclude a disciplinary investigation or proceeding or whose application to renew a registration has been denied may apply to the board to modify or terminate the suspension, issue or reissue the registration, or modify or remove the restriction in accordance with the provisions of this rule and the terms of the order of revocation, suspension or restriction, denial of registration renewal, or acceptance of voluntary surrender of a registration.

1005.13(3) If the applicable order did not establish terms upon which the registrant may apply for reinstatement, an initial application for reinstatement may not be made until one year has elapsed from the date of the order that revoked, suspended or restricted the registration, denied registration renewal, or accepted a voluntary surrender.

1005.13(4) All proceedings for reinstatement will be initiated by the respondent and are subject to the procedures set forth in 481—Chapter 506. In addition, the board may grant an applicant’s request to appear informally before the board prior to the issuance of a notice of hearing on the application if the applicant requests an informal appearance in the application and agrees not to seek to disqualify on the grounds of personal investigation the board members or staff before whom the applicant appears.

1005.13(5) An order granting an application for reinstatement may impose such terms and conditions as the board deems desirable, which may include one or more of the types of disciplinary sanctions described in rule 481—1005.11(272C,544C).

1005.13(6) The board will not grant an application for reinstatement when the initial order that revoked, suspended or restricted the registration, denied registration renewal, or accepted a voluntary surrender was based on a criminal conviction and the applicant cannot demonstrate to the board’s satisfaction that:

- a.* All terms of the sentencing or other criminal order have been fully satisfied;
- b.* The applicant has been released from confinement and any applicable probation or parole; and
- c.* Restitution has been made or is reasonably in the process of being made to any victims of the crime.

[ARC 9026C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code chapters 17A, 272C, and 544C.

[Filed 5/15/07, Notice 3/28/07—published 6/6/07, effective 7/11/07]

[Filed ARC 3024C (Notice ARC 2797C, IAB 11/9/16), IAB 4/12/17, effective 5/17/17]

[Filed ARC 9026C (Notice ARC 8554C, IAB 12/25/24), IAB 3/19/25, effective 4/23/25]

[Editorial change: IAC Supplement 6/24/26]

CHAPTERS 1006 to 1020
Reserved

ACCOUNTANCY EXAMINING BOARD

CHAPTER 1021
DEFINITIONS

[Prior to 7/13/88, see Accountancy, Board of[10]]

[Prior to 6/10/26, see Accountancy Examining Board[193A] Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/10/29

481—1021.1(542) Definitions. The following definitions apply to the rules of the board of accountancy.

“*Act*” means the Accountancy Act of 2001 as amended by 2008 Iowa Acts, chapter 1106.

“*AICPA*” means the American Institute of Certified Public Accountants.

“*AICPA Code of Professional Conduct*” means the AICPA code of professional conduct as amended through January 1, 2024.

“*Attest*” or “*attest service*” means the same as defined in Iowa Code section 542.3(1).

“*Attest engagement team*” means the team of individuals participating in attest service, including those who perform concurring and second partner reviews. The attest engagement team includes all employees and contractors retained by the firm who participate in attest service, irrespective of their functional classification.

“*Audit*” means the procedures performed in accordance with applicable auditing standards for the purpose of expressing or disclaiming an opinion on the fairness with which the historical financial or other information is presented in conformity with generally accepted accounting principles, another comprehensive basis of accounting, or a basis of accounting described in the report.

“*Board*” means the same as defined in Iowa Code section 542.3(2).

“*Certificate*” means the same as defined in Iowa Code section 542.3(3).

“*Client*” means the same as defined in Iowa Code section 542.3(6).

“*Commission*” means the same as defined in Iowa Code section 542.3(7) and includes any form of compensation in a fixed or variable amount or percentage received for selling, recommending or referring any product or service of another, including a referral fee.

“*Compensation*” means anything of value received by a CPA or LPA while practicing public accounting for selling, recommending or referring a product or service of another.

“*Compilation*” means the same as defined in Iowa Code section 542.3(8).

“*Contingent fee*” means the same as defined in Iowa Code section 542.3(9).

“*Certified public accountant*” or “*CPA*” means the same as defined in Iowa Code section 542.3(4).

“*Examination of prospective financial information*” means an evaluation by a CPA of a forecast or projection, the support underlying the assumptions in the forecast or projection, whether the presentation of the forecast or projection is in conformity with AICPA presentation guidelines, and whether the assumptions in the forecast or projection provide a reasonable basis for the projection or forecast.

“*FASB*” means the Financial Accounting Standards Board.

“*Financial statement*” means a presentation of financial data, including accompanying notes derived from accounting records and intended to communicate an entity’s economic resources or obligations at a point in time or the changes therein for a period of time in conformity with a comprehensive basis of accounting, but does not include incidental financial data included in management advisory services reports to support recommendations to a client, nor does it include tax returns and supporting documents.

“*Firm*” means a sole proprietorship, partnership, corporation, professional corporation, professional limited liability company, limited liability partnership or any other form of organization issued a permit to practice as a firm under Iowa Code section 542.7 or 542.8 or the office of the auditor of state, state of Iowa, when the auditor of state is a certified public accountant.

"Forecast" means prospective financial statements that present, to the best of the responsible party's knowledge and belief, an entity's expected financial position, results of operations, and changes in financial position or cash flows that are based on the responsible party's assumptions reflecting conditions it expects to exist and the course of action it expects to take.

"GASB" means the Governmental Accounting Standards Board.

"Home office" means the same as defined in Iowa Code section 542.3(10).

"IASB" means International Accounting Standards Board.

"IFRS" means International Financial Reporting Standards.

"IRS" means the Internal Revenue Service, United States Department of the Treasury.

"License" means the same as defined in Iowa Code section 542.3(11).

"Licensed public accountant" or *"LPA"* means the same as defined in Iowa Code section 542.3(12).

"Licensed public accounting firm" means the same as defined in Iowa Code section 542.3(13).

"Licensee" means the same as defined in Iowa Code section 542.3(14).

"Managing partner," "managing shareholder," or *"managing member"* means the designated individual with ultimate responsibility for the operation of a firm's practice.

"NASBA" means the same as defined in Iowa Code section 542.3(17).

"NSA" means the National Society of Accountants.

"Office" means the same as defined in Iowa Code section 542.3(18).

"Owner" means any person who has equity ownership interest in a CPA or LPA firm.

"PCAOB" means the Public Company Accounting Oversight Board created by the Sarbanes-Oxley Act of 2002.

"Peer review," as used in 193A—Chapters 11 and 12, means the same as defined in Iowa Code section 542.3(19).

"Person," unless the context indicates otherwise, means individuals, sole proprietorships, partnerships, corporations, limited liability companies, limited liability partnerships or other forms of entities.

"Person associated with a CPA or LPA" means any owner, partner, shareholder, member, employee, assistant, or independent contractor of a CPA or LPA firm.

"Practice of public accounting" means the same as defined in Iowa Code section 542.3(24).

"Practice privilege" means the same as defined in Iowa Code section 542.3(25).

"Principal place of business" means the same as defined in Iowa Code section 542.3(26).

"Projection" means prospective financial statements that present, to the best of the responsible party's knowledge and belief given one or more hypothetical assumptions, an entity's expected financial position, results of operations, and changes in financial position or cash flows that are based on the responsible party's assumptions reflecting conditions it expects would exist and the course of action it expects would be taken given such hypothetical assumptions.

"Report" means the same as defined in Iowa Code section 542.3(27).

"Respondent" means any person against whom a formal statement of charges has been filed.

"Review" means the same as Iowa Code section 542.3(1) "a"(2).

"SAS" means statements on auditing standards.

"SEC" means the United States Securities and Exchange Commission.

"SSARS" means the statements on standards for accounting and review services.

"State" means the same as defined in Iowa Code section 542.3(28).

"Substantial equivalency" means the same as defined in Iowa Code section 542.3(29).

"Year," when used in the context as a time measurement of experience in accounting work, means a period of 365 days.

[ARC 7677C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/10/26]

This rule is intended to implement Iowa Code chapter 542.

[Filed and effective September 22, 1975 under ch 17A, C '73]

[Filed 6/22/88, Notice 3/9/88—published 7/13/88, effective 8/17/88]

[Filed 8/1/91, Notice 5/15/91—published 8/21/91, effective 9/25/91]
[Filed 12/17/93, Notice 10/13/93—published 1/5/94, effective 2/9/94]
[Filed emergency 5/19/94—published 6/8/94, effective 5/19/94]
[Filed 7/11/97, Notice 4/23/97—published 7/30/97, effective 9/3/97]
[Filed 4/30/99, Notice 3/24/99—published 5/19/99, effective 6/23/99]
[Filed 4/12/02, Notice 3/6/02—published 5/1/02, effective 7/1/02]
[Filed 1/19/05, Notice 12/8/04—published 2/16/05, effective 3/23/05]
[Filed ARC 7715B (Notice ARC 7484B, IAB 1/14/09), IAB 4/22/09, effective 7/1/09]
[Filed Emergency ARC 9483B, IAB 5/4/11, effective 6/1/11][Filed ARC 9482B (Notice ARC 9370B,
IAB 2/23/11), IAB 5/4/11, effective 6/8/11]
[Filed Emergency ARC 9676B, IAB 8/10/11, effective 7/22/11]
[Filed ARC 0174C (Notice ARC 9980B, IAB 1/25/12), IAB 6/13/12, effective 7/18/12]
[Filed ARC 2152C (Notice ARC 2058C, IAB 7/8/15), IAB 9/30/15, effective 11/4/15]
[Filed ARC 3422C (Notice ARC 3224C, IAB 8/2/17), IAB 10/25/17, effective 11/29/17]
[Filed ARC 7677C (Notice ARC 7384C, IAB 1/10/24), IAB 3/6/24, effective 4/10/24]
[Editorial change: IAC Supplement 6/10/26]
[Editorial change: IAC Supplement 6/24/26]

CHAPTERS 1041 to 1044
Reserved

ENGINEERING AND LAND SURVEYING EXAMINING BOARD

CHAPTER 1045
ADMINISTRATION

IAC Supp. 8/14/85

[Rules 1.5 to 1.13 were either rescinded or renumbered and new rules added, see IAB 8/14/85]

[Prior to 6/1/88, see Engineering and Land Surveying Examiners, Board of [390] Ch 1]

[Rules 1.10 to 1.29 were amended and transferred to 193C—Chapter 4, IAC Supplement 11/27/91]

[Prior to 6/24/26, see Engineering and Land Surveying Examining Board[193C] Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/10/29

481—1045.1(542B) General statement. The practices of engineering and land surveying affect the life, health, and property of the people in Iowa. The engineering and land surveying examining board's principal mandate is the protection of the public interest.

1045.1(1) Administration. Administration of the board has not been separated into panels, divisions, or departments. While the expertise of a board member may be called upon to frame special examinations and evaluate applications for licensing in a specialized engineering branch, the board functions in a unified capacity on all matters that may come before it. The board maintains an office at 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321, and requests or submissions may be directed to the secretary of the board at that location.

1045.1(2) Meetings. Regular meetings of the board are held in Des Moines, Iowa. Information concerning the location and dates for meetings may be obtained from the board's office at 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321, or by telephoning 515.725.9022.

[ARC 7664C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1045.2(542B) Definitions. For the purposes of these rules, the following definitions apply:

"Accredited" means a program accredited by the Accreditation Board for Engineering Technology, Inc. (ABET) or the Canadian Engineering Accreditation Board (CEAB) or another accrediting body accepted by the National Council of Examiners for Engineering and Surveying (NCEES).

"Board" means the engineering and land surveying examining board provided by Iowa Code chapter 542B.

"Design coordination" means the same as defined in Iowa Code section 542B.2(2).

"Engineering documents" means the same as defined in Iowa Code section 542B.2(4).

"Engineering survey," as used in the definition of the practice of engineering, includes all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but excludes the survey of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land system.

"Engineer intern" means the same as defined in Iowa Code section 542B.2(3).

"In responsible charge" means the same as defined in Iowa Code section 542B.2(6).

"Land surveying documents" means the same as defined in Iowa Code section 542B.2(7).

"Practice of engineering" means the same as defined in Iowa Code section 542B.2(9) "a" and "b."

1. The practice of engineering includes:

- Environmental engineering activities that may be involved in developing plans, reports, or actions to remediate an environmentally hazardous site;

- Design of fixturing devices for manufacturing machinery that must be performed by a licensed professional engineer or under the responsible charge and direct supervision of a professional engineer unless performed within the industrial exemption by a full-time employee of a corporation that constructs the fixtures.

2. Activities that the board will construe as the practice of engineering for which the board may by order impose a civil penalty upon a person who is not licensed as a professional engineer are set out in Iowa Code section 542B.27.

“Practice of land surveying” means the same as defined in Iowa Code section 542B.2(10) and also includes activities that the board will construe as the practice of land surveying and for which the board may by order impose a civil penalty upon a person who is not licensed as a professional land surveyor as set out in Iowa Code section 542B.27.

“Professional engineer” means the same as defined in Iowa Code section 542B.2(11).

“Professional land surveyor” means a person who engages in the practice of land surveying as defined in this rule.

“Written,” when used to describe an examination, means a computer-based format.

[ARC 7664C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1045.3(542B) Declaratory orders. The board’s rules regarding declaratory orders can be found in the uniform rules for the division of professional licensing and regulation at 7—Chapter 2503.

[ARC 7664C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1045.4(542B) Waivers.

1045.4(1) The board’s rules regarding waivers can be found in the uniform rules for the division of professional licensing and regulation at 7—Chapter 2504.

1045.4(2) Interim rulings. The board chairperson, or vice chairperson if the chairperson is not available, may rule on a petition for waiver when it would not be timely to wait for the next regularly scheduled board meeting for a ruling from the board.

a. The executive secretary shall, upon receipt of a petition meeting all applicable criteria established in 7—Chapter 2504, present the request to the board chairperson or vice chairperson along with all pertinent information regarding established precedent for granting or denying such requests.

b. The chairperson or vice chairperson shall reserve the right to hold an electronic meeting of the board when:

(1) Board precedent does not clearly resolve the request and the input of the board is deemed required; and

(2) The practical result of waiting until the next regularly scheduled meeting would be a denial of the request due to timing issues.

c. A waiver report will be placed on the agenda of the next regularly scheduled board meeting and recorded in the minutes of the meeting.

d. This subrule on interim rulings does not apply if the waiver was filed in a contested case.

[ARC 7664C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1045.5(542B) Licensed professional engineers and building construction.

1045.5(1) *Purpose.* This rule is intended to provide guidance to licensed professional engineers, other design professionals, unlicensed persons engaged in various aspects of building construction, building officials, owners, and others on when the services of a licensed professional engineer are required or not in connection with new building construction and alterations to existing structures.

1045.5(2) *General guidelines.* Given the wide range of buildings covered by this rule and the unique issues that may arise with respect to specific buildings, it is not possible to establish definitive criteria that will universally resolve when building construction or alterations will or will not implicate the practice of professional engineering, as defined in Iowa Code sections 542B.2(8) and 542B.27(1). For example, while the construction of a single-family residence would not generally necessitate the services of a licensed professional engineer, unique or unconventional features of a particular site or design may necessitate complex structural calculations or other services that fall within the definition of professional engineering. As a result, this rule should be interpreted as providing only general guidelines on when a licensed professional engineer is necessary.

1045.5(3) Applicability. The board will consider the guidelines provided in this rule when enforcing Iowa Code chapter 542B, including when determining whether an unlicensed person has engaged in the practice of professional engineering. This rule is not intended to constrain building officials or other public officials in their enforcement of other laws, rules, regulations or ordinances. A building code official, for example, may require that certain documents be prepared by a licensed professional engineer or that certain construction inspections be performed by a licensed professional engineer whether or not the guidelines in this rule would so require. This rule only addresses the practice of professional engineering and does not address the practice of architecture. Similar guidelines with respect to the practice of architecture may be found at 481—Chapter 1065.

1045.5(4) Definitions. The definitions set forth in rule 481—1065.1(544A) apply to this rule.

1045.5(5) Guidelines for new construction. The following matrix describes by building type and use when the services of a licensed professional engineer are required in connection with new building construction:

BUILDINGS NEW CONSTRUCTION			
Building Use Type	Description	Engineer Required	Engineer May Not Be Required
Agricultural Use	Facilities for private use only and individually owned and operated facilities including grain elevators and feed mills		X
	Corporate-owned facilities or publicly owned facilities including grain elevators and feed mills	X	
Churches and accessory buildings whether attached or separate	One or two stories in height, up to a maximum of 2,000 square feet in gross floor area		X
	Any number of stories in height, greater than 2,000 square feet in gross floor area	X	
	More than two stories in height	X	
Commercial Use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
	One story in height, greater than 10,000 square feet in gross floor area	X	
	Two stories in height, up to a maximum of 6,000 square feet in gross floor area		X
	Two stories in height, greater than 6,000 square feet in gross floor area	X	
	More than two stories in height	X	
Detached Residential Use	One, two or three stories in height, containing 12 or fewer family dwelling units		X
	More than 12 family dwelling units	X	
	More than three stories in height	X	
	Outbuildings in connection with detached residential buildings		X
Educational Use		X	
Governmental Use	When the occupancy is of another building use type listed herein, those provisions shall apply	X	
Industrial Use		X	
Institutional Use		X	
Light Industrial Use			X
Places of assembly		X	
Warehouse Use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
	One story in height, greater than 10,000 square feet in gross floor area	X	
	More than one story in height	X	

BUILDINGS NEW CONSTRUCTION			
Building Use Type	Description	Engineer Required	Engineer May Not Be Required
Factory-Built Buildings	One or two stories in height, up to a maximum of 20,000 square feet in gross floor area		X
	One or two stories in height, greater than 20,000 square feet in gross floor area	X	
	More than two stories in height	X	
	More than 20,000 square feet in gross floor area	X	

1045.5(6) Guidelines for alterations to existing buildings. The following matrix describes by alteration type when the services of a licensed professional engineer are required in connection with alterations to existing buildings:

ALTERATIONS TO EXISTING BUILDINGS				
Alteration Type	Description		Engineer Required	Engineer May Not Be Required
Structural alterations to exempt buildings under Iowa Code section 544A.18	Modifications that change the structural members, means of egress, handicap accessible path, fire resistivity or other life safety concerns			X
Structural alterations to buildings that are not exempt	Modifications that change the structural members, means of egress, handicap accessible path, fire resistivity or other life safety concerns		X	
Nonstructural alteration	That does not modify means of egress, handicap accessible path, fire resistivity or other life safety concerns			X
	That maintains the previous type of use			X
Nonstructural alteration that changes the use of the building from any other use to:	A place of assembly of people or public gathering		X	
	Governmental use		X	
	Educational use		X	
	Hazardous use		X	
	A place of residence exempted	and is one, two or three stories in height and contains not more than 12 family dwelling units		X
	A place of residence not exempted otherwise	and is more than three stories in height	X	
		and containing more than 12 family dwelling units	X	
Nonstructural alterations that change the use of the building from industrial or warehouse to:	Commercial or office use	and is one story in height and not greater than a maximum of 10,000 square feet in gross floor area		X
		and is one story in height and greater than 10,000 square feet in gross floor area	X	
		and is two stories in height and not greater than a maximum of 6,000 square feet in gross floor area		X
		and is two stories in height and greater than 6,000 square feet in gross floor area	X	
		and is more than two stories in height	X	
		and is greater than 10,000 square feet of gross floor area	X	

ALTERATIONS TO EXISTING BUILDINGS				
Alteration Type	Description		Engineer Required	Engineer May Not Be Required
Nonstructural alterations to:	Agricultural Use	Including grain elevators and feed mills		X
	Churches and Accessory Building Uses	One or two stories in height, up to a maximum of 2,000 square feet in gross floor area		X
		Any number of stories in height, greater than 2,000 square feet in gross floor area	X	
		More than two stories in height	X	
	Commercial Use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
		One story in height, greater than 10,000 square feet in gross floor area	X	
		Two stories in height, up to a maximum of 6,000 square feet in gross floor area		X
		Two stories in height, greater than 6,000 square feet in gross floor area	X	
		More than two stories in height	X	
	Detached Residential Buildings	One, two or three stories in height, containing 12 or fewer family dwelling units		X
		More than 12 family dwelling units	X	
		More than three stories in height	X	
		Outbuildings in connection with detached residential buildings		X
	Educational Use		X	
	Governmental Use	When the occupancy is of another building use type listed herein, those provisions shall apply	X	
	Industrial Use		X	
	Institutional Use		X	
	Light Industrial Use			X
	Places of Assembly		X	
	Warehouse Use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
		One story in height, greater than 10,000 square feet in gross floor area	X	
		More than one story in height	X	
	Factory-Built Buildings	One or two stories in height, up to a maximum of 20,000 square feet of gross floor area		X
		One or two stories in height, greater than 20,000 square feet in gross floor area	X	
		More than two stories in height	X	
		More than 20,000 square feet in gross floor area	X	

1045.5(7) *Architectural exceptions do not apply.* The statutory exemptions in Iowa Code section 544A.18 do not apply to the practice of engineering. The construction of a building that falls within an exception in Iowa Code section 544A.18 may necessitate the services of an engineer if, for example:

a. There are structural elements that do not fall within building code definitions of conventional light frame construction,

b. The use of certain structural materials, members or components requires special inspections by engineers, or

c. HVAC, plumbing or electrical systems exceed certain building code standards. However, the matrix guidelines in this rule are generally compatible with the exceptions in Iowa Code section 544A.18 because the construction of buildings that fall outside the exceptions in Iowa Code section 544A.18 generally does implicate the practice of professional engineering in such disciplines as structural, electrical or mechanical engineering.

[ARC 7664C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code sections 17A.9A, 542B.2, and 542B.3.

[Filed 3/16/53; amended 1/19/54, 10/18/54, 6/15/56, 3/30/59,
3/8/61, 6/14/61, 3/14/62, 5/8/69]

[Filed 12/16/75, Notice 11/3/75—published 1/12/76, effective 2/16/76]

[Filed 3/18/76, Notice 11/3/75—published 4/5/76, effective 5/10/76]

[Filed 4/1/77, Notice 12/29/76—published 4/20/77, effective 5/25/77]

[Filed 5/23/78, Notice 3/22/78—published 6/14/78, effective 8/1/78]

[Filed 7/26/78, Notice 5/3/78—published 8/23/78, effective 9/27/78]

[Filed emergency 10/3/78 after Notice 8/9/78—published 10/18/78, effective 10/3/78]

[Filed 1/4/79, Notice 10/18/78—published 1/24/79, effective 2/28/79]

[Filed 7/7/80, Notice 12/12/79—published 7/23/80, effective 8/27/80]

[Filed 8/12/81, Notice 4/29/81—published 9/2/81, effective 10/7/81]

[Filed 9/25/81, Notice 7/22/81—published 10/14/81, effective 11/18/81]

[Filed 8/11/83, Notice 5/25/83—published 8/31/83, effective 10/5/83]

[Filed 12/21/84, Notice 7/18/84—published 1/16/85, effective 2/20/85]

[Filed 3/8/85, Notice 1/16/85—published 3/27/85, effective 5/1/85]

[Filed 7/25/85, Notice 5/22/85—published 8/14/85, effective 9/18/85]

[Filed 9/5/85, Notice 7/31/85—published 9/25/85, effective 10/30/85]

[Filed 5/13/88, Notice 3/9/88—published 6/1/88, effective 7/6/88]

[Filed 5/13/88, Notice 4/6/88—published 6/1/88, effective 7/6/88]

[Filed 3/15/89, Notice 12/28/88—published 4/5/89, effective 5/10/89]

[Filed 6/6/89, Notice 4/5/89—published 6/28/89, effective 8/2/89]

[Filed 11/4/91, Notice 8/21/91—published 11/27/91, effective 1/1/92]

[Filed 7/29/92, Notice 5/13/92—published 8/19/92, effective 9/23/92]

[Filed 7/30/93, Notice 5/26/93—published 8/18/93, effective 9/22/93]

[Filed 11/4/94, Notice 6/22/94—published 11/23/94, effective 12/28/94]

[Filed 3/22/95, Notice 1/18/95—published 4/12/95, effective 5/17/95]

[Filed 1/26/96, Notice 11/22/95—published 2/14/96, effective 3/20/96]

[Filed 5/2/96, Notice 1/3/96—published 5/22/96, effective 6/26/96]

[Filed 7/24/96, Notice 6/5/96—published 8/14/96, effective 9/18/96]

[Filed 10/18/96, Notice 8/14/96—published 11/6/96, effective 12/11/96]

[Filed 3/6/97, Notice 11/20/96—published 3/26/97, effective 4/30/97]

[Filed 3/6/97, Notice 1/1/97—published 3/26/97, effective 4/30/97]

[Filed 7/24/97, Notice 6/4/97—published 8/13/97, effective 9/17/97]

[Filed 9/5/97, Notice 6/18/97—published 9/24/97, effective 10/29/97]

[Filed 11/26/97, Notice 9/24/97—published 12/17/97, effective 1/21/98]

[Filed 2/6/98, Notice 12/3/97—published 2/25/98, effective 4/1/98]

[Filed 3/20/98, Notice 12/17/97—published 4/8/98, effective 5/13/98]

[Filed 3/20/98, Notice 1/28/98—published 4/8/98, effective 5/13/98]

[Filed 5/29/98, Notice 2/25/98—published 6/17/98, effective 7/22/98]

[Filed 8/20/98, Notice 7/15/98—published 9/9/98, effective 10/14/98]

[Filed 10/1/98, Notice 8/12/98—published 10/21/98, effective 11/25/98]

[Filed 11/4/98, Notice 6/17/98—published 12/2/98, effective 1/6/99]

[Filed 11/25/98, Notice 9/9/98—published 12/16/98, effective 1/20/99]
[Filed 4/15/99, Notice 3/10/99—published 5/5/99, effective 6/9/99]
[Filed emergency 7/23/99 after Notice 6/16/99—published 8/11/99, effective 7/23/99]
[Filed emergency 1/18/01 after Notice 11/29/00—published 2/7/01, effective 2/7/01]
[Filed 10/24/01, Notice 8/8/01—published 11/14/01, effective 1/1/02]
[Filed 9/12/02, Notice 6/12/02—published 10/2/02, effective 11/6/02]
[Filed 11/21/02, Notice 10/2/02—published 12/11/02, effective 1/15/03]
[Filed 9/24/04, Notice 5/12/04—published 10/13/04, effective 11/17/04]
[Filed ARC 0362C (Notice ARC 0156C, IAB 6/13/12), IAB 10/3/12, effective 11/7/12]
[Filed ARC 0684C (Notice ARC 0530C, IAB 12/12/12), IAB 4/17/13, effective 5/22/13]
[Filed ARC 4206C (Notice ARC 3946C, IAB 8/15/18), IAB 1/2/19, effective 2/6/19]
[Filed ARC 5953C (Notice ARC 5819C, IAB 8/11/21), IAB 10/6/21, effective 11/10/21]
[Filed ARC 7664C (Notice ARC 7404C, IAB 1/10/24), IAB 3/6/24, effective 4/10/24]
[Editorial change: IAC Supplement 6/24/26]

¹ Effective date of subrule 1.3(1) delayed 70 days by the Administrative Rules Review Committee at its meeting held March 11, 1996; delay lifted by this Committee at its meeting held May 14, 1996, effective May 15, 1996.

CHAPTER 1046
FEES AND CHARGES

[Prior to 11/14/01, see 193C—1.9(542B)]

[Prior to 6/24/26, see Engineering and Land Surveying Examining Board[193C] Ch 2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/10/29

481—1046.1(542B) General statement. Fees are fixed in such an amount as will defray the expense of administering board responsibilities. Fees are charged in accordance with the following table:

Type of fee	Amount
Renewal	
Active license renewal	\$100
Inactive license renewal	\$40
Reinstatement of lapsed license (In addition to the reinstatement fee, the applicant for reinstatement must also pay the appropriate prorated reinstated license fee below.)	\$100
Reinstatement of inactive to active license	\$60
New or reinstated license (In addition to the appropriate prorated reinstated license fee, the applicant for reinstatement must also pay the reinstatement fee above.)	\$100 Prorated at six-month intervals
Application for examination	
Principles and Practice of Land Surveying	\$100
Examinations	
Fees for National Council of Examiners for Engineering and Surveying (NCEES) examinations are paid directly to the examination service at the rate established by contract based upon cost of the examination materials and processing expenses.	Variable
Iowa State Specific Land Surveying Examination	\$30
Application for licensure by comity or verification as a professional engineer or professional land surveyor	\$150
Certificates	
Initial professional engineer or professional land surveyor certificate	\$15
Additional or duplicate certificate	\$25
Engineer or land surveyor intern certificate	No charge
Check returned for insufficient funds	\$15
Verification of records for lapsed licensees	\$15 per verification
Late renewal fee (for renewals completed after December 31 and before January 31)	\$25

[ARC 7665C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1046.2(542B) Nonrefundable fees. Application fees submitted with applications for the Fundamentals of Engineering examination, the Fundamentals of Land Surveying examination, the Principles and Practice of Engineering examination, the Principles and Practice of Land Surveying examination, comity licensure, or renewal of licensure are not refundable for any reason.

[ARC 7665C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code sections 542B.13, 542B.15, 542B.20 and 542B.30.

[Filed 10/24/01, Notice 8/8/01—published 11/14/01, effective 1/1/02]

[Filed 5/9/03, Notice 2/19/03—published 5/28/03, effective 7/2/03]

[Filed 3/11/05, Notice 12/22/04—published 3/30/05, effective 5/4/05]

[Filed ARC 8584B (Notice ARC 8393B, IAB 12/16/09), IAB 3/10/10, effective 4/14/10]

[Filed ARC 0362C (Notice ARC 0156C, IAB 6/13/12), IAB 10/3/12, effective 11/7/12]
[Filed ARC 5953C (Notice ARC 5819C, IAB 8/11/21), IAB 10/6/21, effective 11/10/21]
[Filed ARC 7665C (Notice ARC 7405C, IAB 1/10/24), IAB 3/6/24, effective 4/10/24]
[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1047 APPLICATION AND RENEWAL PROCESS

[Prior to 11/14/01, see 193C—Chapter 1]
[Prior to 6/24/26, see Engineering and Land Surveying Examining Board[193C] Ch 3]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/10/29

481—1047.1(542B) General statement. A person requesting to be licensed as a professional engineer or professional land surveyor shall submit a completed, standardized application form, which may be obtained electronically from the board's Internet web page.

1047.1(1) Application expiration. On the examination and comity applications due date, the applications are considered current if it has been one year or less since the applications were received by the board office.

1047.1(2) Academic transcripts.

a. United States institutions. Completion of post-high school education shall be evidenced by the board's receipt of an applicant's transcripts directly from the office of the registrar of each institution conferring a qualifying degree.

b. Institutions outside the United States. Transcripts from institutions located outside the boundaries of the United States of America shall be sent directly from the institution to an evaluation service to be evaluated for authenticity and substantial equivalency with Accreditation Board for Engineering and Technology, Inc. (ABET), or Engineering Accreditation Commission (EAC) accredited engineering programs. To be readily acceptable, such evaluations shall be from the National Council of Examiners for Engineering and Surveying (NCEES). However, the board may accept evaluations from other recognized foreign credential evaluators satisfactory to the board. The expense of the evaluation is the responsibility of the applicant. Each evaluation shall be sent directly to the board from the evaluation service and include a copy of the transcript in the form sent to the evaluation service directly from the educational institution. Each evaluation must address both whether the transcript is authentic and whether the engineering program is equivalent to those accredited by ABET or EAC.

[ARC 7666C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1047.2(542B) Application components and due dates.

1047.2(1) Fundamentals of Engineering examination. Applications for the Fundamentals of Engineering examination are submitted directly to the examination service selected by the board to administer the examinations.

1047.2(2) Fundamentals of Land Surveying examination application components and due dates. The components of this application include: the completed application form, references pursuant to 481—paragraph 1049.1(5)“b” and transcripts. Fundamentals of Land Surveying examination applications must be submitted to the board office. Applications submitted by the first day of each month will be reviewed by the board at the next regularly scheduled board meeting.

1047.2(3) Principles and Practice of Engineering examination application. Principles and Practice of Engineering examination applications are submitted directly to the examination service selected by the board. Documentation of a qualifying degree will be required prior to approval to sit for the examination.

1047.2(4) Principles and Practice of Land Surveying examination application components and due dates. Principles and Practice of Land Surveying examination applications are submitted to the board office. Application files with all components submitted to the board office by the first day of each month will be reviewed at the next regularly scheduled board meeting.

a. The examination application file includes the following components:

- (1) The completed online application form.
- (2) The required number of references.
- (3) The project statement.

(4) The ethics questionnaire.

b. In addition, a complete application file includes verification of examination records and transcripts. Examination applications will not be reviewed by the board until the application file is complete.

1047.2(5) Professional engineer license application. Professional engineer license applications are submitted to the board office. Application files with all components submitted to the board office by the first day of each month will be reviewed at the next regularly scheduled board meeting.

a. The professional engineer license application includes the following components:

(1) The completed online application form.

(2) The required number of references.

(3) The project statement.

(4) The ethics questionnaire.

b. In addition, a complete application file includes verification of examination records and transcripts. Professional engineer license applications will not be reviewed until the application file is complete.

[ARC 7666C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1047.3(542B) Comity applications.

1047.3(1) The components of a comity application include the completed application form, the ethics questionnaire, references, transcripts, and verification of examinations, as appropriate. Comity applicants may submit the NCEES record in lieu of providing references, verifications, transcripts, and employment history. Since the verification of examination records must, in most cases, be sent directly from the jurisdiction where the applicant took the Fundamentals of Engineering and Principles and Practice Engineering examinations, the applicant should contact the other jurisdiction in advance of submitting the application to request this verification and make every effort to have the verification sent to the board at the time that the application is submitted. Likewise, for transcripts the applicant should contact the university in advance of submitting the application to make every effort to have the transcripts transmitted to the board at the time that the application is submitted.

1047.3(2) Comity applications will be reviewed as they are completed. Comity applications will not be reviewed until all components have been received.

1047.3(3) Comity applicants will be notified in writing via regular mail or email regarding the results of the review of their applications.

1047.3(4) Temporary license. The board does not issue temporary licenses, except as provided for in rule 481—1049.3(542B,272C).

[ARC 7666C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1047.4(542B) Renewal applications.

1047.4(1) Expiration dates. Certificates of licensure expire biennially on December 31. Certificates that were initially issued in even-numbered years expire in odd-numbered years and certificates that were initially issued in odd-numbered years expire in even-numbered years. In order to maintain authorization to practice engineering or land surveying in Iowa, licensees must renew their certificates of licensure on or prior to the expiration date. A licensee who fails to renew prior to the date the certificate expires is not authorized to practice in Iowa unless the certificate is reinstated as provided in these rules. However, the board will accept an otherwise sufficient renewal application that is untimely if the board receives the application and late fee within 30 days of the date of expiration.

1047.4(2) Renewal notification. The board typically mails a renewal notification to a licensee's last-known address at least one month prior to the license expiration date. Neither the board's failure to mail a renewal notification nor the licensee's failure to receive a renewal notification affects in any way the licensee's duty to timely renew if the licensee intends to continue practicing in Iowa. Licensees need to contact the board office if they do not receive a renewal notification prior to the expiration date.

1047.4(3) *Renewal process.* Upon receipt of a timely and sufficient renewal application, with the proper fee, the board's executive secretary will issue a new license reflecting the next expiration date, unless grounds exist for denial of the application.

1047.4(4) *Notification of expiration.* The board will notify licensees whose certificates of licensure have expired. The failure of the board to provide this courtesy notification, or the failure of the licensee to receive the courtesy notification, does not extend the date of expiration.

1047.4(5) *Sanction for practicing after license expiration.* A licensee who continues to practice in Iowa after the license has expired is subject to disciplinary action. Such unauthorized activity may also provide grounds to deny a licensee's application to reinstate.

1047.4(6) *Timely and sufficient renewal application.* Within the meaning of Iowa Code section 17A.18(2), a timely and sufficient renewal application shall be:

- a. Received by the board through the online renewal process;
- b. Fully completed; and
- c. Accompanied by the proper fee. The fee is deemed improper if, for instance, the amount is incorrect, the fee was not included with the application, the credit card number provided by the applicant is incorrect, the date of expiration of a credit card is left off the application or is incorrect, the attempted credit card transaction is rejected, or the applicant's check is returned for insufficient funds.

1047.4(7) *Responsibility for accuracy of renewal application.* The licensee is responsible for verifying the accuracy of the information submitted on the renewal application regardless of how the application is submitted or by whom it is submitted.

1047.4(8) *Denial of renewal application.* If the board, upon receipt of a timely, complete and sufficient application to renew a certificate of licensure, accompanied by the proper fee, denies the application, the executive secretary will send written notice to the applicant by restricted, certified mail, return receipt requested, identifying the basis for denial. The applicant may contest the board's decision as provided in 481—Chapter 506.

1047.4(9) *Continuing education.* A licensee who does not satisfy the continuing education requirements for licensure renewal will be denied renewal of licensure in accordance with subrule 1047.4(8).

1047.4(10) *Consent order option.* When a licensee appears to be in violation of mandatory continuing education under 481—Chapter 1051, the board may, in lieu of proceeding to a contested case hearing on the denial of renewal as provided in uniform division 481—Chapter 506, offer the licensee the opportunity to sign a consent order. While the terms of a consent order will be tailored to the specific circumstances at issue, the consent order will typically impose a penalty between \$50 and \$250, depending on the severity of the violation, and establish deadlines for compliance, and the consent order may impose additional educational requirements upon the licensee. A licensee is free to accept or reject the offer. If the offer of settlement is accepted, the licensee will be issued a renewed certificate of licensure and, if the terms of the consent order are not complied with, will be subject to disciplinary action. If the offer of settlement is rejected, the matter will be set for hearing, if timely requested by the applicant pursuant to uniform division 481—Chapter 506.

1047.4(11) *Inactive status.* Licensees who are not engaged in engineering or land surveying practices that require licensure in Iowa may be granted inactive status. No inactive licensee may practice in Iowa unless otherwise exempted in Iowa Code chapter 542B.

[ARC 7666C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1047.5(542B) Reinstatement of licensure.

1047.5(1) To reinstate a license that has lapsed for one year or more, the applicant for reinstatement must pay the fee under rule 481—1046.1(542B) and satisfy one of the following:

- a. Provide documentation of 45 professional development hours achieved within the current and previous biennium (dual licensees must provide documentation of 30 professional development hours for each profession); or

b. Successfully complete the principles and practice examination within one year immediately prior to application for reinstatement; or

c. For an applicant for reinstatement who is an out-of-state resident, submit a statement from the resident state's licensing board as documented evidence of compliance with the resident state's mandatory continuing education during the period that the licensee's Iowa license was lapsed. An applicant for reinstatement whose resident state has no mandatory continuing education shall comply with the documented evidence as outlined in this subrule and at 481—subrule 1051.8(2).

1047.5(2) To reinstate a license that has lapsed for less than one year, the applicant for reinstatement must pay the fee under rule 481—1046.1(542B) and satisfy one of the following:

a. Provide documentation of 30 professional development hours achieved within the current and previous biennium (dual licensees must provide documentation of 20 professional development hours for each profession). Professional development hours used for reinstatement shall not be reused at the next renewal; or

b. Successfully complete the principles and practice examination within one year immediately prior to application for reinstatement; or

c. For an applicant for reinstatement who is an out-of-state resident, submit a statement from the resident state's licensing board as documented evidence of compliance with the resident state's mandatory continuing education requirement during the period that the licensee's Iowa license was lapsed. The statement shall bear the seal of the licensing board. An applicant for reinstatement whose resident state has no mandatory continuing education requirement shall comply with the documented evidence requirement as outlined in this subrule and at 481—subrule 1051.8(2).

1047.5(3) A lapsed license may not be reinstated to inactive status.

1047.5(4) To reinstate from inactive status to active status, the applicant for reinstatement must pay the fee under rule 481—1046.1(542B) and provide documentation of 45 professional development hours achieved within the current and previous biennium (dual licensees must provide documentation of 30 professional development hours for each profession). Professional development hours used for a reinstatement shall not be reused at the next renewal.

[ARC 7666C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code sections 272C.2, 272C.3, 542B.2, 542B.6, 542B.13, 542B.14, 542B.15, 542B.20 and 542B.30.

[Filed 10/24/01, Notice 8/8/01—published 11/14/01, effective 1/1/02]

[Filed 9/22/05, Notice 6/8/05—published 10/12/05, effective 11/16/05]

[Filed 2/20/08, Notice 10/24/07—published 3/12/08, effective 4/16/08]

[Filed ARC 7754B (Notice ARC 7433B, IAB 12/17/08), IAB 5/6/09, effective 6/10/09]

[Filed ARC 9462B (Notice ARC 9369B, IAB 2/9/11), IAB 4/20/11, effective 5/25/11]

[Filed ARC 0362C (Notice ARC 0156C, IAB 6/13/12), IAB 10/3/12, effective 11/7/12]

[Filed ARC 1349C (Notice ARC 1254C, IAB 12/25/13), IAB 2/19/14, effective 3/26/14]

[Filed ARC 2388C (Notice ARC 2219C, IAB 10/28/15), IAB 2/3/16, effective 3/9/16]

[Filed ARC 4206C (Notice ARC 3946C, IAB 8/15/18), IAB 1/2/19, effective 2/6/19]

[Filed ARC 5564C (Notice ARC 5356C, IAB 12/30/20), IAB 4/21/21, effective 5/26/21]

[Filed ARC 5953C (Notice ARC 5819C, IAB 8/11/21), IAB 10/6/21, effective 11/10/21]

[Filed ARC 7666C (Notice ARC 7406C, IAB 1/10/24), IAB 3/6/24, effective 4/10/24]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1048
ENGINEERING LICENSURE

[Prior to 11/14/01, see 193C—1.4(542B)]

[Prior to 6/24/26, see Engineering and Land Surveying Examining Board[193C] Ch 4]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/10/29

481—1048.1(542B) Licensure by examination. The board will issue initial licensure only when an applicant satisfies the provisions of Iowa Code section 542B.14 as follows:

1048.1(1) An applicant is eligible for the Engineer in Training certificate by meeting one of the following educational standards:

a. The applicant graduates from an engineering program of four years or more with an Accreditation Board of Engineering and Technology/Engineering Accreditation Commission (ABET/EAC)- or Canadian Engineering Accreditation Board (CEAB)-accredited curriculum. An engineering technology curriculum does not constitute an engineering program of four years or more.

b. After graduation from a nonaccredited engineering program of four years or more as described above, the applicant will complete one extra year of practical experience satisfactory to the board, verified by a professional engineer (PE) supervisory reference.

c. The applicant graduates with a master's degree in engineering from an institution in the United States of America that offers an accredited bachelor's degree in the same curriculum. The master's degree or a doctor of philosophy degree candidate must fulfill the requirements for the bachelor's degree in the same area of specialization.

d. An applicant with a master's degree or a doctor of philosophy degree in engineering from an institution in the United States of America that does not offer an accredited bachelor's degree in the same curriculum will be required to have an additional year of qualifying experience obtained after receipt of the qualifying degree. Applicants using a master's degree or a doctor of philosophy degree as the qualifying degree may not also use the master's degree or a doctor of philosophy degree for qualifying experience credit or as an exemption for the Fundamentals of Engineering examination (FE exam).

1048.1(2) An applicant successfully completes the FE exam.

a. An applicant may take the FE exam any time after the educational requirements as specified above are completed, but the applicant must successfully complete the FE exam prior to taking the Principles and Practice of Engineering examination.

b. College seniors studying an ABET/EAC- or CEAB-accredited curriculum may take the FE exam during the final academic year. Applicants will be permitted to take the examination during the testing period that most closely precedes anticipated graduation.

c. An applicant who graduated from a satisfactory engineering program and has ten years or more of work experience satisfactory to the board is not required to take the FE exam. This experience is in addition to the four or five years of experience necessary for the PE license.

d. An applicant who has earned a Doctor of Philosophy degree from an institution in the United States of America with an accredited Bachelor of Science engineering degree program in the same discipline, or a similar doctoral degree in a discipline approved by the board, is not required to take the FE exam.

e. FE exam candidates will apply directly to the National Council of Examiners for Engineering and Surveying (NCEES) and will self-attest as to the candidate's eligibility to sit for the FE exam. The board will verify acceptable education and experience at the time an applicant applies for an Engineer in Training (EIT) number. The board shall apply the education and experience standards set forth in this rule but may allow reasonable flexibility in timing in the event an applicant sat for and passed the FE exam at a point earlier than provided in this rule. The board will not, however, issue an EIT number unless all experience required for candidates who hold engineering degrees from nonaccredited programs has been satisfied at the time of the EIT application.

1048.1(3) An applicant successfully completes the Principles and Practice of Engineering examination (PE exam).

- a. An applicant may take the PE exam any time after passing the FE exam.
- b. PE exam candidates will apply directly to the NCEES. The applicant will document a qualifying education. The board will verify acceptable experience at the time the applicant applies for a professional engineer license.

1048.1(4) An applicant obtains satisfactory practical experience in engineering work as follows:

a. *Oversight.* An applicant has direct supervision or professional tutelage (instruction, guidance, mentoring, review, and critique) from one or more licensed professional engineers. This experience will be verified by one or more licensed professional engineers who are familiar with the applicant's work and can attest that the experience was of the required quality and was accurately described. Verification of the qualifying experience is provided through the reference forms. It is the responsibility of the applicant to provide reference forms to the licensed professional engineers to complete and return directly to the board.

(1) To be readily acceptable, all of the practical experience is under the direct supervision and tutelage of one or more licensed professional engineers.

(2) To be considered, a portion of the qualifying experience is under the direct supervision or tutelage of one or more licensed professional engineers, and the rest of the practical experience is under the direct supervision or tutelage of an unlicensed graduate engineer.

b. *Documentation of experience.* An applicant submits references and a work project description. The board reserves the right to contact the employer and the person providing tutelage on the project for information about the project experience acquired by the applicant.

(1) References. An applicant for the professional engineer license shall submit three references from professional engineers or a combination of professional engineers and graduate engineers on forms provided by the board.

1. The practical experience provided under the direct supervision or professional tutelage of the licensed professional engineers in the course of a mentoring relationship must include technical skills; professional development; the exercise of professional judgment, ethics, and standards in the application of engineering principles and in the review of such matters by others; and the professional obligations of assuming responsible charge of professional engineering works and services.

2. If the applicant has had more than one supervisor, at least two of the references shall be from a supervisor of the applicant. An applicant shall submit supervisor references to verify at least four years of qualifying experience.

3. If an applicant has had professional experience under more than one employer, the applicant shall provide references from individuals with knowledge of the work performed under a minimum of two employers.

4. The board reserves the right to contact references, supervisors, or employers for information about the applicant's professional experience and competence or to request additional references.

5. The board uses references partially as a means of verifying an applicant's record of experience. The applicant must distribute a reference form to individuals who are asked to submit references for the applicant. To each reference form, the applicant shall attach a narrative of the applicant's experience record that is being addressed by the referring individual.

6. The board may require the applicant to submit other evidence of suitable tutelage and supervision.

7. The board may conduct interviews with persons providing tutelage or supervision to the applicant.

(2) Work project description. An application for initial licensure includes a work project statement describing a significant project on which the applicant worked during the previous 12 months. The board will review all work project statements and will approve only those that include all of the following components:

1. Description of the applicant's degree of responsibility for the project.

2. The project's owner and location.
3. The name of the supervisor in charge of the project and, if the supervisor is a professional engineer, the license number of the supervisor.

4. The applicant's signature and date of signature.

(3) Criteria the board uses in evaluating the acceptability of the project as qualifying experience for the applicant includes, but is not limited to, the following:

1. The degree to which the project and the experience described have progressed from assignments typical of initial assignments to those more nearly expected of a licensed professional;
2. The scope and quality of the professional tutelage experienced by the applicant;
3. The technical decisions required of the applicant in the project; and
4. The professional decisions required of the applicant.

c. *Quality.* An applicant has experience that demonstrates that the applicant has developed technical skill and initiative in the correct application of engineering principles. Such experience should demonstrate the applicant's capacity to review the application of these principles by others and to assume responsibility for engineering work of professional character.

d. *Scope.* The applicant has experience that includes sufficient breadth and scope to ensure that the applicant has attained reasonably well-rounded professional competence in a basic engineering field, rather than highly specialized skill in a narrow and limited field.

e. *Progression.* The record of experience indicates successive and continued progress from initial, subprofessional work of simpler character to recent, professional work of greater complexity and a higher degree of responsibility, as well as continued interest and effort on the part of the applicant toward further professional development and advancement. In evaluating this progression, the board will consider both subprofessional and professional activity as reported by the applicant. However, only work experience obtained after the applicant's receipt of the qualifying degree will be considered, except as described in paragraph 1048.1(4)"f." Subprofessional work includes the time spent as an engineering technician, engineering assistant, inspector, or similar under the direct supervision of a licensed professional engineer. Professional work includes the time during which the applicant was occupied in engineering work of higher grade and responsibility than that defined above as subprofessional work. Time spent in teaching engineering subjects in a college or university at the level of assistant professor or higher may be listed as professional work.

f. *Special work experience.* Work experience prior to graduation from college may be accepted toward satisfaction of practical experience only as follows: Cooperative work programs and internships administered by engineering colleges and verified on the transcript, with a verifying reference from the internship supervisor, will be considered as half-time credit, with a maximum allowance of 6 months (12 months of cooperative work experience or internship) applicable toward the satisfaction of qualifying experience requirements. An applicant's advanced education, military experience, or both will be reviewed in order to determine if they are applicable toward the statutory requirements for experience.

g. *Advanced education.* An applicant who has earned a master of science degree that includes research experience, in addition to writing an associated thesis, from an institution in the United States of America with an accredited bachelor of science engineering degree program in the same discipline and who has fulfilled the requirements for a bachelor of science degree may be granted a maximum of one year's experience credit. An applicant who has earned a doctor of philosophy degree from an institution in the United States of America with an accredited bachelor of science engineering degree program in the same discipline may be granted a maximum of two years of experience credit in addition to the one-half year's credit for the master of science degree. An applicant using an advanced degree as experience credit may not also use the advanced degree as the qualifying degree to become licensed.

h. *Teaching experience.* Teaching of engineering subjects at the level of assistant professor or higher in an accredited engineering program may be considered as experience, provided the applicant's immediate supervisor is a licensed professional engineer in the jurisdiction in which the

college or university is located. If the applicant's immediate supervisor is not a licensed professional engineer, a program of mentoring or peer review by a licensed professional engineer acceptable to the board must be demonstrated. Applicants using teaching or research as experience must have a minimum of four years of acceptable experience in research, industry, or consulting. The board will consider the complexity of the project(s) presented, the degree of responsibility of the applicant within the project, and other factors the board deems relevant. Academic experience must demonstrate increasing levels of responsibility for the conduct and management of projects involving engineering research, development, or application. The board reserves the right to contact employers for information about the applicant's professional experience and competence.

i. Joint applications. Applicants requesting licensure both as a professional engineer and a land surveyor must submit a history of professional experience in both fields. Such histories will be considered separately on a case-by-case basis. The board does not grant full credit for concurrent experience in both professions.

j. Corporate exemption. The purpose of the provisions on qualifying experience that authorize the board to consider some experience that was not acquired under the direct supervision and tutelage of a licensed professional engineer is to provide a path toward licensure for those applicants who gain experience in settings where licensure is not required under the corporate exemption set forth in Iowa Code section 542B.26 or under similar statutory provisions in other jurisdictions. Such applicants may lawfully gain professional engineering experience under the supervision or tutelage of graduate engineers who are not licensed. To aid such applicants, the following guidelines are provided:

(1) The board will not consider any of the following experience:

1. Experience gained under circumstances where the applicant could not lawfully have practiced professional engineering.

2. Experience attained in compliance with the law but that was not under the supervision or tutelage of a graduate engineer. The fundamental purpose of qualifying experience is professionally guided training to expand and complement engineering education. Self-guided experience does not qualify.

(2) Unlicensed graduate engineers are not authorized to offer professional engineering services to the public or to be in responsible charge of such services, nor are they subject to the examinations required for licensure, the professional and ethical standards applicable to licensees, or the regulatory oversight of a licensing authority. Qualifying experience is intended to address both technical competence and the obligations to the public of a licensed professional engineer.

(3) Because the circumstances of individual applicants in corporate exemption settings are diverse, it is not possible to identify the minimum period of time during which the applicant must receive supervision or tutelage from one or more licensed professional engineers to be eligible for licensure. The board will evaluate both the quantity and quality of such experience. In general, an applicant's exposure to supervision or tutelage by one or more licensed professional engineers should reflect a sustained period of in-depth interaction from which the licensed engineers are in a position to form credible opinions on the applicant's qualifications to be in responsible charge of engineering services offered to the public as a licensed professional engineer.

(4) The burden is on the applicant to demonstrate to the board's satisfaction that the combination of unlicensed and licensed supervision and tutelage satisfies the requirements of qualifying experience described in this rule.

k. Practical experience. An applicant for a professional engineer license shall have a minimum of one year of practical experience in the United States of America or a territory under its jurisdiction.

1048.1(5) Education and experience requirements. The board will require the minimum number of years set forth on the following chart before an applicant will be eligible for licensure.

Experience Requirements	
If the education is:	Required years of experience
A four-year bachelor's degree in a nonaccredited engineering program	5

A four-year bachelor's degree in an accredited engineering program OR a qualifying master's degree pursuant to paragraph 1048.1(1) "c" OR a qualifying PhD pursuant to paragraph 1048.1(1) "d"	4
A four-year bachelor's degree in an accredited engineering program AND a qualifying master's degree pursuant to paragraph 1048.1(4) "g"	3
A four-year bachelor's degree in an accredited engineering program AND a qualifying PhD pursuant to paragraph 1048.1(4) "g"	2
A four-year bachelor's degree in an accredited engineering program AND a qualifying master's degree AND a qualifying PhD pursuant to paragraph 1048.1(4) "g"	1

1048.1(6) Required examinations. All examinations are uniform examinations prepared and graded by the NCEES. The board may negotiate an agreement with an examination service to administer the examinations to applicants approved by the board, in which case applicants shall pay examination fees directly to the service.

a. Fundamentals of Engineering examination. The Fundamentals of Engineering examination is a computer-based examination covering general engineering principles and other subjects commonly taught in accredited engineering programs.

b. Principles and Practice of Engineering examination. A separate examination is required for each branch in which licensure is granted. An applicant may obtain a Principles and Practice of Engineering Civil (Structural) branch license by passing either the Structural examination or the Principles and Practice of Engineering Structural examinations.

c. Conduct during the examination. Examinees will comply with the testing rules and regulations of the examination administrator.

[ARC 7667C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1048.2(542B) Requirements for licensure by comity. A person holding a certificate of licensure to engage in the practice of engineering issued by a proper authority of a jurisdiction or possession of the United States, the District of Columbia, or any foreign country, based on requirements that do not conflict with the provisions of Iowa Code section 542B.14 and who has met standards determined by the board to be substantially equivalent to those required of applicants for initial licensure in this state may, upon application, be licensed without further examination. Comity applicants are governed by the same standards as are required of applicants for initial licensure in Iowa.

1048.2(1) References. An applicant for licensure by comity shall submit references on forms provided by the board to verify satisfactory engineering experience, as provided in paragraph 1048.1(4) "a."

1048.2(2) Basis for evaluation of applications. Applications for licensure by comity will be evaluated on the following basis:

a. The applicant's record of education, references, practical experience, and successful completion of approved examinations will be reviewed to determine if it currently satisfies the substantive requirements of Iowa Code section 542B.14. In reviewing the education, references, and practical experience of comity applicants, the board will use the same criteria used by the board to determine the eligibility of a candidate for the Principles and Practice of Engineering examination; or

b. The applicant's licensure in a jurisdiction other than Iowa will be reviewed to determine if it was granted only after satisfaction of requirements substantially equivalent to those that are required of applicants for initial licensure in Iowa under Iowa Code section 542B.14. When determining whether the licensing standards satisfied by a comity applicant are substantially equivalent to those

required in Iowa, the board considers each of the four licensing prerequisites in Iowa Code section 542B.14(1) individually. The licensing standards are satisfied by the comity applicant if the standards are equal or superior to those required in Iowa for education, fundamentals examination, experience, and professional examination. Unless expressly stated in this chapter, the board will not consider an applicant's superior satisfaction of one licensing prerequisite, such as a higher level of education than is required in Iowa, as resolving an applicant's lack of compliance with another prerequisite, such as professional examination.

1048.2(3) Comity application process.

a. An applicant for licensure by comity from a jurisdiction other than Iowa meets or exceeds the education requirements set forth in Iowa Code section 542B.14 and subrule 1048.1(1).

b. An applicant successfully completes the Fundamentals of Engineering examination. An applicant who graduated from a satisfactory engineering program and who has ten years or more of work experience satisfactory to the board is not required to take the Fundamentals of Engineering examination.

c. The applicant successfully completes the Principles and Practice of Engineering examination.

d. The applicant has satisfactory practical experience under paragraph 1048.1(3)“a.”

e. While the board will consider evidence presented by a comity applicant on non-NCEES examinations successfully completed in a foreign country, the non-NCEES examination will be compared with the appropriate NCEES examination. A non-NCEES professional examination, for instance, must be designed to determine whether a candidate is minimally competent to practice professional engineering in a specific branch of engineering, such as civil, structural, electrical, or mechanical engineering. The examination must be written, objectively graded, verifiable, and developed and validated in accordance with the testing standards of the American Psychological Association or equivalent testing standards. Free-form essays and oral interviews are not equal or superior to NCEES examinations.

1048.2(4) Education and experience requirements.

a. For applicants who were originally licensed in a jurisdiction other than Iowa prior to July 1, 1988, the board will employ the following chart to determine if the applicant's licensure was granted after satisfaction of requirements substantially equivalent to those that were required by Iowa Code section 542B.14 at the time of the applicant's original licensure. Column 1 indicates the years of practical experience that were required prior to the Fundamentals of Engineering examination in addition to the completion of the required educational level. To determine the total years of practical experience that were required prior to taking the Principles and Practice of Engineering examination, column 2 is added to column 1.

EXPERIENCE REQUIREMENTS FOR COMITY APPLICANTS Who were licensed prior to July 1, 1988		
If the applicant's educational level was:	The applicant has had the following additional years of experience prior to taking the Fundamentals of Engineering examination:	The applicant has had the following years of experience after receipt of the qualifying degree and prior to taking the Principles and Practice of Engineering examination:
No post-high school education	8	4
Postsecondary study in mathematics or physical sciences		
One year	7	4
Two years	6	4
Three years	5	4
Four years	3	4
Four-year BS degree in mathematics or physical sciences plus master's degree in engineering	0	4

EXPERIENCE REQUIREMENTS FOR COMITY APPLICANTS Who were licensed prior to July 1, 1988		
If the applicant's educational level was:	The applicant has had the following additional years of experience prior to taking the Fundamentals of Engineering examination:	The applicant has had the following years of experience after receipt of the qualifying degree and prior to taking the Principles and Practice of Engineering examination:
Postsecondary study in engineering technology programs and architecture		
One year	7	4
Two years	5.5	4
Three years	4	4
Four-year degree in a nonaccredited engineering technology program or BA in architecture	2.5	4
Four-year degree in an accredited engineering technology program	2	4
Bachelor of architecture, four years or more	2	4
Four-year degree in engineering technology or architecture plus master's degree in engineering	0	4
Postsecondary study in a nonaccredited engineering program		
One year	7	4
Two years	5	4
Three years	3	4
Four-year BS degree	1	4
Four-year degree in a nonaccredited engineering program plus master's degree in engineering	0	4
Postsecondary study in an accredited engineering program		
Two years	6	4
Three years	3	4
Four-year degree in an accredited engineering program	0	4

b. For applicants who were originally licensed in another jurisdiction and who meet the requirements of Iowa Code section 542B.14(1)“a”(1)(c), the board will employ the following chart to determine if the applicant's licensure was granted after satisfaction of requirements substantially equivalent to those that were required by Iowa Code section 542B.14 at the time of the applicant's original licensure. Column 1 indicates the years of practical experience that were required prior to the Fundamentals of Engineering examination in addition to the completion of the required educational level. To determine the total years of practical experience that were required prior to taking the Principles and Practice of Engineering examination, column 2 is added to column 1.

EXPERIENCE REQUIREMENTS FOR COMITY APPLICANTS Who meet the requirements of Iowa Code section 542B.14(1)“a”(1)(c)		
If the applicant's educational level was:	The applicant has had the following additional years of experience prior to taking the Fundamentals of Engineering examination:	The applicant has had the following years of experience after receipt of the qualifying degree and prior to taking the Principles and Practice of Engineering examination:
College or junior college (mathematics or physical sciences)		
Two years	6	4
Three years	5	4

EXPERIENCE REQUIREMENTS FOR COMITY APPLICANTS Who meet the requirements of Iowa Code section 542B.14(1)“a”(1)(c)		
If the applicant’s educational level was:	The applicant has had the following additional years of experience prior to taking the Fundamentals of Engineering examination:	The applicant has had the following years of experience after receipt of the qualifying degree and prior to taking the Principles and Practice of Engineering examination:
Four-year BS degree	3	4
Four-year BS degree plus master’s degree in engineering	0	4
All engineering technology programs and architecture		
Two years	6	4
Three years	5	4
Four-year degree, nonaccredited technology or BA in architecture	3	4
Four-year degree, accredited technology	2	4
Four-year degree or more, bachelor of architecture	2	4
Four-year BS degree, technology or architecture plus master’s degree in engineering	0	4
Engineering program, nonaccredited		
Two years	6	4
Three years	3	4
Four-year BS degree	1	4
Four-year BS degree plus master’s degree in engineering	0	4
Engineering program, accredited		
Two years	6	4
Three years	3	4
Four-year BS degree	0	4

c. For all other applicants who were originally licensed in a jurisdiction other than Iowa on or after July 1, 1988, the board will employ the chart found at subrule 1048.1(5) to determine if the applicant’s licensure was granted after satisfaction of requirements substantially equivalent to those that are required by Iowa Code section 542B.14.

d. For purposes of this subrule, an applicant’s master’s degree in engineering is to be from an institution in the United States of America with an accredited bachelor’s degree in the same curriculum, and the master’s degree candidate is required to fulfill the requirements for the bachelor’s degree in the same area of specialization.

[ARC 7667C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1048.3(542B) Requirements for a licensee requesting additional examination. A person holding an active certificate of licensure to engage in the practice of engineering issued by the state of Iowa may, upon written request and payment of the application and examination fees, take additional examinations in other branches of engineering without submitting a formal application to the board as described for initial or comity licensure.

[ARC 7667C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code sections 542B.2, 542B.13, 542B.14, 542B.15, 542B.17 and 542B.20.

[Filed 10/24/01, Notice 8/8/01—published 11/14/01, effective 1/1/02]

[Filed 9/12/02, Notice 6/12/02—published 10/2/02, effective 11/6/02]

[Filed 11/21/02, Notice 10/2/02—published 12/11/02, effective 1/15/03]

[Filed 4/22/04, Notice 2/4/04—published 5/12/04, effective 6/16/04]

[Filed 9/22/05, Notice 6/8/05—published 10/12/05, effective 11/16/05]

[Filed 11/29/06, Notice 8/16/06—published 12/20/06, effective 1/24/07]

[Filed 11/29/07, Notice 8/15/07—published 12/19/07, effective 1/23/08]

[Filed 4/25/08, Notice 12/19/07—published 5/21/08, effective 6/25/08]

[Filed ARC 7753B (Notice ARC 7434B, IAB 12/17/08), IAB 5/6/09, effective 6/10/09]

[Filed ARC 9285B (Notice ARC 9021B, IAB 8/25/10), IAB 12/15/10, effective 1/19/11]

[Filed ARC 9286B (Notice ARC 9022B, IAB 8/25/10), IAB 12/15/10, effective 1/19/11]

[Filed ARC 9288B (Notice ARC 9024B, IAB 8/25/10), IAB 12/15/10, effective 1/19/11]

[Filed ARC 9287B (Notice ARC 9023B, IAB 8/25/10), IAB 12/15/10, effective 1/19/11]

[Filed ARC 0362C (Notice ARC 0156C, IAB 6/13/12), IAB 10/3/12, effective 11/7/12]

[Filed ARC 0684C (Notice ARC 0530C, IAB 12/12/12), IAB 4/17/13, effective 5/22/13]

[Filed ARC 0779C (Notice ARC 0603C, IAB 2/20/13), IAB 6/12/13, effective 7/17/13]

[Filed ARC 1349C (Notice ARC 1254C, IAB 12/25/13), IAB 2/19/14, effective 3/26/14]

[Filed ARC 2388C (Notice ARC 2219C, IAB 10/28/15), IAB 2/3/16, effective 3/9/16]

[Filed ARC 4206C (Notice ARC 3946C, IAB 8/15/18), IAB 1/2/19, effective 2/6/19]

[Filed ARC 5953C (Notice ARC 5819C, IAB 8/11/21), IAB 10/6/21, effective 11/10/21]

[Filed ARC 7667C (Notice ARC 7407C, IAB 1/10/24), IAB 3/6/24, effective 4/10/24]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1049 LAND SURVEYING LICENSURE

[Prior to 11/14/01, see 193C—1.4(542B)]

[Prior to 6/24/26, see Engineering and Land Surveying Examining Board[193C] Ch 5]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/10/29

481—1049.1(542B) Requirements for licensure by examination. The specific requirements for initial licensing in Iowa are established in Iowa Code section 542B.14, and it is the board's intention to issue initial licensure only when those requirements are satisfied chronologically as set forth in the statute.

1049.1(1) The applicant for initial licensure in Iowa must satisfy the education plus experience requirements stated in Iowa Code section 542B.14 "b"(1). The chart in subrule 1049.1(8) details education-based experience requirements. If the applicant's degree is not in surveying, surveying technology, engineering, or engineering technology, the applicant must have taken a minimum of nine credit hours in mathematics, of which at least one course must include trigonometry in its coursework, and may include college algebra, trigonometry, analytic geometry, differential and integral calculus, linear algebra, numerical analysis, probability and statistics, and advanced calculus; and a minimum of nine credit hours in basic sciences, which must cover one or more of the following topics: general chemistry, advanced chemistry, biology, geology, ecology, meteorology, astronomy, forestry, general physics, advanced physics, or land surveying, for the applicant's degree to be a qualifying degree.

a. Internet or online degrees will only be considered as qualifying degrees if the institution issuing the degree is accredited by a recognized accreditation board or the degree is evaluated as substantially equivalent to that of an accredited program by the National Council of Examiners for Engineering and Surveying (NCEES). The board may accept evaluations from other recognized foreign credential evaluators satisfactory to the board. Initiating the evaluation and the expense of the evaluation are the responsibilities of the applicant. Each evaluation shall be sent directly to the board from the evaluation service and shall include a copy of the transcript in the form sent to the evaluation service directly from the educational institution.

b. Internet or online degrees will only be considered as qualifying degrees if the institution issuing the degree is accredited by a recognized accreditation board.

1049.1(2) The applicant must successfully complete the Fundamentals of Land Surveying examination. The applicant may take the Fundamentals of Land Surveying examination any time after the education and experience requirements described above are completed.

1049.1(3) The applicant must successfully complete the Principles and Practice of Land Surveying examination. An applicant may take the Principles and Practice of Land Surveying examination after passing the Fundamentals of Land Surveying examination.

1049.1(4) The applicant satisfies the qualifying experience requirements set forth in this chapter.

1049.1(5) The applicant must successfully complete the Iowa-specific land surveying examination administered by the board.

1049.1(6) Work project description. A complete application includes a statement of approximately 200 words describing a significant project on which the applicant worked closely during the last 12 months. The statement describes the applicant's degree of responsibility for the project and identifies the project's owner and its location. The statement is signed and dated. The criteria the board uses in evaluating the acceptability of the project as qualifying experience for the applicant includes, but is not limited to, the following:

- a.* The degree to which the project and the experience described has progressed from assignments typical of initial assignments to those more nearly expected of a licensed professional;
- b.* The scope and quality of the professional tutelage experienced by the applicant;
- c.* The technical decisions required of the applicant in the project; and
- d.* The professional decisions required of the applicant.

The board reserves the right to contact the employer and the person providing tutelage on the project for information about the project experience presented to the applicant.

1049.1(7) References.

a. An applicant for the Principles and Practice of Land Surveying examination will submit a minimum of three references, on forms provided by the board, in accordance with the following:

(1) The references will be from licensed professional land surveyors.

(2) If the applicant has had more than one supervisor, at least two of the references are from a supervisor of the applicant.

(3) If an applicant has had professional experience under more than one employer, the applicant provides references from individuals with knowledge of the work performed under a minimum of two employers.

(4) The board reserves the right to contact employers for information about the applicant's professional experience and competence or to request additional references.

b. An applicant for the Fundamentals of Land Surveying examination will provide three references on forms provided by the board.

1049.1(8) Education and experience requirements. The board requires the minimum number of years set forth on the following chart before an applicant may take either the Fundamentals of Land Surveying or the Principles and Practice of Land Surveying examination. To determine the total years to become licensed as a land surveyor in Iowa, column 2 is added to column 1.

EXPERIENCE REQUIREMENTS		
If the applicant's educational level was:	The applicant must have the following years of experience prior to taking the Fundamentals of Land Surveying examination and the Principles and Practice examination:	The applicant must have the following additional years of experience before the board will issue a license in land surveying:*
A college program with fewer than nine credit hours of surveying [subrule 5.1(1)]		
Two-year degree	4	4
Four-year degree	2	4
Graduate degree	1	4
A college program with nine or more credit hours of surveying		
Two-year degree	0	4
Four-year degree	0	4
Graduate degree	0	4

*This allows applicants to take the Principles and Practice of Land Surveying examination and Iowa State Specific Land Surveying examination during this time period.

1049.1(9) Practical experience requirements. Practical land surveying experience, of which a minimum of one-half shall be field experience, is required prior to licensing. All practical experience must occur after high school graduation and be under the tutelage of a professional land surveyor.

a. Quality. Experience will demonstrate that the applicant has developed technical skill and initiative in the correct application of surveying principles. For the purposes of this chapter, one year of experience shall consist of 1,872 hours of full- or part-time employment, as attested to by the applicant's references. An applicant may use a maximum of 1,872 hours in any one 12-month period to satisfy the experience requirements. Full-time students, as defined by the student's school, may not, simultaneously, be considered full-time employees for the purposes of this chapter.

b. Scope. Experience will be of sufficient breadth and scope to ensure that the applicant has attained reasonably well-rounded professional competence in land surveying. For purposes of this rule, field experience is considered of sufficient breadth and scope if the applicant conducts research for boundary surveys, conducts boundary monument recovery field work, gathers field information necessary for boundary line recovery, analyzes all collected boundary recovery field data, establishes

land surveying monuments in the field, prepares land surveying documents, as defined in this chapter, and writes property descriptions.

c. Progression. The record of experience will indicate successive and continued progress from initial work of simpler character to recent work of greater complexity and higher degree of responsibility.

d. Advanced education and military experience. An applicant's advanced education, military experience, or both will be reviewed to determine if they are applicable toward the statutory requirements for experience.

e. Joint applications. Applicants requesting licensure both as professional engineers and professional land surveyors must submit a history of professional experience in both fields. Such histories will be considered separately on a case-by-case basis. The board does not grant full credit for concurrent experience in both professions.

1049.1(10) Examinations. The board prepares and grades the Iowa State Specific Land Surveying examination administered to professional land surveyor candidates. All other examinations are uniform examinations prepared and graded by the NCEES. The board may negotiate an agreement with an examination service to administer the examinations to applicants approved by the board, in which case applicants pay examination fees directly to the service.

An applicant who has failed two consecutive examinations of the state-specific portion of the professional land surveying examination is not allowed to retake the state-specific portion for one year.

a. Materials permitted in examination room. For security reasons, applicants shall comply with requirements regarding materials permitted in the examination room as issued by the NCEES and provided to candidates prior to the examination.

b. Release of examination results. Results of any examination are only reported as pass or fail, except that the candidate who fails an examination may be provided with the candidate's converted score and a diagnostic report indicating areas of weakness, as available.

[ARC 7668C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1049.2(542B) Requirements for licensure by comity. A person holding a certificate of licensure to engage in the practice of land surveying issued by a proper authority of a jurisdiction or possession of the United States, the District of Columbia, or any foreign country, based on requirements that do not conflict with the provisions of Iowa Code section 542B.14 and of a standard not lower than that specified in the applicable licensure Act, may, upon application and successful completion of the Iowa State Specific Land Surveying examination, be licensed without further examination. Comity applicants are governed by the same standards as are required of Iowa applicants.

1049.2(1) References. An applicant for licensure by comity shall submit one or more professional land surveyor references on forms provided by the board to verify the number of years of satisfactory experience required with the applicant's level of education. The board reserves the right to contact employers for information about the applicant's professional experience and competence.

1049.2(2) Comity application process.

a. The applicant will provide proof of active land surveying licensure in another jurisdiction and be in good standing with that jurisdiction's licensing authority.

b. The applicant for licensure by comity from a jurisdiction other than Iowa will satisfy the education and experience requirements as set forth in Iowa Code section 542B.14 and rule 481—1049.1(542B) for licensure by examination.

c. The applicant needs to successfully complete the Fundamentals of Land Surveying examination.

d. The applicant needs to successfully complete the Principles and Practice of Land Surveying examination.

While the board will consider evidence presented by a comity applicant on non-NCEES examinations successfully completed in a foreign country, the non-NCEES examination will be compared with the appropriate NCEES examination. A non-NCEES professional examination, for instance, must be designed to determine whether a candidate is minimally competent to practice professional land surveying. The examination must be written, objectively graded, verifiable, and developed and validated in accordance with the testing standards of the American Psychological Association or equivalent testing standards. Free-form essays and oral interviews are not equal or superior to NCEES examinations for reasons including the subjective nature of such procedures, lack of verifiable grading standards, and heightened risk of inconsistent treatment.

e. The applicant must successfully complete an Iowa State Specific Land Surveying examination administered by the board.

1049.2(3) *Substantial equivalency.* Pursuant to Iowa Code section 546.10(8), the board may grant a comity application for licensure as a professional land surveyor if the board concludes that the applicant has met or exceeded all requirements for licensure applicable to initial applicants in Iowa, other than the sequence in which experience must be attained.

[ARC 7668C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1049.3(542B,272C) Licensure by verification. In addition to the requirements of rule 481—501.4(272C), professional land surveying candidates applying for an Iowa license by verification must pass the Iowa State Specific Land Surveying examination prior to being issued a license. The board will issue a temporary license that is valid for a period of three months to professional land surveying candidates who have not yet passed the Iowa State Specific Land Surveying examination prior to their application. The professional land surveying candidate may request one renewal of the temporary license for an additional period of three months.

This rule is intended to implement Iowa Code section 272C.12.

[ARC 7668C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code sections 542B.2, 542B.13, 542B.14, 542B.15 and 542B.20.

[Filed 10/24/01, Notice 8/8/01—published 11/14/01, effective 1/1/02]

[Filed 4/22/04, Notice 2/4/04—published 5/12/04, effective 6/16/04]

[Filed 7/25/07, Notice 6/6/07—published 8/15/07, effective 9/19/07]

[Filed 11/29/07, Notice 8/15/07—published 12/19/07, effective 1/23/08]

[Filed ARC 9805B (Notice ARC 9567B, IAB 6/29/11), IAB 10/19/11, effective 11/23/11]

[Filed ARC 0362C (Notice ARC 0156C, IAB 6/13/12), IAB 10/3/12, effective 11/7/12]

[Filed ARC 0363C (Notice ARC 0159C, IAB 6/13/12), IAB 10/3/12, effective 11/7/12]

[Filed ARC 0684C (Notice ARC 0530C, IAB 12/12/12), IAB 4/17/13, effective 5/22/13]

[Filed ARC 4206C (Notice ARC 3946C, IAB 8/15/18), IAB 1/2/19, effective 2/6/19]

[Filed ARC 5564C (Notice ARC 5356C, IAB 12/30/20), IAB 4/21/21, effective 5/26/21]

[Filed ARC 7668C (Notice ARC 7408C, IAB 1/10/24), IAB 3/6/24, effective 4/10/24]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1050
SEAL AND CERTIFICATE OF RESPONSIBILITY

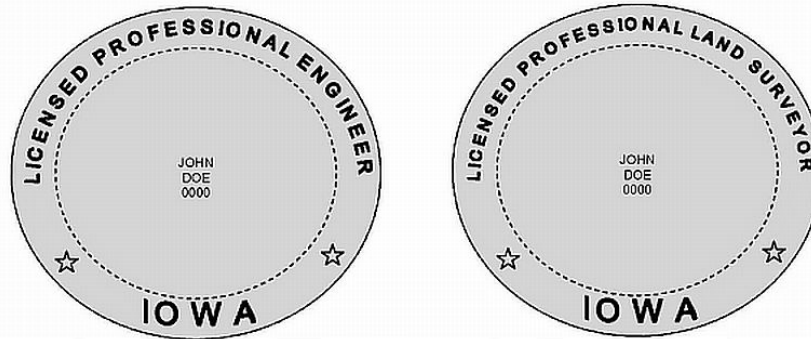
[Prior to 11/14/01, see 193C—1.30(542B)]

[Prior to 6/24/26, see Engineering and Land Surveying Examining Board[193C] Ch 6]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/10/29

481—1050.1(542B) Seal and certificate of responsibility.

1050.1(1) The seal, under Iowa Code section 542B.16, should substantially conform to the samples shown below:



1050.1(2) The word “licensed” may be added but is not required on the seal. Neither the word “registrant” nor “registered” may be used on the seal.

1050.1(3) The certification block, under Iowa Code section 542B.16(2), on engineering or land surveying documents submitted to a client or any public agency, hereinafter referred to as the official copy (or official copies), appears on the first page or attached cover sheet. A certification block should be provided for the licensee in responsible charge and for each professional consultant contributing to the submission. In lieu of each contributing professional consultant providing a certification block on the front page or attached cover sheet for application of a seal, a table shall be provided that identifies the contributing professionals and where their respective certification blocks can be found within the document. The seal and original signature only need to be applied to a final submission. Each official copy (or official copies) of a submission shall be stapled, bound or otherwise attached together so as to clearly establish the complete extent of the submission. Each certification block shall display the seal of the licensee and designate the portion of the submission for which that licensee is responsible, so that responsibility for the entire submission is clearly established by the combination of the stated seal responsibilities. Any nonfinal submission of an engineering or land surveying document to a client or public agency shall be clearly labeled “preliminary” or “draft.”

The engineering certification block shall conform to the wording in the sample shown below:

SEAL	I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.	
	(signature)	(date)
	Printed or typed name	
	License number _____	
	My license renewal date is December 31, _____.	
	Pages or sheets covered by this seal: _____ _____ _____	

The land surveying certification block shall conform to the wording in the sample shown below. For maps or acquisition plats prepared from public records or previous measurements by others, the following land surveying certification block may be modified by removing the phrase “and the related survey work was performed.”

SEAL	I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.	
	(signature)	(date)
	Printed or typed name	
	License number _____	
	My license renewal date is December 31, _____.	
	Pages or sheets covered by this seal: _____ _____ _____	

1050.1(4) Except for the original signature and handwritten date in contrasting ink color, the information requested in each certification block must be typed or legibly printed in permanent ink on each official copy. The seal implies responsibility for the entire submission unless the area of responsibility is clearly identified in the information accompanying the seal.

1050.1(5) It is the responsibility of the licensee to forward copies of all revisions to the submission, which then become a part of the official copy of the submission. Such revisions shall be identified as applicable on a certification block or blocks with professional seals applied so as to clearly establish professional responsibility for the revisions.

1050.1(6) The licensee is responsible for the custody and proper use of the seal. Improper use of the seal is grounds for disciplinary action.

1050.1(7) Computer-generated seals may be used on final original documents.

1050.1(8) Secure electronic signature. An electronic signature as defined in or governed by Iowa Code chapter 554D meets the signature requirements of this rule if it is protected by a security procedure, as defined in Iowa Code section 554D.103(14), such as digital signature technology. It is the licensee’s responsibility to ensure, prior to affixing an electronic signature to an engineering or land surveying document, that security procedures are adequate to (1) verify the signature is that of a specific person and (2) detect any changes that may be made or attempted after the signature of the specific person is affixed.

This rule is intended to implement Iowa Code sections 542B.13, 542B.15, 542B.20 and 542B.30.

[**ARC 7669C**, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

[Filed 10/24/01, Notice 8/8/01—published 11/14/01, effective 1/1/02]

[Filed 11/21/02, Notice 10/2/02—published 12/11/02, effective 1/15/03]

[Filed 8/12/05, Notice 2/16/05—published 8/31/05, effective 10/5/05]

[Filed 7/25/07, Notice 6/6/07—published 8/15/07, effective 9/19/07]

[Filed 2/20/08, Notice 10/24/07—published 3/12/08, effective 4/16/08]

[Filed ARC 0362C (Notice ARC 0156C, IAB 6/13/12), IAB 10/3/12, effective 11/7/12]

[Filed ARC 7669C (Notice ARC 7409C, IAB 1/10/24), IAB 3/6/24, effective 4/10/24]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1051
PROFESSIONAL DEVELOPMENT

[Prior to 11/14/01, see 193C—Chapter 3]
[Prior to 6/24/26, see Engineering and Land Surveying Examining Board[193C] Ch 7]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/10/29

481—1051.1(542B,272C) General statement. Completion of continuing education for professional development is a condition of licensure renewal for each licensee.

[ARC 7670C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1051.2(542B,272C) Definitions. As used in these rules, the following definitions apply:

“*College or unit semester or quarter hour*” means the unit of credit given for advanced technical and graduate courses from universities with programs accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. or other related college course qualified in accordance with this chapter.

“*Continuing education*” means education obtained by a licensee in order to maintain, improve, or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge.

“*Continuing education unit (CEU)*” means the unit of credit customarily granted for continuing education courses. One continuing education unit is given for ten hours of class in an approved continuing education course.

“*Course or activity*” means any qualifying course or activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee’s field of practice.

“*Independent study*” means any course or activity in which there is no real-time interaction between the training provider and the licensee, such as courses offered on the Internet.

“*Professional development hour*” or “*PDH*” means a contact hour of instruction or presentation and is the common denominator for other units of credit.

[ARC 7670C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1051.3(542B,272C) Professional development hours.

1051.3(1) Allowable activities. Licensees may earn professional development hours by participating in a variety of activities. The following is a list of allowable activities and is not all-inclusive:

- a. Successful completion of college courses;
- b. Successful completion of continuing education courses;
- c. Successful completion of correspondence, televised, videotaped, and other short courses or tutorials;
- d. Successful completion of courses online via the Internet;
- e. Active participation in seminars, in-house courses, workshops, technical committees of professional engineering organizations, and professional conventions;
- f. Teaching or instructing in the activities set forth above if such teaching or instruction is outside of the licensee’s regular employment duties and if the licensee can document that such teaching activity or instruction was newly developed and presented for the first time;
- g. Authoring published papers, articles or books;
- h. Obtaining patents;
- i. Attendance at online video courses;
- j. Participation on an NCEES examination development committee;
- k. Attendance at engineering college graduate research seminars.

All of the allowable activities listed above must adhere to this chapter to be accepted by the board.

1051.3(2) PDH conversion. The following chart illustrates the conversion from other units to PDH:

ACTIVITY	PDH
1 College or unit semester hour. Credit for qualifying college or community college courses will be based upon course credit established by the college.	45 PDH per semester hour
1 College or unit quarter hour. Credit for qualifying college or community college courses will be based upon course credit established by the college.	30 PDH per quarter hour
1 Continuing education unit as defined in rule 481—1051.2(542B,272C).	10 PDH
1 Contact hour attendance in a class, course, seminar, or professional or technical presentation made at a meeting, in-house training session, convention or conference. Credit for qualifying seminars and workshops will be based on 1 PDH unit for each hour of attendance. Attendance at qualifying programs presented at professional or technical society meetings will earn PDH units for the actual time of each program, excluding time for breaks and meals.	1 PDH per hour
1 Contact hour teaching a class, course, seminar, or a professional or technical presentation. a. Teaching credit is valid for teaching a course or seminar for the first time only. b. Teaching credit does not apply to full-time faculty. c. Teaching credit is limited to 10 PDH per biennial renewal period.	2 PDH per hour
Each published paper, article, or book. Credit for published material is earned in the biennium of publication.	10 PDH per publication
Active participation in a professional or technical society. Credit for active participation in professional and technical societies is limited to 2 PDH per renewal period per organization and requires that a licensee serve as an officer or actively participate in a committee of the organization. PDH credits are earned for a minimum of one year's service.	2 PDH per organization per renewal period
Each patent. Credit for patents is earned in the biennium the patent is issued.	10 PDH per patent
Participation on an NCEES examination development committee or Iowa State Specific Land Surveying examination development committee, including the writing and grading of examination questions, writing reference materials for examinations, and evaluating past examination question performance. Licensees may claim a maximum of 30 PDH per biennial renewal period for participation in this activity.	2 PDH per hour of committee participation

1051.3(3) Determination of credit. The board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit. No preapproval of offerings will be issued. The board may deny any renewal or reinstatement upon a determination of insufficient or unsatisfactory continuing education.

[ARC 7670C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1051.4(542B,272C) Professional development guidelines. Continuing education activities that satisfy the professional development criteria are those that relate to engineering or land surveying practice or management. It is recognized that an engineer's specialized skills must have as their foundation a fundamental knowledge of chemistry, physics, mathematics, graphics, computations, communication, and humanities and social sciences. However, continuing education in the fundamentals alone will not be sufficient to maintain, improve, or expand engineering skills and knowledge. For that reason, licensees will be limited in their use of fundamental courses in proportion to ABET criteria for accreditation of engineering curricula. Continuing education activities are classified as:

1051.4(1) Group 1 activities. Group 1 activities are intended to maintain, improve, or expand skills and knowledge obtained prior to initial licensure. The following chart illustrates the maximum PDH allowable per renewal period for Group 1 activities:

Type of course/activity	Number of PDH allowed per renewal period
Mathematics and basic sciences Math beyond Trigonometry Basic sciences: Chemistry, Physics, Life sciences, Earth sciences	10 PDH
Engineering sciences Mechanics, Thermodynamics, Electrical and electrical circuits, Materials science, *Computer science *Courses in computer science will generally be considered a part of the Engineering Sciences category in the ABET criterion and, therefore, limited to a maximum of 10 PDH per renewal period.	10 PDH
Humanities and social sciences Philosophy, Religion, History, Literature, Fine arts, Sociology, Psychology, Political science, Anthropology, Economics, Foreign languages, Professional ethics, Social responsibility	5 PDH
Engineering-related courses Accounting, Industrial management, Finance, Personnel administration, Engineering economy, English, Speech, *Computer applications *The computer is considered a tool available to engineers and land surveyors. Courses related to computer drafting and general computer applications are generally not applicable to either Group 1 or Group 2 activities. Computer courses that relate to engineering or land surveying design applications, such as structural design/analysis software, are considered acceptable.	10 PDH

1051.4(2) Group 2 activities. Group 2 activities are intended to develop new and relevant skills and knowledge. Credit for participation in activities in the group is unlimited, subject to maximum carryover. Typical areas include postgraduate level engineering science or design, new technology, environmental regulation and courses in management of engineering or land surveying activity (regular work duties do not qualify).

1051.4(3) Independent study. To be readily acceptable by the board, independent study as defined in rule 481—1051.2(542B,272C) meets all of the following criteria:

- a. A written evaluation process is completed by the independent study provider; and
- b. A certificate of satisfactory completion is issued by the provider; and
- c. An evaluation assessment is issued to the licensee by the provider; and
- d. Documentation supporting such independent studies is maintained by the licensee and provided to the board as required by subrule 1051.8(2).

A maximum of ten professional development hours of independent study activity will be allowed per biennium per licensee.

1051.4(4) Exclusions. Types of continuing education activities that will be excluded from allowable continuing education are those in which it is not evident that the activity relates directly to the licensee's practice of professional engineering or land surveying or the management of the business concerns of the licensee's practice, or that do not comply with the board's administrative rules. Examples of activities that do not qualify as continuing education include the following:

- a. Regular employment;
- b. Toastmasters club meetings;
- c. Service club meetings or activities;
- d. Personal estate planning;
- e. Banquet speeches unrelated to engineering;
- f. Professional society business meeting portions of technical seminars;
- g. Financial planning/investment seminars;
- h. Foreign travel not related to engineering study abroad;
- i. Personal self-improvement courses;
- j. Real estate licensing courses;
- k. Stress management;
- l. Trade shows;

- m.* Peer review;
- n.* Accreditation review;
- o.* Independent study or self-study that does not meet the requirements of subrule 1051.4(3);
- p.* Basic CAD and fundamental computer application courses;
- q.* Undergraduate engineering seminars.

[ARC 7670C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1051.5(542B,272C) Biennial requirement. The biennial requirement may only be satisfied during the biennium prior to licensure renewal except for the carryover permitted.

1051.5(1) Completion of 30 professional development hours, including at least 2 professional development hours in the area of professional ethics, satisfies the continuing education necessary for biennial licensure renewal in engineering or land surveying. Completion of 40 professional development hours, including 20 professional development hours in engineering and 20 professional development hours in land surveying and at least 4 professional development hours in the area of professional ethics, satisfies the continuing education necessary for biennial licensure renewal for individuals actively licensed in both engineering and land surveying. Up to 15 professional development hours may be carried forward only into the next biennium. For individuals actively licensed in both engineering and land surveying, up to 10 professional development hours for each profession may be carried forward only into the next biennium.

1051.5(2) Inactive licensees are exempt from the continuing education requirements.

1051.5(3) A licensee who is active in one profession and inactive in another is obligated to meet the continuing education requirements for licensure in the profession in which active licensure is maintained.

1051.5(4) A new licensee is obligated to satisfy one-half of the biennial continuing education requirement at the first renewal following initial licensure. Professional engineers and professional land surveyors licensed by comity are not new licensees and are not eligible for the one-half continuing education requirement.

[ARC 7670C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1051.6(542B,272C) Exemptions.

1051.6(1) The continuing education requirements may be reduced in proportion to the following:

- a.* Periods of time that the licensee serves honorably on active duty in the military services;
- b.* Periods of time that the licensee is licensed in and a resident of another state or district having continuing education requirements for professional engineering or land surveying and meets all requirements of that state or district for practice therein;
- c.* Periods of time that the licensee is a government employee working as a professional engineer or professional land surveyor and assigned to duty outside the United States; or
- d.* Documented periods of the licensee's active practice and absence from the United States that are approved by the board.

1051.6(2) No exemption will be granted without a written request from the licensee with documentation of the period of absence.

[ARC 7670C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1051.7(542B,272C) Hardships or extenuating circumstances. Upon a written request to the board, the board may, in individual cases involving hardship or extenuating circumstances, grant waivers of the continuing education requirements for a period of time not to exceed one year.

[ARC 7670C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1051.8(542B,272C) Reports, records, and compliance review. At the time of application for license renewal, each licensee reports, on a form provided by the board, the number of professional development hours achieved during the preceding biennium.

1051.8(1) *Recordkeeping.* Maintaining records to be used to support professional development hours claimed is the responsibility of the licensee. It is recommended that each licensee keep a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits earned. The licensee is obligated to maintain documentation of reported PDHs for two years after the period for which the form was submitted.

1051.8(2) *Compliance review.* The board may select licensees for review of compliance with continuing education on a random basis or upon receiving information regarding noncompliance and will review compliance with continuing education for reinstatement of lapsed or inactive licenses. Each licensed board member is audited for PDH compliance for a biennium that is within each member's respective three-year appointment term. For each PDH claimed, licensees chosen for compliance review will furnish:

- a. Proof of attendance. Attendance verification records in the form of completion certificates, or other documents supporting evidence of attendance;
- b. Verification of the hours claimed; and
- c. Information about the course content.

1051.8(3) *Compliance review sanctions.* Any discrepancy between the number of PDHs reported and the number of PDHs actually supported by documentation may result in a disciplinary review. If, after the disciplinary review, the board disallows any PDH, or the licensee has failed to complete the required PDHs, the licensee has 60 days from board notice to either provide further evidence of having completed the PDHs disallowed or remedy the discrepancy by completing the required number of PDHs (provided that such PDHs are not used again for the next renewal). Extension of time may be granted on an individual basis if requested by the licensee within 30 days of notification by the board. If the licensee fails to comply with the requirements of this subrule, the licensee may be subject to disciplinary action. If the board finds, after proper notice and hearing, that the licensee willfully disregarded these requirements or falsified documentation of required PDHs, the licensee may be subject to disciplinary action as further identified in 481—paragraphs 1053.3(1)“c” and 1053.3(3)“e.”

1051.8(4) *Out-of-state residents.* A person licensed to practice engineering or land surveying or both in Iowa shall be deemed to have complied with the continuing education requirement of this state during the periods that the person is a resident of another state or district that has a continuing education requirement for engineers or land surveyors and the individual meets all requirements of that state or district for practice therein. However, if selected for compliance review, such individuals must provide documentation as specified in subrule 1051.8(2).

[ARC 7670C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code sections 272C.2, 272C.3, 542B.6, and 542B.18.

[Filed 12/8/78, Notice 10/4/78—published 12/27/78, effective 1/31/79]

[Filed 9/25/81, Notice 7/22/81—published 10/14/81, effective 11/18/81]

[Filed 9/9/83, Notice 8/3/83—published 9/28/83, effective 11/2/83]

[Filed 5/13/88, Notice 3/9/88—published 6/1/88, effective 7/6/88]

[Filed 9/24/93, Notice 8/18/93—published 10/13/93, effective 11/17/93]

[Filed 10/5/95, Notice 8/16/95—published 10/25/95, effective 11/29/95]

[Filed 3/6/97, Notice 11/20/96—published 3/26/97, effective 4/30/97]

[Filed 9/5/97, Notice 6/18/97—published 9/24/97, effective 10/29/97]

[Filed 10/24/01, Notice 8/8/01—published 11/14/01, effective 1/1/02]

[Filed 11/21/02, Notice 10/2/02—published 12/11/02, effective 1/15/03]

[Filed 9/24/04, Notice 7/7/04—published 10/13/04, effective 11/17/04]

[Filed 3/11/05, Notice 12/22/04—published 3/30/05, effective 5/4/05]

[Filed ARC 0362C (Notice ARC 0156C, IAB 6/13/12), IAB 10/3/12, effective 11/7/12]

[Filed ARC 2022C (Notice ARC 1886C, IAB 2/18/15), IAB 6/10/15, effective 7/15/15]

[Filed ARC 4206C (Notice ARC 3946C, IAB 8/15/18), IAB 1/2/19, effective 2/6/19]

[Filed ARC 5953C (Notice ARC 5819C, IAB 8/11/21), IAB 10/6/21, effective 11/10/21]

[Filed ARC 7670C (Notice ARC 7410C, IAB 1/10/24), IAB 3/6/24, effective 4/10/24]
[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1052
PROFESSIONAL CONDUCT OF LICENSEES

[Prior to 11/14/01, see 193C—Chapter 4]
[Prior to 6/24/26, see Engineering and Land Surveying Examining Board[193C] Ch 8]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/10/29

481—1052.1(542B) General statement. In order to establish and maintain a high standard of integrity, skills and practice in the professions of engineering and land surveying, and to safeguard the life, health, property and welfare of the public, the following code of professional conduct is binding upon every person holding a certificate of licensure as a professional engineer or professional land surveyor in this state. The code of professional conduct is an exercise of the police power vested in the board by the Acts of the legislature.

[ARC 7671C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1052.2(542B) Code of professional conduct. All persons licensed under Iowa Code chapter 542B are charged with having knowledge of the existence of this code of professional conduct and are expected to be familiar with its provisions, to understand them, and to abide by them. Such knowledge includes the understanding that the practices of engineering and land surveying are a privilege, as opposed to a right, and the licensee shall be forthright and candid in statements or written response to the board or its representatives on matters pertaining to professional conduct.

1052.2(1) *Responsibility to the public.* Licensees will conduct their professional practices in a manner that will protect life, health and property and enhance the public welfare. If their professional judgment is overruled under circumstances where safety, health and welfare of the public are endangered, they shall inform their employer or client of the possible consequences, notify such other proper authority as may be appropriate, and withdraw from further services on the project.

Licensees may neither approve nor certify engineering or land surveying documents that may be harmful to the public health and welfare and that are not in conformity with accepted engineering or land surveying standards.

1052.2(2) *Competency for assignments.* Licensees may perform engineering or land surveying assignments only when qualified by education or experience in the specific technical field of professional engineering or professional land surveying involved. Licensees shall engage experts or advise that experts and specialists be engaged whenever the client's or employer's interests are best served by such service.

Licensees may accept an assignment on a project requiring education or experience outside their field of competence, but only to the extent that their services are restricted to those phases of the project in which they are qualified.

1052.2(3) *Truth in reports and testimony.* Licensees, when serving as expert or technical witnesses before any court, commission, or other tribunal, may express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of their testimony. Under these circumstances, the licensee must disclose inadequate knowledge.

Licensees shall be objective and truthful in all professional reports, statements or testimony. All relevant and pertinent information shall be included in such reports, statements or testimony. Licensees shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.

1052.2(4) *Conflict of interest.* Licensees shall:

a. Not issue statements, criticisms or arguments on engineering or land surveying matters connected with public policy that are influenced or paid for by an interested party, or parties, unless they have prefaced their comments by explicitly identifying themselves, by disclosing the identities of the party or parties on whose behalf they are speaking, and by revealing the existence of any pecuniary interest.

b. Avoid all known conflicts of interest with their employers or clients and, when unforeseen conflicts arise, shall promptly inform their employers or clients of any business association, interest, or circumstances that could influence judgment or the quality of services.

c. Not accept compensation, financial or otherwise, from more than one party for services on the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

d. Act in professional matters for each employer or client as faithful agents or trustees and maintain full confidentiality on all matters in which the welfare of the public is not endangered.

1052.2(5) Ethics. Licensees shall conduct their business and professional practices of engineering and land surveying in an ethical manner. In addition to the provisions of this chapter, the board will consider, although not necessarily be bound by, the ethical standards that address public protection issues adopted by a recognized state or national engineering or land surveying organization, such as the National Society of Professional Engineers or the National Society of Professional Surveyors.

1052.2(6) Unethical or illegal conduct.

a. *Business practices.* Licensees shall not:

(1) Pay or offer to pay, either directly or indirectly, any commission, percentage, brokerage fee, political contribution, gift, or other consideration to secure work, except to a bona fide employee or bona fide, established commercial or marketing agency retained by them or to secure positions through employment agencies.

(2) Engage in any discriminatory practice prohibited by law and shall, in the conduct of their business, employ personnel upon the basis of merit.

(3) Solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with their clients or employers in connection with work for which they are responsible.

(4) Solicit or accept an engineering or land surveying contract from a governmental body when a principal or officer of the licensee's organization serves as an elected, appointed, voting or nonvoting member of the same governmental body that is letting the contract. For purposes of this subparagraph, "governmental body" means a board, council, commission, or similar multimembered body. A licensee would not violate this provision, however, if the principal or officer of the licensee's organization who serves as a member of the governmental body plays no role in the solicitation or acceptance of the contract, and the contract would be legally permissible under applicable Iowa law, including but not limited to Iowa Code sections 68B.3, 279.7A, 331.342, and 362.5.

(5) Associate with, or permit the use of their names or firms in a business venture by, any person or firm that they know, or have reason to believe, is engaging in business or professional practice of a fraudulent or dishonest nature.

(6) Misrepresent pertinent facts concerning employers, employees, associates, firms, joint ventures, or past accomplishments in brochures or other presentations incident to the solicitation of employment.

b. *Individual professional conduct.* Licensees shall not:

(1) Use association with nonengineers, corporations or partnerships as "cloaks" for unethical acts.

(2) Violate any local, state or federal criminal law in the conduct of professional practice.

(3) Violate licensure laws of any state or territory.

(4) Affix their signatures or seals to any plans, plats or documents dealing with subject matter in which those licensees lack competence, nor to any plan, plat or document not prepared under their direct personal direction and control.

(5) Falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments.

c. *Real property inspection reports.* Licensees shall not:

(1) Represent themselves as licensed professional land surveyors or professional engineers on real property inspection reports (e.g., mortgage surveys).

(2) Place their firm names, logos, or title blocks on real property inspection reports (e.g., mortgage surveys).

[ARC 7671C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1052.3(542B) Reporting of acts or omissions. Licensees shall report acts or omissions by a licensee that constitute negligence or carelessness. For the purposes of these rules, “negligence or carelessness” means demonstrating unreasonable lack of skill in the performance of engineering or land surveying services by failure of a licensee to maintain a reasonable standard of care in the licensee’s practice of engineering or land surveying. In the evaluation of reported acts or omissions, the board determines if the engineer or land surveyor has applied learning, skill and ability in a manner consistent with the standards of the professions ordinarily possessed and practiced in the same profession at the same time. Standards referred to in the immediately preceding sentence shall include any minimum standards adopted by this board and any standards adopted by recognized national or state engineering or land surveying organizations.

[ARC 7671C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1052.4(542B) Standards of integrity. Licensees shall:

1. Answer all questions of a duly constituted investigative body of the state of Iowa concerning alleged violations by another person or firm.
2. Admit and accept their own errors and not distort or alter the facts to justify their own decisions when proven wrong.
3. Present information to the engineering and land surveying examining board in writing and cooperate with the board in furnishing further information or assistance required by the board, if a licensee knows or has reason to believe that another person or firm may be in violation of Iowa law or rules regarding ethics or conduct of professional engineering or professional land surveying practice.
4. Licensees cannot assist in the application of an individual they know is unqualified for licensure by reason of education, experience or character.

[ARC 7671C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1052.5(542B) Engineering and land surveying services offered by business entities.

1052.5(1) Purpose of rule. The purpose of this rule is to protect the public from misleading or deceptive advertising by business entities that hold themselves out to the public as providing professional engineering or professional land surveying services and to guard against the unlicensed practice of professional engineering or professional land surveying by persons who are not properly licensed to perform such services in the state of Iowa. This rule shall not be construed as restricting truthful advertising by business entities that appropriately place professional engineers or professional land surveyors in responsible charge of the professional services offered to and performed for the public.

1052.5(2) Definitions. For purposes of this rule, the following definitions apply:

“*Business entity*” includes corporations, partnerships, limited liability companies, persons using fictitious or assumed names, or any other form of entity that may conduct business.

“*In responsible charge*” means the same as defined in Iowa Code section 542B.2(6). Indications of being in responsible charge include:

1. Obtaining or setting the project or service parameters or criteria.
2. Dictating the manner and methods by which professional services are performed.
3. Establishing procedures for quality control and authority over professional services in a manner that ensures that the professional licensee is in control of the work and of all individuals performing the work under the licensee’s supervision.
4. Spending sufficient time directly performing the work or directly supervising the work to ensure that the licensee is familiar with all significant details of the work.

5. Maintaining familiarity with the capabilities and methods of the persons performing professional services, and providing adequate training for all persons working under the licensee's direct supervision.

6. Sustaining readily accessible contact with all persons performing professional services by direct physical proximity, or as appropriate in the licensee's professional judgment, by frequent communication, in clear and complete verbal and visual form, of information about the work being performed.

7. Specifically pertaining to land surveying, reviewing all field evidence and making all final decisions concerning the placement of survey monuments and surveyed lines.

"Professional services" includes professional engineering and professional land surveying services, as defined in Iowa Code sections 542B.2(5), 542B.2(8) and 542B.27, as applicable to the fact situation at issue.

1052.5(3) General rule. Business entities offering professional services to the public must be owned, managed, or appropriately staffed by one or more professional engineers or professional land surveyors, as applicable, who are in responsible charge of all professional services offered and performed.

1052.5(4) Appropriate staffing. The nature and extent of appropriate staffing by licensed professionals is necessarily a fact-based determination dependent on such factors as the nature and volume of professional services offered and performed, the risk of unlicensed practice, the impact of the professional services on the life, health and safety of the public and the public's property, and the representations made to the public. While the legal nature of the business entity's relationship (e.g., owner, manager, employee) with a licensed professional engineer or professional land surveyor is not necessarily determinative, licensed professionals must be in responsible charge of all professional services offered and performed.

1052.5(5) Professional engineering or professional land surveying firms. Business entities holding themselves out to the public as professional engineering or professional land surveying firms cannot satisfy the requirements of this rule solely by retaining, through employment or contract, a licensed professional on an as-needed, occasional or consulting basis. Such an arrangement fosters unlicensed practice by the unlicensed owners or managers who place themselves in charge of determining when a licensed professional is needed. When a business entity conveys to the public that it is organized as a firm of licensed professionals, the public has a right to expect that the firm retains the full-time services of one or more licensed professionals. "Full-time" in this context is not measured by hours, but by a licensee's sustained, meaningful, and effective, direct supervision of all professional services performed, whether the firm performs services, for example, 20 hours per month or 80 hours per week.

1052.5(6) Restricted services. Business entities that do not generally hold themselves out to the public as professional engineering or professional land surveying firms, but that do offer some type of professional engineering or professional land surveying service, shall be appropriately staffed by licensed professionals in a manner that:

- a. Corresponds with the representations made to the public.
- b. Places licensed professionals in responsible charge of all professional services performed.
- c. Guards against the unlicensed practice of professional engineering or professional land surveying.

1052.5(7) Permitted practices.

- a. Nothing in this rule is intended to prevent an individual or business entity from truthfully offering services as a project manager, administrator, or coordinator of a multidisciplinary project.
- b. Nothing in this rule prevents a joint venture arrangement between an engineering or land surveying firm and a business entity that is not owned, managed, or staffed by professional engineers or professional land surveyors, in which the venturing entities jointly and truthfully offer professional engineering or professional land surveying services on a project-by-project basis. Licensed professional engineers and professional land surveyors who participate in such arrangements

shall ensure that the public is accurately informed as to the nature of all professional services to be performed and by whom the services will be performed.

1052.5(8) Remedies against licensees. Licensed professional engineers or professional land surveyors who aid and abet the unlicensed offering or practice of professional engineering or professional land surveying, or who otherwise knowingly participate in a business entity that does not comply with this rule, are engaging in unethical practices that are harmful or detrimental to the public and are subject to disciplinary action by the board.

1052.5(9) Remedies against business entities and unlicensed individuals. The board may by order impose civil penalties against any business entity or unlicensed individual that offers or performs professional services in violation of Iowa Code chapter 542B.

[ARC 7671C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code sections 542B.6, 542B.21 and 542B.26 and chapter 272C.

[Filed 12/8/78, Notice 8/9/78—published 12/27/78, effective 1/31/79]

[Filed 1/4/79, Notice 10/18/78—published 1/24/79, effective 2/28/79]

[Filed 7/20/79, Notice 4/18/79—published 8/8/79, effective 9/12/79]

[Filed 12/21/84, Notice 7/18/84—published 1/16/85, effective 2/20/85]

[Filed 9/5/85, Notice 7/31/85—published 9/25/85, effective 10/30/85]

[Filed 5/13/88, Notice 3/9/88—published 6/1/88, effective 7/6/88]

[Filed 11/4/91, Notice 8/21/91—published 11/27/91, effective 1/1/92]

[Filed 9/24/93, Notice 8/18/93—published 10/13/93, effective 11/17/93]

[Filed 6/3/94, Notice 3/30/94—published 6/22/94, effective 7/27/94]

[Filed 11/4/94, Notice 6/22/94—published 11/23/94, effective 12/28/94]

[Filed 5/2/96, Notice 1/3/96—published 5/22/96, effective 6/26/96]

[Filed 3/6/97, Notice 11/20/96—published 3/26/97, effective 4/30/97]

[Filed 2/6/98, Notice 12/3/97—published 2/25/98, effective 4/1/98]

[Filed 10/1/98, Notice 8/12/98—published 10/21/98, effective 11/25/98]

[Filed 4/15/99, Notice 3/10/99—published 5/5/99, effective 6/9/99]

[Filed 7/23/99, Notice 6/16/99—published 8/11/99, effective 9/15/99]

[Filed 10/24/01, Notice 8/8/01—published 11/14/01, effective 1/1/02]

[Filed 5/31/06, Notice 3/15/06—published 6/21/06, effective 7/26/06]

[Filed ARC 0362C (Notice ARC 0156C, IAB 6/13/12), IAB 10/3/12, effective 11/7/12]

[Filed ARC 0470C (Notice ARC 0264C, IAB 8/8/12), IAB 11/28/12, effective 1/2/13]

[Filed ARC 1084C (Notice ARC 0928C, IAB 8/7/13), IAB 10/2/13, effective 11/6/13]

[Filed ARC 1577C (Notice ARC 1441C, IAB 4/30/14), IAB 8/20/14, effective 9/24/14]

[Filed ARC 4206C (Notice ARC 3946C, IAB 8/15/18), IAB 1/2/19, effective 2/6/19]

[Filed ARC 7671C (Notice ARC 7411C, IAB 1/10/24), IAB 3/6/24, effective 4/10/24]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1053
COMPLAINTS, INVESTIGATIONS AND DISCIPLINARY ACTION

[Prior to 11/14/01, see 193C—Chapter 4]
[Prior to 6/24/26, see Engineering and Land Surveying Examining Board[193C] Ch 9]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/10/29

481—1053.1(542B) Complaints and investigations.

1053.1(1) *Complaints.* The board, upon receipt of a complaint or upon its own motion pursuant to other evidence received by the board, reviews and investigates alleged acts or omissions that reasonably constitute cause under applicable law or administrative rule for licensee discipline. Complaints may be submitted to the board office via the board's website by members of the public, including clients, business organizations, nonprofit organizations, governmental bodies, licensees, or other individuals or entities with knowledge of possible violations of laws or rules by licensees.

1053.1(2) *Form and content.* A written complaint may be submitted on forms available from the board office and on the board's website. The written complaint shall include the following information:

- a.* The full name, address, and telephone number of complainant.
- b.* The full name, address, and telephone number of the individual against whom the complaint is filed.
- c.* A statement of the facts and circumstances giving rise to the complaint, including a description of the alleged acts or omissions that the complainant believes demonstrate that the respondent has violated or is violating laws or rules enforced by the board.
- d.* Citation of the statutes and administrative rules allegedly violated by the respondent.
- e.* Evidentiary supporting documentation.
- f.* Steps, if any, that have been taken by the complainant to resolve the dispute with the respondent prior to the filing of the complaint.

1053.1(3) *Initial complaint screening.* All written complaints received by the board are initially screened by the board's administrator to determine whether the allegations of the complaint fall within the board's investigatory jurisdiction and whether the facts presented, if true, would constitute a basis for disciplinary action against a licensee. Complaints that are clearly outside the board's jurisdiction, which clearly do not allege facts upon which disciplinary action would be based, or that are frivolous will be referred by the board administrator to the board for closure at the next scheduled board meeting. All other complaints are referred by the board administrator to the board's disciplinary committee for committee review.

1053.1(4) *Investigation of allegations.* In order to determine if probable cause exists for a hearing on the complaint, the board may cause an investigation to be made into the allegations of the complaint. It may refer the complaint to a peer review committee or investigator for investigation, review and report to the board.

1053.1(5) *Informal discussion.* If the board considers it advisable, or if requested by the affected licensee, the board may grant the licensee an opportunity to appear before the board or a committee of the board for a voluntary informal discussion of the facts and circumstances of an alleged violation. The licensee may be represented by legal counsel at the informal discussion. It is not necessary for the licensee to attend the informal discussion. By electing to attend, the licensee waives the right to seek disqualification, based upon personal investigation of a board member or staff, from participating in making a contested case decision or acting as a presiding officer in a later contested case proceeding. Because an informal discussion constitutes a part of the board's investigation of a pending disciplinary case, the facts discussed at the informal discussion may be considered by the board in the event the matter proceeds to a contested case hearing and those facts are independently introduced into evidence. The board may seek a consent order at the time of the informal discussion. If the parties agree to a consent order, a statement of charges will be filed simultaneously with the consent order.

1053.1(6) Immunity. Complainants are immune from civil liability under Iowa Code section 272C.8.

1053.1(7) Role of complainant. The role of the complainant in the disciplinary process is limited to providing the board with factual information relative to the complaint. A complainant is not party to any disciplinary proceeding that the board may initiate based in whole or in part on information provided by the complainant.

1053.1(8) Role of the board. The board does not act as an arbiter of disputes between private parties, nor does the board initiate disciplinary proceedings to advance the private interest of any person or party. The role of the board in the disciplinary process is to protect the public by investigating complaints and initiating disciplinary proceedings in appropriate cases. The board possesses sole decision-making authority throughout the disciplinary process, including the authority to determine whether a case will be investigated, the manner of the investigation, whether a disciplinary proceeding will be initiated, and the appropriate licensee discipline to be imposed, if any.

[ARC 7672C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1053.2(542B) Ruling on the initial inquiry.

1053.2(1) Dismissal. If a determination is made by the board that a complaint is without grounds or merit, the complaint will be dismissed. A letter of explanation concerning the decision of the board will be sent to the respondent and the complainant.

1053.2(2) Requirement of further inquiry. If determination is made by the board to order further inquiry, the complaint and initial recommendations will be provided to the investigator(s) along with a statement specifying the information deemed necessary.

1053.2(3) Acceptance of the case. If a determination is made by the board to initiate disciplinary action, the board may enter into an informal settlement or recommend formal disciplinary proceedings. The board's rules regarding informal settlement are found in rule 481—506.35(17A,272C).

This rule is intended to implement Iowa Code sections 542B.21, 542B.22 and 272C.6.

[ARC 7672C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1053.3(10A,17A,272C,542B) Grounds for discipline. The board has authority pursuant to Iowa Code chapters 10A, 542B, 17A and 272C to impose discipline for violations of those chapters and the rules promulgated thereunder and may initiate disciplinary action against a licensee holding an active, inactive or lapsed license on any of the grounds identified in Iowa Code section 542B.21.

1053.3(1) Fraud or deceit in procuring or attempting to procure an initial, comity, renewal, or reinstated license includes any intentional perversion of or reckless disregard for the truth when an application, or information in support of another's application, is submitted to the board, including:

- a. False representation of a material fact, whether by word or by conduct, by false or misleading allegation, or by concealment of that which should have been disclosed.
- b. Attempting to file or filing with the board any false or forged record or document, such as a college transcript, diploma or degree, examination report, verification of licensure, or continuing education certificate.
- c. Reporting information, such as satisfaction of continuing education, in a false manner, through overt deceit, or with reckless disregard for the truth or accuracy of the information asserted.
- d. Otherwise participating in any form of fraud or misrepresentation by act or omission.

1053.3(2) Professional incompetence includes, but is not limited to:

- a. A substantial lack of knowledge or ability to discharge professional obligations within the practice of engineering or land surveying.
- b. A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other practitioners in the state of Iowa acting in the same or similar circumstances.
- c. A failure to exercise the degree of care that is ordinarily exercised by the average practitioner acting in the same or similar circumstances.

d. Failure to conform to the minimum standards of acceptable and prevailing practice of engineering or land surveying in this state, including the land surveying standards set forth in Iowa Code chapters 354 and 355 and 481—Chapters 1055 and 1056.

e. Engaging in engineering or land surveying practices that are outside the technical competence of the licensee without taking reasonable steps to associate with a competent licensee or other steps to ensure competent practice.

f. Any other act or omission that demonstrates an inability to safely practice in a manner protective of the public's interest, including acts or omissions described in rule 481—1052.3(542B).

1053.3(3) Deceptive practices include, but are not limited to, the following:

a. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of engineering or land surveying.

b. Use of untruthful or improbable statements in advertisements. Use of untruthful or improbable statements in advertisements includes, but is not limited to, an action by a licensee in making information or intention known to the public that is false, deceptive, misleading or promoted through fraud or misrepresentation.

c. Acceptance of any fee by fraud or misrepresentation.

d. Falsification of business or client records.

e. Submission of false or misleading reports or information to the board, including information supplied in an audit of continuing education or as a condition of probation or in a reference submitted for an examination or a license applicant or in any reports identified in this rule or rule 481—1052.3(542B).

f. Knowingly presenting as one's own the license, signature, or seal of another or of a fictitious licensee, or otherwise falsely impersonating a person holding an engineering or land surveying license.

g. Representing oneself as a professional engineer or professional land surveyor after the license has been suspended, revoked, surrendered, or placed on inactive status or has lapsed.

h. Fraud in representations as to skill or ability.

i. Any violation of Iowa Code section 542B.16 or associated rules in 481—Chapter 1050 involving a licensee's seal or certificate.

1053.3(4) Behaviors and conduct that are unethical or harmful or detrimental to the public include, but are not limited to, the following actions:

a. A violation of the code of professional conduct in 481—Chapter 1052.

b. Verbal or physical abuse, or improper sexual contact, if such behavior occurs within the practice of engineering or land surveying or if such behavior otherwise provides a reasonable basis for the board to conclude that such behavior could occur within such practice and, if so, would place the public at risk.

c. Aiding or abetting a violation of a provision of Iowa Code section 542B.27(1).

1053.3(5) Lack of proper qualifications, as provided in Iowa Code section 272C.3(2)“b,” includes but is not limited to:

a. Continuing to practice as an engineer or land surveyor without satisfying the continuing education required for license renewal.

b. Violation of Iowa Code section 542B.21(4) that adversely affects the licensee's ability to practice in a safe and competent manner.

1053.3(6) Professional misconduct, which includes, but is not limited to, revocation, suspension, or other disciplinary action taken against a licensee by a licensing authority of this state or another state, territory, or country. “Disciplinary action” includes a voluntary surrender of a license to resolve a pending disciplinary investigation or proceeding. A stay by an appellate court does not negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, discipline by the board based solely on such action shall be vacated. A licensee shall notify the board of such disciplinary action within 30 days of the disciplinary action.

1053.3(7) Willful or repeated violations include the willful or repeated violation or disregard of any provision of Iowa Code chapter 272C or 542B or any administrative rule adopted by the board in the administration or enforcement of such chapters.

1053.3(8) Conviction of felony includes the conviction of a felony under the laws of the United States, of any state or possession of the United States, or of any other country. The board will vacate any discipline based solely on a conviction, if that conviction is overturned or reversed by a court of last resort.

[ARC 7672C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1053.4(542B) Disciplinary findings and sanctions. The board's decision may include one or more of the following findings or sanctions:

1. Exoneration of respondent.
2. Revocation of license.
3. Suspension of license until further order of the board or for a specified period.
4. Nonrenewal of license.
5. Prohibition, until further order of the board or for a specific period, of engaging in specified procedures, methods or acts.
6. Probation.
7. Requirement of additional education or training.
8. Requirement of reexamination.
9. Issuance of a reprimand.
10. Imposition of civil penalties.
11. Issuance of citation and warning.
12. Desk review.
13. Other sanctions allowed by law as may be appropriate.

[ARC 7672C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1053.5(272C) Civil penalties. In addition to other disciplinary options, the board may assess civil penalties of up to \$1,000 per violation against licensees who violate any provision of rule 481—1053.3(10A,17A,272C,542B). Factors the board may consider when determining whether and in what amount to assess civil penalties include:

1. Whether other forms of discipline are being imposed for the same violation.
2. Whether the amount imposed will be a substantial economic deterrent to the violation.
3. The circumstances leading to the violation.
4. The severity of the violation and the risk of harm to the public.
5. The economic benefits gained by the licensee as a result of the violation.
6. The interest of the public.
7. Evidence of reform or remedial action.
8. Time elapsed since the violation occurred.
9. Whether the violation is a repeat offense following a prior cautionary letter, disciplinary order, or other notice of the nature of the infraction.
10. The clarity of the issue involved.
11. Whether the violation was willful and intentional.
12. Whether the licensee acted in bad faith.
13. The extent to which the licensee cooperated with the board.
14. Whether the licensee practiced professional engineering or professional land surveying with a lapsed, inactive, suspended or revoked license.

This rule is intended to implement Iowa Code section 542B.22.

[ARC 7672C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1053.6(542B) Publication of decisions. In addition to publication requirements found at 481—subrule 506.31, the following notifications shall be issued:

1. Following suspension of a professional land surveyor's license, notification must be issued to the county recorders and county auditors of the county of residence and immediately adjacent counties in Iowa.

2. Following revocation of a professional land surveyor's license, notification must be mailed to all county auditors in Iowa and the county recorders in the county of residence and immediately adjacent counties in Iowa.

3. Following the suspension or revocation of the license of a professional engineer or professional land surveyor, notification is issued to other boards of examiners for engineers and land surveyors under the jurisdiction of the government of the United States. This notification may be made through the National Council of Examiners for Engineering and Surveying or other national organizations recognized by the board. In addition, if the licensee is known to be registered in another nation in North America, the appropriate board(s) are notified of the action.

[ARC 7672C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1053.7(542B) Disputes between licensees and clients. Reports from the insurance commissioner or other agencies on the results of judgments or settlements of disputes arising from malpractice claims or other actions between professional engineers or professional land surveyors and their clients may be referred to counsel or peer review committee. The counsel or peer review committee will investigate the report for violation of the statutes or rules governing the practice or conduct of the licensee. The counsel or peer review committee will advise the board of any probable violations or any further action required or recommend dismissal from further consideration.

[ARC 7672C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1053.8(272C,542B) Confidentiality of complaint and investigative information.

1053.8(1) General provisions. All complaint and investigative information received or created by the board is privileged and confidential pursuant to Iowa Code section 272C.6(4). Such information shall not be released to any person except as provided in that section.

1053.8(2) Disclosure to the subject of the investigation.

a. Legal authority. Pursuant to Iowa Code section 10A.506(9), the board may supply to a licensee who is the subject of a disciplinary complaint or investigation, prior to the initiation of a disciplinary proceeding, all or such parts of a disciplinary complaint, disciplinary or investigatory file, report, or other information as the board in its sole discretion believes would aid the investigation or resolution of the matter.

b. General rule. As a matter of general policy, the board will not disclose confidential complaint and investigative information to a licensee except as permitted by Iowa Code section 272C.6(4). Disclosure of a complainant's identity in advance of the filing of formal disciplinary charges, for instance, may adversely affect a complainant's willingness to file a complaint with the board.

c. Exceptions to general rule. The board may exercise its discretion to release information to a licensee that would otherwise be confidential under Iowa Code section 272C.6(4) under narrow circumstances, including but not limited to the following:

(1) Following a board determination that probable cause exists to file disciplinary charges against a licensee and prior to the issuance of the notice of hearing, the board may provide the licensee with a peer review or investigative report or expert opinions as reasonably needed for the licensee to assess the merits of a settlement proposal.

(2) The board may release to a licensee who is the subject of a board-initiated investigation, including those initiated following the board's receipt of an anonymous complaint, such records or information as may aid the investigation or resolution of the matter.

(3) The board may release information from a peer review or consultant's report when soliciting the licensee's position will aid in making the probable cause determination and such disclosure can be made to the licensee without revealing identifying information regarding the complainant, peer reviewer or consultant.

[ARC 7672C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code chapter 17A and sections 542B.2, 542B.22, and 272C.6.

[Filed 12/8/78, Notice 8/9/78—published 12/27/78, effective 1/31/79]

[Filed 1/4/79, Notice 10/18/78—published 1/24/79, effective 2/28/79]

[Filed 7/20/79, Notice 4/18/79—published 8/8/79, effective 9/12/79]

[Filed 12/21/84, Notice 7/18/84—published 1/16/85, effective 2/20/85]

[Filed 9/5/85, Notice 7/31/85—published 9/25/85, effective 10/30/85]

[Filed 5/13/88, Notice 3/9/88—published 6/1/88, effective 7/6/88]

[Filed 11/4/91, Notice 8/21/91—published 11/27/91, effective 1/1/92]

[Filed 9/24/93, Notice 8/18/93—published 10/13/93, effective 11/17/93]

[Filed 6/3/94, Notice 3/30/94—published 6/22/94, effective 7/27/94]

[Filed 11/4/94, Notice 6/22/94—published 11/23/94, effective 12/28/94]

[Filed 5/2/96, Notice 1/3/96—published 5/22/96, effective 6/26/96]

[Filed 3/6/97, Notice 11/20/96—published 3/26/97, effective 4/30/97]

[Filed 2/6/98, Notice 12/3/97—published 2/25/98, effective 4/1/98]

[Filed 10/1/98, Notice 8/12/98—published 10/21/98, effective 11/25/98]

[Filed 4/15/99, Notice 3/10/99—published 5/5/99, effective 6/9/99]

[Filed 7/23/99, Notice 6/16/99—published 8/11/99, effective 9/15/99]

[Filed 10/24/01, Notice 8/8/01—published 11/14/01, effective 1/1/02]

[Filed 11/29/06, Notice 8/16/06—published 12/20/06, effective 1/24/07]

[Filed 2/20/08, Notice 10/24/07—published 3/12/08, effective 4/16/08]

[Filed ARC 0362C (Notice ARC 0156C, IAB 6/13/12), IAB 10/3/12, effective 11/7/12]

[Filed ARC 2022C (Notice ARC 1886C, IAB 2/18/15), IAB 6/10/15, effective 7/15/15]

[Filed ARC 4206C (Notice ARC 3946C, IAB 8/15/18), IAB 1/2/19, effective 2/6/19]

[Filed ARC 7672C (Notice ARC 7412C, IAB 1/10/24), IAB 3/6/24, effective 4/10/24]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1054

PEER REVIEW

[Prior to 11/14/01, see 193C—4.5(542B)]

[Prior to 6/24/26, see Engineering and Land Surveying Examining Board[193C] Ch 10]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/10/29

481—1054.1(542B,272C) Peer review. The board may appoint a peer reviewer, or multiple peer reviewers, for the investigation of a complaint about the acts or omissions of one or more licensees.

1054.1(1) *Peer review.* Peer reviewers are generally licensed engineers or licensed land surveyors or both, as determined by the board, who are selected for their knowledge and experience in the type of engineering or land surveying involved in the complaint.

An individual is ineligible as a peer reviewer in accordance with the standard for disqualification found at 481—subrule 506.10(1). If a peer reviewer is unable to serve after an investigation has begun, the peer reviewer will notify the board office.

1054.1(2) *Authority.* The peer reviewer's investigation may include activities such as interviewing the complainant, the respondent, individuals with knowledge of the alleged violation, and individuals with knowledge of the respondent's practice in the community; gathering documents; conducting site visits; and performing independent analyses as deemed necessary. Although the board does not become involved in a complaint investigation, the board may give specific instructions to the peer reviewer regarding the scope of the investigation. In the course of the investigation, the peer reviewer will refrain from advising the complainant or respondent on actions that the board might take.

1054.1(3) *Term of service.* The peer reviewer serves at the pleasure of the board. The board may dismiss any peer reviewer or add new peer reviewers at any time.

1054.1(4) *Compensation.* The terms of payment as authorized by the peer review agreement may vary based on the nature and complexity of each assignment. The peer reviewer will be additionally entitled to reimbursement of expenses directly related to the peer review process, deposition or hearing preparation, or deposition or hearing testimony, such as mileage, meals, or out-of-pocket charges for securing copies of documents. Expenses will be reimbursed as allowed under the manuals and guidelines published by the Iowa department of administrative services, state accounting enterprise. The peer reviewer cannot hire legal counsel, investigators, secretarial help or any other assistance without written authorization from the board.

[ARC 7673C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1054.2(542B,272C) Reports. Each peer reviewer will submit a written report to the board within 90 days of the peer review assignment, unless an extension is granted by the board.

1054.2(1) *Components of the report.* The report will include:

- a. A statement of the charge to the peer reviewer;
- b. A description of the actions taken by the peer reviewer in the peer reviewer's investigation, including but not limited to document review, interviews and site visits;
- c. A summary of the peer reviewer's findings, including:
 - (1) The peer reviewer's opinion as to whether a violation has occurred,
 - (2) Citation of the Iowa Code section(s) and Iowa Administrative Code rule(s) violated, and
 - (3) The peer reviewer's opinion of the seriousness of the violation; and
- d. A recommendation.

In the case of a land surveyor peer reviewer report, the report must be plat-specific as to the violations.

1054.2(2) *Recommended action.* The peer reviewer report will recommend one of the following:

- a. Dismissal of the complaint,
- b. Further investigation, or
- c. Disciplinary proceedings.

If the peer reviewer recommends further investigation or disciplinary proceedings, supporting information must be submitted to the board, including citation of the specific Iowa Code section(s) and Iowa Administrative Code rule(s) violated.

1054.2(3) *Disciplinary recommendations.* When recommending disciplinary proceedings, a peer reviewer will not suggest a particular form of discipline, but may provide guidance on the severity of the violations that prompted the recommendation and may identify professional areas in which the licensee needs additional education, experience or monitoring in order to safely practice.

[ARC 7673C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1054.3(542B,272C) Confidentiality. The peer reviewer will not discuss or reveal the peer reviewer's findings and conclusions with any party other than the board (through the peer reviewer's report to the board) or board staff.

[ARC 7673C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1054.4(542B,272C) Testimony. Peer reviewers may be required to testify in the event of formal disciplinary proceedings.

[ARC 7673C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code section 272C.3.

[Filed 10/24/01, Notice 8/8/01—published 11/14/01, effective 1/1/02]

[Filed 11/29/07, Notice 8/15/07—published 12/19/07, effective 1/23/08]

[Filed ARC 4206C (Notice ARC 3946C, IAB 8/15/18), IAB 1/2/19, effective 2/6/19]

[Filed ARC 7673C (Notice ARC 7413C, IAB 1/10/24), IAB 3/6/24, effective 4/10/24]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1055
MINIMUM STANDARDS FOR PROPERTY SURVEYS

[Prior to 11/14/01, see 193C—Chapter 2]
[Prior to 6/24/26, see Engineering and Land Surveying Examining Board[193C] Ch 11]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/10/29

481—1055.1(542B) Scope. Each professional land surveyor will comply with the minimum standards for property surveys described by statute or administrative rule. The minimum standards in this chapter apply to all property surveys performed in this state except those done for acquisition plats as described in Iowa Code chapter 354.

[ARC 7674C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1055.2(542B) Definitions. For the purposes of these rules, the following definitions apply:

“*Plat*” means both a plat of survey and a subdivision plat as those terms are defined in Iowa Code section 355.1.

“*Property survey*” means any land survey performed for the purpose of describing, monumenting, retracing and establishing boundary lines, dividing, subdividing, or platting one or more parcels of land.

“*Retrace*” means following along a previously established line to logical termini.

[ARC 7674C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1055.3(542B) Boundary location. Every property survey shall be made in accordance with the legal description (record title) boundaries as nearly as is practicable. The surveyor will acquire data necessary to retrace record title boundaries, centerlines, and other boundary line locations. The surveyor will analyze the data and determine the position of the boundaries of the parcel being surveyed. The surveyor will make a field survey, locating and connecting monuments necessary for location of the parcel, and coordinate the facts of such survey with the analysis. The surveyor will set monuments marking the corners of such parcel unless monuments already exist at such corners.

[ARC 7674C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1055.4(542B) Descriptions. Descriptions defining land boundaries written for conveyance or other purposes shall be complete, providing definite and unequivocal identification of lines or boundaries. The description must contain dimensions sufficient to enable the description to be platted and retraced and describe the land surveyed either by government lot or by quarter-quarter section or by quarter section and identify the section, township, range and county; and by metes and bounds commencing with a corner monumented and established in the U.S. Public Land Survey System; or if such land is located in a recorded subdivision or recorded addition thereto, then by the number or other description of the lot, block or subdivision thereof that has been previously tied to a corner monumented and established by the U.S. Public Land Survey System. If the parcel is described by metes and bounds, it may be referenced to known lot or block corners in recorded subdivision or additions.

[ARC 7674C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1055.5(542B) Plats. A plat shall be drawn for every property survey performed showing information developed by the survey and including the following elements:

1055.5(1) The plat is drawn to a convenient scale that is clearly stated and graphically illustrated by a bar scale on every plat sheet.

1055.5(2) The plat shows the length and bearing of the boundaries of the parcels surveyed. Where the boundary lines show bearing, lengths or locations that vary from those recorded in deeds, abutting plats or other instruments, the following note is placed along such lines: “recorded as (show recorded bearing, length or location).”

1055.5(3) The plat shows and identifies all monuments necessary for the location of the parcel and indicates whether such monuments were found or placed and includes an accurate description of each monument consisting of size, shape, and material type, capped with license number, and color as applicable.

1055.5(4) The plat is captioned to identify the person for whom the survey was made and the date of the survey and describes the parcel as provided in rule 481—1055.4(542B) above.

1055.5(5) The plat shows that record title boundaries, centerlines, and other boundary lines were retraced to monuments found or placed by the surveyor.

1055.5(6) The plat shows that the survey is tied to a physically monumented land line that is identified by two U.S. Public Land Survey System corners or by two physically monumented corners of a recorded subdivision. The plat shows a distance relationship measured by the surveyor between the two corners on the physically monumented land line. The physically monumented land line shall be germane to the survey of the lot, parcel, or tract.

1055.5(7) The plat bears the signature of the professional land surveyor, a statement certifying that the work was performed by the surveyor or under the surveyor's direct personal supervision, the date of signature, and the surveyor's Iowa license number and legible seal as provided in rule 481—1050.1(542B).

1055.5(8) The surveyor shall record every plat and description, excluding subdivision plats, with the county recorder no later than 30 days after signature on the plat by the surveyor.

[ARC 7674C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1055.6(542B) Measurements.

1055.6(1) Measurements may only be made with instruments and methods capable of attaining the required accuracy for the particular problem involved.

1055.6(2) Measurements as placed on the plat shall be in conformance with the capabilities of the instruments used.

1055.6(3) The unadjusted closure for all closed traverse surveys shall be not greater than 1 in 5,000 and, for subdivision boundaries, 1 in 10,000.

1055.6(4) In a closed traverse, the sum of the measured angles shall agree with the theoretical sum by a difference not greater than 30 seconds times the square root of the number of angles.

1055.6(5) The unadjusted error of field measurements shall not be greater than 1 in 5,000.

1055.6(6) The relative positional tolerance at the 95 percent confidence level shall be as follows:

a. For subdivision boundaries: $\pm(0.13 \text{ feet} + 1:10,000)$

b. For all other land surveying: $\pm(0.26 \text{ feet} + 1:5,000)$

1055.6(7) Bearings or angles on any property survey plat shall be shown to the nearest one minute; distance shall be shown to the nearest one-tenth foot.

[ARC 7674C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1055.7(542B) Monuments. Monuments shall adhere to Iowa Code section 355.6. More information can be found in rule 481—1055.3(542B).

[ARC 7674C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code sections 355.3 and 542B.2.

[Filed 4/1/77, Notice 12/29/76—published 4/20/77, effective 5/25/77]

[Filed 8/11/83, Notice 5/25/83—published 8/31/83, effective 10/5/83]

[Filed 11/12/87, Notice 8/26/87—published 12/2/87, effective 1/6/88]

[Filed 5/13/88, Notice 3/9/88—published 6/1/88, effective 7/6/88]

[Filed 9/24/93, Notice 8/18/93—published 10/13/93, effective 11/17/93]

[Filed 3/6/97, Notice 11/20/96—published 3/26/97, effective 4/30/97]

[Filed 11/26/97, Notice 9/24/97—published 12/17/97, effective 1/21/98]

[Filed 8/20/98, Notice 7/15/98—published 9/9/98, effective 10/14/98]

[Filed 4/15/99, Notice 3/10/99—published 5/5/99, effective 6/9/99]

[Filed 12/21/99, Notice 10/20/99—published 1/12/00, effective 2/16/00]

[Filed 10/24/01, Notice 8/8/01—published 11/14/01, effective 1/1/02]

[Filed ARC 0362C (Notice ARC 0156C, IAB 6/13/12), IAB 10/3/12, effective 11/7/12]

[Filed ARC 4206C (Notice ARC 3946C, IAB 8/15/18), IAB 1/2/19, effective 2/6/19]

[Filed ARC 7674C (Notice ARC 7414C, IAB 1/10/24), IAB 3/6/24, effective 4/10/24]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1056
MINIMUM STANDARDS FOR U.S. PUBLIC LAND SURVEY
CORNER CERTIFICATES

[Prior to 11/14/01, see 193C—2.8(355)]

[Prior to 6/24/26, see Engineering and Land Surveying Examining Board[193C] Ch 12]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/10/29

481—1056.1(542B) General statement. Each professional land surveyor will comply with the minimum standards for preparing a U.S. Public Land Survey Corner Certificate as described by statute or administrative rule. The minimum standards in this chapter apply to every corner certificate prepared in this state.

[ARC 7675C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

481—1056.2(355) U.S. Public Land Survey Corner Certificate.

1056.2(1) A corner is considered a part of the U.S. Public Land Survey System if it has the status of a corner of a:

- a. Quarter-quarter section or larger aliquot part of a section.
- b. Fractional quarter-quarter section or larger fractional part of a section.
- c. Government lot.

1056.2(2) A U.S. Public Land Survey Corner Certificate shall be prepared by the surveyor as part of any land surveying that includes the use of a U.S. Public Land Survey System corner if one or more of the following conditions exist:

- a. There is no certificate for the corner monument on file with the recorder of the county in which the corner is located.
- b. The surveyor in responsible charge of the land surveying accepts a corner position that differs from that shown in the public records of the county in which the corner is located.
- c. The corner monument is replaced or modified in any way.
- d. The reference ties in an existing public record are incorrect or missing.

1056.2(3) A U.S. Public Land Survey Corner Certificate shall comply with the following requirements:

- a. The identity of the corner monument, with reference to the U.S. Public Land Survey System, shall be clearly indicated.
- b. The certificate contains a narrative explaining:
 - (1) The reason for preparing the certificate.
 - (2) The evidence and detailed procedure used in establishing or confirming the corner position whether found or placed.
 - (3) The monumentation found or placed perpetuating the corner position with an accurate description of each monument including but not limited to size, shape, and material type, capped with license number, and color.
 - (4) The extent of the search for an existing monument when the corner is reset as obliterated or lost.
- c. The certificate contains a plan-view drawing depicting:
 - (1) Relevant monuments including the reference monumentation and an accurate description thereof.
 - (2) Physical surroundings including highway and street centerlines, fences, structures and other artificial or natural objects as applicable that would facilitate recovery of the corner.
 - (3) Reference ties in sufficient detail to enable recovery of the corner, including at least three reference ties from the corner to durable physical objects near the corner that are located so that the intersection of any two of the ties will yield a strong corner position recovery. All ties are measured to one-hundredth of a foot.

d. The certificate bears the signature of the professional land surveyor, a statement certifying that the work was performed by the surveyor or under the surveyor's direct personal supervision, the date of signature, and the surveyor's Iowa license number and legible seal as provided in rule 481—1050.1(542B).

1056.2(4) The surveyor shall record the required U.S. Public Land Survey Corner Certificate and forward a copy to the county engineer of the county in which the corner is located within 30 days after completion of the surveying.

[ARC 7675C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code sections 355.3, 355.11 and 542B.2.

[Filed 10/24/01, Notice 8/8/01—published 11/14/01, effective 1/1/02]

[Filed ARC 0362C (Notice ARC 0156C, IAB 6/13/12), IAB 10/3/12, effective 11/7/12]

[Filed ARC 4206C (Notice ARC 3946C, IAB 8/15/18), IAB 1/2/19, effective 2/6/19]

[Filed ARC 7675C (Notice ARC 7415C, IAB 1/10/24), IAB 3/6/24, effective 4/10/24]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1057
CIVIL PENALTIES FOR UNLICENSED PRACTICE

[Prior to 11/14/01, see 193C—1.10(542B)]
[Prior to 6/24/26, see Engineering and Land Surveying Examining Board[193C] Ch 13]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/10/29

481—1057.1(542B) General statement. The board may impose civil penalties by order against a person who is not licensed as an engineer or land surveyor pursuant to Iowa Code chapter 542B based on the unlawful practices specified in Iowa Code section 542B.27. In addition to the procedures set forth in Iowa Code section 542B.27, this rule shall apply.

1057.1(1) The notice of the board's intent to impose a civil penalty required by Iowa Code section 542B.27 shall be served upon the nonlicensee by restricted certified mail, return receipt requested, or personal service in accordance with Rule of Civil Procedure 56.1. Alternatively, the nonlicensee may accept service personally or through authorized counsel. The notice will include the following:

- a.* A statement of the legal authority and jurisdiction under which the proposed civil penalty would be imposed.
- b.* A reference to the particular sections of the statutes and rules involved.
- c.* A short and plain statement of the alleged unlawful practice.
- d.* The dollar amount of the proposed civil penalty.
- e.* Notice of the nonlicensee's right to a hearing and the time frame in which a hearing must be requested.
- f.* The address to which the written request for a hearing will be made.

1057.1(2) Nonlicensees must request a hearing within 30 days of the date the notice is mailed if served through restricted certified mail to the last-known address or within 30 days of the date of service if service is accepted or made in accordance with Rule of Civil Procedure 56.1. A request for hearing must be in writing and is deemed made on the date of the United States Postal Service postmark or the date of personal service.

1057.1(3) If a request for hearing is not timely made, the board chair or the chair's designee may issue an order imposing the civil penalty described in the notice. The order may be mailed by regular first-class mail or served in the same manner as the notice of intent to impose civil penalty.

1057.1(4) If a request for hearing is timely made, the board will issue a notice of hearing and conduct a hearing in the same manner as applicable to a disciplinary case against a licensed engineer or land surveyor.

1057.1(5) In addition to the factors set forth in Iowa Code section 542B.27, the board may consider the following when determining the amount of civil penalty to impose, if any:

- a.* The time elapsed since the unlawful practice occurred.
- b.* Evidence of reform or remedial actions.
- c.* Whether the violation is a repeat offense following a prior warning letter or other notice of the nature of the infraction.
- d.* Whether the violation involved an element of deception.
- e.* Whether the unlawful practice violated a prior order of the board, court order, cease and desist agreement, consent order, or similar document.
- f.* The clarity of the issue involved.
- g.* Whether the violation was willful and intentional.
- h.* Whether the nonlicensee acted in bad faith.
- i.* The extent to which the nonlicensee cooperated with the board.

1057.1(6) A nonlicensee may waive the right to a hearing and all attendant rights and enter into a consent order imposing a civil penalty at any stage of the proceeding upon mutual consent of the board.

1057.1(7) The notice of intent to impose civil penalty and order imposing civil penalty are public records available for inspection and copying in accordance with Iowa Code chapter 22. Copies may be provided to the media, the National Council of Examiners for Engineering and Surveying, and other entities. Hearings shall be open to the public.

This rule is intended to implement Iowa Code section 542B.27.

[ARC 7676C, IAB 3/6/24, effective 4/10/24; Editorial change: IAC Supplement 6/24/26]

[Filed 10/24/01, Notice 8/8/01—published 11/14/01, effective 1/1/02]

[Filed ARC 7676C (Notice ARC 7416C, IAB 1/10/24), IAB 3/6/24, effective 4/10/24]

[Editorial change: IAC Supplement 6/24/26]

CHAPTERS 1058 to 1060
Reserved

ARCHITECTURAL EXAMINING BOARD

CHAPTER 1061

DESCRIPTION OF ORGANIZATION

[Prior to 7/13/88, see Architectural Examiners, Board of[80]]

[Prior to 6/24/26, see Architectural Examining Board[193B] Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/22/29

481—1061.1(544A,17A) Duties.

1061.1(1) The purpose of the architectural examining board is to administer and enforce the provisions of Iowa Code chapter 544A with regard to the practice of architecture in the state of Iowa, including the examining of candidates, issuing licenses to practice architecture, assuring continuing competency through continued education, investigating violations and infractions of the architecture law, disciplining licensees, and imposing civil penalties against nonlicensees. To this end, the board has promulgated these rules to clarify the board's intent and procedures.

1061.1(2) The primary mission of the board is to protect the public interest. All board rules foster the guiding policies and principles described in Iowa Code section 544A.5. The board and its licensees strive at all times to protect the public interest by promoting the highest standards of architecture.

