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The Iowa Administrative Code Supplement is published biweekly pursuant to Iowa Code section 17A.6. The Supplement contains replacement chapters to be inserted in the loose-leaf Iowa Administrative Code (IAC) according to instructions included with each Supplement. The replacement chapters incorporate rule changes which have been adopted by the agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17 and 17A.4 to 17A.6. To determine the specific changes in the rules, refer to the Iowa Administrative Bulletin bearing the same publication date.

In addition to the changes adopted by agencies, the replacement 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 imposed by the ARRC pursuant to section 17A.4(7) or 17A.8(9); rescission of a rule by the Governor pursuant to section 17A.4(8); or nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa.

The Supplement may also contain replacement pages for the IAC Index or the Uniform Rules on Agency Procedure.

# INSTRUCTIONS

## FOR UPDATING THE

# IOWA ADMINISTRATIVE CODE

Agency names and numbers in bold below correspond to the divider tabs in the IAC binders. New and replacement chapters included in this Supplement are listed below. Carefully remove and insert chapters accordingly.

Editor's telephone (515)281-3355 or (515)242-6873

### **Agriculture and Land Stewardship Department[21]**

Replace Chapter 65

### **Alcoholic Beverages Division[185]**

Replace Analysis

Replace Reserved Chapter 9 with Chapter 9

### **Law Enforcement Academy[501]**

Replace Chapter 1

Replace Chapters 3 and 4

Replace Chapters 9 and 10

### **Environmental Protection Commission[567]**

Replace Analysis

Replace Chapter 119

Replace Chapter 123

Remove Reserved Chapters 138 to 143 and Chapter 144

Insert Reserved Chapters 138 to 144

Replace Chapter 211

Replace Chapter 214 with Reserved Chapter 214

### **Transportation Department[761]**

Replace Analysis

Remove Chapter 144 and Reserved Chapters 145 to 149

Insert Reserved Chapters 144 to 149

Replace Chapter 400

Replace Chapter 405

Replace Chapter 605

Replace Chapter 620

Replace Chapter 625



CHAPTER 65  
ANIMAL AND LIVESTOCK IMPORTATION

[Appeared as Ch 3, 1973 IDR]

[Prior to 7/27/88, see Agriculture Department 30—Ch 17]

**21—65.1(163) Definitions.**

“*Accredited veterinarian*” means a veterinarian licensed in the state of origin and approved by the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), to perform certain functions of federal and cooperative state-federal programs in accordance with the provision of Title 9 Code of Federal Regulations (CFR) §160 through §162.

“*Avian influenza- or virulent Newcastle disease-affected area*” or “*AI- or VND-affected area*” means the ten-kilometer circle in which avian influenza subtype H5 or H7 or VND virus has been diagnosed in poultry within the last 30 days prior to importation, unless the department has issued an order during the 30 days identifying a different area or time based on epidemiological reasons.

“*Domestic fowl*” means any member of the class Aves that is propagated or maintained under control of a person for commercial, exhibition, or breeding purposes or as a pet.

“*Feral swine*” means swine that are free-roaming.

“*Official individual identification*” means a unique individual identification that is secure and traceable including, but not limited to, a USDA-approved identification ear tag that conforms to the alphanumeric national uniform ear tagging system; a USDA-approved premises tattoo; a registered purebred tattoo; or identification that conforms to the National Animal Identification System. An owner’s private brand or tattoo, even though permanent and registered in the state of origin, is not acceptable official individual identification of an animal for the purpose of entry into Iowa.

“*Poultry*” means chickens, turkeys, domestic waterfowl, ratites, and domestic game birds, except doves and pigeons.

“*Pre-entry permit*” means a written or verbal authorization provided by the department prior to the importation of animals into Iowa. If required, a pre-entry permit number must be obtained and listed on the Certificate of Veterinary Inspection accompanying the animals.

“*Recognized slaughter establishment*” means a slaughtering establishment operating under the provisions of either the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or an equivalent state meat inspection program.

“*Specifically approved auction market*” means a stockyard, livestock market, buying station, concentration point, or any other premises under state or federal veterinary supervision where livestock are assembled for sale or sale purposes and which has been approved by USDA as provided in 9 CFR §71.20.

“*Transitional swine*” means swine that have been, or have had the potential to be, exposed to feral swine.

“*Vesicular stomatitis-affected state*” or “*VS-affected state*” means any state in which vesicular stomatitis (VS) virus serotype New Jersey or Indiana has been diagnosed within the last 60 days prior to animal importation.

[ARC 3993C, IAB 9/12/18, effective 10/17/18]

**21—65.2(163) Pre-entry permits.**

**65.2(1)** Requests for permits should be directed to the Animal Industry Bureau, Department of Agriculture and Land Stewardship, Wallace State Office Building, Des Moines, Iowa 50319, or may be made by telephoning the bureau at (515)281-5547 during normal business hours.

**65.2(2)** All permits shall be valid for one shipment only and shall be void 15 days after the date of issuance.

**65.2(3)** Pre-entry permits are required for:

- a. All Cervidae.
- b. All domestic fowl or poultry originating from an AI- or VND-affected area.
- c. Captive wild-type swine.

*d.* Cattle and bison originating from states or zones not classified as tuberculosis-free and brucellosis-free.

[ARC 9151B, IAB 10/20/10, effective 9/20/10; ARC 3993C, IAB 9/12/18, effective 10/17/18]

## **21—65.3(163) General requirements and limitations.**

**65.3(1) *Restricted animals.*** The following animals are restricted from importation into the state:

*a.* No animal, including poultry or birds of any species, that is affected with, or that has been recently exposed to, any infectious, contagious or communicable disease or that originates from a quarantined area shall be shipped or in any manner transported or moved into Iowa, unless approved by the state veterinarian.

*b.* Prairie dogs (*Cynomys* sp.), tree squirrels (*Heliosciurus* sp.), rope squirrels (*Funisciurus* sp.), dormice (*Graphiurus* sp.), Gambian giant pouched rats (*Cricetomys* sp.), brush-tailed porcupines (*Atherurus* sp.), and striped mice (*Hybomys* sp.) are prohibited from importation into the state.

<sup>1</sup>**65.3(2) *Cleaning and disinfection of transportation vehicles.*** All stock cars and trucks used for hauling into the state of Iowa livestock (cattle, horses, sheep, goats, Cervidae, poultry and swine) for feeding, breeding, or stock purposes must be cleaned and disinfected before such shipments of livestock are loaded.

**65.3(3) *Certificate of Veterinary Inspection (CVI).*** Animals imported into the state must be accompanied by a Certificate of Veterinary Inspection, unless specifically exempted by this chapter.

*a.* A Certificate of Veterinary Inspection is a legible record accomplished on an official form of the state of origin, issued by a licensed accredited veterinarian and approved by the chief livestock health official of the state of origin; or an equivalent form of the United States Department of Agriculture (USDA) issued by a federally employed veterinarian. A Certificate of Veterinary Inspection may be an official paper form or an official approved electronic form.

*b.* A copy of the approved CVI shall be forwarded immediately to the chief livestock health official of the state of origin for approval and transmittal.

*c.* An approved CVI shall not be valid more than 30 days from the date of inspection of the animals.

*d.* The approved CVI must accompany the animals to their final destination in Iowa.

*e.* All information required on the CVI must be fully completed by the issuing veterinarian and must include the following:

- (1) Name and address of the consignor;
- (2) Name and address of the consignee;
- (3) Point of origin and premises identification, if assigned by the chief livestock health official in the state of origin;
- (4) Point of destination of the animals;
- (5) Date of examination;
- (6) Number of animals examined;
- (7) Official individual identification or group identification of all animals;
- (8) Sex, age, and breed of each animal;
- (9) Test results and herd or state status on diseases specified in this chapter;
- (10) Pre-entry permit number, if required; and
- (11) A statement by the issuing veterinarian that the animals identified on the CVI are free of signs of infectious or communicable disease.

**65.3(4) *Certification for vesicular stomatitis (VS).*** All hooved animals, including horses, ruminants, swine, and exotic and wild hooved animals, originating from a VS-affected state must be accompanied by an official Certificate of Veterinary Inspection which, in addition to meeting the requirements of subrule 65.3(3), includes the following statement: “All animals susceptible to Vesicular Stomatitis (VS) identified and included on this certificate have been examined and found to be free from clinical signs of VS, have not been exposed to VS, and, within the past 30 days, have not been within ten (10) miles of any site under quarantine for VS.”

<sup>1</sup> Objection filed 1/9/81; see “Objection” at the end of this chapter.

**21—65.4(163) Cattle and bison.****65.4(1) General.**

*a. Certificate of Veterinary Inspection (CVI).* All cattle and bison imported into the state must be accompanied by a CVI, except the following:

- (1) Cattle or bison consigned directly to a specifically approved auction market, and
- (2) Cattle or bison consigned directly to a recognized slaughter establishment.

*b. Identification.* All cattle and bison imported into the state must have official individual identification, except as otherwise provided in this rule.

**65.4(2) Requirements and limitations, general.**

*a.* Cattle or bison originating from herds or areas under quarantine shall not be admitted into the state.

*b.* Cattle or bison known to be infected with Johne's disease shall not be imported except to a recognized slaughter establishment and shall be accompanied by an owner-shipper statement that identifies the animals as positive to an official Johne's disease test. Such statement shall be delivered to the consignee, unless prior approval is obtained from the state veterinarian.

*c.* Cattle (beef-type) and bison steers and heifers more than 6 months of age but less than 18 months of age may be imported for feeding purposes without official individual identification and quarantined to the premises of destination. However, cattle and bison originating from a state which is not a tuberculosis-free state and heifers originating from a state which is not a brucellosis-free state are not eligible for this identification exemption. The CVI must contain the statement: "These animals are quarantined to the premises of destination until moved to slaughter."

**65.4(3) Testing.**

*a. Tuberculosis test.* Testing requirements for tuberculosis are as follows:

- (1) A tuberculosis test is not required for importation of cattle or bison provided that:
  1. The cattle or bison are native to, and originate from, an accredited tuberculosis-free herd (accredited herd number and date of last test must be listed on the CVI), state, or zone; or
  2. The cattle (beef-type) and bison are between the ages of 6 months and 18 months and are being imported for feeding purposes.
- (2) A negative tuberculosis test is required within 60 days prior to importation for cattle or bison six months of age or older that are not exempted by 65.4(3)"a"(1).
- (3) Cattle and bison less than 6 months of age that originate from a herd, state, or zone that is not accredited as tuberculosis-free or as modified accredited advanced must originate from a herd which has been whole-herd tested negative for tuberculosis within 12 months prior to importation.

*b. Brucellosis test.*

- (1) A brucellosis test is not required for importation of cattle or bison provided that:
  1. The cattle or bison are native to, and originate from, a certified brucellosis-free herd (herd number and date of last test shall be listed on the CVI), state, or area; or
  2. The cattle and bison are official calfhood vaccinates under 18 months of age; or
  3. The cattle and bison are steers or spayed heifers.
- (2) A negative brucellosis test is required within 30 days prior to importation for cattle or bison six months of age or older that are not exempted by 65.4(3)"b"(1).
- (3) Cattle and bison less than 6 months of age that originate from a herd, state or zone that is not certified brucellosis-free must originate from a herd which has been whole-herd tested negative for brucellosis within 12 months prior to importation.

(4) All brucellosis tests of cattle and bison shall be conducted by state or federal laboratories or by approved laboratories under the supervision of the chief livestock health official of the state of origin.

*c. Trichomoniasis test.* A bull must have a negative trichomoniasis test within 30 days prior to importation and have no subsequent sexual exposure. The trichomoniasis test is either one negative polymerase chain reaction (PCR) test or three consecutive weekly negative trichomoniasis foetus cultures. This testing requirement does not apply if the bull is:

- (1) Under the age of 24 months and listed on the Certificate of Veterinary Inspection as "virgin" or not having been sexually exposed to any female;

- (2) Being sent directly to slaughter or to an auction market and directly to slaughter; or
- (3) Temporarily in the state for a rodeo or exhibition and leaves after the event.

**65.4(4) Rodeo bulls.**

*a. Tuberculosis test.* A negative tuberculosis test is required within 12 months prior to importation.

*b. Brucellosis test.* A negative brucellosis test is required within 12 months prior to importation.

[ARC 9151B, IAB 10/20/10, effective 9/20/10; ARC 0230C, IAB 7/25/12, effective 8/29/12; ARC 1278C, IAB 1/8/14, effective 2/12/14]

**21—65.5(163,166D) Swine.**

**65.5(1) General.**

*a. Certificate of Veterinary Inspection (CVI).* All swine imported into the state, except swine consigned directly to a recognized slaughter establishment, swine consigned to a specifically approved auction market, or swine that are moved in accordance with an approved swine production health plan (SPHP), must be accompanied by a CVI.

*b. All swine imported into the state, except swine consigned directly to a recognized slaughter establishment, swine consigned to a specifically approved auction market, or swine that are moved in accordance with an approved swine production health plan (SPHP), must have official individual identification.*

*c. All swine imported into the state must originate from a herd or area not under quarantine.*

*d. Feral swine are not eligible for importation into the state.*

*e. Transitional swine must meet the requirements of 65.5(4) in addition to the general requirements. Transitional swine are swine that have been, or have had the potential to be, exposed to feral swine.*

**65.5(2) Breeding swine.**

*a. Brucellosis test.* All breeding swine imported into the state must:

(1) Originate from herds not known to be infected with, or exposed to, brucellosis and be accompanied by proof of a negative brucellosis test conducted within 30 days prior to importation; or

(2) Originate directly from a validated brucellosis-free state; or

(3) Originate directly from a validated brucellosis-free herd. The date of the last test and herd validation number must be included on the CVI.

*b. Pseudorabies test.* All breeding swine imported into the state must:

(1) Originate from a herd not known to be infected with, or exposed to, pseudorabies and be accompanied by proof of a negative pseudorabies test conducted within 30 days of importation; or

(2) Originate from a qualified pseudorabies negative (QN) herd (the date of last test and herd number shall be listed on the CVI); or

(3) Originate from a pseudorabies Stage IV or Stage V state.

**65.5(3) Feeder swine.**

*a. Brucellosis test.* Swine imported into the state for further feeding must originate from herds not known to be infected with, or exposed to, brucellosis.