1061.1(3) The board maintains a roster of all architects authorized to practice architecture in the state.

1061.1(4) Chairperson. The chairperson presides at all meetings, appoints all committees, and otherwise performs all duties pertaining to the office of the chairperson.

1061.1(5) Vice chairperson. The vice chairperson, in the absence or incapacity of the chairperson, exercises the duties and possesses the powers of the chairperson.

1061.1(6) Board administrator. The department of inspections, appeals, and licensing may employ a board administrator who will maintain all necessary records of the board and perform all duties in connection with the operation of the board office. The board administrator determines when the legal requirements for licensure have been satisfied with regard to issuance of certificates, licenses or registrations, and the board administrator submits to the board any questionable application.

[ARC 7756C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1061.2(544A,17A) Meetings. Calls for meetings are issued in accordance with Iowa Code section 21.4. The first meeting scheduled after April 30 is the annual meeting. The chairperson and vice chairperson are elected to serve until their successors are elected. The newly elected officers assume the duties of their respective offices at the conclusion of the meeting at which they are elected. Officers may serve no more than three consecutive one-year terms in each office to which they are elected. Special meetings may be called by the chairperson or board administrator, who will set the time and place of the meeting.

[ARC 7756C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1061.3(544A,17A) Certificates. Certificates issued to successful applicants contain the licensee's name and state license number. All licenses are renewable biennially on July 1, with licensees whose last names begin with the letters A through K renewing in even-numbered years and licensees whose last names begin with the letters L through Z renewing in odd-numbered years as provided in rule 481—1062.5(544A).

The board will maintain an electronic roster of those holders of certificates of licensure who have failed to renew.

[ARC 7756C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code sections 544A.5, 544A.8 through 544A.10, and 272C.4.

[Filed 4/8/70, amended 1/2/74]

[Filed 10/1/76, Notice 9/8/76—published 10/20/76, effective 12/8/76]
[Filed 3/15/78, Notice 11/30/77—published 4/5/78, effective 5/10/78]
[Filed 5/8/81, Notice 4/1/81—published 5/27/81, effective 7/1/81]
[Filed 2/7/83, Notice 12/22/82—published 3/2/83, effective 4/6/83]
[Filed 6/24/88, Notice 3/9/88—published 7/13/88, effective 8/17/88]
[Filed 3/30/89, Notice 1/25/89—published 4/19/89, effective 5/24/89]
[Filed 2/15/91, Notice 1/9/91—published 3/6/91, effective 4/10/91]
[Filed 12/6/91, Notice 10/30/91—published 12/25/91, effective 1/29/92]
[Filed 2/6/95, Notice 12/7/94—published 3/1/95, effective 4/5/95]
[Filed 6/15/95, Notice 4/26/95—published 7/5/95, effective 8/9/95]
[Filed 9/20/96, Notice 7/31/96—published 10/9/96, effective 11/13/96]
[Filed 3/21/97, Notice 2/12/97—published 4/9/97, effective 5/14/97]
[Filed 4/30/98, Notice 12/31/97—published 5/20/98, effective 6/24/98]
[Filed 5/13/99, Notice 2/24/99—published 6/2/99, effective 7/7/99]
[Filed 9/12/01, Notice 6/27/01—published 10/3/01, effective 11/7/01]
[Filed ARC 1505C (Notice ARC 1251C, IAB 12/25/13), IAB 6/25/14, effective 7/30/14]
[Filed ARC 2674C (Notice ARC 2480C, IAB 3/30/16), IAB 8/17/16, effective 9/21/16]
[Filed ARC 3331C (Notice ARC 3169C, IAB 7/5/17), IAB 9/27/17, effective 11/1/17]
[Filed ARC 5563C (Notice ARC 5355C, IAB 12/30/20), IAB 4/21/21, effective 5/26/21]
[Filed ARC 7756C (Notice ARC 7435C, IAB 1/10/24), IAB 4/17/24, effective 5/22/24]
[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1062 LICENSURE

[Prior to 7/13/88, see Architectural Examiners, Board of[80]]
[Prior to 6/24/26, see Architectural Examining Board[193B] Ch 2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/22/29

481—1062.1(544A,17A) Definitions. The following definitions apply as used in Iowa Code chapter 544A, and this chapter of the architectural examining board rules, unless the context otherwise requires.

“Applicant” means an individual who has submitted an application for licensure to the board.

“Approved education program” means a degree accredited by an organization that provides an accreditation system for architecture programs or education deemed equivalent by the board to the National Council of Architectural Registration Boards (NCARB) Education Standard that has been evaluated and found to be an equivalent standard based on the NCARB Alternatives to Education Requirement as identified in the NCARB Certification Guidelines demonstration of successful completion of an Education Evaluation Services for Architects.

“Architectural intern” or *“intern architect”* means an individual who has completed or is completing an approved education program, has completed or is currently enrolled in the NCARB Architectural Experience Program (AXP), and intends to actively pursue licensure by completing the Architect Registration Examination.

“ARE” means the current Architect Registration Examination, as prepared and graded by the NCARB.

“AXP applicant” means an individual who has completed the AXP training requirements set forth in the NCARB Architectural Experience Program Guidelines and has submitted an application for licensure to the board.

“Examination” means the current Architect Registration Examination (ARE) accepted by the board.

“Inactive” means that an architect is not engaged in Iowa in any practice for which a certificate of licensure is required, including architects who have retired from active practice.

“Issuance” means the date of mailing of a decision or order or the date of delivery if service is by other means unless another date is specified in the order.

“NCARB” means the National Council of Architectural Registration Boards. The NCARB Architect Registration Examination Guidelines, NCARB Architectural Experience Program Guidelines, and NCARB Certification Guidelines are available through the National Council of Architectural Registration Boards, 1401 H Street NW, Suite 500, Washington, D.C. 20005; NCARB’s website, www.ncarb.org; or the architectural examining board.

“NCARB Architect Registration Examination (ARE) Guidelines” means the edition of a document by the same title published by the National Council of Architectural Registration Boards in April 2026. The document outlines the requirements for examination.

“NCARB Architectural Experience Program Guidelines” means the edition of a document by the same title published by the National Council of Architectural Registration Boards in November 2025. The document outlines the requirements for training.

“NCARB Certification Guidelines” means the edition of a document by the same title published by the National Council of Architectural Registration Boards in January 2026. The document outlines the requirements for licensure as an architect.

“NCARB Education Guidelines” or *“NCARB Education Standards”* means the edition of a document by the same title published by the National Council of Architectural Registration Boards in January 2026. The document outlines the requirements for licensure as an architect.

[ARC 7757C, IAB 4/17/24, effective 5/22/24; ARC 0232D, IAB 4/29/26, effective 6/3/26; Editorial change: IAC Supplement 6/24/26]

481—1062.2(544A,17A) Licensure. All applicants for licensure will complete an online application form.

1062.2(1) Initial licensure. To be eligible for initial licensure by examination, all applicants will have satisfied the architecture education requirements as detailed in paragraph 2.2(1) “a,” have passed all divisions of the ARE as provided by the NCARB, have completed the NCARB AXP as detailed in paragraph 2.2(1) “a,” and have established an NCARB council record. A completed NCARB council record shall be transmitted to and filed in the board office. Upon receipt of the council record from NCARB, the board will provide the applicant with an application for licensure form, which must be completed and returned to the board within three months of receipt of the council record. The board shall issue a license number to the applicant upon receipt of the completed application form and appropriate fee.

a. The education and experience requirements are met when an applicant completes one of the following:

(1) A professional degree in architecture from a program that satisfies the NCARB Education Standard or education deemed equivalent by the board and completion of the NCARB AXP one time.

(2) A degree from a four-year bachelor’s degree program that includes at least 60 semester credit hours in architecture-related subjects as referenced in the NCARB Certification Guidelines in the Education Alternative section and completion of the NCARB AXP two times.

(3) A two-year associate degree program that includes at least 30 semester credit hours in architecture-related subjects as referenced in the NCARB Certification Guidelines in the Education Alternative section and completion of the NCARB AXP three times.

(4) A high school degree or its equivalent and completion of the NCARB AXP four times.

NOTE: To complete each multiple of the NCARB AXP, the candidate must meet the full program requirements for each multiple as defined in the AXP Guidelines. For example, if a candidate is completing the AXP four times, the candidate must document the required number of hours in each experience area four times. Minimum and maximum hours in each experience setting apply.

b. Examinations for licensure as an architect shall be conducted by the board or its authorized representative.

(1) The board shall make use of the ARE prepared and graded by NCARB under a plan of cooperation with the architectural examining boards of all states and territories of the United States.

(2) The board may make use of a testing service selected by NCARB to administer the examination, provided the examination is held in at least one location within the boundaries of this state.

c. Examination admittance requirements.

(1) An applicant will have established an NCARB record.

(2) NCARB shall notify the testing service of the applicant’s eligibility prior to the applicant’s scheduling of an examination.

d. AXP eligibility requirements will be verified and satisfied in accordance with the NCARB Architectural Experience Program Guidelines. Documentation of AXP training units will be submitted on AXP report forms published by NCARB and will be verified by signatures of the licensed architects serving as the intern architect’s supervisors in accordance with the requirements outlined in the NCARB Architectural Experience Program Guidelines. The completed AXP report form shall demonstrate attainment of an aggregate of the minimum number of value units in each training area and shall be submitted to NCARB for evaluation.

1062.2(2) Reciprocity. The board or the board administrator may waive examination requirements for applicants who, at the time of application, are licensed as architects in a different jurisdiction and hold an active NCARB certificate. All such applicants who hold an active NCARB certificate are deemed to possess qualifications that are substantially equivalent to those required of applicants for initial licensure in this state. An active NCARB council certificate shall be transmitted to and filed in the board office. Upon receipt of the certificate from NCARB, the board will provide

the applicant with an application for licensure form, which must be completed and returned to the board within three months of receipt of the council certificate.

1062.2(3) *Verification.* The board may grant registration via verification as provided for in 481—Chapter 501.

1062.2(4) *Military service and veteran reciprocity.* The board may grant registration for military service applicants, spouses, and veterans as provided for in 481—Chapter 7.

1062.2(5) *Applicants seeking architectural commission in Iowa.* A person seeking an architectural commission in this state may be admitted to this state for the purpose of offering to provide architectural services, and for that purpose only, without first being licensed in this state if:

- a.* The person holds an NCARB certificate; and
- b.* The person holds a current and valid license issued by a licensing authority recognized by this state; and
- c.* The person notifies the board in writing on a form provided by the board that the person:
 - (1) Holds an NCARB certificate and a current and valid license issued by a licensing authority recognized by this state,
 - (2) Is not currently licensed in this state but will be present in this state for the purpose of offering to provide architectural services on a temporary basis, and
 - (3) Has no previous or pending disciplinary action by any licensing authority; and
- d.* The person delivers a copy of the notice referred to in paragraph 2.2(5) “c” to every potential client to whom the person offers to provide architectural services; and
- e.* The person provides the board with a sworn statement of intent to apply immediately to the board for licensure if selected as the architect for a project in this state.

The person is prohibited from actually providing architectural services until the person has been issued a valid license in this state.

1062.2(6) *Board refusal to issue license.* The board may refuse to issue a certificate of licensure to any person otherwise qualified upon any of the grounds for which a license may be revoked or suspended or may otherwise discipline a licensee based upon a suspension, revocation, or other disciplinary action taken by a licensing authority in this or another jurisdiction. For purposes of this subrule, “disciplinary action” includes the voluntary surrender of a license to resolve a pending disciplinary investigation or proceeding. A certified copy of the record or order of suspension, revocation, voluntary surrender, or other disciplinary action is prima facie evidence of such fact.

[ARC 7757C, IAB 4/17/24, effective 5/22/24; ARC 0232D, IAB 4/29/26, effective 6/3/26; Editorial change: IAC Supplement 6/24/26]

481—1062.3(17A,272C,544A) Renewal of certificates of licensure.

1062.3(1) *Active status.* Certificates of licensure expire biennially on June 30. In order to maintain authorization to practice in Iowa, a licensee is required to renew the certificate of licensure prior to July 1 of the year of expiration. A licensee who fails to renew by the expiration date is not authorized to practice architecture in Iowa until the certificate is reinstated as provided in rule 481—1062.4(544A,17A).

a. A licensee whose last name begins with the letter A through K will renew in even-numbered years, and a licensee whose last name begins with the letter L through Z will renew in odd-numbered years. However, a license issued on or after May 1 but before June 30 will not expire until June 30 of the next renewal. For example, a license issued on May 17, 2020, would not expire until June 30, 2022.

b. It is the policy of the board to send to each licensee a notice of the pending expiration date at the licensee’s last-known address approximately one month prior to the date the certificate of licensure is scheduled to expire. The notice, when provided, may be by email communication. Failure to receive this notice does not relieve the licensee of the responsibility to timely renew the certificate and pay the renewal fee. A licensee should contact the board office if the licensee does not receive a renewal notice prior to the date of expiration.

c. Upon the board's receipt of a timely and sufficient renewal application as provided in 193—subrule 7.40(3), the board's administrator will issue a new certificate of licensure reflecting the next expiration date unless grounds exist for denial of the application.

d. If grounds exist to deny a timely and sufficient application to renew, the board will send notification to the applicant. Grounds may exist to deny an application to renew if, for instance, the licensee failed to satisfy the continuing education as required as a condition for licensure. If the basis for denial is pending disciplinary action or disciplinary investigation that is reasonably expected to culminate in disciplinary action, the board will proceed as provided in 481—Chapter 506. If the basis for denial is not related to a pending or imminent disciplinary action, the applicant may contest the board's decision as provided in 481—Chapter 506.

e. When a licensee appears to be in violation of mandatory continuing education requirements, the board may, in lieu of proceeding to a contested case hearing on the denial of a renewal application as provided in rule 481—506.35(546,272C), and after or in lieu of giving the licensee an opportunity to come into compliance under 481—subrule 1063.3(3), offer a licensee the opportunity to sign a consent order. While the terms of the consent order will be tailored to the specific circumstances at issue, the consent order will typically impose a penalty between \$50 and \$250, depending on the severity of the violation; establish deadlines for compliance; and require that the licensee complete hours equal to double the deficiency in addition to the required hours; and may impose additional educational requirements on the licensee. Any additional hours completed in compliance with the consent order cannot again be claimed at the next renewal. The board will address subsequent offenses on a case-by-case basis. A licensee is free to accept or reject the offer. If the offer of settlement is accepted, the licensee will be issued a renewed certificate of licensure and will be subject to disciplinary action if the terms of the consent order are not complied with. If the offer of settlement is rejected, the matter will be set for hearing, if timely requested by the applicant pursuant to 481—subrule 506.32(5).

f. The board may notify a licensee whose certificate of licensure has expired. The failure of the board to provide this courtesy notification or the failure of the licensee to receive the notification will not extend the date of expiration.

g. A licensee who continues to practice architecture in Iowa after the license has expired may be subject to disciplinary action. Such unauthorized activity may also be grounds to deny a licensee's application for reinstatement.

1062.3(2) Inactive status. This subrule establishes a procedure under which a person issued a certificate of licensure as an architect may apply to the board to be licensed as inactive. Licensure under this subrule is available to a license holder who is not engaged in Iowa in any practice for which licensure as an architect is required. A person eligible to be licensed as inactive may, as an alternative to such licensure, allow the certificate of licensure to lapse. During any period of inactive status, a person may use the title "inactive architect" or "retired architect," but may not use the sole title of "architect" or any other title that might imply that the person is offering services as an architect by such an action in violation of Iowa Code section 544A.15. The board will continue to maintain a database of persons licensed as inactive, including information that is not routinely maintained after a certificate has lapsed through the person's failure to renew. A person who is licensed as inactive will accordingly receive renewal applications, board newsletters and other mass communications from the board.

a. *Affirmation.* The renewal application form will contain a statement in which the applicant affirms that the applicant will not engage in any of the practices in Iowa that are listed in Iowa Code section 544A.16 without first complying with all rules governing reinstatement to active status. A person in inactive status may reinstate to active status at any time pursuant to rule 481—1062.5(544A).

b. *Renewal.* A person licensed as inactive may renew the person's certificate of licensure on the biennial schedule described in this rule. This person shall be exempt from the continuing education

requirements and will be charged a reduced renewal fee as provided in rule 481—1062.9(544A,17A). An inactive certificate of licensure will lapse if not timely renewed.

c. Permitted practices. A person may, while licensed as inactive, perform for a client, business, employer, government body, or other entity those services that may lawfully be provided by a person to whom a certificate of licensure has never been issued. Such services may be performed as long as the person does not in connection with such services use the title “architect” or any other title restricted for use only by architects pursuant to Iowa Code section 544A.15 (without additional designations such as “inactive” or “retired”). Restricted titles may be used only by active architects who are subject to continuing education requirements to ensure that the use of such titles is consistently associated with the maintenance of competency through continuing education.

d. Prohibited practices. A person who, while licensed as inactive, engages in any of the practices described in Iowa Code sections 544A.15 and 544A.16 is subject to disciplinary action.

e. Exemption. A person whose license as an architect has been placed on probation, suspended, revoked, or voluntarily surrendered in connection with a disciplinary investigation or proceeding shall not be eligible for inactive status unless, upon appropriate application, the board first reinstates the license to good standing.

[ARC 7757C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1062.4(544A,17A) Reinstatement of lapsed certificate of licensure to active status. An individual may reinstate a lapsed certificate of licensure to active licensure as follows:

1062.4(1) Pay the current renewal fee.

1062.4(2) Pay the reinstatement fee of \$100 plus \$25 per month or partial month of expired licensure up to a maximum of \$750. All applicants for reinstatement shall be assessed the \$100 reinstatement fee. The \$25 per month shall not be assessed if the applicant for reinstatement did not, during the period of lapse, engage in any acts or practices for which an active architect license is required in Iowa. Falsely claiming an exemption from the monthly fee is a ground for discipline; in addition, other grounds for discipline may arise from practicing on a lapsed certificate, license or permit to practice.

1062.4(3) Provide a written statement outlining the applicant’s professional activities performed in Iowa during the period in which the individual was unlicensed. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant.

1062.4(4) Submit documented evidence of completion of 24 continuing education hours, which should have been reported on the June 30 renewal date on which the applicant failed to renew, and 12 continuing education hours for each year or portion of a year of expired licensure up to a maximum of 48 continuing education hours. All continuing education hours must be completed in health, safety, and welfare subjects acquired in structured educational activities and be in compliance with requirements in 481—Chapter 1063. The hours reported shall not have been earned more than four years prior to the date of the application to reinstate to active status. The continuing education hours used for reinstatement may not be used again at the next renewal.

[ARC 7757C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1062.5(544A) Reinstatement from inactive status to active status. An individual may reinstate an inactive license to an active license as follows:

1062.5(1) Pay one-half of the current active license fee.

1062.5(2) Submit documented evidence of completion of 24 continuing education hours in compliance with requirements in 481—Chapter 1063. All continuing education hours must be completed in health, safety, and welfare subjects acquired in structured educational activities. The hours reported shall not have been earned more than four years prior to the date of the application to reinstate to active status. The hours used to reinstate to active status cannot again be used to renew.

a. At the first biennial renewal date of July 1 that is less than 12 months from the date of the filing of the application to restore the certificate of licensure to active status, the person shall not be required to report continuing education hours.

b. At the first biennial renewal date of July 1 that is 12 months or more, but less than 24 months, from the date of the filing of the application to restore the certificate of licensure to active status, the person shall report 12 hours of previously unreported continuing education hours.

1062.5(3) Provide a written statement in which the applicant affirms that the applicant has not engaged in any of the practices in Iowa that are listed in Iowa Code section 544A.16 during the period of inactive licensure.

[ARC 7757C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1062.6(544A,17A) Finding of probable cause for unlicensed practice. The board may find probable cause to file charges for unlicensed practice if the individual continues to offer services defined as the practice of architecture outlined in Iowa Code section 544A.16 while using the title “architect,” “architectural designer,” or similar designation during the period of lapsed licensure.

[ARC 7757C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1062.7(544A,272C) Responsibility for accuracy of applications. The architect is responsible for verifying the accuracy of the information submitted on an application regardless of how the application is submitted or by whom it is submitted. For instance, if the office manager of an architect’s firm submits an application for renewal on behalf of the architect and that information is incorrect, the architect will be held responsible for the information and may be subject to disciplinary action.

[ARC 7757C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1062.8(544A,272C) Application denial. An application may be denied on the grounds provided in Iowa Code chapter 544A and in rule 481—500.6(17A,147,272C). The administrative processing of an application shall not prevent the later initiation of a contested case to challenge a licensee’s qualifications for licensure. The board may also deny a license on the grounds of submitting a false statement or submission of material fact on an application for licensure.

[ARC 7757C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1062.9(544A,17A) Fee schedule. Under the authority provided in Iowa Code chapter 544A, the following fees are hereby adopted:

Examination fees:

Fees for examination subjects shall be paid directly to the testing service selected by NCARB.

Initial license fee	\$50
(plus \$5 per month until renewal)	
Reciprocal application and license fee	\$200
Verification application and license fee	\$200
Biennial renewal fee	\$200
Biennial renewal fee (inactive)	\$100
Reinstatement of lapsed individual license	\$100 + renewal fee + \$25 per month or partial month of expired license
Reinstatement of inactive individual license	\$100
Duplicate wall certificate fee	\$50
License predetermination fee	\$25
Fee for return of payment	\$30
All fees are nonrefundable.	

[ARC 7757C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code chapters 544A and 17A.

- [Filed 10/1/76, Notice 9/8/76—published 10/20/76, effective 12/8/76]
- [Filed 3/15/78, Notice 11/30/77—published 4/5/78, effective 5/10/78]
- [Filed 1/23/81, Notice 9/3/80—published 2/18/81, effective 3/25/81]
- [Filed 5/8/81, Notice 4/1/81—published 5/27/81, effective 7/1/81]
- [Filed 2/7/83, Notice 12/22/82—published 3/2/83, effective 4/6/83]
- [Filed 9/13/85, Notice 6/19/85—published 10/9/85, effective 11/13/85]
- [Filed 10/8/87, Notice 7/15/87—published 11/4/87, effective 12/9/87]
- [Filed 6/24/88, Notice 3/9/88—published 7/13/88, effective 8/17/88]
- [Filed 3/30/89, Notice 1/25/89—published 4/19/89, effective 5/24/89]
- [Filed 9/15/89, Notice 7/12/89—published 10/4/89, effective 11/8/89]
- [Filed 2/15/91, Notice 1/9/91—published 3/6/91, effective 4/10/91]
- [Filed 12/6/91, Notice 10/30/91—published 12/25/91, effective 1/29/92]
- [Filed 3/12/93, Notice 2/3/93—published 3/31/93, effective 5/5/93]
- [Filed 1/14/94, Notice 11/10/93—published 2/2/94, effective 3/23/94]
- [Filed 2/6/95, Notice 12/7/94—published 3/1/95, effective 4/5/95]
- [Filed 4/5/96, Notice 1/3/96—published 4/24/96, effective 5/29/96]
- [Filed 9/20/96, Notice 7/31/96—published 10/9/96, effective 11/13/96]
- [Filed 4/30/98, Notice 12/31/97—published 5/20/98, effective 6/24/98]
- [Filed 11/12/98, Notice 6/17/98—published 12/2/98, effective 1/6/99]
- [Filed 11/12/98, Notice 8/12/98—published 12/2/98, effective 1/6/99]
- [Filed 5/13/99, Notice 2/24/99—published 6/2/99, effective 7/7/99]
- [Filed 1/12/00, Notice 10/20/99—published 2/9/00, effective 3/15/00]
- [Filed 9/12/01, Notice 6/27/01—published 10/3/01, effective 11/7/01]
- [Filed 9/26/02, Notice 6/12/02—published 10/16/02, effective 11/20/02]
- [Filed 1/30/03, Notice 12/11/02—published 2/19/03, effective 3/26/03]
- [Filed 7/21/04, Notice 6/9/04—published 8/18/04, effective 9/22/04]
- [Filed 9/20/05, Notice 7/6/05—published 10/12/05, effective 11/16/05]
- [Filed 9/20/05, Notice 8/3/05—published 10/12/05, effective 11/16/05]
- [Filed 11/22/06, Notice 10/11/06—published 12/20/06, effective 1/24/07]
- [Filed 7/20/07, Notice 4/25/07—published 8/15/07, effective 9/19/07]
- [Filed 9/21/07, Notice 8/15/07—published 10/10/07, effective 2/11/08]
- [Filed ARC 7737B (Notice ARC 7545B, IAB 2/11/09), IAB 5/6/09, effective 6/10/09]
- [Filed ARC 8638B (Notice ARC 8392B, IAB 12/16/09), IAB 4/7/10, effective 5/12/10]
- [Filed ARC 1210C (Notice ARC 0978C, IAB 8/21/13), IAB 12/11/13, effective 1/15/14]
- [Filed ARC 1504C (Notice ARC 1282C, IAB 1/8/14), IAB 6/25/14, effective 7/30/14]
- [Filed ARC 1624C (Notice ARC 1501C, IAB 6/11/14), IAB 9/17/14, effective 10/22/14]
- [Filed Emergency ARC 1985C, IAB 4/29/15, effective 4/10/15]
- [Filed ARC 2674C (Notice ARC 2480C, IAB 3/30/16), IAB 8/17/16, effective 9/21/16]
- [Filed ARC 3332C (Notice ARC 3170C, IAB 7/5/17), IAB 9/27/17, effective 11/1/17]
- [Filed ARC 5563C (Notice ARC 5355C, IAB 12/30/20), IAB 4/21/21, effective 5/26/21]
- [Filed ARC 7757C (Notice ARC 7436C, IAB 1/10/24), IAB 4/17/24, effective 5/22/24]
- [Filed ARC 0232D (Notice ARC 0070D, IAB 2/18/26), IAB 4/29/26, effective 6/3/26]
- [Editorial change: IAC Supplement 6/24/26]

CHAPTER 1063 CONTINUING EDUCATION

[Prior to 7/13/88, see Architectural Examiners, Board of[80]]
[Prior to 6/24/26, see Architectural Examining Board[193B] Ch 3]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/22/29

481—1063.1(544A,272C) Continuing education. The following rules adopted by the architectural examining board are in compliance with Iowa Code chapter 544A and section 272C.2 requiring professional and occupational licensees to participate in a continuing education program as a condition of license renewal.

[ARC 7758C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1063.2(544A,272C) Definitions. The following definitions apply as used in Iowa Code chapter 544A and this chapter of the architectural examining board rules, unless the context otherwise requires.

“Continuing education” or *“CE”* means postlicensure learning that enables a licensed architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public’s health, safety, and welfare.

“Continuing education hour” or *“CEH”* means one continuous instructional hour (50 to 60 minutes of contact) spent in structured educational activities intended to increase or update the architect’s knowledge and competence in health, safety, and welfare subjects. If the provider of the structured educational activities prescribes a customary time for completion of such an activity and if the prescribed time is not deemed unreasonable by the board, then such prescribed time will be accepted for CEH purposes as the architect’s time irrespective of actual time spent on the activity.

“Distance learning” means any education process based on the geographical separation of student and instructor. “Distance learning” includes computer-generated programs, webinars, and home-study/correspondence programs.

“Health, safety, and welfare subjects” means technical and professional subjects that the board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

1. Building systems: structural, mechanical, electrical, plumbing, communications, security, and fire protection.
2. Construction contract administration: contracts, bidding, and contract negotiations.
3. Construction documents: drawings, specifications, and delivery methods.
4. Design: urban planning, master planning, building design, site design, interiors, safety and security measures.
5. Environmental: energy efficiency, sustainability, natural resources, natural hazards, hazardous materials, weatherproofing, and insulation.
6. Legal: laws, codes, zoning, regulations, standards, life safety, accessibility, ethics, and insurance to protect owners and the public.
7. Materials and methods: construction systems, products, finishes, furnishings, and equipment.
8. Occupant comfort: air quality, lighting, acoustics, and ergonomics.
9. Predesign: land use analysis, programming, site selection, site and soils analysis, and surveying.
10. Preservation: historic, reuse, and adaptation.

“Not engaged in active practice” means that an architect is not engaged in the practice of architecture or earning monetary compensation by providing professional architectural services in any licensing jurisdiction of the United States or a foreign country.

“Retired from active practice” means the same as “not engaged in active practice.”

“Structured educational activities” means educational activities in which at least 75 percent of an activity’s content and instructional time is to be devoted to health, safety, and welfare subjects related to the practice of architecture, including courses of study or other activities under the areas identified as health, safety, and welfare subjects and provided by qualified individuals or organizations, whether the courses of study or other activities are delivered by direct contact or distance learning methods.

[ARC 7758C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1063.3(544A,272C) Basic requirements.

1063.3(1) To renew licensure, an architect must, in addition to meeting all other requirements, complete a minimum of 24 CEHs for each 24-month period since the architect’s last renewal of initial licensure or be exempt from these continuing education requirements as provided in rule 481—1063.5(544A,272C). Failure to comply with these requirements may result in nonrenewal of the architect’s license.

1063.3(2) All 24 CEHs must be completed in health, safety, and welfare subjects acquired in structured educational activities. CEHs may be acquired at any location. A licensee may carry over up to 12 CEHs obtained in excess of the requirements for a renewal period to the following renewal period.

1063.3(3) An architect will complete and submit forms as required by the board certifying that the architect has completed the required CEHs. Forms may be audited by the board for verification of compliance with these requirements. Documentation of reported CEHs will be maintained by the architect for two years after the period for which the form was submitted. Any discrepancy between the number of CEHs reported and the number of CEHs actually supported by documentation may result in a disciplinary review. If, after the disciplinary review, the board disallows any CEHs, or the licensee has failed to complete the required CEHs, the architect will have 60 days from notification of the board to either provide further evidence of having completed the CEHs disallowed or remedy the disallowance by completing the required number of CEHs (provided that such CEHs are not used for the next renewal). An extension of time may be granted on an individual basis and must be requested by the licensee within 30 days of notification by the board. If the licensee fails to comply with the requirements of this subrule, the licensee may be subject to disciplinary action. If the board finds, after proper notice and hearing, that the architect willfully disregarded these requirements or falsified documentation of required CEHs, the architect may be subject to disciplinary action.

1063.3(4) An architect who holds licensure in Iowa for less than 12 months from the date of initial licensure or who is reinstating to active status is not required to report CEHs at the first license renewal. An architect who holds licensure in Iowa for 12 months or more, but less than 23 months from the date of initial licensure or who is reinstating to active status, is required to report 12 CEHs earned in the preceding 12 months at the first license renewal.

[ARC 7758C, IAB 4/17/24, effective 5/22/24; ARC 9100C, IAB 4/16/25, effective 5/21/25; Editorial change: IAC Supplement 6/24/26]

481—1063.4(544A,272C) Authorized structured educational activities. The following list may be used by all licensees in determining the types of activities that may fulfill CE requirements if the activities are conducted as structured educational activities on health, safety, and welfare subjects:

1. Short courses or seminars sponsored by colleges or universities.
2. Technical presentations held in conjunction with conventions or at seminars sponsored or accredited by the American Institute of Architects (AIA), Construction Specifications Institute, Construction Products Manufacturers Council, National Council of Architecture Registration Boards (NCARB), or similar organizations devoted to architectural education.
3. Distance learning sponsored by the AIA, NCARB, or similar organizations.
4. College or university credit courses. Each semester hour equals 12 CEHs. A quarter hour equals 8 CEHs.

[ARC 7758C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1063.5(544A,272C) Exemptions.

1063.5(1) As provided in Iowa Code section 272C.2(4), a licensed architect will be deemed to have complied with the continuing education requirements set forth in this chapter if the architect attests in the required affidavit that for not less than 21 months of the preceding two-year period of licensure, the architect:

- a.* Has served honorably on active duty in the military service; or
- b.* Is a resident of another state or district having a continuing education requirement for licensure as an architect and has complied with all requirements of that state or district for practice therein; or
- c.* Is a government employee working as an architect and assigned to duty outside the United States.

1063.5(2) Architects who so attest on their affidavits that they are retired from active practice or are not engaged in active practice may maintain their licenses in retired or inactive status without satisfying CE requirements. Such architects may, however, reenter practice only after satisfying the board of their proficiency. Proficiency may be established by any one of the following:

- a.* Submitting verifiable evidence of compliance with the aggregate continuing education requirements for the reporting periods attested as retired from active practice or not engaged in active practice up to a maximum of 48 CEHs.
- b.* Retaking the architectural registration examination.
- c.* Fulfilling alternative reentry requirements determined by the board that serve to assure the board of the current competency of the architect to engage in the practice of architecture.

1063.5(3) The board may make exceptions for reasons of individual hardship, including health (certified by a medical doctor) or other good cause. More information is contained in 7—Chapter 2504.

[ARC 7758C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code section 272C.2.

[Filed 9/27/78, Notice 8/23/78—published 10/18/78, effective 11/22/78]

[Filed 3/2/82, Notice 1/6/82—published 3/31/82, effective 5/5/82]

[Filed 6/24/88, Notice 3/9/88—published 7/13/88, effective 8/17/88]

[Filed 3/30/89, Notice 12/28/88—published 4/19/89, effective 5/24/89]

[Filed 2/15/91, Notice 1/9/91—published 3/6/91, effective 4/10/91]

[Filed 12/6/91, Notice 10/30/91—published 12/25/91, effective 1/29/92]

[Filed 3/12/93, Notice 2/3/93—published 3/31/93, effective 5/5/93]

[Filed 1/14/94, Notice 11/10/93—published 2/2/94, effective 3/23/94]

[Filed 2/6/95, Notice 12/7/94—published 3/1/95, effective 4/5/95]

[Filed 9/20/96, Notice 7/31/96—published 10/9/96, effective 11/13/96]

[Filed 3/21/97, Notice 2/12/97—published 4/9/97, effective 5/14/97]

[Filed 9/12/01, Notice 6/27/01—published 10/3/01, effective 11/7/01]

[Filed ARC 1625C (Notice ARC 1500C, IAB 6/11/14), IAB 9/17/14, effective 10/22/14]

[Filed Emergency ARC 1985C, IAB 4/29/15, effective 4/10/15]

[Filed ARC 3022C (Notice ARC 2876C, IAB 1/4/17), IAB 4/12/17, effective 5/17/17]

[Filed ARC 3333C (Notice ARC 3171C, IAB 7/5/17), IAB 9/27/17, effective 11/1/17]

[Filed ARC 5563C (Notice ARC 5355C, IAB 12/30/20), IAB 4/21/21, effective 5/26/21]

[Filed ARC 7758C (Notice ARC 7437C, IAB 1/10/24), IAB 4/17/24, effective 5/22/24]

[Filed ARC 9100C (Notice ARC 8552C, IAB 12/25/24), IAB 4/16/25, effective 5/21/25]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1064 RULES OF CONDUCT

[Prior to 7/13/88, see Architectural Examiners, Board of[80]]
[Prior to 6/24/26, see Architectural Examining Board[193B] Ch 4]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/22/29

481—1064.1(544A,17A) Rules of conduct. Failure by a licensee to adhere to the provisions of Iowa Code sections 272C.10 and 544A.13 and the following rules of conduct is grounds for disciplinary action.

1064.1(1) Definition. The following definition applies as used in Iowa Code chapter 544A and this chapter of the architectural examining board rules, unless the context otherwise requires.

“Responsible charge” means the amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by a licensed architect applying the necessary professional standard of care, including but not limited to an architect’s integration of information from manufacturers, suppliers, installers; the architect’s consultants, owners, contractors; or other sources the architect reasonably trusts that is incidental to and intended to be incorporated into the architect’s technical submissions if the architect has coordinated and reviewed such information. Other review, or review and correction, of technical submissions after they have been prepared by others does not constitute the exercise of responsible charge because the reviewer has neither control over nor detailed professional knowledge of the content of such submissions throughout their preparation.

1064.1(2) Competence.

a. In practicing architecture, an architect will act with reasonable care and competence and will apply the technical knowledge and skill that is ordinarily applied by architects of good standing practicing in the same locality.

b. While an architect may rely on the advice of other professionals (e.g., attorneys, engineers and other qualified persons) as to the intent and meaning of all applicable state and municipal building laws and regulations, once having obtained such advice, an architect will not knowingly design a project in violation of these laws and regulations.

c. An architect may perform professional services only when the architect, together with those whom the architect may engage as consultants, is qualified by education, training and experience in the specific technical areas involved.

d. No person is permitted to practice architecture if, in the board’s judgment upon receipt of medical testimony or evidence, the person’s professional competence is substantially impaired by physical or mental disabilities.

1064.1(3) Conflict of interest.

a. An architect may accept compensation for services from more than one party on a project if the circumstances are fully disclosed to and agreed to in writing by all interested parties in advance of payment of such compensation.

b. If an architect has any business association or direct or indirect financial interest that is substantial enough to influence the architect’s judgment in connection with the architect’s performance of professional services, the architect will fully disclose, in writing, to the client or employer the nature of the business association or financial interest, and if the client or employer objects to the association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

c. An architect may not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing the products.

d. When acting as the interpreter of building contract documents and the judge of contract performance, an architect will render decisions impartially, favoring neither party to the contract.

1064.1(4) Full disclosure.

a. When making public statements on architectural questions, an architect will disclose when compensation is being received for making the statements.

b. An architect will accurately represent to a prospective or existing client or employer the architect's qualifications, capabilities, and experience and the scope of the architect's responsibility in connection with work for which the architect is claiming credit.

c. If, in the course of work on a project, an architect becomes aware of a decision taken by the employer or client against the architect's advice that violates applicable state or municipal building laws and regulations and that may, in the architect's judgment, adversely affect the safety to the public of the finished project, the architect will:

(1) Report the decision to the local building inspector or other public official charged with enforcement of the applicable state or municipal building laws and regulations,

(2) Refuse to consent to the decisions, and

(3) In circumstances where the architect reasonably believes that other decisions will be taken, notwithstanding the architect's objection, terminate the architect's services with reference to the project.

d. An architect will not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with application for licensure or renewal of license.

e. An architect will not assist the application for licensure of a person known by the architect to be unqualified in respect to education, training, experience or character.

f. An architect possessing knowledge of a violation of these rules by another architect will report the knowledge to the board.

1064.1(5) *Compliance with laws.*

a. An architect will not, in the conduct of architectural practice, knowingly violate any state or federal criminal law. A "conviction" for purposes of this paragraph and Iowa Code section 544A.13 means a conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect the licensee's ability to practice the profession of architecture and includes the court's acceptance of a guilty plea, a deferred judgment from the time of entry of the deferred judgment until the time the defendant is discharged by the court without entry of judgment, or other finding of guilt by a court of competent jurisdiction. A copy of the record of conviction, guilty plea, deferred judgment, or other finding of guilt is conclusive evidence. A licensed architect will notify the board of a conviction within 30 days of the conviction.

b. An architect will neither make nor offer to make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

c. An architect will comply with the licensing laws and regulations governing the architect's professional practice in any United States jurisdiction.

d. An Iowa-licensed architect will report to the board in writing any revocation, suspension, license denial, or other disciplinary action taken by a licensing authority in any other state or jurisdiction within 30 days of the final action.

1064.1(6) *Professional conduct.*

a. Each office engaged in the practice of architecture will have an architect resident regularly employed in that office having responsible charge of such work or, in the situation of work performed remotely, immediately available to furnish assistance or direction throughout the performance of the work.

b. An architect may only sign or seal drawings, specifications, reports or other professional work for which the architect has direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of professional work prepared by the architect's consultants, licensed under this or another professional licensing law of this jurisdiction, the architect may sign or seal that portion of the professional work if the architect has reviewed that portion, has coordinated its preparation and intends to be responsible for its adequacy.

c. An architect will neither offer nor make any gifts to any public official with the intent of influencing the official's judgment in connection with a project in which the architect is interested. Nothing in this rule will bar an architect from providing architectural services as a charitable contribution.

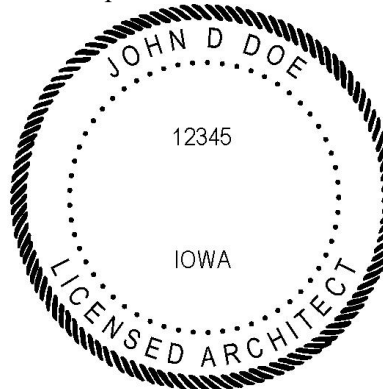
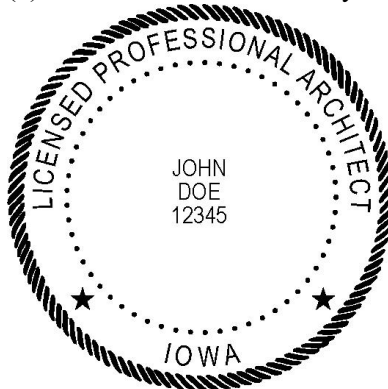
d. An architect will not engage in conduct involving fraud or wanton disregard of the rights of others.

e. Architects will adhere to the appropriate standards of conduct as outlined in the NCARB Model Rules of Conduct, dated July 2018, incorporated herein by reference.

1064.1(7) Seal and certificate of responsibility.

a. The seal under Iowa Code section 544A.28 includes:

- (1) An outside circle with a diameter of approximately 1¾ inches.
- (2) The name of the licensed architect and the words "Licensed Architect".
- (3) The Iowa license number and the word "Iowa".
- (4) The seal will substantially conform to the samples shown below:



b. A legible rubber stamp, electronic image or other facsimile of the seal may be used.

c. Each technical submission submitted to a client or any public agency, hereinafter referred to as the official copy, will contain an information block on its first page or on an attached cover sheet with application of a seal by the architect in responsible charge and an information block with application of a seal by each professional consultant contributing to the technical submission. The seal and original signature will be applied only to a final technical submission. Each official copy of a technical submission will be stapled, bound or otherwise attached together so as to clearly establish the complete extent of the technical submission. Each information block will display the seal of the individual responsible for that portion of the technical submission. The area of responsibility for each sealing professional will be designated in the area provided in the information block, so that responsibility for the entire technical submission is clearly established by the combination of the stated seal responsibilities. The information block will substantially conform to the sample shown below:

S E A L	I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly licensed architect under the laws of the state of Iowa.	
	Signature	Date
	Printed or typed name _____	
	License number _____	
	My license renewal date is June 30, _____	
Pages or sheets covered by this seal: _____		

d. The information requested in each information block must be typed or legibly printed in permanent ink or a secure electronic signature. An electronic signature as defined in or governed by Iowa Code chapter 554D meets the signature requirements of this rule if it is protected by a security procedure, as defined in Iowa Code section 554D.103(14), such as digital signature technology. It is the licensee's responsibility to ensure, prior to affixing an electronic signature to a technical submission, that security procedures are adequate to (1) verify that the signature is that of a specific person and (2) detect any changes that may be made or attempted after the signature of the specific person is affixed. The seal implies responsibility for the entire technical submission unless the area of responsibility is clearly identified in the information accompanying the seal.

e. The architect who signed the original submission is responsible for forwarding copies of all changes and amendments to the technical submission, which becomes a part of the official copy of the technical submission, to the public official charged with the enforcement of the state, county, or municipal building code.

f. An architect is responsible for the custody and proper use of the seal. Improper use of the seal is grounds for disciplinary action.

g. The seal appearing on any technical submission establishes prima facie evidence that said technical submission was prepared by or under the responsible charge of the individual named on that seal.

1064.1(8) Communications. An architect will, when requested, respond to communications from the board within 30 days of the mailing of such communication by certified mail. Failure to respond to such communication may be grounds for disciplinary action against the architect.

1064.1(9) Architectural Experience Program supervisor. The Architectural Experience Program supervisor, formerly known as the Intern Development Program supervisor, will timely respond to a request to verify experience hours reported to the National Council of Architectural Registration Boards' Architectural Experience Program when requested by NCARB, the board, or a subordinate, associate, or intern who is, or has been, supervised by the Architectural Experience Program supervisor.

This rule is intended to implement Iowa Code chapters 17A and 544A.

[ARC 7759C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

[Filed 2/7/83, Notice 12/22/82—published 3/2/83, effective 4/6/83]

[Filed 10/8/87, Notice 7/15/87—published 11/4/87, effective 12/9/87]

[Filed 6/24/88, Notice 3/9/88—published 7/13/88, effective 8/17/88]

[Filed 2/15/91, Notice 1/9/91—published 3/6/91, effective 4/10/91]

[Filed 12/6/91, Notice 10/30/91—published 12/25/91, effective 1/29/92]

[Filed 1/14/94, Notice 11/10/93—published 2/2/94, effective 3/23/94]

[Filed 2/6/95, Notice 12/7/94—published 3/1/95, effective 4/5/95]

[Filed 3/21/97, Notice 2/12/97—published 4/9/97, effective 5/14/97]

[Filed 7/24/98, Notice 5/20/98—published 8/12/98, effective 9/16/98]

[Filed 5/13/99, Notice 2/24/99—published 6/2/99, effective 7/7/99]

[Filed 9/12/01, Notice 6/27/01—published 10/3/01, effective 11/7/01]

[Filed 3/29/07, Notice 2/14/07—published 4/25/07, effective 5/30/07]

[Filed ARC 9359B (Notice ARC 9260B, IAB 12/15/10), IAB 2/9/11, effective 3/16/11]

[Filed ARC 3141C (Notice ARC 3015C, IAB 4/12/17), IAB 6/21/17, effective 7/26/17]

[Filed ARC 3334C (Notice ARC 3174C, IAB 7/5/17), IAB 9/27/17, effective 11/1/17]

[Filed ARC 5563C (Notice ARC 5355C, IAB 12/30/20), IAB 4/21/21, effective 5/26/21]

[Filed ARC 7759C (Notice ARC 7438C, IAB 1/10/24), IAB 4/17/24, effective 5/22/24]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1065 EXCEPTIONS

[Prior to 6/24/26, see Architectural Examining Board[193B] Ch 5]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/22/29

481—1065.1(544A) Definitions. The following definitions apply as used in Iowa Code chapter 544A and this chapter of the architectural examining board rules.

“Accessory buildings” means a building or structure of an accessory character and miscellaneous structures not classified in any specific occupancy or use. “Accessory buildings” are constructed, equipped and maintained to conform to the requirements corresponding to the fire and life hazard incidental to the buildings’ occupancy. “Accessory buildings” is intended to encompass the uses listed in Group U of the 2015 International Building Code®.

“Agricultural building” means a structure designed to house farm implements, hay, grain, poultry, livestock or other agricultural products. For the purpose of this definition, this structure does not contain habitable space or a place of employment where agricultural products are processed or treated or packaged; nor will it be a place used by the public.

“Alter” or *“alteration”* means any change, addition or modification to an existing building in its construction or occupancy.

“Church” means a building or portion thereof intended for the performance of religious services.

“Commercial” or *“commercial use”* means the following:

1. The use of a building or structure, or a portion thereof, for office, professional, or service-type transactions, including storage of records and accounts,
2. The use of a building or structure, or a portion thereof, for the display and sale of merchandise, and involves stocks of goods, including wares or merchandise incidental to such purposes and accessible to the public.

“Commercial use” is intended to encompass the uses listed in Group B and Group M of the 2015 International Building Code®.

“Detached” means a structure separated by distance and not connected to another structure.

“Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Educational use” means the use of a building or structure, or a portion thereof used (1) by six or more persons at any one time for education purposes through twelfth grade; or (2) by six or more children for day care purposes. Rooms and spaces within places of religious worship providing such day care during religious functions and day cares serving five or fewer children are classified as part of the primary occupancy. “Educational use” is intended to encompass the uses listed in Group E of the 2015 International Building Code®.

“Factory-built buildings” means any structure that is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on a building site. “Factory-built buildings” includes the terms “mobile home,” “manufactured home,” and “modular home.”

“Family dwelling unit” means the same as “dwelling unit.”

“Gross floor area” means the area included within the surrounding exterior walls of a building. Areas of the building not provided with surrounding walls are included in the building area if such areas are included within the horizontal projection of the supporting structure of the roof or floor above.

“Habitable space (room)” means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered “habitable space.”

“Hazardous use” means the use of a building or structure, or a portion thereof, that involves the manufacturing, processing, generation or storage of materials that constitute a physical or health

hazard. “Hazardous use” is intended to encompass the uses listed in Group H of the 2015 International Building Code®.

“*Industrial use*” means the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, or processing operations that are not classified as hazardous use. “Industrial use” is intended to encompass the uses listed in Group F of the 2015 International Building Code®.

“*Institutional use*” means the use of a building or structure, or a portion thereof, in which persons are receiving custodial or medical care, in which persons are detained for penal or correctional purposes or in which the liberty of the occupants is restricted. Day care facilities as defined in educational use are not considered institutional uses. “Institutional use” is intended to encompass the uses listed in Group I of the 2015 International Building Code®. Facilities with five or fewer persons receiving custodial care may be considered a residential use or be considered part of the primary occupancy as listed in Group I of the 2015 International Building Code®.

“*International Building Code*” is a model building code developed by the International Code Council. The 2015 International Building Code® is available from the state library of Iowa or the board or online at codes.iccsafe.org.

“*Light industrial*” means buildings not more than one story in height and not exceeding 10,000 square feet in gross floor area that involve fabrication or manufacturing of noncombustible materials that, during finishing, packing, or processing, are not classified as hazardous use.

“*Mixed building use*” means a building containing more than one use classification.

“*Nonstructural alterations*” means modifications to an existing building that do not include any changes to structural members of a building, or do not modify means of egress, handicap accessible routes, fire resistivity or other life safety concerns.

“*Occupancy*” means a purpose for which a building, or part thereof, is used or intended to be used.

“*Outbuildings*” means the same as “accessory buildings.”

“*Place of assembly of people or public gathering*” means the use of a building or structure, or a portion thereof, for the gathering of persons such as for civic, social, or religious functions; recreation, food or drink consumption; or awaiting transportation. “Place of assembly of people or public gathering” is intended to encompass the uses listed in Group A of the 2015 International Building Code®. Places of assembly with occupancy of fewer than 50 people are considered part of the primary occupancy.

“*Residential use*” means the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an institutional use. “Residential use” is intended to encompass the uses listed in Group R of the 2015 International Building Code®.

“*Story*” means that portion of a building included between the upper surface of any floor and the upper surface of the floor or roof next above.

“*Structural members*” consists of building elements that carry an imposed load of weight and forces in addition to their own weight including, but not limited to, loads imposed by forces of gravity, wind, and earthquake. Structural members include, but are not limited to, footings, foundations, columns, load-bearing walls, beams, girders, purlins, rafters, joists, trusses, lintels, and lateral bracing.

“*Use*” means the same as “occupancy.”

“*Warehouses*” or “*warehouse use*” means the use of a building or structure, or portion thereof, for storage that is not classified as a hazardous use. “Warehouse use” is intended to encompass the uses listed in Group S of the 2015 International Building Code®.

[ARC 7760C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1065.2(544A) Exceptions. An architect licensed in this state is required to perform professional architectural services for all buildings except those listed in Iowa Code section 544A.18.

[ARC 7760C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1065.3(544A) Building use. The following criteria are used when applying the exceptions outlined in Iowa Code section 544A.18 and rule 481—1065.2(544A):

1065.3(1) *Building use takes priority over size.* In all cases, the use of the building takes priority over the size. For example, a place of assembly is not a commercial use, and would not constitute an exception even if the building is not more than one story in height and does not exceed more than 10,000 square feet in gross floor area.

1065.3(2) *Mixed building use.* In the case that a building contains more than one use, the most stringent use is applied to the entire building when applying the exceptions. For example, a two-story building containing a 6,000 square foot commercial space as well as 6,000 square feet of residential space on the second floor would be considered a 12,000 square foot, two-story commercial building for the purposes of the exception matrix.

1065.3(3) *Agricultural buildings.* Activities inherent to housing farm implements, farm inputs, farm products, and livestock or other agricultural products, such as recordkeeping, sanitation, storage of farm inputs, or equipment preparation, repair, or modifications, are not to be construed as a use in and of itself for the purposes of applying the exceptions. For example, welding operations to repair an implement or grain-handling equipment would not trigger the consideration of an agricultural building or a portion of the building as an industrial use.

1065.3(4) *Churches and accessory buildings.* When under the height and gross floor area noted in the exception and encompassing uses inherent to a church or an accessory building as defined, these buildings are exempted, even if the use within the building would normally not be exempted. For example, a church used as a place of assembly with occupancy of more than 50 people but still under the height and gross floor area noted would still be exempted even though the occupancy would place the building in the nonexempted category.

[ARC 7760C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1065.4(544A) Exceptions matrix. The following matrix is compiled to illustrate the exceptions outlined in Iowa Code section 544A.18. The laws and rules governing the practice of engineering are not illustrated herein.

BUILDINGS NEW CONSTRUCTION			
Building Use Type	Description	Architect Required	Architect May Not Be Required
Agricultural use	Including grain elevators and feed mills		X
Churches and accessory buildings whether attached or separate	One or two stories in height, up to a maximum of 2,000 square feet in gross floor area		X
	Any number of stories in height, greater than 2,000 square feet in gross floor area	X	
	More than two stories in height	X	
Commercial use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
	One story in height, greater than 10,000 square feet in gross floor area	X	
	Two stories in height, up to a maximum of 6,000 square feet in gross floor area		X
	Two stories in height, greater than 6,000 square feet of gross floor area	X	
	More than two stories in height	X	
Detached residential use	One, two or three stories in height, containing 12 or fewer family dwelling units		X
	More than 12 family dwelling units	X	
	More than three stories in height	X	

BUILDINGS NEW CONSTRUCTION			
Building Use Type	Description	Architect Required	Architect May Not Be Required
	Outbuildings in connection with detached residential buildings		X
Educational use		X	
Hazardous use		X	
Industrial use		X	
Institutional use		X	
Light industrial use			X
Places of assembly		X	
Warehouse use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
	One story in height, greater than 10,000 square feet in gross floor area	X	
	More than one story in height	X	
Factory-built buildings	Any height and size, if certified by a professional engineer licensed under Iowa Code chapter 542B		X
	One or two stories in height, up to a maximum of 20,000 square feet in gross floor area		X
	One or two stories in height, greater than 20,000 square feet in gross floor area	X	
	More than two stories in height	X	
	More than 20,000 square feet in gross floor area	X	

ALTERATIONS TO EXISTING BUILDINGS				
Alteration Type	Description		Architect Required	Architect May Not Be Required
Structural alterations to exempt buildings	Modifications that change the structural members, means of egress, handicap accessible path, fire resistivity or other life safety concerns			X
Structural alterations to nonexempt buildings	Modifications that change the structural members, means of egress, handicap accessible path, fire resistivity or other life safety concerns		X	
Nonstructural alteration	That does not modify means of egress, handicap accessible path, fire resistivity or other life safety concerns			X
	That maintains the previous type of use			X
Nonstructural alteration that changes the use of the building from any other use to:	A place of assembly of people or public gathering		X	
	Educational use		X	
	Hazardous use		X	
	Residential use exempted	and is one, two or three stories in height and contains not more than 12 family dwelling units		X
	Residential use not exempted otherwise	and is more than three stories in height	X	
		and containing more than 12 family dwelling units	X	
Nonstructural alterations that change the use of the building from industrial	Commercial or office use	and is one story in height and not greater than a maximum of 10,000 square feet in gross floor area		X
		and is one story in height and greater than 10,000 square feet in gross floor area	X	

ALTERATIONS TO EXISTING BUILDINGS				
Alteration Type	Description		Architect Required	Architect May Not Be Required
or warehouse to:		and is two stories in height and not greater than a maximum of 6,000 square feet in gross floor area		X
		and is two stories in height and greater than 6,000 square feet in gross floor area	X	
		and is more than two stories in height	X	
		and is greater than 10,000 square feet of gross floor area	X	
Nonstructural alterations to:	Agricultural use	Including grain elevators and feed mills		X
	Churches and accessory building uses	One or two stories in height, up to a maximum of 2,000 square feet in gross floor area		X
		Any number of stories in height, greater than 2,000 square feet in gross floor area	X	
		More than two stories in height	X	
	Commercial use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
		One story in height, greater than 10,000 square feet in gross floor area	X	
		Two stories in height, up to a maximum of 6,000 square feet in gross floor area		X
		Two stories in height, greater than 6,000 square feet in gross floor area	X	
		More than two stories in height	X	
	Detached residential buildings	One, two or three stories in height, containing 12 or fewer family dwelling units		X
		More than 12 family dwelling units	X	
		More than three stories in height	X	
		Outbuildings in connection with detached residential buildings		X
	Educational use		X	
	Hazardous use		X	
	Industrial use		X	
	Institutional use		X	
	Light industrial use			X
	Places of assembly		X	
	Warehouse use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
		One story in height, greater than 10,000 square feet in gross floor area	X	
		More than one story in height	X	
	Factory-built buildings	Any height and size if entire building is certified by a professional engineer licensed under Iowa Code chapter 542B		X
		One or two stories in height, up to a maximum of 20,000 square feet of gross floor area		X
		One or two stories in height, greater than 20,000 square feet in gross floor area	X	
		More than two stories in height	X	
		More than 20,000 square feet in gross floor area	X	

[ARC 7760C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code section 544A.18.

[Filed 9/12/01, Notice 6/27/01—published 10/3/01, effective 11/7/01]

[Filed ARC 3335C (Notice ARC 3172C, IAB 7/5/17), IAB 9/27/17, effective 11/1/17]

[Filed ARC 3853C (Notice ARC 3661C, IAB 2/28/18), IAB 6/20/18, effective 7/25/18]

[Filed ARC 7760C (Notice ARC 7439C, IAB 1/10/24), IAB 4/17/24, effective 5/22/24]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1066
DISCIPLINARY ACTION AGAINST LICENSEES

[Previously Ch 4; Ch 5, IAB 3/2/83]
[Prior to 7/13/88, see Architectural Examiners, Board of[80]]
[Prior to 10/3/01, see 193B—Chapter 5]
[Prior to 6/24/26, see Architectural Examining Board[193B] Ch 6]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/22/29

481—1066.1(544A,272C) Disciplinary action. The architectural examining board has authority in Iowa Code chapters 544A, 17A and 272C to impose discipline for violations of these chapters and the rules promulgated thereunder.

[ARC 7761C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1066.2(544A,272C) Investigation of complaints. The board will, upon receipt of a complaint in writing, or may, upon its own motion, pursuant to other evidence received by the board, review and investigate alleged acts or omissions that the board reasonably believes constitute cause under applicable law or administrative rules. In order to determine if probable cause exists for a hearing on a complaint, the investigators designated by the chairperson will investigate the allegations of the complaint. If the board determines that the complaint does not present facts that constitute a basis for disciplinary action, the board may take no further action.

[ARC 7761C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1066.3(544A,272C) Peer investigative committee. A peer investigative committee may be appointed by the chairperson to investigate a complaint. The committee members will consist of one or more architects who have been licensed to practice in Iowa for at least five years, serving at the discretion of the chairperson. The committee will review and determine the facts of the complaint and make a report to the board in a timely manner.

[ARC 7761C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1066.4(544A,272C) Investigation report. Upon completion of the investigation, the investigator(s) will prepare for the board's consideration a report containing the position or defense of the licensee to determine what further action is necessary. The board may:

1. Order the matter be further investigated.
2. Allow the licensee who is the subject of the complaint an opportunity to appear before a committee of the board for an informal discussion regarding the circumstances of the alleged violation.
3. Determine there is no probable cause to believe a disciplinary violation has occurred and close the case.
4. Determine there is probable cause to believe that a disciplinary violation has occurred.

[ARC 7761C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1066.5(544A,272C) Informal discussion. If the board considers it advisable, or if requested by the affected licensee, the board may grant the licensee an opportunity to appear before the board or a committee of the board for a voluntary informal discussion of the facts and circumstances of an alleged violation. The licensee may be represented by legal counsel at the informal discussion. The licensee is not required to attend the informal discussion.

Unless disqualification is waived by the licensee, board members who personally investigated a disciplinary complaint are disqualified from making decisions at a later formal hearing. Because board members generally rely upon staff, investigators, auditors, peer review committees, or expert consultants to conduct investigations, the issue rarely arises. An informal discussion, however, is a form of investigation because it is conducted in a question-and-answer format. In order to preserve the ability of all board members to participate in board decision making, licensees who desire to attend an informal discussion will therefore waive their right to seek disqualification of a board member or

staff based solely on the board member's or staff's participation in an informal discussion. Licensees would not be waiving their right to seek disqualification on any other ground. By electing to attend an informal discussion, a licensee accordingly agrees that participating board members or staff are not disqualified from acting as a presiding officer in a later contested case proceeding or from advising the decision maker.

Because an informal discussion constitutes a part of the board's investigation of a pending disciplinary case, the facts discussed at the informal discussion may be considered by the board in the event the matter proceeds to a contested case hearing and those facts are independently introduced into evidence. The board may seek a consent order at the time of the informal discussion. If the parties agree to a consent order, a statement of charges will be filed simultaneously with the consent order.

[ARC 7761C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1066.6(544A,272C) Decisions. The board will make findings of fact and conclusions of law and may take one or more of the following actions:

1066.6(1) Dismiss the charges.

1066.6(2) Revoke the architect's license.

1066.6(3) Suspend the licensee's license as authorized by law.

1066.6(4) Impose civil penalties, not to exceed \$1,000. Civil penalties may be imposed for any of the disciplinary violations specified in Iowa Code sections 544A.13 and 544A.15 and these rules. Factors the board may consider when determining whether to assess civil penalties and the amount to assess include:

- a. Whether other forms of discipline are being imposed for the same violation.
- b. Whether the amount imposed will be a substantial deterrent to the violation.
- c. The circumstances leading to the violation.
- d. The severity of the violation and the risk of harm to the public.
- e. The economic benefits gained by the licensee as a result of the violation.
- f. The interest of the public.
- g. Evidence of reform or remedial action.
- h. Time lapsed since the violation occurred.
- i. Whether the violation is a repeat offense following a prior cautionary letter, disciplinary order, or other notice of the nature of the infraction.
- j. The clarity of the issues involved.
- k. Whether the violation was willful and intentional.
- l. Whether the licensee acted in bad faith.
- m. The extent to which the licensee cooperated with the board.
- n. Whether the licensee practiced architecture with a lapsed, inactive, suspended or revoked certificate of licensure.

1066.6(5) Impose a period of probation, either with or without conditions.

1066.6(6) Require reexamination, using one or more parts of the examination given to architectural licensee candidates.

1066.6(7) Require additional professional education, reeducation, or continuing education.

1066.6(8) Issue a citation and a warning.

1066.6(9) Issue a consent order.

[ARC 7761C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1066.7(544A,272C) Voluntary surrender. Voluntary surrender of licensure is considered as disciplinary action. The board may accept the voluntary surrender of a license to resolve a pending disciplinary contested case or pending disciplinary investigation. The board will not accept a voluntary surrender of a license to resolve a pending disciplinary investigation unless a statement of charges is filed along with the order accepting the voluntary surrender. Such voluntary surrender is considered disciplinary action and will be published in the same manner as is applicable to any other form of disciplinary order.

[ARC 7761C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code section 544A.13 and chapter 272C.

[Filed 9/29/78, Notice 8/23/78—published 10/18/78, effective 11/22/78]

[Filed 2/7/83, Notice 12/22/82—published 3/2/83, effective 4/6/83]

[Filed 6/24/88, Notice 3/9/88—published 7/13/88, effective 8/17/88]

[Filed 12/6/91, Notice 10/3/91—published 12/25/91, effective 1/29/92]

[Filed 3/12/93, Notice 2/3/93—published 3/31/93, effective 5/5/93]

[Filed 2/6/95, Notice 12/7/94—published 3/1/95, effective 4/5/95]

[Filed 4/5/96, Notice 1/3/96—published 4/24/96, effective 5/29/96]

[Filed 2/21/97, Notice 1/1/97—published 3/12/97, effective 4/16/97]

[Filed 4/30/98, Notice 12/31/97—published 5/20/98, effective 6/24/98]

[Filed 11/12/98, Notice 8/12/98—published 12/2/98, effective 1/6/99]

[Filed 5/13/99, Notice 2/24/99—published 6/2/99, effective 7/7/99]

[Filed 9/12/01, Notice 6/27/01—published 10/3/01, effective 11/7/01]

[Filed ARC 3336C (Notice ARC 3173C, IAB 7/5/17), IAB 9/27/17, effective 11/1/17]

[Filed ARC 5563C (Notice ARC 5355C, IAB 12/30/20), IAB 4/21/21, effective 5/26/21]

[Filed ARC 7761C (Notice ARC 7440C, IAB 1/10/24), IAB 4/17/24, effective 5/22/24]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 1067
DISCIPLINARY ACTION—UNLICENSED PRACTICE

[Previously Ch 4; Ch 5, IAB 3/2/83]

[Prior to 7/13/88, see Architectural Examiners, Board of[80]]

[Prior to 10/3/01, see 193B—Chapter 5]

[Prior to 6/24/26, see Architectural Examining Board[193B] Ch 7]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/22/29

481—1067.1(544A,272C) Disciplinary action. The architectural examining board has authority in Iowa Code chapters 544A, 17A and 272C to impose discipline for violations of these chapters and the rules promulgated thereunder.

[ARC 7762C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1067.2(544A,272C) Investigation of complaints. The board will, upon receipt of a complaint in writing, or may, upon its own motion, pursuant to other evidence received by the board, review and investigate alleged acts that the board reasonably believes constitute cause under applicable law or administrative rules. In order to determine if probable cause exists for a hearing on a complaint, the investigators designated by the chairperson will investigate the allegations of the complaint. If the board determines that the complaint does not present facts that constitute a basis for disciplinary action, the board may take no further action.

[ARC 7762C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

481—1067.3(544A) Civil penalties against unlicensed person. The board may impose civil penalties by order against a person who is not licensed as an architect pursuant to Iowa Code chapter 544A based on the unlawful practices specified in Iowa Code section 544A.15(3). In addition to the procedures set forth in Iowa Code section 544A.15(3), this rule applies.

1067.3(1) The notice of the board's intent to impose a civil penalty required by Iowa Code section 544A.15(3) may be served upon the unlicensed person by restricted certified mail, return receipt requested, or personal service in accordance with Rule of Civil Procedure 1.305. Alternatively, the unlicensed person may accept service personally or through authorized counsel. The notice includes the following:

- a. A statement of the legal authority and jurisdiction under which the proposed civil penalty would be imposed.
- b. Reference to the particular sections of the statutes and rules involved.
- c. A short, plain statement of the alleged unlawful practices.
- d. The dollar amount of the proposed civil penalty.
- e. Notice of the unlicensed person's right to a hearing and the time frame in which a hearing is requested.
- f. The address to which written request for hearing is made.

1067.3(2) Unlicensed persons need to request a hearing in writing within 30 days of the date the notice is mailed, if served through restricted certified mail to the last-known address, or within 30 days of the date of service, if service is accepted or made in accordance with Rule of Civil Procedure 1.305. A request for hearing is deemed made on the date of the United States Postal Service postmark or the date of personal service.

1067.3(3) If a request for hearing is not timely made, the board chair or the chair's designee may issue an order imposing the civil penalty described in the notice. The order may be mailed by regular first-class mail or served in the same manner as the notice of intent to impose civil penalty.

1067.3(4) If a request for hearing is timely made, the board issues a notice of hearing and conducts a hearing in the same manner as applicable to disciplinary cases against licensed architects.

1067.3(5) In addition to the factors set forth in Iowa Code section 544A.15(3), the board may consider the following when determining the amount of civil penalty to impose, if any:

- a. The time lapsed since the unlawful practice occurred.

- b.* Evidence of reform or remedial actions.
- c.* Whether the violation is a repeat offense following a prior warning letter or other notice of the nature of the infraction.
- d.* Whether the violation involved an element of deception.
- e.* Whether the unlawful practice violated a prior order of the board, court order, cease and desist agreement, consent order, or similar document.
- f.* The clarity of the issue involved.
- g.* Whether the violation was willful and intentional.
- h.* Whether the unlicensed person acted in bad faith.
- i.* The extent to which the unlicensed person cooperated with the board.

1067.3(6) An unlicensed person may waive the right to hearing and all attendant rights and enter into a consent order imposing a civil penalty at any stage of the proceeding upon mutual consent of the board.

1067.3(7) The notice of intent to impose civil penalty and order imposing civil penalty are public records available for inspection and copying in accordance with Iowa Code chapter 22. Copies may be provided to the media, the National Council of Architectural Registration Boards, and other entities. Hearings are open to the public.

[ARC 7762C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code section 544A.15.

[Filed 9/29/78, Notice 8/23/78—published 10/18/78, effective 11/22/78]

[Filed 2/7/83, Notice 12/22/82—published 3/2/83, effective 4/6/83]

[Filed 6/24/88, Notice 3/9/88—published 7/13/88, effective 8/17/88]

[Filed 12/6/91, Notice 10/3/91—published 12/25/91, effective 1/29/92]

[Filed 3/12/93, Notice 2/3/93—published 3/31/93, effective 5/5/93]

[Filed 2/6/95, Notice 12/7/94—published 3/1/95, effective 4/5/95]

[Filed 4/5/96, Notice 1/3/96—published 4/24/96, effective 5/29/96]

[Filed 2/21/97, Notice 1/1/97—published 3/12/97, effective 4/16/97]

[Filed 4/30/98, Notice 12/31/97—published 5/20/98, effective 6/24/98]

[Filed 11/12/98, Notice 8/12/98—published 12/2/98, effective 1/6/99]

[Filed 5/13/99, Notice 2/24/99—published 6/2/99, effective 7/7/99]

[Filed 9/12/01, Notice 6/27/01—published 10/3/01, effective 11/7/01]

[Filed ARC 3142C (Notice ARC 3014C, IAB 4/12/17), IAB 6/21/17, effective 7/26/17]

[Filed ARC 3337C (Notice ARC 3175C, IAB 7/5/17), IAB 9/27/17, effective 11/1/17]

[Filed ARC 5563C (Notice ARC 5355C, IAB 12/30/20), IAB 4/21/21, effective 5/26/21]

[Filed ARC 7762C (Notice ARC 7441C, IAB 1/10/24), IAB 4/17/24, effective 5/22/24]

[Editorial change: IAC Supplement 6/24/26]

CHAPTERS 1068 to 1080
Reserved

LANDSCAPE ARCHITECTURAL EXAMINING BOARD

CHAPTER 1081

DESCRIPTION OF ORGANIZATION

[Prior to 3/9/88, see Landscape Architectural Examiners Board[540] Ch 1]

[Prior to 6/10/26, see Landscape Architectural Examining Board[193D] Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/4/30

481—1081.1(544B,17A) Definitions. As used in these rules, the following definitions of words and terms shall apply:

“*Board*” means the landscape architectural examining board.

“*CLARB*” means the Council of Landscape Architectural Registration Boards.

“*Evidence*” means any document or record of any kind of drawings, specifications, photographs, diplomas, licensee statements, published data and certified personal statements as may be required as a part of any action on the part of the board. Each item of evidence shall be clearly marked to ensure positive and certain identification. It is the responsibility of the applicant to satisfy the board as to the sufficiency of the record and the evidence.

“*Inactive*” means that a landscape architect is not engaged in Iowa in any practice for which a certificate of licensure is required.

“*Intern landscape architect*” means an individual who is not licensed and has a degree in landscape architecture and is employed under the direct supervision of a professional landscape architect. The initials “I.L.A.” should not be used.

“*LARE*” means the Landscape Architecture Registration Examination.

“*Practice of landscape architecture*” means the performance of professional service or offering to render professional services to clients, including any one or any combination of the professional services defined in Iowa Code section 544B.1(2).

“*Professional landscape architect*” means a person who obtains a license and engages in the practice of landscape architecture under the authority of Iowa Code chapter 544B. For the purposes of these rules, a professional landscape architect may be referred to as a landscape architect and may use the initials “P.L.A.”

“*Years of practical experience*” means, for each year of practical experience the applicant has worked performing landscape architectural services, a minimum of 2,080 hours per year.

[ARC 9154C, IAB 4/30/25, effective 6/4/25; Editorial change: IAC Supplement 6/10/26]

481—1081.2(544B,17A) Organization and duties. The board consists of five licensed professional landscape architects and two members who are not licensed professional landscape architects and who represent the general public.

1081.2(1) *Qualifications of professional landscape architect board members.* Four of the five professional members will be actively engaged in the practice of landscape architecture or the teaching of landscape architecture in an accredited college or university and shall have been so engaged for five years preceding appointment, the last two of which shall have been in Iowa. One of the five professional members will be actively engaged in the practice of landscape architecture or the teaching of landscape architecture in an accredited college or university and may have been so engaged for fewer than five years preceding.

1081.2(2) *Election of chairperson and vice chairperson.* The board elects annually from its members a chairperson and a vice chairperson. A quorum of the board will be four members, and all final motions and actions must receive a vote by a majority of the members of the board.

1081.2(3) *Duties of board.* The board enforces the provisions of Iowa Code chapter 544B and makes rules for the examination of applications for licensure. The board keeps records of its proceedings. The board adopts an official seal that is affixed to all certificates of licensure granted. The board makes other rules, not inconsistent with law, as necessary for the proper performance of

its duties. The board maintains a roster showing the name, place of business, residence, and date and number of the certificate of licensure of every professional landscape architect in the state.

1081.2(4) Duties of chairperson. The chairperson will, when present, preside at meetings, appoint committees, and perform all duties and powers of the chairperson.

1081.2(5) Duties of vice chairperson. The vice chairperson will, in the absence or incapacity of the chairperson, exercise the duties and powers of the chairperson.

[ARC 9154C, IAB 4/30/25, effective 6/4/25; Editorial change: IAC Supplement 6/10/26]

481—1081.3(544B,17A) Meetings. Calls for meetings are issued in accordance with Iowa Code section 21.4.

[ARC 9154C, IAB 4/30/25, effective 6/4/25; Editorial change: IAC Supplement 6/10/26]

481—1081.4(544B,17A) Order of business. The board executive will prepare an agenda listing all matters to be discussed at meetings. A copy of this agenda will be available to each member of the board.

[ARC 9154C, IAB 4/30/25, effective 6/4/25; Editorial change: IAC Supplement 6/10/26]

481—1081.5(17A) Interim waivers. In addition to the provisions of 481—Chapter 6, the following will apply for interim rulings:

1081.5(1) The board chairperson, or vice chairperson if the chairperson is not available, may rule on a petition for waiver when it would not be timely to wait for the next regularly scheduled board meeting for a ruling from the board.

1081.5(2) The board administrator, upon receipt of a petition that meets all applicable criteria established in 481—Chapter 6, will present the request to the board chairperson or vice chairperson along with all pertinent information regarding established precedent for granting or denying such requests.

1081.5(3) The chairperson or vice chairperson will reserve the right to hold an electronic meeting of the board when prior board precedent does not clearly resolve the request, input of the board is deemed required and the practical result of waiting until the next regularly scheduled meeting would be a denial of the request due to timing issues.

1081.5(4) A waiver report will be placed on the agenda of the next regularly scheduled board meeting and recorded in the minutes of the meeting.

1081.5(5) This rule on interim rulings does not apply if the waiver was filed in a contested case.

[ARC 9154C, IAB 4/30/25, effective 6/4/25; Editorial change: IAC Supplement 6/10/26]

These rules are intended to implement Iowa Code sections 544B.3, 544B.5, and 544B.15.

[Filed 2/2/76, Notice 12/29/75—published 2/9/76, effective 2/2/76]

[Filed emergency 4/14/78—published 5/3/78, effective 4/14/78]

[Filed 12/2/83, Notice 10/26/83—published 12/21/83, effective 1/25/84]

[Filed 2/18/88, Notice 12/16/87—published 3/9/88, effective 4/13/88]

[Filed without Notice 2/18/88—published 3/9/88, effective 4/13/88]

[Filed 10/16/95, Notice 8/2/95—published 11/8/95, effective 12/13/95]

[Filed 4/30/99, Notice 3/24/99—published 5/19/99, effective 6/23/99]

[Filed 12/19/01, Notice 11/14/01—published 1/9/02, effective 2/13/02]

[Filed 7/24/03, Notice 5/14/03—published 8/20/03, effective 9/24/03]

[Filed ARC 0213C (Notice ARC 0086C, IAB 4/18/12), IAB 7/25/12, effective 8/29/12]

[Filed ARC 3097C (Notice ARC 2941C, IAB 2/15/17), IAB 6/7/17, effective 7/12/17]

[Filed ARC 5571C (Notice ARC 5430C, IAB 2/10/21), IAB 4/21/21, effective 5/26/21]

[Filed ARC 9154C (Notice ARC 8764C, IAB 1/22/25), IAB 4/30/25, effective 6/4/25]

[Editorial change: IAC Supplement 6/10/26]

[Editorial change: IAC Supplement 6/24/26]

*REAL ESTATE COMMISSION***CHAPTER 2001
ADMINISTRATION**

[Prior to 6/15/88, see Real Estate Commission[700] Ch 1]

[Prior to 9/4/02, see 193E—Chs 2, 5, 7, 8]

[Prior to 6/10/26, see Real Estate Commission[193E] Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/22/29

481—2001.1(543B) Mission of the commission. The mission of the Iowa real estate commission is to protect the public through the examination, licensing, and regulation of real estate brokers, salespersons, and firms pursuant to Iowa Code chapter 543B, Real Estate Brokers and Salespersons; to administer Iowa Code chapter 543C, Sales of Subdivided Land Outside of Iowa; and to administer Iowa Code chapter 557A, Time-Shares.

The commission is a policymaking body with authority to promulgate rules for the regulation of the real estate industry consistent with all applicable statutes. Administrative support services are furnished by the professional licensing and regulation division of the department of inspections, appeals, and licensing. The commission or duly authorized representative may inspect subdivided land outside of Iowa pursuant to Iowa Code section 543C.4.

[ARC 7763C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2001.2(543B) Correspondence and communications. Correspondence and communications with the commission should be addressed or directed to the commission office.

[ARC 7763C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2001.3(543B) Meetings of the commission. Meetings of the commission are held at times scheduled by the commission in the offices of the commission or at a place designated by the commission. Special meetings may be called by the chairperson or executive officer of the commission, who sets the time and place of the meeting.

[ARC 7763C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2001.4(543B) Custodian of records, filings, and requests for public information. Unless otherwise specified by the rules of the department of inspections, appeals, and licensing or the professional licensing and regulation division, the commission is the principal custodian of its own agency orders, statements of law or policy issued by the commission, legal documents, and other public documents on file with the commission.

2001.4(1) Any person may examine public records promulgated or maintained by the commission at its office during regular business hours.

2001.4(2) Records, documents and other information may be gathered, stored, and available in electronic format. Information, various forms, documents, and the license law and rules may be reviewed or obtained at any time by the public from the commission's website.

2001.4(3) Deadlines. Unless the context dictates otherwise, any deadline for filing a document that falls on a Saturday, Sunday, or official state holiday will be extended to the next working day.

[ARC 7763C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2001.5(543B) Investigation and subpoena. Commission rules regarding investigations and investigatory subpoenas may be found in 481—Chapter 2018 and in the model rules governing professional licensing division programs at 481—Chapters 500 through 507.

[ARC 7763C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2001.6(543B) Impaired licensee review committees. Commission rules governing impaired licensee review committees may be found in the model rules governing professional licensing division programs at rule 481—505.5(272C).

[ARC 7763C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

These rules are intended to implement Iowa Code chapters 17A, 252J, 261, 272C and 543B.

[Filed 8/9/02, Notice 6/26/02—published 9/4/02, effective 10/9/02]

[Filed ARC 6040C (Notice ARC 5736C, IAB 6/30/21), IAB 11/17/21, effective 12/22/21]

[Filed ARC 7763C (Notice ARC 7442C, IAB 1/10/24), IAB 4/17/24, effective 5/22/24]

[Editorial change: IAC Supplement 6/10/26]

[Editorial change: IAC Supplement 6/24/26]

REAL ESTATE APPRAISER EXAMINING BOARD

CHAPTER 2031

ORGANIZATION AND ADMINISTRATION

[Prior to 2/20/02, see 193F—Chapters 2, 9 and 11][Prior to 6/10/26, see Real Estate Appraiser Examining Board[193F] Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/22/29

481—2031.1(543D) Description.

2031.1(1) The purpose of the real estate appraiser examining board is to administer and enforce the provisions of Iowa Code chapter 543D with regard to the appraisal of real property in the state of Iowa, examination of candidates, issuance of licenses, investigation of alleged violations by licensees, and discipline of those regulated by the board. Through its actions, the board seeks to promote and maintain a high level of public trust in professional appraisal practice.

2031.1(2) The board maintains an office at 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321.

2031.1(3) All board action under Iowa Code chapter 543D will be taken under the supervision of the director, as provided in Iowa Code section 543D.23 and these implementing rules.

[ARC 7837C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 1/22/25; Editorial change: IAC Supplement 6/10/26]**481—2031.2(543D) Administrative authority.**

2031.2(1) The director is vested with authority to review, approve, modify, or reject all board action pursuant to Iowa Code chapter 543D. The director may exercise all authority conferred upon the board and has to have access to all records and information to which the board has access. In supervising the board, the director will independently evaluate the substantive merits of recommended or proposed board actions which may be anticompetitive.

2031.2(2) In performing its duties and in exercising its authority under Iowa Code chapter 543D, the board may take action without preclearance by the director if the action is ministerial or nondiscretionary. As used in this chapter, the words “ministerial or nondiscretionary” include any action expressly mandated by state or federal law, rule, or regulation; by the AQB; or by the appraisal subcommittee. The board may, for example, grant or deny an application for initial or reciprocal certification as a real estate appraiser, an application for registration as an associate real estate appraiser, or an application for a temporary practice permit by an out-of-state appraiser, on any ground expressly mandated by state or federal law, rule, or regulation; by the AQB; or by the appraisal subcommittee.

2031.2(3) Prior to taking discretionary action under Iowa Code chapter 543D, the board will secure approval of the director if the proposed action is or may be anticompetitive. As used in this chapter, the word “discretionary” includes any action that is authorized but not expressly imposed by state or federal law, rule, or regulation; by the AQB; or by the appraisal subcommittee. Examples of discretionary action include orders in response to petitions for rulemaking, declaratory orders, or waivers from rules, rulemaking, disciplinary proceedings against licensees, administrative proceedings against unlicensed persons, or any action commenced in the district court.

2031.2(4) Determining whether any particular action is or may be anticompetitive is necessarily a fact-based inquiry dependent on a number of factors, including potential impact on the market or restraint of trade. With respect to disciplinary actions, for instance, a proceeding against a single licensee for violating appraisal standards would not have an impact on the broader market and would accordingly not be an anticompetitive action. Commencement of disciplinary proceedings which affect all or a substantial subset of appraisers may have a significant market impact. When in doubt as to whether a proposed discretionary action is or may be anticompetitive, the board may submit the proposed action to the director for preclearance.

2031.2(5) A person aggrieved by any final action of the board taken under Iowa Code chapter 543D may appeal that action to the director within 20 days of the date the board issues the action.

a. The appeal process applies whether the board action at issue was ministerial or nondiscretionary, or discretionary, and whether the proposed action was or was not submitted through a preclearance process before the director.

b. No person aggrieved by a final action of the board may seek judicial review of that action without first appealing the action to the director.

c. Records, filings, and requests for public information. Final board action, regardless of whether such board action is ministerial, nondiscretionary, or discretionary, will be immediately effective when issued by the board but is subject to review or appeal to the director. If a timely review is initiated or a timely appeal is taken, the effectiveness of such final board action will be delayed during the pendency of such review or appeal.

[ARC 7837C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2031.3(543D) Annual meeting. The annual meeting of the board will be the first meeting scheduled after April 30. At this time, the chairperson and vice chairperson are elected to serve until their successors are elected.

[ARC 7837C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2031.4(543D) Other meetings. In addition to the annual meeting, and in addition to other meetings, the time and place of which may be fixed by resolution of the board, any meeting may be called by the chairperson of the board or by joint call of a majority of its members.

[ARC 7837C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2031.5(543D) Executive officer's duties.

2031.5(1) The executive officer is to cause complete records to be kept of applications for examination and registration, certificates and permits granted, and all necessary information in regard thereto.

2031.5(2) The executive officer is to determine when the legal obligations for certification and registration have been satisfied with regard to issuance of certificates or registrations, and the executive officer will submit to the board any questionable application.

2031.5(3) The executive officer will keep accurate minutes of the meetings of the board. The executive officer will keep a list of the names of persons issued certificates as certified general real property appraisers, certified residential real property appraisers and associate real property appraisers.

[ARC 7837C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2031.6(543D) Records, filings, and requests for public information. Unless otherwise specified by the rules of the department of inspections, appeals, and licensing, the board is the principal custodian of its own agency orders, statements of law or policy issued by the board, legal documents, and other public documents on file with the board.

2031.6(1) Any person may examine public records promulgated or maintained by the board at its office during regular business hours.

2031.6(2) Deadlines. Unless the context dictates otherwise, such as is the case for timely renewal of a registration or certificate, any deadline for filing a document will be extended to the next working day when the deadline falls on a Saturday, Sunday, or official state holiday.

[ARC 7837C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2031.7(543D) Adoption, amendment or repeal of administrative rules.

2031.7(1) The board is authorized to adopt, amend or repeal its administrative rules in accordance with the provisions of Iowa Code section 17A.4. Prior to the adoption, amendment or repeal of any rule of the board, any interested person, as described in Iowa Code section 17A.4(1) "b," may submit any data, views, or arguments in writing concerning such rule or may request to make an oral presentation concerning such rule. Such written comments or requests to make oral presentations are to be filed with the board at its official address and should clearly state:

a. The name, address, and telephone number of the person or agency authoring the comment or request;

b. The number and title of the proposed rule, which is the subject of the comment or request as given in the Notice of Intended Action;

c. The general content of the oral presentation. A separate comment or request to make an oral presentation will be made for each proposed rule to which remarks are to be asserted.

2031.7(2) The board will acknowledge receipt and acceptance for consideration of written comments and requests to make oral presentations.

2031.7(3) Written comments received after the deadline set forth in the Notice of Intended Action may be accepted by the board although their consideration is not assured. Requests to make an oral presentation received after the deadline will not be accepted and will be returned to the requester.

[ARC 7837C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2031.8(543D) Types of appraiser classifications. There are four types of appraiser classifications:

1. Associate residential real property appraiser. This classification consists of those persons who meet the obligations of 481—Chapter 2034.

2. Associate general property appraiser. This classification consists of those persons who meet the obligations of 481—Chapter 2034.

3. Certified residential real property appraiser. This classification consists of those persons who meet the obligations of 481—Chapter 2035.

4. Certified general real property appraiser. This classification consists of those persons who meet the obligations of 481—Chapter 2035.

[ARC 7837C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2031.9(543D) Qualified state appraiser certifying agency.

2031.9(1) The real estate appraiser examining board is a state appraiser certifying agency in compliance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). As a result, persons who are issued certificates by the board to practice as certified real estate appraisers are authorized under federal law to perform appraisal services for federally related transactions and are identified as such in the National Registry maintained by the Appraisal Subcommittee (ASC).

2031.9(2) The board will adhere to the criteria established by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation when registering associate appraisers or certifying certified appraisers under Iowa Code chapter 543D. To the extent that the rules conflict with the minimum obligations outlined in the current version of the AQB criteria, the minimum standards established in the criteria will apply and these rules will give way to the minimum obligations to comply with federal rule, law, or policy.

[ARC 7837C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2031.10(543D) AQB criteria.

2031.10(1) No person may be certified as a certified appraiser unless the person is eligible under the January 1, 2026, AQB criteria.

2031.10(2) The January 1, 2026, AQB criteria outline the conditions under which applicants for certification are eligible to take the mandated examinations.

[ARC 7837C, IAB 4/17/24, effective 5/22/24; ARC 0078D, IAB 2/18/26, effective 3/25/26; Editorial change: IAC Supplement 6/10/26]

These rules are intended to implement Iowa Code sections 543D.4, 543D.5, 543D.7, 543D.17, 543D.20 and 543D.22 and chapter 272C.

[Filed 8/1/91, Notice 5/29/91—published 8/21/91, effective 9/25/91]

[Filed emergency 4/9/93—published 4/28/93, effective 4/9/93]

[Filed 12/12/95, Notice 10/25/95—published 1/3/96, effective 2/7/96]

[Filed 2/28/96, Notice 1/3/96—published 3/27/96, effective 5/1/96]
[Filed 4/30/99, Notice 3/24/99—published 5/19/99, effective 6/23/99]
[Filed 2/1/02, Notice 11/28/01—published 2/20/02, effective 3/27/02]
[Filed 9/26/02, Notice 8/21/02—published 10/16/02, effective 11/20/02]
[Filed 2/22/07, Notice 1/17/07—published 3/14/07, effective 4/18/07]
[Filed ARC 7774B (Notice ARC 7595B, IAB 2/25/09), IAB 5/20/09, effective 6/24/09]
[Filed ARC 1467C (Notice ARC 1410C, IAB 4/2/14), IAB 5/28/14, effective 7/2/14]
[Filed ARC 2808C (Notice ARC 2710C, IAB 9/14/16), IAB 11/9/16, effective 1/1/17]
[Filed ARC 3084C (Notice ARC 2966C, IAB 3/15/17), IAB 5/24/17, effective 6/28/17]
[Filed ARC 4169C (Notice ARC 4006C, IAB 9/26/18), IAB 12/5/18, effective 1/9/19]
[Filed ARC 4379C (Notice ARC 4224C, IAB 1/16/19), IAB 3/27/19, effective 5/1/19]
[Filed ARC 4707C (Notice ARC 4567C, IAB 7/31/19), IAB 10/9/19, effective 11/13/19]
[Filed ARC 5237C (Notice ARC 5126C, IAB 8/12/20), IAB 10/21/20, effective 11/25/20]
[Filed ARC 5484C (Notice ARC 5261C, IAB 11/4/20), IAB 2/24/21, effective 3/31/21]
[Filed ARC 5785C (Notice ARC 5611C, IAB 5/5/21), IAB 7/28/21, effective 9/1/21]
[Filed ARC 6170C (Notice ARC 6017C, IAB 11/3/21), IAB 2/9/22, effective 3/16/22]
[Filed ARC 6375C (Notice ARC 6254C, IAB 3/23/22), IAB 6/29/22, effective 8/3/22]
[Filed ARC 7837C (Notice ARC 7257C, IAB 1/24/24), IAB 4/17/24, effective 5/22/24]
[Editorial change: IAC Supplement 1/22/25]
[Filed ARC 0078D (Notice ARC 9537C, IAB 9/17/25), IAB 2/18/26, effective 3/25/26]
[Editorial change: IAC Supplement 6/10/26]
[Editorial change: IAC Supplement 6/24/26]

LAW ENFORCEMENT ACADEMY[501]

[Prior to 1971 IDR, see Dept. of Public Safety]
[Prior to 3/11/87, Law Enforcement Academy[550]]

CHAPTER 1

ORGANIZATION AND ADMINISTRATION

- 1.1(80B) Definitions
- 1.2(80B) Council established
- 1.3(80B) Administration
- 1.4(80B) Council membership
- 1.5(80B) Council officers
- 1.6(80B) Meetings
- 1.7(80B) Address of council
- 1.8(80B) Emergency action
- 1.9(80B) Authority of council—operational standards
- 1.10(80B) Budget submitted to comptroller
- 1.11(17A,80B) Petition for rule making

CHAPTER 2

MINIMUM STANDARDS FOR IOWA LAW ENFORCEMENT OFFICERS

- 2.1(80B) General requirements for law enforcement officers
- 2.2(80B) Mandatory psychological testing and administrative procedures
- 2.3(80B) Officers moving from agency to agency
- 2.4(80B) Officers in agencies under intergovernmental agreements
- 2.5(80B) Higher standards not prohibited

CHAPTER 3

CERTIFICATION OF LAW ENFORCEMENT OFFICERS

- 3.1(80B) Certification through training required for all law enforcement officers
- 3.2(80B) Law enforcement status forms furnished to academy
- 3.3(80B) Standard certifying courses for approved law enforcement facilities
- 3.4(80B) Qualifications for attendance at a level II academy
- 3.5(80B) Curriculum for level I academy
- 3.6(80B) Curriculum for level II academy
- 3.7(80B) Special certification
- 3.8(80B) Certification through examination
- 3.9(80B) Evaluation of applications for reciprocity
- 3.10(80B) More extensive certifying course curricula not prohibited
- 3.11(80B) Time frame—tolled
- 3.12(80B) Training of an individual who intends to become certified as a law enforcement officer

CHAPTER 4

INSTRUCTOR CERTIFICATION CRITERIA FOR THE TRAINING OF PEACE OFFICERS, RESERVE OFFICERS, JAILERS AND PUBLIC SAFETY TELECOMMUNICATORS

- 4.1(80B,80D) Instructors for the training of peace officers, reserve officers, jailers and public safety telecommunicators
- 4.2(80B,80D) Minimum qualifications for certification of instructor (general)
- 4.3(80B,80D) Minimum qualifications for certification (subject matter expert)

CHAPTER 5

APPROVED REGIONAL LAW ENFORCEMENT TRAINING FACILITY

- 5.1(80B) Procedures for approval or disapproval of regional training facility

CHAPTER 6

DECERTIFICATION

- 6.1(80B) Scope of rules
- 6.2(80B,80D) Grounds for revocation
- 6.3(80B,17A) Service and filing of pleadings and other papers

6.4(80B,17A)	Prehearing procedures
6.5(80B,17A)	Presiding officer
6.6(80B,17A)	Disqualification
6.7(80B,17A)	Continuances
6.8(80B,17A)	Hearing procedures
6.9(80B,17A)	Evidence
6.10(80B,17A)	Default
6.11(80B,17A)	Ex parte communication
6.12(80B,17A)	Interlocutory appeals
6.13(80B,17A)	Final decision
6.14(80B,17A)	Appeals and review
6.15(80B,17A)	Application for rehearing
6.16(80B,17A)	Stays of council actions
6.17(80B,17A)	No factual dispute contested cases
6.18(80B,17A)	Reinstatement

CHAPTER 7

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

7.1(17A,22)	Definitions
7.2(17A,22)	Statement of policy
7.3(17A,22)	Requests for access to records
7.4(17A,22)	Requests for treatment of a record as a confidential record and its withholding from examination
7.5(17A,22)	Procedure by which additions, dissents, or objections may be entered into certain records
7.6(17A,22)	Access to confidential records
7.7(17A,22)	Notice to suppliers of information
7.8(17A,22)	Disclosures without the consent of the subject
7.9(17A,22)	Routine use
7.10(17A,22)	Consensual disclosure of confidential records
7.11(17A,22)	Release to subject
7.12(17A,22)	Availability of records
7.13(17A,22)	Personally identifiable information
7.14(17A,22)	Other groups of records
7.15(17A,22)	Data processing systems

CHAPTER 8

MANDATORY IN-SERVICE AND SPECIALTY TRAINING REQUIREMENTS

8.1(80B)	Mandatory in-service training requirements
8.2(80B)	Instructors
8.3(80B)	In-service training requirements for former regular law enforcement officers who return to law enforcement
8.4(80B)	Time frame—tolled
8.5(80F)	Training officers on interviewing/investigating an officer subject to a complaint

CHAPTER 9

JAILER TRAINING

9.1(80B)	Jailer training
9.2(80B)	Holding facility personnel training

CHAPTER 10

RESERVE PEACE OFFICERS

10.1(80D)	General requirements for reserve peace officers
10.2(80D)	Higher standards not prohibited
10.3(80D)	Certification through training required for all reserve peace officers
10.4(80D)	Curriculum for training modules
10.5(80D)	Weapons certification
10.6(80D)	Reserve peace officers moving from agency to agency
10.7(80D)	Reserve peace officers in agencies under intergovernmental agreements
10.8(80D)	Reserve peace officers serving more than one agency
10.9(80D)	Minimum in-service training requirements
10.10(80D)	Reserve peace officers appointed prior to July 1, 2007—obtaining state certification

- 10.11(80D) Active law enforcement officer moving to reserve peace officer status
 10.12(80D) Time frame—tolled

CHAPTER 11

SALVAGE VEHICLE THEFT EXAMINATIONS

- 11.1(80B,321) Minimum standards to conduct salvage vehicle theft examinations
 11.2(80B,321) Salvage vehicle theft examiner initial certification
 11.3(80B,321) Salvage vehicle theft examination training course
 11.4(80B,321) Salvage vehicle theft examiner recertification requirements

CHAPTER 12

CHILD SUPPORT

- 12.1(252J) Issuance of academy council certification
 12.2(252J) Suspension or revocation of academy council certification
 12.3(17A,22,252J) Confidentiality

CHAPTER 13

PUBLIC SAFETY TELECOMMUNICATOR TRAINING STANDARDS

- 13.1(80B) Public safety telecommunicator training board
 13.2(80B) Public safety telecommunicator training
 13.3(80B) Basic training
 13.4(80B) Minimum in-service training requirements
 13.5(80B) Public safety telecommunicator status forms furnished to academy

CHAPTER 14

IOWA LAW ENFORCEMENT EMERGENCY CARE PROVIDER

- 14.1(80B) Authority of Iowa law enforcement emergency care provider
 14.2(80B) Iowa law enforcement emergency care providers—certification, renewal standards and procedures, and fees
 14.3(80B) Iowa law enforcement training programs

CHAPTER 15

Reserved

CHAPTER 16

WAIVERS

- 16.1(17A,80B) Definitions
 16.2(17A,80B) Scope of chapter
 16.3(17A,80B) Criteria for waiver
 16.4(17A,80B) Filing of petition
 16.5(17A,80B) Content of petition
 16.6(17A,80B) Additional information
 16.7(17A,80B) Notice
 16.8(17A,80B) Hearing procedures
 16.9(17A,80B) Ruling
 16.10(17A,80B) Public availability
 16.11(17A,80B) Submission of waiver information
 16.12(17A,80B) Cancellation of a waiver
 16.13(17A,80B) Violations
 16.14(17A,80B) Defense
 16.15(17A,80B) Judicial review

CHAPTERS 17 to 2503

Reserved

CHAPTER 2504

RULE WAIVERS—MODIFICATION TO UNIFORM RULES

- 2504.1(17A) Application

CHAPTER 2505

FAIR INFORMATION PRACTICES—MODIFICATIONS TO UNIFORM RULES

2505.9(22,80B,80D)	Additional definitions
2505.10(22,80B,80D)	Personally identifiable information
2505.11(22,80B,80D)	Other groups of records
2505.12(22,80B,80D)	Data processing systems

CHAPTER 2506

CONTESTED CASES—MODIFICATIONS TO UNIFORM RULES

2506.8(17A)	Telephone proceedings

CHAPTERS 17 to 2503
Reserved

CHAPTER 2504
RULE WAIVERS—MODIFICATION TO UNIFORM RULES

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/30/31

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

[ARC 0370D, IAB 6/24/26, effective 6/30/26]

501—2504.1(17A) Application.

2504.1(1) *Availability.* Any person may submit a petition to waive, in whole or in part, a rule in the council's jurisdiction by submitting the petition to the council, except for the rules applying to minimum standards for law enforcement and reserve officers regarding:

- a.* Age at the time of appointment, 501—subrule 2.1(2);
- b.* Vision standards, 501—subrule 2.1(9);
- c.* Hearing standards, 501—subrule 2.1(10); or
- d.* Physical fitness standards, 501—paragraph 2.2(1) “*a.*”

This rule is intended to implement Iowa Code chapters 80B and 80D.

[ARC 0370D, IAB 6/24/26, effective 6/30/26]

[Filed Emergency ARC 0370D, IAB 6/24/26, effective 6/30/26]

CHAPTER 2505
FAIR INFORMATION PRACTICES—MODIFICATIONS TO UNIFORM RULES

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/30/31

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

[ARC 0370D, IAB 6/24/26, effective 6/30/26]

501—2505.9(22,80B,80D) Additional definitions. As used in this chapter:

“*Record*” means the whole or a part of a public record as defined in Iowa Code section 22.1 that is owned by or in the physical custody of the academy.

“*Record system*” means any group of records under the control of the academy from which a record may be retrieved by a personal identifier, such as the name of an individual or other unique personal identifier assigned to an individual.

[ARC 0370D, IAB 6/24/26, effective 6/30/26]

501—2505.10(22,80B,80D) Personally identifiable information. This rule describes the nature and extent of personally identifiable information collected, maintained, and retrieved by the academy by personal identifier in a record system as defined in rule 501—2505.9(22,80B,80D). Unless otherwise stated, the authority to maintain the record is provided by Iowa Code chapter 80B or 80D. Academy records are maintained in paper or in electronic form. The record systems maintained by the agency are:

2505.10(1) Academy administrative records.

a. Personnel records. These records contain information about employees, families and dependents, and applicants for positions with the academy. Some of this information is confidential under Iowa Code section 22.7(11) and 22.7(18), Iowa Code chapter 692, and other applicable law.

b. Employee investigations. These records contain information about employment investigations conducted by the academy. This information is confidential under Iowa Code section 22.7(11) and 22.7(18) and other applicable law.

c. Financial records. These records contain the financial documentation necessary to function as a state entity. Some of this information is confidential under Iowa Code section 22.7(11) and 22.7(18).

d. Contract records. These records contain information about contracts between the academy and outside agencies or individuals. Some of this information may be confidential under Iowa Code section 22.7.

e. Litigation files. These files or records contain information regarding litigation, or anticipated litigation, which includes judicial and administrative proceedings. The records include briefs, depositions, docket sheets, documents, correspondence, attorneys’ notes, memoranda, research materials, witness information, investigation materials, information compiled under the direction of the attorney, and case management records. The files contain materials that are confidential as attorney work product and attorney-client communications. Some materials are confidential under other applicable provisions of law or because of a court order. Persons wanting copies of pleadings and other documents filed in litigation should obtain them from the clerk of the appropriate court that maintains the official copy. Copies of pleadings and other documents filed in administrative litigation with the academy may be obtained from the academy during normal business hours. Litigation files or records are confidential as outlined in Iowa Code sections 80B.13A(5), 22.7(4) and 622.10.

f. Council decisions. All final orders, decisions, or opinions are public records, except for information that is confidential under Iowa law. This information, collected under the authority of Iowa Code chapters 17A, 80B, or 80D, may contain confidential information about individuals.

2505.10(2) Program records.

a. Law enforcement and reserve peace officer files. These records contain information about law enforcement and reserve peace officers appointed in Iowa. These files may contain hiring, certification, and termination information; training records; personal questionnaires; and endorsement information. Some of these records may be confidential under Iowa Code section 22.7 or chapter 692.

b. Psychological and cognitive testing files. These records contain information about an applicant's scores on cognitive and psychological tests mandated by Iowa Code section 80B.11(1) "g." Some of these records may be confidential under Iowa Code sections 22.7(19) and 228.9.

c. Law enforcement officer class files. These records contain information about individuals who have attended training classes at the academy. These records may contain grade information, class rosters, class schedules, class tests, photographs of class members, and disciplinary information. Some of this information may be confidential under Iowa Code section 22.7.

d. Instructor endorsement files. These records contain information about individuals who have attended specialized training programs to earn an endorsement in a specialized area of law enforcement. Some of this information may be confidential under Iowa Code section 22.7.

e. Agency partner files. These records contain information about individuals who have requested approval from the council or academy to perform services for law enforcement personnel or applicants.

f. Recruit investigation files. These records contain information about investigations conducted on recruits during attendance at a training class at the academy. Some of these records may be confidential under Iowa Code section 17A.2(11) or 22.7(11) or other applicable law.

g. Decertification files. These files or records contain information on a person who is certified as a law enforcement or reserve peace officer in the state of Iowa. The records may contain administrative or court filings or records, investigative reports, criminal history data, medical records, child abuse records, and attorney-client work product concerning possible or pending litigation. Some of this information may be confidential under Iowa Code sections 80B.13A(5), 17A.2(11) and 22.7; Iowa Code chapters 125, 232, 235A, and 692; the Health Insurance Portability and Accountability Act (HIPAA); or other applicable law.

h. Library user files. These records contain information on individuals who have checked out library materials from the academy library. This information is confidential pursuant to Iowa Code section 22.7(13).

[ARC 0370D, IAB 6/24/26, effective 6/30/26]

501—2505.11(22,80B,80D) Other groups of records. This rule describes groups of records that may be maintained by the academy other than records with a personal identifier in a records system as defined in rule 501—2505.9(22,80B,80D). The records listed may contain information about individuals and may contain confidential information. These records are generally available to the public, consistent with Iowa Code chapter 22. Unless otherwise noted, the authority for the academy to maintain the record is provided by Iowa Code chapter 80B or 80D. Records are stored on paper or in electronic form.

2505.11(1) Academy administrative records.

a. General records. These records include documentation of administrative functions of the academy, such as budget and financial records, accounting records, inventory, reservation and use of facility space, purchasing, staff policies, printing and supply requisitions, testing fees, tuition, miscellaneous correspondence, and organizational charts, among other administrative records.

b. Publications and statistical reports. These records include but are not limited to news releases, annual reports, project reports, and newsletters that describe various academy programs.

c. Mailing and contact lists. These records include lists, including names, mailing addresses, and telephone numbers of council members, law enforcement agencies, law enforcement personnel, officials in government, and members of the public. These lists may be used for distribution of informational material, such as newsletters, policy directives, or educational information. These lists are also used to provide contacts for coordination of services or as reference information sources.

d. Legislative files. These records include pending bills, enrolled bills, legislative proposals and copies of amendments.

e. Research files. These records include research regarding various concerns impacting law enforcement and the academy's rulemaking and training obligations. Some of this information is confidential as attorney-client work product under Iowa Code section 17A.2(11) or 22.7 or other applicable law.

2505.11(2) Program records.

a. Council records. These records include information from council meetings. Some of these records may be confidential under Iowa Code section 21.5 or other applicable law. This information is collected pursuant to Iowa Code chapter 21.

b. Rulemaking records. These records include public documents created during the promulgation of council rules and public comments. This information is collected pursuant to Iowa Code chapter 17A.

c. Course curriculum. These records include instructional materials for all courses taught by academy personnel.

2505.11(3) All other records. Records are public if not exempted from disclosure by law.

[ARC 0370D, IAB 6/24/26, effective 6/30/26]

501—2505.12(22,80B,80D) Data processing systems. The data processing systems used by the academy may permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

[ARC 0370D, IAB 6/24/26, effective 6/30/26]

These rules are intended to implement Iowa Code chapters 22 and 80B.

[Filed Emergency ARC 0370D, IAB 6/24/26, effective 6/30/26]

CHAPTER 2506
CONTESTED CASES—MODIFICATIONS TO UNIFORM RULES

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/30/31

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

[ARC 0370D, IAB 6/24/26, effective 6/30/26]

501—2506.8(17A) Telephone proceedings. The presiding officer may resolve preliminary procedural motions by telephone or videoconference in which all parties have an opportunity to participate. Contested case hearings may be held by telephone or videoconference with the consent of all parties. Any party may call witnesses by telephone conference or videoconference with 14 days' advance notice to all parties and the presiding officer. Failure of a party to make timely disclosure may result in the disallowance of testimony by telephone conference or videoconference.

[ARC 0370D, IAB 6/24/26, effective 6/30/26]

[Filed Emergency ARC 0370D, IAB 6/24/26, effective 6/30/26]

CITY FINANCE COMMITTEE[545]

Rules transferred from agency number 230 to 545 under the “umbrella” of Management Department[541]
pursuant to 1986 Iowa Acts, chapter 1245, section 118.

CHAPTER 1

OPERATIONS OF CITY FINANCE COMMITTEE

1.1(384)	Purpose
1.2(384)	Definitions
1.3(384)	Membership
1.4(384)	Organization and administration
1.5(384)	Compensation
1.6(384)	Meeting
1.7(384)	Office location
1.8(384)	Quorum and majority vote
1.9(384)	Order of business

CHAPTER 2

BUDGET AMENDMENTS AND FUND TRANSFERS

2.1(384,388)	Appropriation of unanticipated amount
2.2(384,388)	Transfers between programs
2.3(384,388)	Transfers within programs
2.4(384,388)	Fund transfers

CHAPTER 3

BUDGET FORMS

3.1(384)	Budget forms

CHAPTER 4

EMPLOYEE BENEFITS

4.1(384)	Definition
4.2(384)	Mandatory procedures
4.3(384)	Optional procedures
4.4(384)	Budgeting—other than general fund and road use tax fund

CHAPTER 5

LAW ENFORCEMENT OFFICER TRAINING REIMBURSEMENT

5.1(384)	Eligible reimbursement
5.2(384)	Reimbursable costs
5.3(384)	Filing of claims
5.4(384)	Documentation
5.5(384)	Reimbursement percentage
5.6(384)	Payment
5.7(384)	Officer rehired
5.8(384)	Decision appealed

CHAPTER 6

TAX RATE SUSPENSION APPEAL

6.1(24)	Decision appealed

CHAPTER 7

AGENCY PROCEDURE FOR RULE MAKING

(Uniform Rules)

7.5(17A)	Public participation
7.6(17A)	Regulatory analysis
7.10(17A)	Exemptions from public rule-making procedures
7.11(17A)	Concise statement of reasons

CHAPTER 8
PUBLIC RECORDS AND
FAIR INFORMATION PRACTICES
(Uniform Rules)

8.1(17A,22)	Definitions
8.3(17A,22)	Requests for access to records
8.9(17A,22)	Disclosures without the consent of the subject
8.10(17A,22)	Routine use
8.11(17A,22)	Consensual disclosure of confidential records
8.12(17A,22)	Release to subject
8.13(17A,22)	Availability of records
8.14(17A,22)	Personally identifiable information
8.15(17A,22)	Data processing systems
8.16(17A,22)	Other records
8.17(17A,22)	Applicability

CHAPTER 1
OPERATIONS OF CITY FINANCE COMMITTEE
[Prior to 11/30/88, see City Finance Committee[230] Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/29/31

545—1.1(384) Purpose. To ensure that the proceedings of the city finance committee are conducted in an orderly manner and also to provide that the public is kept informed of actions taken by the city finance committee, the committee adopts the following rules.

[ARC 0389D, IAB 6/24/26, effective 7/29/26]

545—1.2(384) Definitions. The following definitions apply to the rules of the city finance committee.

“Committee’s mailing address” is Department of Management, 1007 East Grand Avenue, G13, Des Moines, Iowa 50319.

“Department” means the department of management.

“Director” means the director of the department.

“Fund” means a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein that are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, obligations, or limitations.

“Fund transfer resolution” means a resolution of the city council that is to be passed to allow for transfers between funds. A fund transfer resolution is to be completed for all transfers between funds and will include a clear statement of reason or purpose for the transfer, the name of the fund from which the transfer is originating, the name of the fund into which the transfer is to be received, and the dollar amount to be transferred. For transfers of utility surpluses outlined in 545—subrule 2.4(5), the calculation proving the surplus will also be shown in the resolution. Intrafund transfers do not need a fund transfer resolution. Multiple transfers between funds may be approved in one resolution, so long as each transfer’s purpose, originating fund or subfund, and receiving fund or subfund, and the amount of transferred dollars are separately identified. Fund transfer resolutions may also be included in budget or budget amendment adoption resolutions, so long as each transfer’s purpose, originating fund or subfund and receiving fund or subfund, and the amount of transferred dollars are separately identified.

“Intrafund transfer” means a transfer between accounts or subfunds within a fund.

“Program” means any one of the following nine major functions of public service that the city finance committee directs a city to use in defining the city’s program structure:

1. Public safety;
2. Public works;
3. Health and social services;
4. Culture and recreation;
5. Community and economic development;
6. General government;
7. Debt service;
8. Capital projects;
9. Business-type activities.

“Transfers between funds” means the transfer of amounts from one fund to another fund.

[ARC 0389D, IAB 6/24/26, effective 7/29/26]

545—1.3(384) Membership. The selection, appointment and approval of members to the city finance committee are made as provided for in Iowa Code section 384.13. Names of designees will be given to the committee chairperson in writing by July 1 of each year, or promptly, if changed.

[ARC 0389D, IAB 6/24/26, effective 7/29/26]

545—1.4(384) Organization and administration. The officers of the city finance committee will consist of a chairperson, a vice chairperson and a secretary.

1.4(1) Chairperson. The chairperson will be elected yearly to preside over the proceedings of the city finance committee. Upon a vacancy on the city finance committee, the chairperson will notify the director that a vacancy exists.

1.4(2) Vice chairperson. The vice chairperson serves in absence of the chairperson and can be assigned such other duties as the committee determines. The vice chairperson is elected yearly.

1.4(3) Secretary. The department will designate a secretary to serve as the support staff for the committee. The secretary is responsible for providing timely notice of meetings, publishing a meeting agenda in accordance with the Iowa Code, and keeping minutes of meetings.

[ARC 0389D, IAB 6/24/26, effective 7/29/26]

545—1.5(384) Compensation. Committee members are to be compensated as provided by law.

[ARC 0389D, IAB 6/24/26, effective 7/29/26]

545—1.6(384) Meeting. A meeting of the committee is to be held at the call of the director, the request of a majority of committee members, or upon an appeal of the director's decision. All meetings will be open to the public with the exception of any closed sessions of such meetings conducted in accordance with Iowa Code chapter 21.

[ARC 0389D, IAB 6/24/26, effective 7/29/26]

545—1.7(384) Office location. All submissions to or requests of the committee should be made to the committee at the committee's mailing address during normal working hours.

[ARC 0389D, IAB 6/24/26, effective 7/29/26]

545—1.8(384) Quorum and majority vote. A quorum consists of five members of the committee. All actions of the committee for promulgating rules as provided for by law need a minimum of five votes. All other actions of the committee can be approved by a simple majority vote of the members present at a meeting.

[ARC 0389D, IAB 6/24/26, effective 7/29/26]

545—1.9(384) Order of business. The meetings of the city finance committee are to be presided over by the chairperson or the vice chairperson. Unless otherwise stipulated in these rules, Robert's Rules of Order are to be followed in conducting the business of the committee.

[ARC 0389D, IAB 6/24/26, effective 7/29/26]

These rules are intended to implement Iowa Code sections 384.13 through 384.22.

[Filed 11/4/74]

[Filed 11/3/88, Notice 5/4/88—published 11/30/88, effective 1/4/89]

[Filed 4/24/91, Notice 11/14/90—published 5/15/91, effective 6/19/91]

[Filed ARC 0389D (Notice ARC 9683C, IAB 11/12/25), IAB 6/24/26, effective 7/29/26]

CHAPTER 2
BUDGET AMENDMENTS AND FUND TRANSFERS
[Prior to 11/30/88, see City Finance Committee[230] Ch 2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/29/31

PREAMBLE

Consistent with home rule legislation, the city finance committee encourages as much flexibility as possible in the municipal budget administration. At the same time, it is the responsibility of the city finance committee to impose those procedures and processes necessary to ensure adequate notice to citizens of proposed and adopted changes in the local budget and to provide an opportunity for citizen involvement in the reallocation process.

[ARC 0390D, IAB 6/24/26, effective 7/29/26]

545—2.1(384,388) Appropriation of unanticipated amount. Budget amendments to the adopted city budget to permit the appropriation and expenditure of unencumbered and unanticipated balances or amounts anticipated to be available from sources other than property taxes but which have not been appropriated in the adopted budget will be prepared as provided in Iowa Code section 384.16 and are subject to protest as provided in Iowa Code section 384.19.

All adopted budget amendments to appropriate and expend unanticipated amounts are to be certified to the auditor of the county or counties where the city is located and to the director.

[ARC 0390D, IAB 6/24/26, effective 7/29/26]

545—2.2(384,388) Transfers between programs. Except as specifically provided elsewhere in these rules, all appropriation transfers between programs are budget amendments and will be prepared as provided in Iowa Code section 384.16 and subject to protest as provided in Iowa Code section 384.19.

All adopted budget amendments to permit the transfer of adopted budget appropriations between programs are to be certified to the auditor of the county or counties where the city is located and to the director.

[ARC 0390D, IAB 6/24/26, effective 7/29/26]

545—2.3(384,388) Transfers within programs. Transfers within programs are not budget amendments within the meaning of Iowa Code section 384.18. It is the responsibility of the governing body of each city to provide its own written rules for transfers within programs.

[ARC 0390D, IAB 6/24/26, effective 7/29/26]

545—2.4(384,388) Fund transfers.

2.4(1) General provisions. All transfers of moneys between funds found in the city budget forms will be approved by a fund transfer resolution. Transfers between funds in one program are types of amendments that are not subject to preparation and adoption as provided in Iowa Code section 384.16 and are not subject to protest as provided in Iowa Code section 384.19, but such transfers will comply with the state laws regarding the funds and the following subrules.

2.4(2) Debt service fund. Except where specifically not allowed under state law, moneys may be transferred from any other city fund to the debt service fund to meet outstanding principal and interest. Such transfers are to be authorized by the original budget or a budget amendment that has been adopted as provided in Iowa Code section 384.16 and subject to protest as provided in Iowa Code section 384.19.

2.4(3) Capital improvements reserve fund. Except where specifically not allowed under state law, moneys may be transferred from any city fund to the capital improvements reserve fund for purposes specified in Iowa Code section 384.7. Such transfers are to be authorized by the original budget or a budget amendment adopted as provided in Iowa Code section 384.16 and subject to protest as provided in Iowa Code section 384.19.

2.4(4) *City utility fund and city enterprise fund.* Any governing body of a city utility, combined utility system, city enterprise, or combined city enterprise that has a surplus in its fund may transfer such surpluses to any other city fund, except the emergency fund, by resolution of the appropriate governing body. For the purposes of this subrule:

a. A surplus may exist only after all required transfers have been made to any restricted accounts in accordance with the terms and provisions of any revenue bonds or loan agreements relating to the utility or enterprise fund.

b. A “surplus” is defined as the cash balance in the operating account or the unrestricted net position calculated in accordance with GAAP, after adding back the net pension and other post-employment benefits liabilities and the related deferred inflows of resources and deducting the related deferred outflows of resources, in excess of:

(1) The amount of the expenses of disbursements for operating and maintaining the utility or enterprise for the preceding three months, and

(2) The amount necessary to make all required transfers to restricted accounts for the succeeding three months.

[ARC 0390D, IAB 6/24/26, effective 7/29/26]

These rules are intended to implement Iowa Code chapters 384 and 388.

[Filed 11/4/74]

[Amendment filed 10/10/75, Notice 8/25/75—published 10/20/75, effective 11/24/75]

[Filed emergency 12/23/83 after Notice of 10/26/83—published 1/18/84, effective 12/23/83]

[Filed 11/3/88, Notice 5/4/88—published 11/30/88, effective 1/4/89]

[Filed emergency 10/2/02—published 10/30/02, effective 1/1/03]

[Filed ARC 2811C (Notice ARC 2687C, IAB 8/31/16), IAB 11/9/16, effective 12/14/16]

[Filed ARC 4334C (Notice ARC 4234C, IAB 1/16/19), IAB 3/13/19, effective 4/17/19]

[Filed ARC 0390D (Notice ARC 9684C, IAB 11/12/25), IAB 6/24/26, effective 7/29/26]

CHAPTER 3
BUDGET FORMS

[Prior to 11/30/88, see City Finance Committee[230] Ch 3]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/29/31

545—3.1(384) Budget forms. The city finance committee may propose to the director forms to be used for public notice of estimates and for certifying the original budget or budget amendments.

This rule is intended to implement Iowa Code sections 384.13 through 384.22.

[ARC 0391D, IAB 6/24/26, effective 7/29/26]

[Filed 11/4/74]

[Filed 11/3/88, Notice 5/4/88—published 11/30/88, effective 1/4/89]

[Filed ARC 0391D (Notice ARC 9685C, IAB 11/12/25), IAB 6/24/26, effective 7/29/26]

CHAPTER 4 EMPLOYEE BENEFITS

[Prior to 11/30/88, see City Finance Committee[230] Ch 4]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/29/31

545—4.1(384) Definition. Employee benefits are defined as and limited to the following:

1. Employer's share of Federal Insurance Contribution Act (FICA).
2. Employer's share of Iowa Public Employees' Retirement System (IPERS).
3. Employer's share of police and fire retirement systems.
4. Employer's share of medical payments under Iowa Code chapters 410 and 411.
5. Retiree hospital/medical/prescription benefits pursuant to Iowa Code section 364.25.
6. Workers' compensation costs or insurance premiums.
7. Unemployment benefits.
8. Employer's share of employee benefit plan costs for employees and their dependents, which would include only:
 - Hospital/medical/prescription benefits;
 - Dental benefits;
 - Disability insurance benefits;
 - Life insurance benefits;
 - Long-term insurance benefits;
 - Vision benefits.
9. Deferred compensation programs for city managers, fire chiefs, and police chiefs who do not participate in either IPERS or the Municipal Fire and Police Retirement System of Iowa (MFPRSI).
10. Employee wellness programs that are a part of, or are included with, a hospital/medical/prescription benefit program or a health and fitness program for employees that is adopted by city council motion, resolution, ordinance or included in a document approved by the city council.
11. Employee assistance program providing free counseling for employees and their dependents.
12. Occupational Safety and Health Administration (OSHA)-required tests (e.g., pulmonary and heart tests).
13. Regularly scheduled, city-required, postemployment physicals for employees, police reserves and volunteer firefighters.

[ARC 0392D, IAB 6/24/26, effective 7/29/26]

545—4.2(384) Mandatory procedures. These employee benefits will be budgeted in the city general fund up to the tax rate limit of that fund with the excess being budgeted in the trust and agency fund for those employees being paid from the city general fund:

1. Employer's share of FICA under Iowa Code section 97C.10.
2. Employer's share of IPERS under Iowa Code section 97B.9.

[ARC 0392D, IAB 6/24/26, effective 7/29/26]

545—4.3(384) Optional procedures. These employee benefits may be budgeted in either the city general or city trust and agency fund for those employees being paid from the city general fund.

1. Employer's share of police and fire pension and retirement systems under Iowa Code chapters 410 and 411.
2. Employer's share of medical payments under Iowa Code sections 410.18 and 411.15.
3. Retiree hospital/medical/prescription benefits pursuant to Iowa Code section 364.25.
4. Workers' compensation costs or insurance premiums.
5. Unemployment benefits.
6. Employer's share of employee benefit plan costs for employees and their dependents, which would include only:
 - Hospital/medical/prescription benefits;

- Dental benefits;
 - Disability insurance benefits;
 - Life insurance benefits;
 - Long-term care insurance benefits;
 - Vision benefits.
7. Deferred compensation programs for city managers, fire chiefs, and police chiefs who do not participate in either IPERS or MFPRSI.
8. Employee wellness programs that are a part of, or are included with, a hospital/medical/prescription benefit program or a health and fitness program for employees that is adopted by city council motion, resolution, ordinance or included in a document approved by the city council.
9. Employee assistance program providing free counseling for employees and their dependents.
10. OSHA-required tests (e.g., pulmonary and heart tests).
11. Regularly scheduled, city-required postemployment physicals for employees, police reserves and volunteer firefighters.

[ARC 0392D, IAB 6/24/26, effective 7/29/26]

545—4.4(384) Budgeting—other than general fund and road use tax fund. The revenues and appropriations for employee benefits for those employees being paid from any fund other than the city general fund and the road use tax fund are to be budgeted in and paid from the fund from which the employee is being paid.

[ARC 0392D, IAB 6/24/26, effective 7/29/26]

These rules are intended to implement Iowa Code section 384.15.

[Filed emergency 4/20/78—published 5/17/78, effective 4/20/78]

[Filed 9/15/78, Notice 6/14/78—published 10/4/78, effective 11/8/78]¹

[Filed 1/18/79, Notice 12/13/78—published 2/7/79, effective 3/14/79]

[Filed 11/3/88, Notice 5/4/88—published 11/30/88, effective 1/4/89]

[Filed 10/25/06, Notice 8/16/06—published 11/22/06, effective 12/27/06]

[Filed ARC 0392D (Notice ARC 9686C, IAB 11/12/25), IAB 6/24/26, effective 7/29/26]

¹ Effective date of 11/8/78 delayed 70 days by the Administrative Rules Review Committee.
Delay suspended by ARRC, 11/14/78

CHAPTER 5
LAW ENFORCEMENT OFFICER TRAINING REIMBURSEMENT

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/29/31

545—5.1(384) Eligible reimbursement. Cities and counties are eligible for reimbursement of law enforcement officer training costs for law enforcement officers who have resigned. Training costs for officers fired, retired, or disabled will not be eligible for reimbursement.

[ARC 0393D, IAB 6/24/26, effective 7/29/26]

545—5.2(384) Reimbursable costs. Costs eligible for reimbursement include all necessary and actual training costs not otherwise recovered to comply with Iowa Code chapter 80B. To the extent funding is available, costs incurred for approved advanced law enforcement training are also eligible for reimbursement. Advanced law enforcement training costs are to be approved by the local governing body and deemed legitimate, necessary, and proper by the director.

Reimbursable training costs include mileage, food, lodging, tuition, compensation of the officer in training, and the compensation of a replacement officer while the officer is in training. Mileage, food, and lodging costs are reimbursable at the rates normally reimbursed by the claimant to other employees for work-related travel. Compensation of the officer in training and the replacement officer(s) includes wages and employer-paid payroll taxes, insurance, and pension contributions. However, the reimbursable compensation of the replacement officer(s) will not exceed the reimbursable compensation of the officer in training.

Other costs eligible for reimbursement include those necessitated by the training facility, such as training uniforms, supplies, or equipment that was paid for by the claimant and not returned to or used by the claimant after training.

[ARC 0393D, IAB 6/24/26, effective 7/29/26]

545—5.3(384) Filing of claims. Claims for reimbursement are to be filed on forms prescribed by the director and obtainable from the department.

Claims for payment are to be filed with the department at the committee's mailing address. Claims need to be filed within 90 days after the officer has resigned. If a reasonable cause can be shown, the due date may be waived. Claims filed after May 15 of any fiscal year will be considered for reimbursement in the following fiscal year. No more than one claim may be submitted for each reimbursable expense.

Claims are to be signed by the mayor or chairperson of the board of supervisors and attested by the city clerk or county auditor.

[ARC 0393D, IAB 6/24/26, effective 7/29/26]

545—5.4(384) Documentation. Claims for reimbursement of law enforcement officer training costs are to be accompanied by proper documentation. Such documentation may include copies of invoices, canceled checks, salary and benefits schedules and any other supporting documents deemed necessary by the city finance committee.

[ARC 0393D, IAB 6/24/26, effective 7/29/26]

545—5.5(384) Reimbursement percentage. The amount of reimbursement is to be based on the length of service of the resigned officer after completion of law enforcement training as provided by statute.

[ARC 0393D, IAB 6/24/26, effective 7/29/26]

545—5.6(384) Payment. Funds available for reimbursement will first be applied to approved claims for minimum law enforcement officer training as set forth in Iowa Code chapter 80B. If the proceeds of the fund are insufficient to reimburse the total amount of the approved claims made during the

year, the reimbursements will be prorated. Any remaining funds will be applied to approved claims for advanced law enforcement training on a pro rata basis.

[ARC 0393D, IAB 6/24/26, effective 7/29/26]

545—5.7(384) Officer rehired. In the event a resigned officer is rehired by the city or county within one year from the date of resignation, the total costs reimbursed to the city or county for law enforcement training of that officer will be refunded to the law enforcement officer training reimbursement funds. The reimbursement for training costs will be refunded within 90 days of the date of rehire and will be accompanied by a letter of explanation.

[ARC 0393D, IAB 6/24/26, effective 7/29/26]

545—5.8(384) Decision appealed. A city or county may appeal a reimbursement decision by the director to the city finance committee. The appeal is to be submitted in writing within 60 days from the date of notification of a decision from the director. Appeals are to be filed with the committee at the committee's mailing address.

[ARC 0393D, IAB 6/24/26, effective 7/29/26]

These rules are intended to implement Iowa Code section 384.15.

[Filed 11/3/88, Notice 5/4/88—published 11/30/88, effective 1/4/89]

[Filed ARC 0393D (Notice ARC 9688C, IAB 11/12/25), IAB 6/24/26, effective 7/29/26]

CHAPTER 6
TAX RATE SUSPENSION APPEAL
[Prior to 11/30/88, see City Finance Committee[230] Ch 5]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/29/31

545—6.1(24) Decision appealed. A city may appeal a tax rate suspension decision by the director of the department to the city finance committee. The appeal is to be submitted in writing no later than February 1 to the committee at the committee's mailing address.

This rule is intended to implement Iowa Code section 24.48.

[ARC 0394D, IAB 6/24/26, effective 7/29/26]

[Filed 9/15/78, Notice 6/14/78—published 10/4/78, effective 11/8/78]

[Filed 11/3/88, Notice 5/4/88—published 11/30/88, effective 1/4/89]

[Filed 4/30/99, Notice 3/24/99—published 5/19/99, effective 7/1/99]

[Filed ARC 0394D (Notice ARC 9687C, IAB 11/12/25), IAB 6/24/26, effective 7/29/26]

CHAPTER 9
LAW ENFORCEMENT OFFICER TRAINING REIMBURSEMENT
[Prior to 11/30/88, see City Finance Committee[230] Ch 6]
Rescinded **ARC 0393D**, IAB 6/24/26, effective 7/29/26

CHAPTER 10
TAX RATE SUSPENSION APPEAL
Rescinded **ARC 0394D**, IAB 6/24/26, effective 7/29/26

CHAPTER 13 SCHOOL SAFETY

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/26/30

DIVISION I APPROVED WEAPON DETECTION SECURITY EQUIPMENT

PREAMBLE

This division implements a program to develop a list of allowable school safety equipment. The equipment in this division is specific to unholstered weapons detection capabilities within a school building or on school property.

[ARC 8906C, IAB 2/19/25, effective 3/26/25]

605—13.1(90GA, HF2652) Program implementation.

13.1(1) The department will produce and post a list of vendors and products on the department's website meeting the criteria in rule 605—13.2(90GA, HF2652).

13.1(2) The initial list will be established through an application form posted on the department's website at homelandsecurity.iowa.gov.

13.1(3) Vendors wishing to be added to the list at any time may submit the application found on the department's website for consideration and inclusion on the department's list.

13.1(4) Transitional compliance and retroactive approval:

a. A school district or accredited nonpublic school that purchased an unholstered weapons detection system after May 17, 2024, but prior to the department's first publication of the approved organization list, shall be deemed in compliance with Iowa Code section 279.86 and this chapter, provided that:

(1) The organization and product are subsequently added to the approved list; or

(2) The school provides documentation to the department demonstrating that the organization and product met the eligibility criteria in rule 605—13.2(90GA, HF2652) at the time of purchase.

b. Systems approved under this subrule may continue to be used and maintained for the duration of the existing contract or the operational life of the equipment, whichever is shorter, without requiring a new procurement from the approved list.

[ARC 8906C, IAB 2/19/25, effective 3/26/25; ARC 0395D, IAB 6/24/26, effective 7/29/26]

605—13.2(90GA, HF2652) Eligibility criteria. Eligibility for vendors and products to appear on the list will be in accordance with appropriate state and federal laws and regulations, including but not limited to the following:

13.2(1) Security requirements.

a. Iowa Code section 423F.3(6) "a"(5).

b. Vendors identified as prohibited companies by a federal acquisition regulation, or other memorandum, are excluded from use. Excluded vendors include but are not limited to the following:

(1) Federal Acquisition Regulation (FAR) 52.204-24 as amended through September 2024—representation regarding certain telecommunications and video surveillance services or equipment.

(2) FAR 52.204-25 as amended through September 2024—prohibition on contracting for certain telecommunications and video surveillance services or equipment.

(3) Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019.

c. Self-certification of provisions within Iowa Code section 423F.3(6) "a"(5)(a) and rule 605—13.2(90GA, HF2652), subject to review and confirmation by the department.

13.2(2) Eligibility criteria in addition to those in Iowa Code section 423F.3(6) "a"(5)(i) through 423F.3(6) "a"(5)(ix).

- a. The vendor is experienced in deploying and maintaining similar types of systems.
- b. The system is capable of integrating with existing security cameras (monitoring and alerting) systems.
- c. The system has the ability to process input in real time.
- d. The computer/mobile device user interface is intuitive and easy to use.
- e. The vendor provides full implementation and user support services.

13.2(3) For purposes of the transitional exception in subrule 13.1(4), the department may evaluate an organization's qualification based on the technical specifications and security standards in place at the time of the school's initial procurement.

[ARC 8906C, IAB 2/19/25, effective 3/26/25; ARC 0395D, IAB 6/24/26, effective 7/29/26]

605—13.3(90GA,HF2652) System security requirements.

13.3(1) *Transmission.*

- a. Ownership of video associated with the instance of an unholstered weapon is the sole property of the school district that purchased and installed the software.
- b. A request for duplication or transmission of an incident by the prosecuting attorney or appropriate law enforcement will be complied with.
- c. The decision to transmit to outside sources will be made by the school district with the concurrence of the prosecuting attorney or appropriate law enforcement authorization.

13.3(2) *Encryption.* Data collected by the system, including video, is encrypted in transit and at rest. Transport Layer Security (TLS) 1.2 or higher will be used for encryption in transit.

13.3(3) *Authentication.* Multifactor authentication (MFA) is implemented for administrative access to the system.

13.3(4) *Privacy.* Personally identifiable information, including student images, is not streamed live or stored with the vendor with the exception of rule 605—13.4(90GA,HF2652).

13.3(5) *Storage.* The system does not process, store, transmit, or allow access to, data from outside the continental United States (OCONUS).

[ARC 8906C, IAB 2/19/25, effective 3/26/25]

605—13.4(90GA,HF2652) Data retention for storage of video and data. All video and data associated with an instance of a suspected unholstered weapon shall be maintained for 2,555 days and meet all agency retention requirements.

[ARC 8906C, IAB 2/19/25, effective 3/26/25]

605—13.5 to 13.20 Reserved.

DIVISION II
GRANT PROGRAM

PREAMBLE

This division implements a grant program to provide grants to applicable school districts. The grant program is to be used by school districts for purchasing infrastructure and equipment related to employee permits to carry weapons, facilitate training associated with employee permits to carry weapons, and provide stipends to employees who participate in the training associated with employee permits to carry weapons.

[ARC 8906C, IAB 2/19/25, effective 3/26/25]

605—13.21(90GA,HF2652) Definitions.

“Equipment” means tangible personal property having a useful life of more than one year for the fulfillment of 2024 Iowa Acts, House File 2586, section 2.

“Infrastructure” means the same as defined in Iowa Code section 423F.3.

“Training” means the same as described in Iowa Code section 724.6.

[ARC 8906C, IAB 2/19/25, effective 3/26/25]

605—13.22(90GA,HF2652) Eligibility criteria. Eligible applicants include public school districts, private schools, and institutions of higher education as defined in Iowa Code chapter 256.

[ARC 8906C, IAB 2/19/25, effective 3/26/25]

605—13.23(90GA,HF2652) Application process. When funding is available, the application for grant funds will be posted on the department's website at homelandsecurity.iowa.gov.

[ARC 8906C, IAB 2/19/25, effective 3/26/25]

These rules are intended to implement 2024 Iowa Acts, House File 2652.

[Filed ARC 8906C (Notice ARC 8579C, IAB 12/25/24), IAB 2/19/25, effective 3/26/25]

[Filed ARC 0395D (Notice ARC 0222D, IAB 4/29/26), IAB 6/24/26, effective 7/29/26]

PUBLIC HEALTH DEPARTMENT[641]

CHAPTER 1

REPORTABLE DISEASES, POISONINGS AND CONDITIONS, AND QUARANTINE AND ISOLATION

- 1.1(139A) Definitions
- 1.2(139A) Authority
- 1.3(139A,141A) Reportable communicable and infectious diseases, poisonings or conditions, and cancers
- 1.4(135,139A) Reporting requirements

INVESTIGATION

- 1.5(135,139A) Investigation of reportable diseases

ISOLATION AND QUARANTINE

- 1.6(135,193A) Isolation and quarantine
- 1.7(139A,22) Confidentiality

STATE HYGIENIC LABORATORY

- 1.8(135,139A) Specimens for which the fee charged by the state hygienic laboratory will be waived

CHAPTER 2

HEPATITIS PROGRAMS

VIRAL HEPATITIS PROGRAM—VACCINATIONS AND TESTING

- 2.1(135) Definitions
- 2.2(135) Exposure risks for hepatitis C virus
- 2.3(135) Information for public distribution
- 2.4(135) Hepatitis vaccination and testing program

CHAPTER 3

EARLY HEARING DETECTION AND INTERVENTION (EHDI) PROGRAM

- 3.1(135) Definitions
- 3.2(135) Program components
- 3.3(135) Screening the hearing of all newborns
- 3.4(135) Procedures required of birthing hospitals
- 3.5(135) Procedures required of birth centers
- 3.6(135) Procedures to ensure that children born in locations other than a birth center or birthing hospital receive a hearing screening
- 3.7(135) Reporting hearing screening results and information to the department and child's primary care provider
- 3.8(135) Conducting and reporting screening results and diagnostic audiologic assessments to the department and child's primary care provider
- 3.9(135) Congenital cytomegalovirus (cCMV) testing for newborns who do not pass the initial newborn hearing screening
- 3.10(135) Information sharing and confidentiality
- 3.11(135) Procedure to accommodate parental objection
- 3.12(135) Civil/criminal liability

CHAPTER 4

CONGENITAL AND INHERITED DISORDERS

- 4.1(136A) Definitions
- 4.2(136A) Iowa newborn screening program (INSP)
- 4.3(136A) Iowa maternal prenatal screening program (IMPSP)
- 4.4(136A) Regional genetic consultation service (RGCS)
- 4.5(136A) Neuromuscular and other related genetic disease program (NMP)
- 4.6(136A) Iowa registry for congenital and inherited disorders (IRCID)

CHAPTERS 5 and 6

Reserved

CHAPTER 7

IMMUNIZATION AND IMMUNIZATION EDUCATION: PERSONS ATTENDING
ELEMENTARY OR SECONDARY SCHOOLS, LICENSED CHILD CARE CENTERS OR
INSTITUTIONS OF HIGHER EDUCATION

7.1(139A)	Definitions
7.2(139A)	Persons included
7.3(139A)	Persons excluded
7.4(139A)	Required immunizations
7.5(139A)	Required education
7.6(139A)	Proof of immunization
7.7(139A)	Provisional enrollment
7.8(139A)	Records and reporting
7.9(139A)	Compliance
7.10(22)	Statewide registry
7.11(22)	Release of immunization and health screening information

CHAPTERS 8 to 10

Reserved

CHAPTER 11

HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION AND ACQUIRED IMMUNE
DEFICIENCY SYNDROME (AIDS)

11.1(139A,141A)	Definitions
11.2(141A)	HIV testing—obtaining consent—voluntary HIV-related tests for adults who are not pregnant
11.3(139A,141A)	HIV testing—obtaining consent—voluntary HIV-related tests for minors who are not pregnant
11.4(141A)	HIV testing—obtaining consent—voluntary HIV-related tests for pregnant women
11.5(141A)	HIV test results—posttest counseling
11.6(141A)	Reporting of diagnoses and HIV-related tests, events, and conditions to the department
11.7(141A)	Confidentiality of information
11.8(135)	HIV and AIDS training programs where occupational exposure to blood or other potentially infectious materials may occur
11.9(139A,141A)	Partner notification program
11.10(141A)	Direct notification of an identifiable third party by a physician, physician associate or the department
11.11(139A,141A)	Care provider notification upon exposure to contagious or infectious diseases—exposures in nonclinical settings
11.12(139A,141A)	Care provider notification upon exposure to contagious or infectious diseases—exposures in clinical settings
11.13(915)	Testing, reporting, and counseling of convicted or alleged sexual assault assailants
11.14(141A)	Ryan White program

CHAPTER 12

APPROVAL OF CONFIRMATORY LABORATORIES FOR
PRIVATE SECTOR DRUG-FREE WORKPLACE TESTING

12.1(730)	Definitions
12.2(730)	Powers and duties
12.3(730)	Application procedures and requirements
12.4(730)	Requirements of laboratory personnel involved in confirmatory testing for alcohol or other drugs, or their metabolites
12.5(730)	Quality assurance program and procedure manual requirements
12.6(730)	Analytical quality control
12.7(730)	Sample security and confidentiality of test results
12.8(730)	Confirmatory testing
12.9(730)	Documentation of the confirmatory testing process
12.10(730)	Reporting of confirmed positive test results to the medical review officer
12.11(730)	Reporting requirements to department
12.12(730)	Approval, renewal, and inspection fees
12.13(730)	Renewal

12.14(730)	Reciprocity
12.15(730)	Changes during approval periods
12.16(730)	Enforcement
12.17(730)	Denial, suspension, modification or revocation of approval
12.18(730)	Restoration of approval
12.19(730)	Appeals process
12.20(730)	Complaints

CHAPTERS 13 to 23

Reserved

CHAPTER 24

PRIVATE WELL TESTING, RECONSTRUCTION, AND PLUGGING—IOWA PRIVATE WELL GRANTS

24.1(455E,135)	Grant procedures

CHAPTERS 25 to 36

Reserved

CHAPTER 37

GENERAL PROVISIONS FOR RADIATION AND RADIATION PROTECTION STANDARDS

37.1(136C)	General provisions
37.2(136C)	Definitions
37.3(136C)	General regulatory requirements
37.4(136C)	Records
37.5(136C)	Units of exposure and dose
37.6(136C)	Prohibited uses
37.7(136C)	Communications
37.8(136C)	Requirements for registrations
37.9(136C)	Fees
37.10(136C)	Administrative enforcement actions
37.11(136C)	Standards for protection against radiation
37.12(136C)	Records
37.13(136C)	Reports
37.14(136C)	Notices, instructions, and reports to workers
37.15(136C)	Inspections

CHAPTER 38

PERMITS TO OPERATE IONIZING RADIATION PRODUCING MACHINES OR ADMINISTER RADIOACTIVE MATERIALS FOR MEDICAL IMAGING

38.1(136C)	Definitions
38.2(136C)	Exemptions
38.3(136C)	Permit application and renewal
38.4(136C)	Permit to practice—general radiologic technologist, nuclear medicine technologist, radiation therapist
38.5(136C)	Permit to practice as a general nuclear medicine technologist with computed tomography endorsement
38.6(136C)	Permit to practice as a radiologist assistant
38.7(136C)	Permit to practice as a limited radiologic technologist with categories of chest, spine, extremities, shoulder, pediatric
38.8(136C)	Permit to practice as an X-ray equipment operator in podiatric radiography or bone densitometry (dual energy X-ray absorptiometry or DEXA)
38.9(136C)	Closed classification or category permits
38.10(136C)	Combining permits for an individual qualifying for permits in more than one classification
38.11(136C)	Submission of proof of completion of continuing education by permit holder to meet continuing education requirements to renew or reinstate a permit
38.12(136C)	Requirements for formal education
38.13(136C)	Standards for formal education for limited radiologic technologists
38.14(136C)	Standards for formal education for X-ray equipment operators in podiatric radiography
38.15(136C)	Standards for formal education for X-ray equipment operators in bone densitometry

- 38.16(136C) Administrative items and grounds for disciplinary action
- 38.17(136C) Rules of conduct, self-reporting requirements, and enforcement actions for all permit holders or applicants
- 38.18(136C) Procedures for demand for information, notice of proposed action, and orders for penalties, suspensions, revocations, and civil penalties for all individuals under this chapter

CHAPTER 39

REGISTRATION AND SAFETY REQUIREMENTS FOR RADIOACTIVE MATERIALS

- 39.1(136C) General provisions
- 39.2(136C) Definitions
- 39.3(136C) General regulatory requirements for incorporating CFR by reference
- 39.4(136C) Notices, instructions and reports to workers: inspection and investigations
- 39.5(136C) Standards for protection against radiation
- 39.6(136C) Rules of general applicability to licensing of byproduct material
- 39.7(136C) General domestic licenses for byproduct material
- 39.8(136C) Specific domestic licenses to manufacture or transfer certain items containing byproduct material
- 39.9(136C) Specific domestic licenses of broad scope for byproduct material
- 39.10(136C) Licenses for industrial radiography and radiation safety requirements for industrial radiographic operations
- 39.11(136C) Medical use of byproduct material
- 39.12(136C) Licenses and radiation safety requirements for irradiators
- 39.13(136C) Physical protection of category 1 and category 2 quantities of radioactive material
- 39.14(136C) Licenses and radiation safety requirements for well logging
- 39.15(136C) Domestic licensing of source material
- 39.16(136C) Domestic licensing of special nuclear material
- 39.17(136C) Packaging and transportation of radioactive material
- 39.18(136C) Reciprocal recognition of licenses

CHAPTER 40

REGISTRATION AND SAFETY REQUIREMENTS FOR RADIATION EMITTING MACHINES IN THE HEALING ARTS—MEDICINE, PODIATRY, DENTAL, CHIROPRACTIC, AND VETERINARY MEDICINE

- 40.1(136C) General provisions
- 40.2(136C) Definitions
- 40.3(136C) General regulatory requirements
- 40.4(136C) Administrative controls
- 40.5(136C) General requirements for all diagnostic X-ray systems
- 40.6(136C) General requirements for all fluoroscopy and interventional X-ray systems
- 40.7(136C) General requirements for dental intraoral, panoramic, cephalometric, and volumetric dental imaging equipment
- 40.8(136C) Computed tomography X-ray systems
- 40.9(136C) Dual-energy X-ray absorptiometry (DXA)
- 40.10(136C) Veterinary medicine X-ray systems

CHAPTER 41

REGISTRATION AND SAFETY REQUIREMENTS FOR MAMMOGRAPHY AND STEREOTACTIC BREAST BIOPSY

- 41.1(136C) Registration and safety requirements for mammography and stereotactic breast biopsy
- 41.2(136C) Definitions
- 41.3(136C) General provisions for mammography
- 41.4(136C) Mammography registration, certification, and general requirements
- 41.5(136C) Mammography personnel
- 41.6(136C) Retention of personnel records for mammography
- 41.7(136C) Equipment and safety requirements for mammography
- 41.8(136C) Medical records and reports for mammography
- 41.9(136C) Contents and terminology for mammography
- 41.10(136C) Quality assurance for mammography
- 41.11(136C) Revocation, suspension, reinstatement and appeals for mammography
- 41.12(136C) Alternative requirements for quality standards for mammography

41.13(136C)	General provisions for stereotactic breast biopsy
41.14(136C)	Registration and application standards and requirements for stereotactic breast biopsy
41.15(136C)	Requirements for physicians performing stereotactic breast biopsy
41.16(136C)	Requirements for radiologic technologists performing stereotactic breast biopsy
41.17(136C)	Requirements for medical physicists performing surveys of stereotactic breast biopsy systems
41.18(136C)	Obtaining and preserving records for stereotactic breast biopsy
41.19(136C)	Quality assurance program for stereotactic breast biopsy
41.20(136C)	Equipment and safety standards for stereotactic breast biopsy
41.21(136C)	Suspension, revocation, denial, and reinstatement of authorization for stereotactic breast biopsy

CHAPTER 42

REGISTRATION AND SAFETY REQUIREMENTS FOR THERAPEUTIC USE OF RADIATION MACHINES, PARTICLE ACCELERATORS FOR NONHUMAN USE, AND ANALYTICAL X-RAY EQUIPMENT

42.1(136C)	General provisions
42.2(136C)	Definitions
42.3(136C)	Registration or license requirements
42.4(136C)	General administrative requirements for facilities using therapeutic radiation machines
42.5(136C)	Training for external beam radiation therapy authorized users
42.6(136C)	Training for radiation therapy physicist
42.7(136C)	Qualifications of operators
42.8(136C)	Written safety procedures and rules
42.9(136C)	Exposure to the useful beam
42.10(136C)	Records of visiting authorized users
42.11(136C)	Information and maintenance record and associated information
42.12(136C)	Record retention
42.13(136C)	Written directives
42.14(136C)	General technical requirements for facilities using therapeutic radiation machines
42.15(136C)	Therapeutic radiation machines of less than 500 kV
42.16(136C)	Therapeutic radiation machines—photon therapy systems (500 kV and above) and electron therapy systems (500 keV and above)
42.17(136C)	Shielding and safety design requirements
42.18(136C)	Calibration of survey instruments
42.19(136C)	Radiation safety requirements for the use of particle accelerators for nonhuman use
42.20(136C)	Radiation safety requirements for analytical X-ray equipment

CHAPTER 43

RADON TESTING AND ANALYSIS REQUIREMENTS

43.1(136B)	General provisions
43.2(136B)	Definitions
43.3(136B)	General regulatory requirements
43.4(136B)	Application for certification
43.5(136B)	Radon measurement certification fees
43.6(136B)	Enforcement actions
43.7(136B)	Records and reporting requirements
43.8(136B)	Continuing education
43.9(136B,280)	School district employee measurement training
43.10(136B)	Exemptions
43.11(136B)	Penalties

CHAPTER 44

RADON MITIGATION REQUIREMENTS

44.1(136B)	General provisions
44.2(136B)	Definitions
44.3(136B)	General regulatory requirements
44.4(136B)	Application for credentialing
44.5(136B)	Renewal application of annual credentialing
44.6(136B)	Radon mitigation credentialing fees
44.7(136B)	Enforcement actions
44.8(136B)	Records and reporting requirements

44.9(136B)	Continuing education
44.10(136B)	Exemptions
44.11(136B)	Penalties

CHAPTERS 45 to 50

Reserved

CHAPTER 51

DENTAL SCREENING

51.1(135)	Definitions
51.2(135)	Persons included
51.3(135)	Persons excluded
51.4(135)	Dental screening components
51.5(135)	Dental screening providers
51.6(135)	Timeline for valid dental screening
51.7(135)	Proof of dental screening
51.8(135)	Dental screening documentation
51.9(135)	Ensuring dental screening services
51.10(135)	Records
51.11(135)	Reporting
51.12(135)	Release of dental screening information
51.13(135)	Referral requirements
51.14(135)	Provider training

CHAPTER 52

VISION SCREENING

52.1(135)	Definitions
52.2(135)	Persons included and persons excluded
52.3(135)	Child vision screening components
52.4(135)	Timeline for valid vision screening
52.5(135)	Proof of child vision screening
52.6(135)	Child vision screening reporting
52.7(135)	School requirements
52.8(135)	Iowa's child vision screening database module and follow-up
52.9(135)	Referral requirements

CHAPTER 53

Reserved

CHAPTER 54

CONCUSSION OR OTHER BRAIN INJURY RETURN-TO-PLAY PROTOCOL

54.1(280)	Definitions
54.2(280)	Return-to-play protocol

CHAPTER 55

Reserved

CHAPTER 56

BRAIN INJURY SERVICES PROGRAM

56.1(135)	Definitions
56.2(135)	Waiver-eligible component
56.3(135)	Cost-share component
56.4(135)	Application process
56.5(135)	Service providers and reimbursement
56.6(135)	Available services/service plan
56.7(135)	Redetermination
56.8(135)	Appeal rights

CHAPTERS 57 to 66

Reserved

CHAPTER 67 BLOOD LEAD TESTING

67.1(135)	Definitions
67.2(135)	Persons included
67.3(135)	Persons excluded
67.4(135)	Records

CHAPTER 68 CONTROL OF LEAD-BASED PAINT HAZARDS

68.1(135)	Definitions
68.2(135)	EBL inspections required
68.3(135)	Refusal of admittance
68.4(135)	Lead hazard reduction required
68.5(135)	Retaliation prohibited
68.6(135)	Enforcement
68.7(135)	Hearings
68.8(135)	Variances
68.9(135)	Injunction
68.10(135)	Effective date

CHAPTERS 69 to 71 Reserved

CHAPTER 72 CHILDHOOD LEAD POISONING PREVENTION PROGRAM

72.1(135)	Definitions
72.2(135)	Approved programs

CHAPTERS 73 and 74 Reserved

CHAPTER 75 DISTRIBUTION OF FEDERAL FUNDS RESTRICTIONS—PROVIDER IDENTIFICATION AND ATTESTATION

75.1(88GA,ch85,90GA,ch19)	Definitions
75.2(88GA,ch85,90GA,ch19)	Identification numbers
75.3(88GA,ch85,90GA,ch19)	Attestation

CHAPTER 76 MATERNAL AND CHILD HEALTH PROGRAM

76.1(135)	Definitions
76.2(135)	Client eligibility criteria
76.3(135)	Client application procedures for MCH services

CHAPTER 77 LOCAL BOARDS OF HEALTH

77.1(137)	Definitions
77.2(137)	Local boards of health—roles and responsibilities
77.3(137)	Organization of local boards of health
77.4(137)	Expenses of local board of health members
77.5(137)	Dissolution of city boards
77.6(137)	Request to form district board of health
77.7(137)	Review, approval or denial of district board of health formation
77.8(137)	Adding to a district board of health
77.9(137)	Withdrawal from a district board of health

CHAPTERS 78 and 79 Reserved

CHAPTER 80
LOCAL PUBLIC HEALTH SERVICES

80.1(135)	Definitions
80.2(135)	Contractor assurances
80.3(135)	Utilization of LPHS contract funding
80.4(135)	LPHS funds

CHAPTERS 81 to 87
Reserved

CHAPTER 88
VOLUNTEER HEALTH CARE PROVIDER PROGRAM

88.1(135)	Definitions
88.2(135)	Eligibility for the volunteer health care provider program
88.3(135)	Sponsor entity and protected clinic
88.4(135)	Covered health care services
88.5(135)	Defense and indemnification
88.6(135)	Term of agreement
88.7(135)	Reporting necessities and duties
88.8(135)	Revocation of agreement
88.9(135)	Procedure for revocation of agreement
88.10(135)	Effect of suspension or revocation
88.11(135)	Protection denied
88.12(135)	Board notice of disciplinary action
88.13(135)	Effect of eligibility protection
88.14(135)	Reporting by a protected clinic or sponsor entity

CHAPTER 89
PARENTAL NOTIFICATION OF INTENT TO
TERMINATE A PREGNANCY THROUGH ABORTION

89.1(135L)	Definitions
89.2(135L)	Notification of parent prior to the performance of abortion on a pregnant minor
89.3(135L)	Notification procedures in the event of an exception

CHAPTER 90
STATE MORTALITY REVIEW COMMITTEE

90.1(135)	Definitions
90.2(135)	Agency
90.3(135)	Membership
90.4(135)	Officers
90.5(135)	Subcommittees
90.6(135)	Liaisons
90.7(135)	Meetings
90.8(135)	Duties and responsibilities
90.9(135)	Disclosure of information
90.10(135)	Immunity and liability

CHAPTERS 91 to 93
Reserved

CHAPTER 94
CHILD PROTECTION CENTER GRANT PROGRAM

94.1(135)	Definitions
94.2(135)	Goals
94.3(135)	Review process
94.4(135)	Eligibility and criteria
94.5(135)	Appeals

CHAPTER 95
VITAL RECORDS: GENERAL ADMINISTRATION

95.1(144)	Definitions
95.2(144)	Vital records and statistics
95.3(144)	Forms—property of department
95.4(144)	Information by others
95.5(144)	Handling of vital records
95.6(144)	Fees
95.7(144)	General public access of vital records in the custody of the county registrar
95.8(144)	Direct tangible interest in and entitlement to a vital record
95.9(144)	Search and issuance of a certified copy of a vital record
95.10(144)	Search and issuance for genealogy or family history
95.11(144)	Registrars' responsibility for maintenance of confidentiality
95.12(144)	Disclosure of data
95.13(144)	Preparation of certified copies
95.14(144)	Access to original certificate of birth prior to adoption
95.15(144)	Certificate of nonviable birth
95.16(144)	Cancellation of fraudulent records
95.17(144)	Unlawful acts
95.18(144)	Enforcement assistance

CHAPTER 96 BIRTH REGISTRATION

96.1(144)	Definitions
96.2(144)	Forms—property of department
96.3(144)	Standard birth registration—up to seven days
96.4(144)	Standard birth registration—seven days to one year
96.5(144)	Birthing institutions
96.6(144)	Non-birthing institutions
96.7(144)	Non-institution birth
96.8(144)	Gestational surrogate arrangement birth registration
96.9(144)	Foundling birth registration
96.10(144)	Newborn safe haven registration
96.11(144)	Birth registration following a foreign-born adoption
96.12(144)	Birth registration fees
96.13(144)	Fee collection
96.14(144)	Waivers
96.15(144)	Fee deposit
96.16(144)	Responsibilities of institutions
96.17(144)	Responsibility for births occurring in non-institutions and non-birthing institutions
96.18(144)	Delayed birth registration—one year or more after event

CHAPTER 97 DEATH REGISTRATION AND DISPOSITION OF DEAD HUMAN BODIES

97.1(144)	Definitions
97.2(144)	Forms—property of department
97.3(144)	Standard registration of death—up to one year
97.4(144)	Standard registration of fetal death—up to one year
97.5(144)	Preparation of the certificate of death or fetal death
97.6(144)	Medical certification of death
97.7(144)	Medical certification of fetal death
97.8(144)	Medical certifier
97.9(144)	Report of autopsy findings
97.10(144)	Extension of time
97.11(144)	Removal of a dead human body or fetus
97.12(144)	Burial-transit permit
97.13(144)	Transportation and disposition of a dead human body or fetus
97.14(144)	Disinterment permits
97.15(144)	Delayed death registration—one year or more after event
97.16(144)	Registration of presumptive death
97.17(144)	Release or final disposition of a dead human body or fetus by an institution
97.18(144)	Additional record by funeral director

CHAPTER 98 MARRIAGE REGISTRATION

98.1(144,595)	Definitions
98.2(144,595)	Forms—property of department
98.3(144,595)	Standard registration of marriage—up to one year
98.4(144,595)	Application for a license to marry in Iowa
98.5(144,595)	License to marry
98.6(144,595)	Certificate of marriage
98.7(144,595)	Delayed registration of marriage—one year or more after date of event
98.8(144,595)	Dissolution of marriage or annulment

CHAPTER 99 VITAL RECORDS MODIFICATIONS

99.1(144)	Definitions
99.2(144)	Forms—property of department
99.3(144)	Forms used in the establishment of new records
99.4(144)	Corrections of minor errors in vital record—within one year of event
99.5(144)	Amendment of certificate of live birth to add first or middle given name—within one year of event
99.6(144)	Amendment of vital record—one year or more after the event
99.7(144)	Method of amendment of vital records
99.8(144)	Correction or amendment of same item more than once
99.9(144)	Other amendments to certificate of live birth
99.10(144)	Correction or substitution of medical certification of cause of death
99.11(144)	Correction or amendment to a certificate of marriage
99.12(144)	Correction to a report of dissolution of marriage or annulment
99.13(144)	Minimum information required to establish a new certificate of live birth
99.14(144)	Establishment of new certificate of live birth following adoption
99.15(144)	Establishment of new certificate of live birth following a birth by gestational surrogate arrangement
99.16(144)	Certificate of live birth following voluntary paternity affidavit
99.17(144)	Certificate of live birth following court determination of paternity
99.18(144)	Certificate of live birth following rescission of paternity affidavit or disestablishment of paternity
99.19(144)	Certificate of live birth following court-ordered change of name
99.20(144)	Disestablishment of parentage

CHAPTER 100 VITAL RECORDS REGISTRIES AND REPORTS

100.1(144)	Definitions
100.2(144)	Forms—property of department
100.3(144)	Declaration of paternity registry established
100.4(144)	Mutual consent voluntary adoption registry established
100.5(144)	Statistical report of termination of pregnancy report

CHAPTERS 101 to 105 Reserved

CHAPTER 106 STATE-FUNDED FAMILY MEDICINE OBSTETRICS FELLOWSHIP PROGRAM

106.1(135)	Definitions
106.2(135)	Fellowship cost reimbursement to participating teaching hospital

CHAPTER 107 BOARD-CERTIFIED BEHAVIOR ANALYST AND BOARD-CERTIFIED ASSISTANT BEHAVIOR ANALYST (BCBA/BCaBA) GRANTS PROGRAM

107.1(135)	Definitions
107.2(135)	Eligibility criteria
107.3(135)	Priority in grant awards
107.4(135)	Amount of a grant
107.5(135)	Use of funds

107.6(135) Review process

CHAPTER 108

MEDICAL RESIDENCY TRAINING STATE MATCHING GRANTS PROGRAM

108.1(135) Scope and purpose
 108.2(135) Definitions
 108.3(135) Eligibility criteria—establishment or expansion
 108.4(135) Eligibility criteria—support
 108.5(135) Amount of grant
 108.6(135) Application and review process

CHAPTER 109

PRESCRIPTION DRUG DONATION REPOSITORY PROGRAM

109.1(135M) Definitions
 109.2(135M) Eligibility criteria for program participation by medical facilities and pharmacies
 109.3(135M) Standards and procedures for accepting donated prescription drugs and supplies
 109.4(135M) Standards and procedures for inspecting and storing donated prescription drugs and supplies
 109.5(135M) Standards and procedures for dispensing donated prescription drugs and supplies
 109.6(135M) Eligibility criteria for individuals to receive donated prescription drugs and supplies
 109.7(135M) Forms and recordkeeping
 109.8(135M) Handling fee
 109.9(135M) List of drugs and supplies program will accept
 109.10(135M) Prescription drug donation repository in disaster emergencies

CHAPTER 110

CENTER FOR RURAL HEALTH AND PRIMARY CARE

110.1(135) Purpose and scope
 110.2(135,135B) Definitions
 110.3(135) Responsibilities of the center
 110.4 to 110.10 Reserved

PRIMECARRE HEALTH CARE WORKFORCE AND COMMUNITY SUPPORT GRANT PROGRAM

110.11(135) Purpose
 110.12 to 110.15 Reserved
 PRIMECARRE PRIMARY CARE PROVIDER LOAN REPAYMENT PROGRAM
 110.16(135) Purpose

CHAPTER 111

IOWA NEEDS NURSES NOW INFRASTRUCTURE ACCOUNT

111.1(135) Scope and purpose
 111.2(135) Definitions
 111.3(135) Eligibility and criteria
 111.4(135) Review process
 111.5(135) Performance standards
 111.6(135) Appeals

CHAPTER 112

Reserved

CHAPTER 113

PUBLIC HEALTH RESPONSE TEAMS

113.1(135) Definitions
 113.2(135) Public health response team members
 113.3(135) Public health response team
 113.4(135) Legal and other protections
 113.5(135) Reporting requirements and duties

CHAPTERS 114 to 125

Reserved

CHAPTER 126 STATE MEDICAL EXAMINER

- 126.1(144,331,691) Definitions
- 126.2(691) Fees for autopsies and related services and reimbursement for related expenses
- 126.3(691) Fees for tissue recovery

CHAPTER 127 COUNTY MEDICAL EXAMINERS

- 127.1(144,331,691) Definitions
- 127.2(331,691) Duties of medical examiners—jurisdiction over deaths that affect the public interest
- 127.3(331,691) Autopsies
- 127.4(331,691) Fees
- 127.5(144,331,691) Death certificates—deaths affecting the public interest
- 127.6(331,691) Cremation
- 127.7(331,691) County medical examiner investigators
- 127.8(331,691) Deputy county medical examiners
- 127.9(331,691) Failure to comply with rules
- 127.10(331,691,22) Confidentiality
- 127.11(331,691,670) Indemnification

CHAPTERS 128 to 130 Reserved

CHAPTER 131 EMERGENCY MEDICAL SERVICES—PROVIDERS—INITIAL CERTIFICATION—RENEWAL AND REACTIVATION—AUTHORITY—COMPLAINTS AND INVESTIGATIONS

- 131.1(147A,147D,272C) Definitions
- 131.2(147A,272C) Initial certification
- 131.3(147A) Background check results
- 131.4(147A) Authority
- 131.5(147A) Renewal standards, reactivation procedures, fees, and continuing education
- 131.6(147A,272C) Discipline—denial, citation and warning, probation, suspension, or revocation of certificates or renewal
- 131.7(147A) Certification denial
- 131.8(147A) Emergency adjudicative proceedings
- 131.9(147A) Complaints, investigations and appeals

CHAPTER 132 EMERGENCY MEDICAL SERVICES—SERVICE PROGRAM AUTHORIZATION

- 132.1(147A) Definitions
- 132.2(147A) Service program—authorization and renewal procedures and inspections
- 132.3(147A) Service program operations
- 132.4(147A) Waivers
- 132.5(147A) Complaints and investigations—denial, citation and warning, probation, suspension or revocation of service program authorization or renewal

CHAPTER 133 WHITE FLASHING LIGHT AUTHORIZATION

- 133.1(321) Definitions
- 133.2(321) Purpose
- 133.3(321) Application
- 133.4(321) Approval, denial, probation, suspension and revocation of authorization

CHAPTER 134 TRAUMA CARE FACILITY CATEGORIZATION AND VERIFICATION

- 134.1(147A) Definitions
- 134.2(147A) Trauma care facility categorization and verification
- 134.3(147A) Complaints, investigations and appeals

CHAPTER 135

TRAUMA TRIAGE AND TRANSFER PROTOCOLS

- 135.1(147A) Definitions
- 135.2(147A) Trauma triage and transfer protocols
- 135.3(147A) Offenses and penalties

CHAPTER 136

TRAUMA REGISTRY

- 136.1(147A) Definitions
- 136.2(147A) Trauma registry
- 136.3(147A) Offenses and penalties

CHAPTER 137

TRAUMA EDUCATION AND TRAINING

- 137.1(147A) Definitions
- 137.2(147A) Initial trauma education requirements
- 137.3(147A) Continuing trauma education requirements

CHAPTER 138

Reserved

CHAPTER 139

EMERGENCY MEDICAL SERVICES—TRAINING
PROGRAMS—STUDENTS—COMPLAINTS AND INVESTIGATIONS

- 139.1(147A) Definitions
- 139.2(147A) Initial application, renewal application, inspection and approval
- 139.3(147A) Training program standards, student requirements and waivers
- 139.4(147A) Out-of-state training programs
- 139.5(147A) Failure to comply with rules
- 139.6(147A) Temporary waivers
- 139.7(147A) Continuing education providers—approval, recordkeeping and inspection
- 139.8(147A) Discipline—denial, citation and warning, probation, suspension, or revocation of training program approval or renewal
- 139.9(147A) Complaints, investigations and appeals

CHAPTER 140

EMERGENCY MEDICAL SERVICES SYSTEM DEVELOPMENT GRANTS FUND

- 140.1(135) Definitions
- 140.2(135) County EMS associations
- 140.3(135) County EMS system development grants

CHAPTER 141

Reserved

CHAPTER 142

OUT-OF-HOSPITAL DO-NOT-RESUSCITATE ORDERS

- 142.1(144A) Definitions
- 142.2(144A,147A) Responsibilities of the department
- 142.3(144A,147A) EMS providers
- 142.4(144A) Guidelines for non-EMS health care providers, patients, and organizations
- 142.5(144A) Revocation of the out-of-hospital do-not-resuscitate order
- 142.6(144A) Personal wishes of family members or other individuals who are not authorized to act on the patient's behalf
- 142.7(144A) Transfer of patients
- 142.8(144A) Application to existing orders

CHAPTER 143

AUTOMATED EXTERNAL DEFIBRILLATOR MAINTENANCE

- 143.1(613) Definition
- 143.2(613) AED maintenance

CHAPTERS 144 and 145

Reserved

CHAPTER 146

STROKE CARE REPORTING

146.1(135)	Definitions
146.2(135)	Stroke care reporting
146.3(135)	Method and frequency of reporting
146.4(135)	Confidentiality
146.5(135)	Penalties and enforcement

CHAPTERS 147 to 149

Reserved

CHAPTER 150

IOWA REGIONALIZED SYSTEM OF PERINATAL HEALTH CARE

150.1(135)	Participation and designation
150.2(135)	Definitions
150.3(135)	Duties of statewide perinatal care team
150.4(135)	Duties of the department
150.5(135)	Maternal and neonatal levels of care—categorization and verification
150.6(135)	Levels of maternal care
150.7(135)	Maternal-fetal transport—all levels
150.8(135)	Levels of neonatal care
150.9(135)	Grant or denial of certificate of verification; and offenses and penalties
150.10(135)	Prohibited acts
150.11(135)	Construction of rules

CHAPTERS 151 and 152

Reserved

CHAPTER 153

SMOKEFREE AIR

153.1(142D)	Definitions
153.2(142D)	Duties of employers, owners, operators, managers, and persons having custody or control of a public place, place of employment, area declared nonsmoking pursuant to Iowa Code chapter 142D or outdoor areas where smoking is prohibited
153.3(142D)	Leases
153.4(142D)	Complaints and enforcement
153.5(142D)	Limitation of rules

CHAPTER 154

MEDICAL CANNABIDIOL PROGRAM

154.1(124E)	Definitions
	REGISTRATION CARDS
154.2(124E)	Health care practitioner certification—duties and prohibitions
154.3(124E)	Medical cannabidiol registration card—application and issuance to patient
154.4(124E)	Medical cannabidiol registration card—reciprocity
154.5(124E)	Medical cannabidiol registration card—application and issuance to primary caregiver
154.6(124E)	Denial and cancellation
154.7(124E)	Appeal
154.8(124E)	Duplicate card
154.9(124E)	Renewal
154.10(124E)	Confidentiality
154.11(124E)	Fees
154.12(124E)	Consumption of medical cannabidiol
154.13(124E)	Allowable forms of medical cannabidiol
	MANUFACTURER AND DISPENSARY LICENSING
154.14(124E)	Notice to law enforcement
154.15(124E)	Manufacturer and dispensary licensure
154.16(124E)	Collection of fees in competitive licensing

154.17(124E)	Licensure renewal
154.18(124E)	Suspension or revocation of a manufacturing or dispensary license
154.19(124E)	Assessment of penalties
154.20(124E)	Closure of operations
154.21(124E)	Manufacturer and dispensary security requirements
154.22(124E)	Advertising and marketing
154.23(124E)	Sales and inventory tracking system
154.24(124E)	Financial transactions
154.25(124E)	Inspection by department or independent consultant
	MANUFACTURING
154.26(124E)	Manufacturer operations
154.27(124E)	Recordkeeping requirements
154.28(124E)	Recall of medical cannabidiol products
154.29(124E)	Quality assurance and control
154.30(124E)	Packaging and labeling
154.31(124E)	Transportation of medical cannabidiol and plant material
154.32(124E)	Disposal of medical cannabidiol and plant material
154.33(124E)	Production requirements
154.34(124E)	Supply and inventory
	DISPENSING
154.35(124E)	Duties of the department
154.36(124E)	Dispensary operations
154.37(124E)	Recordkeeping requirements
154.38(124E)	Storage
154.39(124E)	Dispensing
154.40(124E)	Transportation of medical cannabidiol
154.41(124E)	Disposal of medical cannabidiol
154.42(124E)	Inventory
154.43(124E)	Quality assurance and control
	MEDICAL CANNABIDIOL BOARD
154.44(124E)	Purpose and duties of board
154.45(124E)	Organization of board and proceedings
154.46(124E)	Petitions for the addition or removal of medical conditions, medical treatments or debilitating diseases
	LABORATORY TESTING
154.47(124E)	Requirements of the department
154.48(124E)	Requirements of a laboratory
154.49(124E)	Requirements of a manufacturer
154.50(124E)	Content testing
154.51(124E)	Reporting requirements
154.52(124E)	Recordkeeping requirements
154.53(124E)	Quality control
154.54(124E)	Security requirements

CHAPTER 155

LICENSURE STANDARDS FOR SUBSTANCE USE DISORDER AND PROBLEM GAMBLING TREATMENT PROGRAMS

155.1(125,135)	Definitions
155.2(125,135)	Licensing
155.3(125,135)	Types of licenses
155.4(125,135)	Nonassignability
155.5(125,135)	Application procedures
155.6(125,135)	Technical assistance
155.7(125,135)	Inspection of applicants
155.8(125,135)	License—approval
155.9(125,135)	Written corrective action plan
155.10(125,135)	Grounds for denial of license
155.11(125,135)	Denial, suspension or revocation of a license
155.12 to 155.14	Reserved
155.15(125,135)	Issuance of a license after denial, suspension or revocation

155.16(125,135)	Complaints and investigations
155.17(125,135)	License revision
155.18(125,135)	Deemed status
155.19(125,135)	Funding
155.20(125,135)	Inspection
155.21(125,135)	General standards for all programs
155.22(125,135)	Inpatient and residential program facilities
155.23(125,135)	Specific standards for inpatient and residential programs
155.24(125,135)	Specific standards for inpatient and residential programs licensed to provide services to juveniles
155.25(125,135)	Specific standards for substance use assessment and OWI evaluation-only programs
155.26 to 155.33	Reserved
155.34(125,135)	Specific standards for enhanced treatment services
155.35(125,135)	Specific standards for opioid treatment programs
	TUBERCULOSIS (TB) SCREENING: HEALTH CARE WORKERS AND RESIDENTS
155.36	Reserved
155.37(125,135)	Definitions
155.38(125,135)	Tuberculosis screening of staff and residents

CHAPTER 156 CONSUMABLE HEMP PRODUCTS

156.1(204)	Definitions
156.2(204)	Registration and posting
156.3(204)	Testing requirements and documentation
156.4(204)	Packaging and labeling
156.5(204)	Applicability of other laws and regulations
156.6(204)	Prohibitions
156.7(204)	Violations and enforcement
156.8(204)	Denial, suspension, or revocation of registration
156.9(204)	Inspection and access to records
156.10(204)	Public examination of records
156.11(204)	Appeals

CHAPTER 157 STANDARDS FOR SUBSTANCE ABUSE TREATMENT AND ASSESSMENT PROGRAMS AND THE OPERATING A MOTOR VEHICLE WHILE INTOXICATED (OWI) LAW

157.1(125)	Definitions
157.2(125)	Screening, evaluation, treatment, and drinking drivers course
157.3(125)	Screening, evaluation, treatment, and drinking drivers course completion
157.4(125)	Cost of evaluation and treatment
157.5(125)	Timeliness
157.6(125)	Confidentiality
157.7(125)	Records
157.8(125)	Reciprocity

CHAPTERS 158 to 176 Reserved

CHAPTER 177 HEALTH DATA

177.1(76GA,ch1212)	Definitions
177.2(76GA,ch1212)	Description of data to be submitted
177.3(76GA,ch1212)	Fees
177.4(76GA,ch1212)	Patient confidentiality

CHAPTERS 178 to 191 Reserved

CHAPTER 192 CHILD SUPPORT NONCOMPLIANCE

192.1(252J)	Definitions
192.2(252J)	Denial of issuance or renewal of a license or suspension or revocation of a license
192.3(17A,22,252J)	Sharing of information

CHAPTER 193

Reserved

CHAPTER 194

NONPAYMENT OF STATE DEBT

194.1(272D)	Definitions
194.2(272D)	Denial of issuance or renewal of a license or suspension or revocation of a license
194.3(272D)	Sharing of information

CHAPTER 195

Reserved

CHAPTER 196

EMERGENCY MEDICAL SERVICES—MILITARY SERVICE, VETERAN RECIPROCITY, AND SPOUSES OF ACTIVE DUTY SERVICE MEMBERS

196.1(272C)	Definitions
196.2(272C,147D)	Military education, training, and service credit
196.3(272C,147D)	Veteran and active duty military spouse privilege to practice

CHAPTER 37
GENERAL PROVISIONS FOR RADIATION AND RADIATION PROTECTION STANDARDS

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/29/31

641—37.1(136C) General provisions.

37.1(1) Except as otherwise specifically exempted, the provisions of this chapter apply to all persons who receive, possess, use, transfer, own, or acquire any source of radiation. However, nothing in these rules shall apply to the extent that such persons are subject to regulation by the U.S. Nuclear Regulatory Commission. Attention is directed to the fact that regulation by the state of source material, byproduct material, and special nuclear material in quantities not sufficient to form a critical mass is subject to the provisions of the agreement between the state and the U.S. Nuclear Regulatory Commission and to 10 CFR Part 150 of the Commission's regulations as amended to August 1, 2025.

37.1(2) All persons possessing radiation machines within the state shall be registered in accordance with this chapter, except as specifically exempted.

37.1(3) No person shall receive, possess, use, transfer, own, or acquire radioactive material, except as authorized in a specific or general license issued pursuant to this chapter or as otherwise provided in these rules.

37.1(4) This chapter establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses or registrations issued by the department. These rules are issued pursuant to the authority in Iowa Code sections 136C.3 and 136C.4.

37.1(5) The requirements of this chapter are designed to control the receipt, possession, use, transfer, and disposal of radiation sources by any licensee or registrant to ensure that the total radiation dose to any individual, excluding background radiation, does not exceed the standards for protection against radiation prescribed in this chapter.

37.1(6) The limits in this chapter do not apply to doses from background radiation, medical exposures for diagnosis or therapy, or voluntary participation in medical research. Nothing in this chapter shall be construed as limiting actions that may be necessary to protect public health and safety.

37.1(7) In addition to complying with the requirements set forth in this chapter, every reasonable effort should be made to maintain radiation exposures and releases of radioactive material in effluents to unrestricted areas as low as is reasonably achievable (ALARA).

37.1(8) The requirements of this chapter are in addition to, and not in substitution for, any other applicable provisions of 641—Chapters 38 through 42. Compliance with the most stringent applicable requirements, whether found in this chapter or in 641—Chapters 38 through 42, is required.

37.1(9) The provisions in this chapter pertaining to radioactive materials are consistent with the requirements of 10 CFR Parts 19 and 20 (as amended to August 1, 2025) and as referenced in 641—Chapter 39. Accordingly, the provisions of 641—Chapter 39 apply to corresponding rules and subrules of this chapter.

[ARC 0387D, IAB 6/24/26, effective 7/29/26]

641—37.2(136C) Definitions. Except as otherwise specifically provided within a chapter or rule, these definitions apply to 641—Chapters 37 through 42.

"Absorbed dose rate" means absorbed dose per unit time, for machines with timers, or dose monitor unit per unit time for linear accelerators.

"Accelerator" or *"particle accelerator"* means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 MeV.

"Accelerator-produced material" means any material made radioactive by a particle accelerator.

"Activity" means the rate of disintegration or transformation or decay of radioactive material. The units of activity are the curie (Ci) and the becquerel (Bq).

"Adult" means an individual 18 years of age or older.

“Agreement state” means any state with which the U.S. Nuclear Regulatory Commission or the U.S. Atomic Energy Commission has entered into an effective agreement under Subsection 274b of the Atomic Energy Act of 1954 as amended (73 Stat. 689). The state of Iowa is an agreement state as of January 1, 1986.

“Airborne radioactive material” means any radioactive material dispersed in the air in the form of dusts, fumes, particles, mists, vapors, or gases.

“Airborne radioactivity area” means a room, enclosure, or area in which airborne radioactive material (composed wholly or partly of licensed material) exists in concentrations (1) in excess of the derived air concentrations (DACs) specified in 10 CFR Part 20, Appendix A (as amended to August 1, 2025), or (2) to such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or 12 DAC-hours.

“Air kerma” or *“K”* means the kinetic energy released in air by ionizing radiation. Kerma is determined as the quotient of dE by dM, where dE is the sum of the initial kinetic energies of all the charged ionizing particles liberated by uncharged ionizing particles in air of mass dM. The SI unit of air kerma is joule per kilogram, and the special name for the unit of kerma is the gray (Gy).

“Air-purifying respirator” means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

“Annual limit on intake” or *“ALI”* means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference person that would result in a committed effective dose equivalent of 5 rem (0.05 Sv) or a committed dose equivalent of 50 rem (0.5 Sv) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in Table I, Columns 1 and 2, of 10 CFR Part 20, Appendix B, as amended to August 1, 2025.

“Annually” means at least once every 365 days.

“As low as is reasonably achievable” or *“ALARA”* means making every reasonable effort to maintain exposures to radiation as far below the dose limits in these rules as is practical, consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

“Assembler” means any person engaged in the business of assembling, replacing, or installing one or more components into an X-ray system or subsystem. The term includes the owner of an X-ray system or the employee or agent who assembles components into an X-ray system that is subsequently used to provide professional or commercial services.

“Assigned protection factor” or *“APF”* means the expected workplace level of respiratory protection that would be provided by a properly functioning respirator or a class of respirators to properly fitted and trained users. Operationally, the inhaled concentration can be estimated by dividing the ambient airborne concentration by the APF.

“Atmosphere-supplying respirator” means a respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere and includes supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units.

“Authorization” means license, registration, certificate, permit, or any other document issued or received by the department that authorizes specific activities related to the possession and use of radioactive materials or radiation-producing machines in Iowa.

“Background radiation” means radiation from cosmic sources; naturally occurring radioactive materials, including radon (except as a decay product of source or special nuclear material); and global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the

control of the licensee. “Background radiation” does not include sources of radiation from radioactive materials regulated by the department.

“*Beam axis*” means a line from the source through the centers of the X-ray fields.

“*Beam-limiting device*” means a field defining collimator, integral to the system, which provides a means to restrict the dimensions of the X-ray field or useful beam.

“*Beam monitoring system*” means a system designed and installed in the radiation head to detect and measure the radiation present in the useful beam.

“*Becquerel*” or “*Bq*” means the SI unit of activity. One becquerel is equal to 1 disintegration or transformation per second (dps or tps).

“*Bioassay*” or “*radiobioassay*” means the determination of kinds, quantities or concentrations and, in some cases, the locations of radioactive material in the human body, whether by direct measurement, in vivo counting, or by analysis and evaluation of materials excreted or removed from the human body.

“*Bone densitometry*” means the use of ionizing radiation for diagnostic purposes utilizing a dual energy X-ray absorptiometry (DEXA) system. A DEXA system employs low-dose X-rays at two distinct energy levels to measure bone mineral density, and may also be used to assess lean tissue mass, total or regional body fat, or to perform other examinations as permitted by the system’s intended use and the department.

“*Brachytherapy*” means a method of radiation therapy in which sealed sources are utilized to deliver a radiation dose at a distance of up to a few centimeters, by surface, intracavitary, intraluminal, or interstitial application.

“*Brachytherapy source*” means a radioactive source or a manufacturer-assembled source train or a combination of these sources that is designed to deliver a therapeutic dose within a distance of a few centimeters.

“*Byproduct material*” means:

1. Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

2. The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium or thorium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute “byproduct material” within this definition;

3. Any discrete source of radium-226 that is produced, extracted, or converted after extraction before, on, or after August 8, 2005, for use for a commercial, medical, or research activity or any material that:

- Has been made radioactive by use of a particle accelerator; and
- Is produced, extracted, or converted after extraction before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and

- Any discrete source of naturally occurring radioactive material, other than source material, that:

- The Nuclear Regulatory Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate federal agency, determines would pose a threat to the public health and safety or the common defense and security similar to the threat posed by a discrete source of radium-226; and

- Before, on, or after August 8, 2005, is extracted or converted after extraction for use in a commercial, medical, or research activity.

“*Cabinet radiography*” means industrial radiography conducted in an enclosure or cabinet shielded so that radiation levels at every location on the exterior meet the limitations specified in rule 641—37.11(11).

“*Calendar quarter*” means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year begins in January, and subsequent calendar quarters

shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method of determining calendar quarters for purposes of these rules, except at the beginning of a year.

“Calibration” means the determination of:

1. The response or reading of an instrument relative to a series of known radiation values over the range of the instrument, or
2. The strength of a source of radiation relative to a standard.

“Carrier” means a person engaged in the transportation of passengers or property by land or water as a common, contract, or private carrier or by civil aircraft.

“Class,” “lung class,” or “inhalation class” means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which applies to a range of clearance half-times: for Class D, Days, of less than 10 days, for Class W, Weeks, from 10 to 100 days, and for Class Y, Years, of greater than 100 days.

“Code of Federal Regulations” or “CFR” means the codification of the general and permanent regulations promulgated by the executive departments and agencies of the federal government of the United States as amended to August 1, 2025, and all references to the CFR herein are amended as to August 1, 2025. It is the official legal print publication containing the rules published in the Federal Register.

“Collective dose” means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

“Committed dose equivalent” or “HT,50” means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

“Committed effective dose equivalent” or “HE,50” is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues ($HE,50 = \sum w_T HT,50$).

“Computed tomography” or “CT” means the production of a tomogram by the acquisition and computer processing of X-ray transmission data.

“Consignment” means each shipment of a package or groups of packages or load of radioactive material offered by a shipper for transport.

“Constraint or dose constraint” means a value above which specified licensee actions are required.

“Controlled area” means an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee or registrant for any reason.

“Curie” means a unit of quantity of radioactivity. One curie (Ci) is that quantity of radioactive material that decays at the rate of $3.7E+10$ transformations per second (tps).

“Declared pregnant woman” means a woman who has voluntarily informed her licensee or registrant, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

“Decommission” means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits:

1. Release of the property for unrestricted use and termination of the license; or
2. Release of the property under restricted conditions and termination of the license.

“Deep dose equivalent” or “Hd,” which applies to external whole body exposure, means the dose equivalent at a tissue depth of 1 centimeter (1000 mg/cm^2).

“Demand respirator” means an atmosphere-supplying respirator that admits breathing air to the facepiece only when a negative pressure is created inside the facepiece by inhalation.

“Derived air concentration” or “DAC” means the concentration of a given radionuclide in air that if breathed by the reference person for a working year of 2,000 hours under conditions of light work

(inhalation rate 1.2 cubic meters of air per hour) results in an intake of one ALI. DAC values are given in Table I, Column 3, of 10 CFR Part 20, Appendix B.

“Derived air concentration-hour” or *“DAC-hour”* means the product of the concentration of radioactive material in air, expressed as a fraction or multiple of the derived air concentration for each radionuclide, and the time of exposure to that radionuclide, in hours. A licensee or registrant may take 2,000 DAC-hours to represent one ALI, equivalent to a committed dose equivalent of 5 rem (0.05 Sv).

“Direct supervision” means guidance and instruction by a qualified individual who is physically present and watching the performance of the radiological operation or procedure and in such proximity that contact can be maintained and immediate assistance can be given as required.

“Discrete source” means a radionuclide that has been processed so that its concentration within a material has been purposely increased for use for commercial, medical, or research activities.

“Disposable respirator” means a respirator for which maintenance is not intended and that is designed to be discarded after excessive breathing resistance, sorbent exhaustion, physical damage, or end-of-service-life renders it unsuitable for use. Examples of this type of respirator are a disposable half-mask respirator or a disposable escape-only self-contained breathing apparatus (SCBA).

“Distinguishable from background” means that the detectable concentration of a radionuclide is statistically different from the background concentration of that radionuclide in the vicinity of the site or, in the case of structures, in similar materials using adequate measurement technology, survey, and statistical techniques.

“Dose” or *“radiation dose”* is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent, or total effective dose equivalent.

“Dose equivalent” or *“HT”* means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the sievert (Sv) and rem.

“Dose limits” or *“limits”* means the permissible upper bounds of radiation doses established in accordance with these rules.

“Effective dose equivalent” or *“HE”* means the sum of the products of the dose equivalent to each organ or tissue (HT) and the weighting factor (wT) applicable to each of the body organs or tissues that is irradiated ($HE = \sum wTHT$).

“Embryo” or *“fetus”* means the developing human organism from conception until the time of birth.

“Entrance or access point” means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed or registered radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

“Exposure” means being exposed to ionizing radiation or to radioactive material.

“Exposure” means the quotient of dQ by dm where “dQ” is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass “dm” are completely stopped in air. (The special unit of exposure is the roentgen (R) for SI equivalent coulomb per kilogram.) When not underlined as above or when indicated as “exposure” or (X), the term “exposure” has a more general meaning in these rules.

“Exposure rate” means the exposure per unit of time, such as roentgen per minute and milliroentgen per hour.

“External dose” means that portion of the dose equivalent received from any source of radiation outside the body.

“Extremity” means hand, elbow, arm below the elbow, foot, knee, and leg below the knee. For purposes of certification standards, “lower extremities” and “upper extremities” mean the same as defined in rule 641—38.7(136C).

“*Facility*” means the location, building, vehicle, or complex under one administrative control at which radioactive material is stored or used or at which one or more radiation machines are installed, located, or used.

“*FDA*” means the United States Food and Drug Administration.

“*Filtering facepiece (dust mask)*” means a negative pressure particulate respirator with a filter as an integral part of the facepiece, or with the entire facepiece composed of the filtering medium, that is not equipped with elastomeric sealing surfaces and adjustable straps.

“*Fit factor*” means a quantitative estimate of the fit of a particular respirator to a specific individual and typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn.

“*Fit test*” means the use of a protocol to qualitatively or quantitatively evaluate the fit of a respirator on an individual.

“*Former U.S. Atomic Energy Commission (AEC) or U.S. Nuclear Regulatory Commission (NRC) licensed facilities*” means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

“*Generally applicable environmental radiation standards*” means standards issued by the U.S. Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954 as amended to August 1, 2025, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

“*Gray*” or “*Gy*” means the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule per kilogram (1 Gy = 100 rad).

“*Half-value layer*” or “*HVL*” means the thickness of a specified material that attenuates X-radiation or gamma radiation to an extent such that the air kerma rate, exposure rate or absorbed dose rate is reduced to one-half of the value measured without the material at the same point. The contribution of all scattered radiation, other than any that might be present initially in the beam concerned, is excluded.

“*Hazardous waste*” means those wastes designated as hazardous by U.S. Environmental Protection Agency regulations in 40 CFR Part 261 as amended to August 1, 2025.

“*Healing arts*” means the occupational fields of diagnosing or treating disease, providing health care and improving health by the practice of medicine, osteopathy, chiropractic, podiatry, dentistry, nursing, veterinary medicine, and supporting professions, such as physician associates, nurse practitioners, radiologic technologists, and dental hygienists.

“*Helmet*” means a rigid respiratory inlet covering that also provides head protection against impact and penetration.

“*High dose-rate remote afterloader*” means a brachytherapy device that remotely delivers a dose rate in excess of 1200 rads (12 gray) per hour at the point or surface where the dose is prescribed.

“*High-level radioactive waste*” or “*HLW*” means (1) irradiated reactor fuel; (2) liquid wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuel; and (3) solids into which such liquid wastes have been converted.

“*High radiation area*” means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual’s receiving a dose equivalent in excess of 0.1 rem (1 mSv) in one hour at 30 centimeters from any source of radiation or 30 centimeters from any surface that the radiation penetrates.

“*Highway route controlled quantity*” means a quantity within a single package that exceeds:

1. 3,000 times the A1 value of the radionuclides as specified in 49 CFR 173.435 for special form Class 7 (radioactive) material;
2. 3,000 times the A2 value of the radionuclides as specified in 49 CFR 173.435 for normal form Class 7 (radioactive) material; or
3. 1,000 TBq (27,000 Ci), whichever is least.

“Hood” means a respiratory inlet covering that completely covers the head and neck and may also cover portions of the shoulders and torso.

“Human use” means the internal or external administration of radiation or radioactive material to human beings.

“Individual” means any human being.

“Individual monitoring” means the assessment of:

1. Dose equivalent by the use of devices designed to be worn by an individual or by the use of survey data; or
2. Committed effective dose equivalent by bioassay or by determination of the time-weighted air concentrations to which an individual has been exposed, that is, DAC-hours.

“Individual monitoring devices,” “personnel dosimeter” or *“dosimeter”* means devices designed to be worn by a single individual for the assessment of dose equivalent. Examples of individual monitoring devices are film badges, thermoluminescent dosimeters (TLDs), pocket ionization chambers, optically stimulated luminescent (OSL) devices, and personal air sampling devices.

“Industrial radiography” means an examination of the structure of materials by nondestructive methods, utilizing ionizing radiation to make radiographic images.

“Inspection” means an official examination or observation including but not limited to tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements, and conditions of the department.

“Instrument traceability,” “source traceability” or *“traceable to a national standard”* means, for ionizing radiation measurements, the ability to show that an instrument has been calibrated at specified time intervals using a national standard or a transfer standard. If a transfer standard is used, the calibration must be from a laboratory accredited by a program that required continuing participation in measurement quality assurance with the National Institute of Standards and Technology or other equivalent national or international program.

“Interlock” means a device preventing the start or continued operation of equipment unless certain predetermined conditions prevail.

“Internal dose” means that portion of the dose equivalent received from radioactive material taken into the body.

“Ionizing radiation producing machine” or *“radiation machine”* means any device capable of producing radiation when the associated control devices are operated, excluding devices that produce radiation only by the use of radioactive material.

“Iowa approved” means recognized or accepted by the department as meeting the training and experience requirements established by MQSA, CFR, or any additional criteria set forth by the department. This may include but is not limited to formal approval by the department based on documentation of education, training, certification, and clinical experience.

“Irradiation” means the exposure of a living being or matter to ionizing radiation.

“Leakage radiation” means radiation emanating from the diagnostic or therapeutic source assembly, except for:

1. The useful beam, and
2. Radiation produced when the exposure switch or timer is not activated.

“Lens dose equivalent” or *“LDE”* applies to the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm²).

“License” means a license issued by the department in accordance with the rules adopted by the department.

“Licensed (or registered) material” means radioactive material received, possessed, used, transferred or disposed of under a general or specific license (or registration) issued by the department.

“Licensed practitioner” means a person licensed or otherwise authorized by law to practice medicine, osteopathy, chiropractic, podiatry, or dentistry in Iowa, or certified as a physician associate, and authorized to prescribe X-ray tests for the purpose of diagnosis or treatment.

“Licensee” means any person who is licensed by the department in accordance with these rules and Iowa Code chapter 136C.

“Licensing state” means any state with regulations equivalent to the suggested state regulations for control of radiation relating to, and an effective program for, the regulatory control of NARM and that has been granted final designation by the Conference of Radiation Control Program Directors, Inc.

“Loose-fitting facepiece” means a respiratory inlet covering that is designed to form a partial seal with the face.

“Lost or missing licensed (or registered) source of radiation” means licensed (or registered) source of radiation whose location is unknown. This definition includes licensed (or registered) material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

“Mammography” means the radiography of the breast.

“Mammography unit” means an assemblage of components for the production of X-rays for use during mammography, including, at a minimum, an X-ray generator, an X-ray control, a tube housing assembly, a beam-limiting device, and the supporting structures for these components.

“Medical event” means the medical event:

1. In which, except for an event that results from patient intervention:
 - The administration of byproduct material or radiation from byproduct material, except permanent implant brachytherapy, results in:
 - A dose that differs from the prescribed dose or dose that would have resulted from the prescribed dosage by more than 5 rem (0.05 Sv) effective dose equivalent, 50 rem (0.5 Sv) to an organ or tissue, or 50 rem (0.5 Sv) shallow dose equivalent to the skin; and
 - ◆ The total dose delivered differs from the prescribed dose by 20 percent or more;
 - ◆ The total dosage delivered differs from the prescribed dosage by 20 percent or more or falls outside the prescribed dosage range; or
 - ◆ The fractionated dose delivered differs from the prescribed dose, for a single fraction, by 50 percent or more.
 - A dose that exceeds 5 rem (0.05 Sv) effective dose equivalent, 50 rem (0.5 Sv) to an organ or tissue, or 50 rem (0.5 Sv) shallow dose equivalent to the skin from any of the following:
 - ◆ An administration of the wrong radioactive drug containing byproduct material or the wrong radionuclide for a brachytherapy procedure;
 - ◆ An administration of a radioactive drug containing byproduct material by the wrong route of administration;
 - ◆ An administration of a dose or dosage to the wrong individual or human research subject;
 - ◆ An administration of a dose or dosage delivered by the wrong mode of treatment; or
 - ◆ A leaking sealed source.
 - A dose to the skin or an organ or tissue other than the treatment site that exceeds by:
 - ◆ 50 rem (0.5 Sv) or more the expected dose to that site from the procedure if the administration had been given in accordance with the written directive prepared or revised before administration; and
 - ◆ 50 percent or more the expected dose from the procedure if the administration had been given in accordance with the written directive prepared or revised before administration;
 - For permanent implant brachytherapy, the administration of byproduct material or radiation from byproduct material (excluding sources that were implanted in the correct site but migrated outside the treatment site) that results in:
 - The total source strength administered differing by 20 percent or more from the total source strength documented in the postimplantation portion of the written directive;
 - The total source strength administered outside of the treatment site exceeding 20 percent of the total source strength documented in the postimplantation portion of the written directive; or
 - An administration that includes any of the following:
 - ◆ The wrong radionuclide;

- ◆ The wrong individual or human research subject;
- ◆ Sealed source(s) implanted directly into a location discontinuous from the treatment site, as documented in the postimplantation portion of the written directive; or
- ◆ A leaking sealed source resulting in a dose that exceeds 50 rem (0.5 Sv) to an organ or tissue.

2. Resulting from intervention of a patient or human research subject in whom administration of byproduct material or radiation from byproduct material results or will result in unintended permanent functional damage to an organ or a physiological system as determined by a physician.

“Medical use” means the intentional internal or external administration of radioactive material or the radiation therefrom to patients or human research subjects under the supervision of an authorized user.

“Member of the public” means any individual, except when that individual is receiving an occupational dose.

“Minor” means an individual less than 18 years of age.

“Monitoring, radiation monitoring” or *“radiation protection monitoring”* means the measurement of radiation levels, radioactive material concentrations, surface area concentrations or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

“Negative pressure respirator (tight fitting)” means a respirator in which the air pressure inside the facepiece is negative during inhalation with respect to the ambient air pressure outside the respirator.

“Nonstochastic effect” or *“deterministic event”* means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect.

“Nuclear Regulatory Commission” or *“NRC”* means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.

“Occupational dose” means the dose received by an individual in the course of employment in which the individual’s assigned duties involve exposure to radiation or to radioactive material from licensed or unlicensed and registered or unregistered sources of radiation, whether in the possession of the licensee, registrant, or other person. Occupational dose does not include a dose received from background radiation, from any medical administration the individual has received, from exposure to individuals administered sources of radiation or radioactive material from voluntary participation in medical research programs, or as a member of the public.

“Online licensing portal” means the electronic system designated by the department through which applicants and credential holders shall submit applications, renewals, supporting documentation, and other required information for licensure, certification, credentialing, or registration.

“Package” means the packaging together with its radioactive contents as presented for transport.

“Patient” means an individual or animal subjected to healing arts examination, diagnosis or treatment.

“Person” means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, department, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or department of the foregoing, but cannot include federal government agencies.

“PET/CT” means an imaging modality that uses positron emission tomography and computed tomography in one device to combine the structural anatomic information with functional data collected during the examination.

“Phantom” means a volume of material behaving in a manner similar to tissue with respect to the attenuation and scattering of radiation. This requires that both the atomic number (Z) and the density of the material be similar to that of tissue.

“Physician” means a person who is currently licensed in Iowa to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy.

“Planned special exposure” means an infrequent exposure to radiation, separate from and in addition to the annual occupational dose limits.

“Positive pressure respirator” means a respirator in which the pressure inside the respiratory inlet covering exceeds the ambient air pressure outside the respirator.

“Positron emission tomography (PET) radionuclide production facility” means a facility operating a cyclotron or accelerator for the purpose of producing PET radionuclides.

“Powered air-purifying respirator” or *“PAPR”* means an air-purifying respirator that uses a blower to force the ambient air through air-purifying elements to the inlet covering.

“Pressure demand respirator” means a positive pressure atmosphere-supplying respirator that admits breathing air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation.

“Primary protective barrier” or *“barrier”* means the material, excluding filters, placed in the useful beam to reduce the radiation exposure (beyond the patient and cassette holder) for protection purposes.

“Public dose” means the dose received by a member of the public from exposure to radiation or to radioactive material released by a licensee, registrant, or other person or to any other source of radiation under the control of a licensee, registrant, or other person. It does not include occupational dose or doses received from background radiation, from any medical administration the individual has received, or from exposure to individuals administered sources of radiation or radioactive material and released from voluntary participation in medical research programs.

“Qualified expert” means an individual registered with the department as a radiation machines service provider, whether as an individual, as part of a corporation, or any other entity included in the definition of “person” under this chapter, having the knowledge and training to measure ionizing radiation, evaluate safety techniques, and provide guidance on radiation protection.

“Qualitative fit test” or *“QLFT”* means a pass-fail fit test to assess the adequacy of respirator fit that relies on the individual’s response to the test agent.

“Quality assurance” means the overall program of testing and maintaining the highest possible standards of quality in the acquisition and interpretation of radiographic images.

“Quality control” means the actual process of testing and maintaining the highest possible standards of quality in equipment performance and the acquisition and interpretation of radiographic images.

“Quality factor” or *“Q”* means the modifying factor, listed in Tables I and II of subrule 37.5(1), that is used to derive dose equivalent from absorbed dose.

“Quantitative fit test” or *“QNFT”* means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

“Quarter” means a period of time equal to one-fourth of the year observed by the licensee, approximately 13 consecutive weeks, providing that the beginning of the first quarter in a year coincides with the starting date of the year and that no day is omitted or duplicated in consecutive quarters.

“Rad” means the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 erg per gram or 0.01 joule per kilogram (0.01 gray).

“Radiation” or *“ionizing radiation”* means alpha particles, beta particles, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons, and other particles capable of producing ions. Radiation, as used in these rules, does not include nonionizing radiation, such as radiowaves or microwaves, visible, infrared, or ultraviolet light.

“Radiation area” means any area accessible to individuals in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in one hour at 30 centimeters from the source of radiation or from any surface that the radiation penetrates.

“Radiation detector” or *“detector”* means a device that in the presence of radiation, by either direct or indirect means, provides a signal or other indication suitable for use in measuring one or more quantities of incident radiation.

“Radiation machine” means any device capable of producing radiation, except those devices with radioactive material as the only source of radiation.

“Radiation safety officer” or *“RSO”* means an individual who has the knowledge and responsibility to apply appropriate radiation protection regulations and has been assigned such responsibility by the licensee or registrant.

“Radioactive material” means any solid, liquid, or gas that emits radiation spontaneously.

“Radioactivity” means the transformation of unstable atomic nuclei by the emission of radiation.

“Radionuclide” means a radioactive element or a radioactive isotope.

“Reference person” means a hypothetical aggregation of human physical and physiological characteristics determined by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base. A description of the reference person is contained in the International Commission on Radiological Protection report, ICRP Publication 23, “Report of the Task Group on Reference Man” as amended to August 1, 2025.

“Registrant” means any person who is registered with the department or is legally obligated to register with the department pursuant to these rules and Iowa Code chapter 136C.

“Registration” means registration with the department in accordance with the rules adopted by the department.

“Regulations of the U.S. Department of Transportation” means the regulations in 49 CFR Parts 100 through 180.

“Rem” means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 sievert).

“Reportable radiation incident” means an occurrence involving the use of a radiation-producing machine that meets one or more of the criteria established in the Council of Radiation Control Program Director’s (CRCPD) Suggested State Regulations, Part F.2 as amended to August 1, 2025, for medical events. This includes but is not limited to any of the following:

1. Unintended skin dose to the same area in a single procedure greater than 2 Gy (200 rad);
2. Unintended dose other than skin dose in a single procedure greater than:
 - 5 times the facility’s established protocol, and > 0.5 Gy (50 rad) to any organ, or
 - 5 times the facility’s established protocol, and > 0.05 Sv (5 rem) effective dose;
3. Wrong patient or wrong site for entire procedure when the resultant dose is:
 - Dose > 0.5 Gy (50 rad) to any organ, or
 - Effective dose $\geq$ 0.05 Sv (5 rem).
4. This definition includes radiation incidents occurring during medical diagnostic and interventional X-ray procedures, as well as any other radiation machine-related incident that meets established reporting criteria. It also encompasses any additional incident deemed reportable by the department based on potential or actual deviation from intended use, dose, or safety standards.

“Research and development” means:

1. Theoretical analysis, exploration, or experimentation; or
2. The extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

“Residual radioactivity” means radioactivity in structures, materials, soils, groundwater, and other media at a site resulting from activities under the licensee’s control. This includes radioactivity from all licensed and unlicensed sources used by the licensee but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with any previous state or federal licenses, rules, or regulations.

“Respiratory protective equipment” means an apparatus, such as a respirator, used to reduce an individual’s intake of airborne radioactive materials.

“Restricted area” means an area, access to which is limited by the licensee or registrant for the purpose of protecting individuals against undue risks from exposure to sources of radiation. A restricted area cannot include any areas used for residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

“Roentgen” means the special unit of exposure. One roentgen (R) equals 2.58×10^{-4} coulombs/kilogram of air.

“Sanitary sewerage” means a system of public sewers for carrying off wastewater and refuse, excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee or registrant.

“Scattered radiation” means ionizing radiation emitted by interaction of ionizing radiation with matter, the interaction being accompanied by a change in direction of the radiation. Scattered primary radiation means the scattered radiation that has been deviated in direction only by materials irradiated by the useful beam.

“Sealed source” means radioactive material that is encased in a capsule designed to prevent leakage or escape of the radioactive material.

“Self-contained breathing apparatus” or *“SCBA”* means an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.

“Service provider” means an individual or company engaged in equipment services included in this chapter.

“Shallow dose equivalent” or *“H_s,”* which applies to the external exposure of the skin of the whole body or the skin of an extremity, means the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm^2).

“Shutter” means a device attached to the tube housing assembly that can intercept the entire cross-sectional area of the useful beam and that has a lead equivalency not less than that of the tube housing assembly.

“SI” means the abbreviation for the International System of Units.

“Sievert” means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor ($1 \text{ Sv} = 100 \text{ rem}$).

“Site boundary” means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee or registrant.

“Source” means the focal spot of the X-ray tube.

“Source material” means:

- a. Uranium or thorium, or any combination thereof, in any physical or chemical form; or
- b. Ores that contain by weight one-twentieth of 1 percent (0.05 percent) or more of uranium, thorium or any combination of uranium and thorium. Source material does not include special nuclear material.

“Source material milling” means any activity that results in the production of byproduct material described in numbered paragraph “2” of the definition of “byproduct material.”

“Source of radiation” means any radioactive material or any device or equipment emitting, or capable of producing, radiation.

“Source traceability” means the ability to show that a radioactive source has been calibrated either by the national standards laboratory of the National Institute of Standards and Technology or by a laboratory that participates in continuing measurement quality assurance programs with the National Institute of Standards and Technology or other equivalent national or international program.

“SPECT/CT” means an imaging modality that uses single photon emission computed tomography and computed tomography in one device to combine the structural anatomic information with functional data collected during the examination.

“SSD” means the distance between the source and the skin entrance plane of the patient.

“Stochastic effect” or *“probabilistic effect”* means a health effect that occurs randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects.

“Stray radiation” means the sum of leakage and scattered radiation.

“Supplied-air respirator,” “SAR” or *“airline respirator”* means an atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user.

“Survey” means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of sources of radiation. When appropriate, such evaluation includes a physical survey of the location of radioactive material and measurements or calculations of levels of radiation or concentrations or quantities of radioactive material present.

“Target-to-skin distance” or *“TSD”* means the distance measured along the beam axis from the center of the front surface of the X-ray target or electron virtual source scattering foil to the surface of the irradiated object or patient.

“Termination of irradiation” means the stopping of irradiation in a fashion that will not permit continuance of irradiation without the resetting of operating conditions at the control panel.

“Test” means the process of verifying compliance with an applicable regulation.

“These rules” means the rules contained within 641—Chapters 37 through 44.

“Tight-fitting facepiece” means a respirator inlet covering that forms a complete seal with the face.

“Total effective dose equivalent” or *“TEDE”* means the sum of the effective dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures).

“Total organ dose equivalent” or *“TODE”* means the sum of the deep dose equivalent and the committed dose equivalent to the organ receiving the highest dose as described in rule 641—37.4(136C).

“Treatment site” means the anatomical description of the tissue intended to receive a radiation dose as described in the written directive.

“Tube housing assembly” means the tube housing with tube installed. It includes high-voltage or filament transformers, or both, and other appropriate elements when such are contained within the tube housing.

“Type A quantity” means a quantity of radioactive material, the aggregate radioactivity of which does not exceed A1 for special form radioactive material or A2 for normal form radioactive material as defined in 10 CFR 71.4 as amended to August 1, 2025.

“Type B quantity” means a quantity of radioactive material greater than a Type A quantity as defined in 10 CFR 71.4 as amended to August 1, 2025.

“Unrestricted area” or *“uncontrolled area”* means an area to which access is neither limited nor controlled by the licensee or registrant.

“U.S. Department of Energy” means the Department of Energy established by Public Law 95-91, August 4, 1977, 91 Stat. 565, 42 U.S.C. 7101 et seq., to the extent that the department exercises functions formerly vested in the U.S. Atomic Energy Commission, its chairman, members, officers and components and transferred to the U.S. Energy Research and Development Administration and to the administrator thereof pursuant to Sections 104(b), (c) and (d) of the Energy Reorganization Act of 1974 (Public Law 93-438, October 11, 1974, 88 Stat. 1233 at 1237, effective January 19, 1975) and retransferred to the Secretary of Energy pursuant to Section 301(a) of the Department of Energy Organization Act (Public Law 95-91, August 4, 1977, 91 Stat. 565 at 577-578, 42 U.S.C. 7151, effective October 1, 1977), all as amended to August 1, 2025.

“User seal check” or *“fit check”* means an action conducted by the respirator user to determine if the respirator is properly seated to the face. Examples include negative pressure check, positive pressure check, irritant smoke check, or isoamyl acetate check.

“Very high radiation area” means an area accessible to individuals in which radiation levels from radiation sources external to the body could result in an individual’s receiving an absorbed dose in

excess of 500 rad (5 Gy) in one hour at 1 meter from a source of radiation or 1 meter from any surface that the radiation penetrates.

“*Waste*” means those low-level radioactive wastes containing source, special nuclear, or byproduct material that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level radioactive waste means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as described in paragraphs “2,” “3” and “4” of the definition of “byproduct material.”

“*Week*” means seven consecutive days starting on Sunday.

“*Weighting factor*” or “*wT*” for an organ or tissue (T) means the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of *wT* are:

ORGAN DOSE WEIGHTING FACTORS	
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder	0.30 ^a
Whole Body	1.00 ^b

^a 0.30 results from 0.06 for each of five “remainder” organs, excluding the skin and the lens of the eye, that receive the highest doses.

^b For the purpose of weighting the external whole body dose, for adding it to the internal dose, a single weighting factor, *wT* = 1.0, has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

“*Whole body*” means, for purposes of external exposure, head, trunk including male gonads, arms above the elbow, or legs above the knee.

“*Worker*” means an individual engaged in work under a license or registration issued by the department and controlled by a licensee or registrant but does not include the licensee or registrant.

“*X-radiation*” means penetrating electromagnetic radiation with energy greater than 0.1 kV produced by bombarding a metallic target with fast electrons in a high vacuum.

“*X-ray tube*” or “*tube*” means any electron tube that is designed to be used primarily for the production of X-rays.

“*Year*” means the period of time beginning in January used to determine compliance with the provisions of these rules. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.

[ARC 0387D, IAB 6/24/26, effective 7/29/26]

641—37.3(136C) General regulatory requirements.

37.3(1) General provision. The department may, upon application therefor or upon its own initiative, grant waivers from the requirements of the rules in 641—Chapters 37 through 42 as it determines are authorized by law and will not result in undue hazard to public health and safety or property. Waivers to administrative rules should be made in accordance with the process detailed in 441—Chapter 6.

37.3(2) *Persons using byproduct material under certain Department of Energy and Nuclear Regulatory Commission contracts.*

a. Except to the extent that NRC facilities or activities of the types subject to licensing pursuant to the Energy Reorganization Act of 1974 as amended to August 1, 2025, are involved, any prime contractor of the NRC is exempt from the license requirements of these rules and from the regulations of these rules to the extent that such contractor, under the contractor's prime contract with the NRC, manufactures, produces, transfers, receives, acquires, owns, possesses, or uses byproduct material for:

(1) The performance of work for a department at the United States government-owned or government-controlled site, including the transportation of byproduct material to or from such site and the performance of contract services during temporary interruptions of such transportation;

(2) Research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or

(3) The use or operation of nuclear reactors or other nuclear devices in a United States government-owned vehicle or vessel.

b. In addition to the foregoing exemptions and subject to the requirement for licensing of NRC facilities and activities pursuant to the requirements of the Energy Reorganization Act of 1974 as amended to August 1, 2025, any prime contractor or subcontractor of the NRC is exempt from the requirements for a license set forth in Iowa Code chapter 136C and from the regulations in these rules to the extent that such prime contractor or subcontractor manufactures, produces, transfers, receives, acquires, owns, possesses, or uses byproduct material under the contractor's or subcontractor's prime contract or subcontract when the NRC determines that the exemption of the prime contractor or subcontractor is authorized by law; and that, under the terms of the contract or subcontract, there is adequate assurance that the work can be accomplished without undue risk to the public health and safety.

c. Common and contract carriers, freight forwarders, warehouse employees, and the U.S. Postal Service are exempt from these rules to the extent that they transport or store radioactive material in the regular course of carriage for another or of storage incident thereto.

[ARC 0387D, IAB 6/24/26, effective 7/29/26]

641—37.4(136C) Records. Each licensee and registrant shall maintain records showing the receipt, transfer, and disposal of all sources of radiation. Additional record requirements are specified elsewhere in these rules.

37.4(1) *Electronic records.*

a. A record or signature cannot be denied legal effect or enforceability solely because it is in electronic form.

b. A contract cannot be denied legal effect or enforceability solely because an electronic record was used in its formation.

c. If a rule requires a record to be in writing, an electronic record will satisfy the rule.

d. If a rule requires a signature, an electronic signature will satisfy the rule.

37.4(2) *Inspections.*

a. Each licensee and registrant shall afford the department at all reasonable times opportunity to inspect sources of radiation and the premises and facilities wherein such sources of radiation are used or stored.

b. Each licensee and registrant shall make available to the department for inspection, upon reasonable notice, records maintained pursuant to these rules.

37.4(3) Tests. Each licensee and registrant shall perform upon instructions from the department, or shall permit the department to perform, such reasonable tests as the department deems appropriate or necessary, including but not limited to tests of:

a. Sources of radiation;

b. Facilities wherein sources of radiation are used or stored;

c. Radiation detection and monitoring instruments;

d. Other equipment and devices used in connection with utilization or storage of licensed or registered sources of radiation.

[ARC 0387D, IAB 6/24/26, effective 7/29/26]

641—37.5(136C) Units of exposure and dose.

37.5(1) As used in these rules, the quality factors for converting absorbed dose to dose equivalent are shown in Table I.

TABLE I
QUALITY FACTORS AND ABSORBED DOSE EQUIVALENCIES

TYPE OF RADIATION	Quality Factor (Q)	Absorbed Dose Equal to a Unit Dose Equivalent ¹
X, gamma, or beta radiation and high-speed electrons	1	1
Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

¹. Absorbed dose in rad equal to 1 rem or the absorbed dose in gray equal to 1 sievert.

a. If it is more convenient to measure the neutron fluence rate than to determine the neutron dose equivalent rate in sievert per hour or rem per hour, as provided in Table 1 above, 1 rem (0.01 Sv) of neutron radiation of unknown energies may, for purposes of these rules, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee or registrant may use the fluence rate per unit dose equivalent or the appropriate Q value from Table II to convert a measured tissue dose in gray or rad to dose equivalent in sievert or rem.

TABLE II
MEAN QUALITY FACTORS, Q, AND FLUENCE PER UNIT DOSE
EQUIVALENT FOR MONOENERGETIC NEUTRONS

Neutron Energy (MeV)	Quality Factor ^a (Q)	Fluence per Unit Dose Equivalent ^b (neutrons cm ⁻² rem ⁻¹)	Fluence per Unit Dose Equivalent ^b (neutrons cm ⁻² Sv ⁻¹)
(thermal)			
2.5E-8	2	980E+6	980E+8
1E-7	2	980E+6	980E+8
1E-6	2	810E+6	810E+8
1E-5	2	810E+6	810E+8
1E-4	2	840E+6	840E+8
1E-3	2	980E+6	980E+8
1E-2	2.5	1010E+6	1010E+8
1E-1	7.5	170E+6	170E+8
5E-1	11	39E+6	39E+8
1	11	27E+6	27E+8
2.5	9	29E+6	29E+8
5	8	23E+6	23E+8

Neutron Energy (MeV)	Quality Factor ^a (Q)	Fluence per Unit Dose Equivalent ^b (neutrons cm ⁻² rem ⁻¹)	Fluence per Unit Dose Equivalent ^b (neutrons cm ⁻² Sv ⁻¹)
7	7	24E+6	24E+8
10	6.5	24E+6	24E+8
14	7.5	17E+6	17E+8
20	8	16E+6	16E+8
40	7	14E+6	14E+8
60	5.5	16E+6	16E+8
1E+2	4	20E+6	20E+8
2E+2	3.5	19E+6	19E+8
3E+2	3.5	16E+6	16E+8
4E+2	3.5	14E+6	14E+8

a. Value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-centimeter diameter cylinder tissue-equivalent phantom.

b. Monoenergetic neutrons incident normally on a 30-centimeter diameter cylinder tissue-equivalent phantom.

b. The department may, by rule, regulation, or order, impose upon any licensee or registrant such requirements in addition to those established in these rules as it deems appropriate or necessary to minimize danger to public health and safety or property.

37.5(2) Reserved.

[ARC 0387D, IAB 6/24/26, effective 7/29/26]

641—37.6(136C) Prohibited uses. A hand-held fluoroscopic screen cannot be used with X-ray equipment unless it has been accepted for certification by the U.S. Food and Drug Administration, Center for Devices and Radiological Health. A shoe-fitting fluoroscopic device cannot be used. Radiation from radiation-emitting machines or radioactive materials cannot be used on humans for nonmedical purposes except as approved by the department for security-related purposes.

[ARC 0387D, IAB 6/24/26, effective 7/29/26]

641—37.7(136C) Communications. All communications and reports concerning these rules should be submitted electronically to radhealthinfo@hhs.iowa.gov or addressed to the department at its office located at the Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319.

37.7(1) Drafts of proposed regulations released to the department from the federal government that constitute essential information needed by the department to ensure compliance with federal regulations are not available for public examination.

37.7(2) Therefore, pursuant to Iowa Code section 22.9, the department waives the provision of Iowa Code section 22.2 as it applies to these proposed draft regulations.

[ARC 0387D, IAB 6/24/26, effective 7/29/26]

641—37.8(136C) Requirements for registrations.

1. Any persons applying for a permit to operate ionizing radiation producing machines or administer radioactive materials shall comply with the requirements of 641—Chapter 38.

2. Any persons applying for a radioactive materials license shall comply with the licensing requirements of 641—Chapter 39 and the requirements of this chapter.

3. All mammography facilities shall comply with the registration requirements of 641—Chapter 41 and the requirements of this chapter.

37.8(1) Exemptions.

a. The following are exempt from the requirements of this chapter:

(1) Electronic equipment that produces radiation incidental to its operation for other purposes, provided the dose equivalent rate averaged over an area of 10 square centimeters does not exceed

0.5 millirem (5 μ Sv) per hour at 5 centimeters from any accessible surface of such equipment. This exemption does not apply to the production, testing, or factory servicing of such equipment.

(2) Radiation machines while in transit or temporarily stored as part of the transit process. This exemption does not apply to the providers of radiation machines for mobile services. Facilities that have placed all radiation machines in storage, including on-site storage, and have notified the department in writing are exempt. This exemption is void if any radiation machine is energized and produces radiation.

(3) Domestic television receivers.

(4) Inoperable radiation machines. For the purposes of this chapter, “inoperable radiation machine” means a radiation machine that cannot be energized when connected to a power supply without repair or modification.

(5) Financial institutions that take possession of radiation machines as the result of foreclosure, bankruptcy, or other default of payment, to the extent that the machines are demonstrated to be operable for the sole purpose of sale, lease, or transfer.

b. Each registrant shall prohibit any person from furnishing radiation machine servicing or services as described in paragraph 37.8(3)“c” to the registrant’s radiation machine facility until such person provides evidence that the person has been registered with the department as a provider of these services.

37.8(2) *Registration requirements for radiation machine facilities.* Each person having a radiation machine facility shall apply for registration of such facility with the department prior to the operation of a radiation machine facility.

a. Application for registration shall be submitted to the department through the online licensing portal using the application furnished by the department. The application shall:

- (1) Contain complete and accurate information as required by the department;
- (2) Include the appropriate fee specified in rule 641—37.9(136C).

b. The applicant shall designate on the application form the name of an individual who will be responsible for radiation protection.

(1) All radiation machine registrants shall designate an individual who has authority to make decisions and conduct assessments related to radiation protection and regulatory compliance at the facility.

(2) Healing arts. A practitioner licensed by the respective state board of examiners and responsible for directing the operation of radiation machines shall be designated on each healing arts application. The signature of the administrator, president, or chief executive officer will be accepted in lieu of a licensed practitioner’s signature if the facility has more than one licensed practitioner (for example, hospitals, large clinics, or multipractitioner practices).

37.8(3) *Registration requirements for radiation machine service providers.* Each person who is engaged in the business of installing or offering to install radiation machines, or providing or offering to provide radiation machine servicing or services, within this state shall apply for registration with the department prior to installing, providing, or offering to provide such services.

a. *Application.* Registration shall be submitted to the department through the online licensing portal using the application furnished by the department. The application shall:

- (1) Contain complete and accurate information as required by the department;
- (2) Include the appropriate fee specified in rule 641—37.9(136C).

b. *Contents.* Each person applying for registration as a service provider shall specify:

- (1) That the person has read and understands the requirements of these rules;
- (2) The services for which he or she is applying for registration;
- (3) The training and experience that qualify the person to discharge the services for which the person is applying for registration;
- (4) The type of measurement instrument to be used, frequency of calibration, and source of calibration;

(5) The type of personnel dosimeters supplied, frequency of reading, and replacement or exchange schedule.

c. Services requiring an application. Services requiring registration include but are not limited to:

- (1) Installation and servicing of radiation machines and associated radiation machine components;
- (2) Calibration of radiation machines or radiation measurement instruments or devices;
- (3) Radiation protection or health physics consultations or surveys;
- (4) Personnel dosimetry services;
- (5) Provider of equipment;
- (6) Shielding design and evaluation;
- (7) Processor or processor servicing, or both;
- (8) Calibration and compliance surveys of external beam radiation therapy units;
- (9) Qualified expert services for CT equipment;
- (10) Qualified expert services for e-brachytherapy;
- (11) Qualified expert services for therapeutic machines.

37.8(4) *Registration requirements for qualified experts for services.* A qualified expert may perform services after registering as a radiation machines service provider, whether as an individual, as part of a corporation, or as any other entity included in the definition of “person” in this chapter.

a. Each qualified expert must possess the necessary knowledge and training to measure ionizing radiation, evaluate safety practices, and provide guidance on radiation protection. Examples of individuals who may qualify include:

- (1) Persons certified in the appropriate field by the American Board of Radiology, American Board of Medical Physics, or American Board of Health Physics or those with equivalent qualifications.
- (2) For calibration of radiation therapy equipment, persons who, in addition to the qualifications above, have training and experience in the clinical applications of radiation physics to radiation therapy, including individuals certified in therapeutic radiological physics, X-ray and radium physics by the American Board of Radiology, or those with equivalent qualifications.

b. Each qualified expert or registered radiation machines service provider must maintain documentation demonstrating that the training requirements for the services provided under this chapter have been met. This documentation must be retained and made available to the department upon request.

37.8(5) *Stated notice.* No persons shall perform services that are not specifically stated on the notice of registration issued by the department.

a. A registration may be revoked for violating or causing a facility to violate any of the rules in 641—Chapter 38 through 42.

b. Radiation therapy physicists providing services for therapeutic radiation machines must provide proof that the training requirements of rule 641—42.6(136C) have been met at the time of the application and upon request by the department.

c. Mammography physicists providing services for mammography radiation machines must provide proof that the training requirements of 641—Chapter 41 have been met at the time of the application and upon request by the department.

37.8(6) *Issuance of notice of registration.*

a. Upon a determination that an applicant meets the requirements of this chapter, the department will issue a notice of registration.

b. The department may incorporate in the notice of registration at the time of issuance or thereafter by appropriate rule, regulation, or order such additional requirements and conditions with respect to the registrant’s receipt, possession, use, and transfer of radiation machines as it deems appropriate or necessary.

37.8(7) *Expiration of notice of registration.* Each notice of registration will expire annually.

37.8(8) *Renewal of notice of registration.* An application for renewal of registration shall be submitted annually in accordance with the requirements of this chapter.

37.8(9) *Reinstatement of registration.*

a. An application for reinstatement of registration shall be submitted to the department when a registration has not been renewed within 30 days following the expiration date in accordance with this chapter.

b. The annual registration fee, as specified in Iowa Code section 39.9, shall be submitted to the department at the time of reinstatement.

c. A reinstatement fee of \$100 shall be submitted to the department at the time of reinstatement, in addition to the annual registration fees.

37.8(10) *Report of changes.* The registrant shall notify the department in writing before making any change that would render the information contained in the application for registration or the notice of registration no longer accurate.

37.8(11) *Approval not implied.* No person, in any advertisement, shall refer to the fact that the person or the person's facility is registered with the department pursuant to the provisions of this chapter, and no person shall state or imply that any activity under such registration has been approved by the department.

37.8(12) *Assembler and transfer obligation.*

a. Any person registered under the requirements of this chapter who sells, leases, transfers, lends, disposes of, assembles, or installs radiation machines in this state shall notify the department in writing within 15 days following the completion of the service and shall include all of the following:

- (1) The name and address of persons who have received these machines;
- (2) The manufacturer, model, and serial number of each radiation machine transferred;
- (3) The date of transfer of each radiation machine.

b. No person shall make, sell, lease, transfer, lend, assemble, or install radiation machines or the supplies used in connection with such machines unless such supplies and equipment, when properly placed in operation and used, meet the requirements of 641—Chapters 38, 39, 40 and 41.

c. In the case of diagnostic X-ray systems that contain certified components, a copy of the assembler's report prepared in accordance with the requirements of the federal diagnostic X-ray standard (21 CFR 1020.30(d)) shall be submitted to the department within 15 days following completion of the assembly. Such report shall suffice in lieu of any other report by the assembler.

[ARC 0387D, IAB 6/24/26, effective 7/29/26]

641—37.9(136C) Fees. Fees are nonrefundable and are in amounts sufficient to defray the cost of administering the rules of this chapter.

37.9(1) *Radiation machines.* Each registrant shall, at the time of registration and annually thereafter, as long as the registrant owns the radiation machine, remit the applicable fee to the department in adherence with the fee schedule below:

a. Fee schedule. The fees to be paid shall be in the amount computed by the following schedule. Fees for radiation machines not listed in the schedule below cannot be less than \$120 per unit/tube.

b. Annual fee schedule.

	Type of radiation machine	Fee per tube	Maximum fee
1.	Medical	\$120	\$3,000
2.	Medical Cabinet X-ray Machine (Nonhuman Use)	\$100	—
3.	Osteopathy	\$120	\$3,000
4.	Chiropractic	\$120	\$3,000
5.	Dentistry	\$60	\$1,550
6.	Podiatry	\$75	\$2,000

	Type of radiation machine	Fee per tube	Maximum fee
7.	Veterinary Medicine	\$60	—
8.	Industrial/Nonmedical Use	\$100	—
9.	Food Sterilization	\$500	—
10.	Accelerators and Electronic Brachytherapy Units	\$275	—
11.	Electron Microscope	\$40	—
12.	DXA/Bone Densitometry	\$55	—

37.9(2) *Radiation machine service providers and medical physicists.*

a. Radiation machine service providers.

(1) Each person who is engaged in the business of installing or offering to install radiation machines or providing or offering to provide radiation machine servicing or services within this state shall apply for registration with the department prior to installing, providing, or offering to provide such services.

(2) An application shall be submitted through the online licensing portal for both initial application and annual renewals thereafter. The application shall:

1. Contain complete and accurate information as required by the department;
2. Include an annual nonrefundable fee of \$200.

(3) Reinstatement. Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date.

1. The annual registration fee described in this chapter shall be submitted to the department at the time of reinstatement.

2. A reinstatement fee of \$100 shall be submitted to the department at the time of reinstatement, in addition to the annual registration fees.

b. Mammography medical physicist.

(1) Each person engaged in providing health physics services for mammography in Iowa who meets the requirements of 641—subrule 41.5(3) shall apply for Iowa approval with the department prior to providing such services.

(2) An application shall be submitted through the online licensing portal for both initial application and annual renewals thereafter. The application shall:

1. Contain complete and accurate information as required by the department;
2. Include an annual nonrefundable fee of \$100.

(3) Reinstatement. Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date.

1. The annual registration fee described in this chapter shall be submitted to the department at the time of reinstatement.

2. A reinstatement fee of \$100 shall be submitted to the department at the time of reinstatement, in addition to the annual registration fees.

c. Stereotactic medical physicist.

(1) Each person engaged in providing health physics services for stereotactic breast biopsy in Iowa who meets the requirements of 641—Chapter 41 shall apply for Iowa approval with the department prior to providing such services.

(2) An application shall be submitted through the online licensing portal for both initial application and annual renewals thereafter. The application shall:

1. Contain complete and accurate information as required by the department;
2. Demonstrate that the requirements for Iowa approval for mammography, as specified in this chapter, have been met prior to approval for stereotactic breast biopsy;
3. Not require a fee beyond the initial annual nonrefundable fee of \$100 required for Iowa approval in mammography.

(3) Reinstatement. Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date.

d. Radiation therapy medical physicist.

(1) Each person engaged in providing health physics services for radiation therapy in Iowa who meets the requirements of 641—Chapter 42 shall apply for Iowa approval with the department prior to providing such services.

(2) An application shall be submitted through the online licensing portal for both initial application and annual renewals thereafter. The application shall:

1. Contain complete and accurate information as required by the department;
2. Include the annual nonrefundable fee of \$200.

(3) Reinstatement. Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date.

1. The annual registration fee described in this chapter shall be submitted to the department at the time of reinstatement.

2. A reinstatement fee of \$100 shall be submitted to the department at the time of reinstatement, in addition to the annual registration fees.

37.9(3) *Inspections/interpretation fees for radiation machines.* Each registrant shall, where appropriate, pay the following special inspections/interpretation fee at the written request of the department:

a. Mammography and stereotactic breast biopsy.

(1) Mammography unit inspections fees:

1. \$1,575 for the first unit and, if the facility has additional units at the address of the first unit, \$375 for each additional unit; or
2. \$1,575 per portable unit for each site; or
3. A dollar amount to be determined and justified by the department on a case-by-case basis for facilities that do not meet the above criteria; or
4. \$675 for the second facility follow-up visit to review or determine the corrective action taken to address noncompliances; or
5. \$1,575 for each stereotactic breast biopsy unit.

(2) All mammography facilities providing services in Iowa must submit a \$150 annual authorization certification fee.

b. Accelerators and electronic brachytherapy.

(1) Industrial and oncology accelerator registrants and electronic brachytherapy registrants shall pay for each inspection a fee of \$900 for the first unit and \$225 for each additional unit.

(2) Industrial radiography X-ray units/walk-in cabinet radiography X-ray unit registrants shall pay for each inspection a fee of \$450 for the first unit and \$130 for each additional unit.

37.9(4) *Radioactive materials.* Fees associated with the possession and use of radioactive materials in Iowa cannot exceed those specified in 10 CFR 170.31 and 171.16.

a. The following fee schedule will apply:

	Program Code	Category	Type	New License Fee	Inspection Priority	Annual Fee
(3.L.)	01100	AAB	Academic Type A Broad	\$5,400	1	\$14,600
(8.A.)	03710	CD	Civil Defense	\$2,500	5	\$2,000
(3.E.)	03510	I1	Irradiators, Self-Shielding <10,000 Curies	\$3,200	5	\$2,600
(3.O.)	03320	IR1	Industrial Radiography – Temporary Job Sites	\$3,100	1	\$8,000
(3.P.)	03120	FG	Measuring Systems – Fixed Gauge	\$3,400	5	\$2,000
(3.P.)	03121	PG	Measuring Systems – Portable Gauge	\$3,400	5	\$2,000
(3.P.)	02410	IVL	<i>In-Vitro</i> Testing Laboratory	\$3,400	5	\$2,000

	Program Code	Category	Type	New License Fee	Inspection Priority	Annual Fee
(7.C.)	02230	HDR	High Dose Rate Afterloader	\$5,500	1	\$5,100
(7.C.)	02120	M1	Medical – Diagnostic & Therapy	\$5,500	3	\$4,000
(7.C.)	02121	M2	Medical – Diagnostic Only	\$5,500	4	\$3,600
(7.C.)	02240	MET	Medical – Diagnostic, Therapeutic, Emerging Technologies	\$5,500	2	\$4,500
(3.S.)	03210	PET	Accelerator-Produced RAM	\$7,500	1	\$5,375
(3.C.)	02500	NP	Nuclear Pharmacy	\$5,100	1	\$7,700
(7.C.)	02231	NV1	Nuclear Medical Van	\$4,140	2	\$4,000
(7.C.)	22160	PMM	Pacemaker – Byproduct and/or SNM	\$2,600	R	Note 6
(3.M.)	03620	RD2	Research & Development – Other	\$4,375	3	\$4,000
(2.C.)	11300	SM1	Source Material, Other, >150 Kilograms	\$2,600	3	\$4,000
(1.D.)	22120	SNM2	SNM Plutonium – Neutron Source	\$2,600	5	\$3,750
(3.P.)	03221	CAL	Calibration and W/L Tests	\$2,275	5	\$3,900
(3.P.)	03122	XRF	X-Ray Fluorescent Analyzer	\$2,275	5	\$1,860
(3.P.)	02400	VMT	Veterinary Medicine – Therapy	\$3,250	3	\$3,900
(3.B.)	03214	MD	Manufacturing/Distribution	\$3,500	3	\$3,980

b. Additional fees for radioactive materials not listed in the above schedule include:

- (1) Annual fees that are due no later than September 1 of each year.
- (2) Licensees with more than two authorized locations of use will be charged an additional 10 percent of the annual fee, per location.
- (3) A 10 percent reinstatement fee will be due when annual fees have not been submitted within 30 days following the annual due date.
- (4) Inspections are included in the annual fee.
- (5) A general license registration fee of \$700 is due annually on the registration anniversary.
- (6) A license amendment fee for all categories is \$600.
- (7) A reciprocity fee of \$1,800 is due annually (180 days).
- (8) Inspection priorities are based on NRC Inspection Manual Chapter 2800 as amended to August 1, 2025. Priority “R” is a remote contact and is not considered an inspection.

c. Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions that also hold nuclear medicine licenses with the department.

37.9(5) Radioactive material transport fee schedule. All shippers shall pay the following fee(s) unless the department obtains sufficient funding from another source, which may include but is not limited to a federal agency or a contract with a shipper.

a. \$1,800 per highway cask for each truck shipment of spent nuclear fuel, high-level radioactive waste, transuranic waste, or highway route controlled quantity of radioactive materials or any material shipped in accordance with this chapter traversing the state or any portion thereof. Single cask truck shipments are subject to a surcharge of \$20 per mile for every mile over 250 miles traveled.

b. \$1,300 for the first cask and \$125 for each additional cask for each rail shipment of spent nuclear fuel, high-level radioactive waste, transuranic waste, or any material shipped in accordance with this chapter traversing the state or any portion thereof.

c. \$175 for each shipment by truck or by rail paid by the shipper for low-level radioactive waste shipped in or across Iowa. The department may accept an annual shipment fee as negotiated with a shipper or accept payment per shipment. This fee applies to waste shipped to a site authorized by a government agency to receive low-level radioactive waste or shipped to a storage site to be held for future disposal.

d. All fees must be paid by the shipper prior to shipment. Shippers must request an application for a permit to ship radioactive material from the Iowa department of transportation, motor vehicle division. Assistance may be obtained by calling the department. Other methods of fee payment may be considered by the department on a case-by-case basis upon request of the shipper. A request for an alternative method of payment must be made to the department prior to shipment.

e. All fees received pursuant to subrule 37.9(5) shall be used for purposes related to transporting radioactive material, including enforcement and planning, developing, and maintaining a capability for emergency response.

37.9(6) Additional fees.

a. Owner-assessed expenses. In cases in which the department determines that the cost of regulating or inspecting registered radiation machine facilities or radioactive materials licensees significantly exceeds the fees charged to the facility, it may assess an additional fee to the owner or user of the source(s) of radiation to cover the actual expenses incurred by the department.

b. Environmental surveillance fee. A fee may be levied against any licensee, registrant, corporation, company, business, or individual for environmental surveillance activities that are necessary to assess the radiological impact of activities conducted by the licensee, registrant, corporation, company, business, or individual. This fee will be sufficient to defray actual costs incurred by the department, including but not limited to salaries of department employees, per diem, travel, and costs of laboratory analysis of samples when required.

c. Returned check and late fees. Persons who fail to pay required fees to the department are subject to the following penalties:

(1) \$40 for each payment received by the department in accordance with these rules, for which insufficient funds are available to fulfill the obligation of such payment to the department.

(2) \$100 reinstatement fee when a registration has not been renewed within 30 days following the expiration date. This fee is added to the unpaid annual registration fees.

d. Reciprocity. Fees paid for reciprocal recognition of out-of-state persons wishing to utilize radiation machines or radioactive materials in Iowa allow the out-of-state person to operate for a total of 180 days during the 365-day reciprocity period starting the date the fee is received by the department.

(1) Radiation machines. Any out-of-state person who wishes to bring an X-ray machine into the state to perform work or services shall register and pay a radiation machines fee in accordance with 641—subrule 38.8(1).

(2) Linear accelerators. Any out-of-state person who wishes to bring a linear accelerator into the state to perform work or services shall register and pay a fee of \$500 in accordance with 641—subrule 38.8(1).

(3) Radioactive materials. Out-of-state persons wishing to bring sources of radioactive material into Iowa for business purposes may be subject to a reciprocity fee depending on the type of activity to be performed and the type of radioactive materials license possessed. If a reciprocity fee is applicable, it will be assessed at the rate for reciprocity specified in the radioactive materials fee schedule available through the department for each 365-day reciprocity period. Additionally, the reciprocity requirements of 641—Chapter 39 shall apply.

e. Fee waiver. Any fee may be waived in exchange for services (low-level waste disposal, radiation detection instrument calibration, instrument repair, sample analysis, etc.) provided to the department. The waiver may only occur as a result of a 28E agreement or memorandum of understanding between the parties.

[ARC 0387D, IAB 6/24/26, effective 7/29/26]

641—37.10(136C) Administrative enforcement actions. This rule prescribes the procedure in cases initiated by the staff, or upon a request by any person, to impose requirements by order; to modify, suspend, or revoke a license, registration, or certificate; or to take other action as may be proper against any person subject to the jurisdiction of the department.

1. The term “regulated entity” as used in this rule refers to any facility, person, partnership, corporation or other organization that is regulated by the department by virtue of these rules, the Iowa Code, licensing documents, registrations, certificates, or other official regulatory promulgation.

2. “Authorization” means license, registration, certificate, permit, or any other document issued or received by the department that authorizes specific activities related to the possession and use of radioactive materials or radiation-producing machines in Iowa.

3. This rule also prescribes the procedures in cases initiated by the staff to impose civil penalties pursuant to Iowa Code section 136C.4.

37.10(1) Notice of violation.

a. In response to an alleged violation of any provision of the Iowa Code, these rules, the conditions of an authorization issued by the department or any order issued by the department, the department may serve on the regulated entity a written notice of violation; a separate notice may be omitted if an order pursuant to subrule 37.10(2) or demand for information pursuant to subrule 37.10(4) is issued that otherwise identifies the apparent violation. The notice of violation will concisely state the alleged violation(s) and will require that the regulated entity submit, within 30 days of the date of the notice or other specified time, a written explanation or statement in reply including:

- (1) Corrective steps that have been taken by the regulated entity and the results achieved;
- (2) Corrective action that will be taken to prevent recurrence; and
- (3) The date when full compliance will be achieved.

b. The notice may require the regulated entity subject to the jurisdiction of the department to admit or deny the violation and to state the reasons for the violation, if admitted. It may provide that, if an adequate reply is not received within the time specified in the notice, the department may issue an order or a demand for information as to why the authorization should not be modified, suspended, or revoked or why such other action as may be proper should not be taken.

c. Violations are categorized according to five levels of severity, which are:

- (1) Severity levels I and II: Violations are of very significant regulatory concern involving actual or high potential impact on the public health and safety.
- (2) Severity level III: Violations are cause for significant concern.
- (3) Severity level IV: Violations are less serious but are of more than minor concern and that, if left uncorrected, could lead to a more serious health and safety concern.
- (4) Severity level V: Violations are of minor safety or environmental concern.

d. A group of violations may be evaluated in the aggregate and assigned a single higher severity level if the violations have the same underlying cause or if the violations contributed to or were unavoidable consequences of the underlying problem.

e. The severity level of a violation may be increased if the violation can be considered a repetitive violation. The term “repetitive violation” or “similar violation” means a violation that reasonably could have been prevented by a regulated entity’s corrective action for a previous violation normally occurring within the past two years of the inspection at issue or the period within the last two inspections, whichever is longer.

f. The severity level of a violation may be increased if the violation involves casual disregard of requirements, deception, or other indications of willfulness. The term “willfulness” is that characteristic of violations ranging from deliberate intent to violate or falsify to intentional disregard for regulatory requirements.

37.10(2) Enforcement orders.

a. The department may institute a proceeding to modify, suspend, or revoke an authorization or to take other action as may be proper by serving on the regulated entity an order that will:

- (1) Allege the violations with which the regulated entity is charged or the potentially hazardous conditions or other facts deemed to be sufficient grounds for the proposed action;
- (2) Provide that the regulated entity may file a written answer to the order under oath or affirmation within 20 days of its date or such other time as may be specified in the order;

(3) Inform the regulated entity of its right, within 20 days of the date of the order or such other time as may be specified in the order, to demand a hearing on all or part of the order, except in a case where the regulated entity has consented in writing to the order;

(4) Specify the issues for hearing; and

(5) State the effective date of the order; if the department finds that the public health, safety, or interest so requires or that the violation or conduct causing the violation is willful, the order may provide, for stated reasons, that the proposed action be immediately effective pending further order.

b. A regulated entity who receives an order may respond to an order under this subrule by filing a written answer under oath or affirmation. The answer shall specifically admit or deny each allegation or charge made in the order and may set forth the matters of fact and law on which the regulated entity relies and, if the order is not consented to, the reasons as to why the order should not have been issued. Except as provided in paragraph 37.10(2) “*d*,” the answer may demand a hearing.

c. If the answer demands a hearing, the department will issue an order designating the time and place of hearing.

d. An answer or stipulation may consent to the entry of an order in substantially the form proposed in the order with respect to all or some of the actions proposed in the order. The consent, in the answer or other written document, of the regulated entity to whom the order has been issued shall constitute a waiver by the regulated entity of a hearing, findings of fact and conclusions of law, and of all right to seek department and judicial review or to contest the validity of the order in any forum as to those matters that have been consented to or agreed to or on which a hearing has not been requested. An order that has been consented to shall have the same force and effect as an order made after hearing by a presiding officer or the department and shall be effective as provided in the order.

37.10(3) *Settlement and compromise.* At any time after the issuance of an order designating the time and place of hearing in a proceeding to modify, suspend, or revoke an authorization, the staff and a regulated entity may enter into a stipulation for the settlement of the proceeding or the compromise of a civil penalty.

37.10(4) *Demand for information.*

a. The department may issue to a regulated entity a demand for information for the purpose of determining whether an order under subrule 37.10(2) should be issued, or whether other action should be taken, which demand will:

(1) Allege the violations with which the regulated entity is charged or the potentially hazardous conditions or other facts deemed to be sufficient ground for issuing the demand; and

(2) Provide that the regulated entity must file a written answer to the demand for information under oath or affirmation within 20 days of its date or such time as may be specified in the demand for information.

b. A regulated entity to whom the department has issued a demand for information under subrule 37.10(4) must respond to the demand by filing a written answer under oath or affirmation. The regulated entity’s answer shall specifically admit or deny each allegation or charge made in the demand for information and shall set forth the matters of fact and law on which the licensee relies. A person other than a licensee may answer as described above, or by setting forth the reasons why the demand should not have been issued and, if the requested information is not provided, the reasons why it is not provided.

c. Upon review of the answer filed pursuant to subparagraph 37.10(4) “*a*”(2), or if no answer is filed, the department may institute a proceeding pursuant to subrule 37.10(2) to take such action as may be proper.

d. An answer may consent to the entry of an order pursuant to subrule 37.10(2) in substantially the form proposed in the demand for information. Such consent shall constitute a waiver as provided in subrule 37.10(2).

37.10(5) *Civil penalties.*

a. Before instituting any proceeding to impose a civil penalty under Iowa Code section 136C.4, the department will serve a written notice of violation upon the person charged. This notice may be included in a notice issued pursuant to subrule 37.10(2). The notice of violation will:

(1) Specify the date or dates, facts, and nature of the alleged act or omission with which the person is charged;

(2) Identify specifically the particular provision or provisions of the law, rule, regulation, license, permit, or cease and desist order involved in the alleged violation;

(3) State the amount of each proposed penalty;

(4) Advise the person charged that the civil penalty may be paid in the amount specified therein, or the proposed imposition of the civil penalty may be protested in its entirety or in part, by a written answer, either denying the violation or showing extenuating circumstances;

(5) Advise the person charged that upon failure to pay a civil penalty subsequently determined by the department, if any, unless compromised, remitted, or mitigated, the fee will be collected by civil action pursuant to Iowa Code section 136C.4.

b. Within 20 days of the date of a notice of violation or other time specified in the notice, the person charged may either pay the penalty in the amount proposed or answer the notice of violation. The answer to the notice of violation shall state any facts, explanations, and arguments denying the charges of violation or demonstrating any extenuating circumstances, error in the notice of violation, or other reason why the penalty should not be imposed and may request remission or mitigation of the penalty.

c. If the person charged with violation fails to answer within the time specified in paragraph 37.10(5) “*b*,” an order may be issued imposing the civil penalty in the amount set forth in the notice of violation described in paragraph 37.10(5) “*a*.”

d. If the person charged with violation files an answer to the notice of violation, the department, upon consideration of the answer, will issue an order dismissing the proceeding or imposing, mitigating, or remitting the civil penalty. The person charged may, within 20 days of the date of the order or other time specified in the order, request a hearing.

e. If the person charged with violation requests a hearing, the department will issue an order designating the time and place of hearing.

f. If a hearing is held, an order will be issued after the hearing by the presiding officer or the department dismissing the proceeding or imposing, mitigating, or remitting the civil penalty.

g. The department may compromise any civil penalty, subject to the provisions of 641—paragraph 38.18(2) “*d*.”

h. If the civil penalty is not compromised, or is not remitted by the presiding officer or the department, and if payment is not made within ten days following either the service of the order described in 641—paragraph 38.18(2) “*a*” or the expiration of the time for requesting a hearing described in 641—subparagraph 38.18(2) “*a*”(3), the department may refer the matter to the attorney general for collection.

i. Except when payment is made after compromise or mitigation by the Department of Justice or as ordered by a court of the state, following reference of the matter to the attorney general for collection, payment of civil penalties imposed under Iowa Code section 136C.4 shall be made by check, draft, or money order payable to the Iowa Department of Health and Human Services.

37.10(6) *Requests for action under this rule.*

a. Any person may file a request to institute a proceeding pursuant to rule 641—38.18(136C) to modify, suspend, or revoke an authorization as may be proper. Such a request shall be addressed to the Chief, Bureau of Radiological Health, Iowa Department of Health and Human Services, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319. The request shall specify the action requested and set forth the facts that constitute the basis for the request. The bureau chief will discuss the matter with staff to determine appropriate action.

b. Within a reasonable time after a request pursuant to 641—paragraph 38.18(2) “*b*” has been received, the bureau chief shall either institute the requested proceeding in accordance with this rule or

advise the person who made the request in writing that no proceeding will be instituted, in whole or in part, with respect to the request, and the reasons for the decision.

c. The bureau chief's decisions under this rule will be filed and within 25 days after the date of the bureau chief's decision under this rule that no proceeding will be instituted or other action taken in whole or in part, the department may on its own motion review that decision, in whole or in part, to determine if the bureau chief has abused discretion. This review power does not limit in any way either the department's supervisory power over delegated staff actions or the department's power to consult with the staff on a formal or informal basis regarding institution of proceedings under this rule.

d. No petition or other request for department review of a bureau chief's decision under this rule will be entertained by the department.

37.10(7) *Impounding.*

a. The department may impound or order the impounding of radioactive material in the possession of a person who fails to observe the provisions of Iowa Code chapter 136C or any rules, license or registration conditions, or orders issued by this department.

b. If department action is necessary to protect the public health and safety, no prior notice need be given the owner or possessor. If department action is not necessary to protect the public health and safety, the department will give to either the owner or the possessor of the source of radiation written notice of the intention to impound the source of radiation.

(1) Either the owner or the possessor shall have 20 days from the date of personal service of certified mailing to request a hearing, except in the case where the regulated entity has consented in writing to the impoundment.

(2) If a hearing is requested, the department will issue an order designating the time and place of hearing.

c. At the department's direction, the impounded sources of radiation may be disposed of by any of the following:

(1) Returning the source of radiation to a properly licensed or registered owner who did not cause the emergency;

(2) Returning the source of radiation to a licensee or registrant after the emergency is over and after settlement of any compliance action;

(3) Selling, destroying, or disposing of the source of radiation in another manner within the department's discretion.

37.10(8) *Deliberate misconduct.*

a. Any licensee, registrant, applicant for a license or certificate of registration, employee of a licensee, registrant or applicant, or any contractor (including a supplier or consultant), subcontractor, employee of a contractor or subcontractor of any licensee or registrant or applicant for a license or certificate of registration, who knowingly provides to any licensee, applicant, registrant, contractor, or subcontractor any components, equipment, materials, or other goods or services that relate to a licensee's, registrant's or applicant's activities in this rule, shall not:

(1) Engage in deliberate misconduct that causes or would have caused, if not detected, a licensee, registrant, or applicant to be in violation of any rule, regulation, or order or any term, condition, or limitation of any license or registration issued by the department; or

(2) Deliberately submit to the department; a licensee, registrant, or applicant; or a licensee's, registrant's, or applicant's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the department.

b. A person who violates subparagraphs 37.10(8)"a"(1) and "a"(2) may be subject to enforcement action in accordance with the procedures in rule 641—38.17(136C).

c. For the purposes of this chapter, deliberate misconduct by a person means an intentional act or omission that the person knows:

(1) Would cause a licensee, registrant, or applicant to be in violation of any rule, regulation, or order or any term, condition, or limitation of any license issued by the department; or

(2) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order, or policy of a licensee, registrant, applicant, contractor, or subcontractor.

[ARC 0387D, IAB 6/24/26, effective 7/29/26]

641—37.11(136C) Standards for protection against radiation. The provisions in this rule pertaining to radioactive materials are consistent with the requirements of 10 CFR Parts 19 and 20, as incorporated by reference in 641—Chapter 39. Accordingly, the provisions of 641—Chapter 39 apply to corresponding rules and subrules of this chapter. The requirements of this chapter are in addition to, and not in substitution for, any applicable provisions of 641—Chapter 39.

37.11(1) *Implementation of standards for protection against radiation.*

a. Any existing license or registration condition that is more restrictive than this chapter remains in force until there is an amendment or renewal of the license or registration.

b. If a license or registration condition exempts a licensee or registrant from a provision of this chapter in effect on or before January 1, 1994, it also exempts the licensee or registrant from the corresponding provision of this chapter.

c. If a license or registration condition cites provisions of this chapter in effect prior to January 1, 1994, that do not correspond to any provisions of this chapter, the license or registration condition remains in force until there is an amendment or renewal of the license or registration that modifies or removes this condition.

37.11(2) *Radiation protection programs.*

a. Each licensee or registrant shall develop, document, and implement a radiation protection program sufficient to ensure compliance with the provisions of this chapter. Subrule 37.12(3) contains recordkeeping requirements relating to these programs.

b. The licensee or registrant shall use, to the extent practical, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and public doses that are ALARA.

c. The licensee or registrant shall, at intervals not to exceed 12 months, review the radiation protection program content and implementation.

d. To implement the ALARA requirements of 641—paragraph 40.4(9) “b,” and notwithstanding the requirements in subrule 37.11(12), a constraint on air emissions of radioactive material to the environment, excluding radon-222 and its daughters, shall be established by licensees such that the individual member of the public likely to receive the highest dose will not be expected to receive a total effective dose equivalent in excess of 10 mrem (0.1 mSv) per year from these emissions. If a licensee subject to this requirement exceeds this dose constraint, the licensee shall report the exceedance as provided in subrule 37.13(4) and promptly take appropriate corrective action to ensure against recurrence.

e. The licensee or registrant shall, upon discovery of a reportable radiation incident or medical event, as described in this chapter, promptly take appropriate action in accordance with the rules within this chapter.

37.11(3) *Occupational dose limits for adults.*

a. The licensee or registrant shall control the occupational dose to individual adults, except for planned special exposures pursuant to subrule 37.11(8), to the following dose limits:

(1) An annual limit, which is the more limiting of:

1. The total effective dose equivalent being equal to 5 rem (0.05 Sv); or

2. The sum of the deep dose equivalent and the committed dose equivalent to any individual organ or tissue other than the lens of the eye being equal to 50 rem (0.5 Sv).

(2) The annual limits to the lens of the eye, to the skin of the whole body, and to the skin of the extremities that are:

1. A lens dose equivalent of 15 rem (0.15 Sv), and

2. A shallow dose equivalent of 50 rem (0.5 Sv) to the skin of the whole body or to the skin of any extremity.

b. Doses received in excess of the annual limits, including doses received during accidents, emergencies, and planned special exposures, shall be subtracted from the limits for planned special exposures that the individual may receive during the current year and during the individual's lifetime.

c. When the external exposure is determined by measurement with an external personal monitoring device, the deep dose equivalent must be used in place of the effective dose equivalent unless the effective dose equivalent is determined by a dosimetry method approved by the department. The assigned deep dose equivalent must be for the part of the body receiving the highest exposure. The assigned shallow dose equivalent must be the dose averaged over the contiguous 10 square centimeters of skin receiving the highest exposure. The deep dose equivalent, lens dose equivalent, and shallow dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits if the individual monitoring device was not in the region of highest potential exposure or the results of individual monitoring are unavailable.

d. Derived air concentration (DAC) and annual limit on intake (ALI) values are presented in Table I of 10 CFR Part 20, Appendix B, and may be used to determine the individual's dose and to demonstrate compliance with the occupational dose limits set forth in this chapter.

e. Notwithstanding the annual dose limits, the licensee shall limit the soluble uranium intake by an individual to 10 milligrams in a week in consideration of chemical toxicity (footnote 3 of 10 CFR Part 20, Appendix B, contains more information).

f. The licensee or registrant shall reduce the dose that an individual may be allowed to receive in the current year by the amount of occupational dose received while employed by any other person as set forth in this chapter.

37.11(4) *Compliance with requirements for summation of external and internal doses.*

a. *Monitor.* If the licensee or registrant is required to monitor pursuant to subrule 37.11(14) the licensee or registrant shall demonstrate compliance with the dose limits by summing external and internal doses. If the licensee or registrant is required to monitor only pursuant to subparagraph 37.11(14)"a"(1), or only pursuant to subparagraph 37.11(14)"a"(2), then summation is not required to demonstrate compliance with the dose limits. The licensee or registrant may demonstrate compliance with the requirements for summation of external and internal doses pursuant to subrule 37.11(4). The dose equivalents for the lens of the eye, the skin, and the extremities are not included in the summation but are subject to separate limits.

b. *Intake by inhalation.* If the only intake of radionuclides is by inhalation, the total effective dose equivalent limit is not exceeded if the sum of the deep dose equivalent divided by the total effective dose equivalent limit, and one of the following, does not exceed unity:

- (1) The sum of the fractions of the inhalation ALI for each radionuclide, or
- (2) The total number of derived air concentration-hours (DAC-hours) for all radionuclides divided by 2,000; or
- (3) The sum of the calculated committed effective dose equivalents to all significantly irradiated organs or tissues (T) calculated from bioassay data using appropriate biological models and expressed as a fraction of the annual limit. For purposes of this requirement, an organ or tissue is deemed to be significantly irradiated if, for that organ or tissue, the product of the weighting factors (wT) and the committed dose equivalent (HT,50) per unit intake is greater than 10 percent of the maximum weighted value of H50 (wTHT,50) per unit intake for any organ or tissue.

c. *Intake by oral ingestion.* If the occupationally exposed individual also receives an intake of radionuclides by oral ingestion greater than 10 percent of the applicable oral ALI, the licensee shall account for this intake and include it in demonstrating compliance with the limits.

d. *Intake through wounds or absorption through skin.* The licensee shall evaluate and, to the extent practical, account for intakes through wounds or skin absorption. The intake through intact skin has been included in the calculation of DAC for hydrogen-3 and does not need to be evaluated or accounted for pursuant to subrule 37.11(4).

37.11(5) *Determination of external dose from airborne radioactive material.*

a. Licensees shall, when determining the dose from airborne radioactive material, include the contribution to the deep dose equivalent, lens dose equivalent, and shallow dose equivalent from external exposure to the radioactive cloud (footnotes 1 and 2 of 10 CFR Part 20, Appendix B, contain more information).

b. Airborne radioactivity measurements and DAC values cannot be used as the primary means to assess the deep dose equivalent when the airborne radioactive material includes radionuclides other than noble gases or if the cloud of airborne radioactive material is not relatively uniform. The determination of the deep dose equivalent to an individual shall be based upon measurements using instruments or individual monitoring devices.

37.11(6) *Determination of internal exposure.*

a. For purposes of assessing dose used to determine compliance with occupational dose equivalent limits, the licensee shall, when required pursuant to subrule 37.11(14), take suitable and timely measurements of:

- (1) Concentrations of radioactive materials in air in work areas; or
- (2) Quantities of radionuclides in the body; or
- (3) Quantities of radionuclides excreted from the body; or
- (4) Combinations of these measurements.

b. Unless respiratory protective equipment is used, or the assessment of intake is based on bioassays, the licensee shall assume that an individual inhales radioactive material at the airborne concentration in which the individual is present.

c. When specific information on the physical and biochemical properties of the radionuclides taken into the body or the behavior of the material in an individual is known, the licensee may:

- (1) Use that information to calculate the committed effective dose equivalent, and, if used, the licensee shall document that information in the individual's record; and
- (2) Upon prior approval of the department, adjust the DAC or ALI values to reflect the actual physical and chemical characteristics of airborne radioactive material, for example, aerosol size distribution or density; and
- (3) Separately assess the contribution of fractional intakes of Class D, W, or Y compounds of a given radionuclide to the committed effective dose equivalent (10 CFR Part 20, Appendix B, contains more information).

d. If the licensee chooses to assess intakes of Class Y material, the licensee may delay the recording and reporting of the assessments for periods up to seven months unless otherwise required by 641—Chapter 39. This delay permits the licensee to make additional measurements basic to the assessments.

e. If the identity and concentration of each radionuclide in a mixture are known, the fraction of the DAC applicable to the mixture for use in calculating DAC-hours shall be either:

- (1) The sum of the ratios of the concentration to the appropriate DAC value, that is, D, W, or Y, from 10 CFR Part 20, Appendix B, for each radionuclide in the mixture; or
- (2) The ratio of the total concentration for all radionuclides in the mixture to the most restrictive DAC value for any radionuclide in the mixture.

f. If the identity of each radionuclide in a mixture is known, but the concentration of one or more of the radionuclides in the mixture is not known, the DAC for the mixture shall be the most restrictive DAC of any radionuclide in the mixture.

g. When a mixture of radionuclides in air exists, a licensee may disregard certain radionuclides in the mixture if:

- (1) The licensee uses the total activity of the mixture in demonstrating compliance with the dose limits in subrule 37.11(11) and in complying with the monitoring requirements in subrule 37.11(13), and
- (2) The concentration of any radionuclide disregarded is less than 10 percent of its DAC, and
- (3) The sum of these percentages for all of the radionuclides disregarded in the mixture does not exceed 30 percent.

h. When determining the committed effective dose equivalent, the following information may be considered:

(1) In order to calculate the committed effective dose equivalent, the licensee or registrant may assume that the inhalation of one ALI, or an exposure of 2,000 DAC-hours, results in a committed effective dose equivalent of 5 rem (0.05 Sv) for radionuclides that have their ALIs or DACs based on the committed effective dose equivalent.

(2) For an ALI and the associated DAC determined by the nonstochastic organ dose limit of 50 rem (0.5 Sv), the intake of radionuclides that would result in a committed effective dose equivalent of 5 rem (0.05 Sv), that is, the stochastic ALI, is listed in parentheses in Table I of 10 CFR Part 20, Appendix B. The licensee or registrant may, as a simplifying assumption, use the stochastic ALI to determine committed effective dose equivalent. However, if the licensee or registrant uses the stochastic ALI, the licensee or registrant shall also demonstrate that the limit in subparagraph 37.11(3)“a”(2) is met.

37.11(7) *Determination of prior occupational dose.*

a. For each individual who is likely to receive, in a year, an occupational dose requiring monitoring pursuant to this rule, the licensee or registrant shall:

- (1) Determine the occupational radiation dose received during the current year; and
- (2) Attempt to obtain the records of lifetime cumulative occupational radiation dose.

b. Prior to permitting an individual to participate in a planned special exposure, the licensee or registrant shall determine:

- (1) The internal and external doses from all previous planned special exposures;
- (2) All doses in excess of the limits, including doses received during accidents and emergencies, received during the lifetime of the individual; and
- (3) All lifetime cumulative occupational radiation dose.

c. In complying with the requirements of subrule 37.11(7), a licensee or registrant may:

(1) Accept, as a record of the occupational dose that the individual received during the current year, a written signed statement from the individual, or from the individual's most recent employer for work involving radiation exposure, that discloses the nature and the amount of any occupational dose that the individual received during the current year;

(2) Accept, as the record of lifetime cumulative radiation dose, a form signed by the individual and countersigned by an appropriate official of the most recent employer for work involving radiation exposure, or the individual's current employer, if the individual is not employed by the licensee or registrant; and

(3) Obtain reports of the individual's dose equivalent from the most recent employer for work involving radiation exposure, or the individual's current employer, if the individual is not employed by the licensee or registrant, by telephone, electronic media, or letter. The licensee or registrant shall request a written verification of the dose data if the authenticity of the transmitted report cannot be established.

d. The licensee or registrant shall record the exposure history as required by subrule 37.11(14).

(1) The form or record shall show each period in which the individual received occupational exposure to radiation or radioactive material and shall be signed by the individual who received the exposure. For each period for which the licensee or registrant obtains reports, the licensee or registrant shall use the dose shown in the report in preparing the exposure history. For any period in which the licensee or registrant does not obtain a report, the licensee or registrant shall place a notation on the report indicating the periods of time for which data are not available.

(2) Licensees or registrants are not required to reevaluate the separate external dose equivalents and internal committed dose equivalents or intakes of radionuclides assessed pursuant to the rules in this chapter in effect on or before January 1, 1994. Further, occupational exposure histories obtained and recorded on or before January 1, 1994, would not have included effective dose equivalent but may be used in the absence of specific information on the intake of radionuclides by the individual.

e. If the licensee or registrant is unable to obtain a complete record of an individual's current and previously accumulated occupational dose, the licensee or registrant shall assume:

(1) In establishing administrative controls pursuant to subrule 37.11(3) for the current year, that the allowable dose limit for the individual is reduced by 1.25 rem (12.5 mSv) for each quarter for which records were unavailable and the individual was engaged in activities that could have resulted in occupational radiation exposure; and

(2) That the individual is not available for planned special exposures.

f. The licensee or registrant shall retain the records in subrule 37.11(6) until the department terminates each pertinent license or registration requiring this record. The licensee or registrant shall retain records used in preparing any record for subrule 37.11(7) for three years after the record is made.

37.11(8) *Planned special exposures.* A licensee or registrant may authorize an adult worker to receive doses in addition to and accounted for separately from the doses received under the limits specified in subrule 37.11(8) provided that each of the following conditions is satisfied:

a. The licensee or registrant authorizes a planned special exposure only in an exceptional situation when alternatives that might avoid the dose estimated to result from the planned special exposure are unavailable or impractical.

b. The licensee or registrant, and employer if the employer is not the licensee or registrant, specifically authorizes the planned special exposure, in writing, before the exposure occurs.

c. Before a planned special exposure, the licensee or registrant ensures that each individual involved is:

(1) Informed of the purpose of the planned operation;

(2) Informed of the estimated doses and associated potential risks and specific radiation levels or other conditions that might be involved in performing the task; and

(3) Instructed in the measures to be taken to keep the dose ALARA, considering other risks that may be present.

d. Prior to permitting an individual to participate in a planned special exposure, the licensee or registrant ascertains prior doses as required by subrule 37.11(7) during the lifetime of the individual for each individual involved.

e. Subject to subrule 37.11(3), the licensee or registrant cannot authorize a planned special exposure that would cause an individual to receive a dose from all planned special exposures and all doses in excess of the limits to exceed:

(1) The numerical values of any of the dose limits in subrule 37.11(3) in any year; and

(2) Five times the annual dose limits in subrule 37.11(3) during the individual's lifetime.

f. The licensee or registrant maintains records of the conduct of a planned special exposure in accordance with subrule 37.12(7) and submits a written report in accordance with subrule 37.13(8).

g. The licensee or registrant records the best estimate of the dose resulting from the planned special exposure in the individual's record and informs the individual, in writing, of the dose within 30 days from the date of the planned special exposure. The dose from planned special exposures cannot be considered in controlling future occupational dose of the individual.

37.11(9) *Occupational dose limits for minors.* The annual occupational dose limits for minors are 10 percent of the annual dose limits specified for adult workers in subrule 37.11(3).

37.11(10) *Dose equivalent to an embryo or fetus.* The licensee or registrant shall ensure that the dose equivalent to an embryo or fetus during the entire pregnancy, due to occupational exposure of a declared pregnant woman, does not exceed 0.5 rem (5 mSv). Subrule 37.12(8) contains recordkeeping requirements.

a. The licensee or registrant shall make efforts to avoid substantial variation above a uniform monthly exposure rate to a declared pregnant woman so as to satisfy the limit in subrule 37.12(8).

b. The dose equivalent to an embryo or fetus shall be taken as the sum of:

(1) The deep dose equivalent to the declared pregnant woman; and

(2) The dose equivalent to the embryo or fetus from radionuclides in the embryo or fetus and radionuclides in the declared pregnant woman.

c. If by the time the woman declares pregnancy to the licensee or registrant, the dose equivalent to the embryo or fetus has exceeded 0.5 rem (5 mSv), or is within 0.05 rem (0.5 mSv) of this dose, the licensee or registrant shall be deemed to be in compliance with subrule 37.11(10) if the additional dose equivalent to the embryo or fetus does not exceed 0.05 rem (0.5 mSv) during the remainder of the pregnancy.

d. The National Council on Radiation Protection and Measurements recommended in NCRP Report No. 91 "Recommendations on Limits for Exposure to Ionizing Radiation" (June 1, 1987) that no more than 0.05 rem (0.5 mSv) to the embryo or fetus be received in any one month.

37.11(11) *Radiation dose limits for individual members of the public.*

a. Each licensee or registrant shall conduct operations so that:

(1) The total effective dose equivalent to individual members of the public from the licensed or registered operation does not exceed 0.1 rem (1 millisievert) in a year, exclusive of the dose contributions from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released from voluntary participation in medical research programs, and from the licensee's or registrant's disposal of radioactive material into sanitary sewerage, and

(2) The dose in any unrestricted area from external sources, exclusive of the dose contributions from patients administered radioactive material and released, does not exceed 0.002 rem (0.02 millisievert) in any one hour.

b. If the licensee or registrant permits members of the public to have access to controlled areas, the limits for members of the public continue to apply to those individuals.

c. A licensee, a registrant, or an applicant for a license or registration may apply for prior department authorization to operate up to an annual dose limit for an individual member of the public of 0.5 rem (5 mSv). This application shall include the following information:

(1) Demonstration of the need for and the expected duration of operations in excess of the limit in this subrule;

(2) The licensee's or registrant's program to assess and control dose within the 0.5 rem (5 mSv) annual limit; and

(3) The procedures to be followed to maintain the dose ALARA.

d. In addition to the requirements of this chapter, a licensee or registrant subject to the provisions of the U.S. Environmental Protection Agency's generally applicable environmental radiation standards in 40 CFR 190 as amended to August 1, 2025, shall comply with those standards.

e. The department may impose additional restrictions on radiation levels in unrestricted areas and on the total quantity of radionuclides that a licensee or registrant may release in effluents in order to restrict the collective dose.

f. Notwithstanding the requirements of this subrule a licensee may permit visitors to an individual who cannot be released under rule 641—39.11(136C) to receive a radiation dose greater than 0.1 rem (1 mSv) if:

(1) The radiation dose received does not exceed 0.5 rem (5 mSv); and

(2) The authorized user, as defined in rule 641—38.1(136C), has determined before the visit that it is appropriate.

37.11(12) *Compliance with dose limits for individual members of the public.*

a. The licensee or registrant shall make or cause to be made, as appropriate, surveys of radiation levels in unrestricted and controlled areas and radioactive materials in effluents released to unrestricted and controlled areas to demonstrate compliance with the dose limits for individual members of the public in subrule 37.11(11).

b. A licensee or registrant shall show compliance with the annual dose limit in subrule 37.11(11) by:

(1) Demonstrating by measurement or calculation that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed or registered operation does not exceed the annual dose limit; or

(2) Demonstrating that:

1. The annual average concentrations of radioactive material released in gaseous and liquid effluents at the boundary of the unrestricted area do not exceed the values specified in Table II of 10 CFR Part 20, Appendix B; and

2. If an individual were continually present in an unrestricted area, the dose from external sources would not exceed 0.002 rem (0.02 mSv) in an hour and 0.05 rem (0.5 mSv) in a year.

c. Upon approval from the department, the licensee or registrant may adjust the effluent concentration values in Table II of 10 CFR Part 20, Appendix B, for members of the public to take into account the actual physical and chemical characteristics of the effluents, such as aerosol size distribution, solubility, density, radioactive decay equilibrium, and chemical form.

37.11(13) *Surveys and monitoring—general.*

a. Each licensee or registrant shall make, or cause to be made, surveys of areas, including the subsurface, that:

(1) Are necessary for the licensee or registrant to comply with this chapter; and

(2) Are necessary under the circumstances to evaluate:

1. The magnitude and extent of radiation levels;

2. Concentrations or quantities of residual radioactivity; and

3. The potential radiological hazards of the radiation levels and residual radioactivity detected.

b. Notwithstanding subrule 37.12(4), records from surveys describing the location and amount of subsurface residual radioactivity identified at the site must be kept with records important for decommissioning, and such records must be retained. The licensee or registrant shall ensure that instruments and equipment used for quantitative radiation measurements, for example, dose rate and effluent monitoring, are calibrated at intervals not to exceed 12 months for the radiation measured, except when a more frequent interval is specified in another applicable part of these rules or a license condition.

c. All personnel dosimeters, except for direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to any extremity, that require processing to determine the radiation dose and that are used by licensees and registrants to comply with subrule 37.11(3) with other applicable provisions of these rules or with conditions specified in a license or registration shall be processed and evaluated by a dosimetry processor:

(1) Holding current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and

(2) Approved in this accreditation process for the type of radiation or radiations included in the NVLAP program that most closely approximates the type of radiation or radiations for which the individual wearing the dosimeter is monitored.

d. The licensee or registrant shall ensure that adequate precautions are taken to prevent a deceptive exposure of an individual monitoring device.

e. After replacement, each personnel dosimeter must be sent for processing as soon as possible.

37.11(14) *Conditions requiring individual monitoring of external and internal occupational dose.* Each licensee or registrant shall monitor exposures from sources of radiation at levels sufficient to demonstrate compliance with the occupational dose limits of this chapter. As a minimum:

a. Each licensee or registrant shall monitor occupational exposure to radiation and shall supply and require the use of individual monitoring devices by:

(1) Adults likely to receive, in one year from sources external to the body, a dose in excess of 10 percent of the limits in subrule 37.11(3);

(2) Minors likely to receive, in one year from sources external to the body, a deep dose equivalent in excess of 0.1 rem (1 mSv), a lens dose equivalent in excess of 0.15 rem (1.5 mSv), or a shallow dose equivalent to the skin or to the extremities in excess of 0.5 rem (5 mSv);

- (3) Individuals entering a high or very high radiation area;
- (4) Individuals working with medical fluoroscopic equipment; and
- (5) Declared pregnant women likely to receive during the entire pregnancy, from radiation sources external to the body, a deep dose equivalent in excess of 0.1 rem (1 mSv).

b. Each licensee or registrant shall monitor, to determine compliance with subrule 37.11(6), the occupational intake of radioactive material by and assess the committed effective dose equivalent to:

(1) Adults likely to receive, in one year, an intake in excess of 10 percent of the applicable ALI in Table I, Columns 1 and 2, of Appendix B;

(2) Minors likely to receive, in one year, a committed effective dose equivalent in excess of 0.1 rem (1 mSv); and

(3) Declared pregnant women likely to receive, during the entire pregnancy, a committed effective dose equivalent in excess of 0.1 rem (1 mSv).

c. Location of individual monitoring devices. Each licensee or registrant shall ensure that individuals who are required to monitor occupational doses in accordance with subrule 37.11(14) wear individual monitoring devices in accordance with the dosimetry vendor specifications and processed in accordance with NVLAP-approved calculation methods. Additional requirements are as follows:

(1) An individual monitoring device used for monitoring the dose to an embryo or fetus of a declared pregnant woman shall be located at the waist under any protective apron being worn by the woman;

(2) An individual monitoring device used for monitoring the eye dose equivalent, to demonstrate compliance with subrule 37.11(3) shall be located at the neck (collar), outside any protective apron being worn by the monitored individual or at an unshielded location closer to the eye;

(3) An individual monitoring device used for monitoring the dose to the extremities, to demonstrate compliance with subrule 37.11(3), shall be worn on the extremity likely to receive the highest exposure. Each individual monitoring device shall be oriented to measure the highest dose to the extremity being monitored.

37.11(15) *Control of exposure from external sources in restricted areas; control of access to high radiation areas.*

a. The licensee or registrant shall ensure that each entrance or access point to a high radiation area has one or more of the following features:

(1) A control device that, upon entry into the area, causes the level of radiation to be reduced below that level at which an individual might receive a deep dose equivalent of 0.1 rem (1 mSv) in 1 hour at 30 centimeters from the source of radiation from any surface that the radiation penetrates; or

(2) A control device that energizes a conspicuous visible or audible alarm signal so that the individual entering the high radiation area and the supervisor of the activity are made aware of the entry; or

(3) Entryways that are locked, except during periods when access to the areas is required, with positive control over each individual entry.

b. In place of the controls required by subrule 37.11(15) for a high radiation area, the licensee or registrant may substitute continuous direct or electronic surveillance that is capable of preventing unauthorized entry.

c. The licensee or registrant may apply to the department for approval of alternative methods for controlling access to high radiation areas.

d. The licensee or registrant shall establish the controls required by paragraph 37.11(15) "a" in a way that does not prevent individuals from leaving a high radiation area.

e. The licensee is not required to control each entrance or access point to a room or other area that is a high radiation area solely because of the presence of radioactive materials prepared for transport and packaged and labeled in accordance with the rules of the U.S. Department of Transportation provided that:

- (1) The packages do not remain in the area longer than three days; and

(2) The dose rate at 1 meter from the external surface of any package does not exceed 0.01 rem (0.1 mSv) per hour.

f. The licensee is not required to control entrance or access to rooms or other areas in hospitals solely because of the presence of patients containing radioactive material provided that there are personnel in attendance who are taking the necessary precautions to prevent the exposure of individuals to radiation or radioactive material in excess of the established limits in this chapter and to operate within the ALARA provisions of the licensee's radiation protection program.

g. The licensee or registrant is not required to control entrance or access to rooms or other areas containing sources of radiation capable of producing a high radiation area as described in subrule 37.11(15) if the registrant has met all the specific requirements for access and control specified in other applicable chapters.

37.11(16) *Control of exposure from external sources in restricted areas; control of access to very high radiation areas.*

a. In addition to the requirements in subrule 37.11(15), the licensee or registrant shall institute measures to ensure that an individual is not able to gain unauthorized or inadvertent access to areas in which radiation levels could be encountered at 500 rad (5 Gy) or more in one hour at 1 meter from a source of radiation or any surface through which the radiation penetrates. This requirement does not apply to rooms or areas in which diagnostic X-ray systems are the only source of radiation, or to non-self-shielded irradiators.

b. The registrant is not required to control entrance or access to rooms or other areas containing sources of radiation capable of producing a very high radiation area if the registrant has met all the specific requirements for access and control specified in other applicable chapters.

37.11(17) *Control of exposure from external sources in restricted areas; control of access to very high radiation areas—irradiators.*

a. This rule applies to licensees with sources of radiation in non-self-shielded irradiators. This rule does not apply to sources of radiation that are used in teletherapy, in industrial radiography, or in completely self-shielded irradiators in which the source of radiation is both stored and operated within the same shielding radiation barrier and, in the designed configuration of the irradiator, is always physically inaccessible to any individual and cannot create high levels of radiation in an area that is accessible to any individual.

b. Each area in which there may exist radiation levels in excess of 500 rad (5 Gy) in one hour at 1 meter from a source of radiation that is used to irradiate materials shall meet the following requirements:

(1) Each entrance or access point shall be equipped with entry control devices that:

1. Function automatically to prevent any individual from inadvertently entering a very high radiation area;

2. Permit deliberate entry into the area only after a control device is actuated that causes the radiation level within the area, from the source of radiation, to be reduced below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 0.1 rem (1 mSv) in one hour; and

3. Prevent operation of the source of radiation if it would produce radiation levels in the area that could result in a deep dose equivalent to an individual in excess of 0.1 rem (1 mSv) in one hour.

(2) Additional control devices shall be provided so that, upon failure of the entry control devices to function as required by subrule 37.11(17):

1. The radiation level within the area, from the source of radiation, is reduced below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 0.1 rem (1 mSv) in one hour; and

2. Conspicuous visible and audible alarm signals are generated to make an individual attempting to enter the area aware of the hazard and at least one other authorized individual, who is physically present, familiar with the activity, and prepared to render or summon assistance, aware of the failure of the entry control devices.

(3) The licensee shall provide control devices so that, upon failure or removal of physical radiation barriers other than the sealed source's shielded storage container:

1. The radiation level from the source of radiation is reduced below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 0.1 rem (1 mSv) in one hour; and

2. Conspicuous visible and audible alarm signals are generated to make potentially affected individuals aware of the hazard and the licensee or at least one other individual, who is familiar with the activity and prepared to render or summon assistance, aware of the failure or removal of the physical barrier.

(4) When the shield for stored sealed sources is a liquid, the licensee shall provide means to monitor the integrity of the shield and to signal, automatically, loss of adequate shielding.

(5) Physical radiation barriers that comprise permanent structural components, such as walls, that have no credible probability of failure or removal in ordinary circumstances need not meet the requirements of subparagraph 37.11(17) "b"(2).

(6) Each area shall be equipped with devices that will automatically generate conspicuous visible and audible alarm signals to alert personnel in the area before the source of radiation can be put into operation and in time for any individual in the area to operate a clearly identified control device, which must be installed in the area and which can prevent the source of radiation from being put into operation.

(7) Each area shall be controlled by use of such administrative procedures and such devices as are necessary to ensure that the area is cleared of personnel prior to each use of the source of radiation.

(8) Each area shall be checked by a radiation measurement to ensure that, prior to the first individual's entry into the area after any use of the source of radiation, the radiation level from the source of radiation in the area is below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 0.1 rem (1 mSv) in one hour.

(9) The entry control devices required in subrule 37.11(17) shall be tested for proper functioning as set forth in subrule 37.12(11) for recordkeeping requirements.

1. Testing shall be conducted prior to initial operation with the source of radiation on any day unless operations were continued uninterrupted from the previous day;

2. Testing shall be conducted prior to resumption of operation of the source of radiation after any unintentional interruption; and

3. The licensee or registrant shall submit and adhere to a schedule for periodic tests of the entry control and warning systems. The licensee or registrant cannot conduct operations, other than those necessary to place the source of radiation in safe condition or to effect repairs on controls, unless control devices are functioning properly.

4. Entry and exit portals that are used in transporting materials to and from the irradiation area, and that are not intended for use by individuals, shall be controlled by such devices and administrative procedures as are necessary to physically protect and warn against inadvertent entry by any individual through these portals. Exit portals for irradiated materials shall be equipped to detect and signal the presence of any loose radioactive material that is carried toward such an exit and to automatically prevent loose radioactive material from being carried out of the area.

c. Licensees, registrants, or applicants for licenses or registrations for sources of radiation within the purview of subrule 37.11(17) that will be used in a variety of positions or in locations, such as open fields or forests, that make it impracticable to comply with certain requirements of subrule 37.11(17) such as those for the automatic control of radiation levels, may apply to the department for approval of alternative safety measures. Alternative safety measures shall provide personnel protection at least equivalent to those specified in subrule 37.11(17). At least one of the alternative measures shall include an entry-preventing interlock control based on a measurement of the radiation that ensures the absence of high radiation levels before an individual can gain access to the area where such sources of radiation are used.

d. The entry control devices required by subrule 37.11(16) shall be established in such a way that no individual will be prevented from leaving the area.

37.11(18) Security and control of licensed or registered sources of radiation.

a. The licensee or registrant shall secure licensed or registered radioactive material that is stored in controlled or unrestricted areas from unauthorized removal or access.

b. The licensee or registrant shall maintain constant surveillance and use devices or administrative procedures to prevent unauthorized use of licensed or registered radioactive material that is in an unrestricted area and that is not in storage.

c. The registrant shall secure registered radiation machines from unauthorized removal.

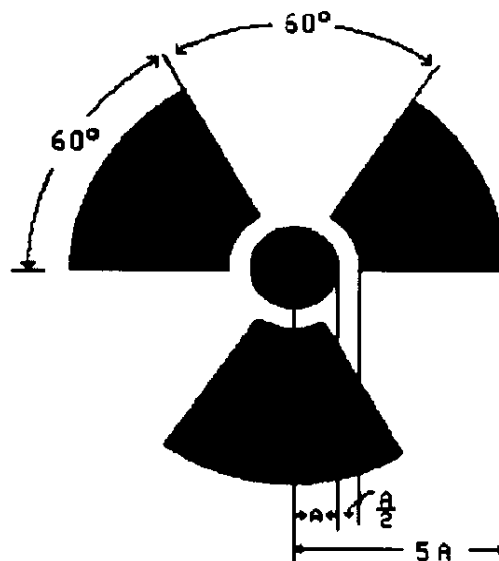
d. The registrant shall use devices or administrative procedures to prevent unauthorized use of registered radiation machines.

e. Each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal whenever portable gauges are not under the control and constant surveillance of the licensee.

37.11(19) Precautionary procedures; caution signs. Unless otherwise authorized by the department, the symbol prescribed by this rule shall use the colors magenta, purple, or black on yellow background. The symbol prescribed is the three-bladed design as follows.

a. *Radiation symbol.*

- (1) Cross-hatched area is to be magenta, purple, or black, and
- (2) The background is to be yellow.



b. *Exception to color requirements for standard radiation symbol.* Notwithstanding the requirements of subrule 37.11(19), licensees are authorized to label sources, source holders, or device components containing sources of radiation that are subjected to high temperatures, with conspicuously etched or stamped radiation caution symbols and without a color requirement.

c. *Additional information on signs and labels.* In addition to the contents of signs and labels prescribed in this chapter, the licensee or registrant shall provide, on or near the required signs and labels, additional information, as appropriate, to make individuals aware of potential radiation exposures and to minimize the exposures.

d. *Improper posting or labeling.* The licensee or registrant shall ensure that adequate measures are taken to prevent improper posting or labeling.

37.11(20) Precautionary procedures; posting requirements.

a. *Posting of radiation areas.* The licensee or registrant shall post each radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIATION AREA".

b. Posting of high radiation areas. The licensee or registrant shall post in each high radiation area with a conspicuous sign or signs bearing the radiation symbol and the words “CAUTION, HIGH RADIATION AREA” or “DANGER, HIGH RADIATION AREA”.

c. Posting of very high radiation areas. The licensee or registrant shall post in each very high radiation area with a conspicuous sign or signs bearing the radiation symbol and words “GRAVE DANGER, VERY HIGH RADIATION AREA”.

d. Posting of airborne radioactivity areas. The licensee shall post in each airborne radioactivity area with a conspicuous sign or signs bearing the radiation symbol and the words “CAUTION, AIRBORNE RADIOACTIVITY AREA” or “DANGER, AIRBORNE RADIOACTIVITY AREA”.

e. Posting of areas or rooms in which licensed or registered material is used or stored. The licensee shall post in each area or room in which there is used or stored an amount of licensed material exceeding ten times the quantity of such material specified in 10 CFR Part 20, Appendix C, with a conspicuous sign or signs bearing the radiation symbol and the words “CAUTION, RADIOACTIVE MATERIAL(S)” or “DANGER, RADIOACTIVE MATERIAL(S)”.

37.11(21) *Precautionary procedures; exceptions to posting requirements.*

a. A licensee or registrant is not required to post caution signs in areas or rooms containing sources of radiation for periods of less than eight hours if each of the following conditions is met:

(1) The sources of radiation are constantly attended during these periods by an individual who takes the precautions necessary to prevent the exposure of individuals to sources of radiation in excess of the limits established in this chapter; and

(2) The area or room is subject to the licensee’s or registrant’s control.

b. Rooms or other areas in hospitals that are occupied by patients are not required to be posted with caution signs pursuant to subrule 37.11(21) provided that the patient could be released from licensee control.

c. A room or area is not required to be posted with a caution sign because of the presence of a sealed source provided the radiation level at 30 centimeters from the surface of the sealed source container or housing does not exceed 0.005 rem (0.05 mSv) per hour.

d. A room or area is not required to be posted with a caution sign because of the presence of radiation machines used solely for diagnosis or simulation in the healing arts.

e. Rooms in hospitals or clinics that are used for teletherapy are exempt from the requirement to post caution signs under subrule 37.11(21) if:

(1) Access to the room is controlled pursuant to subrule 37.11(17); and

(2) Personnel in attendance take necessary precautions to prevent an inadvertent exposure of workers, other patients, and members of the public to radiation in excess of the limits established in this chapter.

37.11(22) *Precautionary procedures; labeling radiation machines.* Each registrant shall ensure that each radiation machine is labeled in a conspicuous manner that cautions individuals that radiation is produced when it is energized.

[ARC 0387D, IAB 6/24/26, effective 7/29/26]

641—37.12(136C) Records.

37.12(1) *General provisions of measurement units.*

a. Each licensee or registrant shall use the special units curie, rad, rem and roentgen, counts per minute (cpm), disintegrations per minute (dpm), or the SI units becquerel, gray, sievert and coulomb per kilogram, including multiples and subdivisions, and shall clearly indicate the units of all quantities on records required by this chapter.

b. The licensee or registrant shall make a clear distinction among the quantities entered on the records required by this chapter, such as total effective dose equivalent, total organ dose equivalent, shallow dose equivalent, lens dose equivalent, deep dose equivalent, or committed effective dose equivalent.

c. In the records required by this chapter, the licensee may record quantities in SI units in parentheses following each of the units specified in subrule 37.12(1). However, all quantities must be recorded as stated in subrule 37.12(1).

d. Notwithstanding the requirements of subrule 37.12(1), when recording information on shipment manifests, information must be recorded in the International System of Units (SI) or in SI and units as specified in subrule 37.12(1).

e. Notwithstanding the requirements of subrule 37.12(1), records of removable radioactive surface contamination on packages shall be recorded in disintegrations per minute (dpm).