*b. Pseudorabies test.* Swine imported into the state for further feeding must:

(1) Originate from herds not known to be infected with, or exposed to, pseudorabies and be accompanied by proof of a negative pseudorabies test conducted within 30 days prior to importation; or

(2) Originate from a qualified pseudorabies negative (QN) herd; or

(3) Originate from a pseudorabies Stage III, Stage IV or Stage V state.

**65.5(4) Captive wild-type and transitional swine.** Captive wild-type and transitional swine imported into the state must:

*a. Originate from herds not known to be infected with, or exposed to, brucellosis and be accompanied by proof of a negative brucellosis test conducted within 30 days prior to importation; and*

*b. Originate from herds not known to be infected with, or exposed to, pseudorabies and be accompanied by proof of a negative pseudorabies test conducted within 30 days prior to importation; and*

*c. Have a pre-entry permit from the state veterinarian.*

**65.5(5) *Swine for slaughter.*** All swine that are moved directly to a recognized slaughter establishment or to a specifically approved auction market for sale directly to a recognized slaughter establishment for immediate slaughter may be moved without restriction.

**21—65.6(163) Goats.**

**65.6(1) *General.***

*a.* Certificate of Veterinary Inspection (CVI). All goats imported into the state, except goats consigned directly to a recognized slaughter establishment and goats consigned to a specifically approved auction market, must be accompanied by a CVI.

*b.* All sexually intact goats imported into the state that are registered, are used for exhibition, or have resided on the same premises with or been commingled with sheep must be officially identified with either ear tags or tattoos that meet the requirements specified in 9 CFR §79.2 and §79.3 and the Scrapie Eradication Uniform Methods and Rules. All other goats imported into the state must have official individual identification.

*c.* All goats imported into the state must originate from a herd or area not under quarantine.

**65.6(2) *Breeding and dairy goats.***

*a. Brucellosis.*

(1) All sexually intact goats six months of age or older, except those for immediate slaughter, must:

1. Originate from a certified brucellosis-free herd (the date of the last test and certified herd number shall be listed on the CVI); or

2. Originate from a herd not known to be infected with, or exposed to, brucellosis and be accompanied by proof of a negative brucellosis test conducted within 30 days prior to importation.

(2) Sexually intact goats less than six months of age must originate from a herd which has been whole-herd tested negative for brucellosis within the last 12 months or must originate from a certified brucellosis-free herd (the date of the last test and certified herd number shall be listed on the CVI).

*b. Tuberculosis.*

(1) All goats six months of age or older must:

1. Originate from an accredited tuberculosis-free herd (the date of last test and accredited herd number shall be listed on the CVI); or

2. Originate from a herd which has been whole-herd tested negative for tuberculosis within 12 months of importation (the date of herd test shall be listed on the CVI); or

3. Originate from a herd not known to be infected with, or exposed to, tuberculosis and be accompanied by proof of a negative tuberculosis test conducted within 60 days of importation.

(2) Goats less than six months of age must originate from a herd which has been whole-herd tested negative for tuberculosis within the last 12 months or must originate from an accredited tuberculosis-free herd (the date of last test and accredited herd number shall be listed on the CVI).

**65.6(3) *Scrapie.*** Sexually intact goats from premises where scrapie has been known to exist within the last 60 months or sexually intact goats under surveillance for scrapie shall not be admitted into Iowa, except by permission of the state veterinarian for direct movement to a recognized slaughter establishment.

**21—65.7(163) Sheep.**

**65.7(1) *General.***

*a. Certificate of Veterinary Inspection (CVI).* All sheep imported into the state, except sheep consigned directly to a recognized slaughter establishment for immediate slaughter or sheep consigned to a specifically approved auction market, shall be accompanied by a CVI. For animals requiring identification, the CVI must include the official scrapie flock identification number(s) for the animal(s) listed or the official individual identification for each animal.

*b. Identification.*

(1) All sheep imported into the state must be officially, individually identified with ear tags that meet the requirements specified in 9 CFR §79.2 and §79.3 and the Scrapie Eradication Uniform Methods and Rules, unless exempted pursuant to 65.7(1)“b”(2).

(2) Exemption to identification requirements. Exemptions to requirements for individual identification of sheep include:

1. Sheep less than 18 months of age consigned directly to a recognized slaughter establishment; and
2. Wethers less than 18 months of age; and
3. Sheep less than 18 months of age consigned directly to an Iowa approved terminal feedlot. The CVI must list the approved terminal feedlot number for the feedlot.

**65.7(2) Restrictions and limitations.**

a. *Scabies*. Sheep from scabies-quarantined areas must meet federal regulations for interstate movement.

b. *Scrapie*. Sheep that are known to be scrapie-positive, suspect, high-risk, or exposed, or that originate from a known infected, source, exposed, or noncompliant flock may not be imported into the state unless:

- (1) The flock from which they originate has completed an approved scrapie flock cleanup plan, or
- (2) Prior permission has been granted by the state veterinarian.

**21—65.8(163) Equine.**

**65.8(1) General.**

a. Certificate of Veterinary Inspection (CVI). All equine imported into the state of Iowa shall be accompanied by a CVI.

b. Equidae which are positive to a brucellosis test or which show evidence of “poll evil” or “fistulous withers” whether draining or not shall not be allowed to enter the state for any purpose.

**65.8(2) Testing—equine infectious anemia (EIA).** All Equidae imported into the state must be accompanied by proof of a negative EIA serological test conducted within 12 months prior to importation, except foals under 6 months of age accompanied by their dams which meet the EIA test requirements. The name of the testing laboratory, laboratory accession number, and the date of test must appear on the CVI.

**21—65.9(163) Cervidae.**

**65.9(1) General.**

a. Definitions.

“*Cervidae*” means all animals belonging to the Cervidae family.

“*Chronic wasting disease*” or “*CWD*” means a transmissible spongiform encephalopathy of cervids.

“*CWD susceptible Cervidae*” means all species of Cervidae susceptible to chronic wasting disease, including whitetail deer, blacktail deer, mule deer, red deer, elk, moose, and related species and hybrids of these species.

b. Certificate of Veterinary Inspection (CVI). All Cervidae imported into the state shall be accompanied by a CVI.

c. All Cervidae imported into this state, except Cervidae consigned directly to a recognized slaughter establishment, must have a pre-entry permit. The permit number must be requested by the licensed accredited veterinarian signing the CVI and issued by the state veterinarian prior to movement of the Cervidae. The permit number must be recorded on the CVI.

**65.9(2) Chronic wasting disease.**

a. Cervidae originating from an area considered to be endemic for chronic wasting disease shall not be allowed entry into Iowa. Cervidae that originate from a herd that has had animal introductions from an area endemic to chronic wasting disease during the preceding five years shall not be allowed entry into Iowa.

b. CWD susceptible Cervidae shall only be allowed into Iowa from herds which are currently enrolled in and have satisfactorily completed at least five years in an official recognized CWD monitoring program. The CWD herd number, anniversary date, expiration date, and herd status for each individual animal must be listed on the CVI.

The following statement must be accurate and listed on the CVI:

“All Cervidae on this certificate originate from a CWD monitored or certified herd in which these animals have been kept for at least one year or were natural additions. There has been no diagnosis, sign, or epidemiological evidence of CWD in this herd for the past five years.”

c. Cervidae other than CWD susceptible Cervidae shall be allowed into the state only from herds which are currently enrolled in an official recognized CWD monitoring program. The CWD herd number, anniversary date, expiration date, and herd status for each individual animal must be listed on the CVI. The following statement must be accurate and listed on the CVI:

“All Cervidae on this certificate originate from a CWD monitored or certified herd and have not spent any time within the past 36 months in a zoo, animal menagerie or like facility, and have not been on the same premises as a cervid herd which has been classified as a CWD infected herd, exposed herd or trace herd.”

d. Each animal must have official individual identification, and all forms of identification must be listed on the certificate.

**65.9(3) Testing.**

a. *Tuberculosis test.* Herd status and Single Cervical Tuberculin (SCT) test (Cervidae) are according to USDA Tuberculosis Eradication in Cervidae Uniform Methods and Rules effective January 22, 1999.

(1) Cervidae six months of age or older imported into this state, except Cervidae imported directly to a recognized slaughter establishment, must:

1. Originate from a herd not under quarantine and be tested negative for tuberculosis (TB) within 90 days of importation by the Single Cervical Tuberculin (SCT) test (Cervidae) or by the Cervid TB Stat-Pak test; or

2. Originate from an accredited herd (Cervidae) or originate from a qualified herd (Cervidae) and be tested negative within 90 days of importation (the test dates and herd number shall be listed on the CVI).

(2) Cervidae less than 6 months of age imported into the state must originate from a herd which has been whole-herd tested negative for tuberculosis within the last 12 months or must originate from an accredited herd (Cervidae).

b. *Brucellosis test.*

(1) Cervidae six months of age or older imported into the state, except Cervidae imported directly to a recognized slaughter establishment, must:

1. Originate from a herd not under quarantine and be accompanied by proof of a negative brucellosis test conducted within 90 days of importation; or

2. Originate from a certified brucellosis-free cervid herd or a cervid class free status state (brucellosis). The date of the last test and herd number shall be listed on the CVI.

(2) Cervidae less than 6 months of age must originate from a herd which has been tested negative for brucellosis within the last 12 months or must originate from a certified brucellosis-free herd.

[ARC 7723B, IAB 4/22/09, effective 4/2/09; ARC 8951B, IAB 7/28/10, effective 9/1/10; ARC 0656C, IAB 3/20/13, effective 3/1/13]

**21—65.10(163) Dogs and cats.**

**65.10(1) General.**

a. Certificate of Veterinary Inspection (CVI). All dogs and cats imported into the state must be accompanied by a CVI indicating apparent freedom from disease or exposure to infectious or contagious disease, except dogs for exhibition and performing dogs entering for a limited period of time.

b. Dogs or cats originating from rabies-quarantined areas shall not be admitted.

**65.10(2) Rabies.**

a. *Cats.* No rabies vaccination is required.

b. *Dogs.* All dogs four months of age and older must have a current rabies vaccination with a USDA-approved rabies vaccine.

**21—65.11(163) Poultry, domestic fowl, and hatching eggs.**

**65.11(1) Certificate of Veterinary Inspection (CVI).** All poultry, domestic fowl, and their hatching eggs imported into the state, except poultry and domestic fowl consigned directly to a recognized slaughter establishment or a specifically approved auction market, must be accompanied by a CVI. For poultry and hatching eggs classified under provisions of the National Poultry Improvement Plan (NPIP), a VS Form 9-3, Report of Sales of Hatching Eggs, Chicks and Poults, may be substituted for the CVI.

**65.11(2) Restrictions and limitations, general.**

*a.* All poultry, domestic fowl, and their hatching eggs being imported into the state and not originating from an AI- or VND-affected area must have a pre-entry permit issued by the Iowa Poultry Association. This permit may be obtained by calling (515)727-4701, extension 100.

*b.* Importations from an AI- or VND-affected area.

(1) Approval. All domestic fowl, live poultry or poultry products from an AI- or VND-affected area may be considered for importation on a case-by-case basis following a risk assessment.

(2) Documentation. Poultry or poultry products must originate from a flock that is classified as AI clean under provision of the NPIP. The CVI must indicate that the poultry or poultry products originate from an AI- or VND-negative flock and include a description of the birds, the test date, test results, and the name of the testing laboratory. The initial tests required for pre-entry permitting of a flock from an AI-affected area include polymerase chain reaction (PCR) and agar gel precipitin (AGP) or enzyme-linked immunosorbent assay (ELISA). The PCR test is required for subsequent permitting during the originating area's continuous designation as AI-affected. PCR is the test required of a flock from a VND-affected area.

(3) Pre-entry permit. All domestic fowl, live poultry or poultry products originating from an AI- or VND-affected area must have a pre-entry permit issued by the state veterinarian. Requests for pre-entry permits should be directed to the Animal Industry Bureau, Department of Agriculture and Land Stewardship, Wallace State Office Building, Des Moines, Iowa 50319, or may be made by telephoning (515)281-4103 during normal business hours.

(4) Domestic fowl, live poultry or poultry products originating from a quarantined area shall not be allowed entry into the state.

**65.11(3) Testing.**

*a.* *Pullorum-typhoid test.*

(1) An official negative test for pullorum-typhoid is required within 30 days of importation for domestic fowl or live poultry or for the flock from which hatching eggs originate unless exempted pursuant to 65.11(3) "a"(2).

(2) Exemptions to the test requirements. No test is required for the following:

1. Imported domestic fowl, live poultry or hatching eggs originating from flocks classified under provisions of the NPIP as pullorum-typhoid clean.

2. Exotic birds or other pet birds.

3. Poultry consigned directly to a recognized slaughter establishment.

*b.* *Mycoplasma gallisepticum test—turkeys.* Live turkeys or turkey hatching eggs for importation must originate from a flock that has been tested annually and can be classified as U.S. mycoplasma gallisepticum clean as provided by the NPIP. Turkeys consigned directly to a recognized slaughter establishment are not affected by this subrule.

[ARC 3993C, IAB 9/12/18, effective 10/17/18]

**21—65.12(163) Swine production health plan (SPHP).**

**65.12(1) General.**

*a.* *Swine production health plan (SPHP).* A swine production health plan is a written agreement developed for a swine production system and designed to maintain the health of the swine and detect signs of communicable disease. The plan must include all of the following:

(1) Address and contact information for all premises that are part of the swine production system and that receive or send swine in interstate commerce.

(2) Provisions for regular veterinary inspections of all swine maintained on the identified premises, at intervals no greater than 30 days, by the swine production system's licensed accredited veterinarian(s).

(3) Description of the record-keeping system of the swine production system.

(4) The signature of each official of each swine production system identified in the plan, including the swine production system's licensed accredited veterinarian(s), the state veterinarian, an APHIS representative, and the state animal health official from each state in which the swine production system has a premises.

(5) Acknowledgment that the managers of all the swine production system's premises listed in the plan have been notified that any failure of the participants in the swine production system to abide by the provisions of the plan and the applicable provisions of 9 CFR Parts 71 and 85 constitutes a basis for the cancellation of the swine production health plan.