37.12(2) *Record retention of medical images.*

a. Medical images, whether stored digitally or on film, shall be retained for 7 years for patients 18 years of age or older, and for 7 years plus the difference between the patient's age and 18 for minors.

b. Facilities currently using hard-copy film may continue to retain imaging using this method throughout the retention period.

c. Facilities using both digital storage (computer media) and hard-copy storage may continue to retain imaging using both of these methods throughout the retention period. Digital data (computer media) should be backed up, or refreshed, at appropriate intervals as defined by the facility.

d. Facilities solely utilizing digital storage to store study information for which a report is generated must ensure the storage conditions prevent deterioration throughout the retention period required. The facility must maintain either retrieval or access or both to the stored images.

e. Facilities that have identified medical images as being involved in a legal case should immediately code the images appropriately and retain them for the required retention period defined in this paragraph or longer if required by the facility's internal policies or procedures. At the end of the retention period, the facility should follow its internal procedures and consult appropriate internal personnel for further disposition instructions as defined by the facility.

f. If records are temporarily transferred to any party, the facility should maintain appropriate information relating to location, date of release, and individual having custody of the records.

g. A facility that is ceasing operations must either transfer its medical image records to another facility or provide the records to its patients. The facility must send a certified letter as to the location, or disposition, of the records to notify the patients of the transferal.

h. Facilities performing mammography shall maintain mammography records in accordance with the requirements of 641—Chapter 41 and the requirements of this chapter. The retention period shall be the longer of the two durations specified, which is a minimum of seven years.

37.12(3) *Records of radiation protection programs.*

a. Each licensee or registrant shall maintain records of the radiation protection program, including:

- (1) The provisions of the program; and
- (2) Audits and other reviews of program content and implementation.

b. The licensee or registrant shall retain the records required by this rule until the department terminates each pertinent license or registration requiring the record. The licensee or registrant shall retain the records required by subrule 37.12(1) for three years after the record is made.

37.12(4) *Records of surveys.*

a. Each licensee or registrant shall maintain records showing the results of surveys and calibrations required by subrule 37.11(13). The licensee or registrant shall retain these records for three years after the record is made.

b. The licensee or registrant shall retain each of the following records until the department terminates each pertinent license or registration requiring the record:

- (1) Records of the results of surveys to determine the dose from external sources of radiation used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents;

(2) Records of the results of measurements and calculations used to determine individual intakes of radioactive material and used in the assessment of internal dose;

(3) Records showing the results of air sampling, surveys, and bioassays; and

(4) Records of the results of measurements and calculations used to evaluate the release of radioactive effluents to the environment.

c. Upon termination of the license or registration, the licensee or registrant shall permanently store records required in subrule 37.12(4) or shall make provisions with the department for transfer to the department.

37.12(5) *Records of tests for leakage or contamination of sealed sources.* Records of tests for leakage or contamination of sealed sources shall be kept in units of microcurie or becquerel and maintained for inspection by the department for five years after the records are made.

37.12(6) *Records of prior occupational dose.*

a. The licensee or registrant shall retain the records of prior occupational dose and exposure history as specified in subrule 37.11(7) until the department terminates each pertinent license or registration requiring this record.

b. The licensee or registrant shall retain records used in preparing the record required in subrule 37.12(6) for three years after the record is made.

c. Upon termination of the license or registration, the licensee or registrant shall permanently store records required in subrule 37.12(2) or shall make provisions with the department for transfer to the department.

37.12(7) *Records of planned special exposures.*

a. For each use of the provisions of subrule 37.12(7) for planned special exposures, the licensee or registrant shall maintain records that describe:

(1) The exceptional circumstances requiring the use of a planned special exposure;

(2) The name of the management official who authorized the planned special exposure and a copy of the signed authorization;

(3) What actions were necessary;

(4) Why the actions were necessary;

(5) What precautions were taken to ensure that doses were maintained ALARA;

(6) What individual and collective doses were expected to result; and

(7) The doses actually received in the planned special exposure.

b. The records shall be retained until the department terminates each pertinent license or registration requiring these records.

c. Upon termination of the license or registration, the licensee or registrant shall permanently store records required in subrule 37.12(7) or shall make provisions with the department for transfer to the department.

37.12(8) *Records of individual monitoring results.*

a. *Recordkeeping requirements.* Each licensee or registrant shall maintain records of doses received by all individuals for whom monitoring was required pursuant to subrule 37.11(14) and records of doses received during planned special exposures, accidents, and emergency conditions. Assessments of dose equivalent and records made using units in effect on or before January 1, 1994, need not be changed. These records shall include all of the following, when applicable:

(1) The deep dose equivalent to the whole body, eye dose equivalent, shallow dose equivalent to the skin, and shallow dose equivalent to the extremities;

(2) The estimated intake of radionuclides set forth in subrule 37.11(14);

(3) The committed effective dose equivalent assigned to the intake of radionuclides;

(4) The specific information used to calculate the committed effective dose equivalent pursuant to paragraph 37.11(6) "c";

(5) The total effective dose equivalent when required by subrule 37.11(4);

(6) The total of the deep dose equivalent and the committed dose to the organ receiving the highest total dose.

b. Recordkeeping frequency. The licensee or registrant shall make entries of the records specified in subrule 37.12(2) at intervals not to exceed one year.

c. Recordkeeping format. The licensee or registrant shall maintain the records specified in paragraph 37.12(8) “a” in clear and legible form.

d. Embryo or fetus records. The licensee or registrant shall maintain the records of dose to an embryo or fetus with the records of dose to the declared pregnant woman. The declaration of pregnancy, including the estimated date of conception, shall also be kept on file but may be maintained separately from the dose records.

e. Retention during license or registration. The licensee or registrant shall retain each required form or record until the department terminates each pertinent license or registration requiring the record.

f. Retention after termination. Upon termination of the license or registration, the licensee or registrant shall permanently store records required in this rule or shall make provision with the department for transfer to the department.

37.12(9) Records of dose to individual members of the public.

a. Each licensee or registrant shall maintain records sufficient to demonstrate compliance with the dose limit for individual members of the public as set forth in subrule 37.11(3).

b. The licensee or registrant shall retain the records required by this rule until the department terminates each pertinent license or registration requiring the record.

37.12(10) Records of waste disposal.

a. Each licensee shall maintain records of the disposal of licensed materials and disposal or burial in soil.

b. The licensee shall retain the records until the department terminates each pertinent license or registration requiring the record.

37.12(11) Records of testing entry control devices for very high radiation areas.

a. Each licensee or registrant shall maintain records of tests made pursuant to subrule 37.11(17) on entry control devices for very high radiation areas. These records must include the date, time, and results of each such test of function.

b. The licensee or registrant shall retain the records for three years after the record is made.

37.12(12) Form of records.

a. Each record required by this chapter shall be legible throughout the specified retention period. The record shall be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period, or the record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records, such as letters, drawings, and specifications, shall include all pertinent information, such as stamps, initials, and signatures. The licensee or registrant shall maintain adequate safeguards against tampering with and loss of records.

b. The licensee or registrant shall retain the records required by this chapter until the department terminates each pertinent license or registration requiring the record.

[ARC 0387D, IAB 6/24/26, effective 7/29/26]

641—37.13(136C) Reports.

37.13(1) Reports; stolen, lost, or missing licensed or registered sources of radiation.

a. Telephone reports. Each licensee or registrant shall report to the department by telephone as follows:

(1) Immediately after its occurrence becomes known to the licensee, stolen, lost, or missing licensed radioactive material in an aggregate quantity equal to or greater than 1,000 times the quantity specified in 10 CFR Part 20, Appendix C, under such circumstances that it appears to the licensee that an exposure could result to individuals in unrestricted areas.

(2) Within 30 days after its occurrence becomes known to the licensee, lost, stolen, or missing licensed radioactive material in quantity greater than ten times the quantity specified in 10 CFR Part 20, Appendix C, that is still missing.

(3) Immediately after its occurrence becomes known to the registrant, a stolen, lost, or missing radiation machine.

b. Written reports. Each licensee or registrant required to make a report pursuant to subrule 37.13(1) shall, within 30 days after making the telephone report, make a written report to the department setting forth the following information:

(1) A description of the licensed or registered source of radiation involved, including, for radioactive material, the kind, quantity, and chemical and physical form; and for radiation machines, the manufacturer, model and serial number, type and maximum energy of radiation emitted;

(2) A description of the circumstances under which the loss or theft occurred;

(3) A statement of disposition, or probable disposition, of the licensed or registered source of radiation involved;

(4) Exposures of individuals to radiation, circumstances under which the exposures occurred, and the possible total effective dose equivalent to persons in unrestricted areas;

(5) Actions that have been, or will be, taken to recover the source of radiation;

(6) Procedures or measures that have been, or will be, adopted to ensure against a recurrence of the loss or theft of licensed or registered sources of radiation.

c. Additional substantive information. Subsequent to filing the written report, the licensee or registrant shall also report additional substantive information on the loss or theft within 30 days after the licensee or registrant learns of such information.

d. Names of individuals. The licensee or registrant shall prepare any report filed with the department pursuant to subrule 37.13(1) so that names of individuals who may have received exposure to radiation are stated in a separate and detachable portion of the report.

37.13(2) Reports; notification of incidents and reporting requirements for licensees.

a. Immediate notification. Notwithstanding other requirements for notification, each licensee or registrant shall immediately report each event involving a source of radiation possessed by the licensee or registrant that may have caused or threatens to cause any of the following conditions:

(1) An individual to receive:

1. A total effective dose equivalent of 25 rem (0.25 Sv) or more;

2. A lens dose equivalent of 75 rem (0.75 Sv) or more;

3. A shallow dose equivalent to the skin or extremities of 250 rad (2.5 Gy) or more;

(2) The release of radioactive material inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake five times the annual limit on intake. This provision does not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures.

(3) In addition to the requirements of paragraph 37.13(2) "a," each licensee shall notify the department as soon as possible but not later than four hours after the discovery of an event that prevents immediate protective actions necessary to avoid exposures to radiation or radioactive materials that could exceed regulatory limits or releases of licensed material that could exceed regulatory limits (e.g., fires, explosions, toxic gas releases, and other such events).

b. Twenty-four-hour notification. Each licensee or registrant shall, within 24 hours of discovery of an event, report to the department each event involving loss of control of a licensed or registered source of radiation possessed by the licensee or registrant that may have caused, or threatens to cause, any of the following conditions:

(1) An individual to receive, in a period of 24 hours:

1. A total effective dose equivalent exceeding 5 rem (0.05 Sv);

2. A lens dose equivalent exceeding 15 rem (0.15 Sv);

3. A shallow dose equivalent to the skin or extremities exceeding 50 rem (0.5 Sv);

(2) The release of radioactive material inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake in excess of one occupational ALI. This provision does not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures.

(3) In addition to the requirements of paragraphs 37.13(2)“a,” and “b,” each licensee shall notify the department within 24 hours after the discovery of any of the following events involving licensed material:

1. An unplanned contamination event that:
 - Requires access to the contaminated area, by workers or the public, to be restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the area;
 - Involves a quantity of material greater than five times the lowest annual limit on intake specified in 10 CFR Part 20, Appendix B, for the material;
 - Has access to the area restricted for a reason other than to allow isotopes with a half-life of less than 24 hours to decay prior to decontamination.
2. An event in which equipment is disabled or fails to function as designed when:
 - The equipment is required by regulation or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive materials exceeding regulatory limits, or to mitigate the consequences of an accident;
 - The equipment is required to be available and operable when it is disabled or fails to function;
 - No redundant equipment is available and operable to perform the required safety function.
3. An event that requires unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body.
4. An unplanned fire or explosion damaging any licensed material or any device, container, or equipment containing licensed material when:
 - The quantity of material involved is greater than five times the lowest annual limit on intake specified in 10 CFR Part 20, Appendix B, for the material;
 - The damage affects the integrity of the licensed material or its container.

37.13(3) Reports; notifications and reporting requirements of a reportable radiation incident.

a. The licensee or registrant shall report any radiation incident involving the administration of ionizing radiation resulted from any of the following to the department, except when the event is the result of intervention by a patient or human research subject.

- (1) Therapeutic radiation machines:
 1. That involve the wrong patient, wrong treatment modality, or wrong treatment site.
 2. For which the weekly administered dose differs from the weekly prescribed dose by more than 30 percent.
 3. For which the total administered dose differs from the total prescribed dose by more than 20 percent of the total prescribed dose.
 4. For which the dose differs by 50 percent or greater for any single fraction of a multi-fraction treatment.
 5. Any equipment failure, personnel error, accident, mishap or other unusual occurrence that causes or is likely to cause significant physical harm to the patient.
- (2) Diagnostic radiation machine:
 1. Results in an unintended skin dose to the same area in a single procedure greater than 2 Gy (200 rads).
 2. Results in an unintended dose greater than five times the facility's established protocol for a procedure and exceeds any of the following:
 - 0.5 Gy (50 rads) to an organ.
 - 0.05 Gy (5 rads) total effective dose.
 3. Involves the wrong patient or wrong site for the entire diagnostic examination (procedure/service) and exceeds any of the following:
 - 0.5 Gy (50 rads) to an organ.

- 0.05 Gy (5 rads) total effective dose for the procedure.
- 4. Any wrong patient or wrong site imaged, regardless of dose received, shall be reported, documented, and addressed internally in accordance with the facility's established procedures.
- (3) CT event investigation and reporting:
 1. The cumulative CTDIvol over the course of an individual study at a particular anatomical location exceeds 60 rem (600 mGy) for a pediatric CT procedure or 150 rem (1500 mGy) for an adult CT procedure.
 2. Any ionizing radiation exposure from a CT procedure results in unanticipated hair loss, erythema, or functional damage to an organ or physiological system.
 3. For each event, the registrant shall conduct a root cause analysis in consultation with a qualified expert, the interpreting physician, and the operator who performed the CT procedure. The registrant shall make appropriate modifications consistent with the corrective action plan to prevent future events.
 4. Involves any equipment failure, personnel error, accident, mishap or other unusual occurrence with the administration of ionizing radiation that exceeds 0.05 Gy (5 rads) total effective dose.
 - b. This rule applies to radiation incidents occurring during medical diagnostic and interventional X-ray procedures, as well as any other radiation machine-related incident that meets established reporting criteria. This rule also encompasses any additional incident deemed reportable by the department based on potential or actual deviation from intended use, dose, or safety standards.
 - c. Any event resulting from intervention of a patient or human research subject in which the administration of radioactive material or radiation from radioactive material results, or will likely result, in unintended permanent functional damage to an organ or a physiological system, as determined by a physician, shall be reported.
 - d. The licensee or registrant shall notify the department by telephone no later than the next calendar day after discovery of the reportable radiation incident or medical event or sooner if required under the provisions set forth in this chapter where a more stringent reporting time frame has been established.
 - e. The licensee or registrant shall notify both the referring physician and the individual who is the subject of the reportable radiation incident or medical event no later than 24 hours after its discovery of the event.
 - (1) If the referring physician personally notifies the licensee or registrant that they will inform the individual, or determines, based on medical judgment, that informing the individual would be harmful, the licensee or registrant is not required to notify the individual directly.
 - (2) The licensee or registrant shall consult with the referring physician prior to notifying the individual.
 - (3) If the referring physician or individual cannot be reached within 24 hours, the licensee shall notify the individual as soon as possible thereafter.
 - (4) Notification cannot delay any appropriate medical care for the individual, including necessary remedial treatment, resulting from the reportable radiation incident or medical event.
 - (5) If the individual is a minor or is unable to receive notification directly, notification may be made to a responsible relative or legal guardian.
 - (6) If notification is provided verbally, the licensee or registrant shall inform the individual, responsible relative, or legal guardian that a written description of the reportable radiation incident or medical event can be obtained from the licensee or registrant. The licensee or registrant shall provide such written description if requested.
- 37.13(4) Report by telephone or electronic media.** Licensees or registrants shall make the notification of the incident report required by subrule 37.13(2) to the department by telephone or electronic media.
 - a. Licensees or registrants making initial reports to the department shall to the extent that the information is available at the time of notification include:
 - (1) The caller's name and call-back telephone number;

- (2) A description of the event, including date and time;
 - (3) The exact location of the event;
 - (4) The isotopes, quantities, and chemical and physical form of the licensed material involved;
- and

- (5) Any personnel radiation exposure data available.

b. Each licensee or registrant who makes a notification of incident report required by subrule 37.13(2) shall submit a written follow-up report within 30 days of the initial report. Written reports prepared pursuant to other rules may be submitted to fulfill this requirement if the reports contain all the necessary information. These written reports must be sent to the department at Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319. The reports must include the following:

- (1) The licensee or registrant name and license or registration number;
- (2) Name of the prescribing physician, if applicable;
- (3) A description of the event, including:
 1. The probable cause;
 2. The manufacturer and model number (if applicable) of any equipment that failed or malfunctioned;
- (4) The exact location of the event;
- (5) Date and time of the event;
- (6) The isotopes, quantities, and chemical and physical form of the licensed material involved;
- (7) Corrective actions taken or planned to prevent recurrence and the results of any evaluations or assessments;

- (8) The extent of exposure of individuals to radiation or to radioactive materials, without identification of individuals by name, and the effect, if any, on the individual(s) who received the administration or exposure;

- (9) Certification that the licensee or registrant notified the individual or the individual's responsible relative or legal guardian and the referring physician in compliance with the requirements of this chapter and if not, the reason why not.

37.13(5) *Names of individuals in detachable portion.* The licensee or registrant shall prepare each written report to be submitted to the department pursuant to subrule 37.13(2) so that names of individuals who have received exposure to sources of radiation are stated in a separate and detachable portion of the report.

37.13(6) *Rights or duties.* Aside from the notification requirement, nothing in this rule affects any rights or duties of licensees, registrants, and physicians in relation to each other; to individuals affected by the reportable radiation incident or medical event; or to that individual's responsible relatives or legal guardians.

37.13(7) *Doses from planned special exposures.* The provisions of subrule 37.13(2) do not apply to doses that result from planned special exposures provided such doses are within the limits for planned special exposures and are reported pursuant to subrule 37.13(8).

37.13(8) *Reports of planned special exposures.* The licensee or registrant shall submit a written report to the department within 30 days following any planned special exposure conducted in accordance with subrule 37.12(7) informing the department that a planned special exposure was conducted and indicating the date of the planned special exposure and the information required by subrule 37.12(7).

37.13(9) *Notifications and reports to individuals.*

a. Requirements for notification and reports to individuals of exposure to radiation or radioactive material are specified in subrule 37.14(3).

b. When a licensee or registrant is required pursuant to subrule 37.13(8) to report to the department any exposure of an identified occupationally exposed individual, or an identified member of the public, to radiation or radioactive material, the licensee or registrant shall also provide a copy of the report submitted to the department to the individual. Such notice shall be transmitted at a time not later than the transmittal to the department and shall comply with the provisions of subrule 37.14(3).

[ARC 0387D, IAB 6/24/26, effective 7/29/26]

641—37.14(136C) Notices, instructions, and reports to workers.

37.14(1) *Posting of notices to workers.*

- a. Each licensee or registrant shall post current copies of the following documents:
 - (1) This chapter;
 - (2) The license, certificate of registration, conditions, or documents incorporated into the license by reference and amendments thereto;
 - (3) The operating procedures applicable to activities under the license or registration;
 - (4) Any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued pursuant to 641—Chapter 38 and any response from the licensee or registrant.
- b. If posting of a document specified in subrule 37.14(1) is not practical, the licensee or registrant may post a notice that describes the document and states where it may be examined.
- c. Department form “Notice to Employees” shall be posted by each licensee or registrant.
- d. Department documents posted pursuant to subrule 37.14(1) shall be posted within two working days after receipt of the documents from the department; the licensee’s or registrant’s response, if any, shall be posted within two working days after dispatch from the licensee or registrant. Such documents shall remain posted for a minimum of five working days or until action correcting the violation has been completed, whichever is later.
- e. Documents, notices, or forms posted pursuant to subrule 37.14(1) shall appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies, shall be conspicuous, and shall be replaced if defaced or altered.

37.14(2) *Instructions to workers.*

- a. All individuals who in the course of employment are likely to receive in a year an occupational dose in excess of 100 mrem (1 mSv):
 - (1) Shall be kept informed of the storage, transfer, or use of sources of radiation;
 - (2) Shall be instructed in the health protection problems associated with exposure to radiation or radioactive material to the individual and potential offspring, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed;
 - (3) Shall be instructed in, and required to observe, to the extent within the worker’s control, the applicable provisions of these rules and licenses for the protection of personnel from exposures to radiation or radioactive material occurring in such areas;
 - (4) Shall be instructed of their responsibility to report promptly to the licensee or registrant any condition that may constitute, lead to, or cause a violation of Iowa Code chapter 136C, these rules, and licenses or unnecessary exposure to radiation or radioactive material;
 - (5) Shall be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material;
 - (6) Shall be advised as to the radiation exposure reports that workers shall be furnished pursuant to subrule 37.13(2).

NOTE: The instruction in subparagraphs 37.14(2) “a”(2) through “a”(6) shall be conducted at least annually.

- (7) Shall be commensurate with potential radiological health protection problems present in the workplace.

b. In determining those individuals subject to the requirements of subrule 37.14(2), consideration must be given to assigning activities during normal and abnormal situations involving exposure to sources of radiation that can reasonably be expected to occur during the life of the facility. The extent of these instructions must be commensurate with potential radiological health protection problems present in the workplace.

37.14(3) *Notifications and reports to individuals.*

a. Radiation exposure data for an individual and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual shall be reported to the individual as specified in rule 641—37.14(136C). The information reported shall include data and results obtained pursuant to these rules, orders, or license conditions as shown in records maintained by the licensee or registrant pursuant to subrule 37.12(8). Each notification and report shall:

- (1) Be in writing;
- (2) Include appropriate identifying data such as the name of the licensee or registrant, the name of the individual, and the individual's identification number, preferably social security number;
- (3) Include the individual's exposure information;
- (4) Contain the following statement: "This report is furnished to you under the provisions of IAC 641 37.14. You should preserve this report for further reference."

b. Each licensee or registrant shall make dose information available to workers as shown in records maintained by the licensee or registrant under the provisions of subrule 37.12(8). The licensee or registrant shall provide to each individual monitored under subrule 37.11(14) an annual report of the dose received in that monitoring year if any of the following apply:

- (1) The individual's occupational dose exceeds 100 mrem (1 mSv) TEDE or 100 mrem (1 mSv) to any individual organ or tissue,
- (2) The individual requests the individual's annual dose report.

c. Each licensee or registrant shall furnish a report of the worker's exposure to sources of radiation at the request of a worker formerly engaged in activities controlled by the licensee or registrant. The report shall:

- (1) Include the dose record for each year the worker was required to be monitored pursuant to subrule 37.11(14);
- (2) Be furnished within 30 days from the date of the request or within 30 days after the dose of the individual has been determined by the licensee or registrant, whichever is later;
- (3) Cover the period of time that the worker's activities involved exposure to sources of radiation and include the dates and locations of work under the license or registration in which the worker participated during this period.

d. When a licensee or registrant is required to report to the department any exposure of an individual to radiation or radioactive material, the licensee or the registrant shall also provide the individual a report on the individual's exposure data included in the report to the department. Such reports shall be transmitted at a time not later than the transmittal to the department.

e. At the request of a worker who is terminating employment with the licensee or registrant in work involving exposure to radiation or radioactive material, during the current year, each licensee or registrant shall provide at termination to each such worker, or to the worker's designee, a written report regarding the radiation dose received by that worker from operations of the licensee or registrant during the current year or fraction thereof. If the most recent individual monitoring results are not available at that time, a written estimate of the dose shall be provided together with a clear indication that this is an estimate.

[ARC 0387D, IAB 6/24/26, effective 7/29/26]

641—37.15(136C) Inspections.

37.15(1) *Presence of representatives of licensees or registrants and workers during inspection.*

a. Each licensee or registrant shall afford to the department at all reasonable times opportunity to inspect materials, machines, activities, facilities, premises, and records pursuant to these rules.

b. During an inspection, department inspectors may consult privately with workers as specified in subrule 37.15(2). The licensee or registrant may accompany department inspectors during other phases of an inspection.

c. If, at the time of inspection, an individual has been authorized by the workers to represent them during department inspections, the licensee or registrant shall notify the inspectors of such

authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

d. Each worker's representative shall be routinely engaged in work under control of the licensee or registrant and shall have received instructions as specified in subrule 37.14(2).

e. Different representatives of licensees or registrants and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one worker's representative at a time may accompany the inspectors.

f. With the approval of the licensee or registrant and the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, shall be afforded the opportunity to accompany department inspectors during the inspection of physical working conditions.

g. Notwithstanding the other provisions of subrule 37.15(1), department inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to areas containing information classified by a department of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to such information only if authorized to do so. With regard to any area containing proprietary information, the workers' representative for that area shall be an individual previously authorized by the licensee or registrant to enter that area.

37.15(2) *Consultation with workers during inspections.*

a. Department inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of these rules and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

b. During the course of an inspection, any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition that the worker has reason to believe may have contributed to or caused any violation of Iowa Code chapter 136C, these rules, or license condition or any unnecessary exposure of an individual to sources of radiation under the licensee's or registrant's control. Any such notice in writing shall comply with the requirements of subrule 37.15(3).

c. The provisions of paragraph 37.15(2) "b" cannot be interpreted as authorization to disregard instructions pursuant to rule 641—37.14(136C).

37.15(3) *Requests by workers for inspections.*

a. Any worker or representative of workers believing that a violation of Iowa Code chapter 136C, these rules, or license conditions exists or has occurred in work under a license or registration with regard to radiological working conditions in which the worker is engaged may request an inspection by giving notice of the alleged violation to the department. Any such notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of the workers. A copy shall be provided to the licensee or registrant no later than at the time of inspection, except that, upon the request of the worker giving such notice, such worker's name and the name of individuals referred to therein cannot appear in such copy or on any record published, released, or made available by the department, except for good cause shown.

b. If, upon receipt of such notice, the department determines that the complaint meets the requirements set forth in subrule 37.15(4), and that there are reasonable grounds to believe that the alleged violation exists or has occurred, an inspection shall be made as soon as practicable to determine if such alleged violation exists or has occurred. Informal reviews pursuant to subrule 37.15(4) need not be limited to matters referred to in the complaint.

c. No licensee, registrant, or contractor or subcontractor of a licensee or registrant shall discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under these rules or has testified or

is about to testify in any such proceeding or because of the exercise by such worker on behalf of such worker or others of any option afforded by this chapter.

37.15(4) *Inspections not warranted—informal review.*

a. If the department determines, with respect to a complaint under this rule, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the department will notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the attorney general's office. Such department will provide the licensee or registrant with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the attorney general's office. Such department will provide the complainant with a copy of such statement by certified mail.

b. Upon the request of the complainant, the attorney general's office may hold an informal conference in which the complainant and the licensee or registrant may orally present their views. An informal conference may also be held at the request of the licensee or registrant, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written and oral views presented, the attorney general's office shall affirm, modify, or reverse the determination of the department and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefor.

c. If the department determines that an inspection is not warranted because the requirements of subrule 37.15(4) have not been met, the complainant will be notified in writing of such determination. Such determination will be without prejudice to the filing of a new complaint meeting the requirements of subrule 37.15(4).

37.15(5) *Employee protection.*

a. Discrimination by a licensee or registrant, an applicant for a license or registration, or a contractor or subcontractor of a licensee or applicant against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, or privileges of employment. The protected activities are established in 641—Chapters 38 through 44 and in general are related to the administration or enforcement of requirements imposed under 641—Chapters 38 through 44.

(1) The protected activities include but are not limited to:

1. Providing the department or the individual's employer information about alleged violations of either of the statutes named in this rule or possible violations of requirements imposed under either of those statutes;

2. Refusing to engage in any practice made unlawful under either of the statutes named in this rule or under these requirements if the employee has identified the alleged illegality to the employer;

3. Requesting that the department institute action against the individual's employer for the administration or enforcement of these requirements;

4. Testifying in any department proceeding, or before Congress, or at any federal or state proceeding regarding any provision (or proposed provision) of federal statutes or these rules;

5. Assisting or participating in, or about to assist or participate in, these activities.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee's assistance or participation.

(3) This rule has no application to any employee alleging discrimination prohibited by this rule who, acting without direction from the individual's employer (or the employer's agent), deliberately causes a violation of any requirement of 641—Chapters 38 through 44.

b. Any employee who believes that the employee has been discharged or otherwise discriminated against by any person for engaging in protected activities specified in paragraph 37.15(5)“a” may seek a remedy for the discharge or discrimination through an administrative proceeding in the U.S. Department of Labor. The administrative proceeding must be initiated within 180 days after an alleged violation occurs. The employee may file for the administrative proceeding

by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

c. A violation of subrule 37.15(5) by a licensee or registrant, an applicant for a license or registration, or a contractor or subcontractor of a licensee or applicant may be grounds for:

- (1) Denial, revocation, or suspension of the license or registration;
- (2) Imposition of a civil penalty on the licensee, registrant, or applicant;
- (3) Other enforcement action.

d. Actions taken by an employer or others that adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render the employee immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

e. No agreement affecting the compensation, terms, conditions, or privileges of employment, including an agreement to settle a complaint filed by an employee with the Department of Labor pursuant to 641—Chapters 37 through 44, may contain any provision that would prohibit, restrict, or otherwise discourage an employee from participating in protected activity as defined in subrule 37.15(5), including but not limited to providing information to the department or to the individual's employer on potential violations or other matters within the department's regulatory responsibilities.

[ARC 0387D, IAB 6/24/26, effective 7/29/26]

These rules are intended to implement Iowa Code chapter 136C.

Appendix A

ANNUAL LIMITS ON INTAKE (ALI) AND DERIVED AIR CONCENTRATIONS (DAC)
OF RADIONUCLIDES FOR OCCUPATIONAL EXPOSURE; EFFLUENT CONCENTRATIONS;
CONCENTRATIONS FOR RELEASE TO SANITARY SEWERAGE

The provisions of 10 CFR Part 20, Appendix B are hereby adopted by reference, as incorporated in 641—Chapter 39. Compliance with these federal standards shall be deemed in compliance with the corresponding state requirements.

Appendix B

QUANTITIES OF LICENSED OR REGISTERED MATERIAL REQUIRING LABELING

The provisions of 10 CFR Part 20, Appendix C are hereby adopted by reference, as incorporated in 641—Chapter 39. Compliance with these federal standards shall be deemed in compliance with the corresponding state requirements.

[Filed ARC 1479C (Notice ARC 1414C, IAB 4/2/14), IAB 6/11/14, effective 7/16/14]

[Filed ARC 3746C (Notice ARC 3578C, IAB 1/17/18), IAB 4/11/18, effective 5/16/18]

[Filed ARC 5059C (Notice ARC 4856C, IAB 1/15/20), IAB 6/17/20, effective 7/22/20]

[Filed ARC 9617C (Notice ARC 9491C, IAB 8/20/25), IAB 10/15/25, effective 12/1/25]

[Filed ARC 0387D (Amended Notice ARC 0223D, IAB 4/29/26; Notice ARC 9772C, IAB 11/26/25),
IAB 6/24/26, effective 7/29/26]

RECORDS COMMISSION[671]

CHAPTER 1

ORGANIZATION; STATE RECORDS MANUAL

1.1(17A,8A)	Purpose
1.2(8A)	Definitions
1.3(17A,305)	Responsibilities
1.4(8A)	State records manual
1.5(8A)	Applicability of the manual
1.6(8A)	Availability of the manual

CHAPTER 2

RECORDS SERIES RETENTION AND DISPOSITION SCHEDULES PROCESS

2.1(8A)	Purpose
2.2(8A)	Form to use
2.3(8A)	Agency responsibility
2.4(8A)	State archives and records bureau responsibility
2.5(8A)	State records commission responsibility
2.6(8A)	Effective date
2.7(8A)	Procedures

CHAPTER 3

PERMANENT RECORDS—TRANSFER PROCESS, CARE, AND ACCESS

3.1(8A)	Purpose
3.2(8A)	Identification of permanent records
3.3(8A)	Form to use
3.4(8A)	Agency responsibility
3.5(8A)	State archives and records bureau responsibility
3.6(8A)	Care of and access to permanent records

CHAPTER 4

DEVELOPMENT PROCESS FOR GOVERNMENT INFORMATION POLICIES, STANDARDS, AND GUIDELINES

4.1(8A)	Proposal of government information policies, standards, and guidelines
4.2(8A)	Commission responsibilities
4.3(8A)	State archives and records bureau responsibilities
4.4(8A)	Agency responsibilities
4.5(8A)	Advisory committees

CHAPTER 1 ORGANIZATION; STATE RECORDS MANUAL

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/29/31

671—1.1(17A,8A) Purpose.

1.1(1) *State archives and records Act.* This chapter provides an overview of the organization, responsibilities, definitions, and records manual details under the purview of the state records commission within the department of administrative services.

1.1(2) *Location.* Communication with the state records commission may be established through the State Archives and Records Bureau, Department of Administrative Services, State Historical Building, 600 East Locust Street, Des Moines, Iowa 50319.

1.1(3) *Meetings and membership.* Membership of the state records commission is outlined in Iowa Code section 8A.603. The state records commission chairperson shall be elected biennially from the membership. Iowa Code section 8A.606 references meetings for the commission. In accordance with state open meeting laws, agendas for meetings will be posted at the state historical building and on the state public meeting calendar. Two-thirds of the commission membership shall be a quorum for the purpose of conducting business. Actions of the commission shall be by simple majority of members present.

[ARC 0398D, IAB 6/24/26, effective 7/29/26]

671—1.2(8A) Definitions. In addition to the definitions found in Iowa Code chapter 8A, and in particular, Iowa Code section 8A.602, the following definitions apply:

“Non-record materials” means documents and informational materials that do not meet the statutory definition of a record in Iowa Code section 8A.602(9) or that are excluded from the definition. Non-record materials include library and museum material made or acquired and preserved solely for reference or exhibition purposes, stocks of publications and unprocessed forms, and extra copies of documents made, acquired, or received only for convenience or reference purposes.

“Office of record” means the agency in which a record is created, produced, executed, or received in connection with official business of that agency. The office of record is responsible for maintenance and disposition of records in accordance with approved records series retention and disposition schedules.

“Reference copy” is a copy of a record kept for easy access to the information the record contains. A reference copy of a record may be distributed to make recipients aware of the content of the record but not to direct the recipient to take action on a matter.

“Retention” or *“retention period”* is the minimum length of scheduled time a record must be kept (either in the office or in offsite storage) because it is needed for ongoing business, to document an action, or for statutory reasons.

[ARC 0398D, IAB 6/24/26, effective 7/29/26]

671—1.3(17A,305) Responsibilities.

1.3(1) *State records commission.* The responsibilities of the commission are the same as defined in Iowa Code section 8A.608.

1.3(2) *Department of administrative services.* The responsibilities of the department are the same as defined in Iowa Code section 8A.609.

1.3(3) *Agency head.* In addition to the responsibilities set forth in Iowa Code section 8A.610, an agency head will also:

a. Appoint one or more records officers to coordinate the records program or programs within the agency and to serve as liaisons to the state archives and records bureau. An agency head shall document an appointment in writing to the state archives and records bureau.

b. Maintain or cause to be maintained complete and accurate records documenting the agency’s implementation of the state of Iowa records program.

c. Provide secure, environmentally appropriate storage areas for all records in the physical custody of the agency and provide public access to those records in accordance with the agency's fair information practices rules.

d. Maintain legal custody of all agency records stored in agency offsite storage and provide public access to those records in accordance with the agency's fair information practices rules.

e. Transfer legal custody of records that are transferred to the state archives of Iowa in accordance with Iowa Code section 8A.610.

[ARC 0398D, IAB 6/24/26, effective 7/29/26]

671—1.4(8A) State records manual.

1.4(1) Authority of the manual. The state records manual is an interagency manual as defined by Iowa Code section 17A.2(11)“c.”

1.4(2) Content of the manual. The commission shall, through the state archives and records bureau, create and maintain a state records manual that contains:

a. Records series retention and disposition schedules adopted by the commission.

b. Detailed procedures for agency interaction with the commission and the state archives and records bureau for such activities as the development and revision of records series and disposition schedules, transfer and storage of records, access and retrieval of records from storage, and destruction of records.

c. Guidelines adopted by the commission to assist an agency head in implementing an efficient government records program within the agency.

[ARC 0398D, IAB 6/24/26, effective 7/29/26]

671—1.5(8A) Applicability of the manual. The provisions of the state records manual are applicable to all executive or legislative branch departments, offices, commissions, boards, or other units of state government unless otherwise exempted by law. However, the state records manual is not applicable to the department of transportation or agencies or institutions under the control of the state board of regents.

[ARC 0398D, IAB 6/24/26, effective 7/29/26]

671—1.6(8A) Availability of the manual. The commission shall make the manual publicly available on its website at history.iowa.gov/research/state-government-record-management.

[ARC 0398D, IAB 6/24/26, effective 7/29/26]

These rules are intended to implement Iowa Code sections 8A.601 through 8A.615.

[Filed 3/16/77, Notice 2/9/77—published 4/6/77, effective 5/11/77]

[Filed 8/22/96, Notice 7/3/96—published 9/11/96, effective 10/16/96]

[Filed 5/21/04, Notice 3/17/04—published 6/9/04, effective 7/14/04]

[Filed 12/1/06, Notice 10/11/06—published 12/20/06, effective 1/24/07]

[Filed ARC 0398D (Notice ARC 0029D, IAB 1/21/26), IAB 6/24/26, effective 7/29/26]

CHAPTER 2 RECORDS SERIES RETENTION AND DISPOSITION SCHEDULES PROCESS

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/29/31

671—2.1(8A) Purpose. The records series retention and disposition process is designed to evaluate records to establish appropriate periods of time for holding records prior to final disposition by destruction or permanent preservation. These records are held in office or in storage areas.

[ARC 0399D, IAB 6/24/26, effective 7/29/26]

671—2.2(8A) Form to use. A Records Series Inventory and Retention and Disposition Schedule Form is used for the inventorying of agency records and for the development or revision of records series retention and disposition schedules. The form is available from the state archives and records bureau of the department of administrative services.

[ARC 0399D, IAB 6/24/26, effective 7/29/26]

671—2.3(8A) Agency responsibility.

2.3(1) An agency head shall maintain or cause to be maintained an inventory of records that are made, produced, executed, or received by the agency pursuant to statute in connection with the transaction of official business of state government, whether those records are created or maintained in an electronic or paper system.

2.3(2) An agency head shall initiate or cause to be initiated a new Records Series Inventory and Retention and Disposition Schedule Form for previously unscheduled records series and, when needed, for revising an existing records series retention and disposition schedule. This applies to electronic and paper records.

2.3(3) An agency head shall provide or cause to be provided complete and thorough responses to the questions on the Records Series Inventory and Retention and Disposition Schedule Form and will work with the state archives and records bureau so that the bureau can finalize the records series retention and disposition schedule recommendations for presentation to the state records commission.

[ARC 0399D, IAB 6/24/26, effective 7/29/26]

671—2.4(8A) State archives and records bureau responsibility. An agency shall submit any proposed Records Series Inventory and Retention and Disposition Schedule Forms to the state archives and records bureau for review. The bureau will assist the agency in finalizing the records series retention and disposition schedule recommendations for presentation to the state records commission.

[ARC 0399D, IAB 6/24/26, effective 7/29/26]

671—2.5(8A) State records commission responsibility.

2.5(1) The commission will evaluate records series retention and disposition schedule (schedule) recommendations presented by the state archives and records bureau. The commission's evaluation of the bureau's recommendations shall consider the administrative, legal, fiscal, and historical values of the records. The commission will ensure that the schedule recommendation is consistent with other adopted schedules.

2.5(2) The commission may:

- a. Adopt the proposed schedule as presented.
- b. Amend the proposed schedule as the commission deems appropriate.
- c. Return the proposed schedule to the state archives and records bureau for additional research before the commission takes final action.
- d. Return the proposed schedule to the agency for additional research with the intent that the agency will resubmit the schedule to the commission for final action.
- e. Reject the proposed schedule.

[ARC 0399D, IAB 6/24/26, effective 7/29/26]

671—2.6(8A) Effective date. Unless otherwise set forth by the commission, a schedule shall become effective 20 calendar days after commission approval.

[ARC 0399D, IAB 6/24/26, effective 7/29/26]

671—2.7(8A) Procedures. Detailed procedures, including a sample copy of the Records Series Inventory and Retention and Disposition Schedule Form, are available in the state records manual.

[ARC 0399D, IAB 6/24/26, effective 7/29/26]

These rules are intended to implement Iowa Code sections 8A.601 through 8A.615.

[Filed 3/16/77, Notice 2/9/77—published 4/6/77, effective 5/11/77]

[Filed emergency 3/4/82—published 3/31/82, effective 3/12/82]

[Filed 8/22/96, Notice 7/3/96—published 9/11/96, effective 10/16/96]

[Filed 5/21/04, Notice 3/17/04—published 6/9/04, effective 7/14/04]

[Filed ARC 0399D (Notice ARC 9971C, IAB 1/21/26), IAB 6/24/26, effective 7/29/26]

CHAPTER 3
PERMANENT RECORDS—TRANSFER PROCESS, CARE, AND ACCESS

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/29/31

671—3.1(8A) Purpose. The department of administrative services administers the state archives of Iowa in order to preserve, protect, and make accessible those records of state government that have enduring value.

[ARC 0400D, IAB 6/24/26, effective 7/29/26]

671—3.2(8A) Identification of permanent records. The state records commission shall adopt records series retention and disposition schedules in accordance with 671—Chapter 2 to identify state government records that have enduring value.

[ARC 0400D, IAB 6/24/26, effective 7/29/26]

671—3.3(8A) Form to use. A Transfer of Custody of State Government Records to the State Archives of Iowa form obtained from the state archives and records bureau shall be used to transfer legal and physical custody of a record from an agency to the state archives of Iowa.

[ARC 0400D, IAB 6/24/26, effective 7/29/26]

671—3.4(8A) Agency responsibility.

3.4(1) A record that is scheduled for permanent preservation in the state archives of Iowa shall be transferred to the state archives of Iowa in accordance with established records series retention and disposition schedules. An agency records officer shall review, sign, and submit a properly completed Transfer of Custody of State Government Records to the State Archives of Iowa form to the state archives and records bureau for approval prior to the physical transfer of records from the agency.

3.4(2) A record scheduled for permanent preservation in an agency shall be retained in the agency in perpetuity. The agency shall maintain such a record in a manner that will ensure the continued availability of an accurate, authentic, and reliable record in perpetuity. The record shall be available for public inspection and copying in accordance with agency fair information practice rules.

[ARC 0400D, IAB 6/24/26, effective 7/29/26]

671—3.5(8A) State archives and records bureau responsibility.

3.5(1) The state archives and records bureau shall review and consider for approval a properly completed Transfer of Custody of State Government Records to the State Archives of Iowa form in a timely manner and will assist an agency in correcting an incomplete or inaccurate form.

3.5(2) After approving a form, the state archives and records bureau will arrange for physical transfer of records to the state archives of Iowa with the agency.

3.5(3) The state archives and records bureau shall establish and maintain inventory control of records transferred to the state archives of Iowa.

3.5(4) The department of administrative services shall provide a secure, environmentally appropriate storage area for all records transferred to its custody.

[ARC 0400D, IAB 6/24/26, effective 7/29/26]

671—3.6(8A) Care of and access to permanent records.

3.6(1) A record with enduring value shall be transferred to the state archives of Iowa in accordance with a state records commission adopted records series retention and disposition schedule. The state archives of Iowa shall provide a secure environment for the storage and use of these records so that they may be preserved and made available to future generations of researchers in accordance with Iowa Code section 8A.609.

3.6(2) Records transferred to the state archives of Iowa shall be cared for and administered in accordance with 223—Chapter 13.

3.6(3) Records transferred to the state archives of Iowa shall be made accessible to researchers in accordance with 223—Chapter 22.

3.6(4) The state archives and records bureau, with prior approval from the state archivist, may loan an agency record from the state archives of Iowa to an authorized agency user.

[ARC 0400D, IAB 6/24/26, effective 7/29/26]

These rules are intended to implement Iowa Code sections 8A.601 through 8A.615.

[Filed 5/21/04, Notice 3/17/04—published 6/9/04, effective 7/14/04]

[Filed ARC 0400D (Notice ARC 9970C, IAB 1/21/26), IAB 6/24/26, effective 7/29/26]

CHAPTER 4
DEVELOPMENT PROCESS FOR GOVERNMENT
INFORMATION POLICIES, STANDARDS, AND GUIDELINES

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/29/31

671—4.1(8A) Proposal of government information policies, standards, and guidelines. An agency staff member or a member of the public may propose a topic to be developed into a government information policy, standard, or guideline by contacting the state records commission through the state archives and records bureau. A proposal may include a draft government information policy, standard, or guideline.

[ARC 0401D, IAB 6/24/26, effective 7/29/26]

671—4.2(8A) Commission responsibilities.

4.2(1) In accordance with Iowa Code section 8A.608, the commission shall:

- a.* Develop such government information policies, standards, and guidelines as it deems appropriate;
- b.* Prior to final adoption, solicit agency participation in the review of government information policies, standards, and guidelines;
- c.* Draft and file administrative rules in accordance with Iowa Code chapter 17A for all government information policies and standards; and
- d.* Include all government information guidelines in the state records manual.

4.2(2) The commission may:

- a.* Appoint advisory committees to research and analyze issues related to government information policies, standards, and guidelines; and
- b.* Prior to final adoption, solicit public participation in the review of government information policies, standards, and guidelines.

[ARC 0401D, IAB 6/24/26, effective 7/29/26]

671—4.3(8A) State archives and records bureau responsibilities. The state archives and records bureau shall provide administrative support to advisory committees appointed by the commission.

[ARC 0401D, IAB 6/24/26, effective 7/29/26]

671—4.4(8A) Agency responsibilities.

4.4(1) An agency shall be in substantial compliance with government information policies and standards adopted by the commission.

4.4(2) An agency may utilize government information guidelines adopted by the commission as the agency implements the government records program within the agency.

[ARC 0401D, IAB 6/24/26, effective 7/29/26]

671—4.5(8A) Advisory committees.

4.5(1) Advisory committees of the state records commission may:

- a.* Make recommendations to the state records commission.
- b.* Consist of public members and agency staff members. No more than three members of the state records commission may be members of any advisory committee.

4.5(2) Individuals may volunteer to serve on advisory committees of the state records commission by submitting a letter of application to the state archives and records bureau along with a résumé stating areas of interest and expertise.

4.5(3) The state archives and records bureau will maintain the applications of individuals who volunteer to serve as members of advisory committees of the state records commission for a two-year period following receipt of the letter of application.

[ARC 0401D, IAB 6/24/26, effective 7/29/26]

These rules are intended to implement Iowa Code sections 8A.601 through 8A.615.

[Filed 5/21/04, Notice 3/17/04—published 6/9/04, effective 7/14/04]

[Filed ARC 0401D (Notice ARC 9969C, IAB 1/21/26), IAB 6/24/26, effective 7/29/26]

CHAPTER 5
TEMPORARY RECORDS—ACCESS PROCESS
Rescinded **ARC 0402D**, IAB 6/24/26, effective 7/29/26

CHAPTER 6
TEMPORARY RECORDS—DESTRUCTION PROCESS
Rescinded **ARC 0402D**, IAB 6/24/26, effective 7/29/26

CHAPTER 7
PERMANENT RECORDS—TRANSFER PROCESS
Rescinded **ARC 0400D**, IAB 6/24/26, effective 7/29/26

CHAPTER 8
CARE OF AND ACCESS TO PERMANENT RECORDS COLLECTIONS
Rescinded **ARC 0400D**, IAB 6/24/26, effective 7/29/26

CHAPTERS 9 to 13
Reserved

CHAPTER 14
DEVELOPMENT PROCESS FOR GOVERNMENT INFORMATION POLICIES,
STANDARDS AND GUIDELINES
Rescinded **ARC 0401D**, IAB 6/24/26, effective 7/29/26

CHAPTER 15
E-MAIL RETENTION
Rescinded **ARC 0402D**, IAB 6/24/26, effective 7/29/26

REVENUE DEPARTMENT[701]

Created by 1986 Iowa Acts, chapter 1245.

TITLE I ADMINISTRATION

CHAPTER 1 RENUMBERING CONVERSION TABLE

CHAPTER 2 ORGANIZATION

2.1(17A)	Establishment of the department
2.2(17A)	Mission
2.3(17A)	Offices
2.4(17A)	Department Internet websites
2.5(17A)	Organization of the department

CHAPTER 3 RULEMAKING AND RULE WAIVER PROCEDURES

3.1(99G,123,421,17A)	Applicability and scope of rules
3.2(99G,123,421,17A)	Definitions
3.3(99G,123,421,17A)	Department procedure for rulemaking
3.4(99G,123,421,17A)	Docket
3.5(99G,123,421,17A)	Public inquiries on rulemaking and the rulemaking records
3.6(99G,123,421,17A)	Petition for rulemaking
3.7(99G,123,421,17A)	Waiver of certain department rules

CHAPTER 4 DECLARATORY ORDERS

4.1(99G,123,421,17A)	Applicability and scope of rules
4.2(99G,123,421,17A)	Definitions
4.3(99G,123,421,17A)	How to submit declaratory orders or related documents; service
4.4(99G,123,421,17A)	Time requirements for filings
4.5(99G,123,421,17A)	Form and style of documents
4.6(99G,123,421,17A)	Docket
4.7(99G,123,421,17A)	Declaratory order—in general

CHAPTER 5 PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

5.1(17A,22,99G,123,421-454)	Definitions
5.2(17A,22,99G,123,421-454)	Statement of policy
5.3(17A,22,99G,123,421-454)	Requests for public records
5.4(17A,22,99G,123,421-454)	Access to confidential records
5.5(17A,22,99G,123,421-454)	Requests for treatment of a record as a confidential record and its withholding from examination
5.6(17A,22,99G,123,421-454)	Consensual disclosure of confidential records
5.7(17A,22,99G,123,421-454)	Tax information disclosure designation
5.8(17A,22,99G,123,421-454)	Disclosures without the consent of the subject
5.9(17A,22,99G,123,421-454)	Release to subject or owner of record
5.10(17A,22,99G,123,421-454)	Personally identifiable information collected and stored by the department
5.11(17A,22,99G,123,421-454)	Retention of submitted documents
5.12(17A,22,99G,123,421-454)	Limited applicability

CHAPTER 6 CONTESTED CASES RELATED TO ALCOHOL AND LOTTERY PROCEEDINGS

6.1(99G,123,17A)	Scope and applicability
6.2(99G,123,17A)	Definitions
6.3(99G,123,17A)	Time requirements
6.4(99G,123,17A)	Requests for a contested case proceeding

6.5(99G,123,17A)	Notice of hearing
6.6(99G,123,17A)	Presiding officer
6.7(99G,123,17A)	Waiver of procedures
6.8(99G,123,17A)	Telephone or video proceedings
6.9(99G,123,17A)	Consolidation—severance
6.10(99G,123,17A)	Pleadings
6.11(99G,123,17A)	Service and filing of pleadings and other papers
6.12(99G,123,17A)	Discovery
6.13(99G,123,17A)	Subpoenas
6.14(99G,123,17A)	Motions
6.15(99G,123,17A)	Prehearing conference
6.16(99G,123,17A)	Continuances
6.17(99G,123,17A)	Withdrawals
6.18(99G,123,17A)	Intervention
6.19(99G,123,17A)	Hearing procedures
6.20(99G,123,17A)	Evidence
6.21(99G,123,17A)	Default
6.22(99G,123,17A)	Ex parte communication and disqualification
6.23(99G,123,17A)	Recording costs
6.24(99G,123,17A)	Interlocutory appeals
6.25(99G,123,17A)	Final decision
6.26(99G,123,17A)	Appeals and review
6.27(99G,123,17A)	Applications for rehearing
6.28(99G,123,17A)	Stays of agency actions
6.29(99G,123,17A)	No factual dispute contested cases
6.30(99G,123,17A)	Emergency adjudicative proceedings
6.31(99G,123,17A)	Informal settlement

CHAPTER 7

TAX APPEALS, TAXPAYER REPRESENTATION, AND OTHER ADMINISTRATIVE PROCEDURES

7.1(421,17A)	Applicability and scope of rules
7.2(421,17A)	Definitions
7.3(17A,99G,123,421-454)	How to submit an appeal, petition or related documents; service
7.4(17A)	Time requirements for filings
7.5(17A)	Form and style of documents
7.6(17A)	Docket
7.7(17A)	Identifying details, requests for redaction
7.8(17A)	Tax appeals
7.9(17A)	Resolution of tax liability
7.10(17A)	Informal stage of the tax appeals process
7.11(17A,421)	Dismissal of tax appeals
7.12(17A,421)	Demand for contested case proceeding
7.13(17A)	Answer
7.14(17A)	Subpoenas
7.15(17A)	Commencement of contested case
7.16(17A)	Discovery
7.17(17A)	Prehearing conference
7.18(17A)	Contested case procedures
7.19(17A)	Interventions
7.20(17A)	Record and transcript
7.21(17A)	Application for rehearing
7.22(17A)	Ex parte communications and disqualification
7.23(421)	Mailing to the last-known address or personal delivery of notices of assessment and refund denial letters
7.24(441)	Appeals of director's rejection of assessor appointment or reappointment
7.25(441)	Appeals and hearings regarding the director's intent to remove a member of the board of review
7.26(17A)	License and permit denials and revocations

CHAPTER 8 FORMS AND COMMUNICATIONS

8.1(421)	Definitions
8.2(421)	Department forms
8.3(421)	Substitute forms
8.4	Reserved
8.5(422)	Electronic filing of Iowa income tax returns
8.6(421)	Electing to receive communications in electronic format in lieu of paper
8.7(422,533)	Mandatory electronic filing for certain business entity and fiduciary taxpayers
8.8(17A,22,421,422)	Authorized representatives—powers of attorney and representative certifications
8.9(421)	Tax return preparers

CHAPTER 9 Reserved

CHAPTER 10 INTEREST, PENALTY, AND EXCEPTIONS TO PENALTY

10.1(421)	Definitions
10.2(421)	Interest
10.3(421,422,423,450,452A)	Interest on refunds and unpaid tax
10.4(421)	Frivolous return penalty
10.5	Reserved
10.6(421)	Penalties
10.7(421)	Waiver of penalty
10.8(421)	Tax return extension in disaster areas
10.9(421)	Failure to file penalty

CHAPTER 11 TAX ADMINISTRATION

11.1(421)	Definitions
11.2(421)	Scope
11.3(321,421,423,452A,453A)	Taxpayer records
11.4(421,423,452A,453A)	Audit of records
11.5(421)	Time and place of taxpayer interviews
11.6(421)	Adjustments
11.7(422,453B)	Jeopardy assessments
11.8(421,422)	Application of payments to fees, penalty, interest, and then tax due

CHAPTERS 12 to 18 Reserved

CHAPTER 19 SETTLEMENTS—COMPROMISES AND ABATEMENTS OF TAX, PENALTY, OR INTEREST

19.1(421)	Settlements
19.2(421)	Amounts qualifying for settlement
19.3(421)	Settlement procedures and limitations, generally
19.4(421)	Applications for abatement
19.5(421)	Offers in compromise
19.6(421)	Voluntary disclosure agreements

CHAPTER 20 FILING AND EXTENSION OF TAX LIENS AND CHARGING OFF UNCOLLECTIBLE TAX ACCOUNTS

20.1(422,423)	Definitions
20.2(422,423)	Place of filing
20.3(422,423)	Fees

CHAPTER 21 FEDERAL OFFSET FOR IOWA INCOME TAX OBLIGATIONS

21.1(421,26USC6402)	Definitions

- 21.2(421,26USC6402) Prerequisites for requesting a federal offset
- 21.3(421,26USC6402) Submission of evidence
- 21.4(421,26USC6402) Procedure after submission of evidence

CHAPTER 22

COLLECTION OF DEBTS OWED THE STATE OF IOWA OR A STATE AGENCY

- 22.1(421) Definitions
- 22.2(421) Participation guidelines
- 22.3(421) Duties of the agency

CHAPTER 23

DEBT COLLECTION AND SELLING OF PROPERTY TO COLLECT DELINQUENT DEBTS

- 23.1(421,422,626,642) Definitions
- 23.2(421,422,626,642) Sale of property

CHAPTER 24

LICENSE SANCTIONS FOR COLLECTION OF DEBTS OWED THE STATE OF IOWA OR A STATE AGENCY

- 24.1(272D) Definitions
- 24.2(272D) Notice to person of potential sanction of license
- 24.3(272D) Challenges
- 24.4(272D) Issuance of certificate of noncompliance
- 24.5(272D) Written agreements
- 24.6(272D) Decision of the unit
- 24.7(272D) Certificate of noncompliance to licensing authority
- 24.8(272D) Requirements of the licensing authority
- 24.9(272D) District court hearing

CHAPTER 25

CHALLENGES TO ADMINISTRATIVE LEVIES

- 25.1(421) Administrative levies
- 25.2(421) Challenges to administrative levies
- 25.3(421) Challenge procedure
- 25.4(421) Form and time of challenge
- 25.5(421) Issues that may be raised

CHAPTER 26

SETOFF OF QUALIFYING DEBTS OWED TO PUBLIC AGENCIES

- 26.1(421) Minimum qualifying debt amounts accepted
- 26.2(421) Minimum setoff amount
- 26.3(421) Memorandum of understanding required
- 26.4(421) Certification to the department
- 26.5(421) Notification of change in status of debt
- 26.6(421) Multiple claims—priority of payment
- 26.7(421) Challenges
- 26.8(421) Requests for division of a public payment subject to setoff
- 26.9(421) Transition period
- 26.10(421) Fees

CHAPTER 27

SUBPOENA OF RECORDS FROM UTILITY COMPANIES AND PUBLICATION OF NAMES OF DEBTORS

- 27.1(421) Subpoena of records from public or private utility company
- 27.2(421) List for publication
- 27.3(421) Release of information

CHAPTER 28

NONLOCAL BUSINESS ENTITY BOND FORFEITURES

28.1(9C,91C) Procedure

CHAPTERS 29 to 99

Reserved

TITLE II

PROPERTY TAX

CHAPTER 100

COLLECTION OF PROPERTY TAX

100.1(441)	Tax year
100.2(445)	Partial payment of tax
100.3(445)	When delinquent
100.4(446)	Payment of subsequent year taxes by purchaser
100.5(428,433,434,437,437A,438,85GA,SF451)	Central assessment confidentiality
100.6(446)	Tax sale
100.7(445)	Refund of tax
100.8(614)	Delinquent property taxes

CHAPTER 101

REPLACEMENT TAX AND STATEWIDE PROPERTY TAX

DIVISION I

REPLACEMENT TAX

101.1(437A)	Who must file return
101.2(437A)	Time and place for filing return
101.3(437A)	Form for filing
101.4(437A)	Payment of tax
101.5(437A)	Statute of limitations
101.6(437A)	Billings
101.7(437A)	Refunds
101.8(437A)	Abatement of tax
101.9(437A)	Taxpayers required to keep records
101.10(437A)	Credentials
101.11(437A)	Audit of records
101.12(437A)	Collections/reimbursements
101.13(437A)	Information confidential

DIVISION II

STATEWIDE PROPERTY TAX

101.14(437A)	Who must file return
101.15(437A)	Time and place for filing return
101.16(437A)	Form for filing
101.17(437A)	Payment of tax
101.18(437A)	Statute of limitations
101.19(437A)	Billings
101.20(437A)	Refunds
101.21(437A)	Abatement of tax
101.22(437A)	Taxpayers required to keep records
101.23(437A)	Credentials
101.24(437A)	Audit of records

CHAPTER 102

ASSESSMENT PRACTICES AND EQUALIZATION

102.1(405,427A,428,441,499B)	Classification of real estate
102.2(421,428,441)	Assessment and valuation of real estate
102.3(421,428,441)	Valuation of agricultural real estate
102.4(421,428,441)	Valuation of residential real estate
102.5(421,428,441)	Valuation of commercial real estate
102.6(421,428,441)	Valuation of industrial land and buildings
102.7(421,427A,428,441)	Valuation of industrial machinery
102.8(428,441)	Abstract of assessment

102.9(428,441)	Reconciliation report
102.10(421)	Assessment/sales ratio study
102.11(441)	Equalization of assessments by class of property
102.12(441)	Determination of aggregate actual values
102.13(441)	Tentative equalization notices
102.14(441)	Hearings before the department
102.15(441)	Final equalization order and appeals
102.16(441)	Alternative method of implementing equalization orders
102.17(441)	Special session of boards of review
102.18(441)	Judgment of assessors and local boards of review
102.19(441)	Conference boards
102.20(441)	Board of review
102.21	Reserved
102.22(428,441)	Assessors
102.23	Reserved
102.24(421,428,441)	Valuation of dual classification property
102.25(441,443)	Omitted assessments
102.26(441)	Assessor compliance
102.27(441)	Assessor shall not assess own property
102.28(441)	Special counsel
102.29(441)	Application of two-tier assessment limitation

CHAPTER 103

EXAMINATION AND CERTIFICATION OF ASSESSORS AND DEPUTY ASSESSORS

103.1(441)	Application for examination
103.2(441)	Examinations
103.3(441)	Eligibility requirements to take the examination
103.4(441)	Appraisal-related experience
103.5(441)	Regular certification
103.6(441)	Temporary certification
103.7	Reserved
103.8(441)	Deputy assessors—regular certification
103.9	Reserved
103.10(441)	Appointment of deputy assessors
103.11(441)	Special examinations
103.12(441)	Register of eligible candidates
103.13(441)	Course of study for provisional appointees
103.14(441)	Examining board
103.15(441)	Appointment of assessor
103.16(441)	Reappointment of assessor
103.17(441)	Removal of assessor
103.18(421,441)	Courses offered by the department of revenue

CHAPTER 104

PROPERTY TAX CREDIT AND RENT REIMBURSEMENT

104.1(425)	Eligible claimants
104.2(425)	Separate homesteads—husband and wife property tax credit
104.3(425)	Dual claims
104.4(425)	Multipurpose building
104.5(425)	Multidwelling
104.6(425)	Income
104.7(425)	Joint tenancy
104.8(425)	Amended claim
104.9(425)	Simultaneous homesteads
104.10(425)	Confidential information
104.11(425)	Mobile, modular, and manufactured homes
104.12(425)	Totally disabled
104.13(425)	Nursing homes
104.14(425)	Household
104.15(425)	Homestead

104.16(425)	Household income
104.17(425)	Timely filing of claims
104.18(425)	Separate homestead—husband and wife rent reimbursements
104.19(425)	Gross rent/rent constituting property taxes paid
104.20(425)	Leased land
104.21(425)	Property: taxable status
104.22(425)	Special assessments
104.23(425)	Suspended, delinquent, or canceled taxes
104.24(425)	Income: spouse
104.25(425)	Common law marriage
104.26	Reserved
104.27(425)	Special assessment credit
104.28(425)	Credit applied
104.29(425)	Deceased claimant
104.30(425)	Audit of claim
104.31(425)	Extension of time for filing a claim
104.32(425)	Annual adjustment factor
104.33(425)	Proration of claims
104.34(425)	Unreasonable hardship
104.35(425)	Transition period

CHAPTER 105

MOBILE, MODULAR, AND MANUFACTURED HOME TAX

105.1(435)	Definitions
105.2(435)	Movement of home to another county
105.3(435)	Sale of home
105.4(435)	Reduced tax rate
105.5(435)	Taxation—real estate
105.6(435)	Taxation—square footage
105.7(435)	Audit by department of revenue
105.8(435)	Collection of tax

CHAPTER 106

DETERMINATION OF VALUE OF RAILROAD COMPANIES

106.1(434)	Definitions of terms
106.2(434)	Filing of annual reports
106.3(434)	Comparable sales
106.4(434)	Stock and debt approach to unit value
106.5(434)	Income capitalization approach to unit value
106.6(434)	Cost approach to unit value
106.7(434)	Correlation
106.8(434)	Allocation of unit value to state
106.9(434)	Exclusions

CHAPTER 107

DETERMINATION OF VALUE OF UTILITY COMPANIES

107.1(428,433,437,438)	Definition of terms
107.2(428,433,437,438)	Filing of annual reports
107.3(428,433,437,438)	Comparable sales
107.4(428,433,437,438)	Stock and debt approach to unit value
107.5(428,433,437,438)	Income capitalization approach to unit value
107.6(428,433,437,438)	Cost approach to unit value
107.7(428,433,437,438)	Correlation
107.8(428,433,437,438)	Allocation of unit value to state

CHAPTER 108

REPLACEMENT TAX AND STATEWIDE PROPERTY TAX ON RATE-REGULATED WATER UTILITIES

REPLACEMENT TAX

108.1(437B)	Who must file return

108.2(437B)	Time and place for filing return
108.3(437B)	Form for filing
108.4(437B)	Payment of tax
108.5(437B)	Statute of limitations
108.6(437B)	Billings
108.7(437B)	Refunds
108.8(437B)	Abatement of tax
108.9(437B)	Taxpayers required to keep records
108.10(437B)	Credentials
108.11(437B)	Audit of records
108.12(437B)	Information confidential
STATEWIDE PROPERTY TAX	
108.13(437B)	Who must file return
108.14(437B)	Time and place for filing return
108.15(437B)	Form for filing
108.16(437B)	Payment of tax
108.17(437B)	Statute of limitations
108.18(437B)	Billings
108.19(437B)	Refunds
108.20(437B)	Abatement of tax
108.21(437B)	Taxpayers required to keep records
108.22(437B)	Credentials
108.23(437B)	Audit of records

CHAPTER 109

REAL ESTATE TRANSFER TAX AND DECLARATIONS OF VALUE

109.1(428A)	Real estate transfer tax: Responsibility of county recorders
109.2(428A)	Taxable status of real estate transfers
109.3(428A)	Declarations of value: Responsibility of county recorders and city and county assessors
109.4(428A)	Certain transfers of agricultural realty
109.5(428A)	Form completion and filing requirements
109.6(428A)	Public access to declarations of value

CHAPTER 110

PROPERTY TAX CREDITS AND EXEMPTIONS

110.1(425)	Homestead tax credit
110.2(22,35,426A)	Military service tax exemption
110.3(427)	Pollution control and recycling property tax exemption
110.4(427)	Low-rent housing for the elderly and persons with disabilities
110.5(427)	Speculative shell buildings
110.6(427B)	Industrial property tax exemption
110.7(427B)	Assessment of computers and industrial machinery and equipment
110.8(404)	Urban revitalization partial exemption
110.9(427C,441)	Forest and fruit-tree reservations
110.10(427B)	Underground storage tanks
110.11(425A)	Family farm tax credit
110.12(427)	Methane gas conversion property
110.13(427B,476B)	Wind energy conversion property
110.14(427)	Mobile home park storm shelter
110.15(427)	Barn and one-room schoolhouse preservation
110.16(426)	Agricultural land tax credit
110.17(427)	Indian housing property
110.18(427)	Property used in value-added agricultural product operations
110.19(427)	Dwelling unit property within certain cities
110.20(427)	Nursing facilities
110.21(368)	Annexation of property by a city
110.22(427)	Port authority
110.23(427A)	Concrete batch plants and hot mix asphalt facilities
110.24(427)	Airport property
110.25(427A)	Car wash equipment

110.26(427)	Web search portal and data center business property
110.27(427)	Privately owned libraries and art galleries
110.28(404B)	Disaster revitalization area
110.29(427)	Geothermal heating and cooling systems installed on property classified as residential
110.30(426C)	Business property tax credit
110.31(427)	Broadband infrastructure
110.32(427,428,433,434,435,437,438)	Property aiding in disaster or emergency-related work
110.33 to 110.48	Reserved
110.49(441)	Commercial and industrial property tax replacement—county replacement claims
110.50(427,441)	Responsibility of local assessors
110.51(441)	Responsibility of local boards of review
110.52(427)	Responsibility of director of revenue
110.53(427)	Application for exemption
110.54(427)	Partial exemptions
110.55(427,441)	Taxable status of property
110.56(427)	Abatement of taxes

CHAPTER 111 ADMINISTRATION

111.1(441)	Establishment
111.2(441)	General operation
111.3(441)	Location
111.4(441)	Purpose

CHAPTER 112 CERTIFICATION

112.1(441)	General
112.2(441)	Confidentiality
112.3(441)	Certification of assessors
112.4(441)	Certification of deputy assessors
112.5(441)	Type of credit
112.6(441)	Retaking examination
112.7(441)	Instructor credit
112.8(441)	Conference board and assessor notification
112.9(441)	Director of revenue notification

CHAPTER 113 COURSES

113.1(441)	Course selection
113.2(441)	Scheduling of courses
113.3(441)	Petitioning to add, delete or modify courses
113.4(441)	Course participation
113.5(441)	Retaking a course
113.6(441)	Continuing education program for assessors

CHAPTER 114 REVIEW OF AGENCY ACTION

114.1(441)	Decisions final
114.2(441)	Grievance and appeal procedures

CHAPTER 115 PROPERTY ASSESSMENT APPEAL BOARD

115.1(421,441)	Applicability and definitions
115.2(421,441)	Appeal and answer
115.3(421,441)	Nonelectronic service and filing of documents
115.4(421,441)	Electronic filing system
115.5(421,441)	Motions and settlements
115.6(421,441)	Hearing scheduling and discovery plan
115.7(421,441)	Discovery and evidence
115.8(421,441)	Hearings before the board

115.9(421,441)	Posthearing motions
115.10(17A,441)	Judicial review
115.11(22,421)	Records access

CHAPTER 116

REASSESSMENT EXPENSE FUND

116.1(421)	Reassessment expense fund
116.2(421)	Application for loan
116.3(421)	Criteria for granting loan

CHAPTERS 117 to 199

Reserved

TITLE III

SALES, USE, AND EXCISE TAX

CHAPTER 200

DEFINITIONS

200.1(423)	Definitions

CHAPTER 201

SALES AND USE TAX PERMITS

201.1(423)	Permit required
201.2(423)	Application for permit
201.3(423)	Retailers selling nontaxable goods and services
201.4(423)	Obtaining a new permit after voluntarily canceling a prior permit
201.5(423)	Permit not transferable—sale of business
201.6(423)	Change of location
201.7(423)	Change of ownership or business organization
201.8(423)	Change of legal or operating name of a business
201.9(423)	Trustees, receivers, executors and administrators
201.10(423)	Substantially delinquent tax—denial of permit
201.11(423)	Substantially delinquent tax—revocation of permit
201.12(423)	Obtaining a new permit after revocation
201.13(423)	Administrative cancellation of permit

CHAPTER 202

FILING RETURNS AND PAYMENT OF TAX

202.1(423)	Sales and use tax return filing
202.2(423)	Reporting sales or use taxes
202.3(423)	Sales and use tax remittance
202.4(423)	Due dates, weekends, and holidays
202.5(423)	Consolidated returns
202.6(423)	Direct pay permits and negotiated rate agreements
202.7(423)	Regular permit holders responsible for collection of tax
202.8(423)	Sale of business
202.9(423)	Bankruptcy, insolvency, or assignment for benefit of creditors
202.10(423)	Vending machines and other coin-operated devices
202.11(423)	Claim for refund of tax
202.12(423)	Immediate successor liability for unpaid tax
202.13(423)	Officers and partners—personal liability for unpaid tax
202.14(423)	Sales tax or use tax paid to another state
202.15(423)	Registered retailers selling tangible personal property on a conditional sale contract basis
202.16(423)	Registered vendors repossessing goods sold on a conditional sale contract basis
202.17(423)	Returned merchandise
202.18(422,423)	Information disclosures to certain persons
202.19(423)	Bonding procedure
202.20(423)	Taxpayer records—specific requirements

CHAPTER 203
ELEMENTS INCLUDED IN AND EXCLUDED
FROM A TAXABLE SALE AND SALES PRICE

203.1(423)	Tax not to be included in price
203.2(423)	Finance charge
203.3(423)	Retailers' discounts, trade discounts, rebates and coupons
203.4(423)	Excise tax included in and excluded from sales price
203.5(423)	Trade-ins
203.6(423)	Installation charges when tangible personal property is sold at retail
203.7(423)	Service charge and gratuity
203.8(423)	Payment from a third party

CHAPTER 204
RULES NECESSARY TO IMPLEMENT THE STREAMLINED SALES
AND USE TAX AGREEMENT

204.1(423)	Allowing use of the lowest tax rate within a database area and use of the tax rate for a five-digit area when a nine-digit zip code cannot be used
204.2(423)	Permissible categories of exemptions
204.3(423)	Requirement of uniformity in the filing of returns and remittance of funds
204.4(423)	Allocation of bad debts
204.5(423)	Purchaser refund procedures
204.6(423)	Relief from liability for reliance on taxability matrix
204.7(423)	Effective dates of taxation rate increases or decreases when certain services are furnished
204.8(423)	Freight, other transportation charges, and exclusions from the exemption applicable to these services

CHAPTER 205
SOURCING OF TAXABLE SERVICES, TANGIBLE PERSONAL PROPERTY, AND SPECIFIED
DIGITAL PRODUCTS

205.1(423)	Definitions
205.2(423)	General sourcing rules for taxable services
205.3(423)	First use of services performed on tangible personal property
205.4(423)	Sourcing rules for personal care services
205.5(423)	Sourcing of tickets or admissions to places of amusement, fairs, and athletic events
205.6(423)	Sourcing rules for tangible personal property and specified digital products

CHAPTER 206
BUNDLED TRANSACTIONS

206.1(423)	Taxability of bundled transactions
206.2(423)	Bundled transaction
206.3(423)	Transactions not taxable as bundled transactions

CHAPTER 207
REMOTE SALES AND MARKETPLACE SALES

207.1(423)	Definitions
207.2(423)	Administration; incorporation of 701—Chapter 11
207.3(423)	Filing returns; payment of tax; penalty and interest; incorporation of 701—Chapter 202
207.4(423)	Permits; incorporation of 701—Chapter 201
207.5(423)	Retailers with physical presence in Iowa
207.6(423)	Remote sellers—registration and collection obligations
207.7(423)	Marketplace facilitators—registration and collection obligations
207.8(423)	Advertising on a marketplace
207.9(423)	Commencement of collection obligation and sales tax liability
207.10(423)	Retailers registered and collecting who fail to meet or exceed sales threshold
207.11(423)	Coupons; incorporation of rule 701—213.10(423)
207.12(423)	Customer returns marketplace purchase directly to marketplace seller
207.13(423)	Exempt and nontaxable sales
207.14(423)	Other taxes for marketplace sales and items not subject to sales/use tax

CHAPTER 208 MULTILEVEL MARKETER AGREEMENTS

- 208.1(421) Multilevel marketers—in general
208.2(421) Other sources of tax collection requirements

CHAPTER 209 EXEMPTION CERTIFICATES

- 209.1(423) Exemption certificates
209.2(423) Fuel exemption certificates
209.3(423) Special certificates of beer and wine wholesalers

CHAPTER 210 PURCHASES BY BUSINESSES

- 210.1(423) Wholesalers and jobbers selling at retail
210.2(423) Materials and supplies sold to retail stores
210.3(423) Tangible personal property and specified digital products purchased for resale but incidentally consumed by the purchaser
210.4(423) Property furnished without charge by employers to employees
210.5(423) Owners or operators of buildings
210.6(423) Blacksmith and machine shops
210.7(423) Truckers engaged in retail business
210.8(423) Out-of-state truckers selling at retail in Iowa
210.9(423) Iowa dental laboratories
210.10(423) Dental supply houses
210.11(423) News distributors and magazine distributors
210.12(423) Magazine subscriptions by independent dealers
210.13(423) Sales by finance companies
210.14(423) Bowling
210.15(423) Various special problems relating to public utilities
210.16 Reserved
210.17(423) Communication services furnished by a hotel to its guests
210.18(423) Explosives used in mines, quarries and elsewhere
210.19(423) Sales of signs at retail
210.20(423) Sale, transfer or exchange of tangible personal property or taxable enumerated services between affiliated entities
210.21(423) Mergers that do not involve taxable sales of tangible personal property or services
210.22(422,423) Railroad rolling stock

CHAPTER 211 TAXABLE SERVICES

- 211.1(423) Definitions and scope
211.2(423) Services purchased for resale
211.3(423) Fur storage and repair
211.4(423) Investment counseling
211.5(423) Bank and financial institution service charges
211.6(423) Barber and beauty
211.7(423) Photography and retouching
211.8(423) Household appliance, television, and radio repair
211.9(423) Machine operators
211.10(423) Machine repair of all kinds
211.11(423) Oilers and lubricators
211.12(423) Parking facilities
211.13(423) Private employment agency, executive search agency
211.14(423) Storage of household goods and mini-storage
211.15(423) Test laboratories
211.16(423) Termite, bug, roach, and pest eradicators
211.17(423) Turkish baths, massage, and reducing salons
211.18(423) Wrapping, packing, and packaging of merchandise other than processed meat, fish, fowl, and vegetables
211.19(423) Wrecking service

211.20(423)	Cable and pay television
211.21(423)	Camera repair
211.22(423)	Gun repair
211.23(423)	Janitorial and building maintenance or cleaning
211.24(423)	Lawn care, landscaping, and tree trimming and removal
211.25(423)	Pet grooming
211.26(423)	Reflexology
211.27(423)	Water conditioning and softening
211.28(423)	Security and detective services
211.29(423)	Solid waste collection and disposal services
211.30(423)	Sewage services
211.31(423)	Sign construction and installation
211.32(423)	Dating services
211.33(423)	Personal transportation service
211.34(423)	Information services
211.35(423)	Software as a service
211.36(423)	Video game services and tournaments
211.37(423)	Services related to specified digital products or software sold as tangible personal property
211.38(423)	Storage of tangible or electronic files, documents, or other records

CHAPTER 212

GOVERNMENTS AND NONPROFITS

212.1(423)	Taxability of profits used by or donated to an educational, charitable, or religious entity
212.2(423)	Sales to the American Red Cross, the Coast Guard Auxiliary, Navy-Marine Corps Relief Society, and U.S.O
212.3(423)	Sales in interstate commerce—goods transported or shipped from this state
212.4(423)	Educational institution
212.5(423)	Gross receipts from the sale or rental of tangible personal property or from services performed, rendered, or furnished to certain nonprofit corporations exempt from tax
212.6(423)	Nonprofit private museums
212.7(423)	State fair and fair societies
212.8(423)	Sales to hospices
212.9(423)	Art centers
212.10(423)	Tangible personal property purchased from the United States government
212.11(423)	Sales by the state of Iowa, its agencies and instrumentalities
212.12(423)	Sales to federal, state, municipal, and tribal governments and instrumentalities
212.13(423)	Fees paid to cities and counties for the privilege of participating in any athletic sport
212.14(423)	Property used by a lending organization
212.15(423)	Urban transit systems

CHAPTER 213

MISCELLANEOUS TAXABLE SALES

213.1(423)	Conditional sales contracts
213.2(423)	The sales price of sales of butane, propane and other like gases in cylinder drums, etc
213.3(423)	Antiques, curios, old coins, collector's postage stamps, and currency exchanged for greater than face value
213.4(423)	Consignment sales
213.5(423)	Electrotypes, types, zinc etchings, halftones, stereotypes, color process plates, wood mounts and art productions
213.6(423)	Sales on layaway
213.7(423)	Memorial stones
213.8(423)	Creditors and trustees
213.9(423)	Sale of pets
213.10(423)	Redemption of meal tickets, coupon books and merchandise cards as a taxable sale
213.11(423)	Reposessed goods
213.12(423)	Tangible personal property made to order
213.13(423)	Used or secondhand tangible personal property
213.14(423)	Carpeting and other floor coverings
213.15(423)	Goods damaged in transit
213.16(423)	Sales of engraved, bound, printed, and vulcanized materials

- 213.17(423) Premiums and gifts
- 213.18(423) Webinars

CHAPTER 214 AGRICULTURAL RULES

- 214.1(423) Farm machinery and equipment and items used in agricultural production that are attached to a self-propelled implement of husbandry
- 214.2(423) Farm implement repair of all kinds
- 214.3(423) Irrigation equipment used in agricultural production
- 214.4(423) Sale of a draft horse
- 214.5(423) Veterinary services
- 214.6(423) Commercial fertilizer and agricultural limestone
- 214.7(423) Breeding livestock
- 214.8(423) Domesticated fowl
- 214.9(423) Agricultural health promotion items
- 214.10(423) Drainage tile
- 214.11(423) Materials used for seed inoculations
- 214.12(423) Fuel used in agricultural production
- 214.13(423) Water used in agricultural production
- 214.14(423) Hatcheries
- 214.15(423) Sales by farmers
- 214.16(423) Sales of livestock (including domesticated fowl) feeds
- 214.17(423) Farm machinery, equipment, and replacement parts used in livestock or dairy production
- 214.18(423) Machinery, equipment, and replacement parts used in the production of flowering, ornamental, and vegetable plants
- 214.19(423) Nonexclusive lists
- 214.20(423) Grain bins
- 214.21(423) Warehousing of raw agricultural products

CHAPTER 215 EXEMPTIONS PRIMARILY BENEFITING MANUFACTURERS AND OTHER PERSONS ENGAGED IN PROCESSING

- 215.1 Reserved
- 215.2(423) Carbon dioxide in a liquid, solid, or gaseous form, electricity, steam, and taxable services used in processing
- 215.3(423) Services used in processing
- 215.4(423) Chemicals, solvents, sorbents, or reagents used in processing
- 215.5(423) Exempt sales of gases used in the manufacturing process
- 215.6(423) Sale of electricity to water companies
- 215.7 Reserved
- 215.8(423) Exempt sales or rentals of core-making and mold-making equipment, and sand-handling equipment
- 215.9(423) Chemical compounds used to treat water
- 215.10(423) Exclusive web search portal business and its exemption
- 215.11(423) Web search portal business and its exemption
- 215.12(423) Large data center business exemption
- 215.13(423) Data center business sales and use tax refunds
- 215.14(423) Exemption for the sale of computers, computer peripherals, machinery, equipment, replacement parts, supplies, and materials used to construct or self-construct computers, computer peripherals, machinery, equipment, replacement parts, and supplies used for certain manufacturing purposes
- 215.15(423) Exemption for the sale of property directly and primarily used in processing by a manufacturer
- 215.16(423) Exemption for the sale of property directly and primarily used by a manufacturer to maintain integrity or unique environmental conditions
- 215.17(423) Exemption for the sale of property directly and primarily used in research and development of new products or processes of processing
- 215.18 Reserved
- 215.19(423) Exemption for the sale of property directly and primarily used in recycling or reprocessing of waste products
- 215.20(423) Exemption for the sale of pollution-control equipment used by a manufacturer

- 215.21(423) Exemption for the sale of fuel or electricity used in exempt property
- 215.22(423) Exemption for the sale of services for designing or installing new industrial machinery or equipment

CHAPTER 216

EVENTS, AMUSEMENTS, AND OTHER RELATED ACTIVITIES

- 216.1(423) Athletic events
- 216.2(423) Dance schools and dance studios
- 216.3(423) Golf and country clubs and all commercial recreation
- 216.4(423) Campgrounds
- 216.5(423) Rental of personal property in connection with the operation of amusements
- 216.6(423) Exempt sales by excursion boat licensees
- 216.7(423) Tangible personal property, specified digital products, or services given away as prizes

CHAPTER 217

TELECOMMUNICATION SERVICES

- 217.1(423) Taxable telecommunication service and ancillary service
- 217.2(423) Definitions
- 217.3(423) Imposition of tax
- 217.4(423) Exempt from the tax
- 217.5(423) Bundled transactions in telecommunication service
- 217.6(423) Sourcing telecommunication service
- 217.7(423) General billing issues
- 217.8(34A) Prepaid wireless 911 surcharge
- 217.9(423) State sales tax exemption for central office equipment and transmission equipment

CHAPTER 218

SALES AND SERVICES RELATED TO VEHICLES

- 218.1(423) Armored car
- 218.2(423) Vehicle repair
- 218.3(423) Motorcycle, scooter, and bicycle repair
- 218.4(423) Battery, tire, and allied
- 218.5(423) Boat repair
- 218.6(423) Vehicle wash and wax
- 218.7(423) Wrecker and towing
- 218.8(423) Flying service
- 218.9(423) Aircraft rental
- 218.10(423) Snowmobiles, motorboats, and certain other vehicles
- 218.11(423) Motor fuel, special fuel, electric fuel, aviation fuels and gasoline
- 218.12(423) Ships, barges, and other waterborne vessels

CHAPTER 219

SALES AND USE TAX ON CONSTRUCTION ACTIVITIES

- 219.1(423) General information and definitions
- 219.2(423) Contractors—consumers of building materials, supplies, and equipment by statute
- 219.3(423) Sales of building materials, supplies, and equipment to contractors, subcontractors, builders, or owners
- 219.4(423) Contractors, subcontractors, or builders who are retailers
- 219.5(423) Building materials, supplies, and equipment used in the performance of construction contracts within and outside Iowa
- 219.6(423) Tangible personal property used or consumed by the manufacturer thereof
- 219.7(423) Prefabricated structures
- 219.8(423) Types of construction contracts
- 219.9(423) Machinery and equipment sales contracts with installation
- 219.10(423) Contracts with equipment sales (mixed contracts)
- 219.11(423) Distinguishing machinery and equipment from real property
- 219.12(423) Tangible personal property that becomes structures
- 219.13(423) Tax on enumerated services
- 219.14(423) Transportation cost
- 219.15(423) Liability of subcontractors

219.16(423)	Liability of sponsors
219.17(423)	Withholding
219.18(423)	Resale certificates
219.19(423)	Reporting for use tax
219.20(423)	Exempt sale, lease, or rental of equipment used by contractors, subcontractors, or builders
219.21(423)	Gravel and stone
219.22(423)	Construction contracts with designated exempt entities

CHAPTER 220

EXEMPTIONS PRIMARILY OF BENEFIT TO CONSUMERS

220.1(423)	Newspapers, free newspapers and shoppers' guides
220.2(423)	Food and food ingredients
220.3(423)	Candy
220.4(423)	Prepared food
220.5(423)	Prescription drugs
220.6(423)	Other medical devices
220.7(423)	Prosthetic devices, durable medical equipment, and mobility enhancing equipment
220.8(423)	Exempt sales of clothing and footwear during two-day period in August
220.9(423)	Sales of diapers
220.10(423)	Sale of energy to residential customers

CHAPTER 221

MISCELLANEOUS NONTAXABLE TRANSACTIONS

221.1(423)	Sales of prepaid merchandise cards
221.2(423)	Demurrage charges
221.3(423)	Beverage container deposits
221.4(423)	Advertising agencies, commercial artists and designers as an agent or as a nonagent of a client
221.5(422,423)	Films and other media, exempt rental and sale

CHAPTERS 222 to 224

Reserved

CHAPTER 225

RESALE AND PROCESSING EXEMPTIONS PRIMARILY OF BENEFIT TO RETAILERS

225.1(423)	Paper or plastic plates, cups, and dishes; paper napkins; wooden or plastic spoons and forks; and straws
225.2(423)	Services used in the repair or reconditioning of certain tangible personal property
225.3(423)	Tangible personal property purchased by a person engaged in the performance of a service
225.4(423)	Maintenance or repair of fabric or clothing
225.5(423)	The sales price from the leasing of all tangible personal property subject to tax
225.6(423)	Certain inputs used in taxable vehicle wash and wax services
225.7(423)	Exemption for certain purchases by commercial enterprises

CHAPTERS 226 to 229

Reserved

CHAPTER 230

ADMINISTRATION OF CIGARETTE, TOBACCO, VAPOR PRODUCTS, AND ALTERNATIVE NICOTINE PRODUCTS

230.1(453A)	Definitions
230.2(453A)	Records
230.3(453A)	Form of invoice
230.4(453A)	Bonds
230.5(453A)	Permit applications and denials
230.6(453A)	Permit revocation
230.7(453A)	Inventory tax

CHAPTER 231
CIGARETTE TAX AND REGULATION OF DELIVERY SALES OF ALTERNATIVE
NICOTINE PRODUCTS OR VAPOR PRODUCTS

231.1(453A)	Definitions
231.2(453A)	Permits required
231.3(453A)	Bond requirements
231.4(453A)	Cigarette tax—attachment—exclusivity of tax—exemption
231.5(453A)	Cigarette tax stamps
231.6(453A)	Banks authorized to sell stamps—requirements—restrictions
231.7(453A)	Reports
231.8(453A)	Manufacturer's samples and replacement packages
231.9(453A)	Refund of tax—unused and destroyed stamps
231.10(453A)	Delivery sales of alternative nicotine products or vapor products

CHAPTER 232
TOBACCO TAX

232.1(453A)	Definitions
232.2(453A)	Permits
232.3(453A)	Distributor bond
232.4(453A)	Tax on tobacco products
232.5(453A)	Tax on little cigars
232.6(453A)	Distributor returns
232.7(453A)	Credits and refunds of taxes
232.8(453A)	Consumer's return
232.9(453A)	Transporter's report
232.10(453A)	Free samples
232.11(453A)	Sales exempt from tax

CHAPTER 233
UNFAIR CIGARETTE SALES

233.1(421B)	Definitions
233.2(421B)	Minimum price
233.3(421B)	Combination sales
233.4(421B)	Retail redemption of coupons
233.5(421B)	Promotions using cigarettes, noncigarettes, or coupons
233.6(421B)	Notification of manufacturer's price increase
233.7(421B)	Sanctions for violations

CHAPTER 234
TOBACCO MASTER SETTLEMENT AGREEMENT

DIVISION I
TOBACCO MASTER SETTLEMENT AGREEMENT

234.1(453C)	National uniform tobacco settlement and definitions
234.2(453C)	Annual report
234.3(453C)	Recordkeeping
234.4(453C)	Disclosure to attorney general permitted

DIVISION II
TOBACCO PRODUCT MANUFACTURERS' OBLIGATIONS AND PROCEDURES

234.5(453D)	Purpose and definitions
234.6(453D)	Directory of tobacco product manufacturers

CHAPTER 235
DEVICE EXCISE TAX

235.1(453E)	Purpose; definitions
235.2(453E)	Devices
235.3(453E)	Permit applications, approvals, and denials
235.4(453E)	Permit cancellation, suspension, and revocation
235.5(453E)	Device retailers; age verification; display and entry
235.6(453E)	Delivery sale requirements

235.7(453E)	Attachment of tax
235.8(453E)	Filing returns and reports; payment of tax
235.9(453E)	Records; invoices
235.10(453E)	Federal or state law

CHAPTERS 236 to 239

Reserved

CHAPTER 240

ADMINISTRATION OF MARIJUANA AND
CONTROLLED SUBSTANCES STAMP TAX

240.1(453B)	Marijuana and controlled substances stamp tax
240.2(453B)	Refunds pertaining to unused stamps

CHAPTERS 241 to 249

Reserved

CHAPTER 250

VEHICLES SUBJECT TO REGISTRATION

250.1(321)	Definitions
250.2(321)	Purchase price
250.3(321)	Trades
250.4(321)	Manufacturer's rebate
250.5(321)	Selling and purchasing the same vehicle
250.6(321)	Federal excise tax
250.7(321)	Sales to a Native American
250.8(321)	Sale of chassis with added equipment or accessories
250.9(321)	Sale of a boat or ATV with a trailer
250.10(321)	Administration
250.11(321)	Shell businesses
250.12(321)	Purchased for resale
250.13(321)	Loans
250.14(321)	Leased vehicles
250.15(321)	Exemption for vehicles purchased for the purpose of being leased and used exclusively for interstate commerce
250.16(321)	Exemption for certain Iowa Code chapter 326 vehicles
250.17(321)	Vehicles purchased outside of Iowa
250.18(321)	Business entity to business entity transfers with the same ownership and purpose
250.19(321)	Homemade vehicles
250.20(321,423)	Glider kit vehicles

CHAPTER 251

AUTOMOBILE RENTAL EXCISE TAX

251.1(423C)	Definitions and characterizations
251.2(423C)	Tax imposed upon rental of automobiles
251.3(423C)	Lessor's obligation to collect tax

CHAPTER 252

STATE-IMPOSED WATER SERVICE EXCISE TAX

252.1(423G)	Definitions
252.2(423G)	Imposition
252.3(423G)	Administration
252.4(423G)	Charges and fees included in the provision of water service
252.5(423G)	When water service is furnished for compensation
252.6(423G)	Itemization of tax required
252.7(423G)	Date of billing—effective date and repeal date
252.8(423G)	Filing returns; payment of tax
252.9(423G)	Permits

CHAPTER 253

STATE-IMPOSED AND LOCALLY IMPOSED HOTEL AND MOTEL TAXES

253.1(423A)	Definitions
253.2(423A)	Administration
253.3(423A)	Filing returns; payment of tax; penalty and interest
253.4(423A)	Permits
253.5(423A)	Special collection and remittance obligations
253.6(423A)	Certification of funds

CHAPTERS 254 to 258

Reserved

CHAPTER 259

FUEL TAX ADMINISTRATION

259.1(452A)	Definitions
259.2(452A)	Taxpayers required to keep records
259.3(452A)	Audit—costs
259.4(452A)	Estimate gallonage
259.5(452A)	Timely filing of returns, reports, remittances, applications, or requests
259.6(452A)	Statute of limitations, supplemental assessments and refund adjustments
259.7(452A)	Extension of time to file
259.8(452A)	Penalty and interest
259.9(452A)	Application of remittance
259.10(452A)	Reports, returns, records—variations
259.11(452A)	Invoices
259.12(452A)	Taxes erroneously or illegally collected
259.13(452A)	Information confidential
259.14(452A)	Audit and examination
259.15(452A)	Practice and procedure before the department of revenue
259.16(452A)	Time for filing an appeal
259.17(452A)	Bonding procedure
259.18(452A)	Supplier, restrictive supplier, importer, exporter, blender, dealer, or user licenses
259.19(452A)	Reinstatement of license canceled for cause
259.20(452A)	Fuel used in implements of husbandry
259.21(452A)	Excess tax collected
259.22(452A)	Retailer gallons report

CHAPTER 260

MOTOR FUEL AND UNDYED SPECIAL FUEL

260.1(452A)	Tax rates—time tax attaches—responsible party
260.2(452A)	Exemption
260.3(452A)	Responsibilities of blenders at nonterminal locations
260.4(452A)	Tax returns—computations
260.5(452A)	Distribution allowance
260.6(452A)	Supplier credit—uncollectible account
260.7(452A)	Refunds
260.8(452A)	Claim for refund—payment of claim
260.9(452A)	Refund permit
260.10(452A)	Revocation of refund permit
260.11(452A)	Income tax credit in lieu of refund
260.12(452A)	Reduction of refund—sales and use tax
260.13(452A)	Terminal withdrawals—meters
260.14(452A)	Terminal and nonterminal storage facility reports and records
260.15(452A)	Transportation reports
260.16(452A)	Bill of lading or manifest requirements

CHAPTER 261

LIQUEFIED PETROLEUM GAS—COMPRESSED
NATURAL GAS—LIQUEFIED NATURAL GAS—HYDROGEN

261.1(452A)	Definitions and applicability

261.2(452A)	Tax rates—time tax attaches—responsible party—payment of the tax
261.3(452A)	Persons authorized to place L.P.G., L.N.G., C.N.G., or hydrogen in the fuel supply tank of a motor vehicle
261.4(452A)	Requirements to be licensed
261.5(452A)	Licensed metered pumps
261.6(452A)	Single license for each location
261.7(452A)	Dealer's and user's license nonassignable
261.8(452A)	Separate storage—bulk sales—highway use
261.9(452A)	Combined storage—bulk sales—highway sales or use
261.10(452A)	Exemption certificates
261.11(452A)	L.P.G. sold to the state of Iowa, its political subdivisions, contract carriers under contract with public schools to transport pupils or regional transit systems
261.12(452A)	Refunds
261.13(452A)	Notice of meter seal breakage
261.14(452A)	Location of records—special fuel users and dealers

CHAPTER 262

ELECTRIC FUEL EXCISE TAX

262.1(452A)	Definitions and applicability
262.2(452A)	Tax imposed
262.3(452A)	Licensing
262.4(452A)	Filing of returns and payment of tax
262.5(452A)	Charging station verification and testing
262.6(452A)	Refunds
262.7(452A)	Exemption certificates

CHAPTERS 263 to 269

Reserved

CHAPTER 270

LOCAL OPTION SALES AND SERVICES TAX

270.1(423B)	Definitions
270.2(423B)	Imposition of local option taxes and notification to the department
270.3(423B)	Administration
270.4(423B)	Filing returns; payment of tax; penalty and interest
270.5(423B)	Permits
270.6(423B)	Sales subject to local option sales and services tax
270.7(423B,423E)	Sales not subject to local option tax, including transactions subject to Iowa use tax
270.8(423B)	Local option sales and services tax payments to local governments
270.9(423B)	Allocation procedure when sourcing of local option sales tax remitted to the department is unknown
270.10(423B)	Application of payments
270.11(423B)	Computation of local option tax due from mixed sales on excursion boats

CHAPTER 271

Reserved

CHAPTER 272

FLOOD MITIGATION PROGRAM

272.1(418)	Flood mitigation program
272.2(418)	Definitions
272.3(418)	Sales tax increment calculation
272.4(418)	Sales tax increment fund
272.5(418)	Administrative fee

CHAPTER 273

REINVESTMENT DISTRICTS PROGRAM

273.1(15J)	Purpose and definitions
273.2(15J)	New state tax revenue calculations
273.3(15J)	State reinvestment district fund
273.4(15J)	Reinvestment project fund

- 273.5(15J) End of deposits—district dissolution
- 273.6(15J) Administrative fee

CHAPTER 274

LOCAL OPTION SALES TAX URBAN RENEWAL PROJECTS

- 274.1(423B) Purpose and definitions
- 274.2(423B) Establishing sales and revenue growth
- 274.3(423B) Requirements for cities adopting an ordinance
- 274.4(423B) Identification of retail establishments
- 274.5(423B) Calculation of base year taxable sales amount
- 274.6(423B) Determination of tax growth increment amount
- 274.7(423B) Distribution of tax base and growth increment amounts

CHAPTER 275

REBATE OF IOWA SALES TAX PAID

- 275.1(423) Sanctioned automobile racetrack facilities
- 275.2(423) Baseball and softball complex sales tax rebate
- 275.3(423) Raceway facility sales tax rebate

CHAPTER 276

FACILITATING BUSINESS RAPID RESPONSE TO STATE-DECLARED DISASTERS

- 276.1(29C) Purpose
- 276.2(29C) Definitions
- 276.3(29C) Disaster or emergency-related work

CHAPTER 277

SALES AND USE TAX REFUND FOR BIODIESEL PRODUCTION

- 277.1(423) Biodiesel production refund

CHAPTER 278

REFUNDS FOR ELIGIBLE BUSINESSES UNDER ECONOMIC DEVELOPMENT AUTHORITY PROGRAMS

- 278.1(15) Sales and use tax refund for eligible businesses

CHAPTERS 279 to 281

Reserved

CHAPTER 282

RECEIPTS SUBJECT TO USE TAX DEPENDING ON METHOD OF TRANSACTION

- 282.1(423) Transaction consummated outside this state
- 282.2(423) Sales by federal government or agencies to consumers
- 282.3(423) Fuel consumed in creating power, heat or steam for processing or generating electric current
- 282.4(423) Taxation of Native Americans
- 282.5(423) Property used to manufacture certain vehicles to be leased
- 282.6(423) Out-of-state rental of vehicles subject to registration subsequently used in Iowa
- 282.7(423) Sales of mobile homes, manufactured housing, and related property and services
- 282.8(423) Tax imposed on the use of manufactured housing as tangible personal property and as real estate

CHAPTERS 283 and 284

Reserved

CHAPTER 285

TAXABLE AND EXEMPT SALES DETERMINED BY METHOD OF TRANSACTION OR USAGE

- 285.1(423) Auctioneers as agents
- 285.2(423) Florists
- 285.3(423) Student fraternities and sororities
- 285.4(423) Morticians or funeral directors
- 285.5(423) Physicians, dentists, surgeons, ophthalmologists, optometrists, and opticians
- 285.6(423) Warranties and maintenance contracts
- 285.7(423) Casual sales

285.8(423)	Taxation of Native Americans
285.9(423)	Computer software and hardware
285.10(423)	Envelopes for advertising
285.11(423)	Newspapers, free newspapers and shoppers' guides
285.12(423)	Maintenance or repair of fabric or clothing
285.13(423)	Drop shipment sales

CHAPTERS 286 to 299

Reserved

TITLE IV

INDIVIDUAL INCOME TAX

CHAPTER 300

ADMINISTRATION

300.1(422)	Definitions
300.2(422)	Statute of limitations
300.3(422)	Retention of records
300.4(422)	Authority for deductions
300.5(422)	Jeopardy assessments
300.6(422)	Information deemed confidential
300.7	Reserved
300.8(422)	Delegations to audit and examine
300.9(422)	Bonding procedure
300.10(422)	Indexation
300.11	Reserved
300.12(422)	Indexation of the optional standard deduction for inflation
300.13(422)	Reciprocal tax agreements
300.14(422)	Information returns for reporting income payments to the department of revenue
300.15(422)	Relief from joint and several liability under Iowa Code section 422.21(7) for substantial understatement of tax attributable to nonrequesting spouse or former spouse
300.16(422)	Preparation of taxpayers' returns by department employees
300.17(422)	Resident determination
300.18(422)	Tax treatment of income repaid in current tax year which had been reported on prior Iowa individual income tax return

CHAPTER 301

FILING RETURN AND PAYMENT OF TAX

301.1(422)	Who must file
301.2(422)	Time and place for filing
301.3(422)	Form for filing
301.4(422)	Filing status
301.5(422)	Payment of tax
301.6(422)	Minimum tax
301.7(422)	Tax on lump-sum distributions
301.8(422)	State income tax limited to taxpayer's net worth immediately before the distressed sale
301.9(422)	Special tax computation for all low-income taxpayers except single taxpayers
301.10(422)	Election to report excess income from sale or exchange of livestock due to drought in the next tax year
301.11(422)	Forgiveness of tax for an individual whose federal income tax was forgiven because the individual was killed outside the United States due to military or terroristic action
301.12(422)	Tax benefits for persons in the armed forces deployed outside the United States and for certain other persons serving in support of those forces
301.13	Reserved
301.14(422)	Tax benefits for persons serving in support of the Bosnia-Herzegovina hazardous duty area
301.15(422)	Special tax computation for taxpayers who are 65 years of age or older

CHAPTER 302

DETERMINATION OF NET INCOME

302.1(422)	Net income defined
302.2(422)	Interest and dividends from federal securities

302.3(422)	Interest and dividends from foreign securities and securities of state and other political subdivisions
302.4	Reserved
302.5(422)	Military pay
302.6(422)	Interest and dividend income
302.7(422)	Current year capital gains and losses
302.8(422)	Gains and losses on property acquired before January 1, 1934
302.9(422)	Work opportunity tax credit and alcohol and cellulosic biofuel fuels credit
302.10 and 302.11	Reserved
302.12(422)	Income from partnerships or limited liability companies
302.13(422)	Subchapter "S" income
302.14(422)	Contract sales
302.15(422)	Reporting of incomes by married taxpayers who file a joint federal return but elect to file separately for Iowa income tax purposes
302.16(422)	Income of nonresidents
302.17(422)	Income of part-year residents
302.18(422)	Net operating loss carrybacks and carryovers
302.19(422)	Casualty losses
302.20(422)	Adjustments to prior years
302.21(422)	Additional deduction for wages paid or accrued for work done in Iowa by certain individuals
302.22(422)	Disability income exclusion
302.23(422)	Social security benefits
302.24(99E)	Lottery prizes
302.25 and 302.26	Reserved
302.27(422)	Incomes from distressed sales of qualifying taxpayers
302.28	Reserved
302.29(422)	Intangible drilling costs
302.30(422)	Percentage depletion
302.31(422)	Away-from-home expenses of state legislators
302.32(422)	Interest and dividends from regulated investment companies which are exempt from federal income tax
302.33	Reserved
302.34(422)	Exemption of restitution payments for persons of Japanese ancestry
302.35(422)	Exemption of Agent Orange settlement proceeds received by disabled veterans or beneficiaries of disabled veterans
302.36(422)	Exemption of interest earned on bonds issued to finance beginning farmer loan program
302.37(422)	Exemption of interest from bonds issued by the Iowa comprehensive petroleum underground storage tank fund board
302.38	Reserved
302.39(422)	Exemption of interest from bonds or notes issued to fund the 911 emergency telephone system
302.40(422)	Exemption of active-duty military pay of national guard personnel and armed forces reserve personnel received for services related to operation desert shield
302.41(422)	Capital gain exclusion for elected employee-owned stock in a qualified corporation
302.42(422)	Depreciation of speculative shell buildings
302.43(422)	Retroactive exemption for payments received for providing unskilled in-home health care services to a relative
302.44(422,541A)	Individual development accounts
302.45(422)	Exemption for distributions from pensions, annuities, individual retirement accounts, or deferred compensation plans received by nonresidents of Iowa
302.46(422)	Taxation of compensation of nonresident members of professional athletic teams
302.47(422)	Exclusion of pensions and other retirement benefits for disabled individuals, individuals who are 55 years of age or older, surviving spouses, and survivors
302.48(422)	Health insurance premiums deduction
302.49(422)	Employer social security credit for tips
302.50(422)	Computing state taxable amounts of pension benefits from state pension plans
302.51(422)	Exemption of active-duty military pay of national guard personnel and armed forces military reserve personnel for overseas services pursuant to military orders for peacekeeping in the Bosnia-Herzegovina area
302.52(422)	Mutual funds

302.53(422)	Deduction for contributions by taxpayers to the Iowa educational savings plan trust and addition to income for refunds of contributions previously deducted
302.54(422)	Roth individual retirement accounts
302.55(422)	Exemption of income payments for victims of the Holocaust and heirs of victims
302.56(422)	Taxation of income from the sale of obligations of the state of Iowa and its political subdivisions
302.57(422)	Installment sales by taxpayers using the accrual method of accounting
302.58(422)	Exclusion of distributions from retirement plans by national guard members and members of military reserve forces of the United States
302.59	Reserved
302.60(422)	Additional first-year depreciation allowance
302.61(422)	Exclusion of active duty pay of national guard members and armed forces military reserve members for service under orders for Operation Iraqi Freedom, Operation Noble Eagle, Operation Enduring Freedom or Operation New Dawn
302.62(422)	Deduction for overnight expenses not reimbursed for travel away from home of more than 100 miles for performance of service as a member of the national guard or armed forces military reserve
302.63(422)	Exclusion of income from military student loan repayments
302.64(422)	Exclusion of death gratuity payable to an eligible survivor of a member of the armed forces, including a member of a reserve component of the armed forces who has died while on active duty
302.65(422)	Section 179 expensing
302.66(422)	Deduction for certain unreimbursed expenses relating to a human organ transplant
302.67(422)	Deduction for alternative motor vehicles
302.68(422)	Injured veterans grant program
302.69(422)	Exclusion of ordinary or capital gain income realized as a result of involuntary conversion of property due to eminent domain
302.70(422)	Exclusion of income from sale, rental or furnishing of tangible personal property or services directly related to production of film, television or video projects
302.71(422)	Exclusion for certain victim compensation payments
302.72(422)	Exclusion of Vietnam Conflict veterans bonus
302.73(422)	Exclusion for health care benefits of nonqualified tax dependents
302.74(422)	Exclusion for AmeriCorps Segal Education Award
302.75(422)	Exclusion of certain amounts received from Iowa veterans trust fund
302.76(422)	Exemption of active duty pay for armed forces, armed forces military reserve, or the national guard
302.77(422)	Exclusion of biodiesel production refund
302.78(422)	Allowance of certain deductions for 2008 tax year
302.79(422)	Special filing provisions related to 2010 tax changes
302.80(422)	Exemption for military retirement pay
302.81(422)	Iowa ABLE savings plan trust
302.82(422,541B)	First-time homebuyer savings accounts
302.83(422)	Like-kind exchanges of personal property completed after December 31, 2017, but before tax periods beginning on or after January 1, 2020
302.84(422)	Broadband infrastructure grant exemption
302.85(422)	Interest expense deduction adjustments
302.86(422)	COVID-19 grant exclusion
302.87(422)	Capital gain deduction for certain types of net capital gains
302.88(422)	Net income from a farm tenancy agreement covering real property

CHAPTER 303

DETERMINATION OF TAXABLE INCOME

303.1(422)	Verification of deductions required
303.2(422)	Federal rulings and regulations
303.3(422)	Federal income tax deduction and federal refund
303.4(422)	Optional standard deduction
303.5(422)	Itemized deductions
303.6(422)	Itemized deductions—separate returns by spouses
303.7(422)	Itemized deductions—part-year residents
303.8(422)	Itemized deductions—nonresidents
303.9(422)	Annualizing income

303.10(422)	Income tax averaging
303.11(422)	Reduction in state itemized deductions for certain high-income taxpayers
303.12(422)	Deduction for home mortgage interest for taxpayers with mortgage interest credit
303.13(422)	Iowa income taxes and Iowa tax refund

CHAPTER 304

ADJUSTMENTS TO COMPUTED TAX AND TAX CREDITS

304.1(257,422)	School district surtax
304.2(422D)	Emergency medical services income surtax
304.3(422)	Exemption credits
304.4(422)	Tuition and textbook credit for expenses incurred for dependents attending grades kindergarten through 12 in Iowa
304.5(422)	Nonresident and part-year resident credit
304.6(422)	Out-of-state tax credits
304.7(422)	Out-of-state tax credit for minimum tax
304.8(422)	Withholding and estimated tax credits
304.9(422)	Motor fuel credit
304.10(422)	Alternative minimum tax credit for minimum tax paid in a prior tax year
304.11(15,422)	Research activities credit
304.12(422)	New jobs credit
304.13(422)	Earned income credit
304.14(15)	Investment tax credit—new jobs and income program and enterprise zone program
304.15(422)	Child and dependent care credit
304.16(422)	Franchise tax credit
304.17(15E)	Eligible housing business tax credit
304.18(422)	Assistive device tax credit
304.19(404A,422)	Historic preservation and cultural and entertainment district tax credit for projects with Part 2 applications approved and tax credits reserved prior to July 1, 2014
304.20(422)	Ethanol blended gasoline tax credit
304.21(15E)	Eligible development business investment tax credit
304.22(15E,422)	Venture capital credits
304.23(15)	New capital investment program tax credits
304.24(15E,422)	Endow Iowa tax credit
304.25(422)	Soy-based cutting tool oil tax credit
304.26(15I,422)	Wage-benefits tax credit
304.27(422,476B)	Wind energy production tax credit
304.28(422,476C)	Renewable energy tax credit
304.29(15)	High quality job creation program
304.30(15E,422)	Economic development region revolving fund tax credit
304.31(422)	Early childhood development tax credit
304.32(422)	School tuition organization tax credit
304.33(422)	E-85 gasoline promotion tax credit
304.34(422)	Biodiesel blended fuel tax credit
304.35(422)	Soy-based transformer fluid tax credit
304.36(16,422)	Agricultural assets transfer tax credit and custom farming contract tax credit
304.37(15,422)	Film qualified expenditure tax credit
304.38(15,422)	Film investment tax credit
304.39(422)	Ethanol promotion tax credit
304.40(422)	Charitable conservation contribution tax credit
304.41(15,422)	Redevelopment tax credit
304.42(15)	High quality jobs program
304.43(16,422)	Disaster recovery housing project tax credit
304.44(422)	Deduction of credits
304.45(15)	Aggregate tax credit limit for certain economic development programs
304.46(422)	E-15 plus gasoline promotion tax credit
304.47(422)	Geothermal heat pump tax credit
304.48(422)	Solar energy system tax credit
304.49(422)	Volunteer fire fighter, volunteer emergency medical services personnel member, and reserve peace officer tax credit
304.50(422)	Taxpayers trust fund tax credit

304.51(422)	From farm to food donation tax credit
304.52(422)	Adoption tax credit
304.53(15)	Workforce housing tax incentives program
304.54(404A,422)	Historic preservation and cultural and entertainment district tax credit for projects registered on or after July 1, 2014, and before August 15, 2016
304.55(404A,422)	Historic preservation and cultural and entertainment district tax credit for projects registered on or after August 15, 2016
304.56(15,422)	Renewable chemical production tax credit program
304.57(15E,422)	Hoover presidential library tax credit
304.58(237A)	Employer child care tax credit

CHAPTER 305

ASSESSMENTS AND REFUNDS

305.1(422)	Notice of discrepancies
305.2(422)	Notice of assessment, supplemental assessments and refund adjustments
305.3(422)	Overpayments of tax
305.4(422)	Optional designations of funds by taxpayer
305.5 to 305.7	Reserved
305.8(422)	Livestock production credit refunds for corporate taxpayers and individual taxpayers

CHAPTER 306

PENALTY AND INTEREST

306.1(422)	Penalty
306.2(422)	Computation of interest on unpaid tax
306.3(422)	Computation of interest on refunds resulting from net operating losses
306.4(422)	Computation of interest on overpayments

CHAPTER 307

WITHHOLDING

307.1(422)	Who must withhold
307.2(422)	Computation of amount withheld
307.3(422)	Forms, returns, and reports
307.4(422)	Withholding on nonresidents
307.5(422)	Penalty and interest
307.6(422)	Withholding tax credit to workforce development fund
307.7(422)	ACE training program credits from withholding
307.8(260E)	New job tax credit from withholding
307.9(15)	Supplemental new jobs credit from withholding and alternative credit for housing assistance programs
307.10(403)	Targeted jobs withholding tax credit

CHAPTER 308

ESTIMATED INCOME TAX FOR INDIVIDUALS

308.1(422)	Who must pay estimated income tax
308.2(422)	Time for filing and payment of tax
308.3(422)	Estimated tax for nonresidents
308.4(422)	Special estimated tax periods
308.5(422)	Reporting forms
308.6(422)	Penalty—underpayment of estimated tax
308.7(422)	Estimated tax carryforwards and how the carryforward amounts are affected under different circumstances

CHAPTERS 309 to 399

Reserved

TITLE V

PASS-THROUGH ENTITY INCOME TAX

CHAPTER 400

ADMINISTRATION

CHAPTER 401 PARTNERSHIPS

401.1(422)	General rule
401.2(422)	Partnership returns
401.3(422)	Contents of partnership return
401.4(422)	Distribution and taxation of partnership income

CHAPTER 402 S CORPORATIONS

CHAPTER 403 APPORTIONMENT OF INCOME FOR RESIDENT SHAREHOLDERS OF S CORPORATIONS

403.1(422)	Apportionment of income for resident shareholders of S corporations
403.2	Reserved
403.3(422)	Distributions
403.4(422)	Computation of net S corporation income
403.5(422)	Computation of federal tax on S corporation income
403.6(422)	Income allocable to Iowa
403.7(422)	Credit for taxes paid to another state
403.8 and 403.9	Reserved
403.10(422)	Example for tax periods beginning on or after January 1, 2002

CHAPTER 404 COMPOSITE RETURNS FOR TAX YEARS BEGINNING PRIOR TO JANUARY 1, 2022

404.1(422)	Composite returns
404.2(422)	Definitions
404.3(422)	Filing requirements
404.4	Reserved
404.5(422)	Composite return required by director
404.6(422)	Determination of composite Iowa income
404.7(422)	Determination of composite Iowa tax
404.8(422)	Estimated tax
404.9(422)	Time and place for filing
404.10(422)	Repeal—transition rule

CHAPTER 405 COMPOSITE RETURNS FOR TAX YEARS BEGINNING ON OR AFTER JANUARY 1, 2022

405.1(422)	Composite returns
405.2(422)	Definitions
405.3(422)	Filing and payment for pass-through entities
405.4(422)	Nonresident member determination
405.5(422)	Exceptions to the composite return requirement
405.6(422)	Election out of the composite return tax requirement
405.7(422)	Determination of composite return tax
405.8(422)	Filing for nonresident members—composite tax credits
405.9(422)	Composite returns for nonresidents who are not members of a pass-through entity

CHAPTERS 406 to 499 Reserved

TITLE VI *CORPORATION INCOME TAX*

CHAPTER 500 ADMINISTRATION

500.1(422)	Definitions
500.2(422)	Statutes of limitation
500.3(422)	Retention of records
500.4(422)	Cancellation of authority to do business

500.5(422)	Authority for deductions
500.6(422)	Jeopardy assessments
500.7(422)	Information confidential
500.8	Reserved
500.9(422)	Delegation of authority to audit and examine
500.10(422)	Corporate income tax rate adjustments

CHAPTER 501

FILING RETURNS, PAYMENT OF TAX, PENALTY AND INTEREST, AND TAX CREDITS

501.1(422)	Who must file
501.2(422)	Time and place for filing return
501.3(422)	Form for filing
501.4(422)	Payment of tax
501.5(422)	Minimum tax
501.6(422)	Motor fuel credit
501.7(422)	Research activities credit
501.8(422)	New jobs credit
501.9	Reserved
501.10(15)	New jobs and income program tax credits
501.11(422)	Refunds and overpayments
501.12(422)	Deduction of credits
501.13(422)	Livestock production credits
501.14(15E)	Enterprise zone tax credits
501.15(15E)	Eligible housing business tax credit
501.16(422)	Franchise tax credit
501.17(422)	Assistive device tax credit
501.18(404A,422)	Historic preservation and cultural and entertainment district tax credit for projects with Part 2 applications approved and tax credits reserved prior to July 1, 2014
501.19(422)	Ethanol blended gasoline tax credit
501.20(15E)	Eligible development business investment tax credit
501.21(15E,422)	Venture capital credits
501.22(15)	New capital investment program tax credits
501.23(15E,422)	Endow Iowa tax credit
501.24(422)	Soy-based cutting tool oil tax credit
501.25(15I,422)	Wage-benefits tax credit
501.26(422,476B)	Wind energy production tax credit
501.27(422,476C)	Renewable energy tax credit
501.28(15)	High quality job creation program
501.29(15E,422)	Economic development region revolving fund tax credit
501.30(422)	E-85 gasoline promotion tax credit
501.31(422)	Biodiesel blended fuel tax credit
501.32(422)	Soy-based transformer fluid tax credit
501.33(16,422)	Agricultural assets transfer tax credit and custom farming contract tax credit
501.34(15,422)	Film qualified expenditure tax credit
501.35(15,422)	Film investment tax credit
501.36(422)	Ethanol promotion tax credit
501.37(422)	Charitable conservation contribution tax credit
501.38(422)	School tuition organization tax credit
501.39(15,422)	Redevelopment tax credit
501.40(15)	High quality jobs program
501.41(15)	Aggregate tax credit limit for certain economic development programs
501.42(16,422)	Disaster recovery housing project tax credit
501.43(422)	E-15 plus gasoline promotion tax credit
501.44(422)	Solar energy system tax credit
501.45(422)	From farm to food donation tax credit
501.46(15)	Workforce housing tax incentives program
501.47(404A,422)	Historic preservation and cultural and entertainment district tax credit for projects registered on or after July 1, 2014, and before August 15, 2016

- 501.48(404A,422) Historic preservation and cultural and entertainment district tax credit for projects registered on or after August 15, 2016
- 501.49(15,422) Renewable chemical production tax credit program
- 501.50(15E,422) Hoover presidential library tax credit
- 501.51(237A) Employer child care tax credit

CHAPTER 502

DETERMINATION OF NET INCOME

- 502.1(422) Computation of net income for corporations
- 502.2(422) Net operating loss carrybacks and carryovers
- 502.3(422) Capital loss carryback
- 502.4(422) Net operating and capital loss carrybacks and carryovers
- 502.5(422) Interest and dividends from federal securities
- 502.6(422) Interest and dividends from foreign securities, and securities of state and their political subdivisions
- 502.7(422) Safe harbor leases
- 502.8(422) Additions to federal taxable income
- 502.9(422) Gains and losses on property acquired before January 1, 1934
- 502.10(422) Work opportunity tax credit and alcohol and cellulosic biofuel fuels credit
- 502.11(422) Additional deduction for wages paid or accrued for work done in Iowa by certain individuals
- 502.12(422) Federal income tax deduction
- 502.13(422) Iowa income taxes and Iowa tax refund
- 502.14(422) Method of accounting, accounting period
- 502.15(422) Consolidated returns
- 502.16(422) Federal rulings and regulations
- 502.17(422) Depreciation of speculative shell buildings
- 502.18(422) Deduction of multipurpose vehicle registration fee
- 502.19(422) Deduction of foreign dividends
- 502.20(422) Employer social security credit for tips
- 502.21(422) Deductions related to the Iowa educational savings plan trust
- 502.22(422) Additional first-year depreciation allowance
- 502.23(422) Section 179 expensing
- 502.24(422) Exclusion of ordinary or capital gain income realized as a result of involuntary conversion of property due to eminent domain
- 502.25(422) Exclusion of income from sale, rental or furnishing of tangible personal property or services directly related to production of film, television, or video projects
- 502.26(422) Exclusion of biodiesel production refund
- 502.27(422) Like-kind exchanges of personal property completed after December 31, 2017, but before tax periods beginning on or after January 1, 2020
- 502.28(422) Broadband infrastructure grant exemption
- 502.29(422) Interest expense deduction adjustments
- 502.30(422) COVID-19 grant exclusion

CHAPTER 503

ALLOCATION AND APPORTIONMENT

- 503.1(422) Basis of corporate tax
- 503.2(422) Allocation or apportionment of investment income
- 503.3(422) Application of related expense to allocable interest, dividends, rents and royalties—tax periods beginning on or after January 1, 1978
- 503.4(422) Net gains and losses from the sale of assets
- 503.5(422) Where income is derived from the manufacture or sale of tangible personal property
- 503.6(422) Apportionment of income derived from business other than the manufacture or sale of tangible personal property
- 503.7(422) Apportionment of income of transportation, communications, and certain public utilities corporations
- 503.8(422) Apportionment of income derived from more than one business activity carried on within a single corporate structure
- 503.9(422) Allocation and apportionment of income in special cases

CHAPTER 504
ASSESSMENTS, REFUNDS, APPEALS

504.1(422)	Notice of discrepancies
504.2(422)	Notice of assessment
504.3(422)	Refund of overpaid tax

CHAPTER 505
ESTIMATED TAX FOR CORPORATIONS

505.1(422)	Who must pay estimated tax
505.2(422)	Time for filing and payment of tax
505.3(422)	Special estimate periods
505.4(422)	Reporting forms
505.5(422)	Penalties
505.6(422)	Overpayment of estimated tax

CHAPTERS 506 to 599
Reserved

TITLE VII
FRANCHISE TAX

CHAPTER 600
ADMINISTRATION

600.1(422)	Definitions
600.2(422)	Statutes of limitation
600.3(422)	Retention of records
600.4(422)	Authority for deductions
600.5(422)	Jeopardy assessments
600.6(422)	Information deemed confidential
600.7	Reserved
600.8(422)	Delegation to audit and examine

CHAPTER 601
FILING RETURNS, PAYMENT OF TAX, PENALTY AND INTEREST,
AND TAX CREDITS

601.1(422)	Who must file
601.2(422)	Time and place for filing return
601.3(422)	Form for filing
601.4(422)	Payment of tax
601.5(422)	Minimum tax
601.6(422)	Refunds and overpayments
601.7(422)	Allocation of franchise tax revenues
601.8(15E)	Eligible housing business tax credit
601.9(15E)	Eligible development business investment tax credit
601.10(404A,422)	Historic preservation and cultural and entertainment district tax credit
601.11(15E,422)	Venture capital credits
601.12(15)	New capital investment program tax credits
601.13(15E,422)	Endow Iowa tax credit
601.14(15I,422)	Wage-benefits tax credit
601.15(422,476B)	Wind energy production tax credit
601.16(422,476C)	Renewable energy tax credit
601.17(15)	High quality job creation program
601.18(15E,422)	Economic development region revolving fund tax credit
601.19(15,422)	Film qualified expenditure tax credit
601.20(15,422)	Film investment tax credit
601.21(15)	High quality jobs program
601.22(422)	Solar energy system tax credit
601.23(15)	Workforce housing tax incentives program
601.24(422)	Deduction of credits
601.25(15E,422)	Hoover presidential library tax credit

601.26(237A) Employer child care tax credit

CHAPTER 602

DETERMINATION OF NET INCOME

602.1(422) Computation of net income for financial institutions
 602.2(422) Net operating loss carrybacks and carryovers
 602.3(422) Capital loss carryback
 602.4(422) Net operating and capital loss carrybacks and carryovers
 602.5(422) Interest and dividends from federal securities
 602.6(422) Interest and dividends from foreign securities and securities of states and other political subdivisions
 602.7(422) Safe harbor leases
 602.8(422) Additional deduction for wages paid or accrued for work done in Iowa by certain individuals
 602.9(422) Work opportunity tax credit
 602.10(422) Like-kind exchanges of personal property completed after December 31, 2017, but before tax periods beginning on or after January 1, 2020
 602.11(422) Gains and losses on property acquired before January 1, 1934
 602.12(422) Federal income tax deduction
 602.13(422) Iowa franchise taxes
 602.14(422) Method of accounting, accounting period
 602.15(422) Consolidated returns
 602.16(422) Federal rulings and regulations
 602.17(15E,422) Charitable contributions relating to the endow Iowa tax credit
 602.18(422) Depreciation of speculative shell buildings
 602.19(422) Deduction of multipurpose vehicle registration fee
 602.20(422) Disallowance of expenses to carry an investment subsidiary
 602.21(422) S corporation and limited liability company financial institutions
 602.22(422) Deduction for contributions made to the endowment fund of the Iowa educational savings plan trust
 602.23(422) Additional first-year depreciation allowance
 602.24(422) Section 179 expensing

ALLOCATION AND APPORTIONMENT

602.25(422) Basis of franchise tax
 602.26(422) Allocation and apportionment
 602.27(422) Net gains and losses from the sale of assets
 602.28(422) Apportionment factor
 602.29(422) Allocation and apportionment of income in special cases
 602.30(422) Broadband infrastructure grant exemption
 602.31(422) Interest expense deduction adjustments
 602.32(422) COVID-19 grant exclusion
 602.33(422) Investment subsidiary combined returns

CHAPTER 603

ASSESSMENTS, REFUNDS, APPEALS

603.1(422) Notice of discrepancies
 603.2(422) Notice of assessment
 603.3(422) Refund of overpaid tax

CHAPTER 604

ESTIMATED TAX FOR FINANCIAL INSTITUTIONS

604.1(422) Who must pay estimated tax
 604.2(422) Time for filing and payment of tax
 604.3(422) Special estimate periods
 604.4(422) Reporting forms
 604.5(422) Penalties
 604.6(422) Overpayment of estimated tax

CHAPTERS 605 to 699

Reserved

TITLE VIII

*FIDUCIARY INCOME TAX*CHAPTER 700
FIDUCIARY INCOME TAX

700.1(422)	Administration
700.2(422)	Documentation
700.3(422)	Situs of trusts
700.4(422)	Fiduciary returns and payment of the tax
700.5(422)	Extension of time to file
700.6(422)	Reportable income and deductions
700.7(422)	Audits, assessments and refunds
700.8(422)	The income tax certificate of acquittance

CHAPTERS 701 to 799

Reserved

TITLE IX
*TAX CREDITS*CHAPTER 800
TAX CREDITS

800.1 to 800.55	Reserved
800.56(422)	Public safety officer moving expense tax credit

CHAPTERS 801 to 899

Reserved

TITLE X
*INHERITANCE TAX*CHAPTER 900
INHERITANCE TAX

900.1(450,450B)	Administration

CHAPTERS 901 to 999

Reserved

TITLE XI
*ALCOHOLIC BEVERAGES*CHAPTER 1000
GENERAL REQUIREMENTS

1000.1(123)	Definitions
1000.2(123)	Requirements
1000.3(123)	Display of license, permit, or placards
1000.4(123)	Determination of population
1000.5(123)	Local ordinances permitted
1000.6(123)	Licensed premises
1000.7(123)	Outdoor service
1000.8(123)	Transfer of license or permit to another location
1000.9(123)	Age requirements
1000.10(123)	Persons under the legal age in licensed establishments
1000.11(123)	Use of establishment during hours alcoholic beverages cannot be consumed
1000.12(123)	Improper conduct
1000.13(123)	Change of ownership of a licensed premises—new license or permit required
1000.14(123)	Dramshop liability insurance requirements
1000.15(123)	Timely filed status
1000.16(123)	Surety bond requirements
1000.17(123)	Production definitions
1000.18(123)	Manufacture and sale of native wine
1000.19	Reserved
1000.20(123)	Filling and selling of beer in a container other than the original container

1000.21(123)	Filling and selling of wine and native wine in a container other than the original container
1000.22(123)	Filling and selling of mixed drinks or cocktails in a container other than the original container
1000.23(123)	Vending and self-service machines to dispense alcoholic beverages
1000.24(123)	Delivery of alcoholic liquor
1000.25(123)	Prohibited storage of alcoholic beverages
1000.26(123)	Sale of alcoholic beverages stock when licensee sells business
1000.27(123)	Execution and levy on alcoholic beverages
1000.28(123)	Dishonored payment for alcoholic liquor
1000.29(123)	Violation by agent or employee
1000.30(123)	Suspension of license or permit
1000.31(123)	Revocation or suspension
1000.32(123)	Procedures for disputed beer barrel and wine gallonage taxes

CHAPTER 1001

ALCOHOL PRODUCT MANAGEMENT AND WAREHOUSING

1001.1(123)	Definitions
1001.2(123)	Listing classifications
1001.3(123)	Product quote listing requests
1001.4(123)	Shipment of product to the department
1001.5(123)	Importation of product into the state for manufacturing purposes
1001.6(123)	Inventory levels
1001.7(123)	Pricing
1001.8(123)	Delisting
1001.9(123)	Barrel programs
1001.10(123)	Bailment system

CHAPTER 1002

PERSONAL IMPORTATION OF ALCOHOLIC BEVERAGES

1002.1(123)	Tax liability
1002.2(123)	Personal importation in excess of the amounts provided—waiver

CHAPTER 1003

TRADE PRACTICES

PART I

1003.1(123)	Definitions

PART II

1003.2(123)	Product displays
1003.3(123)	Retailer advertising utensils, consumer advertising specialties, and retailer wearing apparel
1003.4(123)	Glassware
1003.5(123)	Tapping accessories and coil cleaning service
1003.6(123)	Tasting
1003.7(123)	Sampling
1003.8(123)	Trade spending
1003.9(123)	Discounts
1003.10(123)	Combination packaging
1003.11(123)	Consumer promotions
1003.12(123)	Advertising, display or distribution service
1003.13(123)	Stocking and product rotation
1003.14(123)	Sponsorships and special events
1003.15(123)	Participation in educational seminars and retail association activities
1003.16(123)	Recordkeeping

PART III

1003.17(123)	Equipment, furnishings, fixtures
1003.18(123)	Free warehousing prohibited
1003.19(123)	Extension of credit and prepaid accounts
1003.20(123)	Quota sales
1003.21(123)	Tie-in sales

PART IV

1003.22(123)	Contracts to purchase alcoholic liquor, wine, or beer

		PART V
1003.23(123)	Commercial bribery	
		PART VI
1003.24(123)	Consignment sales	
1003.25(123)	Return of alcoholic liquor, wine, and beer	
		PART VII
1003.26(123)	Contested case—burden	

CHAPTERS 1004 to 1099

Reserved

TITLE XII

LOTTERY

CHAPTER 1100

MISCELLANEOUS OPERATIONAL RULES OF THE LOTTERY

1100.1(99G)	Promotional use of tickets by persons without lottery licenses
1100.2(99G)	Background and informational statements

CHAPTER 1101

PRIZES

1101.1(99G)	Claiming prizes
1101.2(99G)	Claim period
1101.3(99G)	Invalid tickets not entitled to prize payment
1101.4(99G)	Ticket is a bearer instrument
1101.5(99G)	Assignment of prizes
1101.6(99G)	Prize payment to minors
1101.7(99G)	Time of prize payment
1101.8(99G)	Prizes payable for the life of the winner
1101.9(99G)	Prizes payable after death of winner
1101.10(99G)	Disability of prizewinner
1101.11(99G)	Stolen or lost tickets
1101.12(99G)	Effect of game rules
1101.13(99G)	Disputed prizes
1101.14(99G)	Prize payment for prizes paid over a term exceeding ten years

CHAPTER 1102

LICENSING

1102.1(99G)	Applicant defined
1102.2(99G,252J,272D)	Effect of certain state debts
1102.3(99G,252J)	Factors relevant to license issuance
1102.4(99G)	Financial responsibility
1102.5(99G)	Bonds
1102.6(99G,252J,272D)	Lottery licenses
1102.7(99G,252J)	Provisional licenses
1102.8(99G)	Off-premises licenses
1102.9(99G)	Duplicate licenses
1102.10(99G)	Reporting changes in circumstances of the retailer
1102.11(99G)	License not a vested right
1102.12(99G,252J,272D)	Suspension or revocation of a license
1102.13(99G,252J,272D)	Methods of service
1102.14(99G,252J,272D)	Licensee's obligation
1102.15(99G,252J,272D)	Calculating the effective date

CHAPTER 1103

RESPONSIBILITIES OF RETAILERS

1103.1(99G)	Licensed retailers
1103.2(99G)	Requirements for the sale of tickets
1103.3(99G)	Display and availability of rules and promotional materials provided by the lottery
1103.4(99G)	Ownership of tickets and other property
1103.5(99G)	Retailer costs and compensation

1103.6(99G)	Retailer payment methods
1103.7(99G)	Dishonored checks and electronic funds transfers
1103.8(99G)	Inspection of lottery materials and licensed premises
1103.9(99G)	Individuals who may sell lottery tickets
1103.10(99G)	Ticket sales restrictions
1103.11(99G)	Placement of lottery equipment

CHAPTER 1104

SCRATCH TICKET AND INSTAPLAY TICKET GENERAL RULES

1104.1(99G)	Authorization of instant ticket games
1104.2(99G)	Definitions
1104.3(99G)	Method of play
1104.4(99G)	Prizes
1104.5(99G)	Annuity prizes
1104.6(99G)	Disclosure of odds
1104.7(99G)	Claiming prizes
1104.8(99G)	Ticket validation requirements
1104.9(99G)	Official end of game

CHAPTER 1105

PULL-TAB TICKET GENERAL RULES

1105.1(99G)	Authorization of pull-tab games
1105.2(99G)	Definition
1105.3(99G)	Method of play
1105.4(99G)	Ticket validation requirements
1105.5(99G)	Prizes
1105.6(99G)	Disclosure of odds
1105.7(99G)	Claiming prizes
1105.8(99G)	Disputed claim
1105.9(99G)	Lottery logo
1105.10(99G)	End of game

CHAPTER 1106

COMPUTERIZED GAMES—GENERAL RULES

1106.1(99G)	Authorization of computerized lottery games
1106.2(99G)	Computerized lottery definitions
1106.3(99G)	Method of play
1106.4(99G)	Cancellation by a player
1106.5(99G)	Prizes and odds
1106.6(99G)	Payment of annuity jackpot prizes
1106.7(99G)	Unclaimed prizes
1106.8(99G)	Price
1106.9(99G)	Changes for special promotions
1106.10(99G)	Ticket or share ownership and prize entitlement
1106.11(99G)	Ticket validation requirements
1106.12(99G)	Claim period
1106.13(99G)	Manner of claiming prizes
1106.14(99G)	Presentation of ticket
1106.15(99G)	One prize per play
1106.16(99G)	Corrections
1106.17(99G)	Risk of error
1106.18(99G)	Multidraw plays and advance plays
1106.19(99G)	Drawings
1106.20(99G)	Cancellation or delay
1106.21(99G)	Pool exhaustion game—method of play
1106.22(99G)	Prize insurance fund

CHAPTER 1107

DRAWINGS AND CONTESTS

1107.1(99G)	Authorization of drawings and contests

1107.2(99G)	Definitions
1107.3(99G)	Price for drawings or contests
1107.4(99G)	Method of play
1107.5(99G)	Prizes
1107.6(99G)	Disclosure of odds
1107.7(99G)	Claiming prizes
1107.8(99G)	Entry validation requirements
1107.9(99G)	Owner of a ticket
1107.10(99G)	Official end of drawing or contest period

TITLE VIII
FIDUCIARY INCOME TAX

CHAPTER 700
FIDUCIARY INCOME TAX

[Formerly fiduciary rules ch 48, See IAB 9/30/81]
[Prior to 12/17/86, Revenue Department[730]]
[Prior to 11/2/22, see Revenue Department[701] Ch 89]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/29/31

701—700.1(422) Administration.

700.1(1) Definitions. For purposes of this chapter, words and phrases have the same meaning as defined in Iowa Code sections 422.3 and 422.4. In addition, as used in this chapter, the following definitions apply:

“*Gross income*” includes any and all income prior to any deductions as set forth on the Iowa fiduciary return of income.

“*Personal representative*” means the executor, administrator, or trustee of a decedent’s estate.

“*Tax*” means the income tax imposed on estates and trusts under Iowa Code section 422.6.

“*Taxable income*” includes the income of the estate or trust and also includes distributions to beneficiaries as set forth on the Iowa fiduciary return of income.

“*Taxpayer*” includes the executor, administrator, or other personal representative of a decedent’s estate required to file a return for the estate and the decedent under Iowa Code sections 422.14 and 422.23. “Taxpayer” may also include the trustee of a trust subject to tax under 26 U.S.C. Section 641 and required to file a return under 26 U.S.C. Section 6012(b), as well as the trustee of the bankruptcy estate of an individual under Chapter 7 or 11 of Title 11 of the United States Code.

700.1(2) Delegation of authority. The director delegates to the division administrator or a bureau chief within the compliance section division, subject always to the supervision and review of the director, the authority to issue the certificate of acquittance authorized by Iowa Code section 422.27.

700.1(3) Authority of federal court cases, regulations and rulings. The director has the responsibility to enforce and interpret the law relating to the taxes the department is obligated to administer, including those portions of the Internal Revenue Code that impact Iowa taxable income under Iowa Code section 422.4(15).

a. Federal regulations may be interpreted by Iowa courts for state tax purposes.

b. While federal court cases, regulations and rulings interpreting the Internal Revenue Code will be accorded every consideration, the department has the right to make its own interpretation of the Internal Revenue Code as to what constitutes taxable income for Iowa tax purposes, consistent with Iowa statutes and court decisions. Rule 701—303.2(422) provides more information.

700.1(4) Publication references.

a. References to the following Internal Revenue Code Sections are to those in effect as of December 31, 2025: 26 U.S.C. Sections 61, 164, 170, 213, 611, 641, 642, 671 through 679, 691, 1011, 1014, 1223, 2032, 2032A, 2053, 2054, and 6012.

b. References to the following federal regulation sections are to those in effect as of December 31, 2025: 26 CFR Sections 1.61-9, 1.167, 1.170A-10, 1.1014-1, and 1.1223-1.

This rule is intended to implement Iowa Code sections 17A.6, 421.2, 421.4, 422.6, 422.23, 422.25, 422.26, 422.27, and 422.73.

[ARC 0403D, IAB 6/24/26, effective 7/29/26]

701—700.2(422) Documentation.

700.2(1) Documents to be filed.

a. Estates of Iowa decedents. A copy of the inheritance tax return (for decedents dying before January 1, 2025) and probate inventory required by Iowa Code section 633.361 and a copy of

the decedent's will in testate estates shall be filed with the first fiduciary return of income unless previously filed with the department for inheritance tax purposes.

b. Nonresident decedents—ancillary administration. If ancillary administration has been opened for the estate of a nonresident decedent, a copy of the inheritance tax return (for decedents dying before January 1, 2025) and probate inventory and a copy of the decedent's will in testate estates shall be filed with the department, subject to the same conditions and requirements in estates of resident decedents. If ancillary administration has not been opened for a nonresident decedent with Iowa taxable income, a copy of the inventory filed in the primary estate, or the portion of the inventory listing the property generating the Iowa income and the decedent's will in testate estates, must be filed with the department with the first fiduciary return of income.

c. Inter vivos trusts.

(1) Inter vivos trusts with a situs in Iowa and inter vivos trusts with a situs outside Iowa with Iowa taxable income shall submit to the department with the first fiduciary return the following:

1. A copy of the trust instrument;
2. A list of the trust assets (those generating Iowa taxable income in case of trusts with a situs outside Iowa); and
3. An estimate of the fair market value of each asset.

(2) If the trust instrument is amended or additional assets are added to the trust corpus, a copy of the amended items must be submitted to the department with the first fiduciary return of income following the change.

d. Testamentary trusts. If the estate was not reported for inheritance tax purposes, a copy of the decedent's will and a list of assets in the trust corpus in testamentary trusts with a situs both within and without Iowa must be submitted to the department with the first fiduciary return of income.

700.2(2) Reserved.

This rule is intended to implement Iowa Code sections 422.25, 422.27, 422.28, and 422.73.

[ARC 0403D, IAB 6/24/26, effective 7/29/26]

701—700.3(422) Situs of trusts.

700.3(1) *Testamentary trusts.* The situs of a testamentary trust for tax purposes is the state of the decedent's residence at the time of death until the jurisdiction of the court in which the trust proceedings are pending is terminated. If jurisdiction is terminated and the trust remains open, the situs of the trust is governed by the same rules as pertain to the situs of inter vivos trusts.

700.3(2) *Inter vivos trusts.*

a. Court reporting. If an inter vivos trust is created by order of court or makes an accounting to the court, its situs is the state where the court having jurisdiction is located until the jurisdiction is terminated. The situs of an inter vivos trust subject to the grantor trust rules under 26 U.S.C. Sections 671 through 679 is the state of the grantor's residence, or the state of residence of the person other than the grantor deemed the owner, to the extent the income of the trust is governed by the grantor trust rules.

b. Non-court reporting. If an inter vivos trust (other than a trust subject to the grantor trust rules in 26 U.S.C. Sections 671 through 679) is not required to make an accounting to and is not subject to the control of a court, its situs depends on the relevant facts of each case.

(1) Relevant facts include but are not limited to the residence of the trustees or a majority of them, the location of the principal office where the trust is administered, and the location of the evidence of the intangible assets of the trust (e.g., stocks, bonds, bank accounts).

(2) The residence of the grantor of a trust, not subject to the grantor trust rules under 26 U.S.C. Sections 671 through 679, is not a controlling factor as to the situs of the trust unless the person is also a trustee. A statement in the trust instrument that the law of a certain jurisdiction shall govern the administration of the trust is not a controlling factor in determining situs. The residence of the beneficiaries of a trust is also not relevant in determining situs.

700.3(3) *Part-year trust.* A trust that has its situs part of the year within Iowa and part of the same year outside of Iowa is to report its income on IA 1041. In order to claim a nonresident or part-year resident tax credit, the trust must complete the computation of nonresident/part-year resident tax credit portion of the form.

This rule is intended to implement Iowa Code sections 422.6, 422.8, and 422.14.

[ARC 0403D, IAB 6/24/26, effective 7/29/26]

701—700.4(422) Fiduciary returns and payment of the tax.

700.4(1) *Use of prescribed forms.* Returns shall, in all cases, be made by residents and nonresidents on forms prescribed by the department of revenue. Iowa Code section 422.14 provides the requirements for when fiduciary returns must be filed electronically.

700.4(2) *Copy of federal fiduciary income tax return.* Estates of Iowa decedents, trusts with a situs in Iowa, nonresident estates with Iowa taxable income, and trusts with situs outside Iowa with Iowa taxable income must submit a complete copy of the federal fiduciary income tax return with the Iowa return, including any applicable schedules.

700.4(3) *Accounting period—tax year.* The Iowa fiduciary return must use the same accounting period that was used for federal income tax purposes.

700.4(4) *Minimum filing requirements.* A fiduciary return of income must be filed if the taxable income of the estate or trust for the taxable year is \$600 or more, regardless of any tax liability. However, a final fiduciary return must be filed for the taxable year the estate or trust is closed, regardless of the amount of gross income, if an income tax certificate of acquittance is requested.

700.4(5) *Amended returns.* An amended return must be filed if there is a change in income or deductions that results in a tax or additional tax due or in a change in income, deductions, or credits distributable to a beneficiary. An amended return may be filed in lieu of a claim for refund when a change in reportable income or deductions results in a tax overpayment. 701—subrules 305.3(8) and 305.3(15) provide additional information on the period of time for making a claim for a refund of excess tax paid.

700.4(6) *Return due date.* The fiduciary return must be filed with the department and the tax due paid in full on or before the last day of the fourth month following the end of the taxable year.

700.4(7) *Duties of the taxpayer.*

a. Income of the estate or trust. The executor, administrator, or other personal representative must timely file a fiduciary return if the minimum filing requirements specified in subrule 700.4(4) are met. The department is not required to file a claim for taxes in the estate proceedings and have the claim allowed before the tax is paid. The personal representative of an estate must pay the tax on income from property in the personal representative's possession prior to applying the income to estate obligations.

b. Decedent's final individual income tax return.

(1) The executor, administrator, or other personal representative of the decedent's estate must file an individual income tax return for the decedent for the year of the decedent's death if the gross income attributable to the decedent for the part of the taxable year ending with death equals or exceeds the minimum filing requirements. 701—subrules 301.1(1) through 301.1(3) and 301.1(5) provide more information on the minimum filing requirements for individual income tax.

(2) If the surviving spouse of a decedent has not remarried during the balance of the taxable year and has the same taxable year as the decedent, the personal representative of the decedent's estate may file a joint return with the surviving spouse for the taxable year of death. In the event of such an election, the joint return must include the surviving spouse's income for the entire taxable year and the decedent's income for the portion of the taxable year ending with death.

(3) Income attributable to property owned by the decedent and the decedent's rights to income received after the day of the decedent's death are income of the decedent's estate or the persons succeeding to the property or rights to income. Iowa Code sections 633.350 through 633.353 provide

more information on the circumstances under which the estate is charged with the income from the decedent's property or the decedent's rights to income.

(4) Income from property held by the decedent and others in joint tenancy received after the decedent's death is charged to the surviving joint tenants, not to the decedent's estate.

(5) The final income tax return of the decedent, if the minimum filing requirements are met, must be filed prior to the time an income tax certificate of acquittance is requested.

c. Decedent's prior year returns. The personal representative has the duty to file any required returns that were not previously filed. This includes any additional tax owed that becomes due by reason of an audit. The personal representative's duty to pay the tax, or additional tax, is limited to the probate property subject to the jurisdiction of the court. The probate property must be applied to the payment of the decedent's tax liability according to the order specified in Iowa Code section 633.425.

d. Composite return requirement. The personal representative of a decedent's estate and the trustee of a trust are subject to the composite return filing and tax payment obligations under Iowa Code section 422.16B and 701—Chapter 405 if the estate or trust has nonresident beneficiaries.

e. Beneficiary's share of income, deductions and credits. After the final distribution of income for the taxable year, the personal representative of an estate and the trustee of a trust shall furnish each beneficiary receiving a distribution from an estate or trust a written statement specifying the amount and types of income subject to Iowa tax and the kinds and amounts of the deductions and credits against the tax. For estates and trusts, other than grantor trusts, the written statement shall be an IA 1041, Schedule K-1.

f. Liability of a personal representative and trustee. A personal representative of a decedent's estate and the trustee of a trust shall be personally liable for the amount of Iowa composite tax required to be paid under Iowa Code section 422.16B and 701—Chapter 405 as well as any penalty and interest due if the composite tax liability attributable to a nonresident beneficiary is not paid within the time prescribed by law.

This rule is intended to implement Iowa Code sections 422.6, 422.8, 422.16, 422.21, 422.23, 422.25, 422.27, 633.352, and 633.425.

[ARC 0403D, IAB 6/24/26, effective 7/29/26]

701—700.5(422) Extension of time to file.

700.5(1) *Automatic extension of time to file.*

a. Qualification. No application for extension is required from the taxpayer if the taxpayer has paid at least 90 percent of the tax required to be shown due by the due date and has not filed a return by the due date. In such circumstances, the director will consider that the taxpayer has requested an extension of time to file the return and will automatically grant an extension of up to six months to file the return. However, if the taxpayer wants to make a tax payment to ensure that at least 90 percent of the tax has been paid on or before the due date, the payment can be made by:

(1) Making a payment through Modernized eFile (MeF).

(2) Contacting taxpayer services and requesting an Iowa Fiduciary Income Tax Payment Voucher.

(3) Accessing GovConnectIowa to either make a payment or print a voucher and make a payment.

b. Determination. To determine whether or not at least 90 percent of the tax was paid on or before the due date, the aggregate amount of tax credits applicable on the return plus the tax payments made on or before the due date are divided by the tax required to be shown due on the return. The tax required to be shown on the return is the sum of the income tax, lump-sum tax, and the trust portion of the ESBT tax. The tax credits applicable are the credits set out in Iowa Code chapter 422, subchapter II, and Iowa Code section 422.111. Tax payments to be considered for purposes of determining whether 90 percent of the tax was paid include withholding tax payments, estimated payments, composite tax payments, and payments made with the Iowa Fiduciary Income Tax Payment Voucher Form.

c. *Penalty and interest.* If the aggregate of the tax credits and the tax payments is equal to or greater than 90 percent of the tax required to be shown due, the taxpayer will have met the “90 percent” test and no penalty will be assessed. However, the taxpayer will still be subject to statutory interest on any tax due when the return is filed.

700.5(2) *Extension of time to file due to illness, death, absence, or other legitimate reason.* The taxpayer is required to file the taxpayer’s fiduciary income tax return on or before the due date of the return with payment in full of the amount required to be shown due with the return. However, in any instance where the taxpayer is unable to file the return by the due date because of illness or death in the taxpayer’s immediate family, unavoidable absence of the taxpayer, or other legitimate reason within 30 days of the due date, the director may grant a six-month extension of time to file the return.

700.5(3) *Extension of time for the decedent’s final tax return.* 701—subrule 301.2(4), which provides for extensions of time to file individual income tax returns, applies to the decedent’s final tax return.

This rule is intended to implement Iowa Code section 422.21.

[ARC 0403D, IAB 6/24/26, effective 7/29/26]

701—700.6(422) Reportable income and deductions.

700.6(1) *Reportable income in general—Iowa estates and trusts.* Estates of Iowa resident decedents and trusts with a situs in Iowa must report all income received from sources within and without Iowa, regardless of whether the income is from real, personal, tangible, or intangible property.

700.6(2) *Reportable income in general—foreign situs estates and trusts.* Estates and trusts with a situs outside Iowa must report all income received from sources within and without Iowa, regardless of whether the income is from real, personal, tangible, or intangible property. Foreign situs estates and trusts must also report that portion of the income which is from Iowa sources. Examples of Iowa source income include but are not limited to income from real and tangible personal property with a situs in Iowa, such as a farm and from a business located in Iowa; the capital gain portion of an installment sale contract of Iowa situs property; and wages, salaries and other compensation for services performed in Iowa but received after the death of the decedent. Iowa source income would not include income from intangible personal property, such as annuities, interest on bank deposits, and dividends, unless the income was derived from a business, trade, profession, or occupation carried on in Iowa.

700.6(3) *Income from property subject to the jurisdiction of the probate court.*

a. *Probate property subject to possession by the personal representative.* Income received on probate property after the decedent’s death is chargeable to the estate or to the person succeeding to the decedent’s property depending on whether the personal representative has the right to, or has taken possession of, the probate property producing the income. If the personal representative has taken possession of or has the right to possession of a specific item of probate property, the income from this property is estate income. The personal representative is charged with the income from this property for each taxable year until the property is distributed or otherwise disposed of. Iowa Code section 633.351 prescribes the personal representative’s responsibilities for taking possession of and handling the decedent’s property. In addition, Iowa Code section 633.386 (probate code) gives the personal representative authority to lease real estate, and therefore to take possession, in order to pay the debts and charges of the estate.

b. *Income charged to the heir or beneficiary.* Under Iowa law, title to probate property, both real and personal, passes instantaneously on death to the heir or beneficiary. If property is not subject to the personal representative’s right of possession under Iowa Code section 633.351 and the personal representative has not exercised the right to sell, lease, mortgage, or pledge real and personal property to pay debts and charges under Iowa Code section 633.386, the income from this probate property is not estate income. It is income to the person succeeding to the property.

700.6(4) *Income from nonprobate property.* Income from property not subject to the jurisdiction of the probate court is charged to the beneficiary or other person succeeding to the property. Examples

of income from nonprobate property include but are not limited to property held in joint tenancy, annuity payments, pension and retirement plans not payable to the estate, and income from certain trusts created by the grantor-decedent.

700.6(5) *Gross income of an estate.*

a. In general. 26 U.S.C. Section 641(b) provides that the taxable income of an estate or trust shall be computed in the same manner as the taxable income of an individual, except as modified in Subchapter J of the Internal Revenue Code. Paragraphs 700.6(5) “d” through “q” provide a nonexhaustive list of common types of taxable income to an estate or trust.

b. Definition of the period of administration. The income charged to the decedent’s estate is reportable by the personal representative for each taxable year during the period of the administration of the decedent’s estate if the minimum filing requirements are met. The period of administration for Iowa income tax purposes is determined by applying federal tax law to Iowa estates because Iowa taxable income is the same as federal taxable income, subject to the adjustments provided in Iowa Code sections 422.7 and 422.9. It is the period actually required by the personal representative to perform the ordinary duties of administration, such as the collection of assets and the payment of debts, taxes, legacies, and bequests, whether the period required is longer or shorter than the period specified under the probate code. An estate will be considered terminated for income tax purposes when all of the assets have been distributed, except for a reasonable amount set aside in good faith for the payment of unascertained or contingent liabilities and expenses. If the period of administration is terminated for income tax purposes, the heir or beneficiary is charged with the income.

c. The estate’s first return—special considerations.

(1) Death terminates the decedent’s taxable year. Income received the day of the decedent’s death is to be reported on the decedent’s final individual return.

(2) The taxable year of a decedent’s estate begins the day after the decedent’s death. Income received after the decedent’s death is chargeable either to the decedent’s estate or to the person succeeding to the property producing the income.

(3) Income the decedent had a right to receive prior to death, but did not receive before death, is not the decedent’s income but is income in respect of a decedent and is chargeable either to the decedent’s estate when received or to the person succeeding to the right to income. 26 U.S.C. Section 691(a) and applicable federal regulations provide more information on what constitutes income in respect of a decedent.

(4) Trade or business expenses, interest, taxes and expenses for the production of income owing by the decedent at death but unpaid, and the allowance for depletion on income not received at death are not deductible on the decedent’s final return. These are deductible by the estate or the person succeeding to the property when paid.

(5) Medical expenses incurred by the decedent, but unpaid at death, are not deductible by the estate. These are deductible on the decedent’s individual return for the year the expenses were incurred if paid within one year after the decedent’s death and if the medical expense is not claimed as a deduction for federal estate tax purposes under 26 U.S.C. Section 2053. 26 U.S.C. Section 213(d) and federal regulations thereunder provide more information relating to deductible medical expenses of a decedent.

(6) Funeral expense is not a deductible item for income tax purposes.

(7) Unused ordinary and capital losses remaining after the decedent’s income tax liability for the year of death has been determined are not carried forward to the decedent’s estate. The unused losses terminate with death, except to the extent they may be used by the decedent’s surviving spouse.

d. Dividends. All income classified as dividends under 26 U.S.C. Section 61 and 26 CFR Section 1.61-9, received or constructively received, during the taxable year constitutes gross income to the estate or trust. However, some income labeled as dividends is for tax purposes classified as interest. For example, income from cooperative banks, credit unions, domestic building and loan associations, domestic savings and loan associations, federal savings and loan associations, and mutual savings banks are considered interest and not dividends.

e. Interest. All interest received or constructively received during the taxable year, with the exception of interest but not capital gain, from federal securities and from certain bonds issued by the state of Iowa and its political subdivisions listed in rule 701—302.3(422) is income to the estate or trust. Interest from securities issued by a state and its political subdivisions or from foreign securities is included in gross income for Iowa tax purposes, even though the interest may be exempt from federal income tax, except for those bonds listed in rule 701—302.3(422).

f. Partnerships and other estates and trusts.

(1) If a partnership in which the decedent had an interest is not terminated at death, the deceased partner's share of the partnership income is considered to be all received at the end of the partnership taxable year. As a result, none of the partnership income is chargeable to the deceased partner unless the day of the partner's death coincides with the day the partnership year ends. Partnership income is chargeable to the deceased partner's estate or the person succeeding to the partner's interest, notwithstanding the fact the deceased partner may have withdrawn most or all of the deceased partner's share of the partnership income prior to death.

(2) In general, if an estate or trust and its beneficiaries have different taxable years, the beneficiary is required to report the income from the estate or trust as if it were all paid on the last day of the taxable year of the estate or trust. However, if the beneficiary dies during the taxable year of an estate or trust, the taxable income of the beneficiary's estate includes only the portion of the income of the other estate or trust that was required to be distributed to the beneficiary but was not in fact distributed to the beneficiary before death. The income that was in fact distributed by the other estate or trust prior to the beneficiary's death is properly included in the beneficiary's final income tax return.

g. Rents and royalties.

(1) Income received after death for the use or occupancy of the decedent's real and personal property is the income of the decedent's estate or the income of the person succeeding to the property. If the rental income was accrued, but unpaid at death, the accrued rent is income in respect of a decedent and is to be included as income, either by the estate or the person succeeding to the right to the income, in the taxable year when payment is received.

(2) Rent is not limited to payments in cash. It includes but is not limited to crop share rental payments when the decedent was a nonparticipating landlord.

(3) Income from the sale of grain and livestock in the estate of a participating landlord that was on hand at death is classified as income from a farm or business and not rental income.

(4) Income from royalties includes but is not limited to payment for rights in books, plays, copyrights, trademarks, formulas, and patents and from the exploitation of natural resources.

h. Farm and business income—in general. The death of the decedent does not alter the rules under which business and farm income is computed for income tax purposes. However, the decedent's estate as a new taxpayer may adopt a taxable year or accounting method that is different from the decedent's. The rules for determining a gain or loss from the sale or exchange of assets in the decedent's estate are the same as those for an individual. However, paragraphs 700.6(5) "i" and "j" contain more information on the basis for gain or loss from the sale or exchange of property acquired from a decedent and 700.6(5) "l" for depreciation rules for property acquired from a decedent.

i. Basis for gain or loss—the stepped-up basis. Property acquired from a decedent receives a new basis for determining gain or loss when the property is sold or exchanged. This rule does not apply to property classified as income in respect of a decedent and certain other property designated in 26 U.S.C. Section 1014(b) and (c) and the federal regulations thereunder. The basis of property acquired from a decedent is either (1) its fair market value at the time of death or the alternative value when it has been elected for federal estate tax purposes under 26 U.S.C. Section 2032 or (2) its special use value when the property has been valued for federal estate tax purposes under 26 U.S.C. Section 2032A. The decedent's basis in the property is not relevant.

If an estate files a federal estate tax return, the basis is governed by the federal estate tax value determination.

EXAMPLE: Decedent A died July 1, 2025, owning a 160-acre Iowa farm that the decedent purchased in 1985 for \$1,000 per acre, or \$160,000. At the time of A's death, the farm had a fair market value of \$12,000 per acre, or \$1,920,000. In 1995, A and surviving spouse B purchased a residence for \$80,000 in joint tenancy. Surviving spouse B, a school teacher, contributed one-half of the purchase price of the residence; therefore, one-half of the residence is excluded from A's gross estate. At the time of A's death, the residence had a fair market value of \$250,000. Surviving spouse B received the entire estate and did not elect the alternative or special use valuation.

B's basis for gain or loss in the farm and residence is computed as follows:

<u>Asset</u>	<u>Fair Market Value at Death</u>	<u>New Basis for Gain or Loss</u>	
160-acre farm	\$1,920,000	\$1,920,000	\$320,000
Residence	250,000	165,000	½ new basis 50,000
			½ old basis <u>17,500</u>
			\$ 67,500

Since the entire farm was acquired from A, its basis is 100 percent of the fair market value at death. Only one-half of the residence was acquired from A; therefore, only one-half of the residence receives a new basis on A's death. The new basis in the residence for B is \$165,000, calculated as follows: ½ of the fair market value on the date of death ($\$250,000 \times \frac{1}{2}$) = \$125,000, plus ½ of the original purchase price ($\$80,000 \times \frac{1}{2}$) = \$40,000.

j. No new basis—income in respect of a decedent.

(1) Property or rights to income, classified as income in respect of a decedent under 26 U.S.C. Section 691, do not receive a new basis upon the decedent's death. It is a special exception to the stepped-up basis rule. 26 U.S.C. Section 1014(c) and 26 CFR Section 1.1014-1(c) provide more information.

(2) Examples of income with respect to a decedent include but are not limited to the following:

1. Wages, salary, or other compensation for personal services earned that are unpaid at death.
2. Interest accrued on obligations, such as bank accounts, certificates of deposit, bonds, and promissory notes.
3. Accrued interest and unpaid capital gain on real and personal property installment contracts.
4. Federal income tax refunds if claimed as a deduction on an Iowa income tax return.
5. Accounts receivable if the decedent was on a cash accounting basis.
6. Crop share rent if the decedent was a nonparticipating landlord on a cash basis. This also includes growing crops, which are to be valued at the time of the decedent's death or alternate valuation date.

(3) The basis for gain or loss for property classified as income with respect to a decedent is the decedent's basis in the property at the time of death.

k. Gain or loss—holding period. For the purpose of determining whether the sale or exchange of property is a long- or short-term gain or loss, the holding period of property acquired from a decedent begins the day after the decedent's death, regardless of how long the property was held by the decedent. 26 U.S.C. Section 1.1223 and 26 CFR Section 1.1223-1(j) provide more information. If the property acquired from a decedent is sold or otherwise disposed of within one year of the decedent's death, it will be considered to have been held over one year. In general, this is a sufficiently long holding period to qualify the sale or exchange as a long-term gain or loss transaction.

l. Depreciation—property acquired from a decedent. Property acquired from a decedent that is subject to the allowance for depreciation receives the same value for depreciation purposes as its basis for gain or loss in a sale or exchange, regardless of its basis or remaining useful life in the hands of the decedent. 26 U.S.C. Sections 167(g) and 1011 and 26 CFR Section 1.167(g)-1 provide more information. For the purpose of determining the life of an asset subject to the allowance for depreciation, the property is treated as if it were acquired the day after the decedent's death. More

information can be found in 26 CFR Section 1.167(a)-10. The decedent's estate or other person acquiring depreciable property from the decedent may adopt a depreciation method different from that used by the decedent for the depreciable asset. Additional information can be found in 26 CFR Section 1.167(a)-7.

m. Recognition of gain—installment sale contracts.

(1) Death of the holder. If, as a result of the death of the holder of an installment sale obligation (usually the seller), the installment sale obligation is transferred to the debtor (usually the purchaser), or it is cancelled by the personal representative, the remaining gain from the installment sale contract not previously reported is recognized by the holder's estate as if the remaining balance due had been immediately paid in full. The merger of the asset with the debt is treated as a taxable transfer by the estate of the holder (seller) of the obligation and is income in respect of a decedent realized by the holder's estate.

(2) Held by trust. If the obligation was held by a person other than the seller, such as a trust, the cancellation of the obligation will be treated by that person as a taxable transfer immediately after the seller's death. In the absence of some act of canceling the obligation, such as by distribution or notation that results in cancellation under Iowa Code chapter 554 (Uniform Commercial Code), the disposition is considered to occur no later than the time the period of administration of the estate is ended.

(3) Related parties. For gain recognition purposes, if the seller and the debtor were related parties, the value of the installment contract is considered to be not less than full face value, regardless of its value for Iowa inheritance tax (for decedents dying before January 1, 2025) or federal estate tax purposes. A related party includes but is not limited to the spouse, child (including an adopted child), grandchild, or parent of the seller; an estate in which the seller is a beneficiary; a partnership in which the seller is a partner; a corporation in which the seller owns 50 percent or more of the stock; and a trust where the seller is a beneficiary or is treated as the owner.

(4) Additional shares. If the debtor inherits the obligation to pay or another share of the estate and the debtor's share of estate equals or exceeds the face value of the contract, the personal representative of the holder's estate must set off the contract of sale to the debtor when satisfying the debtor's share of the estate. In this case, the entire contract is canceled and all of the unreported gain is income in respect of a decedent to the estate. If the debtor's share of the estate is less than the face value of the contract of sale, the contract of sale is canceled only to the extent of the debtor's share of the estate and only a like percentage of the unreported gain is considered income in respect of a decedent received immediately by the estate. Iowa Code section 633.471 provides information on the right of retainer and setoff.

n. Nonresident aliens—sales of Iowa real estate. Nonresident aliens and estates and trusts with a situs outside the United States must include the gain from the sale or exchange of Iowa real estate as taxable income, even though the real estate was not effectively connected with a trade or business carried on in the United States. Any gain paid or distributed to a nonresident alien or an estate or trust with a situs outside the United States is subject to Iowa income composite tax unless the gain has been previously accumulated and any tax due paid. Paragraph 700.4(7)“d” and 701—Chapter 405 contain more information on the requirement to pay Iowa composite tax on distributions to nonresident beneficiaries and individuals.

o. Miscellaneous income. Miscellaneous income includes those items of income that are subject to Iowa income tax under Iowa Code section 422.6 that are not classified as dividends, interest, rent and royalties, income from partnerships and other fiduciaries, business or farm income, and gain or loss from the sale or exchange of assets. Miscellaneous income also includes but is not limited to wages and salaries earned by the decedent that are unpaid at death and distributions to the estate from an employee's pension or retirement plan if subject to Iowa income tax.

p. Grantor trusts. If the income of a trust is subject to the grantor trust rules under 26 U.S.C. Sections 671 through 679, the grantor of the trust or other person specified in the trust instrument, and not the trust, is considered the owner of the income. Therefore, the income is properly reportable

on the Iowa individual income tax return of the grantor or other individual treated as the owner. The fiduciary income tax return of a grantor trust is an informational return only. Items of income, deductions, and credits of a grantor trust should be reported on a separate statement attached to the fiduciary return of income. The taxable year of a grantor trust must be the same as the taxable year of either the grantor or the other individual considered the owner of the income for tax purposes.

q. “Equity trusts”—assignment of future wages and salaries. The assignment of future wages, salaries, or other compensation for future services by a grantor to a trust (commonly called “equity” or “family estate” trust) does not shift the tax burden on this income from the grantor to the trust. The trust is subject to the grantor trust rules under 26 U.S.C. Sections 671 through 679. The income of the trust is to be reported by the grantor on an Iowa individual income tax return.

r. Adjustments to federal taxable income. Iowa Code section 422.4(15) provides that the Iowa taxable income of estates and trusts is federal taxable income, without the deduction for the personal exemption, subject to the specific adjustments set forth in Iowa Code section 422.7 and the modifications relating to federal and state income tax specified in Iowa Code section 422.9. The modifications have these results:

(1) The federal exemption allowed to estates and trusts under 26 U.S.C. Section 642(b) (i.e., \$600 for an estate, \$300 for simple trust, and \$100 for a complex trust) is not deductible for Iowa income tax purposes.

(2) Interest and dividends from federal securities, but not capital gain or loss, are exempt from Iowa income tax and, therefore, are not part of the Iowa taxable income of estates and trusts.

(3) Interest and dividends from securities of a state and its political subdivisions and from foreign securities are included in Iowa taxable income in the year received, regardless of whether such interest and dividends are exempt from federal income tax. However, rule 701—302.3(422) and paragraph 700.6(5)“e” contain more information on the exemption for certain bonds issued by the state of Iowa and its political subdivisions that are not included in Iowa taxable income.

700.6(6) Deductions from gross income.

a. In general. The deductions allowable in computing taxable income of estates and trusts are generally those relating to a trade or business and the expenses attributable to investment income.

(1) The important distinction between the deductions allowable in computing federal adjusted gross income and itemized deductions for individual income tax has only limited application in determining the taxable income of estates and trusts.

(2) Many deductions in computing the taxable income of an individual have no application to the deductions allowable in computing the taxable income of an estate or trust, due to the nature of estates and trusts and the sources of their income. For example, medical expense and moving expense deductions are applicable only to individuals, but taxes and interest expenses can be incurred by both individuals and estates and trusts.

b. Interest expense. Interest paid on obligations secured by property subject to the personal representative or trustee’s right of possession is a deduction from gross income in the year paid. Interest on debts or charges that the personal representative or trustee is obligated to pay is also a deduction against gross income in the year paid. Interest on obligations secured by property, not subject to the personal representative’s right of possession, is not deductible from the gross income of the estate but is a deduction for the person succeeding to the encumbered property. No distinction is made between business and nonbusiness interest. Iowa Code section 633.278 contains more information on circumstances when the personal representative of the decedent’s estate is required to pay the debt and interest on encumbered property, even though the property is not subject to the personal representative’s right of possession.

c. Taxes. The taxes deductible against the gross income of an estate or trust are limited to the taxes deductible for individual income tax purposes under 26 U.S.C. Section 164, meaning, for tax years beginning on or after January 1, 2023, state taxes deductible for federal purposes are also allowed for Iowa purposes. Also, federal income tax is not allowed as a deduction for Iowa purposes. Real estate and personal property taxes, including the taxes due but unpaid at death, are only

deductible by the estate on the decedent's property that is subject to the personal representative's right of possession.

d. Depreciation and depletion—allocation. If the personal representative of a decedent's estate has the right to the possession of property eligible for the depreciation allowance, the depreciation is a deduction from the estate's gross income when the income for the taxable year is accumulated by the estate. If all or part of the income for the year is distributed to the beneficiaries, the deduction for depreciation is apportioned between the estate and the beneficiaries on the basis of the income allocated to each. In the case of an estate, the deduction for depreciation follows the income.

(1) The same depreciation rules apply to simple and complex trusts, with the exception that if the trustee has the right to maintain a reserve for depreciation, and in fact does so, the deduction for depreciation is allocated to the trust to the extent of the reserve maintained, regardless of whether the income is accumulated or distributed.

(2) The rules governing the allowance for depreciation are also the rules to be applied to the allowance for depletion under 26 U.S.C. Section 611.

e. The charitable deduction. The charitable deduction allowed estates and trusts under 26 U.S.C. Section 642(c) is not subject to the percentage of income limitation applicable to individual taxpayers under 26 U.S.C. Section 170(b). The allowable deduction is governed by the terms of the will or trust instrument, which can provide for unlimited payments for charitable purposes. However, an unused charitable contribution carryover of the decedent remaining after the decedent's individual income tax liability for the year of death is determined is not available to the estate. The unused carryover terminates at death, except to the extent it may be used by the surviving spouse. More information can be found in Federal Regulation Section 1.170A-10(d)(4)(iii). The deduction is limited to payments of gross income or amounts permanently set aside for charitable uses. A simple pecuniary bequest to charity in the decedent's will does not qualify for the charitable deduction from the estate's income. It is a payment from the corpus of the estate.

f. Other deductions. The category of other deductions includes those deductions allowable in computing taxable income not receiving special itemized treatment on the Iowa fiduciary return of income. Expenses of administration include but are not limited to a reasonable fee and the necessary expenses of the attorney employed by the personal representative of an estate or the trustee of a trust, a reasonable fee and the necessary expenses of the personal representative of an estate or the trustee of a trust, accounting fees, court costs, and interest paid on federal estate tax during an extension of time to pay.

g. The no double deduction rule. Expenses of administration, certain debts of the decedent like medical expenses incurred prior to death, and losses during the period of administration are proper deductions in computing both the taxable income of an estate or trust (or on the decedent's individual return in case of medical expenses) and the taxable estate for federal estate tax purposes under 26 U.S.C. Sections 2053 and 2054.

(1) The no double deduction rule only applies to trusts when the trust assets are included for federal estate tax purposes. 26 U.S.C. Section 642(g) prohibits the double deduction of those items that qualify as deductions for both taxes.

(2) To prevent the double deduction, the fiduciary return needs to be accompanied with a statement waiving the right to claim all or a portion of the item as a deduction on the federal estate tax return. This waiver is irrevocable. However, unless the waiver has been filed, the decision to claim the deduction or portion of the deduction on the federal estate tax return can be changed anytime prior to the time the item or portion of the item is finally allowed for federal estate tax purposes.

(3) The waiver requirement has no application to estates and trusts not required to file a federal estate tax return.

(4) The no double deduction rule has no application to deductions in respect of a decedent, such as deductions relating to trade or business expenses, interest, taxes, expenses for the production of income, and the allowance for depletion, which are deductible both for income tax purposes and federal estate tax purposes.

h. The net operating loss deduction.

- (1) Generally, Iowa Code section 422.9 provides for carryovers of Iowa net operating losses.
- (2) However, estates and trusts with a situs outside Iowa are allowed a deduction only for a carryover net operating loss that was incurred prior to January 1, 2023, and attributable to a trade or business activity carried on in the state of Iowa.

i. Capital loss deduction. The capital loss deduction of an estate or trust is computed in the same manner as the capital loss deduction for individual taxpayers. However, it is a deduction only for the estate or trust and is not distributable to a beneficiary, except in the year the estate or trust terminates. Capital losses do not enter into the computation of the deduction for income required to be distributed currently to beneficiaries. During the period of administration of the estate or trust, capital losses can be used only to offset capital gain for simple trusts required to distribute income currently. However, beneficiaries may derive immediate benefit from capital losses when capital gain is required or permitted to be distributed to beneficiaries prior to closure of the estate or trust since the losses can be used to offset gain before distribution.

j. The distribution deduction. Estates and trusts are allowed to deduct the amounts of income required to be distributed currently and also other amounts properly paid, credited, or required to be distributed to the extent of the distributable net income for the year. For income tax purposes, an estate of a decedent is treated as a complex trust because normally, the personal representative of an estate has the discretion of whether to distribute current income. Therefore, most distributions of income from a decedent's estate fall under the category of "other amounts properly paid, credited, or required to be distributed."

(1) For purposes of a distribution deduction under this chapter, an estate or trust shall receive a distribution deduction only for income taxable to Iowa. For example, municipal interest will be included in the distribution deduction because it is taxable to Iowa. U.S. government interest would not be included because it is not taxable to Iowa. IA 1041, Schedule B, is used to calculate the Iowa income distribution deduction.

(2) The distribution deduction allowed is limited to the distributable net income of the estate or trust for the taxable year. If amounts in excess of distributable net income are distributed to a beneficiary of a decedent's estate, the excess does not constitute taxable income to the beneficiary. Income distributed to a beneficiary of an estate or trust retains the same character in the hands of the beneficiary as it had in the estate or trust, with the exception of unused capital loss distributed on closure to a corporation, in which case the loss is treated as a short-term loss, regardless of its character in the estate or trust. In addition, unless the will or trust instrument specifically provides otherwise, a distribution to beneficiaries is considered to be a proportionate distribution of the different kinds of income composing the distributable net income of the estate or trust. The same character and proportionate distribution rule is illustrated by the following example.

EXAMPLE: Decedent A, a resident of Iowa, died February 15, 2024. Under the terms of the will, all the decedent's property was devised in equal shares to beneficiary B, a resident of Phoenix, Arizona, and beneficiary C, a resident of Cedar Rapids, Iowa. The estate adopted a calendar year as its taxable year. For calendar year 2024, the estate had distributable net income of \$50,000, which is composed of:

Interest income	\$10,000
Dividend income	5,000
Net Iowa farm income	<u>35,000</u>
Total	\$50,000

On December 20, 2024, the estate distributed \$12,500 to beneficiary B, and \$12,500 to beneficiary C. Beneficiaries B and C have received a distribution for 2024 as follows:

<u>Beneficiary B</u>		<u>Beneficiary C</u>	
Interest income	\$2,500	Interest income	\$2,500
Dividends	1,250	Dividends	1,250
Farm income	8,750	Farm income	8,750
Total	\$12,500	Total	\$12,500

The estate is entitled to a deduction of \$25,000 against gross income in 2024 for the distribution to beneficiaries B and C and owes Iowa income tax on the \$25,000 income retained in the estate. Since the interest income of the estate is 20 percent of the distributable net income, 20 percent of the distribution to beneficiaries B and C is considered interest income. Likewise, 10 percent of the estate's distributable net income is dividends and 70 percent farm income. The distribution to B and C consists of a corresponding percentage of dividends and farm income. Beneficiary C, a resident of Iowa, must report the entire distribution of \$12,500 on a 2024 Iowa individual income tax return. Beneficiary B, a resident of Arizona, is only required to report the farm income portion of the distribution (\$8,750) on a 2024 nonresident individual income tax return because dividends and interest are income from intangible personal property and were not derived from a business, trade, profession or occupation carried on within Iowa by the nonresident. 701—subrule 302.16(5) provides more information.

700.6(7) *The final return—special considerations.*

a. General rule.

(1) In the year of closure, all income received by the estate or trust is considered “other amounts properly paid or credited or required to be distributed” and must be distributed to the beneficiaries according to the terms of the governing instrument. 26 U.S.C. Section 642(h) provides for an exception to the general rule that net operating and capital losses are only available to the taxpayer incurring the loss. Therefore, in the year of closure, any capital loss and net operating loss carryover that remains unused by the estate or trust is passed through the estate or trust and is allowed as a deduction to the beneficiaries succeeding to the property.

(2) If the estate or trust in the year of termination has incurred deductions in excess of gross income that do not qualify for treatment as a net operating or capital loss, such as administration expenses, the excess deductions are passed through the estate or trust and are available to the beneficiaries. They are available only for the year the estate or trust terminates and only as an itemized deduction in the case of an individual beneficiary.

b. Exception to the general rule. If in the year of termination an Iowa ancillary estate makes the required distribution of its income to the primary estate that is not being terminated, instead of to the beneficiaries of the estate, it is proper in the year of closure to treat the income as if it were accumulated by the Iowa ancillary estate. This exception to the general rule relieves the primary estate from the obligation of filing a second fiduciary return, which it would be required to do except for this special rule.

700.6(8) *Computation of the tax due.* The tax due on the taxable income of an estate or trust is computed by using the same tax rate used for computing the individual income tax liability. The provisions of the Iowa Code relating to the maximum net income of an individual before a tax liability is incurred have no application to the tax liability of an estate or trust. The taxable income of a short taxable year is not required to be annualized for the purpose of computing the tax liability. The tax due is to be paid in full within the time prescribed by law, not in installments.

700.6(9) *Credits against the tax.*

a. The personal exemption credit. The estate of a decedent and a trust, whether simple or complex, is allowed the same \$40 credit against the tax as allowed for individual taxpayers. The personal exemption credit is not prorated for short taxable years.

b. Credit for tax paid to another state or foreign country. Iowa Code section 422.8 grants Iowa situs trusts and estates of Iowa resident decedents, which have income derived from sources in another state or foreign country, a credit against the Iowa tax for the income tax paid to the state or foreign country where the income was derived. The credit is computed in the same manner as a full-year

resident under rules 701—304.6(422) and 701—304.7(422). Foreign situs trusts and estates of foreign decedents are not allowed a credit against the Iowa tax for the income tax paid another state or foreign country on Iowa source income. Rule 701—304.6(422) as applied to an Iowa situs trust or estate is illustrated by the following example.

EXAMPLE: Decedent A died a resident of Webster City, Iowa, on February 15. Decedent A at the time of death owned income-producing property in both Iowa and Missouri. For the short taxable year ending December 31, A's estate had the following income and expenses:

Interest	\$ 5,000.00
Dividends	7,500.00
Iowa farm income	20,000.00
Missouri farm income	<u>10,000.00</u>
Iowa gross income	\$ 42,500.00
Less allowable deductions	<u>8,000.00</u>
Iowa taxable income	\$ 34,500.00
Iowa computed tax	\$ 1,311.00
Less personal credit	<u>40.00</u>
Tax subject to credit for foreign taxes paid	\$ 1,271.00
Tentative credit for tax paid to Missouri	\$ 413.00
Maximum credit	\$ 299.06
Lesser of tentative credit or maximum credit	<u>299.06</u>
Iowa tax due	\$971.94

A's estate paid \$413 of income tax to the state of Missouri on the \$10,000 Missouri farm income. This is A's tentative credit.

The maximum credit on the foreign source income is \$604.20, computed as follows:

$$\frac{\text{Foreign income included in gross income } \$10,000}{\text{Total Iowa gross income } \$42,500} \times \$1,271.00^* = \$299.06$$

*\$1,311 is the Iowa computed tax less the \$40 personal credit.

The allowable out-of-state tax credit is \$299.06 because the \$413 of income tax paid to Missouri (tentative credit) is more than the maximum credit of \$299.06. If the Missouri tax paid had been less than the maximum credit, the allowable credit would have been the amount of income tax paid to the state of Missouri.

c. Motor vehicle fuel tax credit.

(1) An estate or trust incurring Iowa motor vehicle fuel tax expense attributable to nonhighway uses may, in lieu of obtaining an Iowa motor vehicle fuel refund, claim as a credit against its Iowa income tax liability the Iowa motor vehicle fuel taxes paid during the taxable year.

(2) A copy of the Iowa motor vehicle fuel tax credit form IA 4136 must be submitted with the fiduciary return of income to substantiate the claim for credit. Any credit in excess of the income tax due shall be refunded to the estate or trust, subject to the right of offset against other state taxes owing.

d. Nonresident/part-year resident credit. The nonresident/part-year resident credit is available for part-year trusts described in subrule 700.3(3) and trusts whose situs is outside Iowa. Rule 701—304.5(422) provides more information on the computation of the nonresident/part-year resident credit allowed for individuals who are either part-year residents of Iowa or nonresidents of Iowa.

e. Other tax credits. All other tax credits set forth in Iowa Code chapter 422, division II, are also available for any estate or trust that meets the criteria for claiming these tax credits. Estates and trusts with a situs in Iowa that are shareholders in S corporations that carry on business within and without Iowa may use the apportionment provisions for S corporation income set forth in 701—Chapter 403.

The criteria to determine whether an S corporation is carrying on business within and without Iowa is set forth in 701—subrule 503.1(4).

This rule is intended to implement Iowa Code sections 422.3 through 422.12, 422.14, 422.23, and 633.471 and chapter 452A.

[ARC 0403D, IAB 6/24/26, effective 7/29/26]

701—700.7(422) Audits, assessments and refunds. Rules 701—305.1(422) through 701—305.3(422) governing the audit of individual income tax returns, the assessment for tax or additional tax due, and the refund of excessive tax paid also govern the audit of the fiduciary income tax return and the assessment and refund of fiduciary income tax.

This rule is intended to implement Iowa Code sections 422.16, 422.25, 422.30, 422.70, and 422.73.

[ARC 0403D, IAB 6/24/26, effective 7/29/26]

701—700.8(422) The income tax certificate of acquittance.

700.8(1) *In general.* Iowa Code section 422.27 requires the income tax obligation of an estate or trust to be paid prior to approval of the final report by the court. Iowa Code section 422.27 refers only to the report of the executor, administrator or trustee. In addition, the statute makes reference only to a trustee's final report that is approved by a court. A trust that does not report to and is not subject to the supervision of a court will not be issued a certificate of acquittance. However, the statute's reference to a trustee who must report to the court would also include but not be limited to a referee in partition and the trustee of the estate of an individual bankrupt under Chapter 7 or 11 of Title 11 of the United States Code. What constitutes a trust is a matter of the trust law of the state of situs.

700.8(2) *The application for certificate of acquittance.* The final fiduciary return of income serves as an application for an income tax certificate of acquittance. For a certificate of acquittance to be received, the appropriate box on the final fiduciary return must be checked to request the certificate.

700.8(3) *Requirements for a certificate of acquittance.* The issuance of an income tax certificate of acquittance is dependent upon full payment of the income tax liability of the estate or trust for the period of administration. This includes the obligation to pay composite return tax on distributions of nonresident beneficiaries' Iowa-source income from the estate or trust. In the case of an estate, the income tax liability of the decedent both for prior years and the year of death must be paid to the extent of the probate property subject to the jurisdiction of the court. The probate property must be applied to the payment of the decedent's income tax liability according to the order of payment of an estate's debts and charges specified in Iowa Code section 633.425. If the probate property of the estate is insufficient to pay the decedent's income tax obligation in full, the department, in lieu of a certificate of acquittance, shall issue a certificate stating that the probate property is insufficient to pay the decedent's income tax liability and that the department does not object to the closure of the estate. In the event the decedent's income tax obligation is not paid in full, the closure of the decedent's estate does not release any other person who is liable to pay the decedent's income tax obligation.

700.8(4) *The extent of the certificate.* An income tax certificate of acquittance is a statement from the department certifying that all income taxes due from the estate or trust have been paid in full to the extent of the income and deductions reported to the department. The certificate fulfills the statutory requirements of Iowa Code section 422.27 and the Iowa income tax portion of the requirements of Iowa Code sections 633.477 and 633.479. Providing all other closure requirements are met, the certificate permits the closure of the estate or trust by the court. However, the certificate of acquittance is not a release of liability for any income tax or additional tax that may become due, such as the result of an audit by the Internal Revenue Service or because of additional income not reported. 701—subrule 300.2(1) provides more information on limitations on the period of time to conduct income tax audits.

700.8(5) *Appeals to the director.* A denial of a request for an income tax certificate of acquittance may be appealed. An appeal to the director must be in writing and must be made within

60 days of the denial. 701—Chapter 7 provides more information and governs these appeals to the director.

This rule is intended to implement Iowa Code chapter 17A and sections 421.60, 422.27, 422.28, 633.425, 633.477, and 633.479.

[ARC 0403D, IAB 6/24/26, effective 7/29/26]

- [Filed 9/11/81, Notice 8/5/81—published 9/30/81, effective 11/4/81]
- [Filed 12/31/81, Notice 11/25/81—published 1/20/82, effective 2/24/82]
- [Filed 7/16/82, Notice 6/9/82—published 8/4/82, effective 9/8/82]
- [Filed 9/23/82, Notice 8/18/82—published 10/13/82, effective 11/17/82]
- [Filed 10/19/84, Notice 9/12/84—published 11/7/84, effective 12/12/84]
- [Filed 9/6/85, Notice 7/31/85—published 9/25/85, effective 10/30/85]
- [Filed 8/22/86, Notice 7/16/86—published 9/10/86, effective 10/15/86]
- [Filed 9/5/86, Notice 7/30/86—published 9/24/86, effective 10/29/86]
- [Filed emergency 11/14/86—published 12/17/86, effective 11/14/86]
- [Filed 8/30/90, Notice 7/25/90—published 9/19/90, effective 10/24/90]
- [Filed 1/4/91, Notice 11/28/90—published 1/23/91, effective 2/27/91]
- [Filed 8/16/91, Notice 7/10/91—published 9/4/91, effective 10/9/91]
- [Filed 12/6/91, Notice 10/30/91—published 12/25/91, effective 1/29/92]
- [Filed 10/23/92, Notice 9/2/92—published 11/11/92, effective 12/16/92]
- [Filed 9/24/93, Notice 8/18/93—published 10/13/93, effective 11/17/93]
- [Filed 11/18/94, Notice 10/12/94—published 12/7/94, effective 1/11/95]
- [Filed 2/7/97, Notice 1/1/97—published 2/26/97, effective 4/2/97]
- [Filed 12/12/97, Notice 11/5/97—published 12/31/97, effective 2/4/98]
- [Filed 1/9/98, Notice 12/3/97—published 1/28/98, effective 3/4/98]
- [Filed 6/22/99, Notice 5/5/99—published 7/14/99, effective 8/18/99]
- [Filed 9/17/99, Notice 8/11/99—published 10/6/99, effective 11/10/99]
- [Filed 12/10/99, Notice 11/3/99—published 12/29/99, effective 2/2/00]
- [Filed 10/26/01, Notice 9/19/01—published 11/14/01, effective 12/19/01]
- [Filed 1/30/04, Notice 12/24/03—published 2/18/04, effective 3/24/04]
- [Filed 11/4/04, Notice 9/29/04—published 11/24/04, effective 12/29/04]
- [Filed 7/28/06, Notice 6/21/06—published 8/16/06, effective 9/20/06]
- [Filed ARC 7761B (Notice ARC 7632B, IAB 3/11/09), IAB 5/6/09, effective 6/10/09]
- [Filed ARC 8702B (Notice ARC 8512B, IAB 2/10/10), IAB 4/21/10, effective 5/26/10]
- [Filed ARC 0251C (Notice ARC 0145C, IAB 5/30/12), IAB 8/8/12, effective 9/12/12]
- [Filed ARC 0398C (Notice ARC 0292C, IAB 8/22/12), IAB 10/17/12, effective 11/21/12]
- [Filed ARC 1102C (Notice ARC 0975C, IAB 8/21/13), IAB 10/16/13, effective 11/20/13]
- [Filed ARC 1545C (Notice ARC 1469C, IAB 5/28/14), IAB 7/23/14, effective 8/27/14]
- [Filed ARC 2661C (Notice ARC 2537C, IAB 5/11/16), IAB 8/3/16, effective 9/7/16]
- [Filed ARC 6029C (Notice ARC 5886C, IAB 9/8/21), IAB 11/3/21, effective 12/8/21]
- [Filed ARC 6551C (Notice ARC 6450C, IAB 8/10/22), IAB 10/5/22, effective 11/9/22]
- [Editorial change: IAC Supplement 11/2/22]
- [Filed ARC 6900C (Notice ARC 6746C, IAB 12/14/22), IAB 2/22/23, effective 3/29/23]
- [Filed ARC 7003C (Notice ARC 6919C, IAB 2/22/23), IAB 4/19/23, effective 5/24/23]
- [Editorial change: IAC Supplement 10/18/23]
- [Filed ARC 7192C (Notice ARC 7101C, IAB 10/18/23), IAB 12/13/23, effective 1/17/24]
- [Filed ARC 0403D (Notice ARC 0228D, IAB 4/29/26), IAB 6/24/26, effective 7/29/26]

CHAPTER 112
PRIMARY HIGHWAY ACCESS CONTROL
[Prior to 6/3/87, Transportation Department[820]—(06,C) Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/12/30

761—112.1(306A,318) Scope and contact information.

112.1(1) *Statement of policy.* All primary highways are controlled access facilities. The efficiency and safety of a highway depend to a large extent upon the amount and character of interruptions to the movement of traffic. The primary cause of these interruptions is vehicular movement to and from public roadways, businesses, residences, and other developments along the highway. Regulation and overall control of highway access are necessary to provide efficient and safe highway operation and to utilize the full potential of the highway investment. Each highway access connection should be located and designed to achieve the least adverse impact to traffic operations and public safety. Accordingly, the department hereby establishes rules for control of access for all primary highways.

112.1(2) *Contact information.* Information regarding this chapter may be obtained from the department's website at: www.iowadot.gov/traffic/Access-Management/Access-Management-Resources; any of the department's six district offices; or the Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

[ARC 8782C, IAB 1/8/25, effective 2/12/25]

761—112.2(306A,321) Definitions. As used in this chapter:

"Access" means a way or means of egress from or ingress to a highway.

"Access connection" means any point of motor vehicle ingress to or egress from a highway. It is the physical connection between the edge of the traveled way and the abutting property and is exclusive of the roadway and median.

"Average annual daily traffic" or *"AADT"* means the total volume of traffic passing a point or segment of a highway facility in both directions for one year divided by the number of days in the year.

"Functional area" includes any area upstream or downstream of an intersection where intersection operation and conflicts significantly influence driver behavior and vehicle operations. The functional area of an intersection is a calculated value based on the intersection's geometrics, posted speed limit, traffic volume, type of traffic control used and perception-reaction-time values determined by the American Association of State Highway and Transportation Officials.

"Highway" means the same as "street" or "highway" as defined in Iowa Code section 321.1(78).

"Intersection" means the same as defined in Iowa Code section 321.1(33).

"Necessity" means the access is required or indispensable to the property because of circumstances that cannot be sufficiently mitigated by other means. Proof of necessity refers to documents, data, maps and other information submitted to illustrate and verify the claim of necessity.

"Primary highway" means a highway that is under department jurisdiction.

"Ramp" means a special lane, usually a short section of one-way roadway, that provides an access connection between two roads to enter or exit a major highway. The term "ramp" includes but is not limited to entrance ramps, roadway ramps, loop roads and collector-distributor roads.

"Roadway" means the same as defined in Iowa Code section 321.1(65). A divided highway has two or more roadways.

"Traveled way" means the portion of a roadway used for the through movement of vehicles, excluding shoulders, gutters and auxiliary turn lanes.

"Trip" means a single or one-directional vehicle movement. A vehicle leaving the highway and entering a property is one trip, and the vehicle leaving the property and entering the highway is a second trip.

[ARC 8782C, IAB 1/8/25, effective 2/12/25]

761—112.3(306A) General provisions. The following provisions govern access encroachments onto a primary highway:

112.3(1) Access connection construction activity on a highway shall not begin until an access permit has been issued by the department.

112.3(2) A new access permit is required when there will be a change in use of the access connection. A change in access use includes but is not limited to:

- a. A change in the predominant vehicle types using the access.
- b. An increase in traffic volumes using the access.
- c. The original design and engineering limitations have been exceeded by the current use.
- d. The current use has not been authorized by the terms and conditions of the existing access permit.

112.3(3) A person shall not drive a motor vehicle to or from a highway at a location that is not an authorized access connection.

112.3(4) Access rights shall not accrue from, nor will additional access be provided upon, the splitting or dividing of existing parcels of land or contiguous parcels under the same ownership or controlling interest unless the proposed access complies with access category and design requirements and is permitted. Adjacent properties under common ownership or control, consolidated for development, or part of a phased development plan are considered one unit, and a unified access and circulation plan must be established for the site.

112.3(5) No rights of access are conveyed when the department provides a new access connection or modifies an existing access connection.

112.3(6) The terms and conditions of any permit are binding upon the applicant, the property owner and all assigns, successors-in-interest, heirs and occupants. If an assign, successor-in-interest, heir or occupant does not accept the terms and conditions of an existing permit, the assign, successor-in-interest, heir or occupant shall apply for a new access permit or a permit to close the access.

112.3(7) A property owner not wanting to assume responsibility for an access or the access's requirements may apply for access removal at the property owner's expense. An exception may be made for removals during highway projects.

112.3(8) A permit grants no property rights or interests in state right-of-way.

112.3(9) Where there are multiple accesses to the same parcel, the department may consolidate existing access connections during a highway project.

112.3(10) The department has the authority regarding operational modifications to the highway and all access connections.

[ARC 8782C, IAB 1/8/25, effective 2/12/25]

761—112.4(17A,306A,318) Permitting process. An access permit is required for an encroachment onto a public right-of-way for the construction, reconstruction or modification of an access connection or any of its related appurtenances.

112.4(1) *Application for an access permit.*

a. To obtain an access permit, applicants will use the web-based system found at eps.iowadot.gov. If the applicant cannot use or connect to this electronic system, the applicant may contact the appropriate district office that is responsible for the area in which the proposed access is located. An applicant may be the property owner or the owner's authorized agent.

b. A separate access application and permit are required for each access connection.

c. Intentional misrepresentation of existing or future conditions or providing false information is considered sufficient grounds for denial or revocation of a permit.

d. The applicant is responsible for providing any location and design plans that describe the access.

e. The applicant is responsible for providing an estimate of the traffic volume of the access and the property as a whole. The estimate will include the anticipated average daily or hourly use and the anticipated access use upon the full development of the property.

f. For access types A and B as defined in subrule 112.5(2) and public intersections, the department requires a traffic impact analysis from the applicant during the processing of a permit request, except when the appropriate district engineer determines an analysis is not necessary. Such traffic impact analysis must be prepared by a professional engineer licensed in Iowa and at the cost of the applicant. The analysis will address a current and 20-year projection of traffic activity and impacts at and near the proposed access connection, including the full-development traffic volumes of the access connection.

g. It is the responsibility of the applicant to comply with all local ordinances and any other regulations.

112.4(2) *Processing an access application.*

a. Upon receipt of an application, the department will begin processing the application using the electronic permitting system. The department will apply the criteria as required by this chapter, including access type, access category, location, design, public safety and traffic operations.

b. The department may issue an access permit with terms and conditions or deny the application if it fails to meet this chapter's requirements. The department representative will notify the applicant of the determination.

c. The department will not act on an application it deems incomplete and will notify the applicant of additional information needed to complete the request.

d. Upon mutual agreement by the department and applicant, the department may suspend or extend the process period.

e. The applicant may withdraw the application.

112.4(3) *Permit terms and conditions.*

a. An access permit will include terms and conditions necessary to meet the requirements of this chapter and include consideration of the following:

- (1) Safety of the traveling public.
- (2) The access category pursuant to rule 761—112.5(306A).
- (3) The access location and design pursuant to rule 761—112.6(306A).
- (4) The traffic-carrying capacity of the highway.
- (5) Protection of the public investment in the highway.
- (6) Topography and geometric limitations and constraints.

b. The department may restrict turning movements as necessary to reduce adverse impacts. The department will consider the 20-year projection of traffic volumes on the roadway and the full-development traffic volumes of the access connection.

c. Access permits expire after one year if construction of the access is not initiated and no extension of time has been requested and granted by the department.

d. The property owner and the owner's authorized agent agree by accepting the permit to indemnify, defend and hold harmless the state of Iowa and its employees from all claims arising out of construction or use of the access.

e. The property owner and applicant assume liability for the construction and ongoing use of the access.

f. The permittee shall maintain the access in good repair at all times.

g. If the department has not received the signed copy of the permit within 60 days of the date of transmittal to the applicant, the permit is deemed withdrawn.

112.4(4) *Permits where department owns access rights.*

a. This subrule applies only where the department has determined there is no longer the necessity for the controlled access line at the proposed location. The department may issue an access permit if all design and location criteria are met.

b. If it becomes necessary to close the access, the property owner will be notified in advance and any permit will be revoked. The access application and permitting process do not include any rights of appeal where the department is the owner of the access rights.

112.4(5) *Appeals.*

a. An applicant or permittee who objects to any terms or conditions placed on an access permit, the denial of a permit, or the closure or revocation of an access may appeal the department's decision. If the department owns the access rights, this subrule does not apply.

(1) The appeal shall be submitted to the appropriate district engineer at the department.

(2) An appeal concerning the closure or revocation of an access or the denial of a permit must be submitted within 60 days of receipt of the department's notification.

(3) An appeal concerning the terms or conditions placed on an access permit must be submitted within 60 days of when the department sends the applicant the signed copy of the permit with terms or conditions for signature.

(4) The appeal must include reasons for the request and may include changes, revisions or conditions that would be acceptable to the applicant or permittee.

b. The district engineer will issue a written decision to the applicant or permittee within 60 days of receipt of the appeal or within 60 days after receipt of requested additional information.

c. Upon receipt of the written decision, the applicant or permittee may appeal the district engineer's decision by submitting the appeal along with background information to the director of transportation. The director will issue a written decision within 60 days of receipt of the appeal. The director's decision is final agency action.

112.4(6) *Waivers.* The director of transportation may, in response to a written petition, waive provisions of this chapter in accordance with 761—Chapter 2504. The written petition must contain the information as required in 761—Chapter 2504 and shall be submitted to the rules administrator, either by mail to Rules Administrator, Government and Community Relations, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by email to the rules administrator's email address listed on the department's website at iowadot.gov/administrativerules.

112.4(7) *Waivers involving interstate highways.* The director of transportation shall not waive these rules in access situations involving the interstate highway system, including its ramps, without the approval of the Federal Highway Administration.

[ARC 8782C, IAB 1/8/25, effective 2/12/25; Editorial change: IAC Supplement 6/24/26]

761—112.5(306A) Access types and the primary highway category system. This rule manages access connections according to highway function, design, traffic volumes, speed and roadside conditions.

112.5(1) *General.*

a. The department will assign access categories to all highways according to the descriptions in subrule 112.5(3).

b. There are no minimum or maximum distance criteria for the length of a category assignment.

c. The department may assign a specific category to a segment of highway based on operational needs and to maintain consistency along a specific route.

d. The department will maintain an access category assignment schedule for the highway system.

e. Municipal access categories are for primary highway extensions within municipalities where concurrent jurisdiction applies pursuant to Iowa Code section 306.4(4).

f. For all access categories, access connections should be kept to the minimum necessary to provide reasonable access. A second access to a parcel may be provided only if it meets spacing criteria, internal circulation is not feasible, and there is a necessity for the access.

g. If the category allows type D access, an additional type D access may be granted to a parcel if the necessity due to topography problems or ongoing agricultural activities is demonstrated. A change in use of the parcel of land serviced by the type D access requires a new permit and may result in closure of the access if the location will not meet access category requirements for another type.

h. A secondary access for emergency fire services needed to meet local fire safety regulations may be permitted on all categories except for the categories interstate and freeway (I/F), expressway (E), and municipal expressway (ME) and across controlled access lines. Such emergency access may

be permitted only if it is not feasible to provide the emergency access to a secondary roadway. A written explanation with references to local standards from an appropriate government safety official must be included with the application. The access shall be maintained by the permittee as a closed access except during emergencies. Hidden pavement structures are acceptable.

i. Access connections to government parcels will be treated the same as private access types based on volume with the exception of egress access connections used specifically for emergency response services such as fire stations.

112.5(2) *Access types.* Access connections are distinguished by the following four types of private access based on access connection traffic volume:

a. Type A is a private access connection with traffic volumes equal to or greater than 100 trips in a peak hour. Traffic volume estimates are to be based on a 20-year projection or the build-out of the development, whichever is greater.

b. Type B is a private access connection with traffic volumes between 11 and 99 trips in a peak hour. Traffic volume estimates are to be based on a 20-year projection or the build-out of the development, whichever is greater.

c. Type C is a private access connection with traffic volumes between one and ten trips in a peak hour.

d. Type D is a private access connection with an AADT of less than one per day.

112.5(3) *Access categories for highways.* Access categories are distinguished as follows:

a. The interstate and freeway (I/F) category applies to highways with full access control. Access to the roadway, when allowed, shall be provided by ramps. Direct access to the main roadway and all ramps is prohibited.

b. The expressway (E) category applies to nonfreeway multilane highways outside municipal boundaries where the department has acquired the associated access rights. Access that has not already been authorized shall not be permitted across existing access control lines. An access management plan is required to authorize a new public intersection. New direct access connections will not be permitted for utilities that have not been previously authorized.

c. The rural-600 (R-600) category applies to two-lane and multilane highways outside municipal boundaries that are on the Iowa commercial industrial network as most recently approved by the commission or are where roadway traffic volume will be equal to or greater than 3,000 AADT within 20 years. Access types A, B and C may be permitted where the applicant can prove necessity and the access has a minimum spacing distance of 600 feet from other connections. Access type D must meet sight distance requirements. Private access connections should not be permitted within the functional area of any public intersection. Public intersections should be located at survey section lines when feasible. Each full-movement access connection should serve as many properties and interests as possible to reduce the need for additional direct access to the highway.

d. The rural safety and need (R-S/N) category applies to two-lane highways outside municipal boundaries that will not exceed 3,000 AADT within 20 years. This category includes frontage roads, service roads and access ways. All private access types may be permitted where the applicant can prove necessity and meet sight distance requirements. Private access connections should not be permitted within the functional area of any public intersection. Public intersections should be located at land survey section lines when feasible.

e. The municipal expressway (ME) category applies to nonfreeway multilane highways inside municipal boundaries where arterial performance is necessary to provide high mobility and through traffic capacity. In the absence of an access management plan, private access shall not be permitted that has not already been authorized. An access management plan is required to authorize a new public intersection and may only be allowed if the public roadway is adopted by the city.

f. The municipal-1000 (M-1000) category applies to important regional and intracity highways that are within a municipality. Designation of M-1000 must include consideration of system continuity and preservation of a high level of mobility and through traffic capacity. The department recommends

the installation of restrictive medians between full-movement intersections. Access to an M-1000 may be granted under the following conditions:

(1) All access types are eligible for a full-movement access connection at 1,320 feet (one-quarter mile) locations based on section lines where feasible, and these access connections may be restricted to right-in and right-out turns or directional left-in-only as access volumes increase. If there is a documented necessity to permit access connections at locations less than 1,320 feet, then a minimum access spacing interval of 1,000 feet may be used. No access connection should be allowed within the functional area of a public intersection.

(2) Each full-movement location should serve as many properties and interests as possible to reduce the need for additional direct access to the highway.

(3) All access types are eligible for limited movement connections at minimum spacing intervals of 600 feet if a restrictive median is present.

g. The municipal-600 (M-600) category applies to highways within municipalities that have been determined to have a need to maintain a moderate level of mobility and through traffic capacity. Minimum spacing for all access types is 600 feet.

h. The municipal-300 (M-300) category applies to highways within municipalities where a low level of mobility and through traffic capacity is acceptable. Minimum spacing for all access types is 300 feet.

i. The municipal safety and need (M-S/N) category applies to highways within municipalities where motor vehicle mobility and through traffic capacity are low priorities. The permitting of access and the determination of access connection locations is based only on safety and need.

112.5(4) *Category revisions.*

a. From time to time, it may be necessary for the department to change an assigned access category because of changes in roadway conditions, traffic growth or highway reconstruction. Reassignment must be consistent with subrule 112.5(3). A report will be prepared presenting why the current category should not be used and the reasons for and benefits of making the category revision.

b. If the highway is identified as a future freeway or expressway, the department may suspend the issuance of new access permits.

c. If a highway utilizing at-grade intersections is intended to be improved to accommodate traffic growth or safety considerations, the access category of the future improvement will be applied.

112.5(5) *Interchange and intersection access control.*

a. When it is necessary for an at-grade access connection to be near an interchange on an access category E or ME, the first access connection location will be determined by calculating the functional areas of the expressway ramp and the first at-grade access connection. The two functional areas shall not overlap. The functional area of the ramp shall be considered no less than 1,500 feet from the end of the taper. The first access should be a public intersection. Access turning movements may be restricted for operational reasons.

b. Access is prohibited to all elevated structures and ramps on or connected to any highway.

c. When the interchange crossroad AADT will exceed 10,000 in the twentieth year, the first full-movement access connection should be at least 1,320 feet as measured from the ramp bifurcation point. A minimum of 1,000 feet may be allowed for a full-movement intersection if there is a proven necessity and no reasonable alternative. A restrictive median may be required between the ramps and the full-movement intersection. If the first full-movement intersection is at least 1,200 feet from the ramp bifurcation and a restrictive median is present, a right-in and right-out access may be permitted at a minimum of 600 feet from the ramp bifurcation. The ramp functional area should not overlap with the functional area of any access connection.

d. When the interchange crossroad AADT will be between 3,000 and 10,000 within 20 years, the first full movement should be at least 1,000 feet away from the ramp. All access types may have a restricted right-in and right-out access at a minimum of 600 feet from the ramp bifurcation point.

e. When the interchange crossroad AADT will not exceed 3,000 within 20 years, access public intersections and private access types A and B should be at least 600 feet away from the ramp bifurcation point. Types C and D should be at least 300 feet from the bifurcation point and may be subject to operational restrictions.

f. For any new interchange or interchange reconstruction, access rights should be acquired and extend a minimum of 600 feet away from the ramp bifurcation point. If the AADT will exceed 10,000 within 20 years, a minimum of 1,000 feet of access rights should be acquired.

g. Where a free-flow turning movement from a roadway or ramp merges onto another roadway, an analysis is to be completed to determine the functional area and the preferred placement of the first access connection. The functional area of the merge lane of the roadway and the functional area of the first access connection should not overlap. Access rights are to be acquired along the identified functional area length.

h. An at-grade intersection is defined by the determination of its functional area. Access should not be allowed within this functional area. Access beyond the functional area remains subject to the requirements of the access category location standards.

i. When acquiring access rights as part of a highway project, the department may acquire access rights along intersecting public roadways to protect the operation of the intersection at the highway. Acquisition of access rights should extend a distance of 150 feet from the near edge of the highway traveled way. If the intersecting public roadway AADT is predicted to exceed 3,000 within 20 years, the department should acquire access rights for a distance of 300 feet from the near edge of the highway traveled way. The department may lengthen or shorten the distance of access rights required after considering the intersection functional area, traffic volumes, traffic operations, acquisition costs and other factors.

112.5(6) *Access management plans and agreements.*

a. Access management plans may be developed to determine how access will be managed on select sections of high-priority corridors, around freeway interchanges, and within municipalities and high-growth corridors. Each plan will apply access management techniques, identify acceptable traffic control features, and establish the necessary operational restrictions to ensure the long-term functional performance and safety of the highway. The scope of each access plan may vary depending on what is determined necessary by the parties of the agreement to manage current and predicted future highway conditions and local land use.

b. To apply an access management plan within a municipality, it must be adopted by joint agreement in accordance with Iowa Code sections 306.4(4) and 306A.7.

c. Highway projects and corridor plans may include access management techniques and improvements to bring a section of highway into conformance with its current access category without adopting an access management plan and agreement.

[ARC 8782C, IAB 1/8/25, effective 2/12/25]

761—112.6(306A) Location and design. This rule sets criteria for the location and design of access connections to primary highways.

112.6(1) Each access connection authorized must be located and designed in accordance with this rule. Terms and conditions for location, design, construction and use of the access connection shall be established by permit.

112.6(2) The priority of the primary highway system is to provide highway corridors with the goal of maintaining traffic capacity by limiting disruptions to through traffic. Direct access from abutting land is therefore subordinate. Where an adjacent lower traffic volume road is available, the access should connect to that roadway.

112.6(3) Private access connections may only be considered when there is a reasonable necessity for the access and should be separated from other private access connections at a minimum distance equal to the sight distance at the posted speed. The burden of proving necessity is on the applicant.

112.6(4) An access connection must be consistent with the requirements of the assigned access category.

112.6(5) Access location considerations must include traffic operations, public safety, sight distance, distance to other access locations, traffic speed and volumes, the design vehicle for the access, and turning movements.

112.6(6) Restrictive medians may be installed and access connection turning movements may be restricted to right turns or directional left turns for operational reasons when determined necessary and at the sole discretion of the department.

112.6(7) Minimum design criteria may be used only when there is a proven and documented necessity that higher standards are not feasible at the specific site.

112.6(8) When there are access connections on opposite sides of the highway and left turns are allowed from both directions, the access connections should be opposite each other or have sufficient offset distance so as to prevent overlapping left turn maneuvers.

112.6(9) If the access connection requires a turn lane, the access connection should be located so the turn lane can be installed and no other access connections occur along the turn lane. An access should not be installed along a turn lane or taper.

112.6(10) Private access connections should not be located within the functional area of a public intersection.

112.6(11) All access connections must meet sight distance.

112.6(12) The access must be designed to facilitate the movement of vehicles from the highway to prevent the queuing of vehicles on the roadway.

112.6(13) If a proposed access location does not comply with this chapter, the access permit shall be denied.

112.6(14) If the department determines that the literal application of these rules to a specific situation will create or result in an unsafe situation or an unreasonable design, the department will use sound engineering practices to determine the appropriate location and design for the specific situation. The department will include justification for the design in the permit or the highway project file, as applicable.

[ARC 8782C, IAB 1/8/25, effective 2/12/25]

761—112.7(306A) Access construction. This rule sets criteria for the construction of access connections.

112.7(1) Overall stipulations.

a. Unless part of a public construction project, the construction of the access and its appurtenances as stated in the terms and conditions of the permit shall be completed at the expense of the permittee.

b. The access connection must be constructed according to the department's standards and specifications. The applicant will be provided with the necessary standards and specifications with the issued permit.

c. The access shall be completed in an expeditious and safe manner and must be finished within 30 days from initiation of construction within the highway right-of-way unless otherwise stated on the access permit.

d. The department may restrict work within the highway right-of-way, restrict lane closure periods and require preapproval of all aspects of construction phasing and traffic control. The permittee shall provide work zone traffic control at all times during access construction. Work in the highway right-of-way is not allowed on legal holidays, at night, during peak traffic hours or during adverse weather conditions without specific department permission.

e. Any damage to the primary highway, appurtenances or any utility or any permitted private encroachment shall be repaired immediately at the direction of the affected owner. All costs associated with repair or relocation are to be borne by the permittee. If a survey monument is modified or damaged, repair and replacement shall be done at the direction of the owner of the monument.

f. The relocation, removal or modification of any traffic control device or public or private utilities shall be accomplished by the permittee without cost to the department or utility and at the direction of the department or utility owner.

g. An access permit may require installation of traffic control features or devices, but such requirements do not create any type of private interest in such features. Traffic control features and devices in the right-of-way, such as traffic signals, channelizing islands, medians, median openings, and turn lanes, are operational and safety characteristics of the highway and are not means of private access. The department may install, remove or modify any traffic control feature or device in the right-of-way to promote traffic safety or efficient traffic operations.

h. The department is not obligated to permit or approve any connection, traffic control feature or device or any other site-related improvement that has been specified in a development approval process separate from the permitting criteria and approval process described in this chapter.

i. If any construction element of the permitted access fails within three years following construction, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

j. The property owner or occupants are responsible for maintaining the access. Where the access connection has a paved surface, the property owner or occupants are responsible for maintaining the access connection from the paved edge of the roadway to the right-of-way line. Where the access connection does not have a paved surface, the property owner or occupants are responsible for maintaining the access from the outer shoulder line of the roadway to the right-of-way line. The department is not responsible for the removal of debris, snow or ice on the access, including debris deposited by the department during maintenance operations.

k. Drainage structures located along the highway are maintained by the department except for concrete box culverts and bridges constructed by the property owner for access to the property, which shall be maintained by the property owner or occupants.

112.7(2) Temporary access.

a. When an access is needed in temporary situations for a limited period of time, a temporary access connection may be allowed, but it is subject to special stipulations as determined by the department.

b. The location of the temporary access shall comply with all safety and sight distance requirements.

c. Temporary access, if authorized, may be permitted up to but not exceeding 24 consecutive months.

d. The permittee is responsible for all costs incurred, including removal of the access and restoration of the right-of-way at the end of the permit period.

e. An application for temporary access is not needed if the temporary access is for department purposes and has been approved in department internal documents and, when required, by the Federal Highway Administration.

[ARC 8782C, IAB 1/8/25, effective 2/12/25]

761—112.8(306A) Drainage requirements for access connection approvals.

112.8(1) The permittee shall provide, at the permittee's expense, drainage structures for access connections that will become an integral part of the existing drainage system.

112.8(2) The type, size and condition of the drainage structures provided by the permittee must meet the requirements of the department in unincorporated areas and the requirements of both the department and the municipality in incorporated areas. The design and construction of drainage structures for access shall not adversely impact the highway right-of-way, a storm sewer system or a drainage-way.

112.8(3) The construction of an access shall not impair the drainage or stability of the highway subgrade, nor shall it cause water to flow across the roadway pavement or pond on the shoulders or in the ditch or result in erosion within the highway right-of-way.

112.8(4) Drainage systems designed and constructed by the department within the highway right-of-way are designed to serve the drainage needs of the highway and adjoining properties based on the basin conditions at the time of the design of the highway.

[ARC 8782C, IAB 1/8/25, effective 2/12/25]

761—112.9(306A,318) Violations at access connections.

112.9(1) It is the responsibility of the property owner and permittee to ensure that the access is not in violation of this chapter or the terms and conditions of the permit.

112.9(2) When an authorized access is constructed or used in violation of this chapter or the terms and conditions of the permit, the department may suspend the access permit and may order the immediate closure of the access. Notwithstanding the preceding sentence or any other provision of this chapter, the department may proceed as authorized under Iowa Code chapter 318 at any time.

[ARC 8782C, IAB 1/8/25, effective 2/12/25]

These rules are intended to implement Iowa Code chapter 17A and sections 306.19, 306A.1 through 306A.8, 307.12(1) “j,” 318.3, 318.5 and 318.8.

[Filed May 18, 1966; amended April 14, 1971]

[Filed 1/17/77, Notice 12/1/76—published 2/9/77, effective 3/16/77]

[Filed 12/20/79, Notice 10/31/79—published 1/9/80, effective 2/13/80¹]

[Filed 2/7/86, Notice 12/18/85—published 2/26/86, effective 4/2/86]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed 8/8/90, Notice 6/13/90—published 9/5/90, effective 10/10/90]

[Filed 5/17/95, Notice 4/12/95—published 6/7/95, effective 7/12/95]

[Filed 3/7/01, Notice 1/10/01—published 4/4/01, effective 5/9/01]

[Filed 10/10/02, Notice 8/7/02—published 10/30/02, effective 12/4/02]

[Filed 9/14/05, Notice 8/3/05—published 10/12/05, effective 11/16/05]

[Filed ARC 9873B (Notice ARC 9781B, IAB 10/5/11), IAB 11/30/11, effective 1/4/12]

[Filed ARC 2889C (Notice ARC 2779C, IAB 10/26/16), IAB 1/4/17, effective 2/8/17]

[Filed ARC 5301C (Notice ARC 5180C, IAB 9/23/20), IAB 12/2/20, effective 1/6/21]

[Filed ARC 6562C (Notice ARC 6434C, IAB 7/27/22), IAB 10/5/22, effective 11/9/22]

[Filed ARC 8782C (Notice ARC 8251C, IAB 10/16/24), IAB 1/8/25, effective 2/12/25]

[Editorial change: IAC Supplement 6/24/26]

¹ Effective date of [06,C] Ch 1 delayed by the Administrative Rules Review Committee 70 days. Delay lifted by this Committee on March 13, 1980.

CHAPTER 115 UTILITY ACCOMMODATION

[Prior to 6/3/87, Transportation Department[820]—(06,D) Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

761—115.1(306A,314,320) General.

115.1(1) Purpose. This chapter covers the requirements needed for placement, adjustment and maintenance of utility facilities in, on, above or below the rights-of-way of primary roads to ensure the safety of the road user and the integrity of the road.

115.1(2) Contact information. Information regarding this chapter may be obtained from the department's website at: www.iowadot.gov/consultants-contractors/right-way/utility-accommodation-coordination; any of the department's six district offices; or the Transportation Development Division, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

115.1(3) Considerations. If the department determines that the literal application of these rules to a specific situation will create or result in an unsafe situation or an unreasonable design, the department shall use sound engineering practices to determine the appropriate design for the specific situation documenting the design decision in the permit or the road project file, as applicable, and addressing:

- a. Safety of motorists, pedestrians, construction workers and other road users.
- b. Integrity of the road.
- c. Protection of the rights of the traveling public and of property owners, including the rights of abutting property owners.
- d. Topography and geometric limitations and constraints affecting typical engineering standards.
- e. Environmental protections, limitations and constraints of surrounding ecosystem.

115.1(4) Permit approval process.

a. To apply for a permit, the applicant must submit a request in the form and manner prescribed by the department. The department will do one of the following in response to a request for a utility accommodation on the primary road system: approve the request for a permit, approve the request for a permit with conditions, or deny the request for a permit. The department will notify the applicant of the determination in writing.

b. If the utility facility will impact a road or street under the jurisdiction of a local public agency, the request must be approved by the county. If the utility facility is within corporate limits of a city, the request must be approved by the city. The applicant is responsible for obtaining local jurisdiction approvals. If the utility facility will cross or impact an interstate road, the request must be approved by the FHWA. The department is responsible for obtaining FHWA approval.

c. Upon receipt of a denial notification or if the permit was approved with conditions, the applicant may choose to pursue a waiver from the director pursuant to subrule 115.1(5).

d. For the purposes of this chapter, required notifications may be made by electronic means.

115.1(5) Waivers. The director may, in response to a written petition, waive provisions of this chapter in accordance with 761—Chapter 2504. The written petition is to contain the information as required in 761—Chapter 2504 and be submitted to the rules administrator either by mail to Rules Administrator, Office of the Director, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by email to the rules administrator's email address listed on the department's website at iowadot.gov/administrativerules.

115.1(6) Additional requirement for waivers involving interstate roads. The director will not waive these rules in utility accommodation and adjustment situations involving the interstate road system, including its ramps, without the approval of the FHWA.

[ARC 9265C, IAB 5/14/25, effective 6/18/25; Editorial change: IAC Supplement 6/24/26]

761—115.2(306,306A,321) Definitions.

“511” means a traveler information system that provides real-time updates about weather-related road conditions, road work, commercial vehicle restrictions, road closures and other events that impact traffic via the phone or Internet.

“Abandoned” or “abandonment” means the decision by a utility owner to no longer use its utility facility.

“Adjustment” means a physical change to an existing utility facility, including improvement, rearrangement, reinstallation, protection, relocation or removal of the utility facility.

“Agreement” means a contract between the department and a utility owner.

“Applicant” means the utility owner or the utility owner’s designated representative who submits a request for a utility permit on the primary road system.

“Appurtenance” means a utility facility-related feature, such as a vent, drain, utility access or marker.

“Attachment agreement” means a contract between the owner of a utility pole or structure and another utility owner for the joint use or sharing of poles or structures.

“Backfill” means placement of suitable material and compaction of the material as specified in these rules.

“Best management practices” means the industry’s best-known method, technique or proven process used to achieve an end goal or standard.

“Breakaway” means designed to shatter, bend easily or separate from a solid foundation.

“Cable” means an insulated conductor or a combination of insulated conductors.

“Carrier” means a pipe directly enclosing a transmitted fluid (liquid or gas) or slurry. “Carrier” may also mean an electric or communication cable, wire or line.

“Casing” means an oversize load-bearing pipe, conduit, duct, or structure through which a carrier or cable is inserted.

“Cell” means a conduit.

“Clear zone” means a roadside area that is free of obstacles where an out-of-control vehicle can traverse safely, starting at the edge of the traveled way.

“Communication line” or “communication cable” means a cable used for the transmission of data, voice, images, television, alarm systems or traffic control.

“Conduit” means an enclosed tubular runway for protecting wires or cables. A conduit may also be referred to as a “cell” or “duct.”

“Cover” means depth from the grade of a roadway or ditch to the top of an underground utility facility.

“Department specifications” means departmental standard specifications that can be found on the department’s website at www.iowadot.gov/specifications.

“Designated representative” means a person with authority to make decisions on behalf of the utility owner, including employees of the utility company or consultants and utility contractors performing specific work on behalf of the utility owner.

“Director” means the director of transportation or the director’s designee.

“District representative” means a department employee who processes utility accommodation requests in an assigned geographical area.

“Duct” means a conduit.

“Emergency” means an unplanned situation that presents a danger to the life, safety or welfare of motorists, persons working within the rights-of-way or the general public and that requires immediate attention. The emergency may be the result of storm damage and may involve disruption of utility service to customers. Work on a utility facility due to an emergency is unplanned work and may be necessary at any time of the day or night. The emergency work operation usually involves a small crew and a work vehicle for a short period of time.

“Encasement” means placing a casing around a utility facility.

“FHWA” means the Federal Highway Administration.

“Flowline” means the lowest point in a pipe, culvert, ditch, stream bed, or other structure that conveys water.

“Foreslope” means the downward sloping surface of an embankment from the outer edge of the roadway shoulder away from the traveled way to the roadway ditch bottom.

“Freeway” means a fully controlled access primary road. The rights of ingress and egress from abutting properties have been legally eliminated by the department. Permanent access to the primary road is allowed only at interchange locations. A freeway is generally five or more miles in length.

“Generally accepted industry standards” means a set of criteria within an industry relating to the standard functioning and carrying out of operations in the industry’s respective fields of production.

“Interchange” means a system that provides for the movement of traffic between intersecting roadways via one or more grade separations.

“Maintenance,” as used in conjunction with a utility facility, means any repair or replacement of the utility facility that is not an adjustment and that does not increase the capacity of the original installation. The term “maintenance,” when used in conjunction with a road, means repair or other operational activities performed by the department within the primary road rights-of-way to preserve the function of the road and its structures.

“Median” means that portion of a divided road separating traffic moving in opposite directions.

“Multiduct” means a system comprised of two or more conduits combined in a joined pathway.

“MUTCD” means the Manual on Uniform Traffic Control Devices as adopted in 761—Chapter 130.

“Nonfreeway primary road” means a primary road that is not a freeway.

“Occupy the primary road rights-of-way” means located or to be located in, on, above or below the primary road rights-of-way. The term includes attachments to primary road structures.

“Out-of-service” means a utility facility that has been removed from service and is not in use.

“Pavement” means that portion of a roadway used for the movement of vehicles, excluding paved and unpaved shoulders.

“Permit” means a utility permit issued by the department. The term “permit” includes all attachments to the permit.

“Pipe” means a tubular product used to transport solids, liquids or gases.

“Pipeline” means a carrier system used to transport liquids, gases, or slurries.

“Primary road” means the same as defined in Iowa Code section 306.3(6).

“Reimbursement agreement” means a contract between a utility owner and the department for reimbursement of utility facility relocation from private easement due to proposed primary road construction.

“Rights-of-way” means the same as “public road right-of-way” as defined in Iowa Code section 306.3(7).

“Road” or *“street”* means the same as defined in Iowa Code section 306.3(8).

“Roadway” means the same as defined in Iowa Code section 321.1(65).

“Rural-type roadway” means a roadway that does not have a curb and gutter section.

“Service connection” means a water, gas, power, sanitary sewer, storm sewer line or communications cable that extends from the main or primary utility facility into an adjacent property and that is used to serve the property regardless of ownership.

“Shoulder” means that portion of a roadway contiguous to the traveled way for the accommodation of disabled vehicles, for emergency use and for the lateral support of the pavement base and paved and unpaved surface courses.

“Ten-day notice” means ten calendar days that begin at midnight on the day the notice is submitted and conclude at midnight on the eleventh day following the date of the notice.

“Toe of foreslope” means the intersection of the foreslope and the natural ground or ditch bottom.

“Traveled way” means that portion of a roadway used for the movement of vehicles, excluding shoulders and auxiliary lanes.

“Trenched” means installed in a narrow open excavation.

“Trenchless” means installed without breaking the ground or the pavement surface, such as by jacking, boring, tunneling, directional drilling or mechanical compaction.

“Urban-type roadway” means a roadway that has a curb and gutter section.

“Utility” means the same as defined in Iowa Code section 306A.13, and for the purposes of this chapter, the term “utility” includes traffic signal systems, street and intersection lighting systems and a communication line or communication cable.

“Utility access” means an opening in an underground utility system through which workers or others may enter for the purpose of making installations, inspections, removals, repairs, connections or tests.

“Utility conflict list” means a document that identifies the relevant information about the utility facilities identified within the primary road project footprint. The utility conflict list, also known as utility conflict matrix, serves as a tool to track the status of the utility facilities in relation to the road design, including but not limited to no conflict, potential conflict, utility owner, utility type, size, location, assessment, relocation required, actions, and resolutions.

“Utility facility” means any pole, pipe, pipeline, pipeline company facility, sewer line, drainage tile, conduit, cable, aqueduct or other utility-related structure or appurtenance.

“Utility owner” means the owner of a utility facility.

“Vent” means an appurtenance used to ventilate or to discharge gaseous contaminants from casings.

“Waterway” means a river, stream, creek, brook, drainage ditch or other perennially flowing body of water.

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.3(306A,318,320) General provisions.

115.3(1) *Permit required.* A permit is required to place utility facilities in, on, above or below the primary road rights-of-way to attach utility facilities to a primary road structure or to adjust existing utility facilities occupying the rights-of-way.

115.3(2) *Future adjustment.*

a. In the event any future maintenance or construction of the primary road requires an adjustment of the utility facility, the department will not reimburse the utility owner for adjustment costs incurred unless otherwise noted on the permit.

b. Should adjustment of the utility facility be required, the department makes no assurance nor assumes any liability to the utility owner that the utility facility will again be allowed to occupy the primary road rights-of-way.

115.3(3) *Compliance with requirements.* It is the responsibility of the utility owner to ensure that the utility owner’s utility facility complies with all applicable federal, state, local and franchise requirements and meets generally accepted industry standards at the time of installation.

115.3(4) *Performance bond.* The department may require a performance bond for utility work within the primary road rights-of-way under the following circumstances: the work is being done to adjust or relocate the utility facility to accommodate a planned primary road project; the installation is unusual; abnormal site conditions exist, such as but not limited to unstable soil or unique vegetation; or the utility owner has a history of performance problems. A performance bond is required for longitudinal freeway occupancy; more information contained in subrule 115.15(9).

a. If a performance bond is required, the utility owner shall file the bond with the department prior to commencing work within the rights-of-way in the minimum amount of \$10,000 per permit. Depending on the type and extent of the utility facility to be installed, adjusted or relocated, the department may require a higher performance bond amount. The performance bond shall be in force for the duration of the permit and through completion of the primary road project construction, when applicable. The department will release the performance bond after all permit requirements have been accomplished by the utility owner. The department shall have the right to file a claim against the performance bond for two years after the performance bond has been released.

b. An annual performance bond in the amount of \$100,000 for statewide activities in lieu of an individual performance bond for each permit is permissible and shall be kept in force for as long as the utility owner's utility facilities occupy the primary road rights-of-way anywhere within the state of Iowa.

c. When required, a performance bond shall guarantee prompt relocation for primary road project construction, restoration of any damage that is the result of the utility facility's occupancy of the primary road rights-of-way, and correction of any installation that is not in accordance with the issued permit on location or method of installation.

115.3(5) *Execution of work.* Utility construction and maintenance work within the primary road rights-of-way is to be accomplished in a manner satisfactory to the department.

115.3(6) *Disturbance of other contractors.* Utility construction and maintenance work within the primary road rights-of-way is to be accomplished in a manner that minimizes disturbance to any other contractor working within the rights-of-way. It is the responsibility of the utility owner to coordinate work with other contractors.

115.3(7) *No adverse effect on primary road.* A utility facility must not adversely affect the safety, design, construction, operation, maintenance or stability of the present use or future expansion of a primary road.

115.3(8) *Safety, health and sanitation.* Construction and maintenance of a utility facility shall be accomplished in a manner that minimizes disruption of primary road traffic and other hazards to the road user. The utility owner is responsible to comply with the MUTCD and all applicable federal, state and local statutes, ordinances and regulations governing safety, health and sanitation. The utility owner is to furnish such additional safeguards, safety devices and protective equipment and take actions to protect the life and health of the public.

115.3(9) *Parking or storage in clear zone or median.*

a. Unattended vehicles, equipment and materials shall not be parked or stored within the shoulder, median or clear zone and should be located as close to the right-of-way line as possible.

b. When in use, vehicles are to be oriented with the direction of traffic.

c. Exceptions to parking or storage requirements may be authorized by the district representative on a case-by-case basis.

115.3(10) *Protection of landscaped or planted areas.* Prior to permit approval, specific authorization is to be obtained from the district representative for mowing, trimming trees and shrubs, and for spraying within the rights-of-way. Landscaped and planted areas are to be avoided as much as practical. A landscaped or planted area that is disturbed is to be restored as nearly as practical to its original condition.

115.3(11) *Noncompliance.* The department may take any or all of the following actions for noncompliance with any provision of this chapter or any term of a permit:

a. Halt utility construction or maintenance activities within the rights-of-way.

b. Withhold an adjustment reimbursement until compliance is ensured.

c. Revoke the permit.

d. Determine a utility facility to be an obstruction and remove the noncomplying utility facility, restore the area to its previous condition, and assess the removal and restoration costs to the utility owner in accordance with Iowa Code section 318.5.

e. Place all pending and future permits on hold until the issue is resolved.

f. Initiate a claim on the performance bond as set out in subrule 115.3(4), when a bond is required.

115.3(12) *Identification signs and markers.* Utility facilities within primary road rights-of-way shall be properly marked in accordance with the following unless otherwise authorized by the district representative:

a. Identification signs are to be installed and maintained by the utility owner.

b. The signs must identify the utility owner, telephone number to contact in case of an emergency, and the type of buried utility.

- c. Identification signs are to be composed of highly visible ultraviolet-resistant material.
- d. Each sign is to be no larger than 200 square inches.
- e. The mounting height is to be 5 feet to the bottom of the sign.
- f. Signs are to be placed within 12 inches of the right-of-way line along the entire occupancy route.
- g. The interval between signs is not to exceed one-quarter mile in rural areas and 500 feet in urban areas or as designated by the district representative.
- h. Utility facility crossings must be properly marked on each side of the road.
- i. If the utility facility is removed or relocated, the utility owner is to remove or relocate the corresponding identification signs and markers.
- j. If the utility facility is abandoned in place, the utility owner is to promptly notify the department as set out in subrule 115.18(2).

115.3(13) *Insufficient capacity of rights-of-way.* The department may deny issuance of a permit if it determines there is insufficient room for additional utility facilities within the rights-of-way.

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.4(306A,318) General design provisions.

115.4(1) *Design.* The design plan for a utility facility shall:

- a. Be prepared by a person knowledgeable with this chapter, road design, and work zone traffic control.
- b. Include the measures to be taken to preserve the surrounding environment, safe and free flow of traffic, structural integrity of the road and road structures, ease of road maintenance, appearance of the road and integrity of the utility facility to the extent applicable.
- c. Include the location of each utility facility in the proposed run line with footage off centerline or right-of-way line to ensure the placement of the proposed utility facility can be accommodated.

115.4(2) *Number of crossings.* The number of utility facilities crossing the primary road rights-of-way shall be kept to a minimum. The department may require distribution facilities to be installed on each side of the road to minimize the number of crossings and service connections. In individual cases, the department may require several facilities to cross in a single conduit or structure. Crossings should be as near to perpendicular to the road alignment as practical.

115.4(3) *Clear zone requirements and aboveground obstructions.* The department will determine the clear zone distance and cause all obstructions within the clear zone of the primary road rights-of-way to be removed pursuant to Iowa Code sections 318.4 and 318.5.

a. On rural-type roadways, a permanent, aboveground obstruction is to be situated as near to the right-of-way line as practical in an area beyond the clear zone or the road foreslope, whichever area locates the obstruction a greater distance from the edge of the traveled way, right-of-way width permitting.

b. On urban-type roadways, the face of a permanent, aboveground obstruction is to be situated no closer than 10 feet from the back of the curb. In areas with parking or auxiliary lanes, an aboveground obstruction is to be situated no closer than 2 feet behind the back of the curb or a minimum of 10 feet from the edge of the traveled way, whichever location is farther from the traveled way.

c. Poles, guys, anchors and related appurtenances shall be situated away from roadway shoulders, the foreslope, the flowline of ditches, and drainage structure openings in an area that minimizes interference with department maintenance operations.

d. Pedestals, cabinets, vaults, hand holes or similar appurtenances should be placed 1 foot from the right-of-way line. The number of installations is subject to district representative approval.

e. If sufficient right-of-way is not available to accommodate the clear zone distance, the department may require the use of breakaway devices, self-supporting poles or towers, double-arming and insulators or dead-end construction; require regrading of the rights-of-way; require the utility facility to be located underground; or authorize the utility facility to be placed near the right-of-way

line. The district representative may approve the adjustment of minimum setback distances for poles and other appurtenances that have a breakaway design.

f. Additional clear zone requirements for freeways are included in subrule 115.13(2).

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.5(306A) Scenic enhancement.

115.5(1) *Introduction.* The type and size of a utility facility and the manner in which it is installed can materially alter the scenic quality, appearance and view of roads and adjacent areas. Such areas may include but are not limited to scenic strips, scenic overlooks, rest areas, recreation areas, public parks and historic sites, aesthetically enhanced corridors, and the rights-of-way of primary roads that pass through or are adjacent to these areas.

115.5(2) *Underground installations.* The department may permit a new underground installation if it does not require extensive removal or alteration of trees or other natural features visible to the road user and if it does not impair the visual quality of the area being traversed.

115.5(3) *Aboveground installations.* The department may permit a new aboveground installation only if the following three conditions are met:

a. Other locations for an aboveground installation are unusually difficult, are unreasonably costly, or are less desirable from the standpoint of visual quality.

b. Underground installation is not technically feasible or is unreasonably costly.

c. The location, design and materials to be used for the proposed aboveground installation will give adequate attention to the visual qualities of the area being traversed.

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.6(306A) Liability. The following are conditions of a permit:

115.6(1) *The utility owner.* The utility owner will defend, indemnify and save harmless the state of Iowa, its agencies and employees from any and all causes of action; suits at law or in equity; for losses, damages, claims or demands; and from any and all liability and expense of whatsoever nature (including reasonable attorney fees) arising out of or in connection with the utility owner's use or occupancy of the primary road rights-of-way or noncompliance with rule 761—115.19(306,306A) to rule 761—115.24(306A).

115.6(2) *The state of Iowa.* The state of Iowa, its agencies or employees, will be liable for expense incurred by the permit holder in its use and occupancy of the primary road rights-of-way only when negligence of the state, its agencies or employees, is the sole proximate cause of such expense. Whether in contract, tort or otherwise, the liability of the state, its agencies or employees, is limited to the reasonable, direct expenses to repair damaged utilities, and in no event will such liability extend to loss of profits or business, indirect, special, consequential or incidental damages.

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.7(306A,320) Utility permit.

115.7(1) *Applicant contact.* The permit request is to include contact information for the utility owner or utility owner's designated representative.

115.7(2) *Permit.*

a. At a minimum, a utility permit allows:

(1) The applicant or the applicant's contractor to perform the work covered by the permit.

(2) The utility facility described in the permit to occupy the primary road rights-of-way.

(3) The utility facility to be operated and maintained.

b. A utility permit does not convey a permanent right of occupancy.

115.7(3) *Plan.* Each permit request is to be accompanied by a plan. The plan shall include all of the following that are applicable to the installation:

a. Location of the utility facility by route, county, section(s), township(s), range(s), reference post and primary road stationing, where these references exist.

b. Primary road centerline and rights-of-way limits.

c. Location of the utility facility by distance to the nearest foot at each point where the utility facility's location changes alignment, as measured from the:

- (1) Centerline of the primary road on nonfreeway installations.
- (2) Right-of-way fence on freeway installations.

d. Applicable construction details, including the:

- (1) Depth of burial.
- (2) Types of materials to be used in the installation.
- (3) Type and size of the utility facility, including proposed operating pressures and voltages, number of cable pairs and fiber counts.
- (4) Vertical and horizontal clearances.
- (5) Traffic control plan prepared by a person knowledgeable in work zone traffic control or a reference to a standard traffic control plan of the department.

115.7(4) *Discharging into waterways.*

a. A permit request for the placement of a utility facility that will discharge materials into the nation's waters is to be accompanied by satisfactory evidence of compliance with all applicable federal, state and local environmental statutes, ordinances and regulatory standards.

b. The utility owner is responsible for obtaining these approvals. The department may withhold a permit until these approvals are obtained.

115.7(5) *Department action on permit request.*

a. The department will act on the permit request within 30 days after the filing of the permit request with all necessary and accurate information. If an emergency should exist, the department will act on the request as expeditiously as practical.

b. Failure on the part of the utility owner to provide complete information may result in a delay in the department taking final action on the request.

115.7(6) *Changes to work.* Changes in the work as described in the original permit require the prior approval of the department and shall be documented in a revised permit and utility as-built plan pursuant to subrule 115.7(8).

115.7(7) *Department-issued permit.* The utility owner or the utility owner's designated representative is to have a complete copy of the department-issued permit in paper or electronic form, including attachments, at the construction site at all times for examination by the department. Failure to have the approved permit and attachments on site shall result in the department halting work until the issued permit is produced.

115.7(8) *As-built plan.*

a. Within 90 days after completion of construction, the utility owner is to submit to the department an as-built plan in an electronic format in accordance with department specifications.

b. If the utility owner fails to submit the as-built plan within the time required, the department may hire an independent contractor to locate the utility facility and prepare an as-built plan. All costs associated with this activity are the responsibility of the utility owner.

c. Any costs incurred by the department or its contractors due to incorrect as-built information supplied by the utility owner or deviations in actual placement from that described in the original permit are the responsibility of the utility owner.

115.7(9) *Transfer of permit.* A new utility permit is not needed when a utility facility is transferred or leased in its entirety. The requirements of the permit and this chapter remain in force for as long as the utility facility continues to occupy the primary road rights-of-way and serve the intended purpose. The transferee or lessee is to submit the following information to the appropriate district representative:

- a. The name, mailing and email address and telephone number of the transferee or lessee.
- b. Geographical area involved in the transaction.
- c. Permit numbers or issued permit documents for utility facilities within the geographical area.

115.7(10) *Term of permit.* Except for permits for longitudinal occupancy of freeways as outlined in subrule 115.15(11), an issued permit will continue in perpetuity or until future maintenance or

construction of the primary road requires an adjustment of the utility facility (more information contained in paragraph 115.3(2) “b”).

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.8(306A) Traffic protection.

115.8(1) *Traffic control for all work.*

a. When performing work within the rights-of-way, the utility owner is responsible for traffic control operations, including but not limited to providing, installing, maintaining and cleaning warning signs and protective devices; removing warning signs and protective devices when the work is complete; and providing certified flaggers.

b. Traffic control operations shall utilize department standard road plans for traffic control available on the department’s website, www.iowadot.gov/consultants-contractors/design/standard-road-plans.

c. The utility owner shall provide additional protection when special complexities and hazards exist.

115.8(2) *Traffic control for construction and maintenance work that is not emergency work.*

a. The utility owner is responsible for ensuring the use of traffic controls that are adequate for the nature, location and duration of work; type of roadway; traffic volume and speed; and potential hazards. The utility owner is to provide a ten-day notice to 511 of any lane restrictions or traffic closures.

b. Where high traffic volumes cause frequent congestion, routine scheduled maintenance and construction should be avoided during hours of peak traffic.

c. Work areas should be occupied for only as long as it is necessary to safely move in, finish the work, remove all utility work signs and move out.

d. Special care should be taken to clearly mark suitable boundaries for the workspace with channelizing devices so that pedestrians and drivers can see the workspace. If any of the traveled lanes are closed, tapers are to be used as required by the MUTCD.

e. Pedestrians should not be expected to walk on a path that is inferior to the previous path. Loose dirt, mud, broken concrete or steep slopes may force pedestrians to walk on the roadway rather than the sidewalk. Pedestrian detours, including those to accommodate persons with disabilities (Americans with Disabilities Act of 1990 (ADA) as amended by the ADA Amendments Act of 2008 (P.L. 110-335), codified at 42 U.S.C. 12101 et seq.), may be required at the discretion of the district representative. Repairs (temporary or permanent) to damaged sidewalks should be made quickly. This may include bridging with steel plates or good quality wood supports.

f. Work areas involving excavations on the roadway should not exceed the width of one traffic lane at a time. The work should be staged and, if needed, approved bridging should be used. The utility owner should fully coordinate this type of activity with the district representative and, in a city, with the city’s traffic or public works office.

115.8(3) *Traffic control for emergency work.*

a. The extent of traffic control used for emergency work may be less than that used for longer-term construction or maintenance. However, the utility owner is responsible to provide for the safety of pedestrians, motorists and workers. It may be necessary for the utility owner to contact local law enforcement officials to assist in securing the safety of the traveling public.

b. The work vehicle is to be equipped with an amber revolving light or amber strobe light, portable signs and channelizing devices, and necessary equipment for flagging operations.

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.9(306A) Construction responsibilities and procedures.

115.9(1) *Permit required before work may begin.* The utility owner shall not commence construction work in the primary road rights-of-way until the utility owner has received a fully approved and issued permit from the department.

115.9(2) *Notice of construction.* The utility owner shall give the district representative at least 48 hours' prior notice of the utility owner's intent to start construction within the rights-of-way.

115.9(3) *Authority of the district representative.*

a. The district representative has the authority to resolve any issues or concerns that arise regarding the intent of the permit and compliance therewith.

b. During the progress of the work, the district representative may approve minor alterations in the plan or character of the work that the district engineer deems necessary or desirable to satisfactorily complete the work. Such an alteration is not a waiver of the permit, nor does it invalidate any provision of the permit.

115.9(4) *Work in progress.* The utility owner is responsible for the care and maintenance of partially completed work within the rights-of-way. Unless otherwise authorized by the permit or the district representative, all work performed within the rights-of-way is to be accomplished within the time frame of 30 minutes after sunrise to 30 minutes before sunset.

115.9(5) *Department inspection.*

a. The department may inspect any permitted work performed within the rights-of-way.

b. If the department finds performance of permitted work is not in compliance with the issued permit, the department will provide to the utility owner written notice of the defects found. The utility owner is to perform any rework or removal as ordered by the department in the time frame established by the department.

115.9(6) *Department inspectors.* The department may appoint inspectors to represent the department in the inspection of construction. Inspectors are placed on the job to keep the district representative informed of the progress of the work and the manner in which it is being performed, and to call to the utility owner's attention any infringements of the permit. The inspectors may not:

a. Modify in any way the provisions of the permit.

b. Delay the work by failing to inspect the work with reasonable promptness.

c. Act as a supervisor for the work or perform any other duties for the utility owner or its contractor.

d. Improperly interfere with the management of the work.

e. Approve or accept any portion of the work on behalf of the department.

115.9(7) *Repair and cleanup.* Prior to the department's final inspection, the utility owner is to:

a. Upon notification by the department, make any repairs to the rights-of-way that are necessary due to the construction work, including but not limited to shoulder and pavement repairs within the time frame established by the department.

b. Remove from the rights-of-way all unused materials and rubbish resulting from the work and leave the rights-of-way in a clean, presentable condition.

c. Make arrangements for repair or compensation for any damage to another utility facility or tile line found to have been caused by the utility owner's actions.

115.9(8) *Completion of work.*

a. The utility owner is to notify the district representative upon completion of work.

b. Upon notification by the utility owner that the work is complete, the department may inspect each item of work included in the permit as set out in subrule 115.9(5).

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.10(306A) Vertical overhead clearance requirements.

115.10(1) *Conformance to standards.* The vertical clearance for overhead utility facilities and the lateral and vertical clearances for bridges are to conform to generally accepted industry standards as well as applicable codes and regulations.

115.10(2) *Minimum vertical clearance.*

a. In no event shall the vertical clearance be less than 20 feet above the roadway for all overhead utilities.

b. Utility facility attachments to existing utility-owned poles are to be documented in an agreement or statement between the applicant and the pole owner authorizing the attachment for all poles not owned by the applicant and included in the permit request.

c. When a primary road detour has been established utilizing local jurisdiction roadways and streets, the minimum vertical clearance shall be applied to the temporary detour route at no cost to the department.

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.11(306A) Utility facility attachments to bridges.

115.11(1) *Department determination.* Utility facilities may be attached to an existing primary road bridge if the department determines that the attachment is in the best interests of the public. The department may accommodate utility facility attachments or conduits in the department's design for a new bridge if the department determines that the accommodation is in the best interest of the public.

115.11(2) *Method and weight of attachment.* The plan identified in subrule 115.7(3) is to show the method and weight of attachment. A separate permit is required for each bridge.

a. All attachments are to be placed in conduits, cells, pipes or trays; beneath the bridge's floor; inside the outer girders or beams; and above low steel or masonry of the bridge.

b. Department-approved clamps are to be used for any attachments to structural steel. Attachments are to be designed to withstand expansion or contraction forces.

c. If necessary, expansion devices, such as expansion joints, offsets or loops, shall be used. Utility facilities in cells or casings are to be grounded wherever necessary.

d. Welding or drilling holes in structural steel primary members is prohibited.

e. Utility facilities may be attached to noncritical concrete areas.

f. Holes should not be cut in wing walls, abutments or piers.

115.11(3) *Attachment considerations.*

a. Carrier pipe is to be suitably insulated from electrical power line attachments.

b. Pipelines may be attached to primary road bridges when installation below ground is not feasible, the design of the bridge can accommodate the attachment, and space is available.

c. Pipelines that have an operating pressure of more than 75 pounds per square inch or that are larger than 2 inches in diameter are to have shutoffs not more than 300 feet from each end of the bridge.

d. The department will consider pipeline attachment casing requirements on an individual basis. In some instances, thicker-walled or extra-strength pipe may be considered in lieu of encasement. Encasement is required for plastic pipe attachments to bridges.

e. The utility owner is to provide an indemnity bond to be executed by either itself or by a responsible bonding company, at the department's option.

(1) The indemnifier under the bond is to, in the event of damage resulting from any cause whatsoever arising out of or from permission to attach a pipeline, indemnify the department against all loss or damage to the department or any third party, including but not limited to the expense of repairing or replacing the bridge and the cost of alternate primary road facilities for traffic during the period when the bridge is being repaired or replaced.

(2) The indemnity bond is to be kept in force for as long as the pipeline is attached to the bridge.

(3) The department may periodically review the amount of the bond and require adjustments in the bond amount.

f. All costs attributable to the installation of an attachment to a bridge are to be paid by the utility owner unless the attachment is installed pursuant to a utility agreement.

115.11(4) *Attachment fee.*

a. The utility owner is to pay to the department an attachment fee for attaching the utility owner's utility facility to a primary road bridge. The attachment fee is \$181.60 per bridge plus \$0.99 times the weight of the attachment in pounds per foot times the length of the bridge in feet. The fee will increase 3 percent per year over the previous year after the base year of 2024.

Additional fees may apply for longitudinal freeway occupancy (more information contained in subrule 115.15(8)). The department maintains the current fee listing available on the department's website at www.iowadot.gov/consultants-contractors/right-way/utility-accommodation-coordination.

b. The attachment fee is due before any construction work commences within the rights-of-way and shall be submitted to the department upon request.

c. Utility facilities dedicated solely to government use may, at the department's discretion, be attached to a primary road bridge without assessment of an attachment fee.

115.11(5) *Utility attachments to freeway border bridges.* The department may permit a utility facility to be attached to an existing or planned freeway border bridge if the following conditions are met:

a. The appropriate state agency of the adjoining state approves the attachment.

b. Except for communication cable, the utility facility exits the freeway rights-of-way as soon as physically practical after crossing the state line into Iowa.

c. The attachment otherwise complies with this chapter, specifically including this rule and rule 761—115.15(306A) on longitudinal freeway occupancy.

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.12(306A) Underground utility facilities.

115.12(1) *Depth requirements.*

a. Minimum cover—roadway. The minimum required cover under a roadway is 48 inches below the bottom of the pavement.

b. Minimum cover—waterways. A minimum of 10 feet of cover below the flowline is required under waterways at the time of placement unless otherwise authorized by the district representative.

c. Minimum cover—other portions of rights-of-way. The minimum required cover under other portions of the rights-of-way is measured from design elevation at the time of placement and is to be a minimum of:

(1) 48 inches for electrical cable.

(2) 30 inches for communication cable, except that 36 inches is required for longitudinal occupancy under freeway rights-of-way.

(3) 36 inches for all other underground utility facilities.

d. Rocky terrain. The department may allow an exception to the minimum depth requirement where rocky terrain makes it difficult to obtain the required depth. The department will determine the minimum depth in these situations; however, no installation will be authorized with less than 24 inches of cover.

e. Other protective measures. In critical situations where the necessary cover cannot be obtained, the department may approve other protective measures.

f. Highly erodible areas. Highly erodible areas may require trenchless installation and additional depth requirements as determined by the district representative.

115.12(2) *Measurement of cover.* The cover is measured from one of the following:

a. On rural-type roadways, the lowest pavement surface edge.

b. On urban-type roadways, the gutter flow line, excluding local depressions at inlets.

c. Where longitudinal installations will be behind the curb, the top of the curb.

d. The surface of the surrounding ground or the low point of the ditch.

115.12(3) *Casing.* A casing is to:

a. Protect the road from damage.

b. Protect the carrier pipe from external loads or shock, either during or after construction of the road.

c. Convey leaking liquids or gases away from the area directly beneath the traveled way.

d. Provide for repair, removal and replacement of the utility facility without interference to the road.

e. Leave no excessive voids around the pipe (more information on procedures for backfilling contained in subrule 115.12(7)).

f. Be of sufficient strength to withstand the external loads created by the vehicular traffic on the roadway being traversed.

g. Be properly installed with fill compacted to department specifications.

h. Be made of material that complies with all applicable federal, state, local and franchise requirements and meets generally accepted industry standards.

115.12(4) Seals. Casing pipe shall be sealed at both ends with a suitable material to prevent water or debris from entering the annular space between the casing and the carrier.

115.12(5) Encasement and related requirements.

a. *Trenchless construction.* Underground crossings of existing paved roadways, gravel entrances and residential or business frontage roads shall be accomplished by trenchless construction. Other installation methods may be authorized by the district representative and noted in the permit. The utility owner is responsible for contacting the property owner prior to any open cuts in entrances and residential or business frontage roads.

b. *Transverse crossings.* Underground transverse crossings of freeways and primary roads are to be encased from right-of-way line to right-of-way line and clearly marked by the utility owner at the outer limits of the rights-of-way. Encasement exceptions for transverse crossings may be authorized by the district representative on a case-by-case basis.

c. *Longitudinal installations.* Utility lines installed longitudinally to the primary road rights-of-way are to be encased at entrances and crossings of hard-surfaced roads and streets. Encasement exceptions for longitudinal installations may be authorized by the district representative on a case-by-case basis.

d. *Electrical service.* Underground electrical service is to be placed in a conduit from right-of-way line to right-of-way line and clearly marked by the utility owner at the outer limits of the rights-of-way.

e. *Pipelines, except water.*

(1) Exceptions to pipeline encasement may be made for a pipeline carrying natural gas at an operating pressure of 60 pounds per square inch or less that is made of copper, steel or plastic and is protected and installed in accordance with generally accepted industry standards; and the utility owner certifies as a part of the permit that these standards are met.

(2) Exceptions to pipeline encasement may be made for a pipeline carrying liquid petroleum products, ammonia, chlorine or other hazardous or corrosive products if the pipeline meets all of the following requirements and the utility owner certifies as a part of the permit that these requirements are met:

1. The pipeline is welded steel pipeline.
2. The pipeline is cathodically protected.
3. The pipeline is coated in accordance with generally accepted industry standards.
4. The pipeline complies with federal, state and local requirements and meets generally accepted industry standards regarding wall thickness and operating stress levels.

(3) Pipeline encasements are to be vented and marked at the outer rights-of-way limits. The markers are to meet generally accepted industry standards and include the following information:

1. Name and address of the utility owner.
2. Telephone number to contact in case of an emergency.
3. Type of product carried.

f. *Communication cable.* The department may require encasement of communication cable.

g. *Sanitary sewer lines.* Exceptions to sanitary sewer line encasement may be made for gravity flow lines installed subsequent to road construction if all of the following requirements are met:

- (1) The opening is cut to the size of the carrier pipe so that there are no excessive voids around the pipe.

(2) The pipe is of sufficient strength to withstand the external loads created by the vehicular traffic on the roadway being traversed.

(3) Lines beyond the toe of foreslope are properly installed and compacted to department specifications.

h. Waterlines. Exceptions to waterline encasement may be made for the following:

(1) Encasement is not required where it is impractical due to existing conditions as determined by the district representative.

(2) Waterlines with an inside diameter of 2 inches or less need be encased only from toe of foreslope to toe of foreslope. Venting and sealing of the encasement are not required.

(3) Waterlines installed in advance of road construction need not be encased if the pipe is properly embedded and made of extra strength cast iron or ductile iron pipe with mechanical joints and seals, or equivalent.

i. Installations vulnerable to damage. When it is acceptable to both the utility owner and the department, an underground utility facility that, by reason of shallow depth or location, is vulnerable to damage from road construction or maintenance operations may be allowed to remain in place and shall be protected with a casing, suitable bridging, concrete slabs or other appropriate measures and noted in the permit.

j. Other installations. When it is acceptable to both the utility owner and the department, an underground utility facility not otherwise addressed in this subrule may be installed without protective casing if the installation involves trenched construction.

115.12(6) Multiduct systems. The department may require installation of a multiduct system to be shared with others. Details of the installation are subject to department approval.

a. For other multiduct systems, the department may designate a “lead company” for the multiduct system. The lead company will generally be the first utility owner requesting occupancy. The lead company is to:

(1) Design and install the multiduct system.

(2) Maintain the multiduct system.

(3) Provide all capital required to construct the multiduct system.

b. Once a multiduct system has been established, the department may require future occupancies to be located within one of the unoccupied inner ducts of the system. If all inner ducts are occupied, the department may require the establishment of an additional multiduct system. Subsequent occupants of a multiduct system should share equally in the entire capital cost of the utility facility. As each new occupant is added to an existing system, the department may require the new occupant to pay its proportionate share based on the number of inner ducts it occupies.

c. More information is contained in subrule 115.15(8) regarding occupancy fees for longitudinal installations on freeways.

115.12(7) Procedures for backfilling trenched construction and jacking or boring pits.

a. When a carrier, pipe, conduit, or cable is placed by trenched construction, jacking or boring, the backfill shall be placed and compacted in accordance with department specifications so that there is no settlement or erosion. Should settling or erosion of a trench be observed, the utility owner will be responsible to correct the problem.

b. Backfill under roadways or entrances is to be of a suitable material to minimize settlement at the site. Examples of suitable material include granular backfill or flowable mortar.

115.12(8) Procedures for trenchless construction.

a. When trenchless construction techniques are used, the bore is to be as small as practical and in accordance with department specifications.

b. Grout backfill is to be used for all unused holes and abandoned pipes. Grout or sand backfill is to be used for any borehole more than 2 inches larger than the installed casing or other utility facility. All bored utility facilities are to be constructed in such a manner that surface water is not transported to or otherwise allowed access to groundwater.

115.12(9) Procedures for pavement removal.

a. When the existing pavement is cut to accommodate a utility installation, the cut shall be made with a concrete saw.

b. The dimensions of the pavement removal shall be 6 feet in length and full lane width unless otherwise authorized by the district representative. If the distance from the specified cut to any adjacent longitudinal or transverse joint or crack is less than 4 feet, the pavement removal shall be extended to the joint or crack.

c. The district representative will make the final determination on the required depth and width of cut.

115.12(10) *Procedures for pavement replacement.*

a. Restoration of pavement shall be accomplished in accordance with department specifications.

b. The district representative may authorize temporary repair with bituminous material.

c. A permanent patch shall be placed as soon as conditions permit.

115.12(11) *Clear zone for pits.* Jacking or boring pits are to be located beyond the clear zone or road foreslope, whichever locates the pit a greater distance from the edge of the traveled way.

a. On freeways, jacking or boring pits are not allowed within the median.

b. On rural-type, nonfreeway primary roads, jacking or boring pits may be allowed within the median or foreslope upon request and at the discretion of the district representative.

c. On urban-type, nonfreeway primary roads, jacking or boring pits should be located at least 2 feet from the curb.

d. Jacking or boring pits authorized within the clear zone are to be protected at all times. All protection measures are to be included in the permit request. Examples of protection measures include backfilling of the pit, temporary barrier rail, or reflective fence.

115.12(12) *Construction methods.* Casing and pipeline installations are to be accomplished by dry boring, tunneling, jacking, trenching, or directional drilling.

a. The use of water under pressure, jetting or puddling to facilitate boring, pushing or jacking operations is not allowed.

b. Water may be used to lubricate a cutter and pipe during a dry boring operation.

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.13(306A) Freeways.

115.13(1) *Access to utility facilities occupying freeway rights-of-way.*

a. Except for emergency work, access to utility facilities during utility construction or maintenance activities is to be obtained from the areas other than the freeway or its ramps. More information is contained in subrules 115.8(3) and 115.17(2) regarding emergency work.

b. Fence removal and replacement will be determined by the district representative.

c. No gates or ladders are to be placed in or upon the right-of-way fence.

d. The department will coordinate approval from the FHWA for any request to access the interstate right-of-way for utility work.

115.13(2) *Freeway clear zone requirements.* The clear zone requirements of subrule 115.4(3) apply to freeways. In addition:

a. Personnel, equipment and materials are not allowed in the median or within the clear zone area during utility facility construction or maintenance operations, except as provided in paragraph 115.13(2)“b.”

b. Temporary poles may be allowed in the median during cable or conductor stringing operations at the discretion of the district representative.

115.13(3) *Aboveground appurtenances.* Aboveground appurtenances, including but not limited to poles, guys and other supporting structures, are not allowed within the rights-of-way of freeways.

115.13(4) *Existing utility facilities.*

a. A utility facility occupying land that subsequently becomes freeway rights-of-way may remain within the rights-of-way if the utility facility:

(1) Can be accessed from areas other than the freeway or its ramps.

(2) Does not adversely affect the safety, design, construction, operation, maintenance or stability of the freeway.

b. If the conditions in paragraph 115.13(4)“a” are not met, the department may request the utility facility be relocated outside the freeway rights-of-way.

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.14(306A) Transverse installations on freeways.

115.14(1) *Interchange areas.*

a. Utility facilities may not be placed within the interchange area of intersecting freeways unless they are road-related.

b. In other interchange areas, the department may permit occupancy if access to the utility facility can be obtained from areas other than the freeway or its ramps, such as an intersecting, adjacent or nearby road or trail.

115.14(2) *Aboveground installations.*

a. A single span is to be used to cross the freeway where the width of freeway rights-of-way permits.

b. Within interchange areas:

(1) Single-pole construction is to be used, with the number of poles kept to a minimum.

(2) Overhead lines are to be constructed on tangent, parallel to the intersecting road, without guys or anchors being placed in the areas between the ramps and the main freeway. Guy poles are to be located as near to the freeway rights-of-way line as practical.

(3) Poles are to be located outside the clear zone and situated as far from the main freeway and ramps and as close to the toe of foreslope of the intersecting road as practical but shall remain outside the clear zone.

(4) The use of self-supporting poles or towers, double arming and insulators, breakaway devices and dead-end construction should be considered.

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.15(306A,314) Longitudinal installations on freeways.

115.15(1) *Type of installation permitted.*

a. Pursuant to Iowa Code section 314.20, the department may permit the installation of an underground utility facility if, in addition to complying with other provisions of this chapter, the utility facility specifically complies with this rule.

b. Except as provided in this rule, no aboveground installations other than those needed to serve road facilities are allowed.

c. If the department determines that an aboveground installation is necessary to advance the state's priorities, can be installed safely with minimal impact on the traveling public, can be safely accommodated within existing right-of-way, is along a roadway that is not anticipated to require additional right-of-way for future improvements in the foreseeable future, and extends for a relatively short distance, the department may permit installation with proper justification.

115.15(2) *Prohibitions on longitudinal occupancy.*

a. A utility facility may not be placed longitudinally within freeway rights-of-way that is used for transmitting gases, liquids, or products that are flammable, corrosive, expansive or unstable.

b. No direct service connection to adjacent properties is allowed.

c. No utility facility is allowed in or on a structure carrying a freeway roadway or ramp, except for freeway border bridges, as provided in subrule 115.11(5).

115.15(3) *Minimal maintenance.* Once installed, the utility facility should require minimal maintenance.

115.15(4) *Location and depth.* The utility facility should be located on uniform alignment, preferably within 8 feet of the freeway rights-of-way line, and at a location approved by the department.

a. More information is contained in subrule 115.12(1) regarding minimum depth requirements.

b. Installation methods should be minimally invasive and authorized by the district representative.

c. Utility accesses should be placed below the existing ground line. The locations and number of accesses are subject to district representative approval.

115.15(5) *Pedestals, cabinets, vaults, hand holes, repeater stations or similar appurtenances.*

a. Aboveground pedestals are permissible. All pedestals, cabinets, vaults, hand holes or similar appurtenances should be placed one foot from the right-of-way fence. The number of installations is subject to district representative approval.

b. Repeater stations are not allowed in the rights-of-way.

115.15(6) *Metallic warning tape.* Metallic warning tape is to be installed a minimum of 12 inches below the existing grade and above the utility installation unless installation is done by directional boring or other trenchless methods.

115.15(7) *Engineering.* The utility owner is to retain the services of a licensed, professional engineer familiar with the requirements for utility work to be accomplished in Iowa.

a. The engineer is responsible for overseeing continuous on-site inspection of the installation of the utility facility, including all provisions pertaining to access to the work site and traffic control.

b. Upon completion of the project, the engineer is to certify to the department on the appropriate form that the installation, traffic control, and access to the work site were accomplished in accordance with the permit.

c. Any change to the alignment as described in the permit requires the prior approval of the district representative and is to be included in the as-built plan (more information is contained in subrule 115.7(8)).

115.15(8) *Occupancy fee.* The utility owner is to pay to the department an annual fee for longitudinal occupancy of the freeway rights-of-way in accordance with Iowa Code section 314.20. The initial fee is due before any construction work commences within the rights-of-way. Additional fees may apply for bridge attachments (more information is contained in subrule 115.11(4)). The department maintains the current fee listing available on the department's website at www.iowadot.gov/consultants-contractors/right-way/utility-accommodation-coordination.

a. Unless otherwise specified, the annual fee is based on the number of ducts, cables and length in miles as follows:

(1) When a multiduct system is required by the department the fee is \$26,188.61 per cable installation or \$13,094.31 per mile of cable, whichever is greater. These fees increase 3 percent per year over the previous year after the base year of 2024.

(2) The fee for all other installation is \$21,673.33 per cable installation or \$4,252.25 per mile of cable, whichever is greater. These fees increase 3 percent per year over the previous year after the base year of 2024.

b. When the department requires the installation of a multiduct system, the department may enter into an agreement with the lead company for a discounted fee payment schedule to be in effect until the company has recovered all or an agreed upon portion of its cost of installing the system. Subsequent occupants of the multiduct system will be required to pay the full annual fee.

c. Utility facilities dedicated solely to state government use may, at the department's discretion, longitudinally occupy freeway rights-of-way without assessment of an occupancy fee.

115.15(9) *Performance bond.* The utility owner is to file a performance bond with the department prior to commencing work within the freeway rights-of-way.

a. The bond shall be in the minimum amount of \$100,000 per permit as determined by the district representative and shall guarantee prompt restoration of any damage caused during the installation of the utility facility.

b. The bond is to be in force for the duration of the construction. The department may file a claim against the bond for two years thereafter.

115.15(10) *Insurance.*

a. The utility owner shall maintain the following insurance for bodily injury, death and property damage arising out of or in connection with the construction, maintenance and operation of the utility facility:

(1) General public liability insurance with limits of not less than \$500,000 for injury to or death of a single person, or not less than \$1,000,000 for any one accident, and not less than \$250,000 per accident for property damage.

(2) Comprehensive automobile liability insurance with limits of not less than \$500,000 for injury to or death of a single person, or not less than \$1,000,000 for any one accident, and not less than \$250,000 per accident for property damage.

(3) Excess liability coverage with limits of not less than \$5,000,000.

(4) Statutory workers' compensation coverage.

b. This insurance is to be in effect before the utility owner commences any work within the freeway rights-of-way.

c. Coverage may be provided by blanket policies of insurance covering other property or risks.

d. The department is to be named as an additional insured party in the general public liability and excess liability insurance policies.

115.15(11) *Term of permit.* The permit is valid for 20 years from the date of issuance. Upon written request, the department may extend or renegotiate the term.

115.15(12) *Utilities for road facilities.* Longitudinal occupancy of utility facilities that service road-related facilities are permissible upon such terms and conditions as the department may determine.

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.16(306A) Longitudinal installations on nonfreeway primary roads.

115.16(1) *Location.* Longitudinal utility facility installations should be located on uniform alignment as near as practical to the right-of-way line to provide a safe environment for traffic operations and to preserve space for future road improvements and other utility installations.

115.16(2) *Underground installations.*

a. No carrier of flammable, corrosive, expansive or unstable material may be placed longitudinally within the rights-of-way of a nonfreeway primary road. Exceptions:

(1) A natural gas line with an operating pressure that is no greater than 150 pounds per square inch is permissible.

(2) The department may permit the placement of a natural gas line with an operating pressure that is greater than 150 pounds per square inch only if a suitable alternate location cannot be found.

b. On rural-type roadways, utility facilities shall be located in an area beyond the road foreslope and ditch bottom, right-of-way width permitting. Exceptions to the location may be made by the district representative for areas such as deep ravines or ditches or to allow for adequate separation between utility facilities. When adequate room within the rights-of-way is available, the utility facility shall be installed beyond the end of any culverts at a minimum depth of 10 feet beneath the normal flow line unless otherwise authorized by the district representative. When adequate room within the rights-of-way is not available, the utility facility shall be installed by trenchless methods a minimum depth of 10 feet beneath any culverts unless otherwise authorized by the district representative.

c. On urban-type roadways, utility facilities shall be located as near to the right-of-way line as practical. A utility access placed within the rights-of-way shall not protrude above the surrounding surface.

d. Utility facilities should not be placed in the median. The district representative may allow an installation within the median if a suitable alternative is not found.

e. Utility facility locations shall be marked and identified as set out in subrule 115.3(12).

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.17(306A) Maintenance and emergency work.

115.17(1) *Maintenance responsibilities.* The utility owner is responsible for utility facility maintenance. The utility owner is to:

- a.* Maintain the utility facility in a good state of repair.
- b.* Replace and stabilize all earth cover and vegetation where erosion has occurred over an underground utility facility when the erosion is due to or caused by the placement or existence of the utility facility.
- c.* Give the district representative 48 hours' prior notice of the utility owner's intent to perform predictable routine maintenance within the rights-of-way.

115.17(2) *Utility emergency work.*

- a.* Access to the worksite is permissible from the freeway roadways and ramps when an emergency exists.
- b.* The utility owner shall take all necessary, appropriate and reasonable measures to protect the safety of the traveling public and cooperate fully with law enforcement and the department in completing the emergency work.
- c.* The utility owner shall notify the district representative of the emergency as soon as practical, describing the steps being taken to protect the traveling public, the extent of the emergency, and the steps being taken to address the emergency.
- d.* If the nature of the emergency is such that it interferes with the free movement of traffic, the utility owner shall immediately notify law enforcement, 511 and the district representative.
- e.* When an emergency occurs on the interstate system, the department will notify the FHWA as soon as practical, describing the steps being taken to protect the traveling public and the steps being taken to address the emergency.

115.17(3) *Department emergency work.* There will be times when the department performs road-related emergency work. If utility facilities are affected, the department shall as soon as practical notify the utility owner of the emergency condition and what steps are necessary to protect the utility facility.

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.18(306A) Abandonment, out-of-service facilities, or removal of utility facilities.

115.18(1) *Ownership.* Ownership remains in place for a utility facility declared abandoned or out-of-service. To facilitate utility investigations for future primary road projects, the location of abandoned and out-of-service utility facilities should be maintained in the utility owner inventories. The last-known utility owner remains responsible for locating and marking abandoned and out-of-service utility facilities within the primary road rights-of-way and for the cost of removal of abandoned utility facilities required to facilitate proposed primary road construction.

115.18(2) *Notice to department.* Within 90 days after the abandonment, out-of-service designation, or removal of all or a portion of an existing utility facility that occupies the primary road rights-of-way, the utility owner is to submit a notice of abandonment, out-of-service designation, or removal to the district representative. The notice shall include:

- a.* Type of utility facility.
- b.* Location of the utility facility by route, county, section, township, range, milepost and primary road stationing, where these references exist.
- c.* Name of the original utility owner if different than the current utility owner.
- d.* Original permit number and date of approval, if known.

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.19(306,306A) Utility facility adjustments for primary road improvement projects.

Rules 761—115.20(306A) through 761—115.24(306A) establish administrative procedures for utility facility adjustments made necessary by primary road improvement projects pursuant to Iowa Code section 306A.10, including information exchange and the responsibilities of the department, utility owners, and the department's contractor. The purpose of these procedures is to adjust utility

facilities with minimal delays or added expense pursuant to Iowa Code section 306.47. Rules 761—115.20(306A) through 761—115.24(306A) apply to all primary road improvement projects with the following exceptions:

1. Projects the department develops on an accelerated schedule.
2. Projects with no anticipated utility adjustments.

115.19(1) *Adjustment of facilities.* If, despite making reasonable efforts to avoid or minimize the need for adjusting an existing utility facility, it is determined that adjustment is required due to proposed primary road construction, the utility owner is to adjust the utility facility in advance of the road construction. Scheduling of relocation work in the case of the following exceptions should be coordinated with the district representative:

- a. Relocation work that needs to be coordinated with the department's contractor.
- b. Relocation work that is dependent on work to be performed by another utility company.
- c. Relocation work that is not practical until certain department project construction activities occur.

115.19(2) *Relocation costs.*

a. If adjustment of an existing utility facility occupying the right-of-way is required due to proposed primary road construction, the utility owner is to adjust the utility facility without cost to the state.

b. If adjustment of an existing utility facility located on an easement outside existing rights-of-way is required due to proposed primary road construction, approved relocation costs will be eligible for reimbursement by the department through a reimbursement agreement.

c. When the department participates in the cost of a utility facility adjustment required for proposed primary road construction, the department will not pay for a betterment that results in an increase in the capacity of the utility facility or for any other adjustment not required by proposed primary road construction and is made solely for the benefit of and at the election of the utility owner. The department is entitled to receive credit for the accrued depreciation on replaced facilities and the salvage value of any materials or parts salvaged and retained or sold by the utility owner.

d. Adjustment costs for which the department is responsible will be paid on a cost reimbursement basis through a reimbursement agreement. Estimates shall follow the cost development and reimbursement requirements outlined in 23 CFR 645 (Subpart A, 645.117) as amended October 1, 2023.

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.20(306A) Utility investigation and notice of project.

115.20(1) *Determining affected utilities.*

a. The department will make a reasonable effort to identify utility facilities located in the vicinity of a proposed primary road project and collect location information and attributes.

b. The department will periodically evaluate the information available and determine the utility investigation needs for the project. Utility companies are to respond to collaboration efforts with the department to determine the best approach to meet those needs.

c. The department will look at potential utility impacts and initiate coordination with utility owners. A utility conflict list should be used to document and track information obtained on the potential utility conflicts.

115.20(2) *Notifying utilities.* The department will identify by name the owner of each known utility facility located within the vicinity of a proposed primary road project. In accordance with Iowa Code section 306A.10, the department will send to each identified utility owner a notice of the improvement project, including the route number of the primary road, the geographical limits of the project and a general description of the proposed primary road work to be done, type of project, important schedule milestones, and, if available, the name and contact information of the designer or a department's representative for coordination purposes.

115.20(3) *Responding to notice.* The utility owner shall:

a. Within 30 calendar days after the date of the notice, provide to the department information about the utility owner's utility facilities that are in the vicinity of the improvement project. This information shall include the following:

(1) A confirmation in writing that the utility owner has or has no facilities in the vicinity of the project.

(2) Information on the utility owner's utility facilities' location and attributes, the name of any other utility companies that have utility facilities that coexist with the utility owner's utility facilities and contact information of the coexisting utility owner's authorized representative.

b. The utility owner is to reply regardless of whether or not it has utility facilities in the project's vicinity.

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.21(306A) Preliminary plan, verifying accuracy of information.

115.21(1) *Depicting utility information.* The department will use collected information to list all known utility owners within the vicinity of a proposed primary road project and include the utility owners' utility facility locations on the project plans in accordance with department specifications.

115.21(2) *Preliminary plan.* The department will submit its preliminary plan to the owner of each known utility facility within the vicinity of a proposed primary road project and ask utility owners to provide information regarding the accuracy of utility information depicted in the preliminary plan and potential conflicts and the utility owners' recommended solutions. The department should schedule a utility coordination meeting after the preliminary plan is sent to the utility owners.

115.21(3) *Response to the preliminary plan.*

a. The utility owner shall review the preliminary information sent by the department and provide a response within 30 calendar days. The response is to include the following:

(1) A statement regarding the accuracy of the location of the utility owner's existing utility facilities as depicted in the preliminary plan. If the information is inaccurate, a description of the inaccuracies is to be provided.

(2) A declaration that there are no known conflicts between the utility owner's utility facilities and the department's project, or a description of any potential conflicts between the utility owner's utility facilities and the department's project.

(3) Utility owners may provide recommended changes to the department's plan that may help to avoid or minimize impacts to utility facilities.

(4) Any other relevant information regarding potential utility facility conflicts, such as potential rights-of-way needs, permits that may be required, estimated time frame required for utility facility relocations, and any dependencies with other utility owners' work or the department's contractor.

b. The utility owner is to reply regardless of whether or not the utility owner's utility facilities in the project's vicinity are impacted by the proposed primary road project.

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.22(306A) Semifinal plan, utility work plan.

115.22(1) *Preparation of semifinal plan.* When preparing the semifinal plan, the department should review information provided by utility owners in response to the preliminary plan that was received within the requested time frame and implement recommended changes when feasible. The project utility investigation needs may be reevaluated to determine the best approach to meet those needs.

115.22(2) *Distribution of semifinal plan.* The department will submit its semifinal plan to the owner of each known utility facility within the vicinity of a proposed primary road project. The semifinal plan contains information details of the department's project to assist the utility owner in the design and the adjustment of the utility owner's utility facilities.

115.22(3) *Work plan.* Within 90 calendar days after the date the department provides its semifinal plan, the utility owner shall submit to the department a work plan for the adjustment or relocation of utility facilities impacted by the proposed primary road project.

a. The work plan is to include the following:

- (1) A narrative description of what work the utility owner will do.
- (2) An electronic plan or drawing showing the existing and proposed locations of the utility owner's utility facilities in relation to the semifinal plan.
- (3) Whether the work is dependent on work by another utility owner.
- (4) Whether the work can be done prior to road construction or must be coordinated with the department's contractor.
- (5) Whether the work is dependent on the acquisition of rights-of-way.
- (6) The number of working days required to complete the work and the earliest date when the utility owner could begin to implement the work plan.
- (7) A list of permits and approvals the utility owner is required to obtain from governmental agencies and railroad companies for the work, and the expected time schedule to obtain them.
- (8) The expected lead time in calendar days to obtain materials, schedule work crews, and obtain necessary rights-of-way.
- (9) Any other information that may be useful to the department or the department's contractor.

b. If the utility adjustment work may be reimbursable, the utility owner shall include the following with the work plan:

- (1) Documentation of real estate interests.
- (2) A detailed cost estimate for the adjustment, including appropriate credits for betterments or salvage.

115.22(4) *Conflict between work plans.* When requested by the utility owners or when the department determines there is potential for conflict between work plans, the department shall schedule a coordination meeting. All affected utility owners shall attend the meeting to coordinate the utility owners' work plans. The department may allow a utility owner an additional 30 calendar days to submit the utility owner's work plan if coordination is required with other utility owners.

115.22(5) *Department review of work plan.* The department will review each utility owner's work plan to ensure compatibility with permit requirements, the department's project, other utility work plans, and the department's project schedule.

a. If the work plan is acceptable, the department will notify the utility owner of the department's acceptance of the utility owner's work plan.

b. All relocation work plans should ensure the safety and reliability of the utility facilities and the road and avoid any unnecessary cost or delay. An approved and issued permit is to be obtained for work within the primary road rights-of-way. Any work plan by itself does not constitute a permit nor does it grant permission to occupy primary road rights-of-way.

c. If the work plan is not acceptable to the department, the department will notify the utility owner that the work plan is not acceptable and provide a detailed explanation of the problem.

d. The utility owner is to submit a revised work plan to the department within 30 calendar days after the utility owner's receipt of notice from the department that the work plan was not acceptable.

e. The department will review the revised work plan. If the revised work plan is acceptable, the department will notify the utility owner of the department's acceptance of the revised plan.

f. If the revised work plan is still not acceptable, the department may initiate noncompliance procedures per subrule 115.3(11). If the department determines that meaningful progress is being made, the department may elect to repeat the process set out in paragraphs 115.22(5) "c" to "e."

115.22(6) *Reimbursement agreement.*

a. For certain utility facility adjustments, the department may enter into a reimbursement agreement between the department and the utility owner. If applicable, the utility owner is to provide a request for reimbursement to the department prior to commencement of any relocation work. If the department determines that the relocation is eligible for reimbursement, a reimbursement agreement

may be prepared between the department and the utility owner and should be fully executed by both parties prior to commencement of any relocation work. The agreement is to include the following:

- (1) The responsibilities of each party, including the pro rata share of costs to be borne by each party.
 - (2) The scope, description, and location of the relocation work.
 - (3) The relocation work plan.
 - (4) The itemized cost estimate of the relocation work, including appropriate credits.
 - (5) The actions to be taken in case of noncompliance with state requirements.
- b. A reimbursement agreement by itself does not constitute a permit nor does it grant permission to occupy the primary road rights-of-way. The utility owner is responsible for obtaining a permit prior to commencing work within the rights-of-way.

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.23(306A) Notice of work.

115.23(1) *Notice of receipt of permits and approvals.* The utility owner shall notify the department within 14 calendar days after the utility owner has received all required permits and approvals from government agencies and railroad companies.

115.23(2) *Notice to utility owner to begin work.*

a. The department shall send a notice to proceed to the utility owner when necessary approvals are received, permits are issued, and rights-of-way have been acquired for the relocation work.

b. If the utility owner's work plan is dependent upon work by the department's contractor, the department's contractor is to provide the department and the utility owner a good faith notice 14 calendar days before the department's contractor's work is expected to be complete and ready for the utility owner to begin its work. The department's contractor should follow up with a confirmation notice to the department and the utility owner not less than three working days before the department's contractor's work will be complete and ready for the utility owner to begin its work.

115.23(3) *Notice to department of commencement and completion of work.* The utility owner is to give the department 48 hours' prior notice, excluding weekends and holidays, of the utility owner's intent to start utility adjustment work within the vicinity of a proposed primary road project. The utility owner is to also notify the department immediately upon completion of the work.

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

761—115.24(306A) Miscellaneous adjustment provisions.

115.24(1) *Work plan compliance.* The utility owner is to complete its utility adjustment work within the time frame of the work plan approved by the department. Upon completion of the work, the utility owner is to certify to the department that the adjustment of the utility owner's utility facilities is in accordance with the accepted work plan. The utility owner is to submit an as-built plan in accordance with department specifications.

115.24(2) *Work plan changes.* If a utility owner needs to change its work plan after its adjustment work begins, the utility owner shall notify the department. Once the department approves a modified work plan, the utility owner may make the necessary changes and perform the work.

115.24(3) *Cost allocation.*

a. If the department requires the adjustment of a utility facility that was originally determined, per the notice and work plan processes, to not need adjustment:

(1) The utility owner will bear the cost of the adjustment if the work is otherwise not reimbursable.

(2) The department will bear the reasonable cost of the adjustment if the work is otherwise reimbursable.

b. If the department requires additional adjustment to a utility facility after the utility facility has been adjusted in accordance with a work plan accepted by the department, the department will bear the reasonable cost of the additional work. This applies to all utility facilities, whether the original adjustment work was reimbursable or not reimbursable.

c. The utility owner will bear the cost of additional adjustment work performed after its utility facilities have been adjusted in accordance with a work plan accepted by the department if the additional work is due to the utility owner's error.

115.24(4) *Failure to comply with these rules, to provide an acceptable work plan, or to adjust utility facilities.* If a utility owner fails to comply with these rules, fails to provide an acceptable work plan per subrule 115.22(5), fails to comply with the accepted work plan, or fails to complete the adjustment of its utility facilities in accordance with the accepted work plan, and its failure results in a delay to the primary road project or causes damages to be incurred by the department or the department's contractor, the utility owner is liable for all costs and damages incurred as a result of its failure. In addition to any other remedy that may exist at law, in equity, or under these rules, the department may initiate noncompliance procedures per subrule 115.3(11) for failure to comply with the requirements of these rules.

[ARC 9265C, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code chapters 306A and 318 and sections 306.3, 306.47, 314.20, 320.4 through 320.8, and 321.1.

[Filed 10/2/85, Notice 8/14/85—published 10/23/85, effective 11/27/85]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed 11/29/89, Notice 10/18/89—published 12/27/89, effective 1/31/90]

[Filed 3/11/92, Notice 2/5/92—published 4/1/92, effective 5/6/92]

[Filed 3/7/01, Notice 1/10/01—published 4/4/01, effective 5/9/01]

[Filed 9/16/03, Notice 8/6/03—published 10/15/03, effective 11/19/03]

[Filed 9/14/05, Notice 8/3/05—published 10/12/05, effective 11/16/05]

[Filed ARC 9873B (Notice ARC 9781B, IAB 10/5/11), IAB 11/30/11, effective 1/4/12]

[Filed ARC 2889C (Notice ARC 2779C, IAB 10/26/16), IAB 1/4/17, effective 2/8/17]

[Filed ARC 9265C (Notice ARC 8594C, IAB 12/25/24), IAB 5/14/25, effective 6/18/25]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 116 JUNKYARD CONTROL

[Prior to 6/3/87, Transportation Department[820]—(06,F)Ch 7]

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/12/30

761—116.1(306C) Definitions. The definitions in Iowa Code section 306C.1 apply to this chapter. In addition:

“Adjacent area” means an area that is contiguous to and within 1,000 feet of the nearest edge of the right-of-way of any highway on the national highway system.

“Automobile graveyard,” as used in Iowa Code section 306C.1, means any site that is maintained, used, or operated for storing, keeping, buying, or selling ten or more wrecked, scrapped, ruined, dismantled or inoperative motor vehicles, but does not include any location where motor vehicle bodies are placed along stream banks for purposes of bank stabilization and soil erosion control, if such placement conforms with guidelines established by the department of natural resources.

“Industrial activities” means activities that are generally permitted only in industrial or heavier zone classifications by zoning authorities within the state, except that none of the following are considered to be industrial activities:

1. Outdoor advertising structures.
2. Agricultural, forestry, ranching, grazing, farming and related activities, including but not limited to wayside fresh produce stands.
3. Activities normally and regularly in operation less than three months of the year.
4. Transient or temporary activities.
5. Activities not visible from the main traveled way.
6. Activities more than 300 feet from the nearest edge of the main traveled way within the corporate limits of cities.
7. Activities more than 1,000 feet from the nearest edge of the main traveled way outside the corporate limits of cities.
8. Activities conducted in a building principally used as a residence.
9. Railroad tracks, minor sidings, and passenger depots.
10. Junkyards.

“Industrial zone” means a zone established by zoning authorities as being most appropriate for industry or manufacturing. A zone that simply permits certain industrial activities as an incident to the primary land use designation is not considered to be an industrial zone.

“Inoperative motor vehicle” means any of the following:

1. A motor vehicle that does not have a valid title.
2. A motor vehicle that does not have a current registration unless the motor vehicle is in the inventory of a motor vehicle dealer licensed under Iowa Code chapter 322.
3. A motor vehicle with one or more of the following items missing or in need of substantial repair: windshield, driver’s seat, steering wheel or steering system, battery, ignition system, fuel tank or fuel supply system, engine, transmission, drive shaft, differential, axle, suspension system, brake system, or frame.
4. A motor vehicle that is not immediately capable of legal operation on a public road or street.

However, any one of the following by itself does not render a motor vehicle inoperative: a battery that can be recharged, one tire and wheel missing or in need of repair, or lack of fuel.

“Main traveled way” means the portion of the roadway for movement of vehicles on which through traffic is carried, exclusive of shoulders and auxiliary lanes. In the case of a divided highway, the main traveled way includes each of the separated roadways for traffic moving in opposite directions, exclusive of shoulders, auxiliary lanes, frontage roads, turning roadways, and parking areas.

“Nonconforming junkyard” means a junkyard located in an area not exempted by Iowa Code section 306C.2 and that was lawfully established:

1. Prior to July 1, 1972, and is located within the adjacent area of an interstate highway.
2. Prior to May 6, 2015, and is located within the adjacent area of a noninterstate highway on the national highway system.
3. Prior to the effective date of a zoning change that caused nonconformity with these rules.
4. Prior to the departure or closure of an industrial activity that caused nonconformity with these rules.
5. Prior to the establishment of a highway as part of the national highway system.

“Right-of-way” means land area dedicated to public use for the highway and its maintenance, and includes land acquired in fee simple or by permanent easement for highway purposes but does not include temporary easements or rights for supplementary highway appurtenances.

“Unzoned industrial area,” as used in Iowa Code sections 306C.2 and 306C.3, means land occupied by a regularly used building, parking lot, storage area or processing area of an industrial activity, and land within 1,000 feet thereof that is:

1. Located on the same side of the highway as the activity,
2. Not predominantly used for residential or commercial purposes, and
3. Not zoned by state or local law, regulation, or ordinance.

This rule is intended to implement Iowa Code sections 306C.1 through 306C.9 and 23 U.S.C. Section 136 as implemented through 23 CFR 751.

[ARC 8783C, IAB 1/8/25, effective 2/12/25]

761—116.2(306C) Screening or removal costs. Screening or removal shall be paid for and provided by the following:

116.2(1) The department, only for nonconforming junkyards and subject to Iowa Code sections 306C.3 and 306C.5.