*b. Interstate swine movement report.* An interstate swine movement report is a paper or electronic document detailing interstate movement of animals within a swine production health system. The interstate swine movement report must include the following information:

(1) The name, location, and premises identification number of the premises from which the swine are to be moved.

(2) The name, location, and premises identification number of the premises to which the swine are to be moved.

(3) The date of movement.

(4) The number, age, and type of swine to be moved.

(5) A description of any individual identification or group identification associated with the swine.

(6) The name of the swine production system's licensed accredited veterinarian(s).

(7) The health status of the herd from which the swine are to be moved, including any disease of regulatory concern to the state or the United States Department of Agriculture (USDA) Animal Plant Health Inspection Service (APHIS).

(8) An accurate statement that swine on the premises from which the swine are to be moved have been inspected by the swine production system's licensed accredited veterinarian(s) within 30 days prior to the interstate movement, consistent with the dates specified by the premises' swine production health plan, and found free from signs of communicable disease.

*c. Swine production system.* A swine production system is an enterprise that consists of multiple sites of swine production (i.e., sow herds, nursery herds, and growing or finishing herds) that do not include a recognized slaughter facility or livestock market, that are connected by ownership or contractual relationships, and between which swine are moved while remaining under the control of a single owner or a group of contractually connected owners.

*d. Swine production system's licensed accredited veterinarian.* A swine production system's licensed accredited veterinarian is a licensed accredited veterinarian who is named in a swine production health plan for a premises within a swine production system and who performs inspection of such premises and animals and other duties related to the movement of swine in a swine production system.

**65.12(2) Identification of swine moving interstate within an SPHP.** Swine that are moved into the state within a swine production system to other than a recognized slaughter facility or a specifically authorized livestock market are not required to be individually identified when moved provided that the following requirements are met:

*a.* The swine may be moved interstate only to another premises identified in a valid swine production health plan for that swine production system.

*b.* The swine production system must operate under a valid swine production health plan in which both the sending and receiving states have agreed to allow the movement.

*c.* The swine must have been found free from signs of any communicable disease during the most recent inspection of the premises by the swine production system's licensed accredited veterinarian(s) within 30 days prior to movement.

*d.* Prior to the movement of any swine, the producer(s) moving swine must deliver the required interstate swine movement report to the following individuals identified in the swine production health plan:

(1) The swine production system's licensed accredited veterinarian for the premises from which the swine are to be moved.

- (2) The state animal health officials for the state of origin of the swine.
- (3) The state veterinarian for the state of destination of the swine.
- (4) Individuals designated by the state animal health officials.

e. The receiving premises must not commingle swine received from different premises in a manner that prevents identification of the premises that sent the swine or groups of swine. This requirement may be met by use of permanent premises or individual animal identification, by keeping groups of animals received from one premises physically separate from animals received from other premises, or by any other effective means.

f. For each premises, the swine production system must maintain for three years after their date of creation records that will allow a state animal health official to trace any animal on the premises back to its previous premises and must maintain copies of each swine production health plan signed by the producer, all interstate swine movement reports issued by the producer, and all reports the swine production system's accredited veterinarian(s) issues documenting the health status of the swine on the premises.

g. Each premises must allow state animal health officials access to the premises upon request to inspect animals and review records.

h. Every seven calendar days, each swine production system must send the state veterinarian a written summary that is based on the interstate swine movement report data and that shows how many animals were moved in the past seven calendar days, the premises from which they were moved, and the premises to which they were moved.

**65.12(3) Cancellation of SPHP.** The following procedures apply to cancellation of, or withdrawal from, a swine production health plan:

a. The state veterinarian may cancel the state's participation in a swine production health plan by giving written notice to all swine producers, APHIS representatives, accredited veterinarians, and other state animal health officials listed in the plan. Withdrawal shall be effective upon the date specified by the state veterinarian in the notice, but for shipments in transit, withdrawal shall become effective seven days after the date of such notice. Upon withdrawal of the state, the swine production health plan may continue to operate among the other states and parties that are signatory to the plan.

b. A swine production system may withdraw one or more of its premises from participation in the plan upon giving written notice to the state veterinarian, APHIS administrator, the accredited veterinarian(s), and all swine producers listed in the plan. Withdrawal shall be effective upon the date specified by the swine production system in the written notice, but for shipments in transit, withdrawal shall become effective seven days after the date of such notice.

c. The state veterinarian shall cancel a swine production health plan after determining that swine movements within the swine production system have occurred that were not in compliance with the swine production health plan or with other requirements of this chapter. Before a swine health production plan is canceled, the state veterinarian shall inform a representative of the swine production system of the reasons for the cancellation. The swine production system may appeal the cancellation in writing in accordance with Iowa Code chapter 17A and Iowa Administrative Code 21—Chapter 2. This cancellation shall continue in effect pending the completion of the proceeding, and any judicial review thereof, unless otherwise ordered by the state veterinarian.

**21—65.13(163) Penalties.** A person violating a provision of this chapter shall be subject to a civil penalty of at least \$100 but not more than \$1,000. In the case of a continuing violation, each day of the continuing violation is a separate violation. A person who falsifies a Certificate of Veterinary Inspection shall be subject to a civil penalty of not more than \$5,000 for each reference to an animal falsified on the certificate.

These rules are intended to implement Iowa Code chapter 163.

[Filed 12/3/64]

[Filed 4/13/76, Notice 2/9/76—published 5/3/76, effective 6/7/76]

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[Filed emergency 4/6/87—published 4/22/87, effective 4/6/87]  
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effective 9/20/10]  
[Filed ARC 0230C (Notice ARC 0140C, IAB 5/30/12), IAB 7/25/12, effective 8/29/12]  
[Filed Emergency ARC 90656C (Notice ARC 0642C, IAB 3/6/13), IAB 3/20/13, effective 3/1/13]  
[Filed ARC 1278C (Notice ARC 1179C, IAB 11/13/13), IAB 1/8/14, effective 2/12/14]  
[Filed ARC 3993C (Notice ARC 3892C, IAB 7/18/18), IAB 9/12/18, effective 10/17/18]

<sup>1</sup> Objection to 30 IAC 17.1(3) filed 1/9/81; subrule renumbered 21—65.1(3) IAC 7/27/88; renumbered as 65.3(2) IAB 5/25/05.

## OBJECTION

At its January 9, 1981 meeting the administrative rules review committee voted the following objection:

The committee objects to subrule 30 IAC 17.1(3)\* on the grounds it is unreasonable. The subrule appears as part of ARC 1630 in III IAB 12 (12/10/80) and requires all livestock vehicles to be cleaned and disinfected before they carry shipments into the state. The committee feels this provision is impossible to enforce because it relates to activities that occur outside of Iowa jurisdiction.

\* Renumbered 21—65.1(3) IAC 7/27/88; renumbered as 65.3(2) IAB 5/25/05.

**ALCOHOLIC BEVERAGES DIVISION[185]**

Created within the Department of Commerce by 1986 Iowa Acts, Senate File 2175.  
Formerly Beer and Liquor Control Department[150]

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CHAPTER 9  
PERSONAL IMPORTATION OF ALCOHOLIC LIQUOR, WINE, AND BEER

**185—9.1(123) Tax liability.** The division makes no judgment or decision regarding any tax liability resulting from the personal importation of alcoholic liquor, wine, or beer as provided in Iowa Code section 123.10 as amended by 2018 Iowa Acts, Senate File 2347, section 1; Iowa Code section 123.22 as amended by 2018 Iowa Acts, Senate File 2347, section 2; Iowa Code section 123.171 as amended by 2018 Iowa Acts, Senate File 2347, section 5; or 2018 Iowa Acts, Senate File 2347, section 4, as applicable.

[ARC 3994C, IAB 9/12/18, effective 10/17/18]

**185—9.2(123) Personal importation in excess of the amounts provided—waiver.** The administrator may provide for the issuance of a waiver for an individual of legal age desiring to import alcoholic liquor, wine, or beer in excess of the amounts provided in Iowa Code section 123.22 as amended by 2018 Iowa Acts, Senate File 2347, section 2; Iowa Code section 123.171 as amended by 2018 Iowa Acts, Senate File 2347, section 5; or 2018 Iowa Acts, Senate File 2347, section 4. The decision on whether the circumstances justify the issuance of a waiver shall be made at the discretion of the administrator upon consideration of all the relevant factors.

**9.2(1) Criteria.** The division may, in response to a completed request, issue a waiver, as applied to the circumstances of a specific situation if the division finds each of the following:

- a. The requester is an individual of legal age;
- b. The requester is an individual who was domiciled outside the state within one year of the request;
- c. The alcoholic liquor, wine, or beer imported pursuant to the waiver shall be only for personal consumption in a private home or other private accommodation and only if it is not sold, exchanged, bartered, dispensed, or given in consideration of purchase for any property or services or in evasion of the requirements of Iowa Code chapter 123; and
- d. The alcoholic liquor, wine, or beer imported pursuant to the waiver shall be in unopened original containers.

**9.2(2) Domicile.** Domicile, for the purposes of establishing when an individual is “domiciled outside the state,” shall be determined in accordance with rule 701—38.17(422).

**9.2(3) Request.** All requests for a waiver to import alcoholic liquor, wine, or beer in excess of the amount provided in Iowa Code section 123.22 as amended by 2018 Iowa Acts, Senate File 2347, section 2; Iowa Code section 123.171 as amended by 2018 Iowa Acts, Senate File 2347, section 5; or 2018 Iowa Acts, Senate File 2347, section 4, shall be submitted in writing by completing a request for import authorization form and returning it to the division, as instructed.

**9.2(4) Content of form.** A request for import authorization form shall be prescribed by the division and shall include the following information: the name, date of birth, and personal contact information of the requester; full residential history of the requester for the past three years without gaps; a statement of reasons that the requester believes will justify import authorization; the destination address for the imported alcoholic beverages; the name, date of birth, and personal contact information of the recipient of the alcoholic beverages, if different from that of the requester; a detailed inventory of the alcoholic beverages for which the requester seeks import authorization; and any other information the administrator may require.

**9.2(5) Burden of persuasion.** When a request is filed for a waiver pursuant to this rule, the burden of persuasion shall be on the requester to demonstrate by clear and convincing evidence that the division should exercise its discretion in the granting of the waiver.

**9.2(6) Notice.** The division shall acknowledge a request for a waiver upon receipt of a completed request for import authorization form.

**9.2(7) Additional information.** Prior to granting or denying a request for a waiver, the division may request additional information from the requester relative to the request and surrounding circumstances.

**9.2(8) Investigation.** The division may conduct an investigation as the administrator deems necessary to determine that the requester meets the criteria in subrule 9.2(1) or to verify the accuracy of the information provided by the requester.

**9.2(9) Ruling.** A letter granting or denying a request for a waiver to import alcoholic liquor, wine, or beer in excess of the amount provided in Iowa Code section 123.22 as amended by 2018 Iowa Acts, Senate File 2347, section 2; Iowa Code section 123.171 as amended by 2018 Iowa Acts, Senate File 2347, section 5; or 2018 Iowa Acts, Senate File 2347, section 4, shall be in writing and shall contain a description of the precise scope and duration of the waiver if one is issued.

**9.2(10) Duration of waiver.** A waiver issued pursuant to this rule shall allow only for the importation of the inventory of alcoholic beverages detailed on the request for import authorization form. If a waiver is granted, there is no automatic right to renewal.

**9.2(11) Public availability.** The division shall maintain a record of all waivers granted or denied under this rule. All rulings in response to requests for waivers shall be indexed and available to members of the public at the Alcoholic Beverages Division, 1918 S.E. Hulsizer Road, Ankeny, Iowa 50021. Waivers containing information that the division is authorized or required to keep confidential shall be edited prior to public inspection.

**9.2(12) Cancellation.** A waiver issued by the division pursuant to this rule may be withdrawn, canceled, or modified if, after appropriate notice, the division finds any of the following:

*a.* The requester of the waiver withheld or misrepresented material facts relevant to the propriety or desirability of the waiver; or

*b.* The recipient of the waiver has failed to comply with any of the conditions contained in the waiver.

**9.2(13) Violations.** Violation of a condition in a waiver is equivalent to a violation of Iowa Code section 123.10 as amended by 2018 Iowa Acts, Senate File 2347, section 1; Iowa Code section 123.22 as amended by 2018 Iowa Acts, Senate File 2347, section 2; Iowa Code section 123.171 as amended by 2018 Iowa Acts, Senate File 2347, section 5; or 2018 Iowa Acts, Senate File 2347, section 4, as applicable. 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 applicable Iowa Code or Iowa Acts section.

**9.2(14) Defense.** After the division grants a waiver under this rule, the waiver is a defense within its terms and the specific facts indicated therein for the recipient of the waiver in any proceedings in which the waiver in question is sought to be invoked.

**9.2(15) Appeals.** Granting or denying a request for a waiver is final agency action under Iowa Code chapter 17A.

[ARC 3994C, IAB 9/12/18, effective 10/17/18]

These rules are intended to implement 2018 Iowa Acts, Senate File 2347, section 4, and Iowa Code sections 123.10, 123.22, 123.59 and 123.171 as amended by 2018 Iowa Acts, Senate File 2347.

[Filed ARC 3994C (Notice ARC 3891C, IAB 7/18/18), IAB 9/12/18, effective 10/17/18]

CHAPTER 1  
ORGANIZATION AND ADMINISTRATION

[Appeared as rules 3.1, 4.1, 5.1 and ch 6 prior to 4/10/85]

[Prior to 3/11/87, Law Enforcement Academy[550] Ch 1]

**501—1.1(80B) Definitions.** In regards to the definitions as used in the rules of the law enforcement academy the following definitions apply, unless the context otherwise requires:

“*Academy*” refers to the Iowa law enforcement academy.

“*Academy council*” means the Iowa law enforcement academy council.

“*Act*” means the Iowa Administrative Procedure Act.

“*Applicant*” means all individuals seeking an entry level position as a law enforcement officer. This shall not include individuals who are being promoted within a department.

“*Certificate*” means the document issued to a law enforcement officer when documentation has established compliance with the minimum hiring standards and successful completion of the training requirements.

“*Certification*” means the issuing of a certificate to a law enforcement officer upon documentation that the officer has been employed and trained in compliance with the established minimum standards.