116.2(2) The owner, for junkyards established within the adjacent area of a highway on the national highway system in an area not exempted by Iowa Code section 306C.2, or for nonconforming junkyards that have expanded in size since becoming nonconforming.

This rule is intended to implement Iowa Code sections 306C.3 and 306C.5.

[ARC 8783C, IAB 1/8/25, effective 2/12/25]

761—116.3(306C) Screening standards.

116.3(1) Composition. Screens may be natural or manmade, but all screens shall be of a height and type to provide year-round obscurement of the contents.

a. Natural screens may consist of nondeciduous plantings, provided the variety, size, and growth rate will obscure the site within a reasonable time period. Earthen berms or existing natural features on the site may also be incorporated into the screening solution.

b. Manmade screens may consist of any variety of materials, provided the screen is constructed in a sturdy, permanent manner and blends with the natural surroundings. Buildings may be incorporated into the screening solution, but inoperative motor vehicles may not be stacked or arranged as a component of the screening feature.

116.3(2) Screening plan. For junkyards that are not exempted by Iowa Code section 306C.2, a screening plan should be submitted to the department for review before investing in plants, materials, and labor. This allows for the department to review the plan to ensure that the proposed screen will completely obscure the contents of the site from view, will be structurally sound, and will blend in with the natural surroundings for the area. While submitting a screening plan is not required, doing so adds confidence that investments made will yield the desired result.

This rule is intended to implement Iowa Code sections 306C.3 and 306C.4 and 23 U.S.C. Section 136 as implemented through 23 CFR 751.

[ARC 8783C, IAB 1/8/25, effective 2/12/25]

761—116.4(306C) Removal. Removal or relocation of contents to areas not viewable from the highway may be necessary for the following reasons:

116.4(1) The difference in elevation between the highway and junkyard is such that a screen tall enough to completely obscure the site is not cost-effective.

116.4(2) The owner is financially unwilling or otherwise unable to complete the installation of or maintain a screen that can pass review by the department.

116.4(3) Local regulations do not permit the construction of screening of such type that would provide complete obscurement.

This rule is intended to implement Iowa Code sections 306C.2, 306C.3 and 306C.5.

[ARC 8783C, IAB 1/8/25, effective 2/12/25]

761—116.5(306C) Notice and enforcement.

116.5(1) Notice. The department may provide a 30-day written notice by certified mail to the owner of a junkyard and, if not the same person or entity, the owner of the property, demanding that steps be taken to bring a site into compliance. Steps may include but are not limited to the submission of a screening plan, completion of a screen, and extending or repairing a screen.

116.5(2) Enforcement. If the junkyard remains out of compliance after notice is served and steps toward compliance are not accomplished within the time frames prescribed by the department, the department may apply for an injunction to abate the public nuisance as provided in Iowa Code section 306C.6.

This rule is intended to implement Iowa Code sections 306C.4 and 306C.6.

[ARC 8783C, IAB 1/8/25, effective 2/12/25]

761—116.6(17A) Hearings and appeals. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision pursuant to 761—Chapter 2506.

This rule is intended to implement Iowa Code chapter 17A.

[ARC 8783C, IAB 1/8/25, effective 2/12/25; Editorial change: IAC Supplement 6/24/26]

761—116.7(306C) Contact information. Inquiries regarding this chapter may be directed to the Advertising Management Section, Traffic and Safety Bureau, Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.239.1255.

This rule is intended to implement Iowa Code sections 306C.1 through 306C.9.

[ARC 8783C, IAB 1/8/25, effective 2/12/25]

[Filed 1/20/78, Notice 11/16/77—published 2/8/78, effective 3/15/78]

[Filed 2/7/86, Notice 12/18/85—published 2/26/86, effective 4/2/86]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed 11/7/02, Notice 9/4/02—published 11/27/02, effective 1/1/03]

[Filed 7/13/04, Notice 5/26/04—published 8/4/04, effective 9/8/04]

[Filed ARC 1923C (Notice ARC 1832C, IAB 1/21/15), IAB 4/1/15, effective 5/6/15]

[Filed ARC 8783C (Notice ARC 8247C, IAB 10/16/24), IAB 1/8/25, effective 2/12/25]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 117 OUTDOOR ADVERTISING

[Prior to 6/3/87, Transportation Department[820]—(06,O) Ch 5]

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/12/30

761—117.1(306B,306C) Definitions. The definitions in Iowa Code section 306C.10 are adopted. In addition:

“Abandoned sign” means an advertising device for which the owner has failed to timely apply for the required outdoor advertising permit(s) or has failed to timely pay the required fee(s).

“Blank sign” means an advertising device for which any of the following conditions exist:

1. The face does not display advertising copy.
2. The face has been removed.
3. The entire advertising device has been removed or does not exist at the permitted location.

“Daylight area” means a triangular area formed by a line connecting two points each back (50 feet in city, 100 feet in unincorporated area) from the point where the right-of-way lines of the main traveled way and an intersecting street meet or would meet if extended.

“Destroyed” means that at least 60 percent of the supports are broken, if wooden, or broken, bent or twisted, if metal, such that normal repair practices would call for the replacement of the damaged supports.

“Face” means that part of an advertising device that is devoted to the display of advertising and that is visible to traffic proceeding in any one direction.

“Interchange” means the entire area constructed for a junction of two or more public streets or highways by a system of separate levels that permit traffic to pass from one level to another without the crossing of traffic streams. This includes all acceleration and deceleration lanes constructed to accommodate this movement of traffic.

“LED display” means a face, as defined herein, displaying a message that is formed by light-emitting diodes and that is changed by an electronic process. An LED display is a single face.

“Modification” means any addition to or change in dimensions, lighting, structure or advertising face, except as incidental to the customary maintenance of an advertising device.

1. A change in the number or type of support posts is a modification. A change in dimensions is a modification. However, the addition of extensions or cutouts, including forward projecting, is not a modification if the extensions or cutouts are added for a period of 90 days or less and if they are illuminated only by existing sign lighting and do not contain internal lighting.

2. A lawful change in advertising message is not a modification. The use of a vinyl overlay or wrap on either a poster panel or paint unit is a change in advertising message, not a modification.

3. On an advertising device that conforms to all current requirements, the replacement of one metal-framed face with another metal-framed face of the same size, using dissimilar component parts or assembly methods, or both, is not a modification.

4. The addition of LED display capabilities to an advertising device is a modification.

5. The elimination of trim surrounding the area used for advertising copy is not a modification, provided the advertising copy retains the same dimensions as the original advertising copy.

“Nonconforming sign” means an advertising device that was lawfully erected and continues to be lawfully maintained, but that does not comply with current requirements due to changed conditions, such as a change in zoning, establishment of a new highway, or a similar change that affects compliance.

“Regularly used” means open for business and staffed by an owner or employee for at least 20 hours per week, on property assessed as commercial or industrial by the jurisdiction having authority, and with the hours of operation visibly posted on the premises. The department may delay action on the permit application for up to 180 days from the date of the application in order to conduct periodic checks on the site as necessary to determine whether the purported commercial or industrial activity

meets this definition. A rental storage business is excepted from the staffing requirement if it has 24-hour access for customers and a minimum of 50 units, each occupying at least 50 square feet, individually separated, and enclosed by walls.

“*Scenic area*,” as used in Iowa Code section 306C.13, means any area of particular scenic beauty or historical significance, as determined by the federal, state or local officials having jurisdiction of the area. It includes real property interests that have been acquired for the restoration, preservation and enhancement of scenic beauty.

“*Tri-face device*” means an advertising device with three singular faces attached to one common structure in a triangular configuration.

“*Tri-vision device*” means an advertising device that has an advertising face with a mechanical device that allows three advertising messages to be alternately visible to traffic proceeding in any one direction. Each message is attached to individual vertical or horizontal louvers, which are mechanically rotated to change the message.

“*Widening*,” as used in Iowa Code section 306C.13, means the point at which it is detectable that a deceleration or exit ramp is beginning to form alongside the main traveled way, or an acceleration or merging ramp has tapered to a close alongside the main traveled way. In the case where an entrance ramp becomes an auxiliary lane and the auxiliary lane becomes an exit ramp at the adjacent interchange, the widening shall be the point at which a deceleration ramp completely separates from the main traveled way as evidenced by the inside lane marking of such ramp, or an acceleration ramp joins with the main traveled way as evidenced by the inside lane marking of the ramp intersecting with the outside lane marking of the main traveled way.

[ARC 8784C, IAB 1/8/25, effective 2/12/25]

761—117.2(306B,306C) General provisions.

117.2(1) Scope. This chapter pertains to all advertising devices that are visible from the main traveled way of any primary highway, except for the following:

- a. Advertising devices within incorporated areas that are beyond 660 feet from the nearest edge of the right-of-way.
- b. Official traffic control devices, logo signing and tourist-oriented directional signing.
- c. Advertising devices erected within the right-of-way of any primary highway; such devices are subject to Iowa Code chapter 318.

117.2(2) Rebuttable presumption. The department may regulate signs as advertising devices except when sufficient documentation from persons reasonably identified as potential payors or receivers of remuneration is available to the department showing or certifying that remuneration does not exist.

117.2(3) Contact information. Inquiries, requests for forms, and applications regarding this chapter may be directed to the Advertising Management Section, Traffic and Safety Bureau, Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. Similar information is also available at www.iowadot.gov/iowaroadsigns/sign-programs-and-applications/advertising-signs.

117.2(4) Advertising devices permitted under the private directional sign program between May 26, 1983, and July 1, 2021. Any advertising device permitted as a private directional sign by the department between May 26, 1983, and July 1, 2021, may continue to exist, even if nonconforming to this chapter, under the following conditions:

- a. The permit is renewed each year by payment of a \$15 fee on or before July 1.
- b. The permit remains issued to the owner of the permit on record with the department on July 1, 2021.
- c. The advertising device is not modified or destroyed.
- d. The advertising device is properly maintained with legible copy.
- e. The design and display of the advertising device meet federal standards contained in 23 CFR Section 750.154 as amended to October 1, 2024.

[ARC 8784C, IAB 1/8/25, effective 2/12/25]

761—117.3(306B,306C,306D) General criteria.

117.3(1) *Limitations.* In addition to the standards contained in Iowa Code section 306C.13, advertising devices shall not be erected or maintained:

- a.* That attempt or appear to attempt to direct the movement of traffic.
- b.* That move or have any animated or moving parts in areas subject to Iowa Code chapter 306B.
- c.* That contain LED displays, unless each advertisement remains in a fixed position on the display screen for at least eight seconds, transitions between advertisements occur within one second, and advertisements are not flashed, rolled, scrolled, or moved in any way on the display screen.
- d.* Within the adjacent area of a designated scenic byway, unless the erection occurred prior to the date of designation, in which case subsequent permitting may occur in accordance with Iowa Code section 306C.18.

117.3(2) *Measurements of distance.* Measurements of distance for general spacing purposes are conducted in a horizontal manner parallel with the highway centerline. However, when determining the limits of the adjacent area defined in Iowa Code section 306C.10, measurements from the edge of the right-of-way are conducted in a horizontal manner perpendicular to the highway centerline.

117.3(3) *Measurement of size.* The size of an advertising device is determined by measuring the smallest square, rectangle, triangle, circle or combination thereof that will encompass the entire display area including border and trim, but excluding temporary cutouts and extensions, base, apron, support, and other structural members.

117.3(4) *Zoning exclusions.* The following zoning actions are not commercial or industrial zones for advertising control purposes:

- a.* A zone in which limited commercial or industrial activities are permitted incidental to other primary land uses.
- b.* Action that is not a part of comprehensive zoning in accordance with Iowa Code chapter 335 or 414.
- c.* Action taken primarily to permit advertising devices.

[ARC 8784C, IAB 1/8/25, effective 2/12/25]

761—117.4 Reserved.**761—117.5(306B,306C) Location, size and spacing requirements.**

117.5(1) *Advertising devices lawfully in existence prior to July 1, 1972.*

a. An advertising device that was lawfully in existence prior to July 1, 1972, including a device located beyond the adjacent area in unincorporated areas, may remain in existence without conforming to the location, size and spacing requirements in this rule provided that a permit is maintained in accordance with rule 761—117.6(306C).

b. If the advertising device is located in an adjacent area that is neither a zoned nor an unzoned commercial or industrial area, the device may remain in existence as described in paragraph 117.5(1) “a” only until such time as the device is acquired by the department. The permit issued for the device will be a provisional permit in accordance with Iowa Code section 306C.18(3) and subject to acquisition in accordance with rule 761—117.9(306B,306C).

117.5(2) *Advertising devices erected after July 1, 1972.* Except as otherwise provided in subrule 117.2(4), advertising devices shall not be erected after July 1, 1972, or subsequently maintained except for those that comply with Iowa Code chapters 306B and 306C and the following criteria:

a. Commercial or industrial area. Eligible areas for permitting are limited to the following three areas:

(1) Adjacent to interstate highways; areas that are zoned and used for commercial or industrial purposes in accordance with Iowa Code section 306B.2; within 750 feet of the regularly used portion of a commercial or industrial activity visible from the main traveled way; and on the same individual, platted parcel of land as that commercial or industrial activity.

(2) Adjacent to noninterstate primary highways; areas that are zoned commercial or industrial.

(3) Adjacent to noninterstate primary highways; areas that meet the definition of an unzoned commercial or industrial area.

b. Spacing. In addition to the standards contained in Iowa Code sections 306B.2 and 306C.13, the following requirements apply:

(1) Spacing standards apply to advertising devices for all highways from which the devices are visible, when more than one highway is in the vicinity of the advertising device.

(2) Spacing standards default to unincorporated spacing when both incorporated and unincorporated areas exist within the adjacent area on either side of the highway. However, daylight spacing may be determined by whether the subject location itself is within or outside of the incorporated municipality.

(3) Advertising devices subject to the daylight area spacing exemption in Iowa Code section 306C.13(5) are considered in conformity with that Iowa Code section if the catwalk or light ballasts extend out further than the 12 inches specified, provided such parts do not overhang the right-of-way. If the building from which the device is mounted is removed, the permit is revoked.

(4) Applications for advertising devices proposed in a location that meets the spacing requirements for that location, but that create a nonconformity to exist with another permitted advertising device, will be denied or adjusted so that the nonconformity is not created.

c. The following types of advertising devices are eligible for permits:

(1) Single face devices; one permit required.

(2) Back-to-back devices; two permits required.

(3) V-type devices with the inside angle formed by the two faces not exceeding 60 degrees so that both faces are not readable upon approach; two permits required.

(4) Devices commonly referred to as side-by-sides or double-decks are classified as either single face, back-to-back, or v-type, as provided in this paragraph. However, provisions do not exist for panels of copy that may be oriented in the same direction, but that are not lined up on the same vertical and horizontal planes, or that are not physically connected to the same structure with more than two feet of distance between them, or that are owned by different entities.

(5) Tri-face devices are classified as v-type devices for permitted purposes from the primary highway in which the two faces are visible. If visibility of the third face exists due to a turn in the highway or another primary highway exists in the vicinity, a third permit is required.

(6) Tri-vision devices, with a rotation occurring not more rapidly than four seconds for each display, are classified as either single face, back-to-back, or v-type, as provided in this paragraph, depending upon the structure.

[ARC 8784C, IAB 1/8/25, effective 2/12/25]

761—117.6(306C) Outdoor advertising permits and fees required.

117.6(1) Application. Application for a permit for any advertising device subject to subrule 117.2(1) shall be made in accordance with Iowa Code section 306C.18 within the following time frames:

a. On or before July 31, 1972, for advertising devices in existence on July 1, 1972.

b. Prior to the erection of the advertising device, if erected after July 1, 1972.

c. Within 30 days of receiving notice from the department that a lawfully erected advertising device that was not subject to subrule 117.2(1) has become subject to subrule 117.2(1) for reasons including but not limited to the establishment of a new primary highway or a change in the designation of a roadway to a primary highway.

117.6(2) Fees. Fees are applicable to all advertising devices measuring over 32 square feet in size.

a. The initial fee, payable at the time of application, is \$100 per permit. This fee is not refundable unless the application is withdrawn prior to the department's field review of the proposed location.

b. The annual renewal fee for each permit, due on or before June 30 of each year, is as follows:

<u>Area of Sign</u>	<u>Annual Renewal Fee</u>
33 to 375 square feet	\$15
376 to 999 square feet	\$25
1,000 square feet or more	\$50

c. The payment of an annual renewal fee, if postmarked on or before June 30 of each year or otherwise delivered to the department on or before June 30 of each year, automatically renews the existing permit for the device for which the fee was paid.

d. A permit for which the fee was not paid in a timely manner expires on July 1 of each year. If an advertising device is still in existence, it is considered abandoned. If the owner wishes to reapply for a permit to retain the device, the device and location will be reviewed in the same way that a review is conducted for a newly proposed advertising device.

e. Renewal fees are not refundable and are not prorated.

117.6(3) Highway improvement projects. The department shall not prevent nor unnecessarily delay the issuance of a permit for the reason of a proposed future highway improvement project, except under any of the following conditions:

a. The property upon which the advertising device is proposed has been appraised for the purposes of acquisition.

b. Contact by department staff has been made with the property owner regarding compensation for the affected area.

c. The placement of the advertising device would fail to meet the requirements of an existing corridor preservation plan in effect for the proposed location.

d. A construction contract for the project has been initiated by the department.

117.6(4) Permit plate. Upon approval of the application, the department will issue a numbered metal permit plate for the advertising face. This permit plate shall be securely attached to the advertising device in a manner that the plate is unobstructed from view from the highway. If the plate is not displayed, the department may provide notice to the owner that the plate is to be displayed within 90 days. If after that period of time the plate is not displayed, the department may cancel the permit.

117.6(5) Reconstruction or modification. A new permit is required from the department prior to the reconstruction or modification of a permitted advertising device.

a. Permit applications will be reviewed for compliance with Iowa Code chapter 306C and this chapter; nonconforming signs are not eligible for permit approval for reconstruction or modification.

b. Reconstruction or modification of an advertising device prior to the issuance of the permit needed to conduct such action shall result in revocation of the existing permit that has been issued for the advertising device. This may result in the removal of the advertising device in the manner specified in subrule 117.8(1) if the device is not eligible for permitting in accordance with this chapter or Iowa Code chapter 306B or 306C.

117.6(6) Access. Access to the private property upon which an advertising device is located shall be gained only from legal accessways through private property, local streets, secondary roads, or from the primary highway right-of-way through access points designated or allowed by the department in accordance with 761—Chapter 112. Unauthorized use of the primary highway right-of-way for the purpose of constructing or maintaining an advertising device may be cause for permit revocation and removal of the device. The department will issue a warning letter to the owner of the permit following the first instance of unauthorized use; a second instance will result in the revocation of the permit followed by a 12-month period where no new permits may be issued to that person or entity in the same location, or within 500 feet of the same location. The existing device for which the permit was revoked is subject to removal in accordance with Iowa Code section 306C.19.

117.6(7) Vegetation in the right-of-way. No vegetation in the right-of-way may be removed, trimmed, poisoned, or altered so that the viewing time can be improved for an advertising device, unless written authorization is received from the department and the conditions included in the

authorization are followed. Proceeding to remove, trim, poison, or alter vegetation without such authorization may result in the revocation of the permit for the device and the removal of the device in accordance with subrule 117.8(1). In addition, the department may suspend permit approvals for a 12-month period for any location within 500 feet of the location of the former permit.

117.6(8) *Use and condition.*

a. The maximum period of time in which an advertising device may qualify as a blank sign is six months.

b. The maximum period of time in which an advertising device may have illegible copy or be in a state of disrepair is 90 days.

c. If the department determines that an advertising device has been blank for a period of time exceeding six months, or has illegible copy or is in a state of disrepair for a period of time exceeding 90 days, the department may issue a notice pursuant to rule 761—117.8(306B,306C) in which the owner has 30 days to either cause it to conform or to remove it.

117.6(9) *Destroyed sign.*

a. The permit for an advertising device that has been destroyed will automatically be revoked.

b. An advertising device that has been destroyed is in a condition that, if repaired, would meet the definition of reconstruction in Iowa Code section 306C.10 and is subject to subrule 117.6(5). Whether the device can be reconstructed will depend upon whether it conforms to this chapter and Iowa Code chapters 306B and 306C.

c. An advertising device that has been damaged, but not destroyed, may be repaired. The repair is not deemed an act of reconstruction.

[ARC 8784C, IAB 1/8/25, effective 2/12/25]

761—117.7 Reserved.

761—117.8(306B,306C) Removal procedures.

117.8(1) Advertising devices subject to this chapter that have been abandoned, or illegally erected or maintained, may be removed, or caused to be removed, by the department after 30 days' notice in accordance with Iowa Code section 306C.19.

117.8(2) Advertising devices removed by the department may be reused, scrapped or disposed of by the department with no compensation paid to the owner.

117.8(3) Revocation of a permit may be included as part of the 30 days' notice, if served by restricted certified mail or by personal service.

[ARC 8784C, IAB 1/8/25, effective 2/12/25]

761—117.9(306B,306C) Acquisition of advertising devices that have been issued provisional permits.

117.9(1) The department will acquire an advertising device for which a provisional permit has been issued only if all of the following conditions are met:

a. Acquisition is required by federal law.

b. All necessary federal and state funding is available for the purpose.

c. The permit has not been revoked.

117.9(2) If the advertising device will be acquired, the department will use the following procedure:

a. A written notice of the department's intent to revoke the provisional permit and acquire the device will be mailed or delivered to the owner of the advertising device and to the owner of the land upon which the device is located. The notice will include an offer to purchase the advertising device. If good-faith negotiations with the owner of the device and the owner of the land upon which the device is located do not result in a mutually agreeable sale price, the department may revoke the provisional permit and initiate condemnation proceedings as provided in Iowa Code chapter 6B.

b. In the event of condemnation, possession will be taken of the advertising device as soon as the award has been deposited with the sheriff.

[ARC 8784C, IAB 1/8/25, effective 2/12/25]

761—117.10(17A,306C) Contested cases.

117.10(1) An applicant who has been denied an outdoor advertising permit by the department may timely contest the decision in accordance with 761—Chapter 2506. A request is considered timely if submitted in writing to the director of the traffic and safety bureau at the address in subrule 117.2(3) and delivered or postmarked within 30 days of the department's mailing of the letter denying the application.

117.10(2) The owner of an outdoor advertising permit that has been revoked or canceled by the department may timely contest the decision in accordance with 761—Chapter 2506. A request is considered timely if submitted in writing to the director of the traffic and safety bureau at the address in subrule 117.2(3) and delivered or postmarked within 30 days of the owner's receipt of the revocation notice issued by the department.

117.10(3) Failure to timely request a hearing on the denial, revocation, or cancellation of a permit is a waiver of the right to a hearing and a failure to exhaust administrative remedies.

[ARC 8784C, IAB 1/8/25, effective 2/12/25; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code chapters 306B and 306C and section 306D.4 and 23 U.S.C. Section 131 and 23 CFR Section 750.705.

[Filed 5/18/66; 761—Chapter 117 appeared as Ch 5, Highway Commission, 1973 IDR: amended January 1974 and January 1975 Supplements; amended 11/22/67, 9/27/73, 10/8/74, 12/4/74]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87][◇]

[Filed emergency 5/22/96 after Notice 3/13/96—published 6/19/96, effective 5/23/96]

[Filed 5/23/96, Notice 3/13/96—published 6/19/96, effective 7/24/96]

[Filed 3/10/99, Notice 1/27/99—published 4/7/99, effective 5/12/99]

[Filed 11/7/02, Notice 9/4/02—published 11/27/02, effective 1/1/03]

[Filed 7/13/04, Notice 5/26/04—published 8/4/04, effective 9/8/04]

[Filed 5/13/08, Notice 3/12/08—published 6/4/08, effective 7/9/08]

[Editorial change: IAC Supplement 1/25/12¹]

[Filed ARC 2645C (Notice ARC 2543C, IAB 5/25/16), IAB 8/3/16, effective 9/7/16]

[Filed ARC 4984C (Notice ARC 4868C, IAB 1/15/20), IAB 3/11/20, effective 4/15/20]

[Filed ARC 6020C (Notice ARC 5859C, IAB 8/11/21), IAB 11/3/21, effective 12/8/21]

[Editorial change: IAC Supplement 4/6/22]

[Filed ARC 8784C (Notice ARC 8248C, IAB 10/16/24), IAB 1/8/25, effective 2/12/25]

[Editorial change: IAC Supplement 6/24/26]

[◇] Two or more ARCs

¹ Spacing—Transition to Freeway-Primary Highway diagram replaced with a clearer image.

PRIMARY ROAD EXTENSIONS

CHAPTER 150

IMPROVEMENTS AND MAINTENANCE ON PRIMARY ROAD EXTENSIONS

[Prior to 6/3/87, Transportation Department[820]—(06,L) Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/20/31

761—150.1(306,306A,307,318,362) General.

150.1(1) Information. Information regarding this chapter is available from the Maintenance Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.239.1547.

150.1(2) Definitions.

“Access control limits” means the area where the department has acquired access rights in accordance with 761—Chapter 112.

“City” means a municipal corporation as defined in Iowa Code section 362.2.

“Curbed cross section” means a roadway with outside raised paved edges or rims (commonly called “curbs”) used for storm water drainage. Raised medians or inside curbs alone are not sufficient to constitute a curbed cross section.

“Encroachment” means an item that is supported or located on the highway right-of-way or that overhangs into the airspace of the highway right-of-way.

“Freeway” means a fully controlled access primary highway. The rights of ingress and egress from abutting properties have been legally eliminated by the department. Permanent access to the freeway is allowed only at interchange locations. For the purpose of this chapter, a freeway is generally five or more miles in length.

“MUTCD” means the “Manual on Uniform Traffic Control Devices” as adopted in 761—Chapter 130.

“Nonfreeway primary highway” means a primary highway that is not a freeway.

“Obstruction” means the same as defined in Iowa Code section 318.1.

“Right-of-way” means the land for any public road, street or highway, including the entire area between the property lines.

“Urban-state traffic engineering program” or *“U-STEP”* refers to a department program that is intended for use by any Iowa city in order to solve traffic operations and safety problems on primary roads in Iowa cities as documented on the department’s “Grants and Programs” website at www.iowadot.gov/transportation-development/grant-programs/grant-program-list.

“Utility” means the same as defined in Iowa Code section 306A.13.

This rule is intended to implement Iowa Code sections 306.2, 306.3, 306A.13, 307.12(1)“j,” 318.1 and 362.2.

[ARC 0213D, IAB 4/15/26, effective 5/20/26]

761—150.2(306,306A,307,313,314) Improvements and maintenance on extensions of freeways.

150.2(1) Construction. Except as otherwise provided, the department shall be responsible for all right-of-way and construction costs associated with the construction of freeway extensions.

a. The city shall be responsible for providing, without cost to the department, all necessary rights-of-way that involve dedicated streets or alleys.

b. The city may be responsible for providing, without cost to the department, all necessary rights-of-way that involve other city-owned lands, except parklands, subject to the condition that the department may reimburse the city for the functional replacement value of improved property and advanced purchases negotiated by the city for project purposes.

c. Outside the access control limits, the department shall be responsible for the costs of construction of longitudinal and outlet storm sewers made necessary by highway construction in the proportion that the street right-of-way of the primary road extension bears to the total drainage

area to be served by the proposed sewers. The city shall be responsible for the remaining portion of storm sewer costs not paid for by the department.

d. The department shall be responsible for all storm sewer-related costs within the access control limits.

150.2(2) Maintenance. The department shall enter into an agreement with a city regarding the maintenance of primary roads within the corporate city limits. This is intended to include corporate line roads, when appropriate. Unless otherwise mutually agreed to and specified in the agreement, the maintenance of freeway extensions within the corporate city limits, including corporate line roads, shall be as follows:

a. The department shall be responsible for all maintenance costs on the through roadway, the on and off ramps, and the roadside features from right-of-way line to right-of-way line.

b. Where city streets cross the freeway, the department shall be responsible for:

- (1) Roadside maintenance within the freeway right-of-way.
- (2) Surface drainage of the freeway right-of-way.
- (3) Traffic signs and pavement markings required for freeway operation.
- (4) Guardrail at piers and guardrail at bridge approaches.
- (5) Expansion relief joints in approach pavement and approach panel leveling and maintenance.
- (6) All maintenance of bridges, including deck repair, structural repair, berm slope protection, painting, and inspection, except as noted in paragraph 150.2(2) "*c.*"

(7) Graffiti removal on bridges and abutments within the freeway right-of-way.

c. Where city streets cross the freeway, the city shall be responsible for:

- (1) All roadside maintenance outside the freeway right-of-way.
- (2) All pavement, subgrade and shoulder maintenance on the cross street except expansion relief joints and bridge approach panel leveling or repair.
- (3) All traffic lane markings on the cross street.
- (4) Snow removal on the cross street, including bridges over the freeway and through ramp terminals.
- (5) Cleaning and sweeping bridge decks on streets crossing over the freeway.

d. The city shall be responsible for maintenance and repair of pedestrian overpasses and underpasses, including snow removal, painting, lighting and structural repairs.

e. Should local service roads or streets be constructed as a part of a project, upon completion they shall become a part of the city street system. The department shall not be responsible for the maintenance of these roads or streets and corresponding drainage structures.

150.2(3) Lighting.

a. The department shall be responsible for:

(1) The cost of installation of lighting on the main-traveled-way lanes and the on and off ramps, including the terminals with cross streets when the department determines that lighting is required under established warrants.

(2) The energy and maintenance costs of lighting on the main-traveled-way lanes.

(3) The energy and maintenance costs of lighting through interchange areas and ramps at interchanges between freeways that do not provide service to local streets.

(4) The energy and maintenance costs of lighting in interchange areas at interchanges between freeways and primary roads that are on corporate lines.

(5) At interchanges with city cross streets, the energy and maintenance costs of lighting on the main-traveled-way lanes, on and off ramps, ramp terminals, and, when the department determines full interchange lighting is required, the cross street between the outermost ramp terminals.

b. The department shall not be responsible for:

(1) The installation, energy and maintenance costs of any lighting on cross streets in advance of interchanges and between the outermost ramp terminals at interchanges where the department determines partial interchange lighting or no lighting is required.

(2) The installation, energy and maintenance costs of any lighting on pedestrian overpasses, pedestrian underpasses, bicycle overpasses or bicycle underpasses. The city may elect to provide lighting at its own expense.

c. Warrants for the lighting of freeways shall be according to the 2018 “AASHTO Roadway Lighting Design Guide.” The AASHTO publication may be ordered from the website www.transportation.org. The publication may be inspected at the department’s maintenance bureau.

This rule is intended to implement Iowa Code sections 306.4, 306.42, 307.12(1) “j,” 313.4, 313.5, 313.21 through 313.24, 313.27, 313.36, 314.5 and 314.6 and chapter 306A.

[ARC 0213D, IAB 4/15/26, effective 5/20/26]

761—150.3(306,306A,307,309,313,314,321E) Improvements and maintenance on extensions of nonfreeway primary highways.

150.3(1) Construction.

a. The department shall be responsible for all right-of-way and construction costs to construct nonfreeway primary highway extensions to the minimum design criteria as established by the department. Construction improvement costs beyond minimum design criteria shall be the responsibility of the city, as specified in the project agreement. Minimum design criteria shall be in accordance with “A Policy on Geometric Design of Highways and Streets, 2018” (Seventh Edition AASHTO Green Book). The AASHTO publication may be ordered from the website www.transportation.org. The publication may be inspected at the department’s maintenance bureau.

b. The city shall be responsible for providing, without cost to the department, all necessary rights-of-way that involve dedicated streets or alleys.

c. The city may be responsible for providing, without cost to the department, all necessary rights-of-way that involve other city-owned lands, except parklands, subject to the condition that the department may reimburse the city for the functional replacement value of improved property and advanced purchases negotiated by the city for project purposes.

d. The city shall take all necessary legal action to discontinue and prohibit any past or present use of project rights-of-way for private purposes. The city shall prevent any future encroachment or obstruction within the limits of project rights-of-way.

e. The department shall be responsible for the costs of construction of longitudinal and outlet storm sewers made necessary by highway construction and construction of local service roads developed as a part of the construction or reconstruction of the through traffic lanes in the proportion that the right-of-way of the primary road extension bears to the total drainage area to be served by the proposed sewers. The city shall be responsible for the remaining portion of storm sewer costs not paid for by the department.

f. Unless otherwise mutually agreed to and specified in the project agreement, the department shall be responsible for the cost of acquiring rights-of-way and construction of local service roads developed as a part of the construction or reconstruction of the through traffic lanes.

150.3(2) Maintenance. The department shall enter into an agreement with a city regarding the maintenance of primary roads within the corporate city limits. This is intended to include corporate line roads, when appropriate. Unless otherwise mutually agreed to and specified in the agreement, the maintenance of nonfreeway primary highway extensions within the corporate city limits, including corporate line roads, shall be as follows:

a. On primary roads constructed with a curbed cross section, the department shall be responsible for:

(1) Maintenance and repairs to pavement and subgrade from face of curb to face of curb exclusive of parking lanes, culverts, intakes, manholes, public or private utilities, sanitary sewers and storm sewers.

(2) Primary road signing for moving traffic as set out in subrule 150.4(1), pavement markings for traffic lanes, guardrail and stop signs at intersecting streets.

(3) Surface drainage only, within the limits of pavement maintenance.

(4) Plowing of snow from the traffic lanes of pavement and bridges and treatment of traffic lanes with abrasives and chemicals.

(5) Inspection, painting and structural maintenance of bridges as defined in Iowa Code section 309.1.

b. On primary roads constructed with a rural cross section (no curb), the department shall be responsible for all maintenance, except tree removal, sidewalks, retaining walls and repairs due to utility construction and maintenance, which shall be the city's responsibility.

c. On primary roads constructed with a curbed cross section, the city shall be responsible for:

(1) Maintenance and repairs to pavement in parking and bicycle lanes, intersections beyond the limits of department pavement maintenance, curbs used to contain drainage, and repairs to all pavement due to utility construction, maintenance and repair.

(2) Painting of parking stalls, stop lines and crosswalks, and the installation and maintenance of flashing lights. Pavement markings shall conform to the MUTCD.

(3) Maintenance of all storm sewers, manholes, intakes, catch basins and culverts used for collection and disposal of surface drainage.

(4) Removal of snow windrowed by departmental plowing operations, removal of snow and ice from all areas outside the traffic lanes, loading or hauling of snow which the city considers necessary and removal of snow and ice from sidewalks on bridges used for pedestrian traffic.

(5) Maintenance of sidewalks, retaining walls and all areas between curb and right-of-way line.

(6) Cleaning, sweeping and washing of streets.

(7) Maintenance and repair of pedestrian or bicycle overpasses and underpasses, including snow removal, painting and structural repairs.

(8) Roundabout center islands.

d. The city shall comply with the access control policy of the department as adopted in 761—Chapter 112 and obtain prior approval from the department for any changes to existing entrances or for the construction of new entrances.

e. Drainage district assessments levied against the primary road within the corporate limits of the city shall be shared equally by the department and the city.

f. Should local service roads or streets be constructed as a part of a project, upon completion they shall become a part of the city street system. The department shall not be responsible for the maintenance of these roads or streets and corresponding drainage structures.

150.3(3) Lighting.

a. The department shall not be responsible for the installation, energy, and maintenance costs of lighting on extensions of nonfreeway primary highways. The city may elect to provide lighting at its own expense. However:

(1) For cities with a population of 5,000 or fewer, the department may elect to install interchange or intersection lighting and to be responsible for or to participate in the energy and maintenance costs of this lighting.

(2) On a new construction project that results in a predominately fully controlled access highway, but incorporates some nonfreeway segments, the department may elect to participate in the installation of lighting at conflict points if the city agrees to be responsible for the energy and maintenance costs of this lighting.

b. At corporate line primary road junctions, the lighting shall be installed where necessary by the department in accordance with department warrants. The department shall be responsible for the installation costs. Unless otherwise agreed, the energy and maintenance costs shall be shared by the city and department in proportion to the number of luminaires in each jurisdiction as established by the corporate line. When and if the corporate line is extended to include any part of the lighting installation or a greater proportion of luminaires, the proportionate costs for maintenance and energy shall be redetermined on the basis of the number of luminaires in each jurisdiction as established by the new location of the corporate line.

This rule is intended to implement Iowa Code sections 306.4, 306.42, 307.12(1) “j,” 309.1, 313.5, 313.21 through 313.24, 313.27, 313.36, 314.5, 314.6 and 321E.3 and chapter 306A.

[ARC 0213D, IAB 4/15/26, effective 5/20/26]

761—150.4(306,306A,307,313,314,318) General requirements for primary road extensions.

150.4(1) *Signing.*

a. The department shall be responsible for permanent traffic control signing on primary road extensions.

b. The department shall not be responsible for construction and maintenance work zone signing unless the work is being done by the department.

c. The department shall not be responsible for street name signs, any regulatory parking signs that denote special regulations as may be determined by the city in cooperation with the department, and those signs that regulate parking as to time, hours and days of the week.

d. The department shall not be responsible for signs facing traffic on primary road extensions that regulate traffic movements on city cross streets (one-way traffic).

e. “Business District” signs on primary road extensions may be permitted upon application by the city to the department.

f. All signing within the right-of-way shall conform to the MUTCD.

150.4(2) *Encroachments and obstructions.*

a. The city shall remove any existing obstructions within the highway right-of-way and prevent any future obstructions from occurring within the highway right-of-way in a manner consistent with Iowa Code chapter 318.

b. The city shall remove any existing encroachments and prevent any future encroachments from occurring within the highway right-of-way, except those authorized or permitted by the highway authority. Under no circumstances shall an overhanging sign or awning be allowed within two feet of the inside edge of the curb (also known as the face of the curb, which is that part of the curb that is next to traffic) or within two feet of the edge of the pavement in the absence of a curb. Any encroachments authorized or permitted by the highway authority shall be in accordance with Iowa Code chapter 318.

150.4(3) *Pedestrian, equestrian, and bicycle routes (sidewalks).*

a. The department shall remove and replace portions of existing routes as required by construction.

b. The department will consider the impacts to pedestrian accommodation at all stages of the project development process and encourage pedestrian accommodation efforts when pedestrian accommodation is impacted by highway construction. The cost of pedestrian accommodation made at the time of the highway improvement may be considered an additional roadway construction cost. Providing pedestrian accommodation independent of a highway construction project may be considered with construction funding obtained from local jurisdictions or other federal and non-road use tax state sources.

c. If a project is initiated by the department, the department shall fund 100 percent of all curb ramps, turning spaces, transitions, sidewalks, curb drops and pedestrian signals within the right-of-way of primary road extensions to meet the requirements of the Americans with Disabilities Act of 1990 (ADA) as amended by the ADA Amendments Act of 2008 (PL 110–325), codified at 42 U.S.C. 12101 et seq., if such improvements are in the project.

d. If a project is initiated by a local jurisdiction, the department may participate by funding 55 percent of the cost of constructing curb ramps, turning spaces, transitions, sidewalks, curb drops and pedestrian signals on existing sidewalks within the right-of-way of primary road extensions to meet the requirements of the Americans with Disabilities Act if such improvements are in the project. However, departmental participation shall not exceed \$250,000 per year for any one local jurisdiction and \$5 million per year in total.

150.4(4) *Overpasses and underpasses for pedestrian, equestrian, and bicycle routes.*

a. During initial construction of freeways and other relocated primary road extensions and when user-volumes and topographic conditions warrant the construction of a separation, the cost shall be shared between the department and the city on the basis of the current U-STEP cost apportionment.

b. The department may participate in a city-initiated separation that is not included in the department's "Five-Year Iowa Transportation Improvement Program."

150.4(5) *Utility relocation and removal.*

a. The city shall relocate or cause to be relocated, without cost to the department, all city-owned utilities necessary for construction when these utilities are within the existing street or alley right-of-way. The department shall reimburse the owner of a utility that is located on private right-of-way for the costs of relocation or removal, including the costs of installation in a new location.

b. The city shall comply with the utility accommodation policy of the department as adopted in 761—Chapter 115.

150.4(6) *Project concept statements and predesign project agreements for proposed construction projects.*

a. As early as possible after an urban project is included in the department's "Five-Year Iowa Transportation Improvement Program," a concept statement for the project shall be developed and shall be reviewed with the officials of the city prior to the public hearing.

b. During the design process, a predesign project agreement may be submitted to city officials for their approval. It shall include all the following:

- (1) A preliminary description of the project.
- (2) The general concepts of the project.
- (3) Responsibilities for right-of-way acquisition, storm sewer costs and utility adjustment costs.
- (4) The parking and access control restrictions to be applied to the project.
- (5) Financial participation above minimum standards.

150.4(7) *Preconstruction project agreements for proposed construction projects.*

a. The department shall maintain a close liaison with the city during the development of the project plan so that all parties will be fully informed of the details involved in the proposed improvement.

b. When the plan is sufficiently complete to provide typical cross sections, plan and profile drawings and incidental details, the department shall submit a preconstruction project agreement, which shall include known design data, to city officials for their approval. Terms for reimbursement to the state and local financial participation shall be stated in this agreement.

c. Modifications to this agreement necessitated by design changes encountered during construction shall be made by an extra work order agreed to in writing by the city, the contractor, and the department.

150.4(8) *Traffic signals.*

a. All traffic signal installations shall meet the standards and warrants established in the MUTCD.

b. When replacing pavement or adding lanes, the department may, by agreement, install or replace warranted traffic signals (including pedestrian-only signals) at no cost to the city.

c. When new or upgraded traffic signals (including pedestrian-only signals) are part of a pavement maintenance or stand-alone traffic signal project, the department may, by agreement, participate in installation costs with its maximum share limited to that based on the current U-STEP cost-sharing policy. The city is responsible for preparing plans, awarding the contract, supervising installation, and covering the remaining costs.

d. Signal modifications to coordinate with other city systems (outside the primary road extension system) are the city's full financial responsibility.

e. The department will not fund signals intended solely for commercial use or signalization of primary road stub routes ending within the city.

f. The department does not assume ownership or responsibility for any energy or maintenance costs for traffic signals.

g. Signal phasing, initial and future, as well as timing and coordination between intersections shall be coordinated between the department and the city.

150.4(9) *Overdimensional and overweight vehicles.* The city shall comply with all current statutes, rules and regulations pertaining to overdimensional and overweight vehicles using primary roads when issuing special permits for overdimensional and overweight vehicles.

This rule is intended to implement Iowa Code sections 306.4, 307.12(1) “j,” 313.21 through 313.24, 313.27, 313.36, 314.5 and 314.6 and chapters 306A and 318.

[ARC 0213D, IAB 4/15/26, effective 5/20/26]

761—150.5(17A,307) Special circumstances.

150.5(1) *Waivers.* The director of transportation or the director’s designee may, in response to a written petition, waive provisions of this chapter in accordance with 761—Chapter 2504. The written petition must contain the information as required in 761—Chapter 2504 and shall be submitted to the Rules Administrator, Office of the Director, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by email to the rules administrator’s email address listed on the department’s website at www.iowadot.gov/administrativerules.

150.5(2) *Waivers involving interstate highways.* The director shall not waive these rules if the request involves the interstate highway system, including its ramps, without the approval of the Federal Highway Administration.

This rule is intended to implement Iowa Code sections 17A.9A and 307.12(1) “j.”

[ARC 0213D, IAB 4/15/26, effective 5/20/26; Editorial change: IAC Supplement 6/24/26]

[Filed 7/1/75]

[Filed 4/4/85, Notice 2/13/85—published 4/24/85, effective 5/29/85]

[Filed emergency 7/18/85—published 8/14/85, effective 7/19/85]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed emergency 8/26/88 after Notice of 7/13/88—published 9/21/88, effective 8/26/88]

[Filed 5/19/89, Notice 4/5/89—published 6/14/89, effective 7/19/89]

[Filed emergency 4/17/96 after Notice 3/13/96—published 5/8/96, effective 4/18/96]

[Filed 7/20/00, Notice 5/17/00—published 8/9/00, effective 9/13/00]

[Filed 9/10/02, Notice 7/10/02—published 10/2/02, effective 11/6/02]

[Filed ARC 0478C (Notice ARC 0333C, IAB 9/19/12), IAB 12/12/12, effective 1/16/13]

[Filed ARC 3501C (Notice ARC 3367C, IAB 10/11/17), IAB 12/6/17, effective 1/10/18]

[Filed ARC 5427C (Notice ARC 5244C, IAB 11/4/20), IAB 2/10/21, effective 3/17/21]

[Editorial change: IAC Supplement 7/28/21]

[Filed ARC 6562C (Notice ARC 6434C, IAB 7/27/22), IAB 10/5/22, effective 11/9/22]

[Filed ARC 0213D (Notice ARC 9880C, IAB 1/7/26), IAB 4/15/26, effective 5/20/26]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 380
MOTOR VEHICLES OPERATED BY AN AUTOMATED DRIVING SYSTEM

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/23/30

761—380.1(321) Applicability. This chapter applies to driverless-capable motor vehicles operated by an automated driving system.

[ARC 9011C, IAB 3/19/25, effective 4/23/25]

761—380.2(321) Definitions. The definitions in Iowa Code section 321.514 are adopted and incorporated herein. In addition:

“*Conventional human driver*” means the same as defined in Iowa Code section 321.514 but does not include a driverless-capable vehicle passenger.

“*Driverless-capable vehicle*” as defined in Iowa Code section 321.514 means the vehicle meets the criteria for automation classification of Level 3, Level 4, or Level 5 as established in the April 30, 2021, edition of “Taxonomy and Definitions for Terms Related to Driving Automated Systems for On-Road Motor Vehicles” by the Society of Automotive Engineers (SAE), which is accessible by web link on the department’s website listed under rule 761—380.3(321).

“*Driverless-capable vehicle passenger*” means a person who does not control the in-vehicle accelerating, braking, steering, and transmission gear selection input devices in order to operate a motor vehicle and who is not otherwise expected to respond to a request to intervene issued by the automated driving system of a driverless-capable vehicle.

“*SAE*” means the Society of Automotive Engineers, which is an international association reputed for its standards development efforts, including its efforts to standardize definitions of driving automation systems.

[ARC 9011C, IAB 3/19/25, effective 4/23/25]

761—380.3(321) Information and addresses. Information and forms pertaining to driverless-capable vehicles may be obtained 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 515.237.3156; by email at central.vehicle@iowadot.us; or on the department’s website at: www.iowadot.gov/automatedtransportation/Policies-Procedures.

[ARC 9011C, IAB 3/19/25, effective 4/23/25]

761—380.4(321) Registration of driverless-capable vehicles.

380.4(1) Upon registration of a driverless-capable vehicle under 761—subrule 400.3(16) or notification of a vehicle modification under 761—subrule 400.21(5), the department will notate the vehicle’s SAE level of automation in the records system established under Iowa Code section 321.31. Any changes to the SAE level of automation are to be reported to the department by the vehicle owner, or manufacturer on behalf of the owner.

380.4(2) Upon request, the vehicle owner, or manufacturer on behalf of the owner, is to provide to the department the vehicle’s operational design domain and associated operational capabilities, which the department may review to impose operational restrictions as provided in rule 761—400.21(321) as a condition of registration of the vehicle. Any subsequent material changes to the vehicle’s operational design domain and associated operational capabilities related to any previously imposed operational restrictions are to be submitted to the department in order to determine whether the previously imposed operational restrictions should be modified or removed as a result of such changes.

[ARC 9011C, IAB 3/19/25, effective 4/23/25]

761—380.5(17A,321) Driverless-capable vehicle exemption.

380.5(1) Application. The owner, or manufacturer on behalf of the owner, of a driverless-capable vehicle seeking an exemption under Iowa Code section 321.515(1)“b” may apply to the department to allow driverless operation of the vehicle. Applications are to be made on a form prescribed by the department and are to include:

- a.* Identification of the laws or regulations from which the driverless-capable vehicle is seeking an exemption.
- b.* Information describing how the vehicle will be operated under the exemption without posing a safety risk to the public.

380.5(2) Issuance and display of exemption. An exemption may be issued, subject to any operational restrictions as provided under rule 761—400.21(321), if the department has sufficient information to determine a public safety risk does not exist. The department will provide written notice of the exemption to the vehicle owner, and if applicable, to the manufacturer. The notice shall be maintained at all times in the driverless-capable vehicle and made available for display to any peace officer upon request.

380.5(3) Revocation and reinstatement.

a. The department may revoke a driverless-capable vehicle exemption in any of the following circumstances:

- (1) If the exemption has been issued in conflict with the statutes or rules governing the exemption’s issuance.
- (2) If the exemption was issued based on false information.
- (3) If there was a violation of Iowa Code sections 321.514 through 321.519, 761—Chapter 400 or this chapter.
- (4) If the vehicle operating under the exemption is involved in a contributive motor vehicle accident attributable to the automated driving system performance in this or any other state and that accident results in death or serious injury.
- (5) If the vehicle is operated in violation of any of the motor vehicle laws of this or any other state that results in death or serious injury.

b. For incidents occurring outside the state of Iowa, revocation may only occur once the investigation of the incident is completed, and the vehicle’s automated driving system performance was found to be involved in or contributive to a motor vehicle accident that resulted in a death or serious injury. The effective date of the suspension or revocation shall be 20 days after the department has mailed notice of the revocation to the vehicle owner, and manufacturer if applicable, by first class mail. To reinstate the exemption, the vehicle owner, or manufacturer on behalf of the owner, is to reapply for the exemption.

380.5(4) Hearings. A vehicle owner, or manufacturer on behalf of the owner, whose driverless-capable vehicle exemption has been revoked may contest the revocation in accordance with Iowa Code chapter 17A and 761—Chapter 2506. The request for a hearing must be submitted to the director of the motor vehicle division at the address in rule 761—380.3(17A). The request will be deemed timely if it is delivered or postmarked on or before the effective date specified in the notice. The department will stay the revocation for the duration of the hearing proceedings.

[ARC 9011C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

761—380.6(321) Submission in aggregate. Information or application reported or submitted by a manufacturer on behalf of the owner to the department under rule 761—380.4(321) or rule 761—380.5(17A,321) may be reported or submitted in aggregate by vehicle make and model.

[ARC 9011C, IAB 3/19/25, effective 4/23/25]

These rules are intended to implement Iowa Code chapter 17A and sections 321.1, 321.16, 321.20, 321.31, 321.381, 321.482, and 321.514 through 321.519.

[Filed ARC 5893C (Notice ARC 5621C, IAB 5/19/21), IAB 9/8/21, effective 10/13/21]

[Filed ARC 9011C (Notice ARC 8389C, IAB 11/27/24), IAB 3/19/25, effective 4/23/25]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 400
VEHICLE REGISTRATION AND CERTIFICATE OF TITLE
[Prior to 6/3/87, Transportation Department[820]—(07,D)Ch 11]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

761—400.1(307,321,322,554) Definitions. The definitions in Iowa Code section 321.1 are hereby made part of this chapter. In addition, the following words and phrases, when used in Iowa Code chapter 321 or this chapter, shall have the meanings respectively ascribed to them, except when the context otherwise requires.

“Certificate of title” means a document issued by the appropriate official that contains a statement of the owner’s title, the name and address of the owner, a description of the vehicle, a statement of all security interests and additional information required under the laws or rules of the jurisdiction in which the document was issued, and that is recognized as a matter of law as a document evidencing ownership of the vehicle described. The terms “title certificate,” “title only,” and “title” are synonymous with the term “certificate of title.”

“Dealer’s or manufacturer’s inventory” means all vehicles owned by a dealer that are being held for sale or trade and for which the dealer has a duly assigned ownership document as required by Iowa Code section 321.45.

“Driverless-capable vehicle” means the same as defined in rule 761—380.2(321).

“Electric vehicle annual registration fee” means an annual registration fee for a battery electric or plug-in hybrid electric motor vehicle as provided in Iowa Code sections 321.116 and 321.117. Unless otherwise provided, for purposes of this chapter, any reference to a registration fee, a penalty, or a registration fee and penalty shall also include an annual registration fee, penalty, or registration fee and penalty for a battery electric or plug-in hybrid electric motor vehicle.

“Electronic” means as defined in Iowa Code section 554D.103.

“Electronic lien and title” or *“ELT”* means an information technology system authorized by the department for the purpose of providing an electronic record of the certificate of title to a security interest holder in order to subject a vehicle to an electronic lien and to allow for the submission and receipt of forms related to security interests through electronic means as described in Iowa Code section 321.50.

“Electronic record” means as defined in Iowa Code section 554D.103.

“Electronic signature” means as defined in Iowa Code section 554D.103.

“End user” means a person or entity that directly uses the services of an ERT service provider to submit an electronic application for certificate of title or registration of a vehicle.

“ERT” means the electronic registration and title program.

“ERT service provider” means a person or entity authorized by the department to submit electronic applications for certificate of title or registration of a vehicle on behalf of an end user to a county treasurer.

“Farm trailer” means a trailer used exclusively by a farmer in the conduct of the farmer’s agricultural operation. The term shall not include a “semitrailer.”

“Final-stage manufacturer” means as defined in Iowa Code section 322.2.

“Half-year fee” means the first semiannual installment of an annual registration fee under Iowa Code section 321.134(2) for a heavy weighted truck when the registration month is December but does not include an electric vehicle annual registration fee. The term “half-year registration” is synonymous with the term “half-year fee.”

“Hearse” means a motor vehicle used exclusively to transport a deceased person.

“Lien” means an interest in a vehicle that secures payment or performance of an obligation. The term “security interest” is synonymous with the term “lien.”

“Manufacturer’s certificate of origin” means a certification signed by the manufacturer, distributor or importer that the vehicle described has been transferred to the person or dealer named and that the transfer is the first transfer of the vehicle in ordinary trade and commerce.

1. The terms “manufacturer’s statement,” “importer’s statement or certificate,” “MSO” and “MCO” are synonymous with the term “manufacturer’s certificate of origin.”

2. In addition to the requirements of Iowa Code section 321.45(1), the certificate shall contain a description of the vehicle that includes the make, model, style, vehicle identification number, and, if a motorized bicycle, the maximum speed.

3. For 1992 and subsequent model year vehicles, the form used for manufacturers’ certificates of origin shall conform with the American Association of Motor Vehicle Administrators (AAMVA) Appendix B: Recommended Specifications and Security Features for a Manufacturers Certificate of Origin effective 2023. This requirement does not apply to trailer-type vehicles.

“Model year,” except where otherwise specified, means the year certified by the manufacturer. For purposes of titling and registration, the model year shall advance one year each January 1.

“Registered” means that the appropriate registration fee has been paid for a vehicle and a registration receipt evidencing payment has been issued to the owner.

“Registration receipt” means a document issued to the owner of a vehicle by the appropriate agency whose duty it is to register vehicles, that contains the name and address of the owner and a description of the vehicle, and that is issued to the owner when the vehicle has been registered. The terms “registration card” and “registration certificate” are synonymous with the term “registration receipt.”

“Security interest” means an interest in a vehicle that secures payment or performance of an obligation. The term “lien” is synonymous with the term “security interest.”

“Signature” unless otherwise specified shall include a signature in ink or an electronic signature as provided in Iowa Code section 554D.103(8). A requirement to sign a document unless otherwise specified shall allow for a signature in ink or an electronic signature.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321.1, 321.8, 321.20, 321.23, 321.24, 321.40, 321.45, 321.50, 321.116, 321.117, 321.123, 321.134, 321.157 and 322.2 and chapter 554D.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.2(307,321,322) Vehicle registration, certificate of title, receipt, validation sticker and registration plates—general provisions.

400.2(1) Vehicles subject to registration.

a. A vehicle subject to registration under the laws of Iowa shall be required to be registered from the time the vehicle is first operated or moved upon a highway in this state.

b. The department shall not register the following:

(1) An all-terrain vehicle.

(2) A vehicle built on or after January 1, 1968, unless it was manufactured primarily for use on public streets, roads and highways except a vehicle operated exclusively by a person with a disability, which may be registered if the department, in its discretion, determines that the vehicle is not in an unsafe condition. This subparagraph does not apply to a vehicle that is specially constructed, a reconstructed street rod or a replica vehicle as defined in Iowa Code section 321.1.

400.2(2) Vehicles exempt from titling or registration. No certificate of title will be issued for a vehicle that is exempt from the titling or registration provisions of Iowa Code chapter 321 unless issuance of a certificate of title is specifically authorized in Iowa Code chapter 321 or as provided in 761—Chapter 410.

400.2(3) Issuance of a certificate of title, receipt, validation sticker and registration plates upon payment of registration fees. Except as otherwise provided in Iowa Code chapter 321 or this chapter, the current year registration fee and any delinquent registration fees and penalties, if any, shall be paid prior to issuance of a certificate of title, receipt, validation sticker and registration plates.

400.2(4) *Trailers with an empty weight of 2,000 pounds or less.* No certificate of title will be issued for trailers with an empty weight of 2,000 pounds or less.

400.2(5) *Vehicles owned by the government.* A certificate of title shall be issued for a vehicle owned by the government that is otherwise required to be titled. However, vehicles owned by the government are exempted from registration and titling fees.

400.2(6) *Vehicles leased by the government.* Vehicles leased by the government for a period of 60 days or more are exempted from payment of registration fees. A copy of the lease agreement, certificate of lease, or other evidence that the vehicle is being leased by the government shall be required. However, the lessor is not exempted from the requirements for obtaining a certificate of title as set out in Iowa Code chapter 321 and these rules, including payment of the appropriate certificate of title fee.

400.2(7) *Private school buses, fire trucks, authorized emergency vehicles, and transit buses.* In accordance with Iowa Code sections 321.18, 321.19 and 321.22, private school buses, fire trucks not owned or operated for a pecuniary profit, certain authorized emergency vehicles owned and operated by nonprofit organizations, and urban and regional transit system buses are exempt from the payment of registration fees. However, these vehicles are not exempt from the requirements for obtaining a certificate of title as set out in Iowa Code chapter 321, including payment of the appropriate certificate of title fee.

400.2(8) *Plates for exempted vehicles.* The department, upon application, issues plates for exempted vehicles under subrules 400.2(5), 400.2(6) and 400.2(7) in accordance with the requirements in Iowa Code sections 321.18, 321.19, 321.22 and 321.170, as applicable, and this chapter. As authorized by Iowa Code sections 8A.361 and 8A.362(7), the department of administrative services may order the issuance of regular registration plates for exempted vehicles assigned to the department of administrative services. The following process applies to regular registration plates issued to an exempted vehicle under Iowa Code section 321.19(1)“c”:

a. The requesting agency under Iowa Code section 321.19(1)“c,” other than the department of administrative services, files an application with the department in the form and manner prescribed by the department and certifies the authorized purpose for which issuance of the registration plates for an exempted vehicle is requested.

b. The plates shall be assigned to a specific vehicle. The requesting agency shall notify the department within ten days of assigning the plates to another vehicle.

c. In accordance with Iowa Code section 321.19, the department maintains separate records of regular registration plates issued to exempted vehicles, which are available in a manner that allows law enforcement and other persons authorized by Iowa Code section 321.11(3) to query vehicle and owner information by the registration plate number.

d. If a vehicle to which regular registration plates are assigned under this subrule is no longer used for an exempted purpose, the requesting agency shall surrender the plates to the department and the department will cancel the plates. The department may revoke the plates and require the agency to surrender the plates pursuant to Iowa Code section 321.103 if the department determines use of the plates is no longer authorized.

400.2(9) *Registration plates mailing fee.* Pursuant to Iowa Code section 321.105, the mailing fee for registration plates is \$5.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 321.18 through 321.20B, 321.22, 321.24, 321.34, 321.103, 321.105, 321.123, 321.170, 321I.4 and 322C.2(19).

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.3(321,322,423) Application for certificate of title or registration for a vehicle.

400.3(1) *Application form.* To apply for a certificate of title or registration for a vehicle, the owner of the vehicle shall complete an application form prescribed by the department, which may be electronic. In addition to the information required in Iowa Code section 321.20, the application shall include:

- a.* The plate number and plate type if the owner has registration plates that have been assigned to the owner and transferred to the vehicle.
- b.* The vehicle owner's month of birth, if applicable, subject to the following:
 - (1) If the vehicle is owned by one individual, the individual's month of birth determines the registration year.
 - (2) If the vehicle is owned by two or three individuals, the county treasurer selects the month of birth of one of the individuals to determine the registration year.
 - (3) If the vehicle is owned by a partnership, corporation, association, or governmental subdivision, the county treasurer selects the month to determine the registration year.
- c.* The model year of the vehicle.
- d.* The purchase or acquisition date and the purchase price.
- e.* The vehicle color. If the color is not already listed in the department's vehicle registration and titling system, then the county treasurer selects the color that most closely matches the application.
- f.* The date the vehicle was brought into Iowa, if the vehicle was registered in a foreign jurisdiction.
- g.* The owner's signature. If there are two or more owners, all owner signatures. The definition of "signature" in Iowa Code section 9B.2(15) applies.
- h.* If the vehicle has been sold to the owner by a dealer as defined in Iowa Code section 321.1 and the dealer collects the fees and forwards the application form under Iowa Code section 321.25(1), a dealer certification containing the dealer's number and signed by the dealer or an authorized representative of the dealer, including signature by electronic means, containing the following information:
 - (1) Sale price of the vehicle.
 - (2) The amounts allowed for property traded in.
 - (3) Nontaxable charges and rebates.
 - (4) The tax price of the vehicle.
 - (5) The date that a "Registration Applied For" card was issued, and the registration fee collected.
- i.* If an application is being made to lower the tonnage on any motor truck, bus or truck tractor, the county treasurer may require a copy of a stamped weigh ticket issued by any public scale.
- j.* If leased, the lease price of the vehicle and the lessor's leasing license number if the entity is required to have a leasing license. A federal employer identification number is not required to be listed for an entity with a leasing license number.
- k.* If requested by the department, whether the vehicle is a driverless-capable vehicle as defined in rule 761—380.2(321). The department may also use a separate form to assess the vehicle's driverless capability.

400.3(2) *Information about owner, lessee and primary user.* A firm, association, corporation, or trust that is not required to have a federal employer identification number shall disclose the social security number, Iowa driver's license number or Iowa nonoperator's identification card number of an authorized representative of the firm, association, corporation, or trust. The authorized representative of a trust is the trustee unless otherwise specified in the trust agreement or the certification of trust as defined in Iowa Code section 633A.4604.

400.3(3) *Affidavit of correction.* As provided in Iowa Code section 321.23A, the county treasurer or the department may accept an affidavit of correction on a form prescribed by the department.

- a.* The affidavit may be used only to correct those errors, erasures or alterations listed on the affidavit.
- b.* The affidavit must be signed by the parties that made the error, erasure or alteration.
- c.* The affidavit must be surrendered with the document that contains the error, erasure or alteration.
- d.* The affidavit may be accepted to correct errors, erasures or alterations on either an Iowa title or a foreign title.

400.3(4) *Electronic applications.* The department will authorize electronic submission of applications for certificate of title and registration by an authorized ERT service provider pursuant to the authority in Iowa Code section 321.20(2). To be authorized to serve as an ERT service provider, the ERT service provider must comply with the department's ERT policy and execute a provider agreement with the department.

a. An application submitted electronically must meet all legal requirements for the applicable transaction, and no requirement is excused or waived as a result of submitting the transaction electronically. However, wherever a signature is required, the signature may be an electronic signature. Wherever an electronic solution approved by the department requires the submission of scanned documents, the scanned documents shall be of a quality and resolution determined by the department. The department and any county treasurer processing an application retain the right under Iowa Code sections 321.13 and 321.30 to determine the genuineness, regularity, and legality of the application and any scanned document submitted as part of the application and may withhold approval of the application and require presentation of the original document whenever the scanned document is of insufficient quality, content, or appearance. An end user shall retain all such documents for a period of six months from the date of submission of the application by the end user and make all such documents available for inspection by the department upon request. Anything in this paragraph notwithstanding, lessors required to retain a damage disclosure statement under Iowa Code section 321.69(4), and authorized vehicle recyclers licensed under Iowa Code chapter 321H and motor vehicle dealers licensed under Iowa Code chapter 322 required to retain damage disclosure statements under Iowa Code section 321.69(6) shall retain the original document for a period of five years from the date of the statement as required therein.

b. An end user that electronically submits an application on behalf of the owner or owners to whom the end user is transferring or delivering the vehicle shall disclose to all owners or, if there is more than one owner and the title application uses "or" between the names of the owners, at least one owner, that the application will be submitted electronically and shall obtain written authorization from all owners, or if there is more than one owner and the title application uses "or" between the names of the owners, written authorization from at least one owner, to submit the application on the owner's behalf. The written authorization shall be retained by the end user for a period of six months from the date of application and be made available for the department's inspection upon request. Before submitting the application, the end user shall review and disclose to the owner or owners all details of the application and provide a complete, true, and accurate copy of the application to the owner or owners immediately after submitting the application. The written authorization shall be submitted in the form and manner required by the department.

This rule is intended to implement Iowa Code sections 321.1, 321.8, 321.20, 321.23 through 321.26, 321.31, 321.34, 321.46, 321.105A, 321.109, 321.122, 321.515, 321.519 and 423.26.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.4(321,322,633A) Supporting documents and processing requirements.

400.4(1) *New vehicle.* An application for a new vehicle must be accompanied by a manufacturer's certificate of origin, properly assigned to the applicant. A manufacturer's certificate of origin is not acceptable if the assignment to the applicant is made by any person other than the manufacturer, importer or distributor, a licensed motor vehicle dealer franchised to sell that line-make of vehicle, or a final-stage manufacturer motor vehicle dealer licensed under rule 761—425.11(322).

a. The first person, including a dealer not franchised to sell that line-make of vehicle, who is assigned the manufacturer's certificate of origin shall obtain a certificate of title and register the vehicle.

b. An uncanceled security interest noted on the reverse side of a manufacturer's certificate of origin (MCO) shall be noted as a separate security interest on the certificate of title, in addition to any security interest acknowledged by the applicant, unless the security interest acknowledged by the applicant is the same as the one noted on the reverse side of the MCO.

c. For a 1980 or subsequent model year vehicle manufactured by a person other than the original manufacturer, both the original manufacturer's certificate of origin and the final-stage manufacturer's certificate of origin shall be submitted if the vehicle's original line-make is changed by the final-stage manufacturer. The final-stage manufacturer's certificate of origin shall contain all assignments or reassignments of ownership of the vehicle and list the original manufacturer's vehicle identification number. The face of the original manufacturer's certificate of origin is to be stamped in bold type with the statement: "Final-stage manufacturer's MCO has been issued on this vehicle."

d. If a final-stage manufacturer is a motor vehicle dealer licensed under rule 761—425.11(322), the final-stage manufacturer may reassign the original manufacturer's certificate of origin or an incomplete or intermediate MCO to the retail buyer.

400.4(2) *Used vehicle registered or titled in this state.* The last issued certificate of title, properly assigned to the applicant, shall be submitted, unless the applicant is an insurer applying for a salvage certificate of title under Iowa Code section 321.52(4). An uncanceled security interest noted on the face of the certificate of title shall be noted on the face of the certificate of title issued to the applicant, in addition to any security interest acknowledged by the applicant. If the vehicle is not subject to titling provisions, the last issued registration receipt or bill of sale, properly assigned to the applicant, shall be submitted.

400.4(3) *Used vehicle from a foreign jurisdiction.* If the vehicle was subject to the issuance of a certificate of title in the foreign jurisdiction, the certificate of title issued by the foreign jurisdiction to the applicant or properly assigned to the applicant shall be submitted unless the applicant is an insurer applying for a salvage certificate of title under Iowa Code section 321.52(4).

a. A security interest, noted on the face of the foreign certificate of title, which has not been canceled, shall be noted on the face of the certificate of title issued to the applicant, in addition to any security interest acknowledged by the applicant.

b. A certificate of title issued in a foreign jurisdiction may be assigned to a motor vehicle dealer in another jurisdiction, and the dealer may reassign the certificate of title to the applicant. Unless a regulation of the foreign jurisdiction provides otherwise, an assignment or reassignment form issued by any foreign jurisdiction may be used with any foreign title to complete an assignment or reassignment of ownership from a foreign motor vehicle dealer to the applicant, provided the ownership chain is complete.

c. An Iowa licensed motor vehicle dealer who acquires a vehicle registered in a foreign jurisdiction may reassign the foreign certificate of title to the applicant as provided in Iowa Code section 321.48(2) and rule 761—400.24(321,322).

d. A person who registers a foreign vehicle under Iowa Code section 321.23(3) will be issued a nontransferable-nonnegotiable registration. To transfer ownership of the vehicle, the owner must first obtain an Iowa certificate of title except as provided in Iowa Code section 321.23(3) when ownership is transferred to an Iowa licensed motor vehicle dealer or an insurance carrier authorized to do business in Iowa.

e. If the vehicle was not subject to the issuance of a certificate of title but was registered in the foreign jurisdiction, the registration document issued by the foreign jurisdiction to the applicant or properly assigned to the applicant shall be submitted.

(1) If the foreign registration document is not issued in the applicant's name and does not contain an assignment of ownership form, a bill of sale conveying ownership from the owner as listed on the foreign registration document to the applicant shall be submitted with the foreign registration document.

(2) Upon receipt of the foreign registration document, the county treasurer shall issue a nontransferable—nonnegotiable registration unless the foreign registration document has been approved by the department.

(3) Acceptance of the foreign registration document is determined by the department on an individual basis, if the county treasurer of the county where the certificate of title is to be issued cannot determine whether the document is acceptable.

f. If a trailer weighing 2,000 lbs. or less is exempt from the issuance of a certificate of title and registration in the foreign jurisdiction, a bill of sale conveying ownership to the applicant, if acquired by a resident from a nonresident, or an affidavit of ownership signed by the applicant, if the applicant is establishing residence in this state, shall be submitted.

g. If a motor vehicle is exempt from the issuance of a certificate of title and registration in the foreign jurisdiction, the bonding procedures as provided in Iowa Code section 321.24 shall be followed.

400.4(4) *Used vehicle acquired by a resident of this state from a federal government agency.* If the vehicle was acquired from an agency of the federal government, the applicant shall surrender the government bill of sale, General Services Administration Form 97, or Internal Revenue Service Form 2435, properly assigned to the applicant.

400.4(5) *Manufactured or mobile home.* If the vehicle described on the application is a manufactured or mobile home with an Iowa title, the applicant shall submit a tax clearance form to show that no taxes are owing, unless the title has been issued to a manufactured or mobile home retailer licensed under Iowa Code chapter 103A. The form may be obtained by any owner of record of the manufactured or mobile home from the county treasurer.

400.4(6) *Vehicle acquired by a resident of this state by operation of law.* Iowa Code section 321.47 applies to a vehicle acquired by the applicant by operation of law under the conditions specified in Iowa Code section 321.47. Acceptable proof of ownership includes but is not limited to a foreclosure sale affidavit, artisan's or storage lien affidavit, affidavit of death testate or intestate, abandoned vehicle sales receipt, peace officer's bill of sale or court order.

400.4(7) *Foreign ownership document issued in a language other than English.* The county treasurer may require an applicant to produce a written English translation of a foreign ownership document or other supporting document issued in a language other than English.

400.4(8) *Titles from foreign jurisdictions.*

a. Except as provided in paragraph 400.4(8) "b," the department will not accept a certificate of title issued by a foreign jurisdiction if the title or assignments thereon contain an alteration or erasure.

b. An affidavit of correction form issued by a foreign jurisdiction that corrects the certificate of title issued by the same foreign jurisdiction will be accepted only for the reason listed on the affidavit of correction form. However, acceptance of an affidavit of correction form that corrects an odometer statement or a designation will be determined by the department on an individual basis.

400.4(9) *Applications in the name of trusts.* An application in the name of a trust must be accompanied by a copy of all documents specifying the required signatories of the trust or by the certification of trust as defined in Iowa Code section 633A.4604. A certification of trust must meet the requirements of Iowa Code section 633A.4604, including but not limited to providing the names of all the currently acting trustees. If there are two or more currently acting trustees, the certification of trust must state whether the trustees may act individually, whether the trustees must act by majority decision or whether the trustees must act by unanimous decision. If the certification of trust does not meet said requirements, the certification of trust will be considered invalid for the purposes of the application. Each signature on the application shall be followed by the words "as trustee."

400.4(10) *Driverless-capable vehicles.* If an application is made for a driverless-capable vehicle, the department may require the application to be accompanied by the operational design domain.

This rule is intended to implement Iowa Code sections 321.20, 321.23, 321.24, 321.30, 321.31, 321.45 through 321.50, 321.67, 321.515, 321.519, 322.3 and 633A.4604.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.5(321) Where to apply for registration or certificate of title.

400.5(1) Application shall be made to the department's motor vehicle division for the following:

a. Titling and registration of vehicles owned by the government. This requirement does not apply to manufactured or mobile homes subject to a public bidder sale as explained in Iowa Code section 321.46(2).

- b.* Registration of vehicles exempted under Iowa Code section 321.19.
- c.* Registration of private school buses.
- d.* Registration of vehicles under the provisions of Iowa Code section 321.23(4), relating to restricted-use vehicles.
- e.* Registration of apportioned vehicles under Iowa Code chapter 326. More information contained in 761—Chapter 500.

400.5(2) Application for a certificate of title for a vehicle subject to apportioned registration under Iowa Code chapter 326 may be made to either the county treasurer or to the department's motor vehicle division.

This rule is intended to implement Iowa Code sections 321.18, 321.91, 321.20, 321.22, 321.23, 321.46(2) and 321.170.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.6(307,321) Addresses, information and forms. Assistance under this chapter is available as follows:

400.6(1) Information and forms for vehicle registration, certificate of title, or other procedures covered under Iowa Code sections 321.18 through 321.20B, 321.22 through 321.26, 321.28 through 321.32, 321.34, 321.35, 321.37 through 321.63, 321.65 through 321.74, 321.78, 321.79, 321.81, 321.84 through 321.106, 321.109 through 321.113, 321.115 through 321.117, 321.119 through 321.135, 321.145, 321.148 through 321.162 and 321.165 through 321.171 may be obtained from the county treasurer or by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at Iowa Department of Transportation, 6310 SE Convenience Boulevard, Ankeny, Iowa 50021; by telephone at 515.237.3110; or on the department's website at www.iowadot.gov.

400.6(2) Information for investigations under this chapter may be obtained from the Bureau of Investigation and Identity Protection, Iowa Department of Transportation, 6310 SE Convenience Boulevard, Ankeny, Iowa 50021; or on the department's website at www.iowadot.gov/biip/home.

This rule is intended to implement Iowa Code sections 307.12(1) "j" and 321.20.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.7(307,321) Information appearing on title or registration. In addition to the requirements of Iowa Code sections 321.24, 321.52, 321.69, 321.71 and 322G.12, a certificate of title or registration receipt or both shall contain the following information when applicable:

- 400.7(1)** Registration expiration date.
- 400.7(2)** Registration month, as explained in rule 761—400.3(321).
- 400.7(3)** Description of the vehicle, including the following items. These items may be represented on the title and registration by code letters or numbers.
 - a.* Vehicle identification number.
 - b.* Type, such as automobile, trailer, truck, etc.
 - c.* Make, model, and model year.
 - d.* Color.
 - e.* Weight and registered gross weight.
 - f.* The square footage of floor space of a manufactured or mobile home or travel trailer as determined by measuring the exterior.
 - g.* The odometer mileage and whether the mileage is "actual," "not actual," or "exceeds mechanical limits."
- 400.7(4)** Previous Iowa title number or the name of the foreign jurisdiction if the previous title is a foreign title.
- 400.7(5)** Plate number.
- 400.7(6)** List price or value.
- 400.7(7)** Penalties and title, registration and security interest receipt numbers.

400.7(8) The following phrase stamped on the reassignment portion of a manufactured or mobile home title: “Dealer reassignment not authorized on this certificate of title.”

400.7(9) The designation required by 761—Chapter 405. A vehicle may have no more than one designation.

400.7(10) Full legal name of owner.

a. When the name of an owner changes from that which is printed on the title or registration issued to the owner, the owner shall apply for a replacement registration receipt and submit to the county treasurer one of the following documents:

(1) Court order for a name change. The court order must contain the full name, date of birth, and court seal.

(2) Divorce decree.

(3) Marriage certificate.

b. This subrule does not apply to owners that are firms, associations, corporations, or trusts.

400.7(11) Driverless-capable vehicle indicator, which may also indicate whether operational restrictions exist.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321.24, 321.31, 321.40, 321.45, 321.52, 321.69, 321.71, 321.124, 321.515, 321.519 and 322G.12.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.8(307,321) Release form for cancellation of security interest.

400.8(1) A secured party may note the cancellation of a security interest on any of the following:

a. Form 411168 (Cancellation of Security Interest).

b. The secured party’s letterhead if the written statement is notarized and contains the same information as Form 411168.

c. The certificate of title containing the cancellation pursuant to Iowa Code section 321.50(5) “a.”

400.8(2) The secured party shall forward the cancellation form or statement to the county treasurer or to the department if the title was issued by the department. The county treasurer or department may accept facsimiles or photocopies. A separate form or statement is required for each vehicle.

This rule is intended to implement Iowa Code sections 307.12(1) “j” and 321.50.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.9(307,321) Assignment of security interest. A security interest noted on a certificate of title may be assigned to another secured party without losing the seniority of the security interest by complying with the procedure in Iowa Code section 321.50 or with the following procedure:

400.9(1) *Notice of assignment.* In the cancellation portion of the title certificate, the secured party listed on the title certificate shall make the notation “Assigned to (name of assignee)” where the security interest is noted and include the date, name of secured party and signature of the person noting the assignment.

400.9(2) *Application for notation of security interest.* The assignee shall complete, and sign in the space where the signature of the owner is ordinarily required, Form 411046 (Application for Notation of a Security Interest).

400.9(3) *Submission of documents to county treasurer.* The certificate of title, application for notation of security interest and appropriate notation fee shall be submitted to the county treasurer.

a. If there are additional security interests noted on the certificate of title, the seniority of the assignee’s security interest may be preserved by issuance of a certificate of title in lieu of the original, on which the assignee’s security interest will be noted in the same seniority as the assignor’s security interest.

b. A receipt for notation of security interest form processed by a county treasurer shall list the following:

(1) A new receipt number.

- (2) The original notation date.
- (3) The words “by assignment” following the name of the assignee.

This rule is intended to implement Iowa Code sections 307.12(1) “j” and 321.50.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.10(307,321,809A) Sheriff’s levy, restitution lien, and forfeiture lien noted as security interests.

400.10(1) A sheriff’s levy may be noted as a security interest on a certificate of title by completing Form 411046. The sheriff or sheriff’s deputy shall sign the application in the space where the signature of the owner is ordinarily required and submit with the appropriate notation fee to the county treasurer.

400.10(2) A restitution or forfeiture lien may be noted as a security interest on a certificate of title by completing Form 411046. The county attorney or the county attorney’s designee shall sign the application in the space where the signature of the owner is ordinarily required and submit to the county treasurer.

This rule is intended to implement Iowa Code sections 307.12(1) “j” and 321.50 and chapter 809A.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.11(307,321) Replacement certificate of title. Application for a replacement certificate of title shall be made on Form 411033 (Application for Replacement of Iowa Certificate of Title to a Motor Vehicle). All living owners of the vehicle as listed on the certificate of title shall sign Form 411033 unless the application is made by a lienholder. If all owners are deceased, a court-appointed executor or administrator may complete, sign, and submit Form 411033 along with a certified copy of the court order or the letter of appointment confirming executor or administrator status.

This rule is intended to implement Iowa Code sections 307.12(1) “j” and 321.42.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.12(321) Bond required before title issued.

400.12(1) Procedures. An applicant for a certificate of title who cannot provide the supporting documents required in rule 761—400.4(321) is required to comply with the procedure under Iowa Code section 321.24(11), in addition to this rule.

a. The applicant shall submit a bond application and supporting material to the motor vehicle division on a form prescribed by the department.

b. The department will search the department’s vehicle title and registration system to determine if there is an owner of record or security interest for the vehicle and if the vehicle has been reported stolen or embezzled.

(1) If an owner of record is found, the department will mail a release letter by first-class mail to the owner of record at the owner’s last-known address notifying the owner of the right to claim ownership of the vehicle or to waive all rights or claims.

(2) If the owner of record makes a claim, the motor vehicle division will review the claim.

(3) If the department receives no response from the owner of record within ten days after the date of mailing, the owner of record waives all rights or claims; or if the letter is returned as undeliverable, the department will continue processing the bond application.

(4) If one or more security interests are found and can be identified, the department will send a certified letter and application for cancellation of security interest to a lienholder at the last-known address of that lienholder. If a lienholder releases the lien, the department will continue to process the application. If a lienholder responds with a request to claim the vehicle, the department will review the claim. If the certified letter is returned as undeliverable, the department will continue to process the application.

(5) If one or more security interests is found but a lienholder cannot be identified because the record is held by another jurisdiction, the department will return the application to the applicant and inform the applicant which jurisdiction holds the record(s) to the vehicle.

c. If the department determines that there is sufficient evidence to indicate that the applicant is the rightful owner, and that there is no known unsatisfied security interest, the department is authorized to determine the current value of the vehicle and notify the applicant to deposit cash or file a surety bond with the department in an amount equal to one and one-half times the current value of the vehicle.

d. A motor vehicle investigator of the department may verify information in the application, examine the vehicle, and authorize the county treasurer to issue a title for and register the vehicle. An investigator may require the applicant to drive the vehicle to and from the examination location upon completing Form 420054, Affidavit to Operate a Vehicle for Inspection. Should the vehicle not meet the equipment requirements of Iowa Code chapter 321, the investigator may authorize the county treasurer to issue a title and registration but instruct the county treasurer to immediately suspend the registration until such time as the vehicle meets these equipment requirements. If applicable, the investigator will also affix an assigned vehicle identification number to the vehicle.

400.12(2) Denial. If the department determines that the applicant has not complied with this rule, that there is sufficient evidence to indicate that the applicant may not be the rightful owner, or that there is an unsatisfied security interest, then the department will not authorize issuance of a certificate of title or registration receipt and will notify the applicant in writing of the reason(s).

400.12(3) Junked vehicle. A certificate of title will not be reinstated for a vehicle that has been issued a junking certificate unless the junking certificate was issued in error, as explained in rule 761—400.23(321), or the vehicle qualifies as an antique vehicle under Iowa Code section 321.115(1).

This rule is intended to implement Iowa Code sections 321.24 and 321.52.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.13(307,321) Authorized signatories for a transfer of ownership. The following procedures shall apply for all titling and registration purposes:

400.13(1) Transfer of vehicle owned by two or three persons. If the names of the owners of a vehicle on the certificate of title, the manufacturer's certificate of origin, or the registration receipt for a vehicle that does not require a title are joined by the word "or," as in "John Doe, Jane Doe or Mary Doe," then the signature of any of these owners is sufficient to transfer ownership or to junk the vehicle. In all other cases the signature of each named owner is required.

400.13(2) Assignment of title to two or three persons. If a certificate of title, a manufacturer's certificate of origin, or a bill of sale for a vehicle that does not require a title is assigned to two or three persons with their names joined by the word "or," as in "John Doe, Jane Doe or Mary Doe," then a certificate of title or registration receipt for a vehicle that does not require a title may be issued to any one of these persons, or to any two or all three of these persons with their names joined by the word "or." However, a certificate of title or registration for a vehicle that does not require a title shall only be issued to persons who have signed the application for title and registration.

400.13(3) Organizational ownership.

a. When a vehicle is owned by a partnership, corporation, association, governmental unit, or private organization, the signature of its authorized representative is required.

b. When a vehicle is owned by a trust, the title shall be accompanied by a copy of all documents creating or otherwise affecting the trust or by the certification of trust as defined in Iowa Code section 633A.4604.

(1) The certification of trust may be signed by any trustee or the attorney for any trustee.

(2) The title shall be signed by the number of trustees as specified in the trust agreement, and the transferor shall provide the department with the document or the certification of trust specifying the required signatories for the trust.

(3) If a certification of trust is provided, one of the following shall apply:

1. Any currently acting trustee may sign the title if the certification of trust states that such trustee may act individually.

2. A majority of the trustees must sign the title if the certification of trust states that the trustees must act by majority decision.

3. All currently acting trustees must sign the title if the certification of trust states that the trustees must act by unanimous decision.

(4) A certification of trust must meet the requirements of Iowa Code section 633A.4604, including but not limited to providing the names of all the currently acting trustees. If there are two or more currently acting trustees, the certification of trust must state whether the trustees may act individually, whether the trustees must act by majority decision or whether the trustees must act by unanimous decision. If the certification of trust does not meet said requirement, the certification of trust will be considered invalid for the purposes of the transfer.

(5) Each signature on the title shall be followed by the words “as trustee.”

400.13(4) *Death with a will.* When ownership is transferred according to a decedent’s will, a certified copy of the court order or the letter of appointment appointing the person assigning the title as executor of the will shall be required.

400.13(5) *Death without a will.* When ownership is transferred from a decedent without a will and there is no administration of the estate, a notarized affidavit of death intestate form shall be required. When ownership is transferred from a decedent without a will but there is an administration of the estate, a copy of the court order or the letter of appointment appointing the person assigning the title as administrator shall be required.

400.13(6) *Power of attorney.* An attorney in fact may act for the living owner(s) if the appointment is shown on a power of attorney form. Power of attorney forms are available from the department, but other forms or a certified true copy may be accepted if they contain all necessary information.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321.20, 321.24, 321.45, 321.47, 321.49, 321.67 and 633A.4604.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.14(307,321) Cancellation of a certificate of title.

400.14(1) The department will cancel a certificate of title when authorized by any provision of law or when it has reasonable grounds to believe that the person holding the certificate of title, purportedly issued for the vehicle, has no immediate right to possession of the vehicle.

400.14(2) The decision to take any action regarding ownership of the vehicle for which the current title has been canceled will be determined after an investigation and recommendation by a motor vehicle investigator of the department.

This rule is intended to implement Iowa Code sections 307.12(1) “j” and 321.101.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.15(307,321) Application for certificate of title or original registration for a vehicle that is specially constructed, reconstructed, a street rod or a replica vehicle.

400.15(1) *Definitions applicable to this rule.*

a. “Ownership document for the vehicle” means the certificate of title, the manufacturer’s certificate of origin, the junking certificate, or other evidence of ownership acceptable to the department.

b. “Ownership documents for essential parts” means bills of sale for all essential parts used to construct or reconstruct the vehicle. Each bill of sale shall contain a description of the part, the manufacturer’s identification number of the part, if any, and the name, address, and telephone number of the seller.

400.15(2) *Procedures.* This subrule describes the procedures for obtaining department approval to title and register a vehicle that is specially constructed, reconstructed, a street rod or a replica

vehicle. The procedures described are in addition to the regular procedures for titling and registering a vehicle.

a. The applicant shall apply to the county treasurer for a certificate of title and registration. The county treasurer, upon receiving an application that indicates the vehicle is specially constructed, reconstructed, a street rod or a replica vehicle, shall forward the application to a motor vehicle investigator of the department.

b. The investigator will contact the applicant and schedule a time and place for an examination of the vehicle and the ownership documents. An investigator may require the applicant to drive or tow the vehicle to and from the examination location upon the applicant's completion of Form 420054. The applicant, when appearing with the vehicle for the examination, shall submit to the investigator the ownership document for the vehicle, the ownership documents for essential parts, and a weigh ticket indicating the weight of the vehicle. However, a weigh ticket is not required for motorcycles, autocycles, trucks, truck tractors, road tractors or trailer-type vehicles.

c. If the investigator determines that the vehicle complies with 761—Chapter 450, that the integral parts and components have been identified as to ownership, and that the application has been completed properly:

(1) The investigator will approve the application, affix to the vehicle an assigned vehicle identification number, and return the application and ownership documents to the applicant. The investigator will authorize the county treasurer to issue a title and registration for the vehicle.

(2) If the vehicle is a passenger-type motor vehicle, the department is authorized to determine its weight and value and if the vehicle is subject to the electric vehicle annual registration fee. The vehicle weight shall be fixed as provided in Iowa Code section 321.162. The weight and value shall constitute the basis for determining the annual registration fee under Iowa Code section 321.109, except as provided in Iowa Code section 321.113.

(3) The applicant shall then submit the ownership document for the vehicle to the county treasurer and continue with the regular title and registration process.

400.15(3) *Disapproval.* If the department determines that the vehicle does not comply with 761—Chapter 450, that the integral parts or components have not been identified as to ownership, or that the application has not been completed properly, then the department will not approve the vehicle for titling and registration.

400.15(4) *Model year.* The model year of a specially constructed or reconstructed motor vehicle is the year the vehicle is approved by the department as a specially constructed or reconstructed motor vehicle.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 321.20, 321.23, 321.24, 321.52, 321.109, 321.116, 321.117 and 321.162.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.16(307,321) Temporary use of vehicle without plates or registration receipt.

400.16(1) *Temporary use of vehicle without plates.* A person who acquires a vehicle that is currently registered or in a dealer's inventory at the time of sale and who does not possess registration plates that may be assigned to and displayed on the vehicle may operate or permit the operation of the vehicle not to exceed 30 days from the date of purchase or transfer without registration plates displayed thereon, if ownership evidence is carried in the vehicle.

400.16(2) *Temporary use of vehicle without registration receipt.* A person who acquires a vehicle that is currently registered or in a dealer's inventory at the time of sale and who has possession of plates which may be attached to the vehicle acquired may operate or permit the operation of the vehicle not to exceed 45 days from the date of delivery or transfer without a registration receipt, if ownership evidence is carried in the vehicle.

400.16(3) *Ownership evidence.* Ownership evidence under this rule shall consist of the certificate of title or registration receipt, or a photocopy thereof, properly assigned to the person

who has acquired the vehicle, or a bill of sale conveying ownership of the vehicle to the person who has acquired the vehicle. The ownership evidence shall be shown to any peace officer upon request.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321.25 and 321.46.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.17(307,321) Registration of motor vehicle weighing 55,000 pounds or more. When applying for registration or renewal of registration for a motor vehicle weighing 55,000 pounds or more, the owner shall present to the department or to the county treasurer proof of compliance with the federal heavy vehicle use tax required by 26 CFR Part 41 in effect as of April 1, 2021.

400.17(1) If the motor vehicle is used exclusively in the transportation of harvested forest products, the owner may present a written statement certifying that usage and the usage will be recorded.

400.17(2) If the motor vehicle is used primarily for farming purposes, the owner may present a written statement certifying that usage and the usage will be recorded.

This rule is intended to implement Iowa Code sections 307.30 and 321.20.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.18(307,321) Registration of vehicles on a restricted basis. The department may register a vehicle that does not meet the equipment requirements of Iowa Code chapter 321, due to the particular use for which it is designed or intended, or which is a driverless-capable vehicle as defined in rule 761—380.2(321). Registration may be accomplished upon payment of the appropriate fees and after inspection and certification by the department that the vehicle is not in an unsafe condition.

400.18(1) Operation of the vehicle may be restricted to a roadway to which a specific lawful speed limit applies, as specified in Iowa Code section 321.285, if the maximum speed of the vehicle is such that the operation of the vehicle would impede or block the normal and reasonable movement of traffic.

400.18(2) The department may also restrict the operation of the vehicle to daylight hours if operation of the vehicle during hours other than daylight would create a hazard.

400.18(3) The department will issue a certificate of restriction in conjunction with registration of the vehicle, listing the restrictions that apply to the operation of the vehicle.

a. Registration laws applicable to motor vehicles in general shall also apply to vehicles registered under a restricted registration.

b. The department may approve exceptions to those equipment requirements of Iowa Code chapter 321 which cannot be met due to the particular use for which the vehicle is designed or intended.

400.18(4) When a vehicle registered in this state is modified to make it a driverless-capable vehicle as defined in rule 761—380.2(321), the person in whose name the vehicle is registered shall within 30 days notify the department upon a form prescribed by the department.

400.18(5) As provided in Iowa Code sections 321.515 and 321.519, the department may restrict the operations of a driverless-capable vehicle registered in this state or another state but that operates in this state. The restrictions may include but are not limited to the restrictions provided in subrules 400.18(1) and 400.18(2) and any operational restrictions based on a specific functional highway classification, weather conditions, days of the week, times of day, and other elements of operational design while the automated driving system is engaged. The department may require the vehicle owner to submit to the department the automated driving system’s intended operational design domain for the vehicle on a form prescribed by the department. The department may evaluate the automated driving system’s intended operational design domain for the vehicle. The department may establish additional operational restrictions to ensure safe operation of the vehicle. The department shall issue a certificate of restriction as provided in subrule 400.18(3) for any restriction established under this subrule, and the certificate shall be carried in the vehicle and made available for inspection by any peace officer upon request.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 321.1, 321.23(4), 321.30(2), 321.101(1), 321.515 and 321.519.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.19(307,321) Transfers of ownership by operation of law. For a vehicle transferred by operation of law under Iowa Code section 321.47 that is not currently registered in this state, the registration fee and penalties due shall be computed as follows:

400.19(1) If the vehicle is ordered confiscated or forfeited by a court under a judgment or forfeiture, the fee shall be computed on the remaining unexpired months in the registration year from the date of the court order.

400.19(2) If the vehicle is sold on a peace officer’s bill of sale as an unclaimed, stolen, embezzled or abandoned vehicle, or as a vehicle seized under Iowa Code section 321.84, the fee shall be computed on the remaining unexpired months in the registration year from the date of the sale.

400.19(3) If the vehicle is sold or transferred under a judgment or order entered by a court in a civil action or proceeding, or is transferred under any provision of Iowa Code section 321.47 that is not covered in this subrule, the fee shall include any delinquent fees that have accrued during previous registration periods and accrued penalties. Penalties shall continue to accrue until paid.

400.19(4) If the vehicle was last titled or registered in a foreign state, the fee shall be based on the month the vehicle becomes subject to registration in this state, except as provided in subrules 400.19(1) and (2) above.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 321.47, 321.105, 321.106, 321.134 and 321.135.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.20(321,321H) Junked vehicle.

400.20(1) *Junking certificate.* The owner of a vehicle that is to be junked or dismantled shall obtain a junking certificate when required by Iowa Code section 321.52.

400.20(2) *Required verification.*

a. One of the following shall satisfy the required verification when a vehicle owner junks or dismantles a vehicle to a licensed vehicle recycler under Iowa Code section 321.52(2)“b” or 321H.4A(2)“b”:

(1) The owner or authorized representative provides information to the licensed vehicle recycler who acquires the vehicle, including, at a minimum, government-issued photo identification and verification of prior reporting to the National Motor Vehicle Title Information System (NMVTIS). For a subsequent transaction with the licensed vehicle recycler, the vehicle owner or authorized representative is not required to provide government-issued photo identification if the licensed vehicle recycler has retained such information from a prior transaction. A licensed vehicle recycler is not required to report a vehicle verified under this subparagraph to the NMVTIS.

(2) The vehicle’s owner is a licensed vehicle recycler or is the authorized representative of an established commercial or industrial business, operating from a fixed location, that is known to the licensed vehicle recycler to be regularly engaged in the junking or dismantling of vehicles or may reasonably be expected to produce vehicles for junking or dismantling and has entered into a written agreement with the licensed vehicle recycler confirming it has reported the vehicles to the NMVTIS. The written agreement shall, at a minimum, contain the owner’s or authorized representative’s name and address. A licensed vehicle recycler is not required to report a vehicle covered under an agreement under this subparagraph to the NMVTIS.

(3) The licensed vehicle recycler obtains the vehicle owner’s or authorized representative’s name and the vehicle identification number for the vehicle being junked or dismantled, and the vehicle recycler reports the vehicle to the NMVTIS.

b. A licensed vehicle recycler acquiring a vehicle as described under this subrule shall cooperate with a law enforcement agency during normal business hours when the agency has reason to

believe that fraud has occurred in connection with the junking or dismantling of the vehicle. A law enforcement agency shall maintain the information as confidential and shall not disclose the information to a third party, except as may be necessary for the prosecution of a criminal violation.

400.20(3) *Retitling a junked vehicle.* The department may authorize issuance of a new certificate of title to the vehicle owner named on the junking certificate only if the department determines that the junking certificate was issued in error.

a. The reasons a junking certificate was issued in error include but are not limited to the following:

(1) The owner inadvertently surrendered the wrong certificate of title. The owner shall submit to the department a photocopy of the ownership document for each vehicle and a signed statement explaining the circumstances that resulted in the error.

(2) A junking certificate was obtained in error and the vehicle continues to be registered. The owner shall submit to the department a photocopy of the current registration and a signed statement explaining the circumstances that resulted in the error.

(3) The owner intended to apply for a salvage title under Iowa Code section 321.52(4) but inadvertently submitted an application for a junking certificate. The owner shall submit to the department a bill of sale or other documentation from the previous owner stating that the vehicle was rebuildable when purchased and a signed statement explaining the owner's original intention to obtain a salvage title. The department shall inspect the vehicle to verify the rebuildable condition.

b. If the department determines that the junking certificate was issued in error, the department will authorize the proper county treasurer to issue a certificate of title for the vehicle after payment by the owner of appropriate fees and taxes, including the return of any credit or refund for registration fees paid to the owner because of the error.

This rule is intended to implement Iowa Code sections 321.52 and 321H.4A.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.21(307,321) Annual vehicle registration fee. The registration fee shall be computed on the month of purchase or transfer of a vehicle, except that the registration fee on a vehicle acquired outside of this state shall be based on the month that the vehicle was brought into Iowa.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 321.105 and 321.135.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.22(307,321) Fees established by the department. If the department cannot obtain the retail list price and weight for a particular motor vehicle model registered under Iowa Code section 321.109(1), the department shall determine a list price and weight.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 321.109, 321.157 and 321.159.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.23(321) Anatomical gift. Voluntary contributions collected by the county treasurer or the department to the anatomical gift public awareness and transplantation fund shall be a minimum of \$1. The county treasurer and the department will remit contributions collected monthly to the funds specified in Iowa Code section 321.44A.

This rule is intended to implement Iowa Code section 321.44A.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.24(307,321,322) Vehicles held for resale or trade by dealers. A motor vehicle dealer, as defined in Iowa Code section 321.1, is authorized to hold a motor vehicle for resale or trade under the following conditions.

400.24(1) *Assignment to dealer.* The certificate of title or manufacturer's certificate of origin for the vehicle shall be assigned to the dealer by the seller. The seller shall complete the assignment portion of the form, including the date of sale or trade and the name and address of the dealer, and

shall sign the form. The date of the sale or trade shown in the assignment portion of the form shall be the date the dealer acquired the vehicle.

400.24(2) *New certificate of title and registration not required.*

a. A motor vehicle held for resale by a dealer or registered in Iowa at the time of sale or trade to a dealer may be held by that dealer without obtaining a new certificate of title or a new registration if the dealer holds for that vehicle a certificate of title or a manufacturer's certificate of origin properly assigned to the dealer.

b. A motor vehicle may also be held by a dealer without obtaining a new certificate of title or a new registration if the dealer has a title properly assigned to the dealer from a state that permits its titles to be reassigned by Iowa dealers and if a vacant reassignment space is available on the title.

400.24(3) *New certificate of title required.* A dealer shall obtain a new certificate of title under the procedures in Iowa Code section 321.20(1) but is not required to pay registration fees for a vehicle if the application for title is made within 30 days of vehicle transfer date and if any of the following conditions apply:

a. The vehicle has been registered in a foreign state or country that does not permit its titles to be reassigned by Iowa dealers.

b. The vehicle was assigned to the dealer using an affidavit of foreclosure form prescribed by the department or issued by a foreign jurisdiction.

c. All reassignment spaces of the certificate of title have been used.

d. The vehicle registration fee was delinquent in Iowa at the time the vehicle was acquired by the dealer. The delinquent fees and penalty shall be paid by the dealer from the first day the registration was due to the month the application for title is submitted.

e. In accordance with 761—Chapter 405, the dealer is required to obtain a salvage certificate of title.

400.24(4) *New certificate of title and registration fee required.* A dealer shall obtain both a new certificate of title and pay a registration fee for a vehicle if:

a. The vehicle has a foreign certificate of title but has never been registered and the dealer is not licensed under Iowa Code chapter 322 to sell that line-make of vehicle. The registration fee due shall be prorated for the remaining unexpired months of the dealer's registration year.

b. The vehicle was placed in storage by the previous owner. The registration fee due shall be computed from and commence the month the vehicle is removed from storage.

c. The vehicle has been registered in a foreign state or country that does not permit its titles to be reassigned by Iowa dealers and the application for a new certificate of title is submitted more than 30 days after the date the vehicle entered Iowa. The registration fee due shall be prorated for the remaining unexpired months of the dealer's registration year.

d. The vehicle has been registered in a foreign state or country and all reassignment spaces on the title are full and the application for a new certificate of title is submitted more than 30 days after the last available reassignment space is used. The registration fee due shall be prorated for the remaining unexpired months of the dealer's registration year.

e. The vehicle was in the dealer's inventory and the dealer's license was revoked as provided in Iowa Code chapter 322 or 322C or surrendered in lieu of revocation. The dealer shall obtain title and registration within 30 days from the date of revocation or surrender of the license. The registration fee due shall be prorated for the remaining unexpired months of the registration year.

400.24(5) *Registration fee required.* A vehicle owned by a dealer and used as a work or service vehicle, or offered for lease, rent or hire, shall become subject to a registration fee in the month that the vehicle is first used for that purpose. The registration fee shall be due annually unless the vehicle is transferred to the dealer's inventory. To transfer the vehicle, the dealer shall surrender the registration plates that were issued for the vehicle.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 321.20, 321.45, 321.46, 321.48, 321.49, 321.67, 321.70, 321.104 and 321.126 and chapter 322.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.25(321) Special trucks. The owner of a truck tractor registered as a special truck shall certify to the owner's county treasurer annually at the time of renewal that the truck tractor is not operated more than 15,000 miles annually.

This rule is intended to implement Iowa Code sections 321.1(75) and 321.121.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.26(307,321) Registration of vehicles registered in another state or country.

400.26(1) The registration fee for a vehicle from another state or country shall be due in the month that the vehicle becomes subject to registration in Iowa.

400.26(2) A vehicle registered in another state or country shall become subject to registration in Iowa and payment of the Iowa registration fee beginning in either of the following:

a. The month of sale or transfer to an Iowa resident.

b. The month that a nonresident owner establishes Iowa residency or accepts employment in Iowa of 90 days duration or longer. The county treasurer or the department may require from the applicant a written statement giving the date that the applicant established residency in Iowa.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 321.18, 321.20, 321.53 through 321.55, 321.101 and 321.135.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.27(307,321) Vehicles owned by nonresident members of the armed services.

400.27(1) A vehicle owner who is a nonresident and a member of the armed services is not required to register the vehicle in Iowa if it is properly registered in the person's state of residence.

400.27(2) A vehicle owner who is a nonresident and a member of the armed services may register the vehicle in Iowa under the following conditions:

a. The vehicle is owned entirely by nonresidents.

b. The fee for a passenger-type vehicle registered under Iowa Code section 321.109 shall be based only on the weight of the vehicle; the part of the fee based on value shall be excluded. The fees for all other vehicles shall be determined as specified in Iowa Code chapter 321. The registration fee under Iowa Code sections 321.116 and 321.117 shall apply.

c. The application for vehicle registration shall include a certification by the person's commanding officer of the person's state of residence and assignment to Iowa.

400.27(3) If ownership of a passenger-type vehicle is transferred to another person, the vehicle shall be subject to registration in Iowa.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 321.53 through 321.55, 321.109, 321.116 and 321.117.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.28(307,321,321L) Registration of vehicles equipped for persons with disabilities. To apply for the reduced registration fees under Iowa Code section 321.109(1)“b” or 321.124(1)“h”(1) (f), the owner of the vehicle must provide a written self-certification at the first registration and at each renewal of either of the following:

400.28(1) That the automobile, multipurpose vehicle, or motor truck with an unladen weight of 10,000 pounds or less has permanently installed equipment manufactured for and necessary to assist a person with a disability, as defined in Iowa Code section 321L.1, to enter or exit the vehicle.

400.28(2) That the owner or a member of the owner's household uses a wheelchair as the person's only means of mobility.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 321.109, 321.124 and 321L.1.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.29(321) Motorcycle or autocycle primarily designed or converted to transport property. A motorcycle or autocycle primarily designed or converted to transport less than 1,000 pounds of property will be registered as a motorcycle or autocycle. A motorcycle or autocycle primarily designed or converted to transport 1,000 pounds of property or more will be registered as a motor truck.

This rule is intended to implement Iowa Code sections 321.1, 321.20 and 321.117.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.30(307,321) Conversion of motor vehicles.

400.30(1) An automobile converted to a truck with a carrying capacity of 1,000 pounds or more will be registered as a reconstructed motor vehicle.

400.30(2) A vehicle manufactured as a truck tractor or motor truck will not be registered as a motor home unless the vehicle has been substantially altered to change its type and mode of operation so that it is a reconstructed vehicle as defined in Iowa Code section 321.1.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321.1, 321.23, 321.111 and 321.124.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.31(321,435) Manufactured or mobile home converted to or from real property.

400.31(1) *Conversion to real property.* When a manufactured or mobile home is converted to real property under Iowa Code section 435.26, the process shall be as follows:

a. If a security interest is noted on the title and the secured party is given a mortgage for the land on which the home is located, the assessor shall collect the certificate of title as provided in rule 701—74.5(435).

b. If a security interest is noted on the title and the secured party is not given a mortgage for the land on which the home is located, the secured party shall retain the certificate of title as provided in Iowa Code section 435.26. At the time the security interest is released, the secured party may surrender the certificate of title to the county treasurer, who shall cancel the title as converted to real estate and destroy the title.

c. If there is no security interest noted on the title, the owner shall surrender the certificate of title to the assessor. The assessor shall note the conversion on the face of the certificate of title above the assessor’s signature, date the notation and deliver the title to the county treasurer. The county treasurer shall note the conversion on the vehicle record and then cancel the title as converted to real estate and destroy the certificate of title.

d. If the assessor identifies in the county records a security interest no longer exists that would prevent the title to the home and the title to the land to merge under Iowa Code section 435.26 and the county treasurer verifies there is no lien on the certificate of title, the title to the home and the title to the land shall merge, and the county treasurer shall cancel the title as converted to real estate and destroy the certificate of title, if available.

400.31(2) *Reconversion from real property.*

a. When a manufactured or mobile home is reconverted from real property by adding a vehicular frame, the owner may apply to the county treasurer for a certificate of title.

b. The owner shall submit a record of existing liens obtained from a local abstractor. The record shall identify the owner of the property, list all liens and encumbrances against the property, and shall be signed by the abstractor.

c. The owner shall also submit written consent to the reconversion from any person holding a mortgage on the real property (mortgagee). An existing mortgage shall be noted as a security interest on the certificate of title.

d. The county treasurer shall submit written notice of the reconversion to the county assessor’s office.

400.31(3) *Affidavit for surrender of certificate of title.*

a. As provided in Iowa Code section 435.26B, an owner may effectuate a surrender of the certificate of title by recording with the county recorder Form 411186 if all of the following requirements are met:

(1) There is no record that a certificate of title has been issued or surrendered for a manufactured or mobile home that is located outside a manufactured home community or mobile home park.

(2) The manufactured home or mobile home has been converted to real estate by being placed on a permanent foundation.

(3) The manufactured or mobile home is entered on the tax rolls.

b. The fee for the duties performed by the department pursuant to Iowa Code section 435.26B(1) “i”(2) shall be \$5.

This rule is intended to implement Iowa Code sections 321.1, 435.1, 435.26, 435.26A, 435.26B and 435.27.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.32(307,321) Church bus registration fee. If ownership of a church bus registered under Iowa Code section 321.119 is transferred to a person not entitled to register the vehicle as a church bus or the bus is used in a manner other than provided by law, the church bus shall be registered under the provisions of Iowa Code section 321.122. The registration fee shall be prorated for the remaining unexpired months of the registration year.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321.119 and 321.122.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.33(307,321) Storage of vehicles.

400.33(1) The owner of a vehicle upon which the registration fee is not delinquent may surrender all registration plates for the vehicle to the county treasurer where the vehicle is registered and has the right to register the vehicle later upon payment of the annual registration fee due, which shall be computed from and commence the month the vehicle is removed from storage. Payment of a registration fee is not required when the vehicle is removed from storage within the current registration year, provided that registration fees have not been refunded. Surrendered plates shall be destroyed. When a vehicle is removed from storage, the fee is \$5 for a set of replacement plates.

400.33(2) The owner of a motor vehicle that is placed in storage when the owner enters the military service of the United States shall comply with Iowa Code section 321.126, and subrule 400.33(1) does not apply.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321.126 and 321.134.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.34(307,321) Penalty on registration fees.

400.34(1) *Monthly basis.* The penalty on the delinquent payment of a registration fee shall be computed on a monthly basis, rounded to the nearest whole dollar. If multiple penalties are assessed, the penalties shall be first added together and then the sum shall be rounded to the nearest whole dollar.

400.34(2) *Vehicle purchased.* The penalty on the registration fee shall accrue from the first day of the month following the date of purchase unless the application for a certificate of title is submitted within 30 days after the date of purchase.

400.34(3) *Vehicle moved into Iowa.* The penalty on the registration fee shall accrue on the first day of the month following 30 days from the date a vehicle is moved into Iowa.

400.34(4) *When delinquency extends beyond the current year.* When the penalty on a delinquent registration fee extends beyond the current registration year, the penalty shall continue to accrue until paid or until the provision of Iowa Code section 321.134(4) takes effect. Penalty shall only accrue on the fee applicable at the time the delinquency accrued and shall not be applicable to subsequent registration fees that have not been paid.

400.34(5) *Statement of nonuse.* If the owner of a vehicle, on which the registration fees have not been paid for more than three complete registration years, certifies to the county treasurer of the owner's residence, or to the department on Form 442018 if a vehicle is registered under Iowa Code chapter 326, that the vehicle has not been moved or operated upon the highway since the year it was last registered, the vehicle may be registered upon payment of the current year's registration fee.

400.34(6) *Waiver of penalties for military members.* Registration penalties will be waived as provided in Iowa Code section 321.134(5), if the owner provides a copy of an official government document verifying that the applicant is in the military service of the United States and has been relocated as a result of being placed on active duty on or after September 11, 2001.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 321.39, 321.46, 321.47, 321.49, 321.134 and 321.135.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.35(252J,307,321) Suspension, revocation or denial of registration.

400.35(1) A peace officer, county treasurer, or the county treasurer's designee may submit a request using Form 411012, Request for Cancellation of Title or Revocation or Suspension of Registration and Plates, or 411013, Request for Suspension of Registration and Plates, as applicable, to the department for suspension or revocation of registration and plates under Iowa Code section 321.101.

a. The notice of suspension or revocation will contain the following:

(1) The basis of the suspension or revocation.

(2) Information regarding how the person may satisfy the violation and have the suspension or revocation removed, if applicable.

(3) Information notifying the person of the right to appeal the suspension or revocation in accordance with rule 761—400.44(321).

b. Reserved.

400.35(2) When the registration of a vehicle has been revoked as provided in Iowa Code sections 321.101 and 321.101A, the registration fee and penalty shall accrue as if the plates had never been issued, unless waiver of registration fees and penalties is specifically provided for in Iowa Code chapter 321.

400.35(3) Pursuant to Iowa Code section 252J.8, the department will suspend or deny the issuance or renewal of registration and plates upon receipt of a certificate of noncompliance from child support services.

a. The suspension or denial takes effect 30 days after notice to the vehicle owner and continues until the department receives a withdrawal of the certificate of noncompliance from child support services.

b. If a person who is the named individual on a certificate of noncompliance subsequently purchases a vehicle, the vehicle will be titled and registered, but the registration will be immediately suspended.

This rule is intended to implement Iowa Code sections 252J.1, 252J.8, 252J.9, 307.12(1) "j," 321.101, 321.101A and 321.127.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.36(307,321) Termination of suspension of registration. Upon termination of the suspension of registration of a vehicle, the county treasurer may issue new plates for the vehicle. If the new plates replace a current series of plates, there shall be a replacement fee as provided in Iowa Code section 321.42. If the vehicle is not currently registered at the time the suspension is lifted, the registration fee and penalties due shall be determined as follows:

400.36(1) If the registration fee was delinquent at the time that the suspension became effective, the penalty shall continue to accrue on the registration fee until the suspension became lifted and the registration fee is paid. In addition, if the suspension was for failure to pay an additional registration fee, the additional registration fee shall be paid before the suspension is lifted.

400.36(2) If the registration fee was not delinquent when the suspension became effective and the suspension is lifted after the beginning of another registration year, the annual registration fee for that year shall be due in the month the suspension is lifted. The penalty shall accrue on the registration fee the first day of the month following the month that the suspension was lifted. The annual registration fee on a recovered stolen vehicle for which the registration has been suspended shall be prorated for the remaining unexpired months of the registration year.

400.36(3) If the registration fee was not delinquent at the time that the suspension became effective and the suspension is lifted during the same registration period, no additional registration fees shall be due unless the suspension was for failure to pay an additional registration fee, in which event the additional registration fee shall be paid before the suspension is lifted.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321.42, 321.105 and 321.134.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.37(307,321) Raw farm products. A vehicle may be operated with a gross weight of 25 percent in excess of the gross weight for which it is registered when transporting a load of raw farm products or soil fertilizers under Iowa Code section 321.466 except that nothing in this rule shall be construed to allow operation of a special truck on the public highways with a gross weight exceeding the maximum gross weight allowed under Iowa Code section 321.463(6). In addition, the following products are considered raw farm products. This list is not exhaustive and does not exclude other commodities that might be considered raw farm products:

Animals that are dead	Hides
Berries, fresh	Honey, comb or extracted
Blood	Melons
Corn, ear corn including hybrids	Milk, raw
Corn, shelled	Nursery stock
Corn, cobs	Potatoes
Cream, separated	Peat
Eggs, fresh or frozen in shell	Poultry, live
Flax	Saw logs
Flaxseed	Sod
Fodder	Soybeans
Fruit, fresh	Straw, baled or loose
Grain, threshed or unthreshed	Vegetables, fresh
Hair	Wood, cord or stove wood
Hay, baled or loose	Wool

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321.466(4) and 321.466(5).

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.38(25,307,321,326) Refund of registration fees.

400.38(1) *Vehicles registered by county treasurer.*

a. The department will refund annual registration fees for vehicles registered by the county treasurer pursuant to Iowa Code section 321.126.

b. Except as provided in Iowa Code section 321.126, the owner may submit a claim for refund to the county treasurer’s office in any county.

c. Registration plates shall be submitted with the claim if the vehicle is placed in storage or registered for apportioned registration, if the owner of the vehicle moves out of state, or if the plates have not been assigned to a replacement vehicle, unless the plates have been surrendered to a licensed

dealer in Iowa that has submitted the title and registration application under Iowa Code section 321.25. If one or both plates have been lost or stolen, the claimant shall certify this fact in writing.

d. For a vehicle that was junked, the date on the junking certificate determines the date the vehicle was junked.

e. If the claim for refund is for excess credit or no replacement vehicle:

(1) The county treasurer will, within three days of receipt of the claim for refund, provide the information required to process the refund to the department.

(2) The department is authorized to approve or deny the claim.

f. The county treasurer shall forward all other claims for refund to the department for processing in the form and manner prescribed by the department.

400.38(2) *Vehicles registered by the department.* Forms and instructions for claiming a refund on apportioned registration fees under Iowa Code section 326.15 may be obtained from the department at the address in subrule 400.6(1).

This rule is intended to implement Iowa Code sections 25.1, 307.12(1)“j,” 321.126 through 321.129 and 326.15.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.39(307,321) Assigned identification numbers. The department is authorized to issue to the owner an assigned vehicle identification number for a vehicle, an assigned component part number for a component part, and an assigned product identification number for a fence-line feeder, grain cart, or tank wagon. An identification number will be assigned only if the department is satisfied as to the true identity and ownership of the vehicle, component part, fence-line feeder, grain cart or tank wagon. When an assigned vehicle identification number has been issued for a vehicle, the vehicle will be registered and titled under that number. An assigned component part number or an assigned product identification number shall be used only for identification purposes.

400.39(1) *Issuance of an identification number.* The department will issue an assigned vehicle identification number, assigned component part number or assigned product identification number, as applicable, only if:

a. The original number has been destroyed, removed or obliterated.

b. The vehicle has had a cab, body, or frame change and the replacement cab, body, or frame is within the manufacturer’s interchangeability parts specifications catalog and is compatible with the make, model, and year of the vehicle. If the replacement cab, body, or frame change is not within the manufacturer’s interchangeability parts specifications catalog or is not compatible with the make, year, and model of the vehicle, the vehicle shall be considered reconstructed and subject to rule 761—400.16(321).

c. The vehicle is specially constructed, reconstructed, a street rod or a replica vehicle. More information is contained in rule 761—400.15(321) for the requirements and procedures applicable to vehicles that are specially constructed, reconstructed, street rods or replica vehicles.

400.39(2) *Procedures.*

a. Request. Whenever an assigned identification number is required under subrule 400.39(1) and the request does not apply to a vehicle that is specially constructed, reconstructed, a street rod or a replica vehicle, the owner of the vehicle, component part, fence-line feeder, grain cart or tank wagon, or the person holding lawful custody, shall contact the department’s motor vehicle division at the address in subrule 400.6(1) and request the assignment of a number.

b. Examination. A motor vehicle investigator will contact the owner and schedule a time and place for examination of the vehicle, component part, fence-line feeder, grain cart or tank wagon and ownership documents. An investigator may require the owner to drive or tow the vehicle to and from the examination location upon the applicant’s completion of Form 420054. If the vehicle has had a cab, body, or frame change, the owner shall have, for evidence of ownership for the replacement cab, body, or frame, a bill of sale with a description of the part, complete with the manufacturer’s identification number, if any, and the name, address, and telephone number of the seller. The bill

of sale, the vehicle, and the cab, body, or frame that has been replaced shall be made available for examination at the time and place scheduled.

c. Assigned vehicle identification number.

(1) The investigator upon approval of the request will affix to the vehicle an assigned vehicle identification number and authorize the county treasurer to issue a title and registration for the vehicle.

(2) The owner shall submit the certificate of title and the registration receipt issued for the vehicle to the county treasurer. If the certificate of title is in the possession of a secured party, the county treasurer will notify the secured party to return the certificate of title to the county treasurer for the purpose of issuing a corrected title. Upon receipt of the notification, the secured party shall submit the certificate of title within ten days. The county treasurer, upon receipt of the certificate of title and the registration receipt, will issue a corrected title and registration receipt listing as the vehicle identification number the assigned vehicle identification number.

d. Assigned component part number. The investigator upon approval of the request will affix to the component part an assigned component part number and give to the owner a component part form. The owner shall retain the form as a record of issuance and attachment. The form shall be made available on demand by any peace officer for examination.

e. Assigned product identification number. The investigator upon approval of the request will affix an assigned product identification number to the fence-line feeder, grain cart or tank wagon and give to the owner an assigned product identification number form. The owner shall retain the form as a record of issuance and attachment. The form shall be made available on demand by any peace officer for examination.

400.39(3) Fees. A county treasurer, as provided in Iowa Code section 321.20(1), may issue a corrected certificate of title upon collection of the certificate of title fee and a fee for a notation of a security interest, if applicable. A corrected certificate of title is not required for a name change.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 321.1, 321.20, 321.43, 321.50, 321.52A and 321.92.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.40(321) Odometer statement.

400.40(1) Pursuant to Iowa Code section 321.71 and 49 U.S.C. Section 32705, an odometer disclosure statement shall be submitted with an application for certificate of title for a motor vehicle unless the motor vehicle is exempt. The statement shall provide a current odometer reading and reflect whether the mileage is “actual,” “not actual” or “exceeds mechanical limits.”

400.40(2) If the transferor failed to provide an odometer disclosure statement or if the transferee lost the statement, and the transferee has attempted in good faith to contact the transferor to obtain a statement, the transferee may file a sworn statement of these facts on a form prescribed by the department. The sworn statement will be accepted by the county treasurer or the department in lieu of the required odometer disclosure statement. The subsequent title issued from the sworn statement will record “not actual” mileage.

400.40(3) As required by 49 CFR Section 580.17 in effect as of October 1, 2024, for vehicle transfers that occur through December 31, 2030, any vehicle that is model year 2011 or newer shall require an odometer disclosure statement. For vehicle transfers that occur on or after January 1, 2031, the model year formula for odometer disclosure statements is the current year minus 20. The resulting number represents the first model year for which a motor vehicle is exempt from the odometer statement requirements incident to a transfer.

This rule is intended to implement Iowa Code section 321.71.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.41(321) Stickers.

400.41(1) Placement of validation sticker. The validation sticker shall be affixed to the lower left corner of the rear registration plate. EXCEPTIONS: For motorcycle, autocycle and small trailer plates,

the validation sticker shall be affixed to the upper left corner of the plate. For natural resources plates, the sticker may be affixed to the lower right corner of the rear plate.

400.41(2) *Special fuel identification sticker.* Iowa Code section 321.41(4) applies to special fuel identification stickers. This sticker shall be displayed on the cover of the fuel inlet of the motor vehicle or on the outside panel of the motor vehicle within 3 inches of the fuel inlet so as to be in view when fuel is delivered into the motor vehicle.

400.41(3) *Persons with disabilities parking sticker.* A persons with disabilities special registration plate parking sticker shall be affixed to the lower right corner of the rear registration plate. A persons with disabilities parking sticker shall be affixed to the lower left corner of the flying our colors rear registration plate and above the validation sticker to allow for full view of all numerals and letters printed on the plate pursuant to Iowa Code section 321.37.

400.41(4) *Special truck for farm use sticker.* An owner of a special truck, registered pursuant to Iowa Code section 321.121, who has been issued either regular registration plates or special registration plates other than special truck registration plates must obtain from the county treasurer a sticker that distinguishes the vehicle as a special truck. The sticker shall be affixed to the lower right corner of the rear registration plate. EXCEPTION: If the vehicle displays front and rear plates, two stickers shall be issued with one sticker affixed to the lower right corner of the front plate and rear plate. For natural resources plates and flying our colors plates, the stickers must be affixed to the lower left corner of the front and rear plates.

This rule is intended to implement Iowa Code sections 321.34, 321.37, 321.40, 321.41, 321.121 and 321.166.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.42(307,321) Registration receipt issued for trailer-type vehicles. The registration receipt issued for trailer-type vehicles shall be carried in the vehicle that is described on the receipt or in the driver's compartment of the towing vehicle.

This rule is intended to implement Iowa Code sections 307.12(1) "j" and 321.32.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.43(321) Damage disclosure statement.

400.43(1) If the transferor failed to provide a damage disclosure statement or if the transferee lost the statement, and the transferee has attempted in good faith to contact the transferor to obtain a statement, the transferee may file a sworn statement of these facts. The transferee shall also complete section 2 of a separate damage disclosure statement and sign on the buyer's line. The sworn statement and damage disclosure statement completed by the transferee will be accepted by the county treasurer or the department in lieu of the damage disclosure statement required from the transferor.

400.43(2) A model year formula for damage disclosure statements shall be the current year minus eight. The resulting number represents the first model year for which a motor vehicle is exempt from the damage disclosure statement requirements incident to a transfer.

400.43(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, and there is no evidence that a prior Iowa title or foreign title was issued or designated as salvage, rebuilt or flood, the department will review the transaction to confirm

the damage level using data obtained from the insurance provider, motor vehicle repair facility, or other entity with direct knowledge of the damage.

This rule is intended to implement Iowa Code sections 321.52 and 321.69.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.44(17A,321) Hearings. The department will send notice by certified mail to a person whose certificate of title, vehicle registration, license, or permit is to be revoked, suspended, canceled, or denied under this chapter. The notice will be mailed to the person's mailing address as shown on departmental records and takes effect after 20 days from the date mailed. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 2506. The request shall be submitted in writing to the director of the motor vehicle division at the address in subrule 400.6(1). The request for a contested case shall be deemed timely submitted if it is delivered or postmarked on or before the 20th day from the date the notice was mailed for revocation, suspension, cancellation, or denial.

This rule is intended to implement Iowa Code sections 17A.10 through 17A.19, 321.101 and 321.102.

[ARC 9266C, IAB 5/14/25, effective 6/18/25; Editorial change: IAC Supplement 6/24/26]

761—400.45(321) Motorized bicycles. The following rules shall apply to motorized bicycles.

400.45(1) *Maximum speed.* If the department has reason to believe that a particular vehicle or model is capable of speeds exceeding 39 miles per hour, the department may conduct independent tests to determine the maximum speed of the vehicle or model. If the department determines that the maximum speed of the particular vehicle or model exceeds 39 miles per hour, the vehicle or model will not be registered as a motorized bicycle.

400.45(2) *Identification of a vehicle as a motorized bicycle.* Registration plates issued for motorcycles will also be issued for motorized bicycles.

This rule is intended to implement Iowa Code sections 321.1, 321.13 and 321.166.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.46(307,321) Registration documents lost or damaged in transit through the United States postal service. To obtain without cost the reissuance of registration documents that were sent by the county treasurer to the owner through the United States postal service and that were lost or damaged in transit, the owner of the vehicle shall file application for reissuance between 20 and 60 days of the date the documents were issued by the county treasurer.

This rule is intended to implement Iowa Code sections 307.12(1) "j" and 321.42.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.47(307,321) Credit of registration fees.

400.47(1) *Credit for unexpired registration fee.* The applicant may claim credit, as specified in Iowa Code section 321.46(3), toward the registration fee for one newly acquired replacement vehicle.

a. The credit may be claimed only when the owner of the newly acquired vehicle is applying for a certificate of title and registration (or just registration if the vehicle is not subject to titling provisions) for the newly acquired vehicle.

b. For a junked vehicle, the date on the junking certificate determines the date the vehicle was junked.

c. Excess credit shall not be applied toward the registration fee for a second vehicle.

d. Credit shall be allowed for one or two vehicles that have been sold, traded or junked toward one replacement vehicle. Credit shall be based on the remaining unexpired months of the registration year(s) of the vehicle(s) sold, traded or junked.

400.47(2) *Credit for transfer to spouse, parent or child.* Credit shall be allowed toward a new registration for a vehicle being transferred to the applicant from the applicant's spouse, parent or child, or from a former spouse pursuant to a dissolution of marriage decree, if application for the certificate

of title and registration (or just registration if the vehicle is not subject to titling provisions) is made within 30 days after the date of transfer. If the owner is deceased, credit may be transferred under rule 761—400.13(321).

400.47(3) *Credit from/to apportioned registration.*

a. Pursuant to Iowa Code section 321.46A, an owner may claim credit toward the registration fees due when changing a vehicle's registration from apportioned registration under Iowa Code chapter 326 to registration under Iowa Code chapter 321. The owner shall surrender proof of apportioned registration to the county treasurer. Credit shall be allowed for the unexpired complete calendar months remaining in the registration year from the date the application is filed with the county treasurer.

b. Pursuant to Iowa Code sections 321.126 and 321.127, the owner or lessee of a motor vehicle may claim credit for the apportioned registration fees due when changing the vehicle's registration from registration by the county treasurer to apportioned registration. Application for apportioned registration shall be submitted to the department's motor vehicle division; more information is contained in 761—Chapter 500.

400.47(4) *Assignment of credit and registration plates from lessor to lessee.* When a lessee purchases the leased vehicle and within 30 days requests the assignment of the vehicle's fee credit and registration plates, the lessor shall assign the registration fee credit and registration plates for the purchased vehicle to the lessee.

400.47(5) *Rounding.* If credit from two registration years or two registration fees, or some combination of both, is available, the credits shall first be added together, then it shall be determined whether the sum meets the minimum required under Iowa Code section 321.46(3) "c," and then the sum shall be rounded to the nearest whole dollar.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 321.46, 321.46A, 321.48, 321.116, 321.117, 321.126 and 321.127.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.48(321) Reassignment of registration plates.

400.48(1) Registration plates may be reassigned if one of the owners listed on the registration receipt before the transfer is also a listed owner following the transfer.

400.48(2) Registration plates may be reassigned when credit is allowed toward a new registration for a vehicle being transferred to the owner's spouse, parent, or child, or to a former spouse pursuant to a dissolution of marriage decree. If the owner is deceased, plates may be transferred under rule 761—400.13(321).

400.48(3) Registration plates shall not be reassigned between a natural person or persons and a corporation, association, copartnership, company, or firm.

400.48(4) Registration plates may be reassigned and credit allowed if two or more corporations, associations, partnerships, or firms merge into one corporation, association, partnership or firm.

400.48(5) Registration plates may be assigned and credit allowed if an owner listed on the certificate of title and registration transfers ownership of the vehicle to a trust created by that owner.

400.48(6) Registration plates may be assigned and credit allowed if an owner listed on the certificate of title and registration transfers ownership of the vehicle from a living trust to an individual owner who created that trust and vice versa.

This rule is intended to implement Iowa Code sections 321.34 and 321.46.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.49(307,321) Storage of registration plates, certificate of title forms and registration forms. Registration plates, certificate of title forms and registration forms that are consigned to county treasurers by the department shall be stored in a secure location only accessible to authorized persons as designated by the county treasurer or department.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 321.5, 321.8 and 321.167.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.50(307,321) Disposal of surrendered registration plates. The county treasurer shall return plates that have been surrendered to the county treasurer to Iowa state prison industries for recycling.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321.5 and 321.171.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.51(307,321) County treasurer’s report of motor vehicle collections and funds. The county treasurer shall file the report provided for in Iowa Code section 321.153 in a manner prescribed by the department.

This rule is intended to implement Iowa Code sections 307.12(1) “j” and 321.153.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.52(321) Removal of registration and plates by peace officer under financial liability coverage law. This rule applies to instances when a peace officer issues a citation and removes the registration receipt and registration plates of a motor vehicle registered in this state when the driver of the motor vehicle is unable to provide proof of financial liability coverage. This rule applies regardless of whether the vehicle was also impounded.

400.52(1) The peace officer shall forward the registration receipt and evidence of the violation to the county treasurer of the county in which the motor vehicle is registered. Evidence of the violation is one of the following:

a. A copy of the citation. The citation must either reference Iowa Code section 321.20B(4) “a” (3) or 321.20B(4) “a” (4), as applicable, or reference Iowa Code section 321.20B and indicate whether or not the vehicle was impounded.

b. A written statement from the peace officer listing the plate number of the registration plate removed from the vehicle and the vehicle owner’s name. The statement must either reference Iowa Code section 321.20B(4) “a” (3) or 321.20B(4) “a” (4), as applicable, or reference Iowa Code section 321.20B and indicate whether or not the vehicle was impounded. The statement must be signed by the peace officer or an employee of the law enforcement agency.

400.52(2) The peace officer may either destroy removed plates or deliver the removed plates to the county treasurer for destruction.

This rule is intended to implement Iowa Code section 321.20B.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

761—400.53(307,321) Electronic lien and title.

400.53(1) The department may authorize the use of an electronic lien and title (ELT) system to provide an electronic record of the certificate of title to a security interest holder, to subject a vehicle to an electronic lien, and to allow for the submission and receipt of forms related to security interests through electronic means.

a. The department may enter into an agreement with ELT providers for transmission of vehicle data, title data and forms necessary to process security interest transactions through electronic means.

b. The department may authorize an ELT lender to participate in the ELT system if the ELT lender has first established a service relationship with an authorized ELT provider. The department may establish application forms and approval processes as necessary for ELT lenders.

400.53(2) For each individual transaction, an authorized ELT lender may choose to use either the ELT process or the paper security interest process as provided in Iowa Code section 321.50 and rules 761—400.8(321) and 761—400.9(321).

400.53(3) If a security interest is released through ELT and there are no other secured parties, but the ELT lender does not request a paper title to be printed and provided to the owner, or the ELT lender does not otherwise provide a paper title to the owner, then the owner of the vehicle may apply to the county treasurer or the department for a certificate of title to be printed and provided to the owner by submitting an application form in the form and manner prescribed by the department.

a. If there is more than one owner of the vehicle, any owner may apply to the department or the county treasurer, as applicable, for the certificate of title to be printed and provided to whomever the owner specifies.

b. If an owner is deceased, the signatures and documents specified in subrules 400.13(4) and 400.13(5) shall be required.

This rule is intended to implement Iowa Code sections 307.12(1) “j” and 321.50.

[ARC 9266C, IAB 5/14/25, effective 6/18/25]

[761—Chapter 400 appeared as Ch 11, Department of Public Safety, 1973 IDR]

[Filed 7/1/75]

[Filed 11/9/77, Notice 9/21/77—published 11/30/77, effective 1/4/78]

[Filed 5/9/78, Notice 3/22/78—published 5/31/78, effective 7/5/78]

[Filed 10/10/78, Notice 8/23/78—published 11/1/78, effective 12/6/78]

[Filed 11/13/78, Notice 9/20/78—published 11/29/78, effective 1/3/79]

[Filed 4/23/79, Notice 3/7/79—published 5/16/79, effective 6/20/79]

[Filed 8/23/79, Notice 7/11/79—published 9/19/79, effective 10/24/79]

[Filed 8/23/79, Notice 7/11/79—published 9/19/79, effective 12/1/79]

[Filed 2/14/80, Notice 12/26/79—published 3/5/80, effective 4/9/80]

[Filed 12/4/80, Notice 10/15/80—published 12/24/80, effective 1/28/81]

[Filed 12/16/81, Notice 10/28/81—published 1/6/82, effective 2/10/82]

[Filed 9/30/82, Notice 8/18/82—published 10/27/82, effective 12/1/82]

[Filed 1/21/83, Notice 12/8/82—published 2/16/83, effective 3/23/83]

[Filed emergency 2/17/83—published 3/16/83, effective 3/23/83]

[Filed 8/4/83, Notice 6/22/83—published 8/31/83, effective 12/1/83]

[Filed 12/23/83, Notice 11/9/83—published 1/18/84, effective 2/22/84]

[Filed emergency 7/17/84—published 8/15/84, effective 7/18/84]

[Filed 9/28/84, Notice 8/15/84—published 10/24/84, effective 11/28/84]

[Filed emergency 12/6/84—published 1/2/85, effective 12/7/84]

[Filed 1/9/85, Notice 11/21/84—published 1/30/85, effective 3/6/85]

[Filed 7/10/85, Notice 5/22/85—published 7/31/85, effective 9/4/85]

[Filed emergency 9/4/85—published 9/25/85, effective 10/1/85]

[Filed 11/14/85, Notice 9/25/85—published 12/4/85, effective 1/8/86]

[Filed emergency 10/9/86—published 11/5/86, effective 10/10/86]

[Filed 12/18/86, Notice 11/5/86—published 1/14/87, effective 2/18/87]

[Filed emergency 2/18/87—published 3/11/87, effective 2/18/87]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]^o

[Filed 11/5/87, Notice 9/23/87—published 12/2/87, effective 1/6/88]

[Filed 1/6/88, Notice 11/18/87—published 1/27/88, effective 3/2/88]

[Filed emergency 6/22/88—published 7/13/88, effective 7/1/88]

[Filed 2/9/89, Notice 12/28/88—published 3/8/89, effective 4/12/89]

[Filed 10/5/89, Notice 8/23/89—published 11/1/89, effective 12/6/89]

[Filed 11/1/89, Notice 9/20/89—published 11/29/89, effective 1/3/90]

[Filed emergency 11/30/89—published 12/27/89, effective 12/1/89]

[Filed 2/7/90, Notice 12/27/89—published 3/7/90, effective 4/11/90]

[Filed emergency 7/5/90—published 7/25/90, effective 7/5/90]

[Filed 12/5/90, Notice 10/17/90—published 12/26/90, effective 1/30/91]

[Filed 7/17/91, Notice 5/1/91—published 8/7/91, effective 9/11/91]

[Filed 10/23/91, Notice 9/18/91—published 11/13/91, effective 12/18/91]

[Filed 11/6/91, Notice 10/2/91—published 11/27/91, effective 1/1/92]

[Filed 11/22/91, Notice 10/16/91—published 12/11/91, effective 1/15/92]^o

[Filed 1/15/92, Notice 12/11/91—published 2/5/92, effective 3/11/92]

[Filed emergency 3/26/92—published 4/15/92, effective 4/29/92]

[Filed 12/18/92, Notice 10/28/92—published 1/6/93, effective 2/10/93]
 [Filed 1/14/93, Notice 12/9/92—published 2/3/93, effective 3/10/93]
 [Filed 12/16/93, Notice 11/10/93—published 1/5/94, effective 2/9/94]
 [Filed 2/8/95, Notice 1/4/95—published 3/1/95, effective 4/5/95]
 [Filed 11/29/95, Notice 10/25/95—published 12/20/95, effective 1/24/96]
 [Filed 3/5/97, Notice 1/29/97—published 3/26/97, effective 4/30/97]
 [Filed 3/11/98, Notice 1/28/98—published 4/8/98, effective 5/13/98]
 [Filed 10/28/98, Notice 8/26/98—published 11/18/98, effective 12/23/98]
 [Filed 12/16/98, Notice 11/4/98—published 1/13/99, effective 2/17/99]
 [Filed 3/10/99, Notice 1/13/99—published 4/7/99, effective 5/12/99]
 [Filed 5/12/99, Notice 3/24/99—published 6/2/99, effective 7/7/99]
 [Filed 8/4/99, Notice 6/30/99—published 8/25/99, effective 9/29/99]
 [Filed 10/14/99, Notice 9/8/99—published 11/3/99, effective 12/8/99][◇]
 [Filed 5/3/00, Notice 2/23/00—published 5/31/00, effective 7/5/00]
 [Filed 7/18/01, Notice 5/30/01—published 8/8/01, effective 9/12/01]
 [Filed 1/17/02, Notice 11/28/01—published 2/6/02, effective 3/13/02]
 [Filed 6/19/02, Notice 4/17/02—published 7/10/02, effective 8/14/02]
 [Filed 11/7/02, Notice 10/2/02—published 11/27/02, effective 1/1/03]
 [Filed 11/2/05, Notice 9/14/05—published 11/23/05, effective 12/28/05]
 [Filed 10/11/07, Notice 8/15/07—published 11/7/07, effective 12/12/07]
 [Filed ARC 9048B (Notice ARC 8869B, IAB 6/30/10), IAB 9/8/10, effective 10/13/10]
 [Filed ARC 9833B (Notice ARC 9742B, IAB 9/7/11), IAB 11/2/11, effective 12/7/11]
 [Filed ARC 0136C (Notice ARC 0068C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]
 [Filed ARC 2887C (Notice ARC 2780C, IAB 10/26/16), IAB 1/4/17, effective 2/8/17]
 [Filed ARC 2985C (Notice ARC 2908C, IAB 1/18/17), IAB 3/15/17, effective 4/19/17]
 [Filed ARC 3449C (Notice ARC 3306C, IAB 9/13/17), IAB 11/8/17, effective 12/13/17]
 [Filed ARC 3999C (Notice ARC 3890C, IAB 7/18/18), IAB 9/12/18, effective 10/17/18]
 [Filed ARC 4343C (Notice ARC 4230C, IAB 1/16/19), IAB 3/13/19, effective 4/17/19]
 [Filed ARC 4758C (Notice ARC 4625C, IAB 8/28/19), IAB 11/6/19, effective 12/11/19]
 [Filed ARC 4960C (Notice ARC 4770C, IAB 11/20/19), IAB 3/11/20, effective 4/15/20]
 [Filed ARC 5178C (Notice ARC 5080C, IAB 7/15/20), IAB 9/9/20, effective 10/14/20]
 [Filed ARC 5829C (Notice ARC 5618C, IAB 5/19/21), IAB 8/11/21, effective 9/15/21]
 [Filed ARC 5893C (Notice ARC 5621C, IAB 5/19/21), IAB 9/8/21, effective 10/13/21]
 [Filed ARC 6219C (Notice ARC 6118C, IAB 12/29/21), IAB 3/9/22, effective 4/13/22]
 [Filed ARC 6220C (Notice ARC 6066C, IAB 12/1/21), IAB 3/9/22, effective 4/13/22]
 [Filed ARC 6287C (Notice ARC 6175C, IAB 2/9/22), IAB 4/6/22, effective 5/11/22]
 [Filed ARC 6489C (Notice ARC 6361C, IAB 6/15/22), IAB 9/7/22, effective 10/12/22]
 [Filed ARC 6932C (Notice ARC 6770C, IAB 12/28/22), IAB 3/8/23, effective 4/12/23]
 [Filed ARC 9266C (Notice ARC 8593C, IAB 12/25/24), IAB 5/14/25, effective 6/18/25]
 [Editorial change: IAC Supplement 6/24/26]

◇ Two or more ARCs

CHAPTER 401
PERSONALIZED AND SPECIAL REGISTRATION PLATES

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/26/30

761—401.1(307,321) Definitions.

“*Current firefighter*” means a member of a paid or volunteer fire department who has at least one year of service and is in good standing, as determined by the fire chief.

“*Retired firefighter*” means a former member of a paid or volunteer fire department who has a minimum of ten years’ total service in good standing, as determined by the fire chief.

“*Service director*” means a service director as defined in rule 641—132.1(147A).

“*Special registration plates*” means registration plates issued under Iowa Code section 321.34 or 321.105 other than regular or sample plates.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321.34 and 321.105.

[ARC 8937C, IAB 2/19/25, effective 3/26/25]

761—401.2(307,321,321L) Application and requirements for certain special registration plates.

401.2(1) *Plates available without application.* Except for the special registration plates listed in subrules 401.2(2) and 401.2(3) and collegiate plates issued under Iowa Code section 321.34(7) and 321.34(7A), all special registration plates authorized under Iowa Code section 321.34 are available as random letter-number designated plates at the county treasurer’s office of the county of registration without separate application.

401.2(2) *Special registration plates requiring separate application.* The following special registration plates require that a separate application with any applicable supporting documentation be submitted to the department on Form 411260. Applications are to be submitted by mail to Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; by email to dot.plates@iowadot.us, or electronically at www.iowadot.gov/mvd/vehicleregistration/vehicleregistration/plates/plates. Form 411260 may be obtained by contacting the motor vehicle division using the information in this subrule, by phone at 515.237.3110, by fax at 515.237.3056, or at any county treasurer’s office.

a. Amateur radio call letter plate applications under Iowa Code section 321.34(3) require the number of the amateur radio license issued by the Federal Communications Commission.

b. Medal of honor plate applications under Iowa Code section 321.34(8) require an official government document verifying the applicant’s receipt of the medal of honor.

c. Ex-prisoner of war plate applications under Iowa Code section 321.34(8A) require a copy of an official government document verifying that the applicant was a prisoner of war or a signed statement from a person who has knowledge that the person was a prisoner of war.

d. Firefighter plates issued under Iowa Code section 321.34(10) require a certification signed by the fire chief of the paid or volunteer fire department confirming that the applicant is a current or retired firefighter member of the fire department. Renewal for a current firefighter requires a new certification be submitted to the county treasurer’s office. Renewal for a retired firefighter does not require a new certification.

e. Emergency medical services plate applications under Iowa Code section 321.34(10A) require a signature from the applicant’s service director certifying that the applicant is a current member of a paid or volunteer emergency medical services agency.

f. Legion of Merit plate applications under Iowa Code section 321.34(15) require a copy of the official government document verifying receipt of the Legion of Merit. An eligible applicant who wishes to receive such plates for more than one vehicle is subject to the regular annual registration fee for each additional vehicle.

g. National guard plate applications under Iowa Code section 321.31(16) require certification from the applicant’s unit commander on unit letterhead confirming the applicant’s eligibility.

h. Pearl Harbor plate applications under Iowa Code section 321.34(17) require a copy of an official government document verifying that the applicant was stationed at Pearl Harbor, Hawaii, as a member of the armed forces on December 7, 1941.

i. Purple heart, silver star, and bronze star plate applications under Iowa Code sections 321.34(18) and 321.34(20) require an official military order, the report of discharge, or DD Form 214 confirming the applicant's receipt of the award.

j. Gold star plate applications under Iowa Code section 321.34(24) require written approval from the Iowa department of veterans affairs confirming the lineage of applicant to the deceased veteran and documentation that the veteran is deceased due to military service.

k. U.S. armed forces retired special plates under Iowa Code section 321.34(19) require documentation that the U.S. armed forces recognizes the person as retired from the U.S. armed forces, in the form of the official military order confirming the applicant's retirement, report of discharge, or DD Form 214.

l. Distinguished service, navy, or air force cross plates under Iowa Code section 321.34(20A) require an official military order, the report of discharge, or DD Form 214 confirming the applicant's receipt of the award.

m. Soldier's, navy and marine corps, or airman's medal plates under Iowa Code section 321.34(20B) require an official military order, the report of discharge, or DD Form 214 confirming the applicant's receipt of the award.

n. U.S. veteran plate applications under Iowa Code section 321.34(27) require a certification from the Iowa department of veterans affairs that the applicant qualifies as an honorably discharged veteran.

o. Disabled veteran plate applications under Iowa Code section 321.166(6) require a certification from the U.S. Department of Veterans Affairs that the United States government has provided or has assisted in providing the motor vehicle to the disabled veteran. A separate certification may be required for any subsequently acquired vehicle or when the veteran moves to another county.

p. Notwithstanding any provision of this rule to the contrary, an applicant seeking any military or armed forces special registration plate may submit alternate documentation if approved by the Iowa office of the adjutant general or the Iowa department of veterans affairs.

401.2(3) *Persons with disabilities special registration plates.* Plates issued under Iowa Code section 321.34(14) are available from the department or county treasurer and require the application and statement of disability prescribed by 761—subrule 411.3(2), including certification that the applicant meets the eligibility requirements of Iowa Code section 321.34(14). If applicable, the application also requires certification of residency on Form 411120. In lieu of the statement of disability, a veteran may submit a certification of disability from the U.S. Department of Veteran's Affairs.

401.2(4) *Plates with minimum ordering requirements.* Applicants seeking a combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, combat medical badge, or civil war sesquicentennial plate under Iowa Code section 321.34(20C) or 321.34(25) are to apply to the department.

a. Applications for combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge plates require a copy of an official government document verifying that the applicant received such award.

b. Applications for civil war sesquicentennial plates do not require additional documentation.

401.2(5) *Fees due.* The applicable statutory issuance fee for each special registration plate under Iowa Code section 321.34 is due at the time of application.

401.2(6) *Vehicles eligible.* Unless otherwise specified in Iowa Code section 321.34, special registration plates are available for motor vehicles subject to registration under Iowa Code section 321.109(1), autocycles, motor trucks, motor homes, multipurpose vehicles, motorcycles, trailers, and travel trailers.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 321.34 and 321.105 and chapter 321L.

[ARC 8937C, IAB 2/19/25, effective 3/26/25]

761—401.3(321) Character limits. In addition to the character requirements of Iowa Code sections 321.34(5), 321.34(12), and 321.166, the following provisions apply to all personalized and special registration plates:

401.3(1) Plates will be issued with a minimum of two characters.

401.3(2) Plates with a processed emblem, and plates issued under Iowa Code section 321.34(13), are limited to five characters whether personalized or issued as a letter-number designated plate.

This rule is intended to implement Iowa Code sections 321.34 and 321.166.

[ARC 8937C, IAB 2/19/25, effective 3/26/25]

761—401.4(17A,321) Nonprofit organization decal approval and issuance.

401.4(1) *Application.* An organization meeting the criteria of Iowa Code section 321.34(13)“a” and 321.34(13)“b” must apply to the department for approval of the decal design and issuance on Form 411346. The department is to notify the organization of approval or denial of the proposed decal within 60 days of application receipt.

401.4(2) *Decal design.* In addition to satisfying the requirements of Iowa Code section 321.34(13)“d,” an approved decal will be limited to dimensions of 2.875” in width and 3” in height and designed to be placed in the space reserved for the decal on the nonprofit organizational decal plate. The department may consult with other organizations, law enforcement authorities, and the public regarding approval or denial of the decal design.

401.4(3) *Revocation.* If, following approval of the decal, the department determines a false application was submitted or that the decal or the issuing organization is in violation of Iowa Code section 321.34(13) or this chapter, the department shall revoke the organization’s approval to issue the decal.

401.4(4) *Notice.* If the department denies or revokes the decal design, the department will send notice of the denial or revocation by certified mail to the organization at the address listed on the application. The revocation or denial takes effect 20 days from the date of mailing. The organization may contest the decision in accordance with 761—Chapter 2506. The request will be deemed timely if it is delivered or postmarked on or before the effective date specified in the notice.

This rule is intended to implement Iowa Code chapter 17A and section 321.34.

[ARC 8937C, IAB 2/19/25, effective 3/26/25; Editorial change: IAC Supplement 6/24/26]

761—401.5(307,321) Personalized plates.

401.5(1) Personalized plates under Iowa Code section 321.34(5) are available to order online through the department’s website at www.iowadot.gov/mvd/personalizedplates/home.aspx. An applicant unable to order online may contact the motor vehicle division at the address or phone number listed in subrule 401.2(2) to apply in an alternate manner.

401.5(2) An application for a personalized plate will be rejected if the requested combination of characters is issued to another vehicle or is reserved for any other vehicle plate series under Iowa Code chapter 321.

401.5(3) The department shall not issue any combination of characters it determines is:

- a. Denoting a government agency;
- b. Sexual in connotation;
- c. A term of vulgarity, contempt, prejudice, hostility, insult, or racial or ethnic degradation;
- d. Recognized as a swear word;
- e. A reference to an illegal substance;
- f. A reference to a criminal act;
- g. Offensive; or
- h. A foreign word falling into any of these categories.

401.5(4) Personalized plates are not available for the plates listed in paragraphs 401.2(2) “a” through “c,” “f,” and “o.”

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321.34, and 321.166.

[ARC 8937C, IAB 2/19/25, effective 3/26/25]

761—401.6(307,321) Issuance of special registration plates.

401.6(1) Only a person who is an owner or lessee of a vehicle with current registration is eligible to receive special registration plates. The registration plates previously issued to the vehicle are to be surrendered to the county treasurer prior to issuance of new special registration plates.

401.6(2) Special registration plate fees are not eligible to be prorated.

401.6(3) Special registration plates are void if they are not assigned to a vehicle within 90 days after the date the county receives the plates, or if they are replacement plates issued as part of a periodic replacement cycle, within 90 days after the last day of the month of expiration of registration. If the plates are not picked up within the 90-day period, the plates are to be destroyed and a new application and a new issuance fee are to be submitted.

401.6(4) When an applicant provides proof to the department that a special registration plate has been lost or damaged, the applicant may obtain replacement plates containing the applicant’s previous plate number upon payment of the statutory fee.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321.26, 321.34 and 321.42.

[ARC 8937C, IAB 2/19/25, effective 3/26/25]

761—401.7(307,321) Renewal.

401.7(1) Registration plates under this chapter are to be renewed at the office of the applicable county treasurer. All applicable annual statutory fees for the special registration plate or personalized plate are due at the same time the regular annual registration fee is due and are in addition to the regular annual registration fee.

401.7(2) If renewal of a personalized registration plate is delinquent beyond the period authorized under Iowa Code section 321.40(1), a new application and new statutory issuance fee(s) are required. In addition, the department may issue the combination of characters on personalized plates to another applicant.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321.20, 321.34, 321.40 and 321.105.

[ARC 8937C, IAB 2/19/25, effective 3/26/25]

761—401.8(307,321) Reassignment or surrender of special registration plates.

401.8(1) *Reassignment.*

a. A vehicle owner or lessee who has special registration plates assigned to a currently registered vehicle may request that the plates or the plate character sequence be reassigned to another currently registered vehicle owned or leased by that person or owned or leased by another person, provided the assignee is eligible for the special registration plates.

b. To reassign plates to a vehicle owned or leased by another person, a written request for reassignment signed by both the assignor and assignee must be submitted to the county treasurer of the assignee’s county of residence. The special registration plates will be issued to the assignee by the county treasurer in exchange for the registration plates previously issued.

401.8(2) *Qualifying events requiring surrender or reassignment.* Special registration plates issued to a person are to be surrendered to the county treasurer in exchange for regular registration plates within 30 days of a qualifying event. Alternatively, a person may request reassignment of the plates within 30 days of a qualifying event. A qualifying event includes the following:

- a.* The person is no longer eligible for the plates.
- b.* The person has sold or transferred the vehicle to another person.
- c.* The person was the lessee of the vehicle and the lease was terminated.

d. The person died, except to the extent that Iowa Code section 321.34 permits another person to retain such plates on the vehicle.

401.8(3) Fees due. If the vehicle was exempt from the payment of regular registration fees due to the type of special registration plates issued, the vehicle becomes subject to the payment of regular registration fees on the first day of the month following the date of the event that made the person ineligible or the person's death. The regular registration fees will be prorated for the remaining unexpired months of the registration year.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 321.34 and 321.40.

[ARC 8937C, IAB 2/19/25, effective 3/26/25]

761—401.9(17A,307,321) Revocation of plates—appeal.

401.9(1) A special registration plate or personalized plate shall be revoked if the department determines it has been issued in conflict with the statutes or rules governing the plate's issuance. The department shall send the notice of revocation to a person's mailing address by certified mail, and the revocation takes effect 20 days from the date of mailing. Revoked plates must be surrendered to the county treasurer within ten days of the date of receipt of the notice.

401.9(2) The person may contest the decision of the department in accordance with 761—Chapter 2506. The request will be deemed timely if it is delivered or postmarked on or before the effective date specified in the notice.

This rule is intended to implement Iowa Code chapter 17A and sections 307.12(1) "j" and 321.34.

[ARC 8937C, IAB 2/19/25, effective 3/26/25; Editorial change: IAC Supplement 6/24/26]

761—401.10(307,321) Refund of fees. No refund of fees for special or personalized registration plates shall be allowed unless the plates were issued in error or in conflict with the statutes or rules governing their issuance.

This rule is intended to implement Iowa Code sections 307.12(1) "j" and 321.34.

[ARC 8937C, IAB 2/19/25, effective 3/26/25]

[Filed 2/8/95, Notice 1/4/95—published 3/1/95, effective 4/5/95]

[Filed 11/25/97, Notice 10/8/97—published 12/17/97, effective 1/21/98]

[Filed 12/16/98, Notice 11/4/98—published 1/13/99, effective 2/17/99]

[Filed 3/10/99, Notice 1/13/99—published 4/7/99, effective 5/12/99]

[Filed 10/14/99, Notice 9/8/99—published 11/3/99, effective 12/8/99]

[Filed 6/19/02, Notice 4/17/02—published 7/10/02, effective 8/14/02]

[Filed 7/13/04, Notice 5/12/04—published 8/4/04, effective 9/8/04]

[Filed 11/2/05, Notice 9/14/05—published 11/23/05, effective 12/28/05]

[Filed 10/11/07, Notice 8/15/07—published 11/7/07, effective 12/12/07]

[Filed ARC 9048B (Notice ARC 8869B, IAB 6/30/10), IAB 9/8/10, effective 10/13/10]

[Filed ARC 9833B (Notice ARC 9742B, IAB 9/7/11), IAB 11/2/11, effective 12/7/11]

[Filed ARC 0136C (Notice ARC 0068C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]

[Filed ARC 0778C (Notice ARC 0658C, IAB 4/3/13), IAB 6/12/13, effective 7/17/13]

[Filed ARC 2985C (Notice ARC 2908C, IAB 1/18/17), IAB 3/15/17, effective 4/19/17]

[Filed ARC 3450C (Notice ARC 3304C, IAB 9/13/17), IAB 11/8/17, effective 12/13/17]

[Filed ARC 3935C (Notice ARC 3820C, IAB 6/6/18), IAB 8/1/18, effective 9/5/18]

[Filed ARC 4344C (Notice ARC 4232C, IAB 1/16/19), IAB 3/13/19, effective 4/17/19]

[Filed ARC 4908C (Notice ARC 4736C, IAB 11/6/19), IAB 2/12/20, effective 3/18/20]

[Filed ARC 5344C (Notice ARC 5232C, IAB 10/21/20), IAB 12/30/20, effective 2/3/21]

[Filed ARC 8937C (Notice ARC 8334C, IAB 11/13/24), IAB 2/19/25, effective 3/26/25]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 411
PERSONS WITH DISABILITIES PARKING PERMITS
[Prior to 6/3/87, Transportation Department [820]—(07,D) Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/23/30

761—411.1(321L) Definitions.

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

“Health care provider” means a licensed medical professional listed in Iowa Code section 321L.2(1).

“Nonexpiring removable windshield placard” means a removable windshield placard issued on or before December 31, 2016, to a person with a lifelong disability.

“Organization” means an applicant that is a corporation, partnership, sole proprietorship, business trust, estate, trust, limited liability company, association, joint venture, government, governmental subdivision, agency, instrumentality, public corporation, or any other legal or commercial entity lawfully doing business in the state of Iowa that has a program for transporting persons with disabilities or elderly persons.

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

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

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

411.1(2) Reserved.

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

[ARC 9013C, IAB 3/19/25, effective 4/23/25]

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

411.2(1) *General.*

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

- (1) Temporary removable windshield placard.
- (2) Standard removable windshield placard.
- (3) Persons with disabilities parking sticker.
- (4) Persons with disabilities special registration plates.

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

c. An organization seeking a persons with disabilities removable windshield placard shall complete Form 411355 and include the name of its authorized representative; the mailing address, telephone number, and signature of its authorized representative; and, if required to obtain one, the organization’s federal employer identification number or federal tax identification number. An application made by an organization does not have to include a statement of disability.

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

411.2(2) *Application forms and submission.*

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

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

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

[ARC 9013C, IAB 3/19/25, effective 4/23/25]

761—411.3(321L) Removable windshield placards.

411.3(1) *Nonexpiring removable windshield placards.*

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

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

411.3(2) *Standard removable windshield placards.*

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

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

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

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

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

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

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

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

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

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

[ARC 9013C, IAB 3/19/25, effective 4/23/25]

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

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

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

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

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

[ARC 9013C, IAB 3/19/25, effective 4/23/25]

761—411.5(321L) Return of persons with disabilities parking permit. A persons with disabilities parking permit issued pursuant to this chapter and Iowa Code section 321L.2 shall be returned to the department, to a driver's license service center, or to any law enforcement office within ten days of an occurrence of any of the events set forth in Iowa Code section 321L.3(1) and in the manner prescribed in Iowa Code section 321L.3(3).

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

[ARC 9013C, IAB 3/19/25, effective 4/23/25]

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

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

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

411.6(3) Appeal. The person or organization may contest the decision of the department in accordance with 761—Chapter 2506. The request will be deemed timely if it is delivered or postmarked within ten days of the receipt of notice of revocation.

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

[ARC 9013C, IAB 3/19/25, effective 4/23/25; Editorial change: IAC Supplement 6/24/26]

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

[Filed 11/22/76, Notice 10/6/76—published 12/15/76, effective 1/19/77]

[Filed 12/16/81, Notice 10/28/81—published 1/6/82, effective 2/10/82]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed 11/1/89, Notice 9/20/89—published 11/29/89, effective 1/3/90]

[Filed 12/5/90, Notice 10/17/90—published 12/26/90, effective 1/30/91]

[Filed 1/15/92, Notice 12/11/91—published 2/5/92, effective 3/11/92]

[Filed 12/18/92, Notice 10/28/92—published 1/6/93, effective 2/10/93]

[Filed 12/16/93, Notice 11/10/93—published 1/5/94, effective 2/9/94]

[Filed 11/29/95, Notice 10/25/95—published 12/20/95, effective 1/24/96]

[Filed 9/24/97, Notice 8/13/97—published 10/22/97, effective 11/26/97]

[Filed 10/28/98, Notice 8/26/98—published 11/18/98, effective 12/23/98]

[Filed 6/19/02, Notice 4/17/02—published 7/10/02, effective 8/14/02]

[Filed 11/2/05, Notice 9/14/05—published 11/23/05, effective 12/28/05]

[Filed 10/11/07, Notice 8/15/07—published 11/7/07, effective 12/12/07]

[Filed ARC 3450C (Notice ARC 3304C, IAB 9/13/17), IAB 11/8/17, effective 12/13/17]

[Filed ARC 6218C (Notice ARC 6075C, IAB 12/15/21), IAB 3/9/22, effective 4/13/22]

[Filed ARC 6615C (Notice ARC 6465C, IAB 8/10/22), IAB 11/2/22, effective 12/7/22]

[Filed ARC 9013C (Notice ARC 8395C, IAB 11/27/24), IAB 3/19/25, effective 4/23/25]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 425
MOTOR VEHICLE AND TOWABLE RECREATIONAL VEHICLE DEALERS,
MANUFACTURERS, DISTRIBUTORS AND WHOLESALERS

[Prior to 7/17/96, see 761—Chapters 420 and 422]

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/19/30

761—425.1(307,321,322,322C) Introduction.

425.1(1) This chapter applies to the licensing of motor vehicle and towable recreational vehicle dealers, manufacturers, distributors and wholesalers. Also included in this chapter are the criteria for the issuance and use of dealer plates.

425.1(2) Information about dealer plates and the licensing of motor vehicles and towable recreational vehicle dealers, manufacturers, distributors and wholesalers is available from the motor vehicle division or on the department's website at www.iowadot.gov/mvd/buyingselling/dealers.

This rule is intended to implement Iowa Code sections 307.12(1)“j” and 321.57 through 321.63 and chapters 322 and 322C.

[ARC 9620C, IAB 10/15/25, effective 11/19/25]

761—425.2(307,322,322C) Definitions. The following definitions, in addition to those found in Iowa Code sections 322.2 and 322C.2, apply to this chapter:

“*All-weather surface*” means a surface that does not include grass or exposed soil.

“*Bad business repute*” means business activity in Iowa or any other state demonstrating noncompliance with, or infractions of, the provisions of Iowa Code chapter 322 or 322C or this chapter or law enforcement engagement or negative public perception, including complaints, media coverage and known criminal activity. For purposes of this definition, any evidence concerning a licensee's current or past conduct, dealings, habits or associations relevant to the business's reputation may be considered.

“*Certificate of title*” or “*title*” means the same as defined in rule 761—400.1(321).

“*Consumer use*” means use of a motor vehicle or towable recreational vehicle for business or pleasure, not for sale at retail, by a person who has obtained a certificate of title and has registered the vehicle under Iowa Code chapter 321.

“*Dealer*” unless otherwise specified means a person who is licensed to engage in the business of selling motor vehicles or towable recreational vehicles at retail in this state under Iowa Code chapter 322 or 322C.

“*Engaged in the business*” as defined in Iowa Code section 322.2 includes the sale of towable recreational vehicles.

“*Extension lot*” means as follows:

1. For a motor vehicle dealer, a lot for the sale of motor vehicles that is located within the same city or township as but is not adjacent to the motor vehicle dealer's principal place of business.
2. For a towable recreational vehicle dealer, a lot for the sale of towable recreational vehicles that is located within the same county as but is not adjacent to the towable recreational vehicle dealer's principal place of business.

“*Manufacturer's certificate of origin*” means the same as defined in rule 761—400.1(321).

“*Principal place of business*” means a building actually occupied and located in this state where the public and the department may contact the owner or operator during regular business hours. In lieu of a building, a towable recreational vehicle dealer may use a manufactured or mobile home as an office if taxes are current or a towable recreational vehicle as an office if registration fees are current.

“*Registered dealer*” means a dealer licensed under Iowa Code chapter 322 or 322C who possesses a current dealer certificate under Iowa Code section 321.59.

“*Regular business hours*” means to be consistently open to the public on a weekly basis at hours reported to the vehicle and motor carrier services bureau. Except as provided in Iowa Code section

322.36, regular business hours for a motor vehicle or towable recreational vehicle dealer shall include a minimum of 32 posted hours between 7 a.m. and 9 p.m., Monday through Friday.

“Restricted dealer” means a person or a business specifically identified in rule 761—425.9(307,321F,322,322C) that is required to obtain a dealer license for only a specific type of retail sales but that does not have to maintain repair facilities, display facilities or a working telephone service.

“Salesperson” means a person employed by a motor vehicle or towable recreational vehicle dealer for the purpose of buying or selling vehicles.

“Vehicle” unless otherwise specified means a motor vehicle or towable recreational vehicle.

“Wholesaler” means a person who sells new vehicles to dealers and not at retail.

This rule is intended to implement Iowa Code section 307.12(1) “j” and chapters 322 and 322C.

[ARC 9620C, IAB 10/15/25, effective 11/19/25]

761—425.3(307,322,322C) Application for dealer’s license. Application for a motor vehicle or towable recreational vehicle dealer license is to be made on Form 411008 and submitted with all supporting documents and the applicable statutory fees by mail to Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. Form 411008 may be obtained by phone at 515.237.3156, by email at dealer.programs@iowadot.us or on the department’s website at www.iowadot.gov/mvd/buyingselling/buyingselling/dealer.

This rule is intended to implement Iowa Code section 307.12(1) “j” and chapters 322 and 322C.

[ARC 9620C, IAB 10/15/25, effective 11/19/25]

761—425.4(307,322,322C) Supporting documentation and general requirements.

425.4(1) Required information and documentation. Each application for a dealer’s license shall include all information required by Iowa Code section 322.4 for motor vehicle dealers and Iowa Code section 322C.4 for towable recreational vehicle dealers and the following information and supporting documentation.

a. Surety bond.

(1) The applicant shall obtain a surety bond in the following amounts and include a provision requiring that notice be provided to the motor vehicle division at least 30 days before cancellation:

1. For a motor vehicle dealer’s license, \$75,000. However, an applicant for a motor vehicle dealer’s license is not required to file a bond if the person is licensed as a towable recreational vehicle dealer under the same name and at the same principal place of business.

2. For a towable recreational vehicle dealer’s license, \$75,000. However, an applicant for a towable recreational vehicle dealer’s license is not required to file a bond if the person is licensed as a motor vehicle dealer under the same name and at the same principal place of business.

(2) Evidence of the bond shall be on file with the motor vehicle division, and the original surety bond is to be maintained with the dealer’s business records.

(3) The motor vehicle division will notify the bonding company of any conviction of the dealer for a violation of laws related to the operations of the dealership.

b. Franchise agreement.

(1) An applicant who intends to sell new motor vehicles or towable recreational vehicles shall submit to the motor vehicle division a copy of a signed franchise agreement with the manufacturer or distributor of each make the applicant intends to sell.

(2) If a signed franchise agreement is not available at the time of application, the department may accept written evidence of a franchise that includes all of the following:

1. The name and address of the applicant and the manufacturer or distributor.

2. The make of motor vehicle or towable recreational vehicle that the applicant is authorized to sell.

3. The applicant’s area of responsibility as stipulated in the franchise and certified on a form prescribed by the department.

4. The signature of the manufacturer or distributor.

(3) A final-stage manufacturer applying for a motor vehicle dealer license under rule 761—425.5(322) is not required to submit a franchise agreement under paragraph 425.4(1) “b.”

c. Corporate applicants. If the applicant is a corporation, the applicant shall certify on the application that the corporation complies with all applicable state requirements for incorporation.

d. Zoning. The applicant shall provide to the motor vehicle division written evidence, issued by the office responsible for the enforcement of zoning ordinances in the city or county where the applicant’s business is located, stating the applicant’s principal place of business and any extensions comply with all applicable zoning provisions or are a legal nonconforming use.

e. Financial liability. The applicant for a motor vehicle dealer’s license shall certify on the application that the applicant has the required financial liability coverage in the limits as set forth in Iowa Code section 322.4(1). It is the applicant’s responsibility to ensure the required financial liability coverage is continuous with no lapse in coverage as long as the applicant maintains a valid dealer’s license.

f. Ownership information.

(1) If the owner of the business is an individual, the application shall include the legal name, bona fide address and telephone number of the owner. If the owner is a corporation or partnership, the application shall include the name, bona fide address and phone number of at least two partners or officers.

(2) The application shall include the federal employer identification number of the business. If the business is owned by an individual who is not required to have a federal employer identification number, the application shall include the individual’s social security number, Iowa nonoperator’s identification number or Iowa driver’s license number.

425.4(2) Principal place of business. The applicant shall maintain a principal place of business, which must be staffed during regular business hours (more information contained in rule 761—425.6(307,322,322C)). Before a motor vehicle dealer’s license is issued, a representative of the department will physically inspect an applicant’s principal place of business to verify compliance with this rule. A physical inspection is not required for a towable recreational vehicle dealer.

425.4(3) Separate licenses required.

a. A separate license is required for each city or township in which an applicant for a motor vehicle dealer’s license maintains a place of business.

b. A separate license is required for each county in which an applicant for a towable recreational vehicle dealer’s license maintains a place of business.

425.4(4) Dealership name. A dealer shall not represent or advertise the dealership under any name or style other than the name that appears on the dealer’s license.

425.4(5) Verification of compliance. Prior to issuance of the license, the department will verify the applicant’s compliance with all statutory and regulatory dealer licensing requirements.

425.4(6) Supplemental statement of changes. A licensed dealer shall file a written statement with the motor vehicle division at least ten days before any change of name, location, hours, method of doing business or any other statements made on the application. The specified changes cannot take effect until written approval is issued by the motor vehicle division.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 322.1 through 322.15 and 322C.1 through 322C.6.

[ARC 9620C, IAB 10/15/25, effective 11/19/25]

761—425.5(322) Motor vehicle dealer licensing for final-stage manufacturers.

425.5(1) Eligibility. A final-stage manufacturer may be licensed as a motor vehicle dealer if the final-stage manufacturer:

a. Meets the definition of “final-stage manufacturer” in Iowa Code section 322.2.

b. Meets the requirements of a final-stage manufacturer in 49 CFR Section 567.5 effective October 1, 2024.

c. Is licensed as a manufacturer under Iowa Code chapter 322 and this chapter.

425.5(2) Application. A final-stage manufacturer shall apply for a motor vehicle dealer license in the manner described in rule 761—425.4(307,322,322C) and certify that the final-stage manufacturer meets the eligibility requirements under subrule 425.4(1).

This rule is intended to implement Iowa Code sections 322.2 and 322.3.
[ARC 9620C, IAB 10/15/25, effective 11/19/25]

761—425.6(307,322,322C) Principal place of business requirements.

425.6(1) Telephone and office area. A principal place of business shall include a working telephone service provided specifically for business use and an adequate office area, separate from other facilities, for keeping business records, manufacturers' certificates of origin, certificates of title or other evidence of ownership for all motor vehicle or towable recreational vehicles offered for sale. Evidence of ownership may include a copy of an original document if the original document is held by a lienholder, floor planner or county treasurer.

425.6(2) Facility for displaying motor vehicles or towable recreational vehicles. A principal place of business shall include a facility for displaying motor vehicles or towable recreational vehicles meeting the following requirements.

a. Motor vehicles. A motor vehicle dealer's principal place of business shall include a suitable space reserved for display purposes where motor vehicles may be viewed by prospective buyers and is:

- (1) Within a building. However, used motor vehicle dealers and dealers selling new trucks or motor homes exclusively may use a display facility that is an outdoor area with an all-weather surface.
- (2) Of the following minimum applicable size:
 1. 10 feet by 15 feet for display of motorcycles, motorized bicycles and autocycles.
 2. 18 feet by 30 feet for display of other motor vehicles.

b. Towable recreational vehicles. A towable recreational vehicle dealer's principal place of business shall include a space of sufficient size to permit the display of one or more towable recreational vehicles. The display facility may be an indoor or an outdoor area with an all-weather surface. If an outdoor display facility is maintained, it may be used only to display, recondition or repair towable recreational vehicles or to park vehicles.

425.6(3) Facility for repairing and reconditioning motor vehicles and towable recreational vehicles. A principal place of business shall include a facility for repairing and reconditioning motor vehicles or towable recreational vehicles meeting the following requirements.

- a. Motor vehicles.* The facility for repairing and reconditioning motor vehicles shall:
- (1) Be equipped to repair and recondition one or more motor vehicles of a type sold by the dealer.
 - (2) Be within a building.
 - (3) Have adequate access.
 - (4) Be separated from the display and office areas by solid, floor-to-ceiling walls and solid, full-length doors.
 - (5) Be of the following minimum applicable unobstructed, rectangular size:
 1. 10 feet by 15 feet for motorcycles, motorized bicycles and autocycles.
 2. 14 feet by 24 feet for other types of motor vehicles.
- b. Towable recreational vehicles.* The facility for repairing and reconditioning towable recreational vehicles:
- (1) Shall be equipped and of sufficient size to repair and recondition one or more towable recreational vehicles of a type sold by the dealer.
 - (2) Shall have adequate access.
 - (3) Shall be either indoors or outdoors, but with an all-weather surface.
 - (4) May occupy the same area as the display facility.

425.6(4) *Motor vehicle dealer who is also a recycler.* If a motor vehicle dealer also does business as a recycler, there shall be separate parking for motor vehicles being offered for sale at retail from motor vehicles that are salvage.

425.6(5) *Towable recreational vehicle dealer also licensed as a motor vehicle dealer.* If a towable recreational vehicle dealer is also licensed as a motor vehicle dealer under the same name and at the same principal place of business, separate facilities for displaying, repairing and reconditioning towable recreational vehicles are not required.

425.6(6) *Colocation prohibited.* The department will not issue a license under Iowa Code chapter 322 or 322C to anyone at the principal place of business of an existing licensee.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 322.1 through 322.15 and 322C.1 through 322C.6.

[ARC 9620C, IAB 10/15/25, effective 11/19/25]

761—425.7(321,322) Business records of a motor vehicle dealer with multiple licenses.

425.7(1) *Applicability.* A motor vehicle dealer licensed under Iowa Code chapter 322 and this chapter who holds more than one motor vehicle dealer license may maintain the dealer’s collective business records together at any of the dealer’s licensed locations.

425.7(2) *Separation of records.* Business records of licensed motor vehicle dealers kept at a single licensed location under this rule shall:

- a. Be stored separately and distinctly, in a manner distinguishable to each licensee.
- b. Not be commingled.

425.7(3) *Notification to the department.* A motor vehicle dealer shall notify the motor vehicle division in writing no fewer than ten days before moving the dealer’s business records to another licensed location.

This rule is intended to implement Iowa Code sections 321.63 and 322.2 through 322.15.

[ARC 9620C, IAB 10/15/25, effective 11/19/25]

761—425.8(307,322,322C) Extension lot license. Extension lots of motor vehicle and towable recreational vehicle dealers must be licensed, and application is to be made to the department on Form 417072.

425.8(1) An extension lot must be owned or leased by the dealer.

425.8(2) For purposes of this rule, parcels of property are adjacent if the parcels are owned or leased by the dealer and the parcels are either adjoining or are separated only by an alley, street or highway that is not a fully controlled access facility.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 322.1 through 322.15 and 322C.1 through 322C.6.

[ARC 9620C, IAB 10/15/25, effective 11/19/25]

761—425.9(307,321F,322,322C) Restricted dealers.

425.9(1) A restricted dealer license is only required when the person or business meets the definition of “engaged in the business.” Banks, credit unions and trust companies in Iowa are not required to obtain a dealer license.

425.9(2) A restricted dealer license is only available to a person or business engaged in one of the following qualifying categories:

- a. Leased vehicles. The person or business leasing vehicles is selling those vehicles solely through an option to purchase in the lease agreement.
- b. Repossessed vehicles. The person or business is selling only those vehicles acquired or repossessed due to lien, title retention instruments or security contracts.
- c. Fleet vehicle sales. The person or business acquires vehicles for consumer use in a business and then offers the vehicles for sale.

d. Auction only. The person or business is selling more than six vehicles in a 12-month period only at public auctions. All certificates of title for vehicles offered for sale at the public auction shall be duly assigned to the restricted dealer.

e. Insurers. The person or business is selling vehicles of a type subject to registration solely for the purpose of disposing of vehicles acquired as a result of a damage settlement or recovered stolen vehicles acquired as a result of a loss settlement.

425.9(3) Restricted dealers must have a business location in Iowa but are not required to maintain a “place of business” as defined in Iowa Code section 322.2.

425.9(4) Restricted dealers may obtain titles and reassign titles. Restricted dealers cannot use dealer plates or issue “Registration Applied For” cards or in-transit permits.

425.9(5) The state of Iowa, counties, cities and other governmental subdivisions are not required to obtain a dealer’s license to sell their vehicles.

425.9(6) This rule does not apply to a vehicle owner, or to an auctioneer representing the owner, selling vehicles at a retail auction if the vehicles were acquired by the owner for consumer use, the vehicles are incidental to the auction and only one owner’s vehicles are sold.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 321F.9, 322.1 through 322.15 and 322C.1 through 322C.6.

[ARC 9620C, IAB 10/15/25, effective 11/19/25]

761—425.10(307,322,322C) State fair, fairs, shows and exhibitions.

425.10(1) *Definitions.* As used in this rule:

“Community” means the same as defined in Iowa Code section 322A.1.

“Display” means having new motor vehicles or new towable recreational vehicles available for public viewing at fairs, vehicle shows or vehicle exhibitions. The dealer may also post, display or provide product information through literature or other descriptive media. However, the product information shall not include prices, except for the manufacturer’s sticker price. “Display” does not mean offering new vehicles for sale or negotiating sales of new vehicles.

“Fair” means a county fair or a scheduled gathering for a predetermined period of time at a specific location for the exhibition, display or sale of various wares, products, equipment, produce or livestock, but not solely new vehicles, and sponsored by a person other than a single dealer.

“Offer” new vehicles “for sale,” “negotiate sales” of new vehicles, or similar wording means doing any of the following at the state fair or a fair, vehicle show or vehicle exhibition: posting prices in addition to the manufacturer’s sticker price, discussing prices or trade-ins, arranging for payments or financing and initiating contracts.

“State fair” means the fair as described in Iowa Code chapter 173.

“Vehicle exhibition” means a scheduled event conducted at a specific location where various types, makes or models of new vehicles are displayed either at the same time or consecutively in time and sponsored by a person other than a single dealer.

“Vehicle show” means a scheduled event conducted for a predetermined period of time at a specific location for the purpose of displaying at the same time various types, makes or models of new vehicles, which may be in conjunction with other events or displays, and sponsored by a person other than a single dealer.

425.10(2) *Permits for dealers of new motor vehicles.*

a. A “display only” fair, vehicle show or vehicle exhibition permit allows a motor vehicle dealer to display new motor vehicles at a specified fair, vehicle show or vehicle exhibition in any Iowa county. The permit is valid on Sundays.

b. A “full” fair, state fair, vehicle show or vehicle exhibition permit allows a motor vehicle dealer to display and offer new motor vehicles for sale and negotiate sales of new motor vehicles at the state fair, or a specified fair, vehicle show or vehicle exhibition that is held within the motor vehicle dealer’s community.

EXCEPTION: A motor vehicle dealer who is licensed to sell motor homes may be issued a permit to offer for sale Class “A” and Class “C” motor homes at a specified fair, vehicle show or vehicle exhibition in any Iowa county. A “full” fair, show or exhibition permit is not valid on Sundays.

c. The following restrictions are applicable to both types of permits:

(1) Permits will be issued to motor vehicle dealers only for the state fair, fairs, vehicle shows or vehicle exhibitions where more than one motor vehicle dealer may participate.

(2) A permit is limited to the line makes for which the motor vehicle dealer is licensed in Iowa.

425.10(3) *Permits for dealers of new towable recreational vehicles.* A fair, vehicle show or vehicle exhibition permit allows a towable recreational vehicle dealer to display and offer new towable recreational vehicles for sale and negotiate sales of new towable recreational vehicles at a specified fair, vehicle show or vehicle exhibition in any Iowa county.

a. The permit is valid on Sundays.

b. The permit is limited to the line makes for which the towable recreational vehicle dealer is licensed in Iowa.

c. A towable recreational vehicle dealer who does not have a permit may display vehicles at fairs, vehicle shows and vehicle exhibitions.

425.10(4) *Permit application.* Application for a permit under this rule is to be submitted to the motor vehicle division on Form 411119 at least ten days prior to the event and must include the dealer’s name, address and license number and the following information about the event: name, location, sponsor(s) and duration, including the opening and closing dates.

425.10(5) *Display of permit.* The motor vehicle or towable recreational vehicle dealer shall display the permit in close proximity to the vehicles being exhibited.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 322.5(2) and 322C.3(9).

[ARC 9620C, IAB 10/15/25, effective 11/19/25]

761—425.11(322) Classic car permit. A classic car permit allows a motor vehicle dealer to display and sell classic cars at a specified county fair, vehicle show or vehicle exhibition that is held in the same county as the motor vehicle dealer’s principal place of business. “Classic car” is defined in Iowa Code section 322.5(3).

425.11(1) The permit period is the duration of the event, not to exceed five days. The permit is valid on Sundays. Only one permit may be issued to each motor vehicle dealer for an event. No more than three permits may be issued to a motor vehicle dealer in any one calendar year.

425.11(2) Application for a permit under this rule is to be made to the motor vehicle division on Form 411045 at least ten days prior to the event and must include the dealer’s name, address and license number and the following information about the county fair, vehicle show or vehicle exhibition: name, location, sponsor(s) and duration, including the opening and closing dates.

425.11(3) The motor vehicle dealer shall display the permit in a prominent place at the location of the county fair, vehicle show or vehicle exhibition.

This rule is intended to implement Iowa Code section 322.5(3).

[ARC 9620C, IAB 10/15/25, effective 11/19/25]

761—425.12(322) Nonresident motor truck display permit. Application for a permit under this rule is to be made to the motor vehicle division on Form 493007 at least ten days prior to the event and must include information or documentation showing that the nonresident motor vehicle dealer is eligible for issuance of a permit and that the event meets the statutory conditions for permit issuance.

This rule is intended to implement Iowa Code section 322.5(4).

[ARC 9620C, IAB 10/15/25, effective 11/19/25]

761—425.13(322) Firefighting and rescue show permit.

425.13(1) Application for a firefighting and rescue show permit for vehicle shows and vehicle exhibitions conducted for educational purposes only is to be made to the motor vehicle division on Form 411220 at least ten days prior to the event and must include the name, address and license

number of the applicant, the type of vehicles being displayed and the following information about the vehicle show or vehicle exhibition: name, location, sponsor(s) and duration, including the opening and closing dates.

425.13(2) The permit is not valid on Sundays. Only one permit can be issued to each licensee for an event.

425.13(3) The permit holder shall display the permit in a prominent place at the location of the vehicle show or vehicle exhibition.

This rule is intended to implement Iowa Code section 322.5(5).

[ARC 9620C, IAB 10/15/25, effective 11/19/25]

761—425.14(307,322,322C) Salespersons of dealers.

425.14(1) Every motor vehicle and towable recreational vehicle dealer shall:

a. Keep a current written record of all salespersons acting on the dealer's behalf. The record shall be available for inspection by any peace officer or any employee of the department.

b. Maintain a current record of authorized persons allowed to sign all documents required under Iowa Code chapter 321 for vehicle sales.

425.14(2) No person is authorized to either directly or indirectly claim to represent a dealer unless the person is listed as a salesperson by that dealer.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 322.3, 322.13 and 322C.4.

[ARC 9620C, IAB 10/15/25, effective 11/19/25]

761—425.15(307,322,322C) Manufacturers, distributors and wholesalers—application and requirements. This rule applies to the licensing of manufacturers, distributors and wholesalers of new motor vehicles and towable recreational vehicles.

425.15(1) *Application for license.* To apply for a license under this rule, the applicant shall complete and submit to the motor vehicle division Form 417029 and provide a list of the applicant's franchised dealers in Iowa and a sample copy of a completed manufacturer's certificate of origin that is issued by the applicant. A distributor or wholesaler shall also provide a copy of written authorization from the manufacturer to act as its distributor or wholesaler.

425.15(2) *Licensing requirements.* A licensee shall:

a. If applicable, ensure new motor homes delivered to Iowa dealers contain the systems and meet the standards specified in Iowa Code section 321.1(36D) "d."

b. Ensure that any new retail outlet is properly licensed as a dealer before any vehicles are delivered to the outlet.

c. Notify the motor vehicle division in writing at least ten days prior to any:

(1) Change in name, location or method of doing business, as shown on the license.

(2) Issuance of a franchise to a dealer in this state to sell new vehicles at retail.

(3) Change in the trade name of a towable recreational vehicle manufactured for delivery in this state.

(4) New make of vehicle being offered for sale at retail in this state.

425.15(3) *Wholesaler's financial liability coverage.* A new motor vehicle wholesaler shall certify on the license application that the wholesaler has the required financial liability coverage in the limits set forth in Iowa Code section 322.27A. It is the wholesaler's responsibility to ensure that the required financial liability coverage is continuous with no lapse in coverage as long as the wholesaler maintains a valid wholesaler's license.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 322.27 through 322.30 and 322C.7 through 322C.9.

[ARC 9620C, IAB 10/15/25, effective 11/19/25]

761—425.16(307,321,322,322C) Right of inspection.

425.16(1) Peace officers have the authority to inspect vehicles or component parts of vehicles, business records and manufacturers' certificates of origin, certificates of title and other evidence of

ownership for all vehicles sold and inventory offered for sale. This rule will not be construed to require a dealer to keep records for a sold vehicle longer than the dealer's established records retention policy requires, or ten years, whichever is longer.

425.16(2) The department has the right at any time to verify compliance of a person licensed under Iowa Code chapter 322 or 322C or issued a certificate under Iowa Code section 321.59 with all statutory and regulatory requirements.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 321.62, 321.95, 322.13 and 322C.1.

[ARC 9620C, IAB 10/15/25, effective 11/19/25]

761—425.17(17A,307,321,322,322C) Denial, suspension or revocation.

425.17(1) The department may deny an application or suspend or revoke a certificate or license if the applicant, certificate holder or licensee fails to comply with the applicable provisions of this chapter, Iowa Code sections 321.57 through 321.63 or Iowa Code chapter 322 or 322C.

425.17(2) The department will cancel a dealer's license upon notification of cancellation of a surety bond under rule 761—425.4(307,322,322C). The cancellation takes effect the same date that the bond is cancelled. However, upon reinstatement of the bond or issuance of a new bond pursuant to rule 761—425.4(307,322,322C), the department will immediately rescind the revocation of the dealer's license.

425.17(3) The department may deny a dealer's application for the state fair or a fair, vehicle show or vehicle exhibition permit for a period not to exceed six months if the dealer fails to comply with the applicable provisions of rule 761—425.10(307,322,322C) or Iowa Code section 322.5(2) or 322C.3(9).

425.17(4) The department may deny a motor vehicle dealer's application for a demonstration permit for a period not to exceed six months if the dealer fails to comply with rule 761—425.19(307,321).

425.17(5) The department will send notice by certified mail to a person whose certificate, license or permit is to be revoked, suspended, canceled or denied. The notice will be mailed to the person's mailing address as shown on departmental records or, if the person is currently licensed, to the principal place of business and will take effect 20 days from the date mailed. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 2506. The request shall be submitted in writing to the director of the motor vehicle division at the address in rule 761—425.3(307,322,322C). The request will be deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice of revocation, suspension, cancellation or denial.

This rule is intended to implement Iowa Code chapter 17A and sections 307.12(1) "j," 321.57 through 321.63, 322.6, 322.9, 322.31 and 322C.6.

[ARC 9620C, IAB 10/15/25, effective 11/19/25; Editorial change: IAC Supplement 6/24/26]

761—425.18(307,321) Dealer plates.

425.18(1) *Persons who may be issued dealer plates.* Dealer plates as provided in Iowa Code sections 321.57 through 321.63 may be issued to:

- a. Licensed motor vehicle dealers.
- b. Licensed towable recreational vehicle dealers.
- c. A person engaged in the business of buying, selling or exchanging trailer-type vehicles subject to registration under Iowa Code chapter 321, other than towable recreational vehicles, and who has an established place of business for such purpose in this state.
- d. Insurers selling vehicles of a type subject to registration under Iowa Code chapter 321 solely for the purpose of disposing of vehicles acquired as a result of a damage settlement or recovered stolen vehicles acquired as a result of a loss settlement.
- e. A person selling vehicles of a type subject to registration under Iowa Code chapter 321 solely for the purpose of disposing of vehicles acquired or repossessed by the person in exercise of powers or

rights granted by lien or title-retention instruments or contracts given as security for loans or purchase money obligations and who are not required to be licensed dealers.

f. A person engaged in the business of selling special equipment body units that have been or will be installed on motor vehicle chassis not owned by the person, solely for the purpose of delivering, testing or demonstrating the special equipment body and the motor vehicle.

g. A licensed manufacturer of ambulances, rescue vehicles or fire vehicles, solely for the purpose of transporting, demonstrating, showing or exhibiting the vehicles.

h. A licensed wholesaler who is also licensed as a motor vehicle dealer as specified in paragraph 425.18(3)“*e.*”

425.18(2) *Limited use.* Dealer plates displayed pursuant to paragraphs 425.18(1)“*d*” through “*h*” shall display the words “limited use.”

425.18(3) *Use of dealer plates.*

a. Dealer plates shall not be displayed on vehicles that are rented or loaned. However, a dealer plate may be displayed on a motor vehicle, other than a truck or truck tractor, loaned to a customer of a licensed motor vehicle dealer while the customer’s motor vehicle is being serviced or repaired by the dealer.

b. Saddle-mounted vehicles being transported shall display dealer plates.

c. Dealer plates may be displayed on a trailer carrying a load, provided the motor vehicle towing the trailer is properly registered under Iowa Code section 321.109, 321.120 or 321.122 or is displaying a dealer plate described in paragraph 425.18(3)“*e.*” or a demonstration permit has been issued as described in rule 761—425.19(307,321).

d. Dealer plates may be used by a dealer licensed as a wholesaler for a new motor vehicle model when operating a new motor vehicle of that model if the motor vehicle is owned by the wholesaler and is operated solely for the purpose of demonstration, show or exhibition.

e. A dealer plate issued under Iowa Code section 321.60 for the purpose of hauling a load or towing a trailer will be marked “HAUL & TOW.” Dealer “HAUL & TOW” plates may only be displayed on vehicles in the dealer’s inventory that are continuously offered for sale at retail.

This rule is intended to implement Iowa Code sections 307.12(1)“*j*” and 321.57 through 321.63.

[ARC 9620C, IAB 10/15/25, effective 11/19/25]

761—425.19(307,321) Demonstration permits.

425.19(1) Demonstration permits may be issued by motor vehicle dealers to permit the use of dealer plates for the purpose of demonstrating the load capabilities of motor trucks and truck tractors. A demonstration permit must be issued on a form prescribed by the department.

425.19(2) The dealer shall complete the permit. The information to be filled out includes but is not limited to the following:

a. Date of issuance by the dealer, date of expiration and the specific dates for which the permit is valid. The expiration date shall be five days or less from the date of issuance.

b. Dealer’s name, address and license number.

c. Name(s) of the prospective buyer(s) and all prospective drivers.

d. Route of the demonstration trip. The points of origin and destination shall be the dealership. The permit is not valid for a route outside Iowa.

e. The make, year and vehicle identification number of the motor vehicle being demonstrated.

425.19(3) The permit shall at all times be carried in the motor vehicle to which it refers and be shown to any peace officer upon request.

425.19(4) No more than one demonstration permit per motor vehicle is to be issued for a prospective buyer.

425.19(5) The demonstration permit is valid only for a movement that does not exceed the legal length, width, height and weight restrictions. The permit is not valid for an overdimensional or overweight movement.

425.19(6) A dealer plate issued under Iowa Code section 321.60 for the purpose of hauling a load or towing a trailer may be used in lieu of a demonstration permit.

This rule is intended to implement Iowa Code sections 307.12(1) “j” and 321.57 through 321.63.

[ARC 9620C, IAB 10/15/25, effective 11/19/25]

[761—Chapter 420 appeared as Ch 10, Department of Public Safety, 1973 IDR]

[Filed 7/1/75]

[Filed 10/28/77, Notice 8/24/77—published 11/16/77, effective 12/21/77]

[Filed 11/22/77, Notice 10/5/77—published 12/14/77, effective 1/18/78]

[Filed 5/9/78, Notice 3/22/78—published 5/31/78, effective 7/5/78]

[Filed 10/10/78, Notice 8/23/78—published 11/1/78, effective 12/6/78]

[Filed 8/23/79, Notice 7/11/79—published 9/19/79, effective 10/24/79]

[Filed 2/14/80, Notice 12/26/79—published 3/5/80, effective 4/9/80]

[Filed 9/9/81, Notice 7/22/81—published 9/30/81, effective 11/4/81]

[Filed 1/28/82, Notice 12/9/81—published 2/17/82, effective 3/24/82]

[Filed 1/21/83, Notice 12/8/82—published 2/16/83, effective 3/23/83]

[Filed emergency 2/17/83—published 3/16/83, effective 3/23/83]

[Filed 9/4/85, Notice 7/17/85—published 9/25/85, effective 10/30/85]

[Filed emergency 10/23/86—published 11/19/86, effective 10/24/86]

[Filed 1/6/87, Notice 11/19/86—published 1/28/87, effective 3/4/87]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed 11/3/88, Notice 9/21/88—published 11/30/88, effective 1/4/89][◇]

[Filed emergency 11/30/89—published 12/27/89, effective 12/1/89]

[Filed 12/5/90, Notice 10/17/90—published 12/26/90, effective 1/30/91]

[Filed 1/15/92, Notice 12/11/91—published 2/5/92, effective 3/11/92]

[Filed 1/14/93, Notice 11/25/92—published 2/3/93, effective 3/10/93]

[Filed 12/16/93, Notice 11/10/93—published 1/5/94, effective 2/9/94]

[Filed 6/19/96, Notice 1/17/96—published 7/17/96, effective 8/21/96]

[Filed 3/5/97, Notice 1/29/97—published 3/26/97, effective 4/30/97]

[Filed 12/17/97, Notice 11/5/97—published 1/14/98, effective 2/18/98]

[Filed 10/14/99, Notice 9/8/99—published 11/3/99, effective 12/8/99]

[Filed 7/20/00, Notice 6/14/00—published 8/9/00, effective 9/13/00]

[Filed 6/19/02, Notice 4/17/02—published 7/10/02, effective 8/14/02]

[Filed 11/2/05, Notice 9/14/05—published 11/23/05, effective 12/28/05]

[Filed 10/11/07, Notice 8/15/07—published 11/7/07, effective 12/12/07]

[Filed ARC 9048B (Notice ARC 8869B, IAB 6/30/10), IAB 9/8/10, effective 10/13/10]

[Filed ARC 0136C (Notice ARC 0068C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]

[Filed ARC 0778C (Notice ARC 0658C, IAB 4/3/13), IAB 6/12/13, effective 7/17/13]

[Filed ARC 2985C (Notice ARC 2908C, IAB 1/18/17), IAB 3/15/17, effective 4/19/17]

[Filed ARC 3687C (Notice ARC 3513C, IAB 12/20/17), IAB 3/14/18, effective 4/18/18]

[Filed ARC 4343C (Notice ARC 4230C, IAB 1/16/19), IAB 3/13/19, effective 4/17/19]

[Filed ARC 4960C (Notice ARC 4770C, IAB 11/20/19), IAB 3/11/20, effective 4/15/20]

[Filed ARC 9620C (Notice ARC 9415C, IAB 7/23/25), IAB 10/15/25, effective 11/19/25]

[Editorial change: IAC Supplement 6/24/26]

◇ Two or more ARCs

CHAPTER 431
VEHICLE RECYCLERS

[Prior to 6/3/87, Transportation Department[820]—(07,D) Ch 6]

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/27/30

761—431.1(307,321H) Definitions.

“*NMVTIS*” means the National Motor Vehicle Title Information System.

“*Principal place of business*” means a building actually occupied where the public and the department may contact the owner or operator during regular business hours. The principal place of business must be located in this state.

“*Regular business hours*” means to be consistently open to the public on a weekly basis at hours reported to the motor vehicle division. Regular business hours shall include a minimum of 32 posted hours between 7 a.m. and 9 p.m., Monday through Friday.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321H.2 and 321H.4.

[ARC 9449C, IAB 7/23/25, effective 8/27/25]

761—431.2(307,321,321H) Authorized vehicle recycler.

431.2(1) General requirements. Every authorized vehicle recycler shall:

a. Maintain a principal place of business that includes separate and adequate office space for the recycler’s business records and a working telephone service provided specifically for business use, which will allow the public, the department and law enforcement to contact the licensee during business hours.

b. Maintain regular business hours at the principal place of business.

c. Comply with local zoning laws.

d. Comply with the provisions of Iowa Code chapter 306C, relating to the Iowa junkyard control law, when applicable.

e. If subject to the requirements of 28 CFR Section 25.56, effective July 1, 2023, as adopted in Iowa Code section 321H.4A(2) “a,” do all of the following:

(1) Obtain and maintain a registered account with the NMVTIS.

(2) Report, or verify reporting of, inventory to the NMVTIS.

(3) If applicable, verify the seller of a vehicle purchased by the recycler has complied with 28 CFR Section 25.56, effective July 1, 2023, and document such verification on a form prescribed by the department if third-party electronic records are insufficient to verify compliance with 28 CFR Section 25.56, effective July 1, 2023, because the vehicle has been crushed or flattened by mechanical means as stated in Iowa Code section 321H.4A.

(4) Retain records of compliance, including verification forms completed under subparagraph 431.2(1) “e”(3), at the vehicle recycler’s principal place of business for at least three years after the purchase of the vehicle. Records may be stored either in hard copy or electronically.

f. Only represent or advertise the business under the name or style that appears on the recycler’s license.

g. Allow any peace officer to inspect vehicles or component parts of vehicles and the records and documents required to be kept under Iowa Code chapter 321H and this chapter.

431.2(2) Vehicle rebuilder qualifications. For every licensed location, a vehicle rebuilder must have:

a. An unobstructed area inside a building for rebuilding and restoring vehicles. The inside measurement of the unobstructed area must be at least 14 feet by 24 feet.

b. Sufficient storage for all vehicles in the rebuilder’s inventory.

c. Equipment necessary to perform rebuilding and restoring of vehicles in the inventory, such as frame-straightening equipment, a hydraulic jack, alignment and calibration equipment, and tools.

431.2(3) Used vehicle parts dealer qualifications. For every licensed location, a used vehicle parts dealer must have sufficient storage for the vehicle parts in the dealer’s inventory.

431.2(4) *Vehicle salvager qualifications.* For every licensed location, a vehicle salvager must have:

- a.* Sufficient storage for vehicles, vehicle parts and vehicle bodies included in the salvager's inventory.
- b.* Sufficient equipment necessary to perform dismantling, scrapping or storing of vehicles and vehicle parts in the inventory.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 321.95, 321H.4 and 321H.4A.

[ARC 9449C, IAB 7/23/25, effective 8/27/25]

761—431.3(307,321H) Application and requirements for license.

431.3(1) *Application submission.* Application for an authorized vehicle recycler's license shall be made on Form 411117 and submitted to the department with the applicable statutory fee by mail to Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. Form 411117 may be obtained by contacting the motor vehicle division, by phone at 515.237.3156, by email to dealer.programs@iowadot.us or on the department's website at www.iowadot.gov/mvd/buyingselling/buyingselling/recycler.

431.3(2) *Required information.* Each application shall include all information required by Iowa Code section 321H.4 and the following information:

- a.* The business's name, bona fide address and telephone number.
- b.* The legal name, bona fide address and telephone number of an owner when the owner of the business is an individual, or the name, bona fide address and phone number of at least two partners or officers if the business is a partnership or corporation.
- c.* The federal employer identification number of the business. If the business is owned by an individual who is not required to have a federal employer identification number, the application shall include the individual's social security number, Iowa nonoperator's identification number or Iowa driver's license number.
- d.* The address of any extension of the applicant's place of business.
- e.* Certification the applicant complies with the requirements for the type of business the applicant engages in as specified under Iowa Code section 321H.4(2) "b."
- f.* A letter from the appropriate city or county zoning official stating that the business, or any extension of the applicant's business, complies with all applicable zoning provisions or is a legal nonconforming use. The letter must include acknowledgment by the zoning official of the type, or types, of business the applicant is engaged in.
- g.* A statement of the previous criminal history of the applicant. If the applicant is a corporation, the statement is required from each officer. If the applicant is a partnership, the statement is required from each partner.
- h.* The unique NMVTIS identification number as proof of compliance with registration requirements.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 321H.4 and 321H.4A.

[ARC 9449C, IAB 7/23/25, effective 8/27/25]

761—431.4(17A,307,321H) Denial, suspension or revocation.

431.4(1) *Denial.* The department shall deny an application if the applicant fails to meet the criteria for issuance of a license under this chapter and is authorized to deny the application for any of the reasons stated in Iowa Code section 321H.6.

431.4(2) *Suspension or revocation.* The department may suspend or revoke the recycler's license for failure to comply with the provisions of this chapter or for any of the reasons stated in Iowa Code section 321H.6.

431.4(3) *Appeal.* A person aggrieved by a decision of the department may contest the decision pursuant to 761—Chapter 2506 by submitting an appeal request in writing to the director of the motor vehicle division.

This rule is intended to implement Iowa Code chapter 17A and sections 307.12(1) “j” and 321H.6.

[ARC 9449C, IAB 7/23/25, effective 8/27/25; Editorial change: IAC Supplement 6/24/26]

[Filed 9/9/81, Notice 7/22/81—published 9/30/81, effective 11/4/81]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed emergency 6/22/88—published 7/13/88, effective 7/1/88]

[Filed emergency 11/30/89—published 12/27/89, effective 12/1/89]

[Filed 1/15/92, Notice 12/11/91—published 2/5/92, effective 3/11/92]

[Filed 1/14/93, Notice 11/25/92—published 2/3/93, effective 3/10/93]

[Filed 6/19/02, Notice 4/17/02—published 7/10/02, effective 8/14/02]

[Filed 10/11/07, Notice 8/15/07—published 11/7/07, effective 12/12/07]

[Filed ARC 9048B (Notice ARC 8869B, IAB 6/30/10), IAB 9/8/10, effective 10/13/10]

[Filed ARC 0136C (Notice ARC 0068C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]

[Filed ARC 6489C (Notice ARC 6361C, IAB 6/15/22), IAB 9/7/22, effective 10/12/22]

[Filed ARC 9449C (Notice ARC 9097C, IAB 4/16/25), IAB 7/23/25, effective 8/27/25]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 451
AUTHORIZED EMERGENCY VEHICLE CERTIFICATE OF DESIGNATION
[Prior to 6/3/87, see Transportation Department[820]—(07,E) Ch 2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/26/30

761—451.1(307,321) Information. Information about certificates of designation for authorized emergency vehicles is available 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 515.237.3156; by email at dealer.programs@iowadot.us; or on the department's website at www.iowadot.gov.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 321.2 and 321.3.

[ARC 8938C, IAB 2/19/25, effective 3/26/25]

761—451.2(307,321) Certificate application and expiration.

451.2(1) Application for a certificate of designation as an authorized emergency vehicle is to be submitted to the motor vehicle division in the form and manner prescribed by the department.

451.2(2) The certificate of designation expires on the thirty-first day of December five years from the year in which it was issued.

This rule is intended to implement Iowa Code sections 307.12(1) "j" and 321.451.

[ARC 8938C, IAB 2/19/25, effective 3/26/25]

761—451.3(321) Towing and recovery vehicles. In addition to the provisions of Iowa Code sections 321.231(2), 321.231(4), 321.231A, 321.324A(4) and 321.451, a towing or recovery vehicle with a valid certificate of designation may only display illuminated emergency lights in one of the following circumstances:

451.3(1) When the vehicle is at the scene of an emergency, which includes an incident dangerous to the public or roadside operations where increased visibility will mitigate risk of traffic hazards.

451.3(2) When otherwise authorized by a law enforcement officer.

This rule is intended to implement Iowa Code sections 321.231, 321.231A, 321.324A(4) and 321.451.

[ARC 8938C, IAB 2/19/25, effective 3/26/25]

761—451.4(17A,307,321) Denial or revocation.

451.4(1) The department shall deny an application if the applicant does not establish that the vehicle will be used as an authorized emergency vehicle or if the applicant does not meet the criteria for issuance of a certificate pursuant to Iowa Code section 321.451.

451.4(2) The department shall revoke a certificate of designation if the holder fails to comply with the applicable provisions of this chapter or Iowa Code section 321.231, 321.231A, 321.324A(4) or 321.451 or if the certificate holder is no longer eligible for the certificate.

451.4(3) When the department denies or revokes a certificate of designation, notice will be sent in accordance with Iowa Code section 321.16. The revocation or denial takes effect 20 days from the date mailed. A person who is entitled to a hearing may contest the decision in accordance with 761—Chapter 2506. The request will be submitted in writing to the director of the motor vehicle division and deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice.

This rule is intended to implement Iowa Code chapter 17A and sections 307.12(1) "j," 321.13, 321.16, 321.231, 321.231A, 321.324A(4) and 321.451.

[ARC 8938C, IAB 2/19/25, effective 3/26/25; Editorial change: IAC Supplement 6/24/26]

[761—Chapter 451 appeared as Ch 2, Department of Public Safety, 1973 IDR]

[Filed 11/13/62; transferred to Department of Transportation 7/1/75]

[Filed 2/7/86, Notice 12/18/85—published 2/26/86, effective 4/2/86]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed 11/3/88, Notice 9/21/88—published 11/30/88, effective 1/4/89]
[Filed emergency 11/30/89—published 12/27/89, effective 12/1/89]
[Filed 11/29/95, Notice 10/25/95—published 12/20/95, effective 1/24/96]
[Filed 6/19/02, Notice 4/17/02—published 7/10/02, effective 8/14/02]
[Filed 11/2/05, Notice 9/14/05—published 11/23/05, effective 12/28/05]
[Filed 10/11/07, Notice 8/15/07—published 11/7/07, effective 12/12/07]
[Filed ARC 2755C (Notice ARC 2640C, IAB 8/3/16), IAB 10/12/16, effective 11/16/16]
[Filed ARC 6308C (Notice ARC 6141C, IAB 1/12/22), IAB 5/4/22, effective 6/8/22]
[Filed ARC 6845C (Notice ARC 6702C, IAB 11/30/22), IAB 2/8/23, effective 3/15/23]
[Filed ARC 8938C (Notice ARC 8335C, IAB 11/13/24), IAB 2/19/25, effective 3/26/25]
[Editorial change: IAC Supplement 6/24/26]

MOTOR CARRIERS

CHAPTER 500

INTERSTATE REGISTRATION AND OPERATION OF VEHICLES

[Prior to 6/3/87, Transportation Department[820]—(07,F) Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/19/30

761—500.1(326) Definitions. The definitions in Iowa Code sections 326.2 and 326.3 apply to this chapter. In addition:

“*Distance schedule*” means the department form used to report fleet distance.

“*IRP*” means the International Registration Plan as defined in Iowa Code section 326.2.

“*Qualified registrant*” means a motor carrier who has received written approval by the department to self-certify IRP credential destruction.

“*Self-certification of IRP credential destruction*” means a signed statement that is completed by a qualified registrant certifying the date the IRP credentials have been destroyed.

“*Temporary evidence of apportioned registration*” means a document issued by the department that describes the vehicle and lists the weight for each jurisdiction in which the vehicle is registered for operation and allows the vehicle to be operated.

“*Vehicle schedule*” means the department form used to report vehicle registration information.

This rule is intended to implement Iowa Code sections 326.2, 326.3, 326.15 and 326.33.

[ARC 9621C, IAB 10/15/25, effective 11/19/25]

761—500.2(326) General information.

500.2(1) *Information and location.* Applications, forms and information on interstate registration and operation of vehicles are available on the department’s website at www.iowadot.gov/mvd/motorcarriers/IRP/File-IRP; by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Boulevard, Ankeny, Iowa; by telephone at 515.237.3268; by facsimile at 515.236.3225; or by email at omcs@iowadot.us.

500.2(2) *Method of operation.* The operations of the department’s motor vehicle division relating to reciprocity and apportioned registration are conducted in accordance with the IRP and Iowa Code chapters 321 and 326.

500.2(3) *Organizational data.* The motor vehicle division is authorized pursuant to Iowa Code chapter 326 to enter into reciprocity apportioned registration agreements with other jurisdictions. The department is a member of the IRP. The IRP, effective October 2025, is hereby incorporated into this chapter. Under this agreement, the motor vehicle division will do all of the following:

a. Compute and collect apportionable fees due to this state under apportioned registration agreements.

b. Issue registration plates, validation stickers, cab cards, temporary evidence of apportioned registration and trip permits to qualified registrants.

c. Enter into reciprocity agreements with other jurisdictions. These agreements exempt nonresidents from the registration and registration fee requirements of Iowa Code chapter 321.

This rule is intended to implement Iowa Code sections 326.5, 326.6 and 326.33.

[ARC 9621C, IAB 10/15/25, effective 11/19/25]

761—500.3(17A,326) Waiver of rules. In accordance with 761—Chapter 2504, the director of transportation or the director’s designee (director) may, in response to a petition, waive provisions of this chapter. A waiver will not be granted unless the director finds that special or emergency circumstances exist. “Special or emergency circumstances” means one or more of the following:

500.3(1) Circumstances where the movement is necessary to cooperate with cities, counties, other state agencies or other states in response to a national or other disaster.

500.3(2) Circumstances where the movement is necessary to cooperate with national defense officials.

500.3(3) Circumstances where the movement is necessary to cooperate with public or private utilities in order to maintain their public services.

500.3(4) Circumstances where the movement is essential to ensure safety and protection of any person or property due to events such as but not limited to pollution of natural resources, a potential fire or explosion.

500.3(5) Circumstances where weather or transportation problems create an undue hardship for citizens of the state of Iowa.

500.3(6) Circumstances where movement involves emergency-type vehicles.

500.3(7) Uncommon or extraordinary circumstances where the movement is essential to the existence of an Iowa business and the move may be accomplished without causing undue hazard to the safety of the traveling public or undue damage to private or public property.

This rule is intended to implement Iowa Code sections 17A.9A and 326.33.

[ARC 9621C, IAB 10/15/25, effective 11/19/25; Editorial change: IAC Supplement 6/24/26]

761—500.4(326) Renewal for IRP registration. Renewal reminder notices are sent electronically or by mail at least 60 days prior to the registration expiration date to all registrants who maintained an active IRP fleet with Iowa during that year. The renewal is made available online at least 60 days prior to the registration expiration date and can be accessed on the department's website.

500.4(1) The renewal must include:

a. A completed and signed distance schedule and vehicle schedule(s). The schedules can be filed and signed either electronically or on paper.

b. Title documentation, if necessary.

c. One of the following:

(1) Receipted federal heavy vehicle use tax (Form 2290 Schedule 1) for vehicles with a taxable gross weight of 55,000 pounds or more.

(2) A copy of Form 2290 Schedule 1 and sufficient documentation of payment of the tax due at the time Form 2290 was filed. The documentation can include but is not limited to a photocopy of both sides of a canceled check, a bank statement indicating the amount of tax paid and electronic acknowledgment indicating a payment of tax and an Internal Revenue Service printout of the taxpayer's account showing the amount of tax paid.

500.4(2) Additional renewal procedures.

a. Vehicles may be deleted from the fleet at the time of renewal. Operating a vehicle with credentials marked as deleted will result in the registrant being responsible for any fees assessed, including any applicable penalty. Operating a vehicle with credentials that were self-certified as destroyed will result in suspension of the self-certification privilege.

b. Units being stored must be marked "stored" on the renewal vehicle schedule and the plates, cab cards and validation stickers must be returned in accordance with rule 761—500.5(321).

c. Vehicles may be added at the time of renewal. Upon payment of required fees, an applicant must apply for a temporary evidence of apportioned registration to be issued to operate a vehicle in accordance with the IRP. The department may extend the temporary evidence of apportioned registration if there are extenuating circumstances beyond the applicant's control.

d. When the registrant is seeking a refund in accordance with Iowa Code section 326.15 for vehicles deleted from a fleet, the annual and permanent registration plates and validation stickers must be returned to the motor vehicle division. No refund will be paid for a vehicle deleted at the time of renewal.

This rule is intended to implement Iowa Code sections 326.6, 326.11, 326.12, 326.14, 326.15 and 326.33.

[ARC 9621C, IAB 10/15/25, effective 11/19/25]

761—500.5(321,326) Deadline for placing a vehicle in storage. The registrant of a currently registered vehicle may at any time request that a vehicle be put into storage. The registrant must complete a vehicle schedule and return it with the plate, cab card and validation sticker to the motor vehicle division. The vehicle schedule, plate, cab card and sticker must be received or postmarked on or before the registration expiration date to stop the registration fee from being assessed for the renewal year. The motor vehicle division will destroy the plate and return the cab card to the registrant with the word “stored” stamped on it. Placing the vehicle in storage stops penalties on registration fees. When the vehicle is taken out of storage, the vehicle is assessed for the current annual registration fee.

This rule is intended to implement Iowa Code sections 321.126, 321.134 and 326.33.

[ARC 9621C, IAB 10/15/25, effective 11/19/25]

761—500.6(326) Payment, delinquency and suspension.

500.6(1) Acceptable methods to make payment to the Iowa Department of Transportation include cash, check, credit card or any other means offered by the department. Payment is due 30 calendar days from the invoice date. However, renewal invoices are due 30 calendar days from the invoice date or by the last day of the registration expiration month, whichever is later.

500.6(2) Invoices not paid by the due date are assessed a late payment penalty as provided in Iowa Code sections 326.14 and 326.16. The same penalty amount will be assessed the first of each month thereafter until the total invoice and all penalties are paid in full.

500.6(3) A delinquency notice will be sent on invoices 30 calendar days overdue. The department will send a delinquency notice stating the IRP registration will be suspended unless payment is received within 30 calendar days from the date of the delinquency notice. If payment is not received in a timely manner, a notice of suspension will be sent to the registrant. When a registrant is under suspension, all of the registrant’s Iowa-based IRP vehicles and the registrant’s Iowa-based International Fuel Tax Agreement (IFTA) account, if applicable, are suspended.

This rule is intended to implement Iowa Code sections 326.10A, 326.14, 326.16 and 326.33.

[ARC 9621C, IAB 10/15/25, effective 11/19/25]

761—500.7(326) Self-certification of IRP registration plate and validation sticker destruction.

500.7(1) In order to request a refund for unused registration fees, unless the registrant qualifies to self-certify destruction under this rule, plates and validation stickers must be returned to the department when a vehicle is deleted from the fleet. A registrant will meet all of the following requirements to qualify for department approval to self-certify destruction of IRP credentials:

a. A minimum of five years’ experience with IRP registration.

b. A satisfactory IRP payment history. A satisfactory payment history includes but is not limited to no suspension of IRP registration in the last five years due to late payment or returned check because of insufficient funds.

c. A satisfactory rating from the U.S. Department of Transportation in the previous five years.

500.7(2) A motor carrier subject to a federal out-of-service order in the current year or any of the four prior years is not eligible to self-certify IRP credential destruction.

This rule is intended to implement Iowa Code sections 326.15 and 326.33.

[ARC 9621C, IAB 10/15/25, effective 11/19/25]

761—500.8(326) IRP credentials. Upon payment of appropriate fees and submission of all required documentation, the motor vehicle division will issue one IRP plate for each power unit to be mounted on the front of the power unit, one trailer plate to be mounted on the rear of the trailer and one cab card for each power unit. The cab card may be in either a physical or electronic format.

This rule is intended to implement Iowa Code sections 326.14 and 326.33.

[ARC 9621C, IAB 10/15/25, effective 11/19/25]

761—500.9(326) Nonrenewal vehicle additions. A registrant may add a vehicle to the fleet at any time after the commencement of the registration year. Upon payment of required fees, temporary evidence of apportioned registration may be issued to operate the vehicle(s). The temporary evidence of apportioned registration will not exceed 45 days. However, the department may extend the temporary evidence of apportioned registration if there are extenuating circumstances. Once temporary evidence of apportioned registration is issued and used, fees will be due and the invoice may only be canceled if an error was made by the department or there were extenuating circumstances for which nonuse can be proven.

This rule is intended to implement Iowa Code sections 326.11 and 326.33.

[ARC 9621C, IAB 10/15/25, effective 11/19/25]

761—500.10(326) Nonrenewal vehicle deletions. A registrant may delete vehicles from the fleet at any time after the commencement of the registration year. The plates and validation stickers must be returned to the motor vehicle division at the time of deletion. In lieu of returning the plates and validation stickers, a qualified registrant may submit a self-certification of IRP credential destruction on or before the vehicle's or vehicles' deletion date to the motor vehicle division. Operating a vehicle with credentials that were self-certified as destroyed will result in suspension of the self-certification privilege, and the registrant is responsible for any additional fees that would have been due beyond the stated destruction date.

This rule is intended to implement Iowa Code sections 326.12, 326.15 and 326.33.

[ARC 9621C, IAB 10/15/25, effective 11/19/25]

761—500.11(326) Voluntary cancellation of registration. A registrant may cancel a transaction for IRP registration if the registrant notifies the motor vehicle division within 48 hours of the invoice date. The notice shall state the reason for cancellation, the licensing status and ownership and be signed by the registrant or its representative. If notice is not received within 48 hours or if a temporary evidence of apportioned registration was issued in accordance with rule 761—500.9(326), all registration fees must be paid in full.

This rule is intended to implement Iowa Code sections 326.6, 326.11 and 326.33.

[ARC 9621C, IAB 10/15/25, effective 11/19/25]

761—500.12(326) Registration credit.

500.12(1) If a vehicle is deleted from the IRP fleet and replaced with another vehicle, registration credit may be applied to IRP fees due on the replacement vehicle if the registrant does all of the following:

a. Submits the vehicle schedule identifying the added and deleted vehicles to the motor vehicle division.

b. Deletes the vehicle on or before the effective date of the replacement vehicle's registration.

500.12(2) Allowance for credit of deleted vehicles is subject to the conditions set forth in Iowa Code section 326.12.

This rule is intended to implement Iowa Code sections 326.12 and 326.33.

[ARC 9621C, IAB 10/15/25, effective 11/19/25]

761—500.13(321,326) Penalty for late filing of vehicle registration.

500.13(1) As provided in Iowa Code sections 326.14 and 326.16, a late filing penalty of 5 percent is assessed to the vehicle if a vehicle registration is not filed within 30 days of one of the following:

a. The purchase of a new or used vehicle.

b. The date a vehicle is brought across state borders into Iowa to be registered.

c. A vehicle being first operated with the exemption allowed under Iowa Code section 321.20A.

500.13(2) An additional penalty will be assessed on the first of each month thereafter until the vehicle schedule is filed.

500.13(3) The department may collect intrastate registration fees and penalties when registering a delinquent vehicle to bring the vehicle fees current before allowing the IRP registration of the vehicle.

This rule is intended to implement Iowa Code sections 321.20A, 326.11, 326.14, 326.16 and 326.33.

[ARC 9621C, IAB 10/15/25, effective 11/19/25]

761—500.14(326) Duplicate credentials. The fees for duplicate credentials are as follows:

500.14(1) A replacement cab card is \$3.

500.14(2) A replacement plate, including the cab card, is \$8.

500.14(3) If applicable, a mailing fee will also be assessed based on the number of plates or cab cards being issued.

This rule is intended to implement Iowa Code sections 326.22 and 326.33.

[ARC 9621C, IAB 10/15/25, effective 11/19/25]

761—500.15(321,326) Making claim for refund. A refund of Iowa fees previously paid for the registration of vehicles may be made in accordance with Iowa Code sections 321.126, 321.127, 321.129 and 326.15. A claim for refund form may be obtained from the motor vehicle division. In lieu of returning the plates, a qualified registrant may submit a self-certification of IRP credential destruction on or before the vehicle's or vehicles' deletion date to the motor vehicle division.

This rule is intended to implement Iowa Code sections 321.126, 321.127, 321.129, 326.15 and 326.33.

[ARC 9621C, IAB 10/15/25, effective 11/19/25]

761—500.16(326) Registration of vehicles with non-Iowa titles. Registrants applying for registration for non-Iowa titled vehicles shall submit to the motor vehicle division with the application or payment as specified in rule 761—500.6(326) one of the following:

500.16(1) A copy of the non-Iowa title or a copy of the title application if the title has not been issued.

500.16(2) If a jurisdiction does not issue titles, a copy of the bill of sale or a copy of the Canadian registration.

This rule is intended to implement Iowa Code sections 326.11 and 326.33.

[ARC 9621C, IAB 10/15/25, effective 11/19/25]

761—500.17(326) Record retention.

500.17(1) *Record retention requirement and penalty.* Iowa IRP registrants shall preserve the records upon which their registration is based as required by the IRP for the current registration year and the three preceding registration years and, upon request, make such records available for audit. The department may assess a penalty upon registrants who have failed to maintain proper records.

500.17(2) *Adequacy of records.* Records maintained by a registrant are adequate only if the records enable the department to verify the distances reported in the registrant's application for apportioned registration and to evaluate the accuracy of the registrant's distance accounting system. The records may be produced through any means and retained in any format or medium available to the registrant and accessible by the department.

a. Records produced by a means other than a vehicle-tracking system will be considered adequate if the records include:

- (1) The beginning and ending dates of the trip to which the records pertain.
- (2) The origin and destination of the trip.
- (3) The route of travel.
- (4) The beginning and ending reading from the odometer, hubodometer, engine control module (ECM), or any similar device for the trip.
- (5) The total distance of the trip.

- (6) The distance traveled in each jurisdiction.
- (7) The vehicle identification number or vehicle unit number.
- b. Records produced by a vehicle-tracking system that utilizes latitudes and longitudes must be created and maintained at a minimum of every 15 minutes when the vehicle's engine is on and contain the following data elements:
 - (1) The vehicle identification number or vehicle unit number.
 - (2) The date and time of each system reading.
 - (3) The latitude and longitude to include a minimum of four decimal places (0.0001) of each system reading.
 - (4) The odometer reading from the ECM of each system reading. If no ECM odometer is available, a beginning and ending dashboard odometer or hubometer for the trip will be acceptable.
 - (5) The calculated distance between each system reading.
 - (6) The route of the vehicle's travel.
 - (7) The total distance traveled by the vehicle.
 - (8) The distance traveled in each jurisdiction.

500.17(3) *Summaries.* The following summaries shall be maintained:

- a. A summary of the fleet's operations of each month, which includes both the full distance traveled by each apportioned vehicle in the fleet during the calendar month and the distance traveled in the month by each apportioned vehicle in each jurisdiction.
- b. A summary of the fleet's operations for each calendar quarter, which includes both the full distance traveled by vehicles in the fleet during the calendar quarter and the distance traveled in each jurisdiction by the vehicles in the fleet during the calendar quarter.

This rule is intended to implement Iowa Code sections 326.19A and 326.33.

[ARC 9621C, IAB 10/15/25, effective 11/19/25]

761—500.18(326) Trip permits. A registrant may meet the registration requirements of Iowa Code chapter 326 by operating under a trip permit. However, trips that are intrastate or exceed legal dimensions or weight and operate under permit as specified in Iowa Code chapter 321E are not allowed.

500.18(1) Trip permits may be obtained through the department's website or in person from the motor vehicle division upon payment of the appropriate permit fee.

500.18(2) Registrants purchasing trip permits in advance of use cannot return unused permits for a refund.

This rule is intended to implement Iowa Code sections 326.23, 326.33 and 326.46.

[ARC 9621C, IAB 10/15/25, effective 11/19/25]

761—500.19(326) Electronic information. To the greatest extent possible, the motor vehicle division will maintain in electronic form all records required under this chapter. The retention period for electronic records must follow the guidelines of the IRP.

500.19(1) *IRP vehicle transaction.* The motor vehicle division will destroy paper copies of IRP vehicle transaction requests 90 days after the IRP invoice is generated.

500.19(2) *Federal heavy use tax (Form 2290 Schedule 1).* The motor vehicle division will maintain Form 2290 Schedule 1 in accordance with 23 CFR Section 669.9 effective April 1, 2024.

This rule is intended to implement Iowa Code section 326.33.

[ARC 9621C, IAB 10/15/25, effective 11/19/25]

[Filed July 1, 1975]

[Filed without Notice, 6/8/76—published 6/28/76, effective 8/2/76]

[Filed 11/22/76, Notice 10/6/76—published 12/15/76, effective 1/19/77]

[Filed 10/17/77, Notice 8/24/77—published 11/2/77, effective 12/7/77]

[Filed 12/19/77, Notice 10/19/77—published 1/11/78, effective 2/15/78]

[Filed 10/5/79, Notice 8/22/79—published 10/31/79, effective 12/5/79]

[Filed 10/17/80, Notices 8/20/80, 9/17/80—published 11/12/80, effective 12/17/80]

[Filed 12/2/81, Notice 9/30/81—published 12/23/81, effective 1/27/82]
 [Filed 2/7/83, Notice 12/22/82—published 3/2/83, effective 4/6/83]
 [Filed 3/9/84, Notice 1/18/84—published 3/28/84, effective 5/2/84]
 [Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]
 [Filed emergency 11/30/89—published 12/27/89, effective 12/1/89]
 [Filed emergency 3/26/92—published 4/15/92, effective 4/29/92]
 [Filed 4/8/93, Notice 3/3/93—published 4/28/93, effective 6/2/93¹]
 [Filed 11/7/02, Notice 10/2/02—published 11/27/02, effective 1/1/03]
 [Filed 9/24/03, Notice 8/20/03—published 10/15/03, effective 11/19/03]
 [Filed 11/19/04, Notice 10/13/04—published 12/22/04, effective 1/26/05]
 [Filed 6/15/05, Notice 5/11/05—published 7/6/05, effective 8/10/05]
 [Filed 9/14/05, Notice 8/3/05—published 10/12/05, effective 11/16/05]
 [Filed 12/12/07, Notice 11/7/07—published 1/2/08, effective 2/6/08]
 [Filed ARC 5494C (Notice ARC 5340C, IAB 12/30/20), IAB 3/10/21, effective 4/14/21]
 [Filed ARC 9621C (Notice ARC 9383C, IAB 7/9/25), IAB 10/15/25, effective 11/19/25]
 [Editorial change: IAC Supplement 6/24/26]

¹ Effective date of 500.1, definition of “Power unit,” 500.2, 500.3(1), 500.3(3), introductory paragraph, 500.3(3) “a” and “c,” 500.3(4) “a,” introductory paragraph, 500.3(4) “c,” 500.3(5) “a,” introductory paragraph, 500.3(5) “a”(2), 500.3(5) “b”(2), 500.3(6), 500.6 to 500.9, 500.11, 500.12, 500.14, 500.17, 500.20, June 2, 1993, delayed 70 days by the Administrative Rules Review Committee at its meeting held May 12, 1993; delay lifted by this Committee June 8, 1993, effective June 9, 1993.

CHAPTER 505
INTERSTATE MOTOR VEHICLE FUEL LICENSES AND PERMITS
[Prior to 6/3/87, Transportation Department[820]—(07,F) Ch 7]

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/5/30

761—505.1(452A) Definitions. The definitions in Iowa Code sections 452A.2, 452A.40 and 452A.57, where not inconsistent with the definitions below, apply to this chapter. In addition:

“*Department*” means the department of transportation.

“*Director*” means the director of transportation or the director’s designee.

“*Fuel(s)*” means and includes “motor fuel” and “special fuel” as defined in Iowa Code section 452A.2.

“*Fuel license*” or “*license*” means an IFTA license issued pursuant to Iowa Code section 452A.53.

“*Hydrogen gallon*” means a diesel gallon equivalent. A diesel gallon equivalent of hydrogen weighs 2.49 pounds.

“*IFTA*” means the International Fuel Tax Agreement, which is a multijurisdictional agreement for the administration of motor fuel tax laws for vehicles operated in multiple member jurisdictions.

“*IFTA member jurisdiction*” means a jurisdiction that is a member of the IFTA. A list of jurisdictions and their membership statuses may be obtained by contacting the motor vehicle division.

“*Lease*” means a contract or agreement by which a vehicle owner (lessor) provides a vehicle to a person or company (lessee) for use during a specified period of time.

1. “*Long-term lease*” means a lease for a period of 30 days or more.

2. “*Short-term lease*” means a lease for a period of 29 days or less, including trip leases. Back-to-back leases of 29 days or less are considered short-term leases.

“*Licensee*” means any person who holds a valid fuel license.

“*Non-IFTA member jurisdiction*” means a jurisdiction that is not a member of the IFTA. A list of jurisdictions and their membership statuses may be obtained by contacting the motor vehicle division.

“*Permittee*” means any person who holds a valid temporary fuel permit.

“*Qualified motor vehicle*” means a motor vehicle or combination of vehicles used or designed to transport persons or property if any of the following apply:

1. The vehicle or combination of vehicles weighs more than 26,000 pounds.
2. The vehicle or combination of vehicles is registered for more than 26,000 pounds.
3. The power unit has three or more axles.

“*Qualified motor vehicle*” does not include recreational vehicles.

“*Quarter*” means calendar quarter, January 1 through March 31, April 1 through June 30, July 1 through September 30 and October 1 through December 31.

“*Temporary fuel permit*” or “*temporary permit*” means a single trip fuel permit issued pursuant to Iowa Code section 452A.53.

This rule is intended to implement Iowa Code sections 452A.2, 452A.40, 452A.57 and 452A.59.

[ARC 9576C, IAB 10/1/25, effective 11/5/25]

761—505.2(452A) General information.

505.2(1) Information and location. Applications, forms and information on interstate motor vehicle fuel permits and licenses are available on the department’s website at www.iowadot.gov/mvd/motorcarriers/IFTA/File-IFTA; by mail from the Motor 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 515.237.3268; by facsimile at 515.237.3225; or by email at omcs@iowadot.us.

505.2(2) Organizational data. The motor vehicle division is authorized pursuant to Iowa Code chapter 452A to:

- a. Issue fuel licenses or temporary fuel permits.

- b.* Compute and collect interstate motor fuel taxes.
- c.* Refund overpayments of interstate fuel taxes.
- d.* Administer agreements with other jurisdictions for the collection and refund of interstate motor fuel tax. Pursuant to Iowa Code section 452A.56, the department has adopted and incorporates into this chapter the IFTA effective January 2025. IFTA governing documents do not create rights for the taxpayer.

505.2(3) *Waiver of rules.* In accordance with 761—Chapter 2504, the director may, in response to a petition, waive provisions of this chapter. A waiver will not be granted unless the director finds that special or emergency circumstances exist.

“Special or emergency circumstances” means one or more of the following:

- a.* Circumstances where the movement is necessary to cooperate with cities, counties, other state agencies or other states in response to a national or other disaster.
- b.* Circumstances where the movement is necessary to cooperate with national defense officials.
- c.* Circumstances where the movement is necessary to cooperate with public or private utilities in order to maintain their public services.

- d.* Circumstances where the movement is essential to ensure safety and protection of any person or property due to events, such as but not limited to pollution of natural resources, a potential fire or an explosion.

- e.* Circumstances where weather or transportation problems create an undue hardship for citizens of the state of Iowa.

- f.* Circumstances where the movement involves emergency-type vehicles.

- g.* Uncommon or extraordinary circumstances where the movement is essential to the existence of an Iowa business and the move may be accomplished without causing undue hazard to the safety of the traveling public or undue damage to private or public property.

This rule is intended to implement Iowa Code sections 452A.51, 452A.56 and 452A.59.

[ARC 9576C, IAB 10/1/25, effective 11/5/25; Editorial change: IAC Supplement 6/24/26]

761—505.3(452A) General stipulations.

505.3(1) *IFTA member requirements.* In order to enter this state and not be in violation of Iowa Code section 452A.52, the operator of the qualified motor vehicle based in an IFTA member jurisdiction must do one of the following:

- a.* Possess a fuel license pursuant to Iowa Code section 452A.53.
- b.* Purchase a temporary fuel permit pursuant to Iowa Code section 452A.53 and subrule 505.3(9) when entering or before entering the state.

505.3(2) *Non-IFTA member requirements.* The operator of a qualified motor vehicle based in a non-IFTA member jurisdiction must do one of the following:

- a.* Possess a fuel license pursuant to Iowa Code section 452A.53.
- b.* Purchase a temporary fuel permit pursuant to Iowa Code section 452A.53 and subrule 505.3(9) when entering or before entering the state.
- c.* Enter the state with 30 gallons of fuel or less.
- d.* Enter the state with less than 350 kilowatt hours of electric fuel.
- e.* Enter the state with only Iowa tax paid fuel.

505.3(3) *Determination of fuel supply.*

- a.* To determine if a vehicle has entered the state with more than 30 gallons of fuel, the total of all fuel in all tanks that could be used to fuel the power source of the vehicle shall be considered to reach a total gallonage, or diesel gallon equivalent. The fuel tank connected to a “reefer unit,” which can neither be directly nor indirectly connected to the power source of the vehicle, shall not be considered in arriving at the 30-gallon total.

- b.* To determine if a vehicle has entered the state with more than 350 kilowatt hours of electric fuel, the total of all electric fuel in the batteries or other energy storage devices of a commercial motor

vehicle shall be considered to reach total kilowatt hours, regardless of whether the batteries or storage devices are connected to the motor of the vehicle.

505.3(4) *Fuel license.*

a. A fuel license may be obtained from the motor vehicle division, provided the following information is included with the application:

(1) Name and address of company or corporation or owner who operates or controls the qualified motor vehicle(s).

(2) Name(s) and address(es) of principal or corporate officers.

(3) Signature and telephone number of contact person.

(4) A power of attorney if someone other than an officer or employee of the company will be completing quarterly reports or requesting information from the department.

(5) Any other information required by the department.

b. The fuel license remains valid until canceled or revoked. The reporting and computation procedure for a fuel license allows for the payment of taxes due and a refund of any overpayment. All persons holding a valid fuel license must file quarterly reports with the department.

505.3(5) *Number of temporary permits or licenses required.* No vehicle may operate under more than one license or temporary permit at a time.

505.3(6) *Possession of the license or temporary permit.* A license or temporary permit must be carried in the vehicle. More than one vehicle may be operated and reported under the same license by making a photocopy of the license and carrying it in each vehicle operating under said license. A license, copy of a license or temporary permit is void if altered. A duplicate license may be purchased from the motor vehicle division.

505.3(7) *Cancellation and reissuance.*

a. If a qualified motor vehicle operating under a license is consistently operated only within the state or only outside the state, the licensee or the department shall request that the license be canceled for nonuse.

b. A fuel license that has been canceled for cause pursuant to Iowa Code section 452A.68 may be reinstated if a bond is filed.

505.3(8) *Bond requirements.*

a. The department will require a bond when:

(1) A previous fuel licensee is reapplying for a fuel license and has two or more outstanding fuel billings due for periods within the three years prior to date of application for a new license.

(2) A previous fuel licensee is reapplying for a new fuel license and has failed to file two or more reports for a calendar year within the three years prior to date of application for a new license.

(3) A previous fuel licensee is reapplying for a new license and has filed reports late for two or more reporting periods for a calendar year within the three years prior to date of application for a new fuel license.

(4) The department determines from an audit that a bond is required to protect the interests of member jurisdictions.

b. Bonds are to be made payable to the state of Iowa, in the minimum amount of \$500 or the equivalent to at least twice the estimated average tax liability for the reporting period in which the licensee will be required to file a tax return, whichever is greater.

c. A new license will not be issued until a copy of the bond is filed with the motor vehicle division. The motor vehicle division must be notified of bond cancellation 30 days before the cancellation is effective.

505.3(9) *Temporary fuel permits.*

a. A temporary fuel permit may be obtained by any person operating a qualified motor vehicle that is not otherwise covered by a license. The temporary permit may be obtained from the motor vehicle division. The temporary permit may also be obtained from a permit service or a processing agent. An application for a temporary permit may be made by phone, by facsimile or electronically to

the motor vehicle division. Permittees who purchase temporary fuel permits in advance of use may not return unused permits for refund.

b. The temporary fuel permit is valid for 72 consecutive hours from the date and hour appearing on the temporary permit or upon departure from Iowa, whichever occurs first. A new temporary permit is required in order to reenter the state. While a permittee is operating under a temporary permit, unlimited travel is allowed within Iowa. No refund of tax paid on overpurchases of Iowa fuel is allowed.

c. An application for a temporary fuel permit is to include but is not limited to the following information:

- (1) The name and address of the person who owns or controls the vehicle.
- (2) The make, year, serial number, license number and unit number of the vehicle.
- (3) The address to which the temporary permit is to be sent, if applicable.

d. The temporary permit fee shall also accompany the application unless a method of collection upon delivery is requested.

e. A temporary permit is not eligible to be transferred and is valid only for the carrier and the vehicle that are described on the permit. Once a temporary permit has been issued to a qualified motor vehicle, the purchase price is nonrefundable.

f. The completed temporary permit must be carried in the qualified motor vehicle for which it is issued.

g. The 72-hour period for which the temporary permit is valid may be extended for “emergencies,” such as extreme weather conditions when travel is not advisable or other instances, at the discretion of the motor vehicle division.

h. A temporary fuel permit is invalid if the permittee has outstanding IFTA fuel tax bills.

i. Fees for a temporary permit may be paid by cash, company or personal check or credit card.

505.3(10) *Qualified motor vehicles on lease.*

a. Long-term lease. Under normal circumstances, the lessee is responsible for reporting all mileage and fuel activity unless otherwise specified by the lease. Supporting documentation, including the lease, must be made available to the department to confirm the reporting responsibility.

b. Short-term lease. The lessor is responsible for reporting all mileage and fuel activity unless otherwise specified by the lease. Supporting documentation, such as a maintenance agreement or lease, must be made available to the department to confirm the reporting responsibility.

c. Purchase receipts. Purchase receipts must be made out in the name of the lessor, in the name of the lessee or to cash and must identify the vehicle for which the purchase is made by showing one of the following: vehicle license number, full vehicle identification number (VIN) or vehicle unit number.

This rule is intended to implement Iowa Code sections 452A.52 through 452A.54, 452A.58, 452A.59 and 452A.68.

[ARC 9576C, IAB 10/1/25, effective 11/5/25]

761—505.4(452A) Quarterly reports.

505.4(1) *Failure to file.* All valid fuel licensees shall file quarterly reports with the department, even if a licensee has not traveled in Iowa. Failure to file is cause for revocation of the license and assessment of a penalty.

505.4(2) *Filing deadline.* All persons holding a valid fuel license, pursuant to the provisions of Iowa Code section 452A.53, shall file quarterly reports with the department and either remit any tax due no later than the last day of the month following the last day of the quarter covered by the report, or request a refund no later than the last day of the third month following the last day of the quarter covered by the report. If the claim for refund is filed after that date, no refund will be allowed.

505.4(3) *Reporting multiple vehicles on single license.* The licensee shall select which vehicles may be operated under the license. All miles traveled, interstate and intrastate, and all fuel purchased for those vehicles shall be reported on a consistent basis.

505.4(4) *Tax refund.* Refunds will be computed separately for each fuel type. If a refund for a fuel type does not exceed \$10, it will not be processed unless there is more than one type of fuel reported on one return and the combined refunds for all fuel types exceed \$10.

505.4(5) *Refunds of tax on fuel purchased in Iowa and consumed out of Iowa.* Even when fuel is purchased in Iowa, fuel tax is paid in Iowa and the excess fuel tax paid is subject to refund under the provisions of Iowa Code chapter 452A, relating to interstate motor vehicle operation, the refund is not subject to state sales tax.

505.4(6) *Timely filing of report.*

a. The interstate fuel tax report required under Iowa Code section 452A.54 will be deemed timely filed if received by the motor vehicle division or postpaid, properly addressed and postmarked by the United States Postal Service on or before midnight of the filing deadline. If the filing date falls on a Saturday, Sunday or legal holiday, the next secular or business day is the filing deadline.

b. All reports and remittances shall be filed online at the department's website; mailed to the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; delivered in person to 6310 SE Convenience Blvd., Ankeny, Iowa; sent by facsimile to 515.237.3225 or email to omcs@iowadot.us.

c. If a report or remittance is not received by the department and the taxpayer can prove by competent evidence that the return or remittance was timely filed, the report will be considered timely filed. For the purpose of this rule, "competent evidence" means evidence in addition to the testimony of the sender sufficient or adequate to prove that the document was mailed on a specific date.

505.4(7) *Extension of time to file.* The department may grant an extension for the filing of any required report or tax payment. In order for an extension to be granted, the application requesting such extension must be filed with the department prior to the due date of the report or remittance. In determining whether an application for extension is timely filed, the provisions of subrules 505.4(2) and 505.4(6) apply. The application for extension shall be accompanied by an explanation of the circumstances justifying an extension. Any extension granted will be documented on a form issued by the department indicating the length of the extension. This form shall be attached to the report when it is filed. If an extension is granted, the penalties under Iowa Code section 452A.65 applicable to a late-filed report or remittance do not accrue until the expiration of the extension period.

505.4(8) *Penalties.*

a. A penalty of \$50 or 10 percent of the total tax due, whichever is greater, is assessed against the taxpayer if the report is not filed by the due date in accordance with subrule 505.4(6).

b. If the quarterly report shows no taxes owed or a refund due, the penalty for filing a report after the due date is \$50.

505.4(9) *Interest.* Interest at the rate established pursuant to Iowa Code chapter 421 will be assessed against the taxpayer for each month the tax remains unpaid. The interest will accrue from the date the return was required to be filed. Interest does not apply to any penalty. Each fraction of a month will be considered a full month for the computation of interest.

505.4(10) *Application of remittance.* All payments will be first applied to the interest, then to the penalty and then the balance, if any, on the amount of tax then due.

a. If a taxpayer remits a payment on or before the due date, but the payment is insufficient to discharge the tax liability, the entire amount of such payment will be applied to the tax. Any penalty or interest subsequently assessed will be based on the unpaid portion of the tax.

b. If the department determines there is additional tax due from a taxpayer, interest and penalty will accrue on that amount from the date the tax should have been reported and paid.

505.4(11) *Reports, records and variations.* The department will prescribe and furnish all forms upon which reports, claims for refund, temporary permits and license applications are to be made under Iowa Code chapter 452A.

a. If the information required in these documents is presented to the department on forms or in a manner other than on the prescribed form, the report, application or claim will not be deemed "filed."

b. The fact that the reporting party does not have the prescribed form is not an acceptable reason for failure to file. The motor vehicle division may be contacted to request copies of any necessary forms.

505.4(12) *Estimating gallonage or kilowatt hours used.*

a. In the event the taxpayer's records for a specific vehicle, or vehicles, in the fleet are lacking or inadequate to support any report filed or to determine the tax liability, the department is authorized to estimate the gallonage or kilowatt hours used upon which tax is due. This estimation will be based upon such factors, including but not limited to the following:

- (1) Prior experience of the licensee.
- (2) Licensees with similar operations.
- (3) Other vehicles in the fleet with similar operations.
- (4) Industry averages.
- (5) Records available from fuel distributors or other third parties.
- (6) Other pertinent information the base jurisdiction may obtain or examine.

b. In the event the taxpayer's records for the fleet as a whole are lacking or inadequate to support any report filed or to determine the tax liability, the department is authorized to do either of the following when estimating gallonage or kilowatt hours used upon which tax is due:

- (1) Reduce the vehicle miles per gallon or kilowatt hours by 20 percent.
- (2) Adjust the vehicle miles per gallon to 4.00 or the kilowatt hours to 1.7.

c. The findings of the department as to the amount of fuel taxes due from any person are presumed to be the correct amount and in any litigation that may follow, the certificate of the department shall be admitted in evidence and shall:

- (1) Be considered to be true and accurate unless shown otherwise by an objecting party.
- (2) Impose upon the other party the burden of showing any error in the department's finding and the extent thereof or that the finding was contrary to law.

505.4(13) *Information confidential.* Iowa Code section 452A.63, which makes all information obtained from reports or records required to be filed or kept under Iowa Code chapter 452A confidential, applies generally to the director, auditors, agents, officers, or other employees of the department. However, any person having acquired information disclosed in a taxpayer's filed report is bound by the same rules of confidentiality. The information may only be divulged to the appropriate public officials enumerated in Iowa Code section 452A.63.

505.4(14) *Taxes erroneously or illegally collected.* Any licensee is entitled to a refund of taxes, penalties or interest erroneously or illegally collected by the department or as a result of a computation error. The claim must be filed within a year of payment and accompanied by evidence to support the claim. If the request for refund includes the return of penalties or interest, the interest or penalties will be refunded in the same proportion as the tax.

505.4(15) *Supplemental billings.* The amount due is payable upon being billed by the motor vehicle division. Billings will be generated by the department for the collection of additional amounts due in the following circumstances:

- a. Penalties are assessed under the provisions of subrule 505.4(8).
- b. Interest is assessed under the provisions of subrule 505.4(9).
- c. An error in the computation on the front of the report results in additional tax due.
- d. There is a failure to remit payment for part or all of the tax due with the filed report.
- e. Payment is remitted and subsequently not honored.
- f. Taxes, penalties or interest are assessed as the result of an audit.

This rule is intended to implement Iowa Code sections 452A.54, 452A.55, 452A.59, 452A.60, 452A.61 and 452A.63 through 452A.65.

[ARC 9576C, IAB 10/1/25, effective 11/5/25]

761—505.5(452A) Audits—required reports.

505.5(1) *Delegation to audit and examine.* Pursuant to Iowa Code sections 452A.53, 452A.55, and 452A.62, the department reserves the right to examine returns and records, perform audits and determine the correct amount of tax due.

505.5(2) *Statute of limitations.* Within three years after a return is filed, the department may audit the return to determine the accuracy of taxes paid. There is no time limitation on collection activities for any tax, penalty or interest due the department.

505.5(3) *Outstanding tax, penalty or interest for canceled and inactive licenses.* Any outstanding taxes, penalties or interest must be paid before reapplying for a fuel license.

505.5(4) *Audit period—records—costs.* The statute of limitations on the determination of any additional tax liability shall be three years after a return is filed; therefore, all records must be kept for four years after a return is filed.

a. For the purpose of verifying the correctness of a return filed or for estimating the tax liability of any taxpayer, the department has:

(1) The right and duty to examine or cause to be examined the books, papers, records, memoranda or documents of a taxpayer that relate in any manner to fuel taxes.

(2) The authority to require, at a hearing, the attendance of the taxpayer and other witnesses and the production of books, papers, records, memoranda or documents.

b. The cost of an audit shall be at the taxpayer's expense when the records are maintained outside the state of Iowa.

505.5(5) *Taxpayers required to keep records.*

a. The records required to be kept by this rule, including invoices or other proofs of purchase, shall:

(1) Be preserved for a period of four years after a return is filed unless otherwise stated.

(2) Be open for examination by the department.

b. The fact that the tax has been paid shall appear on the proof of purchase.

505.5(6) *Records to be kept and preserved.* Every person required to file a quarterly report under Iowa Code section 452A.54 shall keep and preserve the following records:

a. Fuel purchase invoices containing:

(1) The date of the fuel purchase.

(2) The name and address of the seller of the fuel (a vendor code, properly identified, is acceptable for this purpose).

(3) The quantity of fuel purchased.

(4) The type of fuel purchased, the price of the fuel per gallon or per liter or the total price of the fuel purchased.

(5) The identification of the qualified motor vehicle into which the fuel was placed.

(6) The name of the purchaser of the fuel. When the qualified motor vehicle being fueled is subject to a lease, the name of either the lessor or lessee is acceptable for this purpose, provided a legal connection can be made between the purchaser named and the licensee.

b. Documentation for bulk fuel storage containing:

(1) Receipts for all deliveries.

(2) Quarterly inventory reconciliations for each tank.

(3) The capacity of each tank.

(4) Bulk withdrawal records for every bulk tank at each location.

(5) The purchase price of the fuel delivered into the bulk storage, including tax paid to the member jurisdiction where the bulk storage is located.

(6) Proof the licensee has paid fuel tax to the member jurisdiction where the bulk storage is located.

(7) The location of the bulk storage from which the withdrawal was made.

(8) The date of each withdrawal, including non-IFTA withdrawals.

(9) The quantity of fuel withdrawn, including non-IFTA withdrawals.

- (10) The type of fuel withdrawn.
- (11) The identification of the vehicle or equipment into which the fuel was placed.
- c. Distance records (manual records) containing:
 - (1) The beginning and ending dates of the trip to which the records pertain.
 - (2) The origin and destination of the trip.
 - (3) The route of travel.
 - (4) The beginning and ending reading from the odometer, hubodometer, engine control module (ECM) or any similar device for the trip.
 - (5) The total distance of the trip.
 - (6) The distance traveled in each jurisdiction during the trip.
 - (7) The VIN or vehicle unit number.
- d. Electronic tracking device record created and maintained at a minimum every ten minutes when the vehicle's engine is on, containing the following data elements:
 - (1) The date and time of each system reading.
 - (2) The latitude and longitude to include a minimum of four decimal places (0.0001) of each system reading.
 - (3) The odometer reading from the ECM of each system reading. If no ECM odometer is available, a beginning and ending dashboard odometer or hubodometer for the trip will be acceptable.
 - (4) The VIN or vehicle unit number.
- e. Data required under paragraph 505.5(6) "d" must be accessible in an electronic spreadsheet format, such as XLS, XLSX, CSV or delimited text file. Formats from a vehicle tracking system that provides a static image, such as PDF, JPEG, PNG or Word, are not acceptable.

505.5(7) *New licensees.* When a person is issued a new license, the department may, within one year of issuance of the license, audit the records of the new licensee for a period going back two years from the date of issuance.

505.5(8) *Nonlicense and nonpermit holders.* All persons who bring into the state a qualified motor vehicle, upon which the Iowa tax on said fuel has not been paid, are operating within the purview of these rules as stated in Iowa Code section 452A.55. Such persons are therefore subject to audit and must keep the same records required of a fuel licensee.

505.5(9) *Interstate—intrastate operators—motor vehicle special fuel holding tanks.* If a person operates one or more qualified motor vehicles under a fuel license and also operates one or more qualified motor vehicles that are not operated under the fuel license, recordkeeping regarding the fuel consumed from the special holding tank may be performed in either of the following ways:

a. Operators of interstate vehicles shall be given an invoice that meets the standards set forth in Iowa Code section 452A.17, for each tank fill, and the vehicle operator must then log the mileage.

b. The licensee shall report total miles driven and total fuel used from the bulk tank, including both interstate and intrastate vehicles.

This rule is intended to implement Iowa Code sections 452A.53, 452A.55, 452A.59, 452A.60, 452A.62 and 452A.69.

[ARC 9576C, IAB 10/1/25, effective 11/5/25]

761—505.6(452A) Hearings.

505.6(1) *Conduct of hearings.* Hearings are conducted in accordance with Iowa Code section 452A.69.

505.6(2) *Circumstances for holding hearings.*

a. When there is reasonable cause to believe that there is an evasion of fuel taxes, the department may cause a hearing to be held to determine the amount of fuel taxes due, if any. The person who is suspected of evading fuel taxes will be sent at least ten days' notice of the hearing. The provisions of Iowa Code section 452A.64 and paragraph 505.4(12) "b" apply.

b. If a licensee disputes the findings of an investigation or audit by the department, the licensee may request a hearing to present further evidence, information or records to support the claim. The

hearing request shall be submitted in writing to the director of the motor vehicle division within 30 days of the date of notice of audit results issued by the department. A copy of the hearing request must be sent to: Iowa Attorney General's Office, Transportation Section, Attn: Audit Appeals, 800 Lincoln Way, Ames, Iowa 50010.

This rule is intended to implement Iowa Code sections 452A.59, 452A.64 and 452A.69.

[ARC 9576C, IAB 10/1/25, effective 11/5/25]

[Filed 4/21/80, Notice 3/5/80—published 5/14/80, effective 6/18/80]

[Filed 1/23/81, Notices 11/12/80, 12/24/80—published 2/18/81, effective 3/25/81]

[Filed 12/2/81, Notice 9/30/81—published 12/23/81, effective 1/27/82]

[Filed 2/7/83, Notice 12/22/82—published 3/2/83, effective 4/6/83]

[Filed emergency 4/24/84—published 5/23/84, effective 4/24/84]

[Filed 7/6/84, Notice 5/23/84—published 8/1/84, effective 9/5/84]

[Filed 1/9/85, Notice 11/21/84—published 1/30/85, effective 3/6/85]

[Filed 2/7/86, Notice 12/18/85—published 2/26/86, effective 4/2/86]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed emergency 3/26/92—published 4/15/92, effective 4/29/92]

[Filed 4/8/93, Notice 3/3/93—published 4/28/93, effective 6/2/93]¹

[Filed 11/7/02, Notice 10/2/02—published 11/27/02, effective 1/1/03]

[Filed 9/14/05, Notice 8/3/05—published 10/12/05, effective 11/16/05]

[Filed 12/12/07, Notice 11/7/07—published 1/2/08, effective 2/6/08]

[Filed ARC 5178C (Notice ARC 5080C, IAB 7/15/20), IAB 9/9/20, effective 10/14/20]

[Filed ARC 9576C (Notice ARC 9334C, IAB 6/11/25), IAB 10/1/25, effective 11/5/25]

[Editorial change: IAC Supplement 6/24/26]

¹ Effective date of 505.2, 505.3(2) "a," 505.3(4) "b," 505.3(5) "b," 505.3(6) "c," 505.3(7) "a" and "c," 505.4(12) "b," 505.6(2) "b," June 2, 1993, delayed 70 days by the Administrative Rules Review Committee at its meeting held May 12, 1993; delay lifted by this Committee June 8, 1993, effective June 9, 1993.

CHAPTER 524
FOR-HIRE INTRASTATE MOTOR CARRIER AUTHORITY

Chapter rescission date pursuant to Iowa Code section 17A.7: 9/24/30

761—524.1(325A) Purpose and applicability.

524.1(1) This chapter establishes requirements concerning for-hire intrastate motor carriers as authorized by Iowa Code chapter 325A.

524.1(2) This chapter applies to motor carriers of household goods, bulk liquid commodities, all other property, and passengers being transported for hire on any highway of this state other than a transportation network company or transportation network company driver as both are defined in Iowa Code section 321N.1 and provided for in 761—Chapter 540.

[ARC 9513C, IAB 8/20/25, effective 9/24/25]

761—524.2(325A) General information.

524.2(1) *Information and location.* Applications, forms and information on motor carrier permits and motor carrier certificates are available by mail from the Motor 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 515.237.3268; by facsimile at 515.237.3225; or by email at omcs@iowadot.us.

524.2(2) *Waiver of rules.* In accordance with 761—Chapter 2504, the director of transportation or the director's designee (director) may, in response to a petition, waive provisions of this chapter. A waiver will not be granted unless the director finds that special or emergency circumstances exist.

“*Special or emergency circumstances*” means one or more of the following:

1. Circumstances where the movement is necessary to cooperate with cities, counties, other state agencies or other states in response to a national or other disaster.
2. Circumstances where the movement is necessary to cooperate with national defense officials.
3. Circumstances where the movement is necessary to cooperate with public or private utilities in order to maintain their public services.
4. Circumstances where the movement is essential to ensure safety and protection of any person or property due to events such as but not limited to pollution of natural resources, a potential fire or an explosion.
5. Circumstances where weather or transportation problems create an undue hardship for citizens of the state of Iowa.
6. Circumstances where movement involves emergency-type vehicles.
7. Uncommon or extraordinary circumstances where the movement is essential to the existence of an Iowa business and the move may be accomplished without causing undue hazards to the safety of the traveling public or undue damage to private or public property.

524.2(3) *Complaints.* Complaints against motor carriers pertaining to the provisions of this chapter can be submitted in writing to the motor vehicle division.

[ARC 9513C, IAB 8/20/25, effective 9/24/25; Editorial change: IAC Supplement 6/24/26]

761—524.3(325A) Applications and supporting documents.

524.3(1) *Application and fee.* Application for a motor carrier permit or motor carrier certificate shall be made to the motor vehicle division on Form 441052, including the required safety self-certification, and accompanied by the statutory fee. Acceptable payment methods include credit card, cash, and check or money order made payable to the Iowa Department of Transportation.

524.3(2) *Supporting documents.* The following documents must accompany the motor carrier permit or motor carrier certificate application:

- a. Proof of insurance.
- b. A U.S. DOT number if required by the Federal Motor Carrier Safety Administration.
- c. Financial statement if required by rule 761—524.10(325A).

- d.* Tariff, only for motor carriers of household goods.
- e.* All applicable documents identified in 761—subrule 380.4(2) and any other documentation, if required by the department, necessary to assess the operational capabilities of any driverless-capable vehicles the motor carrier intends to operate, including for the purpose of determining whether to impose operational restrictions as authorized under rule 761—400.18(307,321).

[ARC 9513C, IAB 8/20/25, effective 9/24/25]

761—524.4(325A) Issuance of motor carrier permit or motor carrier certificate. When all requirements are met, the department will issue the motor carrier permit or certificate, a copy of which shall be carried in each motor vehicle at all times. The copy may be in either a physical or an electronic format and shall be available for display to any peace officer upon request.

[ARC 9513C, IAB 8/20/25, effective 9/24/25]

761—524.5(325A) Duplicate motor carrier permit or motor carrier certificate. A motor carrier seeking a duplicate motor carrier permit or motor carrier certificate shall send a written request to the motor vehicle division and include the carrier name, the permit number, certificate number, or U.S. DOT number, and the statutory fee.

[ARC 9513C, IAB 8/20/25, effective 9/24/25]

761—524.6(325A) Amendment to a motor carrier permit or motor carrier certificate.

524.6(1) *Update to a motor carrier permit.* A motor carrier seeking to change the commodities being transported under a permit shall submit an updated application to the motor vehicle division, including the permit number and statutory fee for a duplicate permit. Transporting of commodities not listed on the permit is not authorized until a new permit or temporary permit has been issued and is carried in the vehicle.

524.6(2) *Change of name or address for a motor carrier permit or certificate.* A motor carrier seeking to change the name or address shall submit an updated application to the motor vehicle division within 30 days after the change and include the permit or certificate number, old name or address, new name or address and the statutory fee.

[ARC 9513C, IAB 8/20/25, effective 9/24/25]

761—524.7(325A) Insurance.

524.7(1) *Insurance.* Each motor carrier shall do the following:

- a.* At all times maintain on file with the department the effective certificate(s) of insurance or a surety bond on a form prescribed by the department.
- b.* Ensure the insurance or the surety bond is written for a period of one year or more.
- c.* Provide the department written notice 30 days prior to the cancellation of the insurance or the surety bond.
- d.* Submit all certificates of insurance to the department electronically in a format approved by the department.

524.7(2) *Self-insurance.* Except as otherwise provided in subrule 524.7(1), the department may allow a carrier to self-insure in lieu of maintaining insurance required under subrule 524.7(1) if the following criteria is met:

- a.* The intrastate carrier also operates interstate and has been approved by a federal agency to self-insure.
- b.* The carrier submits a written request to self-insure to the motor vehicle division that includes a copy of the federal agency's approval to self-insure and copies of any information required by that federal agency in approving the request to self-insure.
- c.* The motor carrier agrees to immediately notify the department if there is any change in the status of the self-insurance for interstate operation.

[ARC 9513C, IAB 8/20/25, effective 9/24/25]

761—524.8(325A) Self-insurance for motor carriers of passengers.

524.8(1) *Applications for self-insurance.* A motor carrier of passengers with more than 25 motor vehicles may request self-insurance by submitting a written request to the motor vehicle division, including a copy of the carrier's most recent audited financial statement and a vehicle list.

524.8(2) *Review by the department.* The department may request additional information to evaluate the request to self-insure. A request to self-insure will be denied and an existing approval to self-insure will be suspended if the motor carrier fails to meet the self-insurance standard under 49 CFR 387.33T effective as of October 1, 2024. An approval to self-insure is continuous unless canceled. The motor carrier shall annually file audited financial statements with the motor vehicle division within 60 days after the end of the motor carrier's fiscal year.

524.8(3) *Cancellation of self-insurance approval.* The department, upon five days' notice prior to any hearing to cancel approval, may cancel approval of a carrier to self-insure if the carrier fails to file an audited financial statement as required under subrule 524.8(2) or for other reasonable grounds, including but not limited to the failure of the carrier to pay a final judgment within 30 days.

[ARC 9513C, IAB 8/20/25, effective 9/24/25]

761—524.9(325A) Safety regulations. All motor carriers shall follow the applicable safety regulations in 661—Chapter 22 concerning operation, maintenance and inspection of vehicles.

[ARC 9513C, IAB 8/20/25, effective 9/24/25]

761—524.10(325A) Financial statement. An application by a motor carrier of bulk liquid commodities (nondairy) or regular-route passengers must include, on a form prescribed by the department, a statement signed by an authorized agent of a lending institution or a certified public accountant attesting to the financial capability of that carrier.

[ARC 9513C, IAB 8/20/25, effective 9/24/25]

761—524.11(325A) Safety education seminar.

524.11(1) *Requirement.* Except as provided in subrule 524.11(4), persons responsible for the safety records and driver training of applicable motor carriers are required to complete the safety education seminar under Iowa Code section 325A.3(5). Failure to attend an approved safety education seminar within the required time frame will result in suspension of the motor carrier permit or certificate.

524.11(2) *Availability.* The department provides an approved safety education seminar periodically. Information on how to access the seminar is available from the Motor Vehicle Division in person at 6310 SE Convenience Boulevard, Ankeny, Iowa; by telephone at 515.237.3268; or by email at omcs@iowadot.us.

524.11(3) *Third-party safety education seminar approval.* The motor vehicle division may approve individuals outside the department to conduct safety education seminars. Only the department is authorized to approve the course curriculum. At a minimum, the safety course curriculum is to include the following information:

- a. Commercial driver's license regulations.
- b. A general overview of the U.S. DOT's motor carrier safety regulations and hazardous materials regulations adopted annually by the department of public safety.
- c. Iowa Code sections 321.449 and 321.450 and all associated administrative rules.
- d. Iowa Code section 321.463 and all associated administrative rules.
- e. Out-of-service criteria.
- f. A general overview of the U.S. DOT's Emergency Response Guidebook.

524.11(4) *Exemption.* Passenger carriers with vehicles not meeting the definition of a commercial vehicle as defined in Iowa Code section 321.1 are exempt from attending the safety education seminar and paying the seminar fee. A motor carrier certificate issued for such a carrier contains the following statement: "limited to noncommercial vehicles only." If a motor carrier wishes to start operating vehicles that meet the definition of a commercial motor vehicle, the motor carrier

must update its authority with the motor vehicle division. Upon paying the seminar fee and attending the seminar within six months of updating the certificate, the department will issue a new motor carrier certificate removing the limitation.

[ARC 9513C, IAB 8/20/25, effective 9/24/25]

761—524.12(325A) Lease of a vehicle.

524.12(1) *Lease defined.* “Lease,” for the purpose of these rules, means a written document providing for the exclusive possession, control and responsibility over the operation of a vehicle by the lessee for a specific period of time as if the lessee were the owner. A copy of the lease must be carried in the leased vehicle at all times. No motor carrier may have more than one lease covering a specific vehicle in effect at a given time.

524.12(2) *Lease of a vehicle to a shipper or a receiver.* No motor carrier shall lease a vehicle with or without a driver to a shipper or a receiver.

524.12(3) *Marking of a motor vehicle.* Each lessee shall properly identify each motor vehicle during the period of the lease as specified in rule 661—22.9(325A).

524.12(4) *Lease requirements.* Any lease of a vehicle by any motor carrier except under the following conditions is prohibited:

a. Every lease must be in writing and signed by the parties or their regular employees or agents duly authorized to act for them.

b. Every lease shall specify the time that the lease begins and the time or circumstances on which it ends.

[ARC 9513C, IAB 8/20/25, effective 9/24/25]

761—524.13(325A) Tariffs.

524.13(1) *Requirements.* All motor carriers of household goods shall maintain on file with the motor vehicle division a tariff stating the rates and charges that apply for the services performed under the permit.

524.13(2) *Maintenance.* All tariffs and amendments or supplements must be maintained in physical or electronic format and be legibly printed or produced. No alteration in writing, typing or erasure is to be made in any tariff or supplement.

524.13(3) *Filing date.* All changes to tariffs and supplements are to be filed with the motor vehicle division at least seven days prior to the effective date. Tariffs or supplements issued in connection with applications for motor carriers of household goods may become effective on the date the permits are issued.

524.13(4) *Copy to department.* To file a tariff with the motor vehicle division, motor carriers of household goods or their agents are to submit, including by electronic means, a transmittal letter listing all the enclosed tariffs and include one copy of each tariff, supplement or revised page.

524.13(5) *Title page.* The title page of every tariff and supplement shall meet the following requirements:

a. Each tariff shall be numbered in the upper right-hand corner, beginning with number 1 and shown as follows: Ia. DOT No. ...

b. When a tariff is issued canceling a tariff previously filed, the Ia. DOT number of the canceled tariff shall be in the right-hand corner under the Ia. DOT number of the new tariff.

c. Supplements or changes to a tariff shall be numbered beginning with number 1 in the upper right-hand corner along with the number of any previous supplements canceled or changed by the supplement.

d. The name of each motor carrier of household goods must be the same as it appears on the permit. If the motor carrier of household goods is not a corporation and uses a trade name, the name of the individual or partners needs to precede the trade name.

e. Each tariff shall include a brief description of the territory or points from which and to which the tariff applies.

f. Each tariff shall contain the issue and effective dates.

g. Each tariff shall include the name, title and street address of the motor carrier of household goods or the agent by whom the tariff is issued.

524.13(6) Contents of tariff. Each tariff shall include the following:

- a. A table of contents that is arranged alphabetically.
- b. A complete index of all commodities, including the page number. However, no index or table of contents is needed in tariffs of less than five pages or if the rates are alphabetically arranged by commodities.
- c. An explanation of all abbreviations, symbols and reference marks used.
- d. All rates in the tariff explicitly stated in cents or in dollars and cents per one hundred pounds, per mile, per hour, per ton or two thousand pounds, per truck load (of stated amount) or other definable measure. Where rates are stated in amounts per package or bundle, definite specifications of the packages or bundles must be shown and ambiguous terms, rates, descriptions or plans for determining charges will not be accepted.

524.13(7) Duplication of rates. Motor carriers of household goods or their agents shall not publish duplicate or conflicting rates.

524.13(8) Tariff changes. All rates and charges that have been filed with the motor vehicle division must be allowed to become effective and remain in effect for a period of at least seven days before being changed, canceled or withdrawn. All tariffs, supplements and revised pages shall indicate changes from the previous tariff. Changes may be indicated by providing a summary or by use of the following symbols:

(R) to denote reductions

(A) to denote increases

(C) to denote changes, the result of which is neither an increase nor a reduction.

524.13(9) Posting regulations. Each motor carrier of household goods must post and file, in either physical or electronic format, at its principal place of business all of its tariffs and supplements. All tariffs must be kept available for public inspection.

524.13(10) Application for special permission. When making application for permission to establish rates, charges, or rules of the tariff on less than the statutory seven days' notice, motor carriers of household goods and their agents shall use the form prescribed by the department or other form containing all of the required information.

524.13(11) Powers of attorney. An agent or other motor carrier of household goods has the authority to file tariffs and supplements on behalf of a motor carrier if the motor carrier completes a power of attorney granting the agent or other motor carrier authority to act on the motor carrier's behalf, subject to the following requirements:

a. The original power of attorney is on file with the motor vehicle division and a copy has been sent to the agent or other motor carrier of household goods who was granted the authority to act by the power of attorney.

b. The motor carrier notifies the department in writing whenever the motor carrier wants to cancel the authority granted to an agent or other motor carrier of household goods by power of attorney. The notification may occur in writing to the department and state the power of attorney is revoked with 60 days' notice. For good cause, the department may authorize less than 60 days' notice. Copies of the notice must also be mailed to all interested parties by the motor carrier.

524.13(12) Nonconforming tariffs. The motor vehicle division will review tariffs that do not conform with subrules 524.13(1) through 524.13(11) to determine if the tariffs contain the necessary information and are acceptable. Tariffs that are unacceptable will be returned to the motor carrier with an explanation.

[ARC 9513C, IAB 8/20/25, effective 9/24/25]

761—524.14(325A) Denial, suspension, revocation, appeal and reinstatement.

524.14(1) Denial. The department will deny an application if the applicant fails to meet the criteria for issuance of a permit or certificate under Iowa Code chapter 325A or this chapter.

524.14(2) *Suspension or revocation.* The department may suspend or revoke a motor carrier permit or certificate for a violation of Iowa Code chapter 325A or this chapter. The suspension or revocation shall continue until the motor carrier is no longer in violation.

524.14(3) *Appeal.* A person whose application for a motor carrier permit or certificate has been denied for a reason other than noncompliance with insurance requirements or whose motor carrier permit or certificate has been suspended or revoked for a reason other than noncompliance with insurance requirements may contest the decision in accordance with Iowa Code chapter 17A and 761—Chapter 2506 by submitting an appeal request in writing to the director of the motor vehicle division. To be considered timely, the request must be submitted within 20 days after the date of the notice of suspension, revocation or denial and include, as applicable, the motor carrier's name, permit or certificate number; complete address; and telephone number.

524.14(4) *Reinstatement.* Once the suspension or revocation is ended and the statutory fee is paid, the department will issue a new permit or certificate.

[ARC 9513C, IAB 8/20/25, effective 9/24/25; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code sections 321.515 and 321.519 and chapter 325A.

[Filed 7/14/99, Notice 5/19/99—published 8/11/99, effective 9/15/99]

[Filed 3/7/01, Notice 1/10/01—published 4/4/01, effective 5/9/01]

[Filed 5/8/02, Notice 3/20/02—published 5/29/02, effective 7/3/02]

[Filed 9/14/05, Notice 8/3/05—published 10/12/05, effective 11/16/05]

[Filed 12/12/07, Notice 11/7/07—published 1/2/08, effective 2/6/08]

[Filed ARC 0136C (Notice ARC 0068C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]

[Filed ARC 4346C (Notice ARC 4233C, IAB 1/16/19), IAB 3/13/19, effective 4/17/19]

[Filed ARC 4803C (Notice ARC 4681C, IAB 10/9/19), IAB 12/4/19, effective 1/8/20]

[Filed ARC 5047C (Notice ARC 4994C, IAB 3/25/20), IAB 6/3/20, effective 7/8/20]

[Filed ARC 5893C (Notice ARC 5621C, IAB 5/19/21), IAB 9/8/21, effective 10/13/21]

[Editorial change: IAC Supplement 7/26/23]

[Filed ARC 9513C (Notice ARC 9186C, IAB 4/30/25), IAB 8/20/25, effective 9/24/25]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 529
FOR-HIRE INTERSTATE MOTOR CARRIER AUTHORITY
[Prior to 6/3/87, Transportation Department[820]—(07,F) Ch 5]

Chapter rescission date pursuant to Iowa Code section 17A.7: 9/24/30

761—529.1(307,327B) Motor carrier regulations. The department adopts the Code of Federal Regulations, 49 CFR Parts 365 through 368 and 370 through 379, dated October 1, 2024, for regulating interstate for-hire carriers. Copies of this publication are available from the state law library or at www.fmcsa.dot.gov.

[ARC 9514C, IAB 8/20/25, effective 9/24/25]

761—529.2(307,327B) Registering interstate authority in Iowa. Authorized methods to submit registration for interstate exempt and nonexempt authority to the department include by mail to the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; delivery in person to 6310 SE Convenience Boulevard, Ankeny, Iowa; or by facsimile to 515.237.3257.

[ARC 9514C, IAB 8/20/25, effective 9/24/25]

761—529.3(307,327B) Waiver of rules. In accordance with 761—Chapter 2504, the director of transportation or the director's designee (director) may, in response to a petition, waive provisions of this chapter. A waiver will not be granted unless the director finds that special or emergency circumstances exist.

“Special or emergency circumstances” means one or more of the following:

1. Circumstances where the movement is necessary to cooperate with cities, counties, other state agencies or other states in response to a national or other disaster.
2. Circumstances where the movement is necessary to cooperate with national defense officials.
3. Circumstances where the movement is necessary to cooperate with public or private utilities in order to maintain their public services.
4. Circumstances where the movement is essential to ensure safety and protection of any person or property due to events such as but not limited to pollution of natural resources, a potential fire or an explosion.
5. Circumstances where weather or transportation problems create an undue hardship for citizens of the state of Iowa.
6. Circumstances where movement involves emergency-type vehicles.
7. Uncommon or extraordinary circumstances where the movement is essential to the existence of an Iowa business and the move may be accomplished without causing undue hazard to the safety of the traveling public or undue damage to private or public property.

[ARC 9514C, IAB 8/20/25, effective 9/24/25; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code sections 307.12(1)“j” and 307.27 and chapter 327B.

[Filed 7/15/75]

[Filed 10/17/80, Notice 8/20/80—published 11/12/80, effective 12/17/80]

[Filed emergency 7/18/85—published 8/14/85, effective 7/19/85]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed emergency 3/26/92—published 4/15/92, effective 4/29/92]

[Filed 7/14/99, Notice 5/19/99—published 8/11/99, effective 9/15/99]

[Filed 5/10/00, Notice 4/5/00—published 5/31/00, effective 7/5/00]

[Filed 3/7/01, Notice 1/10/01—published 4/4/01, effective 5/9/01]

[Filed 12/19/01, Notice 11/14/01—published 1/23/02, effective 2/27/02]

[Filed 3/13/02, Notice 2/6/02—published 4/3/02, effective 5/8/02]

[Filed 3/26/03, Notice 2/5/03—published 4/16/03, effective 5/21/03]

[Filed 4/21/04, Notice 3/17/04—published 5/12/04, effective 6/16/04]

[Filed 4/15/05, Notice 2/16/05—published 5/11/05, effective 6/15/05]

[Filed 9/14/05, Notice 8/3/05—published 10/12/05, effective 11/16/05]

[Filed 4/19/06, Notice 3/15/06—published 5/10/06, effective 6/14/06]

[Filed 3/21/07, Notice 2/14/07—published 4/11/07, effective 5/16/07]

[Filed 12/12/07, Notice 11/7/07—published 1/2/08, effective 2/6/08]

[Filed 5/14/08, Notice 4/9/08—published 6/4/08, effective 7/9/08]

[Filed ARC 7901B (Notice ARC 7716B, IAB 4/22/09), IAB 7/1/09, effective 8/5/09]

[Filed ARC 8837B (Notice ARC 8668B, IAB 4/7/10), IAB 6/16/10, effective 7/21/10]

[Filed ARC 0136C (Notice ARC 0068C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]

[Filed ARC 2986C (Notice ARC 2878C, IAB 1/4/17), IAB 3/15/17, effective 4/19/17]

[Filed ARC 3840C (Notice ARC 3700C, IAB 3/28/18), IAB 6/6/18, effective 7/11/18]

[Filed ARC 4401C (Notice ARC 4256C, IAB 1/30/19), IAB 4/10/19, effective 5/15/19]

[Filed ARC 5018C (Notice ARC 4895C, IAB 2/12/20), IAB 4/8/20, effective 5/13/20]

[Filed ARC 5547C (Notice ARC 5411C, IAB 2/10/21), IAB 4/7/21, effective 5/12/21]

[Filed ARC 6307C (Notice ARC 6207C, IAB 2/23/22), IAB 5/4/22, effective 6/8/22]

[Filed ARC 6970C (Notice ARC 6822C, IAB 1/11/23), IAB 4/5/23, effective 5/10/23]

[Filed ARC 8055C (Notice ARC 7745C, IAB 4/3/24), IAB 6/12/24, effective 7/17/24]

[Filed ARC 9514C (Notice ARC 9189C, IAB 4/30/25), IAB 8/20/25, effective 9/24/25]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 540
TRANSPORTATION NETWORK COMPANIES

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/12/30

761—540.1(321N) Purpose and applicability. This chapter implements the permitting and regulation requirements of Iowa Code chapter 321N and applies to transportation network companies and transportation network company drivers.

[ARC 8788C, IAB 1/8/25, effective 2/12/25]

761—540.2(321N) Definitions. The definitions in Iowa Code section 321N.1 are hereby incorporated in this chapter.

[ARC 8788C, IAB 1/8/25, effective 2/12/25]

761—540.3(321N) General information.

540.3(1) Information and location. Applications, forms, and information regarding transportation network company permits are available 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 515.237.3156; by email at central.vehicle@iowadot.us; or on the department's website at www.iowadot.gov/mvd/paid-rideshare.

540.3(2) Complaints. Complaints against transportation network companies pertaining to the provisions of Iowa Code chapter 321N and this chapter that are within the regulation and jurisdiction of the department may be submitted in writing to the motor vehicle division via the methods listed in subrule 540.3(1).

[ARC 8788C, IAB 1/8/25, effective 2/12/25]

761—540.4(321N) Application for transportation network company permit and supporting documents.

540.4(1) Application. An application for a transportation network company permit is to be made to the motor vehicle division using Form 432070 and is to contain the information required in Iowa Code section 321N.2, as well as the following:

a. If incorporated or otherwise organized, the transportation network company's state of incorporation or organization and a statement confirming the transportation network company is in good standing with the transportation network company's state of incorporation or organization.

b. A statement confirming the transportation network company's agreement to comply with all applicable requirements of Iowa Code chapter 321N and this chapter, signed by the transportation network company's authorized representative.

c. The name by which the transportation network company will do business in the state of Iowa, if different from the transportation network company's full legal name.

d. A description of the transportation network company's digital network and the means or manner by which the network may be accessed by the transportation network company's drivers and riders. This paragraph is not intended to and shall not be construed as requiring the disclosure of information proprietary to the transportation network company.

e. A description of how the transportation network company has established a means of informing persons seeking approval to serve as transportation network company drivers of the driver's notification obligations under Iowa Code section 321N.3(2).

f. A description of how the transportation network company has established a means of making the automobile insurance disclosures required by Iowa Code section 321N.5 to persons serving as transportation network company drivers.

g. A description of how the transportation network company has established a means of making the driver and vehicle disclosures required by Iowa Code section 321N.7 to transportation network company riders.

h. A description of how the transportation network company has established a means of transmitting an electronic receipt to transportation network company riders as required by Iowa Code section 321N.8.

i. Such other information as may be required by the department.

540.4(2) *Application fee.* The application fee in Iowa Code section 321N.2(2) shall be made payable to the Iowa Department of Transportation in the form and manner prescribed by the department.

540.4(3) *Supporting documents.* The proof required in Iowa Code section 321N.2(2) includes the following:

a. Proof under Iowa Code section 321N.2(2) “a”(4): a valid certificate of coverage from an insurer governed by Iowa Code chapter 515 or from a surplus lines insurer governed by Iowa Code chapter 515I. An acceptable certificate of coverage will demonstrate coverage in the amounts and circumstances required by Iowa Code section 321N.4 and will certify that, if insurance maintained by a transportation network company driver under Iowa Code chapter 321N lapses or does not provide coverage in the amounts or types required by Iowa Code section 321N.4(2) or 321N.4(3), the insurance certified in the certificate of coverage will provide coverage in the amounts and types required by Iowa Code section 321N.4(2) or 321N.4(3), beginning with the first dollar of the claim, and the insurer providing such coverage shall defend the claim. An acceptable certificate of coverage will also certify that the coverage therein is not dependent on the insurer of a transportation network company driver’s personal vehicle first denying a claim, and does not require the insurer of a personal automobile insurance policy to first deny a claim to trigger coverage and defense under the coverage certified.

b. Proof under Iowa Code section 321N.2(2) “a”(5): a written copy of the applicable policy and an explanation of the manner or means by which the policy is made known to transportation network company drivers and the manner or means by which the policy is enforced.

c. Proof under Iowa Code section 321N.2(2) “a”(7): a written copy of each applicable policy and an explanation of the manner or means by which the policy is made known to transportation network company drivers and the manner or means by which the policy is enforced. As used herein, “nondiscrimination policy” means a policy that prohibits discrimination against transportation network company riders on the basis of race, age, disability, religion, color, sex, or national origin. “Accessibility policy” means a policy that prohibits discrimination against and ensures equal opportunity and access to transportation network company riders who are persons with disabilities under the Americans with Disabilities Act of 1990 (ADA) as amended by the ADA Amendments Act of 2008 (P.L.110-325), codified at 42 U.S.C. 12101 et seq.

d. Proof under Iowa Code section 321N.2(2) “a”(8): a written copy of the applicable policy and an explanation of the manner or means by which the policy is made known to the designated records retention officer or responsible staff and the manner or means by which the policy is enforced.

e. All applicable documents identified in 761—subrule 380.7(2) and any other documentation, if required by the department, necessary to assess the operational capabilities of any driverless-capable vehicles the transportation network company intends to operate, including for the purpose of determining whether to impose operational restrictions as authorized under rule 761—400.21(321).

[ARC 8788C, IAB 1/8/25, effective 2/12/25]

761—540.5(321N) Issuance of permit. Upon submission of a completed application as set forth in rule 761—540.4(321N), the department shall process the application and inform the transportation network company of the package’s status no later than 30 days after the department receives the application. Application statuses for the purpose of this rule are as follows: “in process,” “granted,” and “denied.” If the department informs a transportation network company that the application is “in process,” then the department shall also inform the transportation network company of the reason for the status.

[ARC 8788C, IAB 1/8/25, effective 2/12/25]

761—540.6(321N) Amendment to transportation network company permit. If during the period the permit is valid any information required and presented in the application under subrule 540.4(1) changes, the transportation network company is to notify the motor vehicle division of the change in writing within 30 days after the change. Notification is to include the permit number and a description of the information that has changed and needs to be updated in the department's records. Submission of amended information is not a request for a new permit or for permit approval and does not extend the period the permit is valid. Upon determination that the information submitted is complete and correct, the department shall update its records and issue an amended permit, if the department determines it is necessary.

[ARC 8788C, IAB 1/8/25, effective 2/12/25]

761—540.7(321N) Suspension and revocation procedures.

540.7(1) *Suspension.* If the department determines that the transportation network company has violated Iowa Code chapter 321N or this chapter, the department may issue to the transportation network company a written notice of the violation. The written notice shall specify the violation and advise the transportation network company that failure to remedy the violation and to comply with the applicable requirements within 30 days will result in suspension of the permit and the privilege to operate or conduct business as a transportation network company in the state of Iowa. If the transportation network company fails to remedy the violation within 30 days, the department shall issue to the transportation network company a written notice of suspension of the permit and the privilege to operate or conduct business as a transportation network company in the state of Iowa, which will take effect 30 days after service of the written notice of suspension. Once effective, the suspension will remain in effect until the transportation network company demonstrates to the department that the transportation network company is in compliance with the applicable requirements or the permit is revoked or expires, whichever occurs first.

540.7(2) *Revocation.* If the department determines that the transportation network company is in continued noncompliance with Iowa Code chapter 321N or this chapter, the department shall revoke the transportation network company's permit and the privilege to operate or conduct business as a transportation network company in the state of Iowa for a minimum of 90 days. Notice of revocation shall be in writing and specify the continued noncompliance. The revocation will take effect 30 days after service of the written notice of revocation and will remain effective until the following criteria are satisfied:

a. The transportation network company submits a new application, application fee, and supporting documents under rule 761—540.4(321N).

b. The department determines a new permit should be issued under this chapter.

540.7(3) *Continued noncompliance.* As used in this rule, "continued noncompliance" means a violation of Iowa Code chapter 321N or this chapter for which a notice of suspension has become effective and has remained in effect for a period of at least 180 days.

[ARC 8788C, IAB 1/8/25, effective 2/12/25]

761—540.8(321N) Appeal.

540.8(1) A transportation network company whose permit has been suspended, revoked, or denied may request an informal settlement or a contested case proceeding as provided in 761—Chapter 2506.

540.8(2) To be timely, the request must be submitted within 20 days of service of the notice of suspension or revocation. A request to appeal a denial may be submitted at any time.

540.8(3) The department will stay the suspension or revocation pending resolution of the informal settlement, contested case, or appeal.

[ARC 8788C, IAB 1/8/25, effective 2/12/25; Editorial change: IAC Supplement 6/24/26]

761—540.9(321N) Renewal.

540.9(1) A transportation network company that holds a valid permit may renew the permit by submitting, at minimum, the following: (1) the application, (2) the application fee, (3) current proof of insurance as specified in subrule 540.4(3), and (4) any supporting documents as set forth in rule 761—540.4(321N) that have changed since the documents were last approved by the department. Any required documentation that has not changed, other than current proof of insurance, does not need to be resubmitted for a permit renewal. The application for renewal must be submitted no more than 60 days before the expiration date of the existing permit and no fewer than 30 days before the expiration date of the existing permit.

540.9(2) Pursuant to Iowa Code section 17A.18(2), when a transportation network company has made a timely and sufficient application for the renewal of a valid permit, the existing permit does not expire until the application has been finally determined by the department and, in case the application is denied or the terms of the new permit are limited, until the last day for seeking judicial review of the department's order or a later date fixed by order of the department or the reviewing court.

540.9(3) If the application for renewal is submitted fewer than 30 days before the expiration date of the existing permit, then the application will be considered a new application and Iowa Code section 17A.18(2) shall not apply. If a transportation network company does not file a renewal application pursuant to this rule, then the original application will expire on the expiration date set forth on the original permit.

540.9(4) If a transportation network company initiates an appeal, informal settlement, or contested case proceeding pursuant to rule 761—540.8(321N) and the original application expires pursuant to the expiration date of the application, then the transportation network company is required to submit a renewal application pursuant to subrule 540.9(1) if the transportation network company intends to hold a valid permit under this chapter once the appeal, informal settlement, or contested case proceeding has been finally determined.

[ARC 8788C, IAB 1/8/25, effective 2/12/25]

761—540.10(321N) Record review.

540.10(1) When the department examines the records of a transportation network company as authorized under Iowa Code section 321N.2(5), the department may request the transportation network company to provide a list of all prearranged rides for a seven-day period or all transportation network company drivers in Iowa for a specific date. The transportation network company shall provide the required information to the department within 30 days of the request.

540.10(2) For the records provided under subrule 540.10(1), the department may identify a random sample of rides or drivers, or rides and drivers, for review for the specified period. The transportation network company must provide additional information for each driver and each rider for each ride as requested by the department. The department may also require:

- a.* A copy of the driver's license for the transportation network company driver.
- b.* A copy of the driver's state-issued vehicle registration, including year, make, model, VIN and license plate number.
- c.* A copy of proof of the driver's financial liability coverage, including the driver's insurance company name, address, and policy number. In addition, a copy of proof of financial liability coverage maintained to comply with Iowa Code sections 321N.4(2) and 321N.4(3) that includes coverages and limits may be satisfied by any of the following:
 - (1) Insurance maintained by the transportation network company driver.
 - (2) Insurance maintained by the transportation network company.
 - (3) A combination of subparagraphs 540.10(2) "c"(1) and (2).
- d.* A copy of or a verification that all necessary disclosures were supplied to the driver by the transportation network company, including the lienholder, vehicle owner, insurance and motor vehicle equipment requirements.

e. A copy of all complaints received by the transportation network company from any rider who received a ride from the driver. This includes but is not limited to complaints related to drug or alcohol use, vehicle safety, motor vehicle equipment safety, driver behavior, driver ability or operation of the vehicle.

f. A summary or other documentation that shows how the transportation network company resolved any complaint from a rider.

g. Documentation or verification of the background and sex offender registry check on the driver.

h. The electronic ride receipt provided to each rider.

540.10(3) Notwithstanding any provision of subrule 540.10(1) to the contrary, the department and the transportation network company may agree to an alternative process or format for the transportation network company to provide the requested records if the records otherwise include the information required in subrule 540.10(2).

540.10(4) Records submitted by the transportation network company to the department pursuant to this rule shall maintain the same status, including confidentiality and disclosure requirements as provided in Iowa Code section 321N.2(5).

[ARC 8788C, IAB 1/8/25, effective 2/12/25]

These rules are intended to implement Iowa Code sections 321.515 and 321.519 and chapter 321N.

[Filed ARC 2987C (Notice ARC 2907C, IAB 1/18/17), IAB 3/15/17, effective 4/19/17]

[Filed ARC 3688C (Notice ARC 3572C, IAB 1/17/18), IAB 3/14/18, effective 4/18/18]

[Editorial change: IAC Supplement 8/11/21]

[Filed ARC 5893C (Notice ARC 5621C, IAB 5/19/21), IAB 9/8/21, effective 10/13/21]

[Filed ARC 6491C (Notice ARC 6312C, IAB 5/4/22), IAB 9/7/22, effective 10/12/22]

[Filed ARC 8788C (Notice ARC 8278C, IAB 10/30/24), IAB 1/8/25, effective 2/12/25]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 601 APPLICATION FOR LICENSE

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/19/30

761—601.1(321) Information.