“*Contested case*” means a proceeding in which the legal rights of a party to continue to be certified as a law enforcement officer in the state of Iowa are determined by the council or its designee after an opportunity for an evidentiary hearing.

“*Council*” refers to the Iowa law enforcement academy council.

“*Director*” refers to the director of the Iowa law enforcement academy.

“*Employing agency*” means any state, county, or municipal government or governmental body that employs law enforcement officers.

“*Facilities approval application form*” means the form prepared by the Iowa law enforcement academy council to be utilized in an application for approval of a regional law enforcement training facility.

“*Facility*” means a jail as defined in 201—Chapter 50 or a temporary holding facility as defined in 201—Chapter 51.

“*Felony*” means a criminal offense classified as a felony in the jurisdiction in which it was committed.

“*Final selection process*” means that process by which the final applicant for a law enforcement position is selected. This process requires, minimally, that the person to be hired shall have successfully completed the mandated psychological testing.

“*General jailer instructors*” will be those instructing in subjects clearly related to the operation of a jail.

“*Good cause*” means termination of employment for any of the following reasons:

1. *Gross negligence*: Where the officer’s act or failure to act creates a danger or risk to persons, property, or to the efficient operation of the department, recognizable as a gross deviation from the standard of care that a reasonable officer would observe in a similar circumstance.

2. *Insubordination*: A refusal by an employee to comply with a rule or order where the rule or order was reasonably related to the orderly, efficient, or safe operation of the employer’s business and where the employee’s refusal to comply with the rule or order constitutes breach of duties.

3. *Incompetence or gross misconduct*: In determining what constitutes “incompetence or gross misconduct,” the council may take into account sources as practices generally followed in the profession, current teaching at law enforcement training facilities and technical reports and literature relevant to the field of law enforcement.

“*Guest lecturer*” is a person who, by reason of position or experience, can make a worthwhile contribution to a training program. The instructor will normally be experienced in a specialized area and the instruction limited to the area of the instructor’s experience. While the regional training facility may avail themselves of the instructor’s services on repeated occasions, the use will not be of such frequency as to reasonably infer the instructor is a member of the permanent regional instructional staff.

*“Initial certification”* means the law enforcement certification granted to a law enforcement officer by the Iowa law enforcement academy council pursuant to 501—3.1(80B), 3.8(80B), or 3.9(80B), Iowa Administrative Code.

*“Iowa law enforcement emergency care provider”* or *“ILEECP”* means an individual who is certified by the academy as an Iowa peace officer, who has successfully completed an emergency medical care provider curriculum approved by the academy, and who is currently certified by the academy as an emergency medical care provider.

*“Jail”* means any place administered by the county sheriff and designed to hold inmates for as long as lawfully required but not to exceed one year pursuant to Iowa Code chapters 356 and 356A.

*“Jail administrator”* means the sheriff, sheriff’s designee, or the executive head of any agency operating a jail.

*“Jailer”* means any person involved in the booking or supervision of inmates or detainees and meeting the requirements of rules 201—50.10(356,356A) and 50.11(356,356A) or 201—51.8(356,356A) and 51.9(356,356A).

*“Jailer training program”* means a jailer in-service or basic training program.

*“Law enforcement experience”* means experience gained by a law enforcement officer whose primary job function is the enforcement of criminal laws and the prevention and detection of crime.

*“Law enforcement officer”* means an officer appointed by the director of the department of natural resources; an officer appointed by the director of the Iowa law enforcement academy; a member of a police force or other agency or department of the state, county, or city regularly employed as such and who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state; and all individuals, as determined by the council, who by the nature of their duties may be required to perform the duties of a peace officer.

*“Nonstate agency”* means all other agencies that are not state agencies.

*“Party”* means each person or agency named or admitted as a party properly seeking and entitled as of right to be admitted as a party.

*“Person”* means any individual, corporation or association covered by the Act other than an agency.

*“Pleadings”* means a protest, motion, answer, reply or other document filed in a contested case proceeding.

*“Presiding officer”* means the person or group presiding over a contested case.

*“Professional jailer instructors”* will be those instructing subjects in the area of the law, human relations, medicine, and other areas requiring specialized academic training or experience. Final decision as to whether an instructor is in the general or professional area rests with the academy.

*“Recognized expert”* is a person who, by reason of position or experience, can make a worthwhile contribution to a training program. Normally the recognized expert will be experienced in a specialized area and instruction will be limited to the area of experience. (See subrule 9.2(2))

*“Recommendation”* means a request by an employing agency asking the council to revoke the certification of a past or present law enforcement officer.

*“Regional facility director”* means the administrative head or responsible official of the approved regional law enforcement training facility.

*“Regional training facility”* means an approved regional law enforcement training facility.

*“Regular law enforcement officer”* means those full-time or part-time officers who are subject to the Iowa law enforcement academy hiring, training, and certification requirements.

*“Revocation”* means the process by which the council withdraws an individual’s certification. A person remains under revocation until the time it can be demonstrated to the council that the grounds for revocation no longer exist and the officer’s certification is reinstated.

*“Salvage vehicle theft examination”* means a salvage vehicle theft examination conducted by a law enforcement officer pursuant to Iowa Code section 321.52(4)“c.”

*“Salvage vehicle theft examiner”* means a law enforcement officer certified by the Iowa law enforcement academy to conduct vehicle theft examinations pursuant to Iowa Code section 321.52(4)“c.”

“*State agency*” means any department or division of state government which derives its primary funding from the state treasury.

“*Temporary holding facility*” means secure holding rooms or cells administered by a law enforcement agency where detainees may be held for a limited period of time, not to exceed 24 hours, and a reasonable time thereafter to arrange for transportation to an appropriate facility.

“*Training program director*” means the official responsible for a jailer training program.

“*Weapon*” shall mean any firearm, striking instrument or chemical agent authorized for use as a weapon by the hiring authority.

Unless otherwise specifically stated, the terms used in these rules promulgated by the council shall have the meaning defined by this chapter.

This rule is intended to implement Iowa Code sections 80B.3, 80B.11, 80B.13, 80D.7 and 321.52. [ARC 3997C, IAB 9/12/18, effective 10/17/18]

**501—1.2(80B) Council established.** The council and the academy were created by an Act of the Sixty-second General Assembly, now cited as Iowa Code chapter 80B. The general purposes for which the council and academy were established are:

1. To maximize training opportunities for law enforcement officers.
2. To coordinate training and to set standards for the law enforcement service, all of which are imperative to upgrading law enforcement to a professional status.

This rule is intended to implement Iowa Code section 80B.6.

**501—1.3(80B) Administration.** The administration of the Act creating the council and academy is vested in the office of the governor.

This rule is intended to implement Iowa Code section 80B.5.

**501—1.4(80B) Council membership.** The selection, appointment, and approval of members to the council are made as provided for in Iowa Code section 80B.6.

This rule is intended to implement Iowa Code section 80B.6.

**501—1.5(80B) Council officers.** The council shall select from its membership a chairperson and a vice chairperson each of whom shall serve for a term of one year and who may be reelected.

This rule is intended to implement Iowa Code section 80B.7.

**501—1.6(80B) Meetings.** The council shall meet as least once each quarter of each year and shall hold special meetings when called by the chairperson or, in the absence of the chairperson, by the vice chairperson, or by the chairperson upon written request of six members of the council.

**1.6(1) Order of business.** The meetings of the council shall be presided over by the chairperson or vice chairperson. Unless otherwise stipulated in these rules, Robert’s Rules of Order are to be followed in conducting the business of the council.

**1.6(2) Open meetings.** All meetings are open to the public in accordance with the open meetings law, Iowa Code chapter 21. Members of the public may be recognized at the discretion of the chairperson.

**1.6(3) Notice, minutes and agenda.**

*a.* The director shall cause advance public notice of the time and place of each meeting in accordance with Iowa Code section 21.4.

*b.* The director shall cause minutes of all council meetings to be kept showing the time and place, the members present, and the action taken at each meeting. The minutes will constitute the official record of all actions by the council. Minutes of each meeting will be prepared and distributed to members of the council.

*c.* At least one week prior to the date of a regular meeting, the director shall prepare a tentative agenda for the next meeting of the council and shall cause the distribution of the tentative agenda to the council. At least one week prior to a regular meeting, a council member may submit an item to be included on the agenda. This agenda shall also list the date, time and place of the meeting.



3. A brief summary of petitioner's arguments in support of the action urged in the petition.
4. A brief summary of any data supporting the action urged in the petition.
5. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the proposed action which is the subject of the petition.
6. Any request by petitioner for a meeting provided for by subrule 1.11(4).

The petition must be dated and signed by the petitioner or the petitioner's representative. It must also include the name, mailing address, and telephone number of the petitioner and petitioner's representative, and a statement indicating the person to whom communications concerning the petition should be directed.

The academy council may deny a petition because it does not substantially conform to the required form.

**1.11(2) Briefs.** The petitioner may attach a brief to the petition in support of the action urged in the petition. The academy council or the academy staff may request a brief from the petitioner or from any other person concerning the substance of the petition.

**1.11(3) Inquiries.** Inquiries concerning the status of a petition for rule making may be made to the Academy Director, Iowa Law Enforcement Academy Council, Camp Dodge, P.O. Box 130, Johnston, Iowa 50131-0130.

**1.11(4) Academy council consideration.** Upon request by petitioner in the petition, the academy director must schedule a brief and informal meeting between the petitioner and the academy council, a member of the academy council, or a member of the staff of the academy to discuss the petition. The academy council or a member of the academy staff may request the petitioner to submit additional information or argument concerning the petition. Comments may also be solicited from any person on the substance of the petition. Also, comments on the substance of the petition may be submitted to the academy council by any person.

Within 60 days after the filing of the petition, or within any longer period agreed to by the petitioner, the academy council must, in writing, deny the petition and notify the petitioner of its action and the specific grounds for the denial, or grant the petition and notify the petitioner that it has instituted rule-making proceedings on the subject of the petition. The petitioner shall be deemed notified of the denial or grant of the petition on the date when the academy council mails or delivers the required notification to the petitioner.

Denial of a petition because it does not substantially conform to the required form does not preclude the filing of a new petition on the same subject that seeks to eliminate the grounds for the academy council's rejection of the petition.

This rule is intended to implement Iowa Code section 17A.7.

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CHAPTER 3  
CERTIFICATION OF LAW ENFORCEMENT OFFICERS

[Appeared as Ch 1 prior to 4/10/85]

[Prior to 3/11/87, Law Enforcement Academy[550] Ch 3]

**501—3.1(80B) Certification through training required for all law enforcement officers.**

**3.1(1)** All law enforcement officers must be certified through the successful completion of training at an approved law enforcement training facility in order to remain eligible for employment. As a condition precedent to enrollment in a certifying training program, the Iowa law enforcement academy must be provided with verification by the enrollee's hiring agency that the minimum standards for Iowa law enforcement officers have been met as provided in rule 501—2.1(80B), except for a person elected or appointed as sheriff who may choose to be exempted from the requirement of subrule 2.1(6), and may determine not to participate in physical training and who shall then be eligible only for certification as provided in subrule 3.1(2). Officers must be certified within one year of their employment, except sheriffs who must be certified within one year of taking office. (See rule 501—3.8(80B) for certification by testing requirements.)

**3.1(2)** A person elected or appointed sheriff who otherwise successfully completes a basic training course except for the physical training requirements, as provided by Iowa Code section 331.651(1), shall be granted certification limited to and valid only for the position of sheriff of the county in which the person was elected or appointed.

**3.1(3)** The academy council may, at the council's discretion, extend the one-year time period in which an officer must become certified for up to 180 days after a showing of "undue hardship" by the officer or the officer's hiring agency. To be considered for an extension of the one-year certification period, the person or agency requesting the extension must initiate the request in writing, not less than 10 days prior to the council meeting at which it is to be discussed, and then make a presentation to the council at the next regularly scheduled meeting of the council. Extensions shall not be liberally granted and shall only be granted after a showing that all other alternatives to an extension have been considered and rejected.

**3.1(4)** In accordance with Iowa Code section 80B.17, the one-year time period in which an officer must become certified is automatically extended for up to 180 days for an officer who is enrolled in training within 12 months of initial appointment. For purposes of this subrule, "enrolled" means physically present in and currently attending a basic certification training class.

**3.1(5)** The time period within which a person must achieve certification as a law enforcement officer in the state of Iowa as specified in rule 501—3.1(80B) shall commence on the day a person is first employed as a regular law enforcement officer in the state of Iowa. Any subsequent changes in a law enforcement officer's employment status, including transfers to a different employing agency, shall not toll or otherwise extend the certification period.

**3.1(6)** Should a person employed as a law enforcement officer fail to achieve certification within the time period or any extensions allowed by rule 501—3.1(80B), that person shall not be eligible for employment as and shall not serve as a regular or a reserve law enforcement officer in the state of Iowa for a period of not less than one year from the date the time period in which to achieve certification specified in rule 501—3.1(80B) expired, or from the date that the person was last employed as a regular law enforcement officer in the state of Iowa, whichever comes first.

**501—3.2(80B) Law enforcement status forms furnished to academy.** Within ten days of any of the following occurrences, the academy will be so advised by use of prescribed forms:

1. Any hiring or termination of personnel.
2. Change of status of existing personnel (e.g., promotions).
3. Satisfactory completion of all law enforcement training not sponsored by the academy.
4. Accrual of college credits.

**501—3.3(80B) Standard certifying courses for approved law enforcement facilities.** The standard certifying courses of study at an approved law enforcement training facility are:

1. The long course, consisting of 417 hours to be completed within a 20-week period; and
2. The short course, consisting of 326 hours to be completed within a 16-week period.

**501—3.4(80B) Qualifications for attendance at short course.** In order to be eligible for enrollment in the certification through the short course, the individual officer must possess at least one of the following qualifications:

**3.4(1)** Have satisfactorily completed a two-year or four-year police science or criminal justice program at an accredited educational institution and documentation furnished to the academy.

**3.4(2)** Have satisfactorily completed law enforcement training in another state commensurate with basic training required in Iowa, and be able to provide verification of same.

This rule is intended to implement Iowa Code section 80B.11.

**501—3.5(80B) Curriculum for long course.**

**3.5(1) Program administration** . . . . . 22 hours

- a. Registration.
- b. Orientation.
- c. Counselor meetings.
- d. Tests and review.
- e. Moot court.
- f. Graduation.

**3.5(2) Patrol and traffic** . . . . . 65 hours

- a. Techniques of patrol and beat assignments.
- b. Observation and perception.
- c. Radio communications.
- d. Vehicle stops (of which 2 hours must be night vehicle stops).
- e. Building searches.
- f. Traffic direction.
- g. Accident investigation.
- h. Traffic law enforcement.
- i. Radar.
- j. OWI (enforcement techniques).
- k. Standardized field sobriety testing (horizontal gaze nystagmus).
- l. Chemical testing.
- m. Intoxilyzer.
- n. Hazardous materials operations.

**3.5(3) Officer survival** . . . . . 141 hours

- a. Firearms/use of force (a minimum of 6 hours must be night fire).
- b. Defensive tactics/baton.
- c. Vehicle operations.
- d. Physical training.
- e. Chemical agents.
- f. Risk assessment in officer survival.
- g. Risk management in calls for service (felony calls).

**3.5(4) Skills** . . . . . 69 hours

- a. Iowa law enforcement emergency care provider (ILEECP).
- b. Fingerprints.
- c. Interviews and interrogations.
- d. Crime scene, searching and recording.
- e. Notetaking.
- f. Report writing.

**3.5(5) Investigation of specific crimes** . . . . . 25 hours

- a. Street intoxication.

- b. Narcotics investigation.
- c. Vehicle theft.
- d. Hate crimes.
- e. Domestic abuse.
- f. Death investigation.
- g. Sex abuse.
- h. Burglary.
- i. Gangs.
- 3.5(6) *The law and the courts* . . . . . 65 hours**
  - a. Criminal law.
  - b. Procedural due process.
  - c. Law of arrest.
  - d. Court organization.
  - e. Search and seizure.
  - f. Juvenile law.
  - g. Rules of evidence.
  - h. OWI law.
  - i. Motor vehicle law.
  - j. Narcotics law.
  - k. Confessions and admissions.
  - l. Civil liability.
  - m. Testifying in court.
- 3.5(7) *Human behavior* . . . . . 30 hours**
  - a. Self-understanding and handling stress.
  - b. Community relations/crime prevention.
  - c. Ethics and professionalism.
  - d. Discretion.
  - e. Minority groups.
  - f. Special needs population.
  - g. Crisis intervention.
  - h. Moral aspects of the use of force.
  - i. Death notification.
  - j. Mandatory reporting of dependent adult and child abuse.
  - k. Blood-borne pathogens and TB.

TOTAL HOURS: 417

**501—3.6(80B) Curriculum for short course.**

- 3.6(1) *Skills—traffic and patrol* . . . . . 64 hours**
  - a. Vehicle operations.
  - b. Accident investigation.
  - c. Radar.
  - d. Traffic direction.
  - e. Hazardous materials operations.
  - f. Vehicle stops (of which 2 hours must be night vehicle stops).
  - g. OWI enforcement.
  - (1) Implied consent.
  - (2) Chemical testing.
  - (3) Intoxilyzer certification.
  - h. Felony calls.
- 3.6(2) *Skills—investigative* . . . . . 16 hours**
  - a. Crime scene search and recording.
  - b. Fingerprinting.

- c. Interviewing and interrogations.
- d. Photography.
- 3.6(3) Skills—general** . . . . . 140 hours
  - a. Firearms/use of force (of which 6 hours must be night fire).
  - b. Defensive tactics.
  - c. Iowa law enforcement emergency care provider (ILEECP).
  - d. Physical fitness.
- 3.6(4) Legal and investigative** . . . . . 66 hours
  - a. Criminal law.
  - b. Search and seizure.
  - c. Law of arrest.
  - d. Rules of evidence.
  - e. Confessions and admissions.
  - f. Motor vehicle law.
  - g. Juvenile law.
  - h. OWI (legal).
  - i. Narcotics law.
  - j. Death investigation.
  - k. Narcotics investigation.
  - l. Vice investigation.
  - m. Sexual abuse investigation.
- 3.6(5) Human relations and communications** . . . . . 24 hours
  - a. Report writing.
  - b. Crisis intervention (including domestic abuse).
  - c. Minority relations.
  - d. Mandatory reporting (dependent adult and child).
  - e. AIDS.
  - f. Testifying in court.
- 3.6(6) Program administration** . . . . . 16 hours
  - a. Registration and orientation.
  - b. Testing.
  - c. Graduation.
  - d. Miscellaneous.

TOTAL HOURS: 326

**501—3.7(80B) Special certification.** The director of the academy, subject to the approval of the council may develop special certifying training courses in consideration of the varying factors and special requirements of certain law enforcement agencies.

**501—3.8(80B) Certification through examination.** Law enforcement officers who have been certified in another state may, upon application to the director with council approval, take a competency test or tests to gain Iowa law enforcement officer certification. Successful completion of the required test or tests will result in certification by the council. The test or tests will be prepared and administered by the academy or its designee, and the passing score will be determined by the academy. The required test or tests will be based upon the officer's prior law enforcement training and experience as follows:

**3.8(1) Five or more years of law enforcement experience.** Officers with more than five years of full-time law enforcement experience will be required to pass a test or tests which will primarily measure the officer's knowledge of Iowa laws. The test or tests will include, but need not be limited to, such topics as criminal law, motor vehicle law, juvenile law, law of arrest, law of search and seizure, and law regarding the use of force.

**3.8(2) Less than five years of law enforcement experience.** Officers with less than five years of full-time law enforcement experience will be required to pass a comprehensive test or tests which will

focus on all phases of law enforcement. The test or tests will include, but need not be limited to, such topics as criminal law, juvenile law, motor vehicle law, law of arrest, law of search and seizure, law regarding the use of force, confessions and admissions, crime prevention, community relations, minority relations, crime scene investigation, vehicle stops, and rules of evidence.

**3.8(3) *Tabulating previous law enforcement experience.*** In tabulating whether an officer has met the law enforcement experience requirement, no credit will be given for experience received from the officer's current employment.

**3.8(4) *Criteria to be eligible to certify through examination.*** The following will be prerequisites for certification through examination:

*a.* Successful completion of a minimum 160-hour certifying basic law enforcement training school in another state, which certification has not been withdrawn by the certifying state.

*b.* Firing a verified score of 80 percent or greater with the officer's service handgun since the individual's appointment as an Iowa law enforcement officer, and which course of fire was prescribed by the academy and administered by the Iowa law enforcement academy or its designee.

*c.* Possession of a current Iowa law enforcement emergency care provider (ILEECP) card or another appropriate certification recognized by the Iowa law enforcement academy.

**3.8(5) *Application and testing periods.*** Application for certification through examination shall be made within 120 days of the applicant's hiring date, unless a determination is made by the academy council that this time period should be extended for "good cause." Failure to make timely application for certification through examination may result in the applicant's being required to attend an academy certifying school.

**3.8(6) *Retesting requirements.*** Failure to successfully complete this examination will require retesting within 60 days in the areas failed. If any area is failed a second time, it will be necessary for the individual to attend and satisfactorily complete training at the academy covering those areas of deficiency. Successful completion of the training will result in law enforcement officer certification by the academy council.

**3.8(7) *One year's absence from law enforcement shall require training.*** An officer who has not served as a regular law enforcement officer during the 12-month period preceding the officer's hiring date will be required to attend a certifying school.

**501—3.9(80B) Special certification through examination.** This rule is promulgated by the academy in compliance with 1996 Iowa Acts, chapter 1201. Persons having successfully completed the Federal Bureau of Investigation National Academy, having corrected Snellen vision in both eyes of 20/20 or better, and having been employed on or before January 1, 1996, as chief of police of a city in the state of Iowa with a population of 20,000 or more may, upon application to the director with council approval, take a competency test or tests to gain Iowa law enforcement officer certification. Successful completion of the required test or tests will result in certification by the council. The test or tests will be prepared and administered by the academy and the passing score will be determined by the academy. Persons eligible under this rule who successfully complete the long form examination shall be granted certification limited to and valid only for the position for which the person was hired.

**3.9(1) *Criteria.*** The following will be prerequisites for special certification through examination under this rule:

*a.* Firing a verified score of 80 percent or greater with the officer's service handgun which course of fire was prescribed and administered by the Iowa law enforcement academy.

*b.* The applicant must possess or obtain current Iowa law enforcement emergency care provider (ILEECP) certification or current emergency medical care provider certification issued by the Iowa department of public health and approved by the academy, and current course completion in cardiopulmonary resuscitation, AED and foreign body airway obstruction for all age groups according to national standards, with documentation furnished to the academy.

**3.9(2) *Application and testing periods.*** Application shall be made within 120 days of the effective date of this rule. Failure to make timely application will result in the applicant's being required to attend an academy certifying school.

**3.9(3) Retesting requirements.** Failure to successfully complete the examination will require retesting within 60 days in the areas failed. If any area is failed a second time, the applicant will be required to attend and satisfactorily complete training at the academy covering those areas of deficiency. Successful completion of the training will result in law enforcement officer certification by the academy council.

[ARC 3997C, IAB 9/12/18, effective 10/17/18]

**501—3.10(80B) More extensive certifying course curricula not prohibited.** While no law enforcement training facility will be approved by the Iowa law enforcement academy council which does not meet the minimum requirements of these certifying course curricula, this in no way limits or restricts any law enforcement training facility in instituting a certifying course curriculum that surpasses the curriculum established pursuant to Iowa Code chapter 80B.

This rule is intended to implement Iowa Code chapter 80B.

**501—3.11(80B) Time frame—tolled.** The time frame requirements for completion of any mandatory training are tolled during the period a law enforcement officer is called to active military service.

**501—3.12(80B) Training of an individual who intends to become certified as a law enforcement officer.**

**3.12(1)** An individual who has not yet been hired or started employment as an Iowa sworn peace officer may apply for attendance at the Iowa law enforcement academy (ILEA) or, if qualified as provided for in subrule 3.4(1), at a short course of study at an approved law enforcement training program if such individual is sponsored by an Iowa law enforcement agency.

*a.* The individual must submit an application packet approved and provided by the Iowa law enforcement academy at least 30 days in advance of the course of study that the person wants to attend if the hiring standards are conducted by a sponsoring agency and at least 60 days in advance of the course of study that the person wants to attend if the hiring standards are conducted by ILEA. An administrative fee, to be established by the academy, shall accompany the application packet.

*b.* The sponsoring Iowa law enforcement agency must certify that the agency intends to hire within the next 18 months or has hired the individual as a law enforcement officer.

*c.* The fees to attend the Iowa law enforcement academy will be collected as follows:

(1) 25 percent at the time position in class is reserved. (This fee is nonrefundable.)

(2) 25 percent on first day of the academy class.

(3) The remaining amount to reach full payment of all ILEA training fees must be received by the end of the fourth week or the individual will be dismissed from the academy.

*d.* The fees to attend a short course of study at an approved law enforcement training program will be collected as determined by that entity.

**3.12(2) Hiring standards.** An individual who files an application under subrule 3.12(1) must meet all hiring standards as established by the academy in rules 501—2.1(80B) and 501—2.2(80B).

*a.* The sponsoring law enforcement agency may conduct required testing including medical/psychological/cognitive examinations, thorough background investigation and other matters as required by rules 501—2.1(80B) and 501—2.2(80B). The sponsoring law enforcement agency that conducts the required testing must certify that all hiring standards have been met and submit proof of the same as required by Iowa law enforcement academy administrative rules and on forms provided by the academy.

*b.* The academy shall conduct the required testing including medical/psychological/cognitive examinations, thorough background investigation and other matters as required by rules 501—2.1(80B) and 501—2.2(80B) if the sponsoring agency has not done so. The academy will establish fees for conducting the hiring standards requirements, including the background check, to be paid by the individual filing the application. The fees must be paid before the testing occurs.

**3.12(3)** Application for a short course of study at an approved law enforcement training program. An individual applying for attendance at a short course of study at an approved law enforcement training

program shall submit proof of successful completion of a two-year or four-year police science or criminal justice program at an accredited educational institution in this state as approved by the academy. The proof must include a letter from the registrar certifying the person's graduation and a certified transcript of courses taken and grades received. The proof must be submitted 30 days in advance of the course of study that the person wants to attend.

**3.12(4)** Permission to attend. An individual shall not be granted permission to attend an approved law enforcement training program if such acceptance would result in the nonacceptance of another qualifying applicant who is a law enforcement officer.

**3.12(5)** Certification. The academy will not grant certification until an individual is employed by an Iowa law enforcement agency and has met required hiring standards and successfully completed certification testing.

*a.* The following hiring standards must be reverified if the individual is not hired by an Iowa law enforcement agency during the first 12 months following completion of the course of study.

(1) The Iowa law enforcement academy evaluations of the Minnesota Multiphasic Personality Inventory (MMPI) may be used for only 12 months to comply with this rule. Any individual who has not been hired or placed upon a civil service certified list within the first 12 months following completion of the course of study must retake the MMPI and, before the individual is certified, the results of the MMPI must be approved by the hiring authority.

(2) Standard & Associates' National Police Officer Selection Test (POST) test scores shall be valid for a period of 12 months from the date of completion of the course of study. An individual who has not been hired or placed upon a civil service certified list within 12 months must retake and successfully pass the examination before being certified.

(3) The individual must be examined by a licensed physician or surgeon and meet the physical requirements necessary to fulfill the responsibilities of a law enforcement officer.

(4) The individual must successfully pass a physical test adopted by the Iowa law enforcement academy.

*b.* An individual may be certified in the following areas only after being employed by an Iowa law enforcement agency:

(1) Iowa Law Enforcement Emergency Care Provider.

(2) Implied consent.

(3) Standardized field sobriety testing.

(4) Firearms qualification with the hiring agency's weapon and ammunition.

Certification will be awarded in the above areas if the individual is employed by an Iowa law enforcement agency within the first 12 months following completion of the basic training course of study and when the following requirements are met. All individuals, once employed by an Iowa law enforcement agency, must undergo testing in the firearms qualifications with the hiring agency's weapon and ammunition at the direction of an instructor certified in firearms by the Iowa law enforcement academy. Documentation of this testing and scores must be submitted to the Iowa law enforcement academy. The individual will be certified upon successful completion of the firearms qualification and review of the testing results completed during training at the Iowa law enforcement academy or at a short course of study at an approved law enforcement training program.

If the individual is not employed within a 12-month period after completing basic training at the Iowa law enforcement academy or at a short course of study at an approved law enforcement training program, the individual will be required to retake the required training for Iowa Law Enforcement Emergency Care Provider, implied consent, and standardized field sobriety testing. Successful completion and documentation of this training must be submitted to the Iowa law enforcement academy before certification can be granted.

**3.12(6)** Employment within 18 months. The individual must be employed by an Iowa law enforcement agency within 18 months of completion of the course of study in order to receive

certification. An individual shall not be certified under rule 501—3.12(80B) if the individual is not employed by an Iowa law enforcement agency within 18 months of completion of the course of study.

This rule is intended to implement 2003 Iowa Acts, Senate Files 352 and 453.

These rules are intended to implement Iowa Code chapter 80B.

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<sup>1</sup> Effective date of 3/1/89 for rescission of 3.4(1) delayed 70 days by the Administrative Rules Review Committee.

<sup>2</sup> Effective date delayed until the adjournment of the 1994 Session of the General Assembly pursuant to Iowa Code section 17A.8(9) by the Administrative Rules Review Committee at its meeting held May 12, 1993.

CHAPTER 4  
INSTRUCTOR CERTIFICATION CRITERIA FOR APPROVED REGIONAL  
LAW ENFORCEMENT TRAINING FACILITIES

[Appeared as Ch 3 prior to 4/10/85]

[Prior to 3/11/87, Law Enforcement Academy[550] Ch 4]

**501—4.1(80B) Instructors for approved regional training facility.**

**4.1(1) *Instructor designation.*** All instructors at regional training facilities will be designated as either general, specialist, or professional. General law enforcement instructors will be those instructing in subjects clearly law enforcement in nature. Specialist law enforcement instructors are those persons who have attended specialized schools and possess considerable experience in the subject to be taught. Professional law enforcement instructors will be those instructing subjects in the area of criminal law, human relations, and other areas requiring specialized academic degree. Final decision as to whether an instructor is in the general, specialist, or professional area rests with the academy council.

**4.1(2) *Certification of regional training instructors.*** All certification of regional training instructors will be the responsibility of the academy council.

**4.1(3) *Request for instructional certification.*** All instructors requesting certification must submit this request to the academy council on an application which can be obtained from the Iowa law enforcement academy.

**4.1(4) *Instructor qualifications.*** Instructors will be certified on the basis of minimum qualifications in the areas of education, training, experience and background. The actual evaluation and selection of instructors will remain the responsibility of the regional facility director who is ultimately responsible for the instruction provided.

**4.1(5) *Granting or revocation of instructor certification.*** All instructor certification will be issued for a period of four years. At the end of a four-year period, certification may be renewed if the instructor has successfully completed an instructor training course, consisting of a minimum of 30 hours, and has instructed in a certified training program during the four-year period, or has provided a minimum of 80 hours of classroom instruction during the period of certification and if the instructor's certification renewal is recommended by the regional facility director under whose supervision the individual has instructed. The certification may be revoked in writing whenever, in the opinion of the academy council or in the opinion of the regional facility director, the same should be revoked. In the event of denial of recertification or revocation of certification, the certificate holder may file a written notice of appeal to the academy council within 30 days of notification of the action. The appeal notice should be addressed to Director, Iowa Law Enforcement Academy, Camp Dodge, P.O. Box 130, Johnston, Iowa 50131. A hearing on this matter will be held by the academy council within 60 days of the receipt of the appeal notice.

**4.1(6) *Waiver of application requirements for instructor certification.*** The requirement for the submission of a formal application for certification for instructors at a regional training facility may be waived by the academy council in instances involving instructors made available by federal agencies. Final decision regarding the applicability of this provision to a proposed regional facility instructor (general, specialist, or professional) rests with the academy council.

**4.1(7) *Responsibility for ensuring instructional excellence.*** It is the continuing responsibility of the regional facility director to ensure that the instructors are assigned only topics which they are qualified to teach and are supervised on a regular basis to ensure that instructional excellence is maintained.

**4.1(8) *Endorsement of application for instructor certification.*** Applications for instructor (general, specialist, or professional) certification will be endorsed by the regional facility director and, where applicable, by the applicant's department head.

**4.1(9) *Guest lecturers.*** These regulations do not preclude the utilization of guest lecturers. Final decision as to whether an individual qualifies as a guest lecturer rests with the academy council.

**501—4.2(80B) Minimum qualifications for certification of instructor (general).**

**4.2(1) *Experience.*** A minimum of five years law enforcement experience with a major portion of this experience in the subject area to be instructed is required for personnel instructing general subjects.

This requirement may be modified by the director of the regional school with academy council approval in exceptional cases reflecting outstanding education or experience.

**4.2(2) Education.** Must have a minimum of a high school education with a diploma or possess a GED equivalency certificate.

**4.2(3) Training.** Must have successfully completed an instructor training course consisting of a minimum of 30 hours of instruction or has provided a minimum of 80 hours of classroom instruction within the past four years and can verify same upon request.

This rule is intended to implement Iowa Code section 80B.11.

**501—4.3(80B) Minimum qualifications for certification (specialist).**

**4.3(1) Experience and training.** Must have five years of experience with major portion of this experience in the subject area to be instructed, have successfully completed a specialty course in the area to be instructed, and successfully completed an instructor training course consisting of a minimum of 30 hours of instruction or has been certified by the appropriate agency as an instructor as set forth in subrule 4.3(2).

**4.3(2) Specialist (specific requirements to instruct in specialized areas).** Special training or experience is required to instruct in certain segments of the curriculum as listed below:

*a. Firearms instructor.* Successful completion of a firearms instructor school at the Iowa law enforcement academy.

*b. Defensive tactics instructor.* Successful completion of a defensive tactics instructor school at the Iowa law enforcement academy or other training recognized by the Iowa law enforcement academy.

*c. Precision driving instructor.*

(1) Lead instructor. Must have satisfactorily completed a recognized precision driving instructor school.

(2) Assistant instructors. Must possess an understanding of the program to be presented and, as a result of experience and informal instruction, have developed skills adequately to assist lead instructor and shall work under the immediate supervision of lead instructor at all times.

*d. Physical fitness instructor.* Successful completion of a physical fitness instructor school at the Iowa law enforcement academy or other training recognized by the Iowa law enforcement academy.

*e. Iowa law enforcement emergency care provider instructor.* Must be certified as an ILEACP by the Iowa law enforcement academy or maintain current emergency medical care provider certification issued by the Iowa department of public health and have completed an instructor course as approved by the academy.

*f. Fingerprint instructor.* Must have successfully completed the basic and advanced Federal Bureau of Investigation fingerprint schools or a program approved by the Iowa law enforcement academy council.

*g. Narcotics and dangerous drug instructor.* Must have extensive experience and specialty training in this area.

*h. Collision investigation instructor.* Must have completed a two-week collision investigation school provided or recognized by the Iowa law enforcement academy.

*i. Law enforcement and minority group instructor.* Must possess a four-year degree from an accredited institution in the behavioral science area and must have three years of experience in the subject area or, in the opinion of the council, meet the qualifications set forth in 4.3(1).

*j. Communications instructor.* Must be certified by general services, communication division.

*k. Chemical testing instructor.* Must have extensive field experience with a strong background in the Iowa Code and case law. To teach the chemical testing segment, the instructor must possess training and experience in laboratory methods relative to the subject.

*l. Arson and bombing instructor.* Must have attended a specialty school in police/military explosives handling and a recognized arson school.

*m. Crowd management instructor.* Must have attended a school recognized by the Iowa law enforcement academy in riot control and chemical agents.

*n. Criminalistics instructor.* Must have extensive experience and education or training in methods and procedures for scientific crime detection.

*o. Juvenile law instructor.* Must have extensive experience in dealing with youthful offenders, a strong background in Iowa juvenile law and relevant case law, and specialty training or education in the subject area.

[ARC 3997C, IAB 9/12/18, effective 10/17/18]

**501—4.4(80B) Minimum qualifications for certification of instructor (professional).**

**4.4(1) Experience.** Must have at least three years of experience in the subject area to be instructed.

**4.4(2) Education.** Must have at least a baccalaureate degree in the subject area or a related field.

**4.4(3) Background.** Must be recommended by the regional facility director who shall consider the reputation, conduct, stability, and ability of the person being recommended.

These rules are intended to implement Iowa Code chapter 80B.

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CHAPTER 9  
JAILER TRAINING

**501—9.1(80B) Jailer training.**

**9.1(1) Basic training.** All jail administrators shall meet the following requirements within six months of appointment. Jailers shall meet the following requirements within one year of employment:

*a.* First aid and cardiopulmonary resuscitation.

(1) The individual shall hold a current course completion card in cardiopulmonary resuscitation, AED and foreign body airway obstruction for adults according to national standards recognized by the Iowa law enforcement academy.

(2) The individual shall hold a current course completion card in first aid according to the national standards recognized by the Iowa law enforcement academy, or shall hold one of the following:

1. Certification as an Iowa law enforcement emergency care provider (ILEECP) by the Iowa law enforcement academy.

2. Certification by the Iowa department of public health as an emergency medical responder or higher.

3. Certification of completion of a first-aid training program appropriate to jail usage which was developed by a sheriff's department. First-aid training criteria shall include, at a minimum, the following topics:

- Shock.
- Bleeding control.
- Burns.
- Soft tissue and bone/joint injuries.
- Difficulty breathing.
- Chest pain.
- Allergic reaction.
- Poisoning.
- Seizures.
- Diabetic emergencies.
- Heat and cold emergencies.
- Suicide.

All instructors providing training pursuant to 9.1(1) "a"(2)"3" shall be certified pursuant to subrule 9.2(2).

4. Licensure to practice as a licensed practical nurse, registered nurse or medical practitioner in the state of Iowa.

(3) The individual shall be certified as an instructor by the American Heart Association, the American Red Cross or other national program as approved by the academy.

(4) All certification or licensure required by this rule must thereafter be maintained current according to the standards of the certifying or licensing agency.

*b.* Either the successful completion of a 40-hour training program approved by the academy or the successful completion of a National Sheriffs' Association correspondence course shall be applicable to jailers and administrators employed in all jails pursuant to subrule 9.2(1). Either course must be appropriately documented to reflect course content, length of session, and instructor(s). All instructors presenting classes either in the 40-hour training or continuing education program shall be certified by academy personnel utilizing certification standards adopted by the academy. It shall be the responsibility of the training program director to make certain all instructors are certified and the training program is approved.

*c.* All staff providing medication shall be trained in accordance with the Iowa state sheriffs' and deputies' association medication training program or other program approved by the Iowa board of pharmacy.

**9.1(2) Continuing education.** During each fiscal year of employment following completion of the required basic training as set forth in subrule 9.1(1), paragraphs "a" and "b," jailers and the administrator

of a jail shall complete 20 hours of in-service training, not to include proficiency in first aid, CPR recertification, chemical agents, or firearms qualification.

This rule is intended to implement Iowa Code section 80B.11.  
[ARC 3997C, IAB 9/12/18, effective 10/17/18]

**501—9.2(80B) Approved training program.**

**9.2(1) Classroom training programs.** Classroom training programs shall include the following topics which are to be completed within the first year of employment pursuant to 9.1(1) “b.” A training program of comparable course content completed in another state or prior to implementation of these rules may be certified as meeting this requirement.

1. Introduction to Iowa criminal procedure and criminal law as applicable to the jail setting including laws relating to the use of force.
2. Security procedures.
3. Supervision of inmates.
4. Report writing.
5. Inmate rules and regulations.
6. Grievance and disciplinary procedures.
7. Constitutional rights of inmates.
8. Emergency procedures, including methods of restraining violent persons.
9. Human relations and communication skills.
10. Recognizing symptoms of mental illness, retardation and suicidal tendencies.
11. Special needs of minorities, women and juveniles.
12. Problem solving and guidance.
13. Medical screening at intake.
14. Infectious diseases to include: AIDS, hepatitis, and other communicable diseases.

**9.2(2) Jailer training—certification of instructors.** All instructors used in jailer training programs will be designated as either general, professional, or recognized experts. Certification of training instructors (general and professional) will be issued by the academy. Application for certification of instructors (general and professional) shall be submitted to the academy on an application form obtained from the academy.

*a.* Instructor qualifications. Instructors shall be certified on the basis of minimum qualifications in the areas of education, training, experience, and background. The actual evaluation and recruitment of instructors (general and professional or guest) will remain the responsibility of the training program director who is ultimately responsible for the instruction provided.

*b.* Granting or revocation of instructor certification (general and professional). Initial instructor certification (general and professional) will be issued for a period of two years. At the end of a two-year period, certification may be renewed for a four-year period if the instructor has instructed in a jailer training program during the period of the certification and if renewal certification is recommended by the training program director under whose supervision the instructor has instructed. Subsequent four-year renewals may be obtained for instructors whose certification has not been revoked by the academy in writing. Written recommendation for revocation may be received from those agencies or persons involved in overseeing or administering jailer training programs. Appeals of revocation are based on Iowa Code chapter 17A.

*c.* Waiver of application requirements for a recognized expert. The requirement for the submission of a formal application for instructional certification for instructors in a jailer training program may be waived by the academy in instances involving individuals with exceptional, appropriate, and specialized background experience and education. Final decision regarding the applicability of this provision and whether an individual qualifies as a recognized expert rests with the academy.

*d.* Responsibility for ensuring instructional excellence. It is the continuing responsibility of the training program director to ensure that instructors are assigned only topics they are qualified to teach and are supervised on a regular basis to ensure that instructional excellence is maintained.

*e.* Endorsement of application for instructor certification. Applications for instructor (general) certification will be endorsed by the training program director and, where applicable, by the applicant's department head.

**9.2(3)** *Minimum qualifications for certification of general jailer instructors.* The following are minimum qualifications for certification of general instructors in jailer training programs:

*a. Experience.* A minimum of two years' experience as a jailer or jail administrator is required by personnel instructing general jail operations subjects. This requirement may be modified by the training program director, with academy approval, in exceptional cases reflecting outstanding education or experience.

*b. Education.* A minimum of high school graduation with a diploma or an equivalency certificate.

**9.2(4)** *Minimum qualifications for certification of professional jailer instructors.* The following are minimum qualifications for certification of professional instructors in jailer training programs:

*a. Experience.* At least three years of experience in the subject area to be instructed.

*b. Education.* At least a baccalaureate degree in the subject area of a related field or any equivalent combination of training and experience that will provide the required knowledge, skills, and abilities.

*c. Background.* An instructor (professional) must be recommended by the training program director.

### **501—9.3(80B) Training for holding facility personnel.**

**9.3(1)** *Basic training.* All appointed facility administrators and designees shall meet the following requirements within one year of employment:

*a.* First aid and cardiopulmonary resuscitation.

(1) The individual shall hold a current course completion card in cardiopulmonary resuscitation, AED and foreign body airway obstruction for adults according to national standards recognized by the Iowa law enforcement academy.

(2) The individual shall hold a current course completion card in first aid according to the national standards recognized by the Iowa law enforcement academy, or shall add one of the following:

1. Certification as an Iowa law enforcement emergency care provider (ILEECP) from the Iowa law enforcement academy.

2. Certification by the Iowa department of public health as an emergency medical responder or higher.

3. Certification of completion of a first-aid training program appropriate to jail usage which was developed by a sheriff's department. First-aid training criteria shall include, at a minimum, the following topics:

- Shock.
- Bleeding control.
- Burns.
- Soft tissue and bone/joint injuries.
- Difficulty breathing.
- Chest pain.
- Allergic reaction.
- Poisoning.
- Seizures.
- Diabetic emergencies.
- Heat and cold emergencies.
- Suicide.

All instructors providing training pursuant to 9.3(1)“a”(2)“3” shall be certified pursuant to subrule 9.2(2).

4. Licensure to practice as a licensed practical nurse, registered nurse or medical practitioner in the state of Iowa.

(3) The individual shall be certified as an instructor by the American Heart Association, the American Red Cross or other national program as approved by the academy.

(4) All certification or licensure required by this rule must thereafter be maintained current according to the standards of the certifying or licensing agency.

*b.* Facility administrators and supervisors employed in holding facilities shall receive ten hours of training within the first year of employment. This training shall include the following or comparable course content:

(1) Introduction to Iowa criminal procedure and criminal law as applicable to the temporary holding facility setting including laws relating to the use of force.

(2) Security procedures, to include procedures regarding the proper methods of transporting detainees.

(3) Supervision of detainees, to include instruction on the basic civil rights of a detainee which would be applicable to a temporary holding facility.

(4) Recognizing symptoms of mental illness, retardation or substance abuse.

(5) Specific instruction in the prevention of jail suicides.

**9.3(2) *Continuing education.*** Administrators and supervisors of holding facilities shall complete five hours of in-service training, not to include hours spent in maintaining required certification or proficiency in first aid, life support, chemical agents, or handling of firearms.

[ARC 3997C, IAB 9/12/18, effective 10/17/18]

**501—9.4(80B) Approved training program.**

**9.4(1)** All employees shall receive an appropriate period of orientation prior to shift assignments.

**9.4(2)** Practice in the execution of a policy or procedure shall be conducted when feasible.

These rules are intended to implement Iowa Code section 80B.11.

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CHAPTER 10  
RESERVE PEACE OFFICERS

DIVISION I  
RESERVE PEACE OFFICER WEAPONS CERTIFICATION

**501—10.1(80D) Weapons certification.**

**10.1(1)** Reserve officers must receive council certification in the use of weapons the hiring authority expects and authorizes them to carry. Weapons training is not required with any weapons the reserve officers are not authorized to carry.

**10.1(2)** Individuals who have been certified through training by the Iowa law enforcement academy as regular officers may be certified to carry weapons as reserve officers without repeating the required reserve officer's weapons training under the following conditions:

*a.* The academy certification through training was acquired through a school in which firearms training was required; and

(1) The individual is serving as a regular officer for another department at the time of appointment as a reserve officer, or

(2) The individual has served as a regular officer within the two years immediately preceding appointment as a reserve officer.

*b.* Verification must also be provided to the council that the officer has fired a qualifying score of 80 percent or higher on a firearm course using targets approved by the academy within the past 12 months. This verification must be provided by an academy-trained and -certified firearms instructor.

**10.1(3)** Application for weapons certification.

*a.* Application for weapons certification must be made in writing to the council on forms provided by the academy.

*b.* Verification must be received by the council that a fingerprint check has been made with the Federal Bureau of Investigation and the division of criminal investigation of the Iowa department of public safety and that the applicant has no record of a felony conviction or conviction of a crime involving moral turpitude. Fingerprint check responses from these agencies must be dated not more than one year prior to the date of the receipt by the academy of the application to the council for certification.

*c.* Council certification will be granted only where weapons proficiency is documented.

*d.* Interim certification to carry weapons may be granted by the chairperson of the council if all requirements for certification have been met by the reserve officer and certified by the appointing authority. All interim certifications to carry weapons shall then be brought before the council at the next regularly scheduled meeting in order that the council can approve or reject the reserve officer's certification to carry weapons.

[ARC 0962C, IAB 8/21/13, effective 9/25/13]

**501—10.2(80D) Instructors for required weapons training.** Firearms, striking instruments and chemical weapons training must be provided by an Iowa law enforcement academy-certified instructor before a reserve officer can be certified to carry weapons.

**501—10.3(80D) Reserve officers and regular officers weapons training requirements identical.** Reserve officer weapons training requirements are the same as those required of regular law enforcement officers during their basic training.

**501—10.4(80D) Standards for certification.** An applicant for certification to carry weapons as a reserve peace officer must be of good moral character and not have been convicted of a felony or a crime involving moral turpitude. (See subrule 2.1(5).) The offenses of domestic abuse and stalking or other offenses of domestic violence, and any offense in which a weapon was used in the commission, are crimes involving moral turpitude.

**501—10.5(80D) Annual qualification.** All reserve peace officers who are certified to carry firearms must qualify with all duty firearms annually on a course of fire using targets approved by the Iowa law enforcement academy under the supervision of an academy-certified firearms instructor and must successfully fire a minimum score as established by the academy.

[ARC 0962C, IAB 8/21/13, effective 9/25/13]

**501—10.6(80D) Agency responsibilities for record keeping.**

**10.6(1)** It is the responsibility of the law enforcement agency administrator to ensure that training records are regularly kept and maintained. The law enforcement administrator shall make these records available for inspection upon request by the Iowa law enforcement academy or its designee.

**10.6(2)** Training records shall include the following data:

- a. The date of the training.
- b. The subject matter of the training.
- c. The instructor of the training.
- d. The individual who took the training.
- e. The length of time of the training.
- f. The location where the training took place.
- g. Qualifying range scores and the scores, if any, achieved by the officer to show proficiency in or understanding of the subject matter.

**501—10.7(80D) Officers transferring from one agency to another.** A reserve peace officer who has been certified by the Iowa law enforcement academy council to carry weapons and who transfers from one Iowa law enforcement agency to another as a reserve officer without more than a 180-day break in service (affiliation) will not be required to undergo weapons certification training anew, provided that a completed application to carry weapons as a reserve officer for the new agency in compliance with Iowa Code section 80D.7 is filed with the academy within 180 days of the date of transfer. If firearms certification is requested, the application must show that the officer has fired qualifying rounds under the supervision of an ILEA-certified firearms instructor within 30 days of the date of application. The application shall further state that all training records for the officer have been transcribed to the new agency.

**501—10.8(80D) Reserve peace officers serving more than one agency.** A reserve peace officer who serves more than one Iowa law enforcement agency at the same time must be certified by the Iowa law enforcement academy council to carry weapons for each agency that the reserve officer serves in compliance with Iowa Code section 80D.7. It is not necessary for the officer to complete weapons training for each such agency, but all agencies shall maintain duplicate training records for the officer.

**501—10.9(80D) Timeliness of training.** Training in support of an application to the Iowa law enforcement academy council to carry weapons as a reserve peace officer shall have been accomplished not more than one year prior to the date of the receipt by the academy of the application to the council for certification. Failure to file the application within one year of the date of training shall require the officer to undergo weapons training anew.

**501—10.10(80D) CPR certification required.** Reserve peace officers shall maintain current course completion in cardiopulmonary resuscitation, AED and foreign body airway obstruction for all age groups according to national standards recognized by the Iowa law enforcement academy.

[ARC 3997C, IAB 9/12/18, effective 10/17/18]

**501—10.11 to 10.99** Reserved.

These rules are intended to implement Iowa Code sections 80D.3 and 80D.7.

DIVISION II  
RESERVE PEACE OFFICER PERSONAL STANDARDS

**501—10.100(80D) General requirements for reserve peace officers.** In no case shall any person hereafter be selected or appointed as a reserve peace officer unless the person:

**10.100(1)** Is a citizen of the United States and a resident of Iowa or intends to become a resident of Iowa upon appointment as a reserve peace officer; provided that the state residency requirement under this subrule shall not apply to employees of a city or county that has adopted an ordinance to allow the employees of the city or county to reside in another state and shall not apply to an employee of a city or county that later repeals such an ordinance if the employee resides in another state at the time of the repeal. A city or county that has adopted an ordinance to allow the employees of the city or county to reside in another state shall provide a current copy of the ordinance to the Iowa law enforcement academy.

**10.100(2)** Is 18 years of age at the time of selection or appointment.

**10.100(3)** Has a valid driver's or chauffeur's license issued by the state of Iowa. Reserve peace officers who are allowed to reside in an adjacent state shall be required to possess a valid driver's or chauffeur's license of the state of residence of the officer.

**10.100(4)** Is not addicted to drugs or alcohol.

**10.100(5)** Is of good moral character as determined by a thorough background investigation including a fingerprint search conducted on local, state and national fingerprint files, and has not been convicted of a felony or a crime involving moral turpitude. "Moral turpitude" is defined as an act of baseness, vileness, or depravity in the private and social duties which a person owes to another person, or to society in general, contrary to the accepted and customary rule of right and duty between person and person. Moral turpitude is conduct that is contrary to justice, honesty or good morals. The following nonexclusive list of acts has been held by the courts to involve moral turpitude: income tax evasion, perjury, insubordination, theft, indecent exposure, sex crimes, conspiracy to commit a crime, defrauding the government, and illegal drug offenses. The offenses of assault, domestic abuse, or other offenses of domestic violence, stalking, and any offense in which a weapon was used in the commission are crimes involving moral turpitude. Various factors, however, may cause an offense which is generally not regarded as constituting moral turpitude to be regarded as such.

**10.100(6)** Is not by reason of conscience or belief opposed to the use of force when necessary to fulfill the person's duties.

**10.100(7)** Is a high school graduate with a diploma, or possesses a GED equivalency certificate.

**10.100(8)** Has vision corrected to 20/20. Vision tests conducted within 12 months before appointment or selection may be used. A person who performs policing duties alone and without the direct supervision of a certified regular law enforcement officer who is physically present with the reserve peace officer at all times must have uncorrected vision of not less than 20/100 in both eyes, corrected to 20/20. Policing duties include but are not limited to responding to calls, making traffic stops, and patrolling the jurisdiction.

The applicant shall have color vision consistent with the occupational demands of law enforcement. An applicant's passing any of the following color vision tests indicates that the applicant has color vision abilities consistent with the occupational demands of law enforcement:

*a.* Pseudoisochromatic plates tests such as but not limited to: Tokyo Medical College, Ishihara, Standard Pseudoisochromatic Plates, Dvorine, American Optical HHR Plates, American Optical.

*b.* Panels tests such as Farnsworth Dichotomous D-15 Test or any other test designed and documented to identify extreme anomalous trichromatic, dichromatic or monochromatic color vision.

An individual with extreme anomalous trichromatism or monochromasy color vision, as determined through testing, is not eligible to serve as a reserve peace officer in the state of Iowa.

**10.100(9)** Has hearing corrected to normal hearing standards. Hearing is considered normal when, tested by an audiometer, hearing sensitivity thresholds are within 25dB measured at 1000Hz, 2000Hz and 3000Hz averaged together. Hearing tests conducted within 12 months before appointment or selection may be used. A person who performs policing duties alone and without the direct supervision of a

certified regular law enforcement officer who is physically present with the reserve peace officer at all times must have normal hearing in each ear. Policing duties include but are not limited to responding to calls, making traffic stops, and patrolling the jurisdiction.

**10.100(10)** Is examined by a licensed physician or surgeon and meets the physical requirements as defined by the law enforcement agency necessary to fulfill the responsibilities of the reserve peace officer position being filled.

[ARC 2960C, IAB 3/1/17, effective 4/5/17]

**501—10.101(80D) Reserve peace officers moving from agency to agency.**

**10.101(1)** A reserve peace officer who has previously met all the requirements of rule 501—10.100(80D) and who intends to move reserve peace officer status from one Iowa law enforcement agency to another Iowa law enforcement agency, or who intends to be a reserve peace officer for more than one Iowa law enforcement agency simultaneously, shall be of good moral character as determined by a thorough background investigation by the law enforcement agency, including, but not limited to, a fingerprint search conducted by the Iowa division of criminal investigation and the Federal Bureau of Investigation. If the results of the fingerprint file checks cannot reasonably be obtained prior to the time of appointment, the appointment shall be considered conditional until such time as the results are received and reviewed by the appointing agency.

**10.101(2)** Except as otherwise specified, the provisions of rule 501—10.100(80D) do not need to be reverified upon the movement of reserve peace officer status from one Iowa law enforcement agency to another Iowa law enforcement agency or upon the reserve peace officer's being appointed as a reserve peace officer by more than one Iowa law enforcement agency simultaneously, if the reserve peace officer met all of the requirements of rule 501—10.100(80D) when the person was initially appointed as a reserve peace officer and if, without a break of not more than 180 days from law enforcement service, the person is appointed as a reserve peace officer by another Iowa law enforcement agency.

**501—10.102(80D) Active law enforcement officer moving to reserve peace officer status.**

**10.102(1)** An active law enforcement officer who has previously met all the requirements of rule 501—2.1(80B) and who intends to move to reserve peace officer status, or who intends to be a reserve peace officer for more than one Iowa law enforcement agency simultaneously, or who intends to be a reserve peace officer for an Iowa law enforcement agency while also working as an active law enforcement officer shall be of good moral character as determined by a thorough background investigation by the law enforcement agency, including, but not limited to, a fingerprint search conducted by the Iowa division of criminal investigation and the Federal Bureau of Investigation. If the results of the fingerprint file checks cannot reasonably be obtained prior to the time of appointment, the appointment shall be considered conditional until such time as the results are received and reviewed by the appointing agency.

**10.102(2)** Except as otherwise specified, the provisions of rule 501—10.100(80D) do not need to be verified upon the movement of active law enforcement officer status to reserve peace officer status or upon the officer's being appointed as a reserve peace officer by more than one Iowa law enforcement agency simultaneously, or upon the officer's being appointed as a reserve peace officer by one Iowa law enforcement agency while serving in active law enforcement status for another agency if the peace officer met all of the requirements of rule 501—2.1(80B) when the person was initially appointed as a peace officer and if, without a break of not more than 180 days from law enforcement service, the person is appointed as a reserve peace officer by another Iowa law enforcement agency.

**501—10.103(80D) Reserve peace officers in agencies under intergovernmental agreements.** When jurisdictions enter into an intergovernmental agreement under the provisions of Iowa Code chapter 28E for the sharing of law enforcement services by those jurisdictions and sharing of reserve peace officers, the compliance of reserve peace officers with rule 501—10.100(80D) does not need to be reverified if the execution, filing and recording of the intergovernmental agreement conform to the requirements of Iowa law and a certified copy of the agreement is provided to the director of the academy. However, this

exception from reverification does not apply to the establishment of a unified law enforcement district as defined in Iowa Code section 28E.21, wherein a new legal entity or political subdivision is established.

**501—10.104(80D) Higher standards not prohibited.** A person who does not meet minimum standards shall not be selected or appointed as an Iowa reserve peace officer. Agencies are not limited or restricted in establishing additional standards.

**501—10.105(80D) Reserve peace officers appointed before enactment of these rules.** These rules apply only to reserve peace officers appointed on or after June 2, 2004.

**501—10.106 to 10.199** Reserved.

DIVISION III  
RESERVE PEACE OFFICER  
STANDARDIZED TRAINING AND CERTIFICATION

**501—10.200(80D) Certification through training required for all reserve peace officers.**

**10.200(1)** Each person appointed to serve as a reserve peace officer after July 1, 2007, shall satisfactorily complete a minimum training course established by the academy consisting of 80 hours of training and 40 hours of supervised time. Training for individuals appointed as reserve peace officers shall be provided by instructors in a community college or other facility, including a law enforcement agency, selected by the individual and approved by the law enforcement agency and the academy. Reserve peace officers must be certified within 18 months from the date of their appointment.

**10.200(2)** The academy council may, at the council's discretion, extend the 18-month time period in which a reserve peace officer must become certified for up to 180 days after a showing of "undue hardship" by the reserve peace officer or the reserve peace officer's appointing agency. To be considered for an extension of the 18-month certification period, the person or agency requesting the extension must initiate the request in writing not less than 10 days prior to the council meeting at which the extension request is to be discussed and must also make a presentation to the council at the next regularly scheduled meeting of the council. An extension shall not be liberally granted and shall only be granted after a showing that all other alternatives to an extension have been considered and rejected.

**10.200(3)** The time period within which a person must achieve certification as a reserve peace officer in the state of Iowa shall commence on the day a person is first appointed as a reserve peace officer in the state of Iowa. Any subsequent changes in a reserve peace officer's appointment status, including transfers to a different appointing agency, shall not toll or otherwise extend the certification period. Those reserve peace officers appointed after July 1, 2007, but before October 3, 2007, shall have 18 months after October 3, 2007, to complete the training and supervision requirements.

**10.200(4)** Should a person appointed as a reserve peace officer fail to achieve certification within the time period or under any extension allowed by this rule, that person shall not be eligible for appointment as a reserve peace officer and shall not serve as a reserve peace officer in the state of Iowa for a period of not less than one year from the date the time period in which to achieve certification expired, or from the date that the person was last appointed as a reserve peace officer in the state of Iowa, whichever comes first.

**501—10.201(80D) Training modules.** Six modules consisting of 12 to 16 hours of required training topics per module will be developed by the academy. The training modules will include curriculum and training materials for each topic consisting of learning objectives, a lesson plan, training aids such as presentation tools, handouts, and sample tests. Curriculum and training materials will be provided by the academy to those agencies with academy-approved instructors. Training modules will be updated no less than every three years.

**501—10.202(80D) Completion of training modules.** The agency providing the training shall notify the academy when a training module is completed. The reserve peace officer completing the training module

will be given an academy-developed test covering the completed module. The reserve peace officer completing the training module must pass the test with a score of 70 percent or better. The reserve peace officer may take the test a second time if the first test score is below 70 percent and the appointing law enforcement agency approves the second test. The reserve peace officer must then retake the training in the area failed if the second test score is below 70 percent before taking the test a third time if the appointing law enforcement agency approves the third test. Failure of the test the third time will result in the individual's not being eligible for certification for a period of one year following the date of the third test failure.

**501—10.203(80D) Supervised time.** Supervised time is defined as direct supervision by a regular certified law enforcement officer of the reserve peace officer while performing activities consistent with the reserve peace officer's duties, such as ride-along time, jail time, or other assigned duties.

**501—10.204(80D) Certification.** Upon satisfactory completion of training and supervised time required by the academy, the individual shall be certified by the academy as an Iowa reserve peace officer and shall be issued a certificate by the academy.

**501—10.205(80D) Time frame—tolled.** The time frame requirements for completion of any mandatory training are tolled during the period a reserve peace officer is called to active military service.

**501—10.206(80D) Minimum in-service training requirements.** All certified reserve peace officers shall meet the following mandatory minimum in-service training requirements.

**10.206(1) Firearms training.** A certified reserve peace officer who is authorized to carry firearms must qualify with all duty firearms annually on a course of fire using targets approved by the Iowa law enforcement academy and must successfully fire a minimum score as established by the Iowa law enforcement academy. This subrule applies only to those reserve peace officers who are authorized to carry firearms by the officers' appointing agency.

**10.206(2) General training.** In addition to the firearms training and CPR training requirements, a certified reserve peace officer must receive a minimum of 12 hours per year, or 36 hours every three years, of law enforcement-related in-service training. Whether training is law enforcement-related shall be determined by the employing agency administrator.

**10.206(3) Agency responsibility.** It is the responsibility of the law enforcement agency administrator to ensure that in-service training records are regularly kept and maintained. The law enforcement administrator shall also ensure that these records are made available for inspection upon request by the Iowa law enforcement academy or its designee.

*a.* In-service training records shall include the following:

- (1) The subject matter of the training;
- (2) The name of the instructor of the training;
- (3) The name of the individual who took the training;
- (4) The number of credit hours received from the training;
- (5) The location where the training took place; and
- (6) The scores, if any, achieved by the reserve peace officer to show proficiency in or understanding of the subject matter.

*b.* It shall be the responsibility of law enforcement agency administrators to ensure that all certified reserve peace officers under their direction receive the minimum hours of in-service training required by these rules.

**10.206(4) Mental health training.** In addition to the requirements of subrules 10.206(1) and 10.206(2), a certified reserve peace officer must receive mental health in-service training from a course of study approved by the Iowa law enforcement academy.

*a.* **Initial in-service training.** Effective September 25, 2013, each certified reserve peace officer shall complete within one year a minimum of 4 hours of mental health training from a course of study approved by the Iowa law enforcement academy council. Successful completion of Mental Health First

Aid or Crisis Intervention (Memphis Model or similar model) training after January 1, 2011, shall satisfy the initial requirement.

*b. Annual in-service training.* Effective September 25, 2013, each certified reserve peace officer shall complete a minimum of 1 hour per year, or 4 hours every four years, of mental health training from a course of study approved by the Iowa law enforcement academy council. This annual in-service training is separate from and in addition to any other in-service training requirements set forth in this chapter, including the initial in-service mental health training required in paragraph 10.206(4) “a.”  
[ARC 0962C, IAB 8/21/13, effective 9/25/13]

**501—10.207(80D) Training and in-service training requirements for regular law enforcement officers who become certified reserve peace officers.**

**10.207(1)** An active certified regular law enforcement officer who also serves as a reserve peace officer or a certified regular law enforcement officer who retires or leaves active regular law enforcement and returns within 180 days to an Iowa law enforcement agency as a reserve peace officer needs no further training.

**10.207(2)** Any individual who leaves an Iowa law enforcement officer position and becomes a certified reserve peace officer shall receive in-service training within one year of the individual’s appointment date as follows:

<u>Period Outside of Iowa Law Enforcement</u>	<u>In-Service Training Required</u>
6 months to 12 months	12 hours
More than 12 months to 24 months	24 hours
More than 24 months to 36 months	36 hours
More than 36 months	60 hours

The subject matter of this training will be determined and approved by the law enforcement agency.

**501—10.208(80D) Reserve peace officers appointed prior to July 1, 2007—obtaining state certification.**

**10.208(1)** A reserve peace officer enrolled in an approved minimum course of training prior to July 1, 2007, shall obtain state certification by July 1, 2012. The state certification may be obtained through certification by examination. Reserve peace officers who have received training prior to July 1, 2007, may, upon application to and approval from the director, take a competency test or tests to gain Iowa reserve peace officer certification. Successful completion of the required test or tests will result in certification by the council. The test or tests and study material shall be prepared and administered by the academy. The individual must pass the test or tests with a score of 70 percent or better. Individuals will be allowed to take the test or tests a second time in the areas with scores below 70 percent within 60 days and with the approval of the appointing law enforcement agency. The individual must pass the test or tests upon retake with a score of 70 percent or better. Failure to score 70 percent or better the second time will require the individual, with approval of the appointing law enforcement agency, to take the 80-hour module training established by the academy.

**10.208(2)** Criteria to be eligible to certify through examination. The following is required for certification through examination: successful completion of a minimum 150-hour certifying reserve peace officer training program.

**10.208(3)** Current reserve peace officers choosing not to be state certified by examination or by module training established by the academy will continue to hold agency certification only and will not be recognized as reserve peace officers after July 1, 2012.

**10.208(4)** If a reserve peace officer appointed prior to July 1, 2007, with agency certification only transfers to another agency, the reserve peace officer will be considered a new reserve peace officer and will be subject to the 18-month training requirements for state certification.

**501—10.209(80D) Instructors for approved reserve peace officer training program.**

**10.209(1)** All reserve peace officer instructors will be designated as general, specialist, or legal instructors. General law enforcement instructors will be those instructing in subjects that are clearly law enforcement in nature and as designated by the academy. Specialist law enforcement instructors are those persons who have attended specialized schools and possess considerable experience in the subject to be taught as designated by the academy. Legal instructors are those persons with a juris doctor degree instructing in the area of criminal law.

**10.209(2)** Request for instructional certification. All instructors requesting certification must submit this request to the academy council on an application form that can be obtained from the Iowa law enforcement academy.

**10.209(3)** Granting or revocation of instructor certification.

*a.* Instructor certification will be issued for a period of three years. Instructor certification may be renewed for a three-year period if the instructor has instructed in a reserve peace officer training program during the three-year time period; the reserve peace officer training coordinator or administrator for the agency recommends renewal of the instructor certification; the individual remains in good standing; and required certification in the specialty areas is in force and valid at the time of application.

*b.* Instructor certification may be revoked in writing when, in the opinion of the academy or in the opinion of the administrator of the appointing law enforcement agency or other agency requesting certification, that certification should be revoked. In the event of denial of recertification or revocation of certification, the certificate holder may file a written notice of appeal to the academy council within 30 days of notification of the action. The appeal notice should be addressed to Director, Iowa Law Enforcement Academy, Camp Dodge, P.O. Box 130, Johnston, Iowa 50131. A hearing on the matter will be held by the academy council as soon as possible after receipt of the notice of appeal.

**501—10.210(80D) Minimum qualifications for certification of general instructor.** The minimum qualifications for certification of a general instructor include the following: a regular, nonprobationary Iowa certified sworn peace officer (active, inactive, or retired in good standing) with documented experience in the subject area to be instructed and endorsement by the chief, sheriff, or agency administrator of a law enforcement agency or other agency approved by the council as to the person's qualifications to instruct. Good standing is determined by the endorser and by the academy. A person who has been dismissed for good cause from previous employment, who left during an internal affairs investigation that would have resulted in dismissal for good cause, or who is currently involved in the decertification process shall not be considered in good standing.

**501—10.211(80D) Minimum qualifications for certification of specialist instructor.** The minimum qualifications for certification of a specialist instructor include the following.

**10.211(1)** The individual must have successfully completed a specialty course in the area to be instructed when required. The individual must have successfully met all requirements of the issuing agency granting the certification as an instructor in the specialty area requiring instructor certification. The specialty areas requiring certification include force management (ILEA), defensive tactics (ILEA), precision driving (ILEA), Hazmat awareness, blood-borne pathogens, and mandatory reporting. Certification from the issuing agency must be in force and valid at the time of application in order for the individual to be considered as a specialist instructor.

**10.211(2)** An instructor of the role of emergency communications must have completed the 40-hour basic telecommunication training approved by the academy or have been employed as a telecommunication specialist since July 1998.

**10.211(3)** An instructor of juvenile law must be a juvenile probation officer or department of human services social worker or be listed under "legal instructor."

**10.211(4)** An instructor of weather preparedness must have experience with the National Weather Service or be listed as a general instructor as defined above.

**10.211(5)** An instructor of current drug trends/investigations will be qualified by training and experience in drug investigations such as serving on a drug task force, attending DNE/DEA 40-hour training, or attending DRE training.

**501—10.212(80D) Minimum qualifications for certification of legal instructor.** The minimum qualifications for certification of a legal instructor include the following: The individual must have a juris doctor degree and be licensed to practice law in Iowa.

These rules are intended to implement Iowa Code sections 80D.1A, 80D.3, 80D.4 and 2007 Iowa Acts, Senate File 110.

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

Former Water, Air and Waste Management[900], renamed by 1986 Iowa Acts, chapter 1245, Environmental Protection