601.1(1) General. In addition to Iowa Code sections 321.182 and 321.196, this chapter provides information regarding how an applicant can qualify to apply for a driver's license. Additional information regarding applications for a commercial driver's license can be found in 761—Chapter 607.

601.1(2) Definition.

"License" means "driver's license" as defined in Iowa Code section 321.1(20A) unless the context otherwise requires.

601.1(3) Documents and location. Applications, forms and information about applying for a driver's license are available at any driver's license service center. Assistance is also available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; by telephone at 515.239.1837; by email at driver.services@iowadot.us; or on the department's website at www.iowadot.gov/mvd/driverslicense.

This rule is intended to implement Iowa Code section 321.182.

[ARC 9622C, IAB 10/15/25, effective 11/19/25]

761—601.2(321,321C) Application for license. An application for a driver's license is to include the following:

601.2(1) Name. The applicant's full legal name is to be given on the application. "Full legal name" means an individual's first name(s), middle name(s) and last name(s), without use of initials or nicknames. Civilian and military titles, initials and nicknames are not to be used on the applicant's license or in the applicant's record. This does not apply where a portion of an individual's legal name, whether first, middle or last, consists of a single character, whether followed by a period or not.

601.2(2) Out-of-state verification. Upon application for a driver's license, the department is to ascertain whether the applicant has ever held, or is the holder of, a driver's license issued by any other state.

a. The department will not issue a driver's license to the applicant if:

(1) The applicant has held a driver's license issued by any other state, but the driver's license has been suspended by reason, in whole or part, of a violation and if such suspension period has not terminated.

(2) The applicant has held a driver's license issued by any other state, but the driver's license has been revoked by reason, in whole or part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, the applicant may make application for a new license if permitted by law. The department may refuse to issue a license to any such applicant if, after investigation, the department determines that it will not be safe to grant such applicant the privilege of driving a motor vehicle on the highways.

(3) The applicant is the holder of a driver's license issued by another state and currently in force unless the applicant surrenders such license.

b. If the applicant is subject to subparagraph 601.2(2)"a"(2) or has committed an offense or acted in a manner in another state that in Iowa would be grounds for revocation and it has been more than one year from the date the license or driving privilege was revoked, the department may issue the applicant a driver's license only upon such terms and conditions and subject to such restrictions or limitations as if the violation had been committed and the revocation imposed in Iowa. The department will delay licensing or restrict licensing for such period of time that the applicant would be ineligible for a driving privilege or subject to a restricted driving privilege if the violation had been committed and the revocation imposed in Iowa.

(1) The department may grant a driving privilege to an applicant who meets all of the following:

1. The applicant has satisfied the same requirements as if the violation had been committed and the revocation imposed in Iowa.

2. The applicant is otherwise physically and mentally capable of safely operating a motor vehicle.

(2) The department will not assess a civil penalty to the applicant as a condition of licensing under this subrule.

(3) Pursuant to Iowa Code section 321.13, the department may make further investigation or request further information necessary to determine whether it is safe to grant the applicant a driving privilege.

c. The department may verify the applicant's driving record from another state of record, including electronically, to assist the department in determining whether it is safe to grant the applicant a license.

601.2(3) *Disabilities.* The applicant is to indicate and explain any mental or physical disabilities that might affect the applicant's ability to operate a motor vehicle safely. The department may make further inquiries of the applicant or request 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.

601.2(4) *Physical description.* The applicant shall provide the applicant's sex, height to the nearest inch, weight to the nearest pound and eye color.

601.2(5) *Address.* The applicant shall provide the applicant's current residential address and current mailing address, if different from the applicant's current residential address. A mailing address for which a forwarding order with the United States Postal Service is in place is not acceptable. Notwithstanding anything in subrule 601.2(5), an applicant who is a participant in the "safe at home" address confidentiality program administered by the Iowa secretary of state may submit a designated address issued to the applicant by the Iowa secretary of state as the applicant's residential and mailing address.

601.2(6) *Signature.*

a. The applicant's signature shall be without qualification and shall contain only the applicant's usual signature without any other titles, characters or symbols.

b. The applicant's signature certifies, under penalty of perjury and pursuant to the laws of the state of Iowa, that the statements made and information provided in the applicant's application are true and correct.

c. The applicant's signature further certifies that the fee collected and the change returned, if any, is correct and acknowledges that the applicant is aware of the obligation to notify the department of a change in mailing address within 30 days of the change.

d. The applicant's signature will be captured electronically.

601.2(7) *Surrender of license and nonoperator's identification card.* An applicant for a driver's license shall surrender all other driver's licenses and nonoperator's identification cards. This includes those issued by a state other than Iowa or a foreign jurisdiction unless otherwise provided in a letter of understanding or other written memorialization of reciprocity or understanding. An applicant who renews a driver's license electronically pursuant to 761—subrule 605.25(7) shall destroy the previous driver's license upon receipt of the renewed driver's license.

This rule is intended to implement Iowa Code sections 321.13, 321.177, 321.182, 321.186, 321.196 and 321C.1 and 6 CFR Part 37.

[ARC 9622C, IAB 10/15/25, effective 11/19/25]

761—601.3(321) Emergency contact information. Pursuant to Iowa Code section 321.197, a person may voluntarily provide the department with emergency contact information.

601.3(1) *Form and submission.*

a. Emergency contact information may be provided to the department through any of the following methods:

(1) By submitting Form 430305 to the department's address or website listed in subrule 601.1(3) or by email at emergencyinfo.contact@iowadot.us.

(2) In person at a driver's license service center.

(3) In person at a county treasurer's office that issues driver's licenses under Iowa Code chapter 321M.

b. Submission of emergency contact information is not a condition of issuing, renewing or replacing a driver's license.

601.3(2) Modifications.

a. A person may request changes to the person's emergency contact information by entering those changes on the department's website or by submitting Form 430305 to the department using any of the methods provided in paragraph 601.3(1) "*a.*"

b. A person may request to be removed as an emergency contact by submitting Form 430306 to the department at the address or website listed in subrule 601.1(3) or by email at emergencyinfo.contact@iowadot.us.

c. A person who was removed as an emergency contact under paragraph 601.3(2) "*b.*" will not again be listed as the person's emergency contact unless the person submits Form 430306 to the department at the address or website listed in subrule 601.1(3) or by email at emergencyinfo.contact@iowadot.us.

This rule is intended to implement Iowa Code section 321.197.

[ARC 9622C, IAB 10/15/25, effective 11/19/25]

761—601.4(17A,321) Proofs submitted with application. An applicant 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.

601.4(1) Verification of identity and date of birth. To establish identity and date of birth, an applicant must submit at least one of the following documents. The department may require additional documentation.

a. A valid, unexpired U.S. passport or U.S. passport card.

b. A certified copy of a birth certificate and, if applicable, a certified amended or new birth certificate showing a change in name or date of birth, filed with a state office of vital statistics or equivalent agency in the applicant's state of birth. The birth certificate must bear the issuing authority's certification of authenticity. A hospital-issued certificate is not acceptable. As used herein, "state" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

c. A Consular Report of Birth Abroad issued by the U.S. Department of State (Form FS-240, DS-1350 or FS-545).

d. A valid, unexpired Permanent Resident Card (Form I-551) issued by the U.S. Department of Homeland Security or U.S. Immigration and Naturalization Service.

e. An unexpired employment authorization document issued by the U.S. Department of Homeland Security (Form I-766 or Form I-688B).

f. An unexpired foreign passport with a U.S. visa affixed, accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States.

g. A Certificate of Naturalization issued by the U.S. Department of Homeland Security (Form N-550 or Form N-570).

h. A Certificate of Citizenship (Form N-560 or Form N-561) issued by the U.S. Department of Homeland Security.

i. A REAL ID driver's license or identification card as defined in 6 CFR Section 37.3.

j. Such other documents as the U.S. Department of Homeland Security may designate as acceptable proof of identity and date of birth for REAL ID purposes by notice published in the Federal Register.

k. A federal release identification card issued by the U.S. Department of Justice or Federal Bureau of Prisons or an Inmate Descriptor Inquiry, Client Information Inquiry or Offender Snapshot document issued by the Iowa department of corrections or the United States District Court, Northern and Southern Districts of Iowa, that contains the applicant's full legal name and date of birth and is notarized. An application that includes only a document listed in this paragraph as proof of identity and date of birth is only eligible for a driver's license or nonoperator's identification card marked as not acceptable for federal purposes pursuant to 6 CFR Part 37.

601.4(2) *Verification of social security number.*

a. Except as provided in paragraph 601.4(2) "*b.*" an applicant must provide the applicant's Social Security Administration's account number.

b. An applicant who establishes identity by presenting the identity document listed in paragraph 601.4(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 provide the applicant's social security number or demonstrate non-work authorized status.

601.4(3) *Verification of Iowa residency and current residential address.*

a. An applicant must present two documents that include the applicant's name and current Iowa residential address and that demonstrate residency in the state of Iowa. Acceptable documents are issued by a person, organization or entity other than the applicant that include the issuer's name and address, include the applicant's name and current residential address and demonstrate residency in the state of Iowa. Acceptable documents are reasonable, authentic documents capable of verification by the department.

b. An acceptable address is a street or highway address and not a post office box. In areas where a number and street name have not been assigned, an address convention used by the U.S. Postal Service is acceptable. The current residence of a person with more than one dwelling is the dwelling for which the person claims a homestead tax credit under Iowa Code chapter 425, if applicable.

c. An applicant who is a member of the armed forces and is an Iowa resident stationed in another state or an applicant who is the spouse or dependent family member residing with a member of the armed forces that is an Iowa resident stationed in another state may use the applicant's address in the state of station as the applicant's current residential address if the applicant does not maintain an Iowa residence during the applicant's deployment outside the state of Iowa. The applicant must provide official documentation confirming the applicant's residential address in the state of station and that the applicant is stationed in that state. The applicant's mailing address may be the applicant's current residential address or another address at which the applicant receives mail.

601.4(4) *Verification of lawful status in the United States.*

a. If an applicant presents one of the identity documents listed under subrule 601.5(1), the department's verification of that identity document is satisfactory evidence of lawful status.

b. An applicant who presents only a document listed under paragraph 601.4(1) "*e.*" "*f.*" or "*i.*" is not eligible to receive a driver's license or nonoperator's identification card marked as REAL ID compliant unless the applicant also provides one of the other documents listed in subrule 601.4(1) or another United States Department of Homeland Security-approved document.

601.4(5) *Verification of name change.* The name listed on the driver's license or nonoperator's identification card that is issued will 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 601.4(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 provisions of paragraph 601.4(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, 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. Certified copy of marriage certificate. The marriage certificate must be filed with a state office of vital statistics or equivalent agency in the person's state or country of marriage. The certificate must bear the issuing authority's certification of authenticity. A church, chapel or similarly issued certificate is not acceptable. As used herein, "state" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

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 department with the Social Security Online Verification (SSOLV) system in accordance with 6 CFR Section 37.13(b)(2) effective January 1, 2024.

601.4(6) *Verification of change of date of birth.* The date of birth listed on the driver's license or nonoperator's identification card that is issued will be identical to the date of birth listed on the identity document submitted unless the applicant submits a certified amended or new birth certificate that documents the change of date of birth and complies with paragraph 601.4(1)"*b.*"

601.4(7) *Verification of sex.* The sex listed on the driver's license or nonoperator's identification card that is issued will be identical to the sex listed on the identity document submitted.

601.4(8) *Exception process.* As provided in 6 CFR Section 37.11(h) (REAL ID exceptions process) effective January 1, 2024, and notwithstanding any other provisions of this chapter or 761—Chapter 2504 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 is to submit a written request to the department at the address or email address listed in subrule 601.1(3) or in person at any driver's license service center containing 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 effective January 1, 2024.
- (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 a written request with all of the required documentation under paragraph 601.4(8)"*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.

d. An exception under this subrule does not apply to a required document under subrule 601.4(2).

e. An alternate document accepted under this exception process to satisfy the provisions of subrule 601.4(4) is only allowed if the document demonstrates United States citizenship as required by 6 CFR Section 37.11(h) effective January 1, 2024.

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 requires the department to issue a driver's license or nonoperator's identification card if the applicant is not otherwise eligible. 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.

h. An applicant whose request for exception under this rule has been denied may contest the decision in accordance with Iowa Code chapter 17A and 761—Chapter 2506. The request for a hearing may be submitted in writing to the motor vehicle division. The request is to 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 is to be submitted within 20 days after the date of the notice of exception denial.

This rule is intended to implement Iowa Code chapter 17A; Iowa Code section 4.1A as enacted by 2025 Iowa Acts, Senate File 418; Iowa Code 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.

[ARC 9622C, IAB 10/15/25, effective 11/19/25; Editorial change: IAC Supplement 6/24/26]

761—601.5(321) Parent's, guardian's, or custodian's consent. The application of an unmarried person under the age of 18 years is subject to the following:

601.5(1) Form 430018, Parent's, Guardian's or Custodian's Consent to Issue Driver's License or Permit, or its equivalent must be submitted at the time of issuance or to the email address listed in subrule 601.1(3).

601.5(2) The form shall contain the verified consent and confirmation of the applicant's date of birth and be signed by either parent of the applicant, the guardian of the applicant, or a person having custody of the applicant under Iowa Code chapter 232 or 600A.

601.5(3) The signature, which may be electronic, is to be dated and subject to the following verification or its equivalent: "I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct." No exception will be made for the parent's, guardian's or custodian's absence from Iowa. A married person under the age of 18 years shall submit a marriage certificate that complies with paragraph 601.4(5) "b" in lieu of the consent form.

This rule is intended to implement Iowa Code section 321.184.

[ARC 9622C, IAB 10/15/25, effective 11/19/25]

761—601.6(321) REAL ID driver's license. A person who seeks a driver's license that is compliant with the REAL ID Act of 2005, 49 U.S.C. Section 30301 note, as implemented in 6 CFR Part 37 ("REAL ID driver's license") effective January 1, 2024, must meet and comply with all lawful requirements for an Iowa driver's license and must also meet and comply with all application and documentation requirements set forth at 6 CFR Part 37, including but not limited to documentation of identity, date of birth, social security number, address of principal residence and evidence of lawful status in the United States. Documents and information provided will be verified pursuant to 6 CFR Section 37.13. An applicant for a REAL ID driver's license is subject to a mandatory facial image capture that meets the requirements of 6 CFR Section 37.11(a). A REAL ID driver's license may not be issued, reissued or renewed except as permitted in 6 CFR Part 37 and may not be issued, reissued or renewed by any procedure, in any circumstance, to any person or for any term prohibited under 6 CFR Part 37. The information on the front of any REAL ID driver's license must include all

information and markings required by 6 CFR Section 37.17. Nothing in this rule requires a person to obtain a REAL ID driver's license.

This rule is intended to implement Iowa Code chapter 321; 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.

[ARC 9622C, IAB 10/15/25, effective 11/19/25]

[Filed emergency 6/7/90—published 6/27/90, effective 7/1/90]

[Filed 12/18/91, Notice 11/13/91—published 1/8/92, effective 2/12/92]

[Filed 11/1/95, Notice 9/27/95—published 11/22/95, effective 12/27/95]

[Filed 10/30/96, Notice 9/25/96—published 11/20/96, effective 12/25/96]

[Filed emergency 4/3/97—published 4/23/97, effective 4/3/97]

[Filed 1/21/98, Notice 12/17/97—published 2/11/98, effective 3/18/98]

[Filed 10/28/98, Notice 9/23/98—published 11/18/98, effective 12/23/98]

[Filed 2/15/02, Notice 12/26/01—published 3/20/02, effective 4/24/02]

[Filed 6/19/02, Notice 4/17/02—published 7/10/02, effective 8/14/02]

[Filed ARC 7902B (Notice ARC 7721B, IAB 4/22/09), IAB 7/1/09, effective 8/5/09]

[Filed Emergency ARC 8339B, IAB 12/2/09, effective 12/21/09]

[Filed ARC 8514B (Notice ARC 8342B, IAB 12/2/09), IAB 2/10/10, effective 3/17/10]

[Filed ARC 0347C (Notice ARC 0201C, IAB 7/11/12), IAB 10/3/12, effective 11/7/12]

[Filed Emergency ARC 0895C, IAB 8/7/13, effective 7/9/13]

[Filed ARC 1073C (Notice ARC 0894C, IAB 8/7/13), IAB 10/2/13, effective 11/6/13]

[Filed ARC 3451C (Notice ARC 3307C, IAB 9/13/17), IAB 11/8/17, effective 12/13/17]

[Filed ARC 6059C (Notice ARC 5924C, IAB 9/22/21), IAB 12/1/21, effective 1/5/22]

[Filed ARC 6306C (Notice ARC 6200C, IAB 2/23/22), IAB 5/4/22, effective 6/8/22]

[Filed ARC 9622C (Notice ARC 9292C, IAB 5/28/25), IAB 10/15/25, effective 11/19/25]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 607
COMMERCIAL DRIVER LICENSING

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/5/30

761—607.1(321) Scope. This chapter applies to licensing persons for the operation of commercial motor vehicles. Unless otherwise stated, the provisions of this chapter are in addition to other motor vehicle licensing rules in Iowa Code chapter 321.

This rule is intended to implement Iowa Code section 321.188.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.2(321) Information.

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 Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Boulevard, Ankeny, Iowa; by telephone at 515.244.8725; by facsimile at 515.239.1837; or on the department's website at www.iowadot.gov/mvd/cdl/CDL-homepage.

607.2(2) *Manual.* Copies of the study manual for the commercial driver's license tests are available upon request at any driver's license service center and on the department's website.

This rule is intended to implement Iowa Code section 321.188.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.3(321) Definitions. The definitions in Iowa Code section 321.1 apply to this chapter of rules. In addition, the following definitions are adopted:

"Air brake system" means a system that uses air as a medium for transmitting pressure or force from the driver's control to the service brake. "Air brake system" shall include any braking system operating fully or partially on the air brake principle.

"Air over hydraulic brakes" means any braking system operating partially on the air brake and partially on the hydraulic brake principle.

"Automatic transmission" means any transmission other than a manual transmission.

"CDLIS" means "commercial driver's license information system" as defined in Iowa Code section 321.1.

"Commercial driver's license downgrade" or *"CDL downgrade"* means the same as defined in 49 CFR Section 383.5 (October 1, 2024).

"Commercial motor vehicle" or *"CMV"* as defined in Iowa Code section 321.1 does not include a motor vehicle designed as off-road equipment rather than as a motor truck, such as a forklift, motor grader, scraper, tractor, trencher or similar industrial-type equipment. "Commercial motor vehicle" also does not include self-propelled implements of husbandry described in Iowa Code section 321.1(32).

"Controlled substance" as used in Iowa Code section 321.208 means a substance defined in Iowa Code section 124.101.

"Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. Section 5103 and is required to be placarded under 49 CFR Part 172, Subpart F, or any quantity of a material listed as a select agent or toxin in 42 CFR Part 73.

"Manual transmission" means a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated either by hand or by foot. All other transmissions, whether semi-automatic or automatic, will be considered automatic.

"Medical examiner" means a person who is licensed, certified or registered, in accordance with applicable state laws and regulations, to perform physical examinations. The term includes but is not limited to doctors of medicine, doctors of osteopathy, physician assistants, advanced registered nurse practitioners, and doctors of chiropractic.

“Medical examiner’s certificate” means a certificate completed and signed by a medical examiner under the provisions of 49 CFR Section 391.43 and includes medical examiner’s certificate information provided electronically by the Federal Motor Carrier Safety Administration pursuant to 49 CFR Section 383.71 and 49 CFR Section 383.73.

“Medical variance” means a driver has received one of the following from the Federal Motor Carrier Safety Administration that allows the driver to be issued a medical certificate:

1. An exemption letter permitting operation of a commercial motor vehicle pursuant to 49 CFR Part 381, Subpart C; 49 CFR Section 391.62; or 49 CFR Section 391.64.
2. A skill performance evaluation certificate permitting operation of a commercial motor vehicle pursuant to 49 CFR Section 391.49.

“National drug and alcohol clearinghouse” means the database maintained by the Federal Motor Carrier Safety Administration as defined in 49 CFR Section 382.107 (October 1, 2024).

“Passenger vehicle” means either of the following:

1. A motor vehicle designed to transport 16 or more persons including the operator.
2. A motor vehicle of a size and design to transport 16 or more persons including the operator that has been redesigned or modified to transport fewer than 16 persons with disabilities. The size of a redesigned or modified vehicle shall be any such vehicle with a gross vehicle weight rating of 10,001 or more pounds.

“School bus” means a commercial motor vehicle used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events unless otherwise provided in Iowa Code section 321.1(69). “School bus” does not include a bus used as a common carrier.

“Self-certification” means a written certification of which category of type of driving an applicant for a commercial driver’s license engages in or intends to engage in, from the following categories:

1. Non-excepted interstate. The person certifies that the person operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 CFR Part 391 effective October 1, 2024, and is required to obtain a medical examiner’s certificate by 49 CFR Section 391.45 effective October 1, 2024.
2. Excepted interstate. The person certifies that the person operates or expects to operate in interstate commerce but engages exclusively in transportation or operations excepted under 49 CFR Section 390.3(f), 391.2, 391.68 or 398.3 effective October 1, 2024, from all or parts of the qualification requirements of 49 CFR Part 391 effective October 1, 2024, and is therefore not required to obtain a medical examiner’s certificate by 49 CFR Section 391.45 effective October 1, 2024.
3. Non-excepted intrastate. The person certifies that the person operates only in intrastate commerce and is subject to state driver qualification requirements.
4. Excepted intrastate. The person certifies that the person operates only in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements as set forth in Iowa Code section 321.449.

“State,” as used in this chapter and in “another state” in Iowa Code section 321.174(2), “former state of residence” in Iowa Code section 321.188(5), or “any state” in Iowa Code section 321.208(1), means one of the United States or the District of Columbia unless the context means the state of Iowa.

This rule is intended to implement Iowa Code sections 321.1, 321.174, 321.188, 321.191, 321.193, 321.207 and 321.208.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.4(22,321) Records. The department will maintain the operating record of a person issued a commercial driver’s license or a commercial learner’s permit or a person who has been disqualified from operating a commercial motor vehicle as provided in the department’s “Record Management Manual” adopted in 761—Chapter 2505.

This rule is intended to implement Iowa Code sections 22.11, 321.12, 321.188 and 321.199.

[ARC 9579C, IAB 10/1/25, effective 11/5/25; Editorial change: IAC Supplement 6/24/26]

761—607.5(321) Adoption of federal regulations.

607.5(1) Code of Federal Regulations. The department's administration of commercial driver's licenses shall be in compliance with the state procedures set forth in 49 CFR Section 383.73, and this chapter shall be construed to that effect. The department adopts the following portions of the Code of Federal Regulations, which are referenced throughout this chapter of rules:

- a. 49 CFR Section 391.11 as adopted in 661—Chapter 22.
- b. 49 CFR Section 392.5 as adopted in 661—Chapter 22.
- c. 49 CFR Part 380, Subpart F (October 1, 2024).
- d. The following portions of 49 CFR Part 383 (October 1, 2024):
 - (1) Section 383.51, Disqualification of drivers.
 - (2) Subpart E—Testing and Licensing Procedures.
 - (3) Subpart F—Vehicle Groups and Endorsements.
 - (4) Subpart G—Required Knowledge and Skills.
 - (5) Subpart H—Tests.
- e. 49 CFR Part 384, Subpart B (October 1, 2024).

607.5(2) Copies of regulations. Copies of the federal regulations may be reviewed at the state law library or through the Internet at www.fmcsa.dot.gov.

This rule is intended to implement Iowa Code sections 321.187, 321.188, 321.207, 321.208 and 321.208A.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.6(321) Application. An applicant for a commercial driver's license shall comply with the requirements of Iowa Code sections 321.180(2)“e,” 321.182 and 321.188 and 761—Chapter 601, and provide the proofs of citizenship or lawful permanent residence and state of domicile required by 49 CFR Section 383.71. If the applicant is domiciled in a foreign jurisdiction and applying for a nondomiciled commercial driver's license, the applicant must provide a document required by 49 CFR Section 383.71(f).

This rule is intended to implement Iowa Code sections 321.180, 321.182 and 321.188.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.7(321) Commercial driver's license (CDL).

607.7(1) Classes. The department may issue a commercial driver's license only as a Class A, B or C driver's license. The license class identifies the types of vehicles that may be operated. A commercial driver's license may have endorsements that authorize additional vehicle operations or restrictions that limit vehicle operations.

607.7(2) Validity.

a. A Class A commercial driver's license allows a person to operate a combination of commercial motor vehicles as specified in Iowa Code sections 321.1(11) and 321.189(1)“a”(1). With the required endorsements and subject to the applicable restrictions, a Class A commercial driver's license is valid to operate any vehicle. Before the department administers the skills test for a Class A commercial driver's license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

b. A Class B commercial driver's license allows a person to operate a commercial motor vehicle as specified in Iowa Code sections 321.1(11) and 321.189(1)“a”(2). With the required endorsements and subject to the applicable restrictions, a Class B commercial driver's license is valid to operate any vehicle except a truck-tractor semitrailer combination or a vehicle requiring a Class A commercial driver's license. Before the department administers the skills test for a Class B commercial driver's license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

c. A Class C commercial driver's license allows a person to operate a commercial motor vehicle as specified in Iowa Code sections 321.1(11) and 321.189(1)“a”(3) if the vehicle is designed to transport 16 or more passengers, including the driver, or is used in the transportation of

hazardous materials as defined in 49 CFR Section 383.5 effective October 1, 2024. With the required endorsements and subject to the applicable restrictions, a Class C commercial driver's license is valid to operate any vehicle except a vehicle requiring a Class A or Class B commercial driver's license. Before the department administers the skills test for a Class C commercial driver's license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements as provided in Iowa Code section 321.188 for the applicable endorsement sought (P/Passenger or S/School Bus endorsements). Before the department administers the knowledge test for a Class C commercial driver's license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements provided in Iowa Code section 321.188 for the applicable endorsement sought (H/Hazardous materials endorsement).

d. A commercial driver's license is valid for operating a motorcycle as a commercial motor vehicle only if the license has a motorcycle endorsement and a hazardous material endorsement. A commercial driver's license is valid for operating a motorcycle as a noncommercial motor vehicle only if the license has a motorcycle endorsement.

e. A commercial driver's license valid for eight years will be issued to a qualified applicant who is at least 18 years of age but not yet 78 years of age. However, the expiration date of the license issued shall not exceed the licensee's 80th birthday.

f. A commercial driver's license valid for two years will be issued to a qualified applicant 78 years of age or older. A two-year license may also be issued, at the discretion of the department, to an applicant whose license is restricted due to vision or other physical disabilities.

g. A commercial driver's license is valid for 60 days after the expiration date.

h. A person with a commercial driver's license valid for the vehicle operated is not required to obtain a Class D driver's license to operate the vehicle as a chauffeur.

607.7(3) Age. The minimum age to obtain a commercial driver's license is set out in 49 CFR Part 391, Subpart B, effective October 1, 2024, except that, for a person operating solely intrastate, the driver age qualifications are set out in Iowa Code section 321.449(3).

607.7(4) License extension.

a. As provided in 49 CFR Section 383.153, a person may apply for a 60-day extension of a commercial driver's license if the person:

- (1) Has a valid license,
- (2) Is eligible for further licensing, and
- (3) Is temporarily absent from Iowa or is temporarily incapacitated at the time for renewal.

b. License extensions can be requested following the procedure in 761—subrule 605.15(2).

c. A 60-day extension will be added to the expiration date on the license. When the person appears to renew the license, the expiration date of the renewed license will be computed from the expiration date of the original license, notwithstanding the extension.

d. Only one 60-day extension is allowed.

This rule is intended to implement Iowa Code sections 321.1(8), 321.177, 321.182, 321.188, 321.189, 321.196, and 321.449.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.8(321) Endorsements. All endorsements except the hazardous material endorsement continue to be valid without retesting or additional fees when renewing or upgrading a license. The endorsements that authorize additional commercial motor vehicle operations with a commercial driver's license are:

607.8(1) Hazardous material. A hazardous material endorsement (H) is required to transport hazardous materials. The hazardous material endorsement is only valid when the applicant or holder of the endorsement complies with the Transportation Security Administration's security threat assessment standards specified in 49 CFR Sections 383.71(b)(8) and 383.141 effective October 1, 2024. Before the department administers the knowledge test for a hazardous material endorsement to an applicant for the first time, the applicant shall comply with the entry-level driver training

requirements as provided in Iowa Code section 321.188. To obtain or retain the hazardous material endorsement, the applicant or holder must pass a knowledge test as required under 49 CFR Section 383.121 and pay the endorsement fee. Retesting and fee payment are also required when an applicant transfers a commercial driver's license from another state unless, as provided in 49 CFR Section 383.73, the transfer applicant provides evidence of passing the knowledge test as required under 49 CFR Section 383.121 within the preceding 24 months. Pursuant to 49 CFR Section 173.5 effective October 1, 2024, a farmer or a person working for a farmer is not subject to the hazardous material endorsement while operating either a pickup or a special truck within 150 air miles of the farmer's farm to transport supplies to or from the farm.

607.8(2) *Passenger vehicle.* A passenger vehicle endorsement (P) is required to operate a passenger vehicle as defined in rule 761—607.3(321). Before the department administers the skills test for a passenger vehicle endorsement to an applicant for the first time, the applicant shall comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

607.8(3) *Tank vehicle.* A tank vehicle endorsement (N) is required to operate a tank vehicle as defined in Iowa Code section 321.1. A vehicle transporting a tank, regardless of the tank's capacity, that does not otherwise meet the definition of a commercial motor vehicle in Iowa Code section 321.1 is not a tank vehicle.

607.8(4) *Double/triple trailer.* A double/triple trailer endorsement (T) is required to operate a commercial motor vehicle with two or more towed trailers when the combination of vehicles meets the criteria for a Class A commercial motor vehicle. Operation of a triple trailer combination vehicle is not permitted in Iowa.

607.8(5) *Hazardous material and tank.* A combined endorsement (X) authorizes both hazardous material and tank vehicle operations.

607.8(6) *School bus.* A school bus endorsement (S) is required to operate a school bus as defined in rule 761—607.3(321). An applicant for a school bus endorsement must also qualify for a passenger vehicle endorsement. Before the department administers the skills test for a school bus endorsement to an applicant for the first time, the applicant shall comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

607.8(7) *Exceptions for towing operations.*

a. A driver who tows a vehicle in an emergency “first move” from the site of a vehicle malfunction or accident on a highway to the nearest appropriate repair facility is not required to have the endorsement(s) applicable to the towed vehicle. In any subsequent move, a driver who tows a vehicle from one repair or disposal facility to another is required to have the endorsement(s) applicable to the towed vehicle with one exception: A tow truck driver is not required to have a passenger endorsement to tow a passenger vehicle.

b. The double/triple trailer endorsement is not required to operate a commercial motor vehicle with two or more towed vehicles that are not trailers.

This rule is intended to implement Iowa Code sections 321.1, 321.176A, 321.188 and 321.189.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.9(321) Restrictions. The restrictions that may limit commercial motor vehicle operation with a commercial driver's license are listed in 761—subrule 605.8(3) and are explained below:

607.9(1) *Air brake.* The air brake restriction (L, no air brake equipped CMV) applies to a licensee who either fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes and prohibits the operation of a commercial motor vehicle equipped with an air brake system until the licensee passes the required air brake tests and pays the fee for upgrading the license. Retesting and fee payment are not required when the license is renewed.

607.9(2) *Full air brake.* The full air brake restriction (Z, no full air brake equipped CMV) applies to a licensee who performs the skills test in a vehicle equipped with air over hydraulic brakes and prohibits the operation of a commercial motor vehicle equipped with any braking system operating fully on the air brake principle until the licensee passes the required air brake tests and

pays the fee for upgrading the license. Retesting and fee payment are not required when the license is renewed.

607.9(3) *Manual transmission.* The manual transmission restriction (E, no manual transmission equipped CMV) applies to a licensee who performs the skills test in a vehicle equipped with automatic transmission and prohibits the operation of a commercial motor vehicle equipped with a manual transmission until the licensee passes the required tests and pays the fee for upgrading the license. Retesting and fee payment are not required when the license is renewed.

607.9(4) *Tractor-trailer.* The tractor-trailer restriction (O, no tractor trailer CMV) applies to a licensee who performs the skills test in a combination vehicle for a Class A commercial driver's license with the power unit and towed unit connected with a pintle hook or aftermarket fifth wheel connection and prohibits operation of a tractor-trailer combination connected by a fifth wheel that requires a Class A commercial driver's license until the licensee passes the required tests and pays the fee for upgrading the license. Retesting and fee payment are not required when the license is renewed.

607.9(5) *Class A passenger vehicle.* The Class A passenger vehicle restriction (M, no Class A passenger vehicle) applies to a licensee who applies for a passenger endorsement and performs the skills test in a passenger vehicle that requires a Class B commercial driver's license and prohibits operation of a passenger vehicle that requires a Class A commercial driver's license.

607.9(6) *Class A and B passenger vehicle.* The Class A and B passenger vehicle restriction (N, no Class A and B passenger vehicle) applies to a licensee who applies for a passenger endorsement and performs the skills test in a passenger vehicle that requires a Class C commercial driver's license and prohibits operation of a passenger vehicle that requires a Class A or Class B commercial driver's license.

607.9(7) *Intrastate only.* The intrastate only restriction (K, intrastate only) applies to a licensee who self-certifies to non-excepted intrastate or excepted intrastate driving and prohibits the operation of a commercial motor vehicle in interstate commerce.

607.9(8) *Medical variance.* The medical variance restriction (V, medical variance) applies to a licensee when the department is notified pursuant to 49 CFR Section 383.73(o)(3) that the driver has been issued a medical variance and indicates there is information about a medical variance on the CDLIS driver record.

This rule is intended to implement Iowa Code sections 321.189 and 321.191.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.10(321) Commercial learner's permit.

607.10(1) *Validity.*

a. A commercial learner's permit allows the permit holder to operate a commercial motor vehicle when accompanied as required by Iowa Code section 321.180(2)“*d.*”

b. A commercial learner's permit is valid for one year without retaking the general and endorsement knowledge tests required by Iowa Code section 321.188.

c. A commercial learner's permit is invalid after the expiration date of the underlying commercial or noncommercial driver's license issued to the permit holder or the expiration date of the permit, whichever occurs first.

d. The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver's license. The issuance of a commercial learner's permit is also a precondition to the upgrade of a commercial driver's license if the upgrade requires a skills test. If the permit holder is subject to the requirement to complete entry-level driver training as provided in Iowa Code section 321.188, the commercial learner's permit will be necessary to complete the on-road segment of the entry-level driver training as well as the required skills tests for a commercial driver's license. The holder of a commercial learner's permit is not eligible to take a required driving skills test for the first 14 days after the permit holder is issued the permit. The 14-day period includes the day the commercial learner's permit was issued.

EXAMPLE: The commercial learner's permit is issued on September 1. The earliest date the permit holder would be eligible to take the skills test is September 15.

e. A commercial learner's permit is not valid for the operation of a vehicle transporting hazardous materials.

607.10(2) Requirements.

a. An applicant for a commercial learner's permit must hold a valid Class A, B, or C commercial driver's license, a Class D, endorsement 3 noncommercial driver's license or a Class C noncommercial driver's license issued in this state that is not an instruction permit, a special instruction permit, a motorized bicycle license or a temporary restricted license; must be at least 18 years of age; and must meet the requirements to obtain a valid commercial driver's license, including the requirements set forth in Iowa Code section 321.188. However, the applicant does not have to complete the driving skills tests required for a commercial driver's license to obtain a commercial learner's permit.

b. The applicant must successfully pass a general knowledge test that meets the federal standards contained in 49 CFR Part 383, Subparts F, G and H, for the commercial motor vehicle the applicant operates or expects to operate, including any endorsement for which the applicant applies.

607.10(3) Endorsements. A commercial learner's permit may include the following endorsements. All other endorsements are prohibited on a commercial learner's permit.

a. An applicant for a passenger endorsement (P) must take and pass the passenger endorsement knowledge test. A commercial learner's permit holder with a passenger endorsement is prohibited from operating a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2) "d."

b. An applicant for a school bus endorsement (S) must take and pass the school bus endorsement knowledge test. A commercial learner's permit holder with a school bus endorsement is prohibited from operating a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2) "d."

c. An applicant for a tank vehicle endorsement (N) must take and pass the tank vehicle endorsement knowledge test. A commercial learner's permit holder with a tank vehicle endorsement may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials and that has not been purged of any residue.

607.10(4) Restrictions. A commercial learner's permit may include the air brake (L), medical variance (V), Class A passenger vehicle (M), Class A and B passenger vehicle (N) and intrastate only (K) restrictions described in rule 761—607.9(321). In addition, a commercial learner's permit may include the following restrictions that are specific to the commercial learner's permit:

a. *Passenger.* The passenger restriction (P, no passengers in CMV bus) applies to a permit holder who has a commercial learner's permit with a passenger or school bus endorsement and prohibits the operation of a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2) "d."

b. *Cargo.* The cargo restriction (X, no cargo in CMV tank vehicle) applies to a permit holder who has a commercial learner's permit with a tank vehicle endorsement and prohibits the operation of any tank vehicle containing cargo or any tank vehicle that previously contained hazardous materials and that has not been purged of any residue.

This rule is intended to implement Iowa Code sections 321.180, 321.186 and 321.188.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.11(321) Examination and vision screening. In addition to the knowledge and skills tests required under this chapter, an applicant for a commercial driver's license or commercial learner's

permit is subject to the examination requirements, and must comply with the vision screening and vision standards, in 761—Chapter 604.

This rule is intended to implement Iowa Code sections 321.186 and 321.186A.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.12(321) Knowledge tests.

607.12(1) General knowledge test. The general knowledge test for a commercial driver's license is a written test of topics such as vehicle inspection, operation, safety and control in accordance with 49 CFR Section 383.111.

607.12(2) Additional tests. In addition to the general knowledge test for a commercial driver's license, an additional knowledge test is required for each of the following:

- a. Class A license for combination vehicle operation under 49 CFR Section 383.111.
- b. Hazardous material endorsement under 49 CFR Section 383.121. The knowledge test for a hazardous material endorsement shall not be administered orally or in a language other than English.
- c. Passenger vehicle endorsement under 49 CFR Section 383.117.
- d. Tank vehicle endorsement under 49 CFR Section 383.119.
- e. Double/triple trailer endorsement under 49 CFR Section 383.115.
- f. School bus endorsement under 49 CFR Section 383.123. The applicant must also qualify for a passenger vehicle endorsement.
- g. Removal of the air brake restriction under 49 CFR Section 383.111.

607.12(3) Test methods. All knowledge tests will be administered in compliance with 49 CFR Section 383.133(b). All tests other than the hazardous material endorsement test may be administered in written form or verbally in an automated format and can be administered in a foreign language, provided no interpreter is used in administering the test.

607.12(4) Waiver. A waiver of any knowledge test is permitted only as provided in Iowa Code section 321.188(5) and this chapter.

607.12(5) Military waiver. The department may waive the requirement that an applicant pass a required knowledge test for an applicant who is a current or former military service member as defined in 49 CFR Section 383.5 effective October 1, 2024. An applicant for a waiver of the knowledge test under this subrule shall certify and provide evidence, as required by the department, that the following apply:

- a. The applicant is regularly employed or was regularly employed within the past year in a military position specifically designated in 49 CFR Section 383.77.
- b. The applicant is or was operating a vehicle representative of the commercial motor vehicle the applicant operates or expects to operate immediately preceding honorable separation from military service as evidenced by the applicant's certificate of release or discharge from active duty, commonly referred to as a DD Form 214.
- c. The applicant has not had more than one driver's license, other than a military license.
- d. The applicant has not had any driver's license suspended, revoked, or canceled.
- e. The applicant has not been convicted of an offense committed while operating any type of motor vehicle that is listed as a disqualifying offense in 49 CFR Section 383.51(b).
- f. The applicant has not had more than one conviction for an offense committed while operating any type of motor vehicle that is listed as a serious traffic violation in 49 CFR Section 383.51(c).
- g. The applicant has not had a conviction for violation of a military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident, and has no record of an accident in which the applicant was at fault.

607.12(6) Requirement. An applicant must pass the applicable knowledge test(s) before taking the skills test. Passing scores for a knowledge test shall meet the standards contained in 49 CFR Section 383.135(a).

This rule is intended to implement Iowa Code sections 321.186 and 321.188.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.13(321,321M) Skills test.

607.13(1) *Content.* The skills test for a commercial driver's license is a three-part test as required in 49 CFR Part 383, Subparts E, G and H.

607.13(2) *Test methods.* All skills tests will be administered in compliance with 49 CFR Section 383.133(c). Interpreters are prohibited during the administration of skills tests. However, American Sign Language interpreters are allowed to interpret during the instruction portion preceding administration of the skills test. Applicants must be able to understand and respond to verbal commands and instructions in English by a skills test examiner. Neither the applicant nor the examiner may communicate in a language other than English during the skills test.

607.13(3) *Order.* The skills test must be administered and successfully completed in the following order: pre-trip inspection, basic vehicle control skills, on-road skills. If an applicant fails one segment of the skills test, the applicant cannot continue to the next segment of the test, and scores for the passed segments of the test are only valid during initial issuance of the commercial learner's permit.

607.13(4) *Vehicle.* The applicant shall provide a representative vehicle for the skills test. "Representative vehicle" means a commercial motor vehicle that meets the statutory description for the class of license applied for.

a. To obtain a passenger vehicle endorsement applicable to a specific vehicle class, the applicant must take the skills test in a passenger vehicle satisfying the requirements of that class as required in 49 CFR Section 383.117.

b. To obtain a school bus endorsement, the applicant must qualify for a passenger vehicle endorsement and take the skills test in a school bus in the same vehicle class as the applicant will drive as required in 49 CFR Section 383.123.

c. To obtain a tank endorsement, the applicant must take the skills test in a representative vehicle for the class of license applied for, but the representative vehicle is not required to be a tank vehicle.

d. To remove an air brake or full air brake restriction, the applicant must take the skills test in a vehicle equipped with an air brake system and as required in 49 CFR Section 383.113.

e. To remove a manual transmission restriction, the applicant must take the on-road segment of the skills test in a vehicle equipped with a manual transmission.

607.13(5) *Skills test scoring.* Passing scores for a skills test shall meet the standards contained in 49 CFR Section 383.135(b).

607.13(6) *Military waiver.* The department may waive the requirement that an applicant pass a required skills test for an applicant who is on active duty in the military service or who has separated from such service in the past year, provided the applicant meets the requirements of Iowa Code section 321.188(6).

607.13(7) *Locations.* The skills test for a commercial driver's license will be given only at approved locations where adequate testing facilities are available as specified by the department pursuant to 49 CFR Section 383.131(b)(1). An applicant may contact any driver's license service center for the location of the nearest skills testing center.

607.13(8) *Fees.* Fees authorized pursuant to Iowa Code sections 321.187A and 321M.6A may be collected by the department or a county treasurer location offering commercial driver's license skills tests.

a. Except as provided in paragraph 607.13(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 607.13(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 apply:

(1) The department will not charge the pre-trip inspection scheduling fee under paragraph 607.13(8)“a.”

(2) A county treasurer may charge only the pre-trip inspection fee under paragraph 607.13(8)“b.”

(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 is to 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 will be canceled and no other applicable fees are due.

e. Except as provided in paragraph 607.13(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.

This rule is intended to implement Iowa Code sections 321.186, 321.187A, 321.188 and 321M.6A. [ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.14(321) Third-party testing.

607.14(1) Purpose and definitions. The knowledge tests required by rule 761—607.12(321) and the skills test required by rule 761—607.13(321) may be administered by third-party testers and third-party test examiners approved and certified by the department. For the purpose of administering third-party testing and this rule, the following definitions are adopted:

“*College or university*” means an Iowa postsecondary school established under Iowa Code chapter 261B.

“*Community college*” means an Iowa community college established under Iowa Code chapter 260C.

“*Government agency*” means the same as defined in Iowa Code section 553.3.

“*Iowa business*” means a corporation, association, partnership, company, firm, or other aggregation of individuals that has a principal place of business in this state and that is authorized to conduct business in this state.

“*Knowledge test*” means the knowledge tests required by rule 761—607.12(321).

“*Motor carrier*” means the same as defined in 49 CFR Section 390.5 effective October 1, 2024.

“*Nonprofit*” means a corporation or association that satisfies the requirements under Iowa Code chapter 498 or 504.

“*Permanent commercial driver training facility*” means a facility dedicated to a program of commercial driving instruction that is offered to employees or potential employees of the motor carrier as incident to the motor carrier’s commercial operations, that requires at least 40 hours of instruction, and that includes fixed and permanent structures and facilities for the off-road portions of commercial driving instruction, including classroom, pretrip inspection, and basic vehicle control skills. A permanent commercial driver training facility must include a fixed and paved or otherwise

hard-surfaced area for basic vehicle control skills testing that is permanently marked and capable of inspection and measurement by the department.

“Principal place of business” means a building actually occupied where the public and the department may contact the owner or operator during regular business hours. The principal place of business must be located in this state.

“Public transit system” means the same as defined in Iowa Code section 324A.1.

“Regional transit system” means the same as defined in Iowa Code section 324A.1.

“Regular business hours” means to be consistently open to the public on a weekly basis at hours reported to the motor vehicle division.

“Skills test” means the skills test required by rule 761—607.13(321).

“Subsidiary” means a company that is partly or wholly owned by a motor carrier that holds a controlling interest in the subsidiary company.

“Third-party tester” means the same as defined in Iowa Code section 321.187.

“Third-party test examiner” means the same as defined in Iowa Code section 321.187.

607.14(2) *Certification of third-party testers.*

a. The department may certify any of the following entities as a third-party tester to administer knowledge and skills tests:

- (1) A college or university.
- (2) A community college.
- (3) A government agency.
- (4) An Iowa business.
- (5) A nonprofit.
- (6) A public transit system or regional transit system.

b. An entity seeking certification as a third-party tester shall contact the motor vehicle division and schedule a review of the proposed testing program, including the proposed testing courses and facilities, and provide information sufficient to identify all proposed third-party test examiners, and any other information necessary to demonstrate compliance with 49 CFR Parts 383 and 384 as amended to October 1, 2024, applicable to knowledge and skills testing.

c. No entity will be certified to conduct third-party testing unless and until the entity enters an agreement with the department that meets the requirements of 49 CFR Section 383.75 and demonstrates, to the satisfaction of the department, sufficient ability and facilities to conduct knowledge and skills tests in a manner that consistently meets the requirements of 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge and skills testing.

d. The department will issue a certified third-party tester a certificate of authority that identifies the classes and types of vehicles for which knowledge and skills tests may be administered. The certificate is valid for the duration of the agreement executed pursuant to paragraph 607.14(2) “c,” unless revoked by the department for engaging in fraudulent activities related to conducting knowledge and skills tests or failing to comply with the requirements, qualifications, and standards of this chapter, the agreement, or 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge and skills testing.

e. The department will revoke a certificate of authority originally issued after July 1, 2023, to a third-party tester if the third-party tester fails to administer a minimum of 50 percent of all knowledge and skills tests given in a calendar year to Iowa applicants. However, the department will not revoke a certificate of authority of a third-party tester who administers a minimum of 10 percent of all knowledge and skills tests given in a calendar year to Iowa applicants if the remainder of the tests are given to current or prospective employees of the third-party tester. For the purpose of this paragraph, an “Iowa applicant” is defined as an individual who holds a valid commercial learner’s permit, commercial driver’s license, noncommercial driver’s license, or nonoperator identification card issued by the department or who otherwise qualifies as a resident of this state under Iowa Code section 321.1A(1).

607.14(3) *Certification of third-party test examiners.*

a. A certified third-party tester shall not employ or otherwise use as a third-party test examiner a person who has not been approved and certified by the department to administer knowledge or skills tests. Each certified third-party tester shall submit for approval the names of all proposed third-party test examiners to the department. The department will not approve as a third-party test examiner a person who does not meet the requirements, qualifications, and standards of 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge and skills testing, including but not limited to all required training and examination, who has been barred from conducting commercial driver's license testing in another state, or who has not passed a nationwide criminal background check. The criteria for passing the nationwide criminal background check means no felony convictions within the last ten years and no convictions involving fraudulent activities.

b. The department will issue a certificate of authority for each person certified as a third-party test examiner that identifies the certified third-party tester for which the person will administer knowledge or skills tests and the classes and types of vehicles for which the person may administer knowledge or skills tests. The certificate is valid for a period of four years from the date of issuance of the certificate.

c. The department will revoke the certificate of authority for a third-party test examiner to administer skills tests if the person holding the certificate does not administer skills tests to at least ten different applicants, each of whom has successfully passed all three segments of the skills test, per calendar year; does not successfully complete the refresher training required by 49 CFR Section 384.228 every four years; is involved in fraudulent activities related to conducting knowledge or skills tests as determined by the department; or otherwise fails to comply with and meet the requirements, qualifications and standards of this chapter or 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge and skills testing. Notwithstanding anything in this paragraph to the contrary, as provided in 49 CFR Section 383.75, if the person does not administer skills tests to at least ten different applicants per calendar year, the certificate will not be revoked for that reason if the person provides proof of completion of the examiner refresher training in 49 CFR Section 384.228 to the department and successfully completes one skills test under the observation of a department examiner or attends and passes with a score of 80 percent or better a certified commercial examiner training test and successfully completes one skills test under the observation of a department examiner.

d. The department will revoke the certificate of authority for a third-party test examiner to administer knowledge tests if the person holding the certificate does not successfully complete the refresher training required by 49 CFR Section 384.228 every four years, is involved in fraudulent activities related to conducting knowledge or skills tests or otherwise fails to comply with and meet the requirements, qualifications and standards of this chapter or 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge testing.

e. A third-party test examiner certified by the department to administer skills tests who is also a skills instructor shall not administer a skills test to an applicant who received skills training from that third-party test examiner.

f. A third-party test examiner may only administer CDL tests for the examiner's primary employer, unless authorized by the department to administer CDL tests for another county or third-party tester.

607.14(4) Bond. As a condition of certification in accordance with 49 CFR Section 383.75, a third-party tester that is not a government agency as defined in Iowa Code section 553.3 must maintain a bond in the amount of \$50,000 to pay for the retesting of drivers in the event that the third-party tester or one or more of its third-party test examiners are involved in fraudulent activities related to conducting tests of CDL applicants.

607.14(5) Training and refresher training for third-party test examiners. All training and refresher training required under this rule shall be provided by the department, in form and content that meet the recommendations of the American Association of Motor Vehicle Administrators' International Third-Party Examiner/Tester Certification Program.

This rule is intended to implement Iowa Code section 321.187.
[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.15(321) Test results.

607.15(1) *Period of validity.* Passing knowledge and skills test results remain valid for a period of one year.

607.15(2) *Retesting.* Subject to rule 761—607.13(321), an applicant will be required to repeat only the knowledge test(s) or part(s) of the skills test that the applicant failed, unless the department requires the applicant to retake the test as part of an audit. An applicant who fails a test is not permitted to repeat that test the same day. An applicant may be required to repeat a test if the department determines the test was improperly administered.

607.15(3) *Skills test results from other states.* As required by 49 CFR Section 383.79, the department will accept the valid results of a skills test administered to an applicant who is domiciled in the state of Iowa and that was administered by another state, in accordance with 49 CFR Part 383, Subparts F, G and H, in fulfillment of the applicant's testing requirements under 49 CFR Section 383.71 and the state's test administration requirements under 49 CFR Section 383.73 provided the results are transmitted directly from the testing state to the department as required by 49 CFR Section 383.79.

607.15(4) *Knowledge and skills test results from certified third-party testers.* A third-party tester shall transmit the results of tests administered by the third-party tester through secure electronic means determined by the department. The department may retest any person who has passed a knowledge or skills test administered by a certified third-party tester if the department believes the knowledge or skills test was administered fraudulently or improperly, and as needed to meet the third-party test examiner oversight requirements of 49 CFR Parts 383 and 384 applicable to knowledge and skills testing.

607.15(5) *Downgrade or cancellation when retesting is required.*

a. When retesting is required under subrule 607.15(2) or 607.15(4), the department will notify the person to retake the applicable knowledge or skills test, which may include an immediate retest if part of an audit.

b. If the person fails to contact the department within 30 days after receipt of the notice, fails to appear for a scheduled retest, or fails the knowledge or skills test, the department will, in accordance with the authority in 49 CFR Section 383.5 and Iowa Code section 321.201, take one of the following actions:

(1) Downgrade the person's commercial driver's license or commercial learner's permit if the person held valid noncommercial driving privileges prior to obtaining the license or permit.

(2) Cancel the person's commercial driver's license or commercial learner's permit pursuant to 761—subrule 615.7(3) if the applicant did not hold valid noncommercial driving privileges prior to obtaining the license or permit.

c. All applicable retesting and licensure requirements apply to a person seeking to regain the person's commercial driver's license or commercial learner's permit after a downgrade or cancellation.

This rule is intended to implement Iowa Code sections 321.180, 321.186, 321.187, 321.188 and 321.201.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.16(321) Knowledge and skills testing of nondomiciled military personnel.

607.16(1) *Role of state of duty station.* The department may accept an application for a commercial driver's license or commercial learner's permit, including an application for waiver of the knowledge test as provided in subrule 607.12(5), if the applicant is an active duty military service member stationed, but not domiciled, in Iowa, and the department has an agreement to accept such applications with the applicant's state of domicile as provided in 49 CFR Section 383.79.

a. The applicant shall certify and provide evidence that the following apply:

- (1) The applicant is regularly employed or was regularly employed within the past year in a military position requiring operation of a commercial motor vehicle.
- (2) The applicant has a valid driver's license from the applicant's state of domicile.
- (3) The applicant has a valid active duty military identification card.
- (4) The applicant has a current copy of either the applicant's military leave and earnings statement or the applicant's orders.

b. If the applicant meets the requirements of paragraph 607.16(1) "a" and the department has an agreement with the applicant's state of domicile as provided in this subrule, the department may do either of the following:

- (1) Administer the knowledge and skills tests to the applicant as appropriate in accordance with 49 CFR Part 383, Subparts F, G, and H, if the state of domicile requires those tests; or
- (2) Waive the knowledge and skills tests in accordance with 49 CFR Section 383.77 and this chapter if the state of domicile also permits waiver of the knowledge and skills test.

c. The department may destroy the applicant's driver's license on behalf of the state of domicile unless the state of domicile requires the driver's license to be surrendered to the state of domicile's driver's licensing agency.

607.16(2) *Electronic transmission of application and test results.* The department will transmit to the state of domicile the applicant's application, any supporting documents and the results of any skills or knowledge tests administered as provided under this rule.

607.16(3) *Role of state of domicile.* If the department has an agreement with the applicant's state of duty station, upon completion of the applicant's application pursuant to 49 CFR Section 383.71 and any testing administered by the applicant's state of duty station pursuant to 49 CFR Sections 383.71 and 383.73, the department may do all of the following:

- a.* Accept the completed application, any supporting documents, and the results of the knowledge and skills tests administered by the applicant's state of duty station.
- b.* Issue the applicant a CLP or CDL.

This rule is intended to implement Iowa Code sections 321.180, 321.186, 321.187, and 321.188.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.17(321) Commercial driver's license renewal. The department will administer commercial driver's license renewals as required by 49 CFR Section 383.73.

607.17(1) *Licensee requirements.* Unless eligible for electronic renewal pursuant to subrule 761—605.25(8), to renew a commercial driver's license, the licensee shall apply at a driver's license service center and complete the following requirements:

a. Provide a written self-certification of type of driving as required by rule 761—607.23(321) and, if required, provide a current medical examiner's certificate unless the person's medical examiner's certificate is provided to the department electronically by the Federal Motor Carrier Safety Administration.

b. If the licensee currently holds and wants to retain a hazardous material endorsement, pass the test required in 49 CFR Section 383.121 and comply with the Transportation Security Administration security threat assessment standards specified in 49 CFR Section 383.71(b)(8) and 49 CFR Section 383.141 effective October 1, 2024, for such endorsement. A lawful permanent resident of the United States must also provide the licensee's U.S. Citizenship and Immigration Services alien registration number.

c. Provide proof of citizenship or lawful permanent residency and state of domicile as required by rule 761—607.6(321) and 49 CFR Section 383.73(d)(7) unless proof of citizenship or lawful permanent residency was previously provided and the department has a notation on the licensee's record confirming that the required proof of legal citizenship or legal presence check was made and the date on which it was made.

d. If the licensee is domiciled in a foreign jurisdiction and renewing a non-domiciled commercial driver's license, provide a document required by 49 CFR Section 383.71(f) at each renewal.

607.17(2) *Early renewal.* A valid commercial driver's license may be renewed 90 days before the expiration date. If this is impractical, the department for good cause may renew a license earlier, not to exceed 364 days prior to the expiration date. The department may allow renewal earlier than 364 days prior to the expiration date for active military personnel being deployed due to actual or potential military conflict.

This rule is intended to implement Iowa Code sections 321.186, 321.188 and 321.196.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.18(321) Transfers from another state. Upon initial application for an Iowa license, an Iowa resident who has a valid commercial driver's license from a former state of residence is not required to retest except as specified in Iowa Code section 321.188(5) but is required to pay the applicable endorsement and restriction removal fees.

This rule is intended to implement Iowa Code sections 321.188 and 321.191.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.19(17A,321) Disqualification.

607.19(1) *Date.* A disqualifying act, action or offense under Iowa Code section 321.208, that occurred before July 1, 1990, shall not be grounds for disqualification from operating a commercial motor vehicle.

607.19(2) *Notice.* A 30-day advance notice of disqualification shall be served by the department in accordance with rule 761—615.37(321). Pursuant to Iowa Code section 321.208(12), a peace officer on behalf of the department may serve the notice of disqualification immediately.

607.19(3) *Hearing and appeal process.* A person who has received a notice of disqualification may contest the disqualification in accordance with rule 761—615.38(17A,321).

607.19(4) *Reduction of lifetime disqualification.*

a. As permitted by 49 CFR Section 383.51, a person subject to lifetime disqualification of the person's commercial driving privileges may apply to the department for reinstatement. The approval is subject to the discretion of the department and subject to the following requirements:

(1) The request may not be made prior to ten years from the effective date of the lifetime disqualification.

(2) The person must submit the request in a manner prescribed by the department.

(3) If the driving record contains alcohol-related or drug-related offenses that resulted in the lifetime disqualification, the person must have completed an alcohol or drug evaluation and have completed any recommended treatment that meets or exceeds the minimum standards approved by the Iowa department of health and human services. Evidence of a completed evaluation and treatment must be on file with the department or submitted with the application for reinstatement.

(4) Within the ten years preceding the request, the person must not have any of the following moving violation convictions:

1. A drug or alcohol offense.

2. Leaving the scene of an accident.

3. A felony involving the use of any motor vehicle.

4. Any moving violation while operating a commercial motor vehicle.

(5) The department may request, and the person shall provide, any additional information or documentation necessary to determine the person's eligibility for reinstatement or general fitness for licensure.

b. If the department finds the person is eligible for reinstatement under this subrule, the person shall do all of the following prior to reinstatement:

(1) Pay all outstanding reinstatement fees.

(2) Meet all outstanding reinstatement requirements.

(3) Pass the required knowledge, vision, and skills tests as specified in Iowa Code section 321.188.

(4) Complete any other courses or requirements as required by the director.

c. As provided in 49 CFR Section 383.51(a)(6), a person who has been disqualified for life for offenses committed under 49 CFR Section 383.51(b)(9) and (10), and a person who has previously had the person's commercial driving privileges reinstated pursuant to this subrule but is convicted of a new disqualifying offense, is not eligible to apply for reinstatement.

d. If the department determines the person is not eligible for reinstatement as provided in this subrule, the department will send notice by first-class mail to the person's mailing address as shown on departmental records that the lifetime disqualification remains in effect.

607.19(5) *Fraud related to testing and issuance.*

a. As required by 49 CFR Section 383.73(k) and Iowa Code section 321.201(2)“b,” the department will disqualify the commercial driver's license or commercial learner's permit of a person convicted or suspected of fraud related to the testing for or issuance of a commercial driver's license or commercial learner's permit.

b. Upon receipt of a person's conviction of fraud related to the issuance of the commercial driver's license or commercial learner's permit, the department will disqualify the person's commercial driver's license or commercial learner's permit for one year.

c. Upon receipt of credible evidence that a person is suspected of committing fraud relating to the issuance of a commercial driver's license or a commercial learner's permit, the department will notify the person of the requirement to retake the applicable knowledge or skills test. Within 30 days of receiving notice from the department, the person is required to contact the department to retake the knowledge or skills test. If the person fails to contact the department within 30 days after the notice, or the person fails the knowledge or skills test, or does not take the test, the department will disqualify the person's commercial driver's license or commercial learner's permit.

d. Once a person's commercial driver's license or commercial learner's permit has been disqualified, a new application for license will be required following the usual procedures as provided in Iowa Code section 321.188 and this chapter.

This rule is intended to implement Iowa Code chapter 17A and section 321.208.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.20(321) Sanctions. When a person's motor vehicle license is denied, canceled, suspended, revoked or barred, the person is also disqualified from operating a commercial motor vehicle.

This rule is intended to implement Iowa Code section 321.208.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.21(321) Reinstatement. To reinstate a commercial driver's license after completion of a period of disqualification, a person must appear at a driver's license service center, meet the vision standards for licensing, pass the applicable knowledge test(s) and the skills test, and pay the required reinstatement fee and the fees for a new license.

This rule is intended to implement Iowa Code sections 321.191 and 321.208.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.22(321) Restricted commercial driver's license.

607.22(1) *Scope.* This rule pertains to the issuance of restricted commercial driver's licenses to employees of the following designated farm-related service industries: agrichemical businesses, custom harvesters, farm retail outlets and suppliers and livestock feeders as permitted by 49 CFR Section 383.3(f). A restricted commercial driver's license shall meet all requirements of a regular commercial driver's license, as set out in Iowa Code chapter 321 and this chapter, except as specified in this rule.

607.22(2) *Validity.*

a. A restricted commercial driver's license allows the licensee to drive a commercial motor vehicle for agricultural input purposes. The license is valid to:

- (1) Operate Class B and Class C commercial motor vehicles, including tank vehicles and vehicles equipped with air brakes, except passenger vehicles.
- (2) Transport the hazardous materials listed in paragraph 607.22(2) "b."
- (3) Operate only during the current, validated seasonal period.
- (4) Operate between the employer's place of business and the farm currently being served, not to exceed 150 miles.

b. A restricted commercial driver's license is not valid for transporting hazardous materials requiring placarding, except as follows:

- (1) Liquid fertilizers such as anhydrous ammonia may be transported in vehicles or implements of husbandry with total capacities of 3,000 gallons or less.
- (2) Solid fertilizers such as ammonium nitrate may be transported, provided they are not mixed with any organic substance.
- (3) A hazardous material endorsement is not needed to transport the products listed in the preceding subparagraphs.

c. When not driving for agricultural input purposes, the license is valid for operating a noncommercial motor vehicle that may be legally operated under the noncommercial license held by the licensee.

607.22(3) Requirements.

a. The applicant must have two years of previous driving experience. This means that the applicant held a license that permits unaccompanied driving for at least two years, including an intermediate license issued pursuant to Iowa Code section 321.180B. This does not include a motorized bicycle license, a special minor's restricted license or a minor's restricted work license.

b. The applicant must have a good driving record for the most recent two-year period as defined in subrule 607.22(4).

c. An applicant who currently holds an unrestricted commercial driver's license is not eligible for issuance of a restricted commercial driver's license.

607.22(4) Good driving record. A "good driving record" means a driving record showing:

- a. No multiple licenses.
- b. No driver's license suspensions, revocations, disqualifications, denials, bars, or cancellations of any kind.
- c. No convictions in any type of motor vehicle for:
 - (1) Driving under the influence of alcohol or drugs.
 - (2) Leaving the scene of an accident.
 - (3) Committing any felony involving a motor vehicle.
 - (4) Speeding 15 miles per hour or more over the posted speed limit.
 - (5) Reckless driving, drag racing, or eluding or attempting to elude a law enforcement officer.
 - (6) Improper or erratic lane changes.
 - (7) Following too closely.
 - (8) A moving violation that contributed to a motor vehicle accident.
 - (9) A violation deemed serious under rule 761—615.17(321).
- d. No record of contributive accidents as defined in rule 761—615.1(321).

607.22(5) Issuance.

a. The knowledge and skills tests described in rules 761—607.12(321) and 761—607.13(321) are waived.

b. A restricted commercial driver's license will be coded with restriction "W" on the face of the driver's license, with the restriction explained in text on the back of the driver's license. In addition, the license will be issued with a restriction stating the license's period of validity.

c. The expiration date for a restricted commercial driver's license that is converted from another Iowa license will carry the same expiration date as the previous license.

d. A restricted commercial driver's license may be renewed for the period of time specified in Iowa Code section 321.196. The licensee's good driving record will be confirmed at the time of renewal.

e. A licensee may have up to three individual periods of validity for a restricted commercial driver's license, provided the cumulative period of validity for all individual periods does not exceed 210 days in any calendar year. An individual period of validity may be 70, 105, or 210 consecutive days, at the election of the licensee. A licensee may add 35 days to an individual period of validity by applying for an extension, subject to the 210-day cumulative maximum period of validity. A request for extension must be made no later than the date of expiration of the individual period of validity for which an extension is requested; a request for extension made after that date will be treated as a request for a new individual period of validity. An extension will be calculated from the date of expiration of the individual period of validity for which an extension is requested. Any period of validity authorized previously by another state's license will be considered a part of the 210-day cumulative maximum period of validity.

f. A restricted commercial driver's license must be validated for commercial motor vehicle operation for each individual period of validity. This means the department will confirm the person's good driving record at each application for an individual period of validity. Upon confirmation, the department will issue a replacement license with a restriction validating the license for that individual period of validity, provided the person is otherwise eligible for the license.

g. The requirements of this subrule must be met for each individual period of validity within a calendar year.

This rule is intended to implement Iowa Code section 321.176B.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.23(321) Self-certification of type of driving and submission of medical examiner's certificate.

607.23(1) *Applicants for a commercial learner's permit, a restricted commercial driver's license, or a duplicate, new, transferred, renewed or upgraded CDL.*

a. A person shall provide to the department a self-certification of type of driving if the person is applying for:

- (1) A commercial learner's permit.
- (2) An initial commercial driver's license.
- (3) A transfer of a commercial driver's license from a prior state of domicile to the state of Iowa.
- (4) Renewal of a commercial driver's license.
- (5) A license upgrade for a commercial driver's license or an endorsement authorizing the operation of a commercial motor vehicle not covered by the current commercial driver's license.
- (6) A restricted commercial driver's license.
- (7) A duplicate of any of the credentials listed in subparagraphs 607.23(1) "a"(1) through "a"(6).

b. The self-certification shall be on a form or in a format, which may be electronic, as determined by the department.

607.23(2) *Submission of medical examiner's certificate by persons certifying to non-excepted interstate driving.* Every person who self-certifies to non-excepted interstate driving must give the department a copy of the person's current medical examiner's certificate, unless the person's medical examiner's certificate is provided to the department electronically by the Federal Motor Carrier Safety Administration. The department will not issue, transfer, renew, or upgrade a license until the department receives a medical examiner's certificate that complies with the requirements of this subrule, or unless the person changes the person's self-certification of type of driving to a type other than non-excepted interstate driving. When the department receives a current medical examiner's certificate, the department will post information required by 49 CFR Section 383.73 and a medical certification status of "certified" on the person's CDLIS driver's record. A person who self-certifies to

a type of driving other than non-excepted interstate will not have a medical certification status on the CDLIS driver's record.

607.23(3) *Maintaining certified status.* To maintain a medical certification status of "certified," a person who self-certifies to non-excepted interstate driving must give the department a copy of each subsequently issued medical examiner's certificate valid for the person unless the person's medical examiner's certificate is provided to the department electronically by the Federal Motor Carrier Safety Administration.

607.23(4) *CDL downgrade.* If the medical examiner's certificate or medical variance for a person self-certifying to non-excepted interstate driving expires or if the Federal Motor Carrier Safety Administration notifies the department that the person's medical variance was removed or rescinded, the department will post a medical certification status of "not certified" to the person's CDLIS driver's record and will initiate a downgrade of the person's commercial driver's license or commercial learner's permit. The medical examiner's certificate of a person who fails to maintain a medical certification status of "certified" as required by subrule 607.23(3) is deemed expired on the date of expiration of the last medical examiner's certificate filed for the person as shown by the person's CDLIS driver's record. The downgrade will be initiated and completed as follows:

a. The department will provide the person written notice that the person's medical certification status is "not certified" and that the commercial motor vehicle privileges will be removed from the person's commercial driver's license or commercial learner's permit 60 days after the date the medical examiner's certificate or medical variance expired or the medical variance was removed or rescinded unless the department receives a current medical certificate or medical variance or the person self-certifies to a type of driving other than non-excepted interstate.

b. If the department receives a current medical examiner's certificate or medical variance before the end of the 60-day period, the department will post a medical certification status of "certified" on the person's CDLIS driver's record and will terminate the downgrade of the person's commercial driver's license or commercial learner's permit.

c. If the person self-certifies to a type of driving other than non-excepted interstate before the end of the 60-day period, the department will not remove the commercial motor vehicle privileges from the person's commercial driver's license or commercial learner's permit, and the person will have no medical certification status on the person's CDLIS driver's record.

d. If the requirements in either paragraph 607.23(4)"*b*" or "*c*" are not met before the end of the 60-day period, the department will remove the commercial motor vehicle privileges from the person's commercial driver's license or commercial learner's permit and will leave the person's medical certification status as "not certified" on the person's CDLIS driver's record.

607.23(5) *Establishment or reestablishment of "certified" status.* A person who has no medical certification status or whose medical certification status has been posted as "not certified" on the person's CDLIS driver's record may have the person's status established or reestablished as "certified" if the department receives a current medical examiner's certificate or medical variance. A person who has failed to self-certify to a type of driving or has self-certified to a type of driving other than non-excepted interstate must also make a self-certification of type of driving to non-excepted interstate driving. The department will then post a medical certification status of "certified" on the person's CDLIS driver's record.

607.23(6) *Reestablishment of the CDL privilege.* A person whose commercial motor vehicle privileges have been removed from the person's commercial driver's license or commercial learner's permit under the provisions of paragraph 607.23(4)"*d*" may have the person's commercial motor vehicle privileges reestablished if either of the following occurs:

a. The department receives the person's current medical examiner's certificate or medical variance. A person who has failed to self-certify to a type of driving must also make an initial self-certification of type of driving to non-excepted interstate driving. The department will then post a medical certification status of "certified" on the person's CDLIS driver's record and reestablish

the commercial motor vehicle privileges, provided that the person otherwise remains eligible for a commercial driver's license or commercial learner's permit.

b. The person self-certifies to a type of driving other than non-excepted interstate. The department will then reestablish the commercial motor vehicle privileges, provided that the person otherwise remains eligible for a commercial driver's license or commercial learner's permit; the person will have no medical certification status on the driver's CDLIS driver's record.

607.23(7) *Change of type of driving.* A person may change the person's self-certification of type of driving at any time. As required by subrule 607.23(2), the department must receive a copy of the person's current medical examiner's certificate prepared by a medical examiner for a person certifying to non-excepted interstate driving.

607.23(8) *Recordkeeping.* The department will comply with the medical recordkeeping requirements set forth in 49 CFR Section 383.73.

607.23(9) *Medical examiner's certificate conflict.* As required by 49 CFR Sections 383.71 and 383.73, in the event of a conflict between the medical certification information provided electronically by the Federal Motor Carrier Safety Administration and a paper copy of the medical examiner's certificate, the medical certification information provided electronically by the Federal Motor Carrier Safety Administration shall supersede.

This rule is intended to implement Iowa Code sections 321.182, 321.188 and 321.207.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.24(321) National drug and alcohol clearinghouse.

607.24(1) *Applicability.* This rule applies to:

- a. An applicant for or holder of a commercial learner's permit,
- b. An applicant for or holder of a commercial driver's license,
- c. An applicant seeking to transfer a commercial driver's license from a prior state of domicile to the state of Iowa,
- d. An applicant seeking renewal of a commercial driver's license,
- e. An applicant seeking to upgrade a commercial driver's license or add an endorsement authorizing the operation of a commercial motor vehicle not covered by the current commercial driver's license, or
- f. An applicant for or holder of a restricted commercial driver's license.

607.24(2) *Issuance procedures.* Prior to issuing the license or permit, the department will request information from the national drug and alcohol clearinghouse to determine if the person is prohibited from operating a commercial motor vehicle pursuant to 49 CFR Section 382.501(a). The department will not issue, renew, transfer, or upgrade the license or permit if the person is prohibited from operating a commercial motor vehicle pursuant to 49 CFR Section 382.501(a). However, this subrule is not in effect prior to the date established by the Federal Motor Carrier Safety Administration in 49 CFR Section 383.73 for state driver's license agency compliance with national drug and alcohol clearinghouse requirements.

607.24(3) *CDL downgrade.* Upon receiving notification that pursuant to 49 CFR Section 382.501(a) the person is prohibited from operating a commercial motor vehicle, the department will downgrade the license or permit and record the downgrade on the CDLIS driver record within 60 days of the department's receipt of such notification. However, this subrule is not in effect prior to the date established by the Federal Motor Carrier Safety Administration in 49 CFR Section 383.73 for state driver's license agency compliance with national drug and alcohol clearinghouse requirements. The downgrade will be initiated and completed as follows:

- a. The department will give the person written notice that the person is prohibited from operating a commercial motor vehicle due to notification the department received from the national drug and alcohol clearinghouse that the person has engaged in conduct prohibited by 49 CFR Section 382.501(a) and that upon receipt of the notification, the department initiated a downgrade of the person's CLP or CDL.

b. If the department receives notification that the person is no longer prohibited from operating a commercial motor vehicle before the downgrade is completed, the department will terminate the downgrade process without removing the CLP or CDL privilege from the driver's license, transmit the information to the person's CDLIS driver record, and send written notice to the person.

c. If, after the downgrade is completed, the department receives notification from the national drug and alcohol clearinghouse that a driver is no longer prohibited from operating a commercial motor vehicle, the department will record the end of the downgrade on the person's CDLIS driver record, reinstate the CLP or CDL privilege to the driver's license, and send written notice to the person.

d. If, after the downgrade is completed, the department receives notification from the national drug and alcohol clearinghouse that the person was erroneously identified as prohibited from operating a commercial motor vehicle, the department will reinstate the CLP or CDL privilege to the driver's license as expeditiously as possible and remove from the CDLIS driver record and driving record any reference related to the person's erroneous prohibited status.

607.24(4) *Limitation on hearing and appeal.* An informal settlement, hearing, or appeal to contest the downgrade is limited to a determination of whether the facts required by Iowa Code sections 321.188 and 321.207 and this rule are true. The merits of the information conveyed by the national drug and alcohol clearinghouse to the department shall not be considered.

This rule is intended to implement Iowa Code sections 321.188 and 321.207.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

761—607.25(321) Determination of gross vehicle weight rating.

607.25(1) *Actual weight prohibited.* In determining whether the vehicle is a representative vehicle for the skills test and the group of commercial driver's license for which the applicant is applying, the vehicle's gross weight rating or gross combination weight rating must be used, not the vehicle's actual gross weight or gross combination weight. For purposes of this rule, "gross weight rating" and "gross combination weight rating" mean the same as defined in 49 CFR Section 383.5 effective October 1, 2024.

607.25(2) *Vehicle without legible manufacturer's certification label.* To complete a skills test using a vehicle that has no legible manufacturer's certification label, whether a power unit or towed vehicle, the applicant must provide documentation of the vehicle's gross vehicle weight rating, such as a manufacturer's certificate of origin, a title, or the vehicle identification number information for the vehicle. In the absence of such documentation, the vehicle may not be used, either alone or in combination.

This rule is intended to implement Iowa Code section 321.1.

[ARC 9579C, IAB 10/1/25, effective 11/5/25]

[Filed emergency 10/24/90—published 11/14/90, effective 10/24/90]

[Filed emergency 1/10/91—published 2/6/91, effective 1/10/91]

[Filed 5/9/91, Notices 11/14/90, 2/20/91—published 5/29/91, effective 7/3/91]

[Filed 5/27/93, Notice 3/17/93—published 6/23/93, effective 7/28/93]

[Filed 1/11/95, Notice 11/23/94—published 2/1/95, effective 3/8/95]

[Filed 11/1/95, Notice 9/27/95—published 11/22/95, effective 12/27/95]

[Filed 10/30/96, Notice 9/25/96—published 11/20/96, effective 12/25/96]

[Filed 6/19/02, Notice 4/17/02—published 7/10/02, effective 8/14/02]

[Filed emergency 3/21/03—published 4/16/03, effective 3/21/03]

[Filed emergency 6/15/05 after Notice 5/11/05—published 7/6/05, effective 7/1/05]

[Filed 10/11/06, Notice 8/30/06—published 11/8/06, effective 12/13/06]

[Filed 12/12/07, Notice 11/7/07—published 1/2/08, effective 2/6/08]

[Filed ARC 7902B (Notice ARC 7721B, IAB 4/22/09), IAB 7/1/09, effective 8/5/09]

[Filed Emergency ARC 9954B, IAB 1/11/12, effective 1/30/12]

[Filed ARC 0031C (Notice ARC 9955B, IAB 1/11/12), IAB 3/7/12, effective 4/11/12]

[Filed ARC 1714C (Notice ARC 1601C, IAB 9/3/14), IAB 11/12/14, effective 12/17/14]
[Filed Emergency ARC 2071C, IAB 8/5/15, effective 7/14/15]
[Filed ARC 2337C (Notice ARC 2070C, IAB 8/5/15), IAB 1/6/16, effective 2/10/16]
[Filed ARC 2530C (Notice ARC 2451C, IAB 3/16/16), IAB 5/11/16, effective 6/15/16]
[Filed ARC 2986C (Notice ARC 2878C, IAB 1/4/17), IAB 3/15/17, effective 4/19/17]
[Filed ARC 3689C (Notice ARC 3532C, IAB 1/3/18), IAB 3/14/18, effective 4/18/18]
[Filed ARC 3840C (Notice ARC 3700C, IAB 3/28/18), IAB 6/6/18, effective 7/11/18]
[Filed ARC 4401C (Notice ARC 4256C, IAB 1/30/19), IAB 4/10/19, effective 5/15/19]
[Filed ARC 4586C (Notice ARC 4476C, IAB 6/5/19), IAB 7/31/19, effective 9/4/19]
[Filed ARC 4986C (Notice ARC 4836C, IAB 1/1/20), IAB 3/11/20, effective 4/15/20]
[Filed ARC 5018C (Notice ARC 4895C, IAB 2/12/20), IAB 4/8/20, effective 5/13/20]
[Filed ARC 5495C (Notice ARC 5384C, IAB 1/13/21), IAB 3/10/21, effective 4/14/21]
[Filed ARC 5547C (Notice ARC 5411C, IAB 2/10/21), IAB 4/7/21, effective 5/12/21]
[Filed ARC 5942C (Notice ARC 5804C, IAB 7/28/21), IAB 10/6/21, effective 11/10/21]
[Filed ARC 6168C (Notice ARC 6065C, IAB 12/1/21), IAB 2/9/22, effective 3/16/22]
[Filed ARC 6307C (Notice ARC 6207C, IAB 2/23/22), IAB 5/4/22, effective 6/8/22]
[Filed ARC 6706C (Notice ARC 6519C, IAB 9/21/22), IAB 11/30/22, effective 1/4/23]
[Filed ARC 6970C (Notice ARC 6822C, IAB 1/11/23), IAB 4/5/23, effective 5/10/23]
[Editorial change: IAC Supplement 7/26/23]
[Editorial change: IAC Supplement 11/29/23]
[Filed ARC 7747C (Notice ARC 7491C, IAB 1/10/24), IAB 4/3/24, effective 5/8/24]
[Filed ARC 8055C (Notice ARC 7745C, IAB 4/3/24), IAB 6/12/24, effective 7/17/24]
[Filed ARC 9579C (Notice ARC 9294C, IAB 5/28/25), IAB 10/1/25, effective 11/5/25]
[Editorial change: IAC Supplement 6/24/26]

CHAPTER 615 SANCTIONS

[Prior to 6/3/87, Transportation Department[820]—(07,C) Ch 6]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/21/30

761—615.1(321) Definitions. The following definitions apply to this chapter:

“Accident free” as used in Iowa Code section 321.180B means the driver has not been involved in a contributive accident.

“Appropriate school authority” means the superintendent of a public school or the superintendent’s designee; the chief administrator of an accredited nonpublic school, an alternative school, or an adult education program or designee; or the primary instructor of a student who receives competent private instruction or independent private instruction.

“Contributive accident” or *“contributed to an accident”* means the driver was involved in an accident for which there is evidence in departmental records that the driver performed an act that resulted in or contributed to the accident or failed to perform an act which would have avoided or contributed to the avoidance of the accident.

“Deny” or *“denial”* means a rejection of an application for a license or a refusal to issue, renew or reinstate a license.

“Involvement in a motor vehicle accident” as used in Iowa Code section 321.180B means involvement in a contributive accident.

“License” means “driver’s license” as defined in Iowa Code section 321.1(20A) unless the context otherwise requires.

“Moving violation,” unless otherwise provided in this chapter, means any violation of motor vehicle laws except:

1. Violations of equipment standards to be maintained for motor vehicles.
2. Parking violations as defined in Iowa Code section 321.210.
3. Child restraint and safety belt and harness violations under Iowa Code sections 321.445 and 321.446.
4. Violations of registration, weight and dimension laws.
5. Operating with an expired license.
6. Failure to appear.
7. Disturbing the peace with a motor vehicle.
8. Violations of Iowa Code section 321.20B for failure to provide proof of financial liability coverage.

“Sanction” means a license denial, cancellation, suspension, revocation, bar or disqualification.

This rule is intended to implement Iowa Code sections 321.1, 321.178, 321.180A, 321.189, 321.194, 321.210, 321.215, 321.445, 321.446 and 321.555.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.2(321,321A,321J) Scope. This chapter of rules applies to any license. However:

615.2(1) Additional rules addressing denial, cancellation or disqualification of a commercial driver’s license are found in 761—Chapter 607, “Commercial Driver Licensing.”

615.2(2) Rules implementing Iowa Code chapter 321J are found in 761—Chapter 620, “OWI and Implied Consent.”

615.2(3) Rules implementing Iowa Code chapter 321A are found in 761—Chapter 640, “Financial Responsibility.”

This rule is intended to implement Iowa Code chapters 321, 321A and 321J.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.3(307) Information and address. Applications, forms and information concerning license sanctions are available at any driver’s license service center or at www.iowadot.gov. Assistance is

also available by mail from the 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; or by telephone at 515.244.9124.

This rule is intended to implement Iowa Code section 307.12(1) “j.”
[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.4(321) Habitual offender.

615.4(1) A person is determined to be a habitual offender under Iowa Code section 321.555(1) in accordance with the following point system:

a. Points are assigned to convictions as follows:

<u>Conviction</u>	<u>Points</u>
Perjury or the making of a false affidavit or statement under oath to the department of public safety	2 points
Driving while under suspension, revocation or denial (except Iowa Code chapter 321J)	2 points
Driving while under Iowa Code chapter 321J revocation or denial	3 points
Driving while barred	4 points
Operating a motor vehicle in violation of Iowa Code section 321J.2	4 points
An offense punishable as a felony under the motor vehicle laws of Iowa or any felony in the commission of which a motor vehicle is used	5 points
Failure to stop and leave information or to render aid as required by Iowa Code sections 321.261 and 321.263	5 points
Eluding or attempting to elude a pursuing law enforcement vehicle in violation of Iowa Code section 321.279	5 points
Serious injury by a vehicle in violation of Iowa Code section 707.6A(4)	5 points
Manslaughter resulting from the operation of a motor vehicle	6 points

b. Based on the points accumulated, the person is to be barred from operating a motor vehicle on the highways of this state as follows:

<u>Points</u>	<u>Length of bar</u>
6 – 7	2 years
8 – 9	3 years
10 – 12	4 years
13 – 15	5 years
16+	6 years

615.4(2) A person declared to be a habitual offender under Iowa Code section 321.555(2) is to be barred from operating a motor vehicle on the highways of this state for one year.

615.4(3) A revocation under Iowa Code section 321.560 will begin on the date the previous revocation expires.

This rule is intended to implement Iowa Code sections 321.555, 321.556 and 321.560.
[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.5(321) Suspension of a habitually reckless or negligent driver.

615.5(1) The department may suspend a person’s license for at least 60 days if the person is a habitually reckless or negligent driver of a motor vehicle. “Habitually reckless or negligent driver”

means a person who has accumulated a combination of three or more contributive accidents and convictions for moving violations or three or more contributive accidents within a 12-month period.

615.5(2) In this rule, speeding violations specified in Iowa Code section 321.210(2) “d” are not included.

This rule is intended to implement Iowa Code section 321.210.

[ARC 9135C, IAB 4/16/25, effective 5/21/25; ARC 0215D, IAB 4/15/26, effective 5/20/26]

761—615.6(321) Suspension of a habitual violator.

615.6(1) The department may suspend a person’s license when the person is a habitual violator of the traffic laws. “Habitual violator” means that the person has been convicted of three or more moving violations committed within a 12-month period.

615.6(2) The minimum suspension periods are as follows unless reduced by a driver’s license hearing officer based on mitigating circumstances:

3 convictions in 12 months	90 days
4 convictions in 12 months	120 days
5 convictions in 12 months	150 days
6 convictions in 12 months	180 days
7 or more convictions in 12 months	1 year

615.6(3) In this rule, speeding violations specified in Iowa Code section 321.210(2) “d” are not included.

This rule is intended to implement Iowa Code section 321.210.

[ARC 9135C, IAB 4/16/25, effective 5/21/25; ARC 0215D, IAB 4/15/26, effective 5/20/26]

761—615.7(321) Suspension or denial for incapability. A person who is physically or mentally incapable of safely operating a motor vehicle is subject to license suspension or denial by the department.

615.7(1) Suspension or denial for incapability may be based on one or more of the following:

- a. Receipt of a medical report or vision report stating that the person is not physically or mentally capable of safely operating a motor vehicle.
- b. Failure of the person to appear for a required reexamination or failure to submit requested information within the specified time.
- c. Ineligibility for licensing under Iowa Code sections 321.177(4) through 321.177(7).

615.7(2) A suspension or denial under this rule will remain in effect until the department receives satisfactory evidence that the licensee has been restored to capability.

615.7(3) A person whose license has been suspended or denied for incapability may be eligible for a special noncommercial instruction permit under rule 761—602.21(321).

615.7(4) A person who has a valid Iowa license that would otherwise be suspended for incapability shall, in lieu of a suspension, be denied further licensing if there is less than 30 days’ validity on the license.

- a. The denial will take effect when the license is no longer valid.
- b. The license shall be surrendered to the department. The department shall issue a temporary driving permit that allows the person to drive until the effective date of the denial.

615.7(5) If a person who is denied licensing for incapability does not have a valid Iowa license, the department may refuse orally to issue a license, effective immediately, or may deny licensing in writing, effective on the date the denial notice is served.

This rule is intended to implement Iowa Code sections 321.177, 321.210, 321.212 and 321.216.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.8(321) Suspension for unlawful use of a license. The department may suspend a person’s license upon receipt of a conviction or written law enforcement report that the person has permitted

unlawful or fraudulent use of the license. The suspension period will be at least 30 but no more than 60 days.

This rule is intended to implement Iowa Code sections 321.210, 321.212 and 321.216.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.9(321) Suspension or revocation for out-of-state offense. The department may suspend or revoke a person's license when the department is notified by another state that the person committed an offense in that state that, if committed in Iowa, would be grounds for suspension or revocation. The notice may indicate either a conviction or a final administrative decision. The period of the suspension or revocation is to be the same as if the offense had occurred in Iowa.

This rule is intended to implement Iowa Code sections 321.205 and 321.210.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.10(321) Suspension for a serious violation.

615.10(1) The department may suspend a person's license when the person has committed a serious violation of the motor vehicle laws.

615.10(2) "Serious violation" means that:

- a.* The person's conviction for a moving violation was accompanied by a written report from the arresting officer, the prosecuting attorney or the court indicating that the violation was unusually serious. The suspension period will be at least 60 days.
- b.* The person was convicted of a moving violation that contributed to a fatal motor vehicle accident. The suspension period will be at least 120 days.
- c.* The person was convicted for speeding 25 miles per hour (mph) or more above the legal limit. The minimum suspension period is as follows unless reduced by the department based on mitigating circumstances:

25 mph over the legal limit	60 days
26 mph over the legal limit	65 days
27 mph over the legal limit	70 days
28 mph over the legal limit	75 days
29 mph over the legal limit	80 days
30 mph over the legal limit	90 days
31 mph over the legal limit	100 days
32 mph over the legal limit	110 days
33 mph over the legal limit	120 days
34 mph over the legal limit	130 days
35 mph over the legal limit	140 days
36 mph over the legal limit	150 days
37 mph over the legal limit	160 days
38 mph over the legal limit	170 days
39 mph over the legal limit	180 days
40 mph over the legal limit	190 days
41 mph over the legal limit	210 days
42 mph over the legal limit	230 days
43 mph over the legal limit	250 days
44 mph over the legal limit	270 days
45 mph over the legal limit	290 days
46 mph over the legal limit	310 days
47 mph over the legal limit	330 days

48 mph over the legal limit

350 days

49 mph or more over the legal limit

one year

d. The person was convicted of violating Iowa Code section 321.372(3) or a similar ordinance of any political subdivision. The suspension period will be:

- (1) 30 days for a first conviction.
- (2) 90 days for a second conviction.
- (3) 180 days for a third or subsequent conviction.

e. The person was convicted of violating Iowa Code section 321.323A or a similar ordinance of any political subdivision. The suspension period is established in Iowa Code section 321.323A(4) "c."

This rule is intended to implement Iowa Code sections 321.210, 321.323A, 321.372 and 321.491.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.11(321) Suspension under the nonresident violator compact. The department may suspend a person's license when a report is received from another state under the nonresident violator compact that an Iowa licensee has failed to comply with the terms of a traffic citation. The suspension will continue until the department receives evidence of compliance with the terms of the citation, at which point the department shall issue a notice terminating the suspension.

This rule is intended to implement Iowa Code sections 321.210 and 321.513.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.12(17A,321) Suspension for a charge of vehicular homicide; hearing and appeal process.

615.12(1) The department shall suspend a person's license when the department receives notice from the clerk of the district court that an indictment or trial information has been filed charging the person with homicide by vehicle under Iowa Code section 707.6A(1) or 707.6A(2). The suspension takes effect ten days after the department's suspension notice is issued.

615.12(2) In a contested case hearing, the sole issue is whether there is a possibility of a judgment being rendered against the person for homicide by vehicle under Iowa Code section 707.6A(1) or 707.6A(2). A suspension under this subrule will be upheld if there is evidence in department records that the indictment or trial information was found or approved by a grand jury, magistrate, or judge.

This rule is intended to implement Iowa Code chapter 17A and section 321.210D.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.13(307,321) Suspension of a special minor's restricted license and minor's restricted work license.

615.13(1) *Suspension of a special minor's restricted license.*

a. Suspensions issued under Iowa Code section 321.194(7) may be concurrent. Each suspension requires a separate three-month waiting period pursuant to Iowa Code section 321.194(7) "b."

b. A written report submitted to the department by a peace officer, parent, guardian, custodian, or appropriate school authority will constitute evidence that the licensee violated the restrictions of the license.

c. A suspension issued under this subrule terminates when the person attains the age of 18.

615.13(2) *Suspension of a minor's restricted work license.* The department may suspend a minor's restricted license for at least 30 days upon receiving notice of the licensee's conviction for one moving violation or evidence that the licensee has violated the license restrictions.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 321.178 and 321.194.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.14(321) Suspension for nonpayment of fine, penalty, surcharge or court costs.

615.14(1) A suspension issued by the department under Iowa Code section 321.210A shall continue until the department receives notice from a clerk of the district court that all appropriate

payments have been made, the person has entered into an executed installment agreement under Iowa Code section 321.210B, or the notice to suspend was submitted in error. Upon receipt of such notice, the department shall terminate the suspension.

615.14(2) An informal settlement, hearing or appeal to contest the suspension is limited to a determination of whether the facts required by Iowa Code section 321.210A and this subrule are true. The merits of the conviction will not be considered.

This rule is intended to implement Iowa Code sections 321.210A and 321.210B.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.15(232,299,307,321) Suspensions for juveniles.

615.15(1) *Suspension for juveniles adjudicated delinquent for certain offenses.*

a. Pursuant to Iowa Code section 321.213A, the department will suspend the license of a person for one year upon receipt of an adjudication and dispositional order from the clerk of the juvenile court.

b. The department may issue to a person suspended under this subrule a temporary restricted license in accordance with rule 761—615.28(321) if issuance is permitted under Iowa Code section 321.215 and the person is otherwise eligible for the license. To obtain a temporary restricted license that is valid for educational or employment purposes, the applicant must meet the requirements for issuance of a special minor's restricted license under Iowa Code section 321.194 and rule 761—602.26(321).

615.15(2) *Suspension for juvenile's failure to attend school.*

a. The department shall suspend the driver's license of a person of compulsory age upon receipt of notification from the appropriate school authority that the person is in violation of Iowa Code section 299.1B.

b. The suspension will continue until the person reaches the age of 18 or the department receives notification from the appropriate school authority that the person is no longer in violation of Iowa Code section 299.1B.

c. The department may issue to the person a minor's restricted work license pursuant to Iowa Code section 321.178 and rule 761—602.25(321) if the person is eligible for the license.

This rule is intended to implement Iowa Code sections 232.52(2), 321.178, 321.213B, 299.1B, 307.12(1) "j," 321.213, 321.213A and 321.215.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.16(252J) Suspension upon receipt of a certificate of noncompliance.

615.16(1) *From child support services.*

a. The department shall suspend a person's Iowa-issued driver's license upon receipt of a certificate of noncompliance from the child support services.

b. The suspension shall continue until receipt of a withdrawal of the certificate of noncompliance from the child support services.

c. The filing of an application pursuant to Iowa Code section 252J.9 stays the suspension pending the outcome of the district court hearing.

615.16(2) Reserved.

This rule is intended to implement Iowa Code sections 252J.1, 252J.8 and 252J.9.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.17(307,321) Suspension for violation of a license restriction. The department may suspend a person's license when the department receives satisfactory evidence of a violation of a restriction imposed on the license. The suspension period is at least 30 days for the first violation and at least 90 days for subsequent violations.

This rule is intended to implement Iowa Code sections 307.12(1) "j" and 321.193.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.18(307,321,707) Mandatory revocation.

615.18(1) A revocation issued by the department pursuant to Iowa Code section 321.209 shall be at least one year except as provided in Iowa Code section 321.212.

615.18(2) For purposes of issuing a revocation under Iowa Code section 321.209(2), “felony” includes a conviction that meets at least one of the following criteria:

- a.* The record provides specific factual findings by the court that a motor vehicle was used in the commission of the offense,
- b.* The record is accompanied by information from the prosecuting attorney indicating that a motor vehicle was used in the commission of the crime, or
- c.* The record indicates that the elements of the offense actually required the use of a motor vehicle.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321.209, 321.212, 321.261 and 707.6A.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.19(307,321J) Extension of suspension or revocation period under Iowa Code chapter 321J. The department is to extend the period of license suspension or revocation for an additional like period when the person is convicted of operating a motor vehicle while the person’s license is suspended or revoked under Iowa Code chapter 321J.

This rule is intended to implement Iowa Code sections 307.12(1) “j” and 321J.21.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.20(321) Effective date of sanction. Unless otherwise specified by statute or rule, a suspension, revocation, disqualification or bar shall begin 30 days after the department’s notice of such action is served. However, a cancellation issued by the department under Iowa Code section 321.184, 321.185, 321.189, 321.191 or 321.201 will take effect ten days after the department’s notice of cancellation is served.

This rule is intended to implement Iowa Code sections 321.208, 321.209, 321.210 and 321.556.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.21(321,321J,331) Service of notice.

615.21(1) The department shall send a notice of a sanction by first-class mail to the person’s mailing address as shown on departmental records.

615.21(2) In lieu of service by mail, the notice may be delivered by a peace officer, a departmental employee, or any person over 18 years of age.

a. The person serving the notice shall prepare a certificate of personal service certifying delivery, specifying the name of the receiver, the address and the date, or certifying nondelivery.

b. The department will pay fees for personal service of notice by a sheriff as specified in Iowa Code section 331.655. The department may also contract for personal service of notice when the department determines that it is in the best interests of the state.

615.21(3) The sanction shall become effective on the date specified in the notice.

615.21(4) The department may prepare an affidavit of mailing verifying the fact that a notice was mailed by first-class mail. To verify the mailing of a notice, the department may use its records in conjunction with U.S. Postal Service records available to the department. The department’s affidavit of mailing may be attested to and certified in accordance with Iowa Code section 622.1.

This rule is intended to implement Iowa Code sections 321.16, 321.211, 321.211A, 321.556, 321J.9, 321J.12 and 331.655.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.22(17A,321,321J) Hearing and appeal process.

615.22(1) *Applicability.* This rule applies to:

a. License denials, cancellations and suspensions under Iowa Code sections 321.177 through 321.215 and 321A.4 through 321A.11 except suspensions under Iowa Code sections 321.213A and 321.213B.

b. License suspensions and revocations under Iowa Code sections 321.218 and 321J.21.

c. License revocations under Iowa Code sections 321.193 and 321.205.

d. Disqualifications from operating a commercial motor vehicle under Iowa Code section 321.208.

e. License bars under Iowa Code section 321.556.

615.22(2) *Submission of request.*

a. A person subject to a sanction listed in subrule 615.22(1) may contest the action by following the provisions of 761—Chapter 2506 as supplemented by this rule.

b. A person may request an informal settlement, a contested case hearing, or an appeal of a presiding officer's decision by submitting a request in writing to the motor vehicle division at the address in rule 761—615.3(17A).

c. The request is to include the person's name, date of birth, driver's license or permit number, mailing address and telephone number and the name, address and telephone number of the person's attorney, if any.

d. A request for an informal settlement or a request for a contested case hearing will be deemed timely submitted if it is delivered to the motor vehicle division or postmarked within the time period specified in the department's notice of the sanction.

(1) Unless a longer time period is specified in the notice or another time period is specified by statute or rule, the time period will be 20 days after the notice is served.

(2) However, a request to appeal a sanction under rule 761—615.7(321) or a denial of a license may be submitted at any time.

615.22(3) *Informal settlement or hearing.*

a. The person may request an informal settlement. Following an unsuccessful informal settlement procedure, or instead of that procedure, the person may request a contested case hearing.

b. Notwithstanding paragraph 615.22(3)"a," a request received from a person who has participated in a driver improvement interview on the same matter shall be deemed a request for a contested case hearing.

615.22(4) *Appeal.* A request to appeal a presiding officer's decision shall be submitted in accordance with 761—subrule 13.5(3).

615.22(5) *Stay of sanction.*

a. Upon receipt of a properly submitted, timely request under this rule, the department will review its records to determine whether the sanction may be stayed pending the outcome of the settlement, hearing or appeal unless prohibited by statute or rule or unless otherwise requested by the requester/appellant.

(1) If the stay is granted, the department will send a notice indicating the effective date of the stay. The notice allows the person to drive while the sanction is stayed if the license is valid and no other sanction is in effect.

(2) A person whose stay authorizes driving privileges shall carry the notice of stay at all times while driving.

b. Of the sanctions listed in subrule 615.22(1), the department shall not stay the following, and the person's driving privileges do not continue:

(1) A suspension for incapability.

(2) A denial.

(3) A disqualification from operating a commercial motor vehicle.

(4) A suspension under Iowa Code section 321.180B.

(5) A suspension or revocation under Iowa Code section 321.218 or 321J.21.

This rule is intended to implement Iowa Code chapter 17A and sections 321.177 through 321.215, 321.218, 321.556, 321A.4 through 321A.11 and 321J.21.

[ARC 9135C, IAB 4/16/25, effective 5/21/25; Editorial change: IAC Supplement 6/24/26]

761—615.23(307,321,321A) Surrender of license. A person whose Iowa license has been sanctioned shall surrender the license to the designated representative of the department on or before the effective date of the sanction.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321.201, 321.208, 321.210D, 321.212, 321.216, 321.556 and 321A.31.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.24(321,321A,321J) License reinstatement or reissue. The department may reinstate the license when the sanction has ended if the person is otherwise eligible for issuance of the license and the person has:

615.24(1) Filed proof of financial responsibility under Iowa Code chapter 321A, when required, for all vehicles to be operated. Only the motor vehicles covered under the proof of financial responsibility filed by the applicant may be operated.

615.24(2) Paid the civil penalty when required by Iowa Code section 321J.17.

615.24(3) Complied with the specific instructions given in the department’s notice terminating the sanction.

615.24(4) Successfully completed any required driver license examinations.

615.24(5) Paid the reinstatement fee under Iowa Code section 321.191 when required.

615.24(6) Paid the appropriate license fee or duplicate license fee under Iowa Code sections 321.191 and 321.195.

This rule is intended to implement Iowa Code sections 321.186, 321.191, 321.195, 321.208, 321.212, 321A.17 and 321J.17.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.25(321) Investigation of convictions based on fraud. A person requesting investigation of fraudulent use of a person’s name or other fraudulent identification that resulted in a record of conviction for a scheduled violation under Iowa Code chapter 321 and listed in Iowa Code section 805.8A may submit a written application to the department using Form 420049. The department will review the application and determine whether investigation is warranted under Iowa Code section 321.200A.

This rule is intended to implement Iowa Code section 321.200A.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.26(321) Remedial driver improvement.

615.26(1) Pursuant to Iowa Code section 321.180B(3) “a,” remedial driver improvement action means any or all of the following as determined by the department: suspension, safety advisory letter, additional restriction(s), safety consultation, educational program, knowledge examination, or driving examination.

615.26(2) A suspension period under Iowa Code section 321.180B(3) shall be at least 30 days for the first violation, at least 60 days for the second violation, and at least 90 days for a third or subsequent violation. A person whose driving privilege has been suspended under this rule is not eligible for a temporary restricted license.

615.26(3) Any action under this rule terminates when a person attains the age of 18.

This rule is intended to implement Iowa Code section 321.180B.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.27(307,321) Driver improvement program.

615.27(1) *When required.*

a. In lieu of suspension, the department may require the following persons to attend and successfully complete, at the person’s own expense, a driver improvement program approved by the department:

- (1) A habitual violator.
- (2) A person who is convicted for speeding at least 25 but not more than 29 miles per hour over the legal limit.
- (3) A person whose license is subject to suspension under Iowa Code section 321.210C.
- (4) A person who is convicted of a first offense violation of Iowa Code section 321.372(3) or a similar ordinance of any political subdivision.

b. However, a person is not eligible to attend a driver improvement program in lieu of suspension more than once within a two-year period.

615.27(2) *Scheduling.* The department shall forward the person's contact information to the approved driver improvement program provider nearest the person's last known address. The provider will schedule the person's attendance at the provider's next available program opening.

a. One request for rescheduling may be granted by the provider if the program begins within 30 days of the originally scheduled date and if space is available.

b. A request to attend a program in another state may be granted if the curriculum is approved by the department.

615.27(3) *Probation.* When a person is required to attend and successfully complete a driver improvement program, the person must immediately thereafter complete a one-year probationary driving period. The department may suspend the person's license upon receipt of one conviction for a moving violation committed by the person during the probationary period. The suspension period will be for the length of the original underlying suspension.

615.27(4) *Failure to attend.* The department shall suspend the license of a person who is required to attend a driver improvement program and who does not attend, or does not successfully complete, the program. The suspension period will be for the length of the original underlying suspension.

This rule is intended to implement Iowa Code sections 307.12(1)"j," 321.210, 321.210C and 321.372.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

761—615.28(252J,307,321,321J) Temporary restricted license (work permit).

615.28(1) A person is not eligible for a temporary restricted license under Iowa Code section 321.215 if the person is subject to the following sanctions:

- a.* License denial or cancellation.
- b.* License suspension for incapability.
- c.* License suspension for noncompliance with the financial responsibility law.
- d.* Suspension or revocation of a special minor's restricted license or minor's restricted work license.
- e.* License revocation under Iowa Code section 321.209(1) through 321.209(4) or revocation for a second or subsequent conviction for drag racing.
- f.* License bar under Iowa Code section 321.560 unless the applicant is declared to be a habitual offender under Iowa Code section 321.555(1)"c" or 321.555(2).
- g.* License suspension under Iowa Code section 252J.8.
- h.* License suspension under Iowa Code section 321.180B(3).

615.28(2) Application for a temporary restricted license is to be made online at www.iowadot.gov/mvd/driverslicense/Suspensions-and-Revocations#TempRL or using Form 430100 and submitted to the motor vehicle division at the address in rule 761—615.3(17A).

615.28(3) The application is to be accompanied by supporting documentation signed by each entity able to attest to the applicant's eligibility for each requested purpose authorized under Iowa Code section 321.215(1)"a"(1) through 321.215(1)"a"(6). An applicant under Iowa Code section 321.215(1)"a"(5) must also submit a copy of the court order for community service. Acceptable statements will explain the need for the license and list specific places and times for the activity that can be verified by the department.

615.28(4) A temporary restricted license issued for employment may include permission for the licensee to transport dependent children or adults between the licensee's residence and a child or dependent adult care location, provided the care is essential for continuation of the licensee's employment and the application includes a signed statement from the care provider.

615.28(5) An applicant for a temporary restricted license is also required to do all of the following:

- a. File proof of financial responsibility under Iowa Code chapter 321A, if required, for all motor vehicles to be operated under the temporary restricted license.
- b. Pay the civil penalty when required by Iowa Code section 321J.17.
- c. Pass the appropriate examination for the type of vehicle to be operated under the temporary restricted license.
- d. Pay any applicable reinstatement and license fees.

615.28(6) The department will determine the restrictions to be imposed by the temporary restricted license based on the documents submitted. The licensee may apply at any time to the department in writing with a justification for any requested change in license restrictions.

615.28(7) An applicant who has been denied a temporary restricted license or who contests the license restrictions imposed by the department may contest the decision in accordance with rule 761—615.22(321).

This rule is intended to implement Iowa Code chapter 321A and sections 252J.8, 307.12(1) "j," 321.177, 321.178, 321.184, 321.185, 321.186, 321.189, 321.191, 321.193, 321.194, 321.195, 321.201, 321.205, 321.209, 321.210, 321.210A, 321.212, 321.213A, 321.213B, 321.215, 321.218, 321.513, 321.560 and 321J.17.

[ARC 9135C, IAB 4/16/25, effective 5/21/25]

[Filed emergency 9/13/85—published 10/9/85, effective 9/13/85]

[Filed 11/27/85, Notice 10/9/85—published 12/18/85, effective 1/22/86]

[Filed emergency 6/20/86—published 7/16/86, effective 7/1/86]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed 1/20/88, Notice 12/2/87—published 2/10/88, effective 3/16/88]^o

[Filed emergency 5/16/88—published 6/15/88, effective 5/16/88]

[Filed 11/3/88, Notice 9/21/88—published 11/30/88, effective 1/4/89]

[Filed 9/21/89, Notice 7/26/89—published 10/18/89, effective 11/22/89]

[Filed emergency 11/30/89—published 12/27/89, effective 12/1/89]

[Filed 12/18/91, Notice 11/13/91—published 1/8/92, effective 2/12/92]

[Filed 11/4/93, Notice 9/29/93—published 11/24/93, effective 12/29/93]

[Filed 1/11/95, Notice 11/23/94—published 2/1/95, effective 3/8/95]

[Filed 11/1/95, Notice 9/27/95—published 11/22/95, effective 12/27/95]

[Filed 10/30/96, Notice 9/25/96—published 11/20/96, effective 12/25/96]

[Filed 1/21/98, Notice 12/17/97—published 2/11/98, effective 3/18/98]

[Filed 10/28/98, Notice 9/23/98—published 11/18/98, effective 12/23/98]

[Filed 4/8/99, Notice 2/10/99—published 5/5/99, effective 7/1/99]

[Filed 2/15/02, Notice 12/26/01—published 3/20/02, effective 4/24/02]

[Filed 6/19/02, Notice 4/17/02—published 7/10/02, effective 8/14/02]

[Filed 10/11/06, Notice 8/30/06—published 11/8/06, effective 12/13/06]

[Filed ARC 7902B (Notice ARC 7721B, IAB 4/22/09), IAB 7/1/09, effective 8/5/09]

[Filed ARC 9991B (Notice ARC 9874B, IAB 11/30/11), IAB 2/8/12, effective 3/14/12]

[Filed ARC 0250C (Notice ARC 0158C, IAB 6/13/12), IAB 8/8/12, effective 9/12/12]

[Filed Emergency After Notice ARC 0309C (Notice ARC 0158C, IAB 6/13/12), IAB 9/5/12, effective 8/15/12]

[Filed ARC 0592C (Notice ARC 0438C, IAB 11/14/12), IAB 2/6/13, effective 3/13/13]

[Filed ARC 2424C (Notice ARC 2344C, IAB 1/6/16), IAB 3/2/16, effective 4/6/16]

[Filed ARC 3027C (Notice ARC 2921C, IAB 2/1/17), IAB 4/12/17, effective 5/17/17]

[Filed ARC 4119C (Notice ARC 3967C, IAB 8/29/18), IAB 11/7/18, effective 12/12/18]

[Filed ARC 4758C (Notice ARC 4625C, IAB 8/28/19), IAB 11/6/19, effective 12/11/19]

[Filed ARC 5017C (Notice ARC 4884C, IAB 1/29/20), IAB 4/8/20, effective 5/13/20]

[Filed ARC 5496C (Notice ARC 5385C, IAB 1/13/21), IAB 3/10/21, effective 4/14/21]

[Filed ARC 5941C (Notice ARC 5858C, IAB 8/11/21), IAB 10/6/21, effective 11/10/21]

[Editorial change: IAC Supplement 12/28/22]

[Filed ARC 9135C (Notice ARC 8477C, IAB 12/11/24), IAB 4/16/25, effective 5/21/25]

[Filed ARC 0215D (Notice ARC 9883C, IAB 1/7/26), IAB 4/15/26, effective 5/20/26]

[Editorial change: IAC Supplement 6/24/26]

◇ Two or more ARCs

CHAPTER 720
IOWA AIRPORT REGISTRATION
[Prior to 6/3/87, Transportation Department [820]—(04,C)Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/26/30

761—720.1(328) Scope and contact information.

720.1(1) This chapter establishes airport registration and airport closing requirements for airports open for use by the public.

720.1(2) Questions regarding this chapter may be directed to the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.239.1468; or through the department's website at www.iowadot.gov/aviation.

[ARC 8942C, IAB 2/19/25, effective 3/26/25]

761—720.2(328) Definitions. The definitions in Iowa Code section 328.1 apply to this chapter. In addition:

“Obstruction” means any structure, object of natural growth, or use of land that impedes the airspace required for the takeoff or landing of aircraft at an airport.

“Private use” means available for use by the owner or other persons authorized by the owner.

“Public use” means available for use by the public without prior approval from the owner or operator.

[ARC 8942C, IAB 2/19/25, effective 3/26/25]

761—720.3(328) Public-use airport. Airport registration requirements apply to public-use airports.

720.3(1) *Registration.* An airport is to apply to the department when seeking a public-use airport certificate of registration. If following an inspection, the airport meets minimum safety standards, the department will issue the airport a public-use airport certificate of registration.

720.3(2) *Registration renewal.* Each public-use airport certificate of registration renews automatically each year unless the certificate is revoked. When an airport is to be inspected by the department, the airport will be provided with an airport registration application and will need to apply for registration renewal.

720.3(3) *Airport inspection.* Each registered public-use airport is subject to inspection by the department at any reasonable time, but the airport will be inspected no less than every three years. If the inspection by the department reveals an unsafe condition or a failure to meet the minimum safety standards, the department will record that fact and notify the airport in writing with necessary corrective actions. Failure to implement corrective actions may result in airport registration revocation or denial. Federal Aviation Administration (FAA) inspection of an airport certified under 14 CFR Part 139 may be accepted in lieu of an inspection by the department.

720.3(4) *Posting.* The airport certificate of registration is to be posted in a prominent place available to the public at the airport. If there are no buildings at the airport, the certificate is to be displayed at the office of the airport manager or caretaker. If a certificate of registration is revoked by the department, it must be removed from public view and destroyed.

[ARC 8942C, IAB 2/19/25, effective 3/26/25]

761—720.4(328) Revocation or denial. The department may revoke or deny a certificate of registration pursuant to Iowa Code section 328.19.

[ARC 8942C, IAB 2/19/25, effective 3/26/25]

761—720.5(328) Corrective action plan. If an airport is not in compliance with minimum safety standards, the airport may submit a proposed corrective action plan that identifies a time period up to six years to bring the airport into compliance. The plan must be reasonable and attainable. The plan is subject to approval by the department, and if approved, the department may issue a certificate of registration that can be revoked at any time if an unsafe condition develops.

[ARC 8942C, IAB 2/19/25, effective 3/26/25]

761—720.6(328) Minimum safety standards. The minimum safety standards for a public-use airport are as follows:

720.6(1) Runways.

- a. *Width.* The minimum usable runway width will be 50 feet.
- b. *Marking of paved runways.* Marking of paved runways will be in accordance with FAA Circular 150/5340-1M (Standards for Airport Markings) as amended through May 10, 2019.
- c. *Marking of nonpaved runways.* Marking of nonpaved runways will use high-visibility yellow airport marking cones no less than 36 inches in diameter and 24 inches tall.

(1) Runway edge marking cones are to be placed 200 feet apart outlining the length of the runway surface.

(2) Runway ends are to be marked using six marking cones placed perpendicular to the runway heading.

(3) Displaced thresholds are to be marked by adding three marking cones from each runway edge at the point of the threshold location along the length of the runway surface.

d. *Surfaces.* Runway surfaces will be free of foreign debris and surface deficiencies that could impede the ability of aircraft to land or take off.

e. *Winter operations.*

(1) During and following winter events, runways and other operational areas are to be cleared as quickly as practical.

(2) To the extent possible, snow pile height is to be minimized.

(3) Notices to Air Missions (NOTAMS) are to be issued with the FAA to alert aircraft operators when an airport is unusable or unsafe for aircraft operations. NOTAMS should identify the closure of an airport or affected runways and provide a reasonable estimate of when the airport will be cleared and reopened for public use.

(4) If an airport does not intend to conduct winter operations for a winter season, it will be noted in the FAA's Airport Master Record and Chart Supplement so pilots are aware snow removal and other winter operations will not occur.

f. *Unusable and unsafe runways.* When a runway has become temporarily unusable or unsafe for aircraft operations, the affected area will be marked by suitable flags, barriers or flares clearly showing the boundaries of the unsafe or unusable area.

(1) Affected runways are to be marked in accordance with guidelines in rule 761—720.7(328).

(2) NOTAMS are to be issued to close the airport or affected runways and provide a reasonable estimate of when the airport is to be reopened for public use.

g. *Line of sight.* Runway sight distance will provide an unobstructed line of sight from any point 5 feet above the runway surface to any point 5 feet above the runway surface for the entire length of the runway, or the sponsor shall note in the FAA's Airport Master Record and Chart Supplement, so pilots are aware of the line-of-sight obstruction.

720.6(2) Approach zones.

a. *Approach surface.* The approach zone of a runway extends from the runway end (or displaced threshold) and is longitudinally centered on the runway centerline for a horizontal distance of 1,000 feet. The width is 250 feet starting at the runway end and widens out to 450 feet at the farthest point from the runway.

b. *Approach obstructions.* Approaches are to remain free of obstructions above a glide path of a 20:1 ratio within the approach zone of each usable runway. If an obstruction exists in an approach zone that impedes the airspace required for the takeoff or landing of aircraft, the obstruction should be removed. If removal of the obstruction is not possible, the runway threshold is to be displaced. The runway length remaining between the displaced threshold and the departure end of the runway is the landing distance available.

c. *Crops in approach zones.* Crops are not considered an approach zone obstacle.

d. Consideration for vehicles and trains. When the approach zone to any runway crosses a road or railroad, the glide path on a 20:1 ratio shall pass at least 17 feet above an interstate highway, 15 feet above any other public roadway, 10 feet above a private road, and 23 feet above a railroad.

720.6(3) Obstruction-free areas.

a. General obstruction-free areas. The following areas of the airport will be free of obstructions with the exception of operational and frangible equipment that is essential for operation of the airport. For this subrule, obstructions include any object of natural growth, terrain, construction hazards, equipment, crops or grass taller than 8 inches, or other items that would provide a potential hazard to aircraft operations on the ground or in the air:

- (1) Paved runways.
 1. Within 125 feet of the centerline.
 2. Within 200 feet of the runway end.
- (2) Nonpaved runways.
 1. Within 60 feet of the centerline.
 2. Within 10 feet of runway edge markers along the entire length of the runway.
- (3) Automated weather observing equipment.
 1. Any airport property or easement located within a 100-foot radius.
 2. Reserved.

b. Building obstruction-free areas. In no case may a building be constructed closer than 125 feet from a runway centerline of a paved runway or 50 feet from the edge of a nonpaved runway.

720.6(4) Facilities.

a. Wind indicator. The airport is to be equipped with an 18-inch diameter or larger windsock, blaze orange in color. If the airport is lighted for night operation, the windsock is to be lighted.

b. Fire extinguishers. At least one operational fire extinguisher capable of extinguishing all classes of fires is to be readily accessible to aircraft fueling or ramp areas.

c. Lighting. If an airport is published to have lighting for night operation:

- (1) The system is to be operable.
- (2) The airport is to be lighted from dusk to dawn or have an operable air-to-ground controller for the lighting system.

[ARC 8942C, IAB 2/19/25, effective 3/26/25]

761—720.7(328) Airport closing.

720.7(1) Notice. When an airport ceases operation for any reason, the sponsor must notify the department, destroy the certificate of registration and mark the landing area to clearly indicate that the airport is closed to air traffic.

720.7(2) Marking. All marking indicating a usable runway is to be obliterated. The sponsor will place at a central location a yellow X in accordance with FAA Advisory Circular 150/5340-1M (Standards for Airport Markings) as amended through May 10, 2019.

720.7(3) Temporary closing. When conditions, not related to a winter event, require the temporary closing of a runway, the runway is to be marked on both ends with a yellow X in accordance with FAA Advisory Circular 150/5340-1M (Standards for Airport Markings) as amended through May 10, 2019.

720.7(4) Repayment of financial assistance. Within 30 days of closing an airport (other than temporary closing), the sponsor is to request from the department a review of contractual obligations that require repayment of financial assistance. The department will provide a determination detailing grant obligations that must be repaid. Any repayment of grants is to be made to the department in no more than five equal annual installments, beginning one year from the airport's closure date. If an alternative future use of the airport facility is planned for a project that creates jobs and expands the economy, the sponsor may, within 30 days of the department's determination, request forgiveness of repayment. The request must include a plan detailing the alternative future use of the airport facility, an explanation of how the alternative future use creates jobs and expands the economy, a cost-benefit

analysis from the sponsor, a commitment of private investment in the project equal to at least two times the amount of repayment due to the state, and a commitment from the sponsor, or associated political subdivision(s), to complete the alternative use project within five years. The department will review the request for forgiveness of repayment and approve or deny the request within 60 days of receipt.

[ARC 8942C, IAB 2/19/25, effective 3/26/25]

761—720.8(17A) Hearing and appeal process. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 2506.

[ARC 8942C, IAB 2/19/25, effective 3/26/25; Editorial change: IAC Supplement 6/24/26]

These rules are intended to implement Iowa Code chapter 17A and sections 328.1, 328.12, 328.19 and 328.35.

[Filed 8/3/76, Notice 6/14/76—published 8/23/76, effective 9/27/76]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed 9/2/87, Notice 7/15/87—published 9/23/87, effective 10/28/87]

[Filed 12/5/90, Notice 10/3/90—published 12/26/90, effective 1/30/91]

[Filed 1/15/92, Notice 12/11/91—published 2/5/92, effective 3/11/92]

[Filed 12/16/93, Notice 11/10/93—published 1/5/94, effective 2/9/94]

[Filed 12/17/03, Notice 11/12/03—published 1/7/04, effective 2/11/04]

[Filed 6/14/07, Notice 4/25/07—published 7/4/07, effective 8/8/07]

[Filed ARC 3301C (Notice ARC 3128C, IAB 6/21/17), IAB 8/30/17, effective 10/4/17]

[Filed ARC 5943C (Notice ARC 5805C, IAB 7/28/21), IAB 10/6/21, effective 11/10/21]

[Filed ARC 6616C (Notice ARC 6477C, IAB 8/24/22), IAB 11/2/22, effective 12/7/22]

[Filed ARC 8942C (Notice ARC 8339C, IAB 11/13/24), IAB 2/19/25, effective 3/26/25]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 750 AIRCRAFT REGISTRATION

[Prior to 6/3/87, Transportation Department [820]—(04,C)Ch 2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/26/30

761—750.1(328) General.

750.1(1) Scope. This chapter establishes the procedures for registration of civil aircraft pursuant to Iowa Code chapter 328.

750.1(2) Contact. Information, instructions, and forms are available from the modal transportation bureau or on the department's website at www.iowadot.gov/aviation. Application forms may also be obtained from aircraft dealers. The mailing address for aircraft registration is the Iowa Department of Transportation, Modal Transportation Bureau, Aircraft Registration, 800 Lincoln Way, Ames, Iowa 50010.

750.1(3) Definitions. The definitions in Iowa Code section 328.1 apply to this chapter. In addition, the following definition is established for the purpose of Iowa Code section 328.21(8):

“Specified minimum level of aviation services to the general public” means the use of aircraft that provide nonagricultural aviation services, including aircraft rental, flight training, or passenger and cargo air carrier operations.

This rule is intended to implement Iowa Code chapter 328.

[ARC 8943C, IAB 2/19/25, effective 3/26/25]

761—750.2(328) Registration. When an aircraft is registered in Iowa, the model year of the aircraft is used to determine the number of times the aircraft was previously registered, and a reduction of the registration fee is computed accordingly. “Model year,” except where otherwise specified, means the year of original manufacture or the year certified by the manufacturer. For the purpose of registration, the model year advances one year each January 1.

This rule is intended to implement Iowa Code section 328.21.

[ARC 8943C, IAB 2/19/25, effective 3/26/25]

761—750.3(328) First registration procedure.

750.3(1) Registration requirement. A civil aircraft that has an FAA-assigned N number is subject to registration in Iowa unless it is exempt by statute.

750.3(2) Application.

a. The owner of an unregistered aircraft is to submit to the department an application for aircraft registration on a form prescribed by the department.

b. The application is to include the registration fee and the required use tax or evidence of tax exemption.

c. Following review of the application, the department may request additional information or documents from the owner.

d. Upon receipt of a completed application, registration fee, and use tax or evidence of tax exemption, the department will issue to the applicant an aircraft registration certificate for the aircraft.

This rule is intended to implement Iowa Code sections 328.20, 328.21, 328.26, 328.27, 328.44 and 328.45.

[ARC 8943C, IAB 2/19/25, effective 3/26/25]

761—750.4(328) Aircraft not airworthy. An aircraft that is not airworthy is not subject to registration fees if the owner submits with the registration application a written, signed explanation of the aircraft's condition and an estimate of the date when the aircraft will be airworthy. The department will mark the record of the aircraft until the owner notifies the department that the aircraft is airworthy or until the aircraft is no longer subject to registration in Iowa.

This rule is intended to implement Iowa Code section 328.21.

[ARC 8943C, IAB 2/19/25, effective 3/26/25]

761—750.5(328) Renewal notice. Thirty days before the end of the registration year, the department will send a renewal notice to the owner of each registered aircraft. The renewal notice will include the registration fee due for the upcoming registration year and the descriptive data recorded for the aircraft.

This rule is intended to implement Iowa Code sections 328.20, 328.21, 328.26, 328.27, 328.37 and 328.56A.

[ARC 8943C, IAB 2/19/25, effective 3/26/25]

761—750.6(328) Penalty on registration fees.

750.6(1) *Aircraft moved into Iowa.* The penalty on the registration fee accrues from the first day of the month following 30 days from the date the aircraft is moved into Iowa.

750.6(2) *When delinquency extends beyond the current year.* When the penalty on a delinquent registration fee extends beyond the current year, the penalty continues to accrue until paid. The penalty accrues only on the fee applicable at the time the delinquency accrued and is to apply to subsequent registration fees that have not been paid.

750.6(3) *Specific penalty date.* When a specific penalty date is provided by statute or rule, the penalty accrues from that date, even if the day is a Saturday, Sunday or holiday.

This rule is intended to implement Iowa Code sections 328.50 through 328.52.

[ARC 8943C, IAB 2/19/25, effective 3/26/25]

761—750.7(328) Application for special certificate. When applying to the department for a special certificate, the applicant is to submit reasonable proof of bona fide status as a manufacturer, transporter or dealer. Manufacturer or dealer applicants are to verify that no aircraft have been held in a dealer special certificate inventory for a period of more than three years.

This rule is intended to implement Iowa Code sections 328.28 and 328.29.

[ARC 8943C, IAB 2/19/25, effective 3/26/25]

761—750.8(328) Lien. The department has the authority to record a lien against the federal aircraft title and sue to collect unpaid fees and penalties.

This rule is intended to implement Iowa Code sections 328.47 through 328.49.

[ARC 8943C, IAB 2/19/25, effective 3/26/25]

761—750.9(17A) Hearing and appeal process. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 2506.

This rule is intended to implement Iowa Code chapter 17A.

[ARC 8943C, IAB 2/19/25, effective 3/26/25; Editorial change: IAC Supplement 6/24/26]

[Filed 7/1/75]

[Filed 8/3/76, Notice 6/14/76—published 8/23/76, effective 9/27/76]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed 7/27/88, Notice 6/15/88—published 8/24/88, effective 9/28/88]

[Filed 1/15/92, Notice 12/11/91—published 2/5/92, effective 3/11/92]

[Filed 12/26/96, Notice 11/20/96—published 1/15/97, effective 2/19/97]

[Filed 3/10/99, Notice 1/13/99—published 4/7/99, effective 5/12/99]

[Filed 11/2/05, Notice 9/14/05—published 11/23/05, effective 12/28/05]

[Filed 10/11/06, Notice 8/30/06—published 11/8/06, effective 12/13/06]

[Filed ARC 3301C (Notice ARC 3128C, IAB 6/21/17), IAB 8/30/17, effective 10/4/17]

[Filed ARC 5943C (Notice ARC 5805C, IAB 7/28/21), IAB 10/6/21, effective 11/10/21]

[Filed ARC 6616C (Notice ARC 6477C, IAB 8/24/22), IAB 11/2/22, effective 12/7/22]

[Filed ARC 8943C (Notice ARC 8344C, IAB 11/13/24), IAB 2/19/25, effective 3/26/25]

[Editorial change: IAC Supplement 6/24/26]

RAILROADS

CHAPTER 800

ITEMS OF GENERAL APPLICATION FOR RAILROADS

[Prior to 6/3/87, Transportation Department [820]—(10,A)Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/20/31

761—800.1(327C,327D,327F,327G) General.**800.1(1) Definitions.**

“Crossing” means the point where the railroad tracks and highway meet at the same location.

“Railroad” means persons who own rail facilities or who are responsible for the rail facilities’ operation and maintenance.

800.1(2) Contact information. Questions concerning this chapter may be directed to the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

800.1(3) Federal citations.

a. The department adopts the following portions of the Code of Federal Regulations, which are referenced throughout this chapter:

- (1) 49 CFR Part 1152 (October 1, 2024).
- (2) 49 CFR Part 1241 (October 1, 2024).
- (3) 49 U.S.C. 20106 (August 3, 2007).

b. Copies of the federal code or regulations cited in this chapter are available from the state law library or online at www.govinfo.gov.

This rule is intended to implement Iowa Code sections 327C.38, 327C.41, 327C.42, 327D.201, 327F.31 and 327G.24.

[ARC 0216D, IAB 4/15/26, effective 5/20/26]

761—800.2(307,327C,327D) Accounts. All railroads operating in Iowa, except those whose accounts are regulated by the Surface Transportation Board, are to maintain accounts using the generally accepted accounting principles of the financial standards accounting board. The accrual method of accounting is to be used.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 327C.42, and 327D.201.

[ARC 0216D, IAB 4/15/26, effective 5/20/26]

761—800.3(327C,327D) Annual reports.

800.3(1) A railroad company submitting an annual report to the Surface Transportation Board under 49 CFR Part 1241 is to submit a copy of this report to the department on or before April 1 following the close of the calendar year. The “State Statistics” report includes: annual data on additions and deletions of mileage within the state; mileage operated within the state at the end of the year; railway operating revenues earned within the state; statistics on rail line operations within the state, including locomotive unit-miles, car-miles and ton-miles; revenue freight carried within the state by commodity class; and a freight density map showing gross ton-miles for the railroad company’s system within the state.

800.3(2) A railroad company not required to submit an annual report to the Surface Transportation Board under 49 CFR Part 1241 is to submit an annual report to the department electronically on or before April 1 following the close of the calendar year.

This rule is intended to implement Iowa Code sections 327C.38, 327C.41, and 327D.201.

[ARC 0216D, IAB 4/15/26, effective 5/20/26]

761—800.4(307,327F) Train speed ordinances. An ordinance or resolution adopted by a political subdivision that relates to the speed of a train in an area within the jurisdiction of the political subdivision is subject to department approval according to the following procedure:

800.4(1) The political subdivision is to submit the ordinance/resolution to the department supported by information or reasons that justify its approval by the department.

800.4(2) The department will notify the affected railroads.

800.4(3) The political subdivision and the affected railroads will have 30 days in which to submit position papers to the department before the department issues an order approving or disapproving the ordinance/resolution.

800.4(4) The department will issue an order approving or disapproving the ordinance/resolution in accordance with the following:

a. The department may approve the proposed ordinance/resolution only if the proposal satisfies the requirements of 49 U.S.C. 20106.

b. Generally, the department does not consider highway-railroad grade crossings or rail lines located near schools, residences, or commercial activities to be local safety hazards that can be remedied by train speed restrictions.

c. In making its decision, the department may also consider the following factors:

- (1) Traffic density and speed.
- (2) Accident frequency.
- (3) Causes of accidents.
- (4) Obstructions to visibility.
- (5) Traffic controls at crossings.
- (6) Population density.
- (7) Resulting burden on the rail transportation system.
- (8) Resulting benefit to residents of the political subdivision.

800.4(5) The department will mail notice of its order approving or disapproving the ordinance/resolution by certified mail, return receipt requested, to the political subdivision and the affected railroads.

800.4(6) If the department issues an order approving the ordinance/resolution, it will go into effect 25 days after the notice is mailed unless the order is contested pursuant to subrule 800.4(7).

800.4(7) Within 20 days after the notice is mailed, the political subdivision or an affected railroad may submit to the department a written statement contesting the department's order approving or disapproving the ordinance/resolution.

a. If the order is contested, 761—Chapter 2506 applies.

b. If an order approving an ordinance/resolution is contested, the order shall be stayed pending the outcome of the contested case.

800.4(8) A submission to the department under this rule will be deemed timely submitted if it is delivered or postmarked within the time period specified.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 307.26 and 327F.31 and 2001 Iowa Op. Att'y Gen. #01-5-2.

[ARC 0216D, IAB 4/15/26, effective 5/20/26; Editorial change: IAC Supplement 6/24/26]

761—800.5(327G) Removal of tracks from crossings.

800.5(1) 49 CFR Part 1152 contains the regulations governing the abandonment and discontinuance of railroad lines and rail transportation under 49 U.S.C. 10903 et seq. This part also contains the regulations and procedures for the acquisition or use of railroad rights-of-way proposed for abandonment for interim trail use and rail banking pursuant to 16 U.S.C. 1247(d).

800.5(2) A railroad corporation or its successor in interest having received authority to remove its tracks from a rail line pursuant to abandonment or interim trail use under 49 CFR Part 1152 is to, at the same time it removes its tracks from the railroad rights-of-way, remove its tracks from the crossings of highways, streets and alleys along the rail line and restore the surface of these crossings. A crossing is to be restored in a manner specified by the agency having jurisdiction over the highway, street or alley at the crossing.

800.5(3) If a railroad corporation or its successor in interest fails to remove its tracks from and restore the surface of a crossing as specified in subrule 800.5(2), then the agency having jurisdiction over the highway, street or alley at the crossing may, at the expense of the railroad corporation or its successor in interest, remove the tracks and restore the surface 120 days after the tracks adjacent to the crossing have been removed.

This rule is intended to implement Iowa Code section 327G.24.

[ARC 0216D, IAB 4/15/26, effective 5/20/26]

[Filed 8/24/82, Notice 7/7/82—published 9/15/82, effective 10/20/82]

[Filed 10/2/85, Notice 8/14/85—published 10/23/85, effective 11/27/85]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed 5/19/89, Notice 3/8/89—published 6/14/89, effective 7/19/89]

[Filed 8/8/90, Notice 6/27/90—published 9/5/90, effective 10/10/90]

[Filed 7/15/03, Notice 5/14/03—published 8/6/03, effective 9/10/03]

[Filed ARC 3881C (Notice ARC 3756C, IAB 4/25/18), IAB 7/4/18, effective 8/8/18]

[Filed ARC 6709C (Notice ARC 6574C, IAB 10/5/22), IAB 11/30/22, effective 1/4/23]

[Filed ARC 8055C (Notice ARC 7745C, IAB 4/3/24), IAB 6/12/24, effective 7/17/24]

[Filed ARC 0216D (Notice ARC 9874C, IAB 1/7/26), IAB 4/15/26, effective 5/20/26]

[Editorial change: IAC Supplement 6/24/26]

CHAPTER 813
CLOSE-CLEARANCE WARNING SIGNS ALONG RAILROAD TRACKS

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/20/31

761—813.1(327F) General.

813.1(1) *Applicability.*

- a.* This chapter implements Iowa Code section 327F.13.
- b.* This chapter applies to railroad companies as well as industries, agricultural cooperatives or other entities that are owners of a railroad track, and this chapter applies to individuals who are owners of a railroad track.

813.1(2) *Contact information.* Information regarding this chapter is available from the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by telephone, 515.239.1140.

813.1(3) *Definitions.*

“*Close clearance*” means a permanent or temporary situation where an obstruction near a railroad track physically impedes a person who is lawfully riding the side of a train from clearing the obstruction.

“*Obstruction*” means a building, machinery (other than equipment designed for operation on a railroad track when actually located on a railroad track), tree, brush or other object.

“*Owner*” means the railroad company, industry, agricultural cooperative, other entity or individual that holds a fee simple title, easement, leasehold, contract to purchase, license or other legal or equitable interest or right in the railroad track and is in primary possession and control of the railroad track.

“*Tangent track*” means a track segment without any curves.

[ARC 0218D, IAB 4/15/26, effective 5/20/26]

761—813.2(327F) Close-clearance dimensions. Close clearance for a tangent track is a location along the railroad track where there is an obstruction that falls within the following dimensions: starting at the centerline of track at top of rail and extending 5 feet both sides horizontally and level therewith, thence upward vertically 15 inches, thence upward diagonally to a point 4 feet above top of rail and 8 feet laterally from centerline of track, thence vertically to a point 20 feet above top of rail, thence diagonally to a point 6 feet from centerline of track and 22 feet above top of rail, thence horizontally to centerline of track. Vertical clearance is to be 18 feet above top of rail at the entrance to and inside buildings. On curved track, clearances on each side of the track centerline are to be increased 1½ inches per degree of curvature (Figure 1).

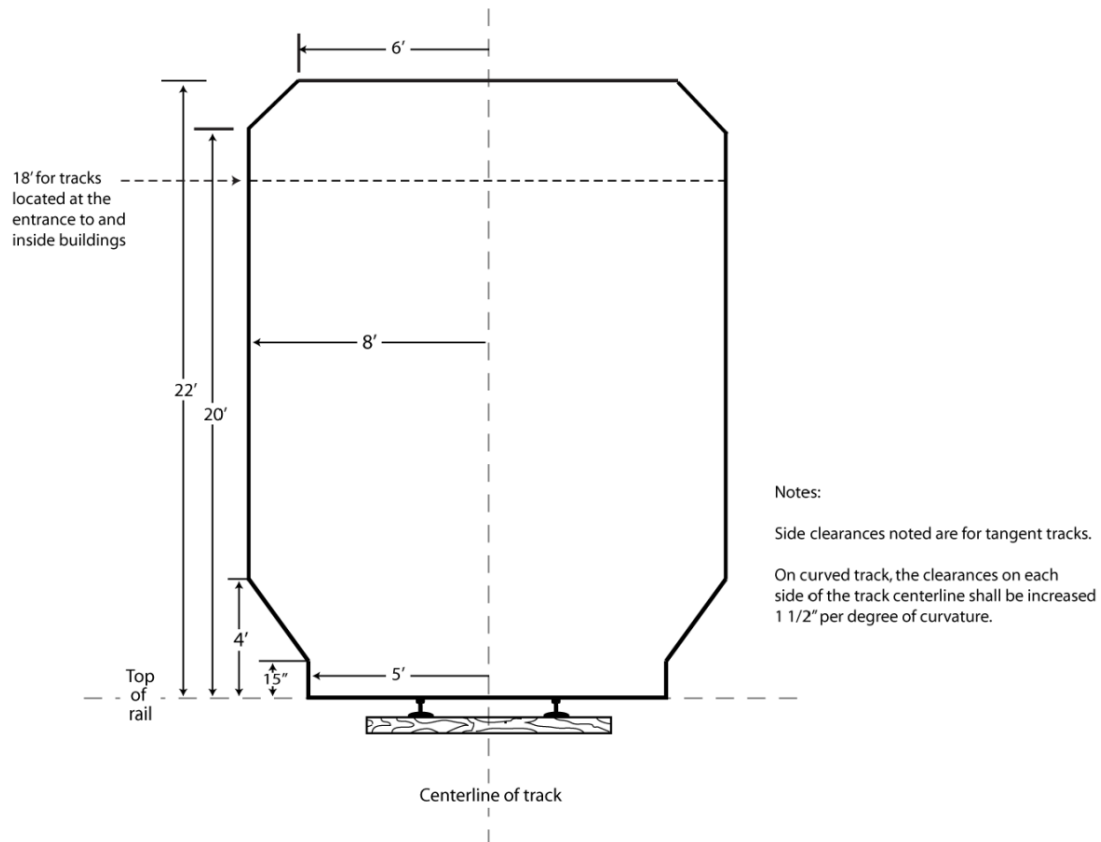


Figure 1

[ARC 0218D, IAB 4/15/26, effective 5/20/26]

761—813.3(327F) Signing standards.

813.3(1) A close-clearance warning sign or signs are necessary at all locations where there is close clearance. It is the responsibility of the owner to ensure that all close-clearance locations have warning signs in accordance with this chapter and Iowa Code section 327F.13.

813.3(2) If an obstruction creating a close-clearance situation is a temporary or nonpermanent obstruction, in lieu of signage, the owner may remove the obstruction or remove the track from service until the obstruction is removed.

813.3(3) A close-clearance warning sign is to comply with the following:

- Include the words "no clearance." The letters must be black on a white reflective background and be a minimum of three inches high.
- Be a vertical sign not less than 42 inches in height and 4 inches in width.
- Be placed at least one foot off the ground or on the obstruction and within three feet of the close-clearance location or on the obstruction. Signs are to be located on both sides of the obstruction so as to be visible from both directions.
- Not be within eight feet of the centerline of the tracks.

813.3(4) In the event that the placement of the close-clearance warning sign according to paragraph 813.3(3) "c" or "d" does not provide adequate notice for a person who is lawfully riding the side of a train to prepare for the close clearance (such as a curve or other sight obstruction), an additional sign reading "no clearance ahead" is to be placed in a location that provides adequate notice to the person who is lawfully riding the side of the train so that the person may prepare for the close clearance. Depending on the particular environment that makes an additional no clearance ahead sign necessary, a no clearance ahead sign may be needed on one or on both sides of the obstruction so as to be visible from both directions.

813.3(5) In the event that the physical environment prevents the placement of a warning sign in accordance with paragraph 813.3(3) “c” or “d,” the sign is to be placed in a highly visible location that is clearly indicative of the point of close clearance. An alternative size and shape of sign may be used if there is no location available where a standard size and shape sign may be used. Any alternative sign must clearly be identifiable as an indicator of the close-clearance situation.

813.3(6) In limited situations where multiple instances of insufficient clearance occur within a confined area or over a distance, and where posting of multiple warning signs could on its own be a safety hazard, or where multiple signs would create a confusing environment, making it difficult to discern the areas that lack clearance, a sign reading “no clearance ahead” may be posted in lieu of multiple signs.

813.3(7) A line or other marker is to be maintained at a distance of eight feet from the centerline of the track on all platforms, excluding passenger platforms, to indicate the space along the edge of such platform that is to be kept clear of merchandise, material or other articles that could create a temporary close-clearance situation.

[ARC 0218D, IAB 4/15/26, effective 5/20/26]

761—813.4(327F) Enforcement.

813.4(1) If the owner is provided written notice by an employee, a person working on or near the tracks or a railroad inspector that a location is in need of a close-clearance warning sign, the owner is to investigate and, if warranted, ensure the placement of a warning sign or signs within 30 calendar days of notification. If a close-clearance warning sign is not warranted, the owner is to inform the person who provided notice, in writing within 30 calendar days, that a sign is not warranted and explain why the location does not need a close-clearance warning sign.

813.4(2) If the owner fails to respond to a written notice by an employee or another person working on or near the tracks or if the employee or other person disagrees with the owner’s determination that a warning sign is not warranted, the employee or other person may notify the department. The department will investigate and make a determination if the location warrants the placement of a close-clearance warning sign.

a. If the department determines a close-clearance warning sign is warranted, the department will notify the owner in writing. The owner shall have 14 calendar days from the date of the notification to install the proper warning sign. Failure to install the close-clearance warning sign is evidence that the owner is in violation of Iowa Code section 327F.13.

b. The owner, an employee or a person working on or near the tracks may contest the determination. If the determination is contested, 761—Chapter 2506 applies.

[ARC 0218D, IAB 4/15/26, effective 5/20/26; Editorial change: IAC Supplement 6/24/26]

761—813.5(327F) Reimbursement.

813.5(1) The owner may request reimbursement from the department for up to \$100 per sign for the cost and installation of the close clearance or no clearance ahead warning sign.

813.5(2) To be reimbursed, the owner is to complete Form 291303, “Close-Clearance Warning Sign Certification.” The form is available on the department’s website at www.iowadot.gov or from the modal transportation bureau.

813.5(3) The owner is to submit the form to the modal transportation bureau and certify that the warning sign complies with the obligations in rule 761—813.3(327F) and provide proof of purchase.

813.5(4) The department may inspect, at any time, the sign installation to confirm that the warning sign meets the minimum obligations.

[ARC 0218D, IAB 4/15/26, effective 5/20/26]

These rules are intended to implement Iowa Code section 327F.13.

[Filed ARC 8202B (Notice ARC 7885B, IAB 7/1/09), IAB 10/7/09, effective 11/11/09]

[Filed ARC 3881C (Notice ARC 3756C, IAB 4/25/18), IAB 7/4/18, effective 8/8/18]

[Filed ARC 0218D (Notice ARC 9884C, IAB 1/7/26), IAB 4/15/26, effective 5/20/26]

[Editorial change: IAC Supplement 6/24/26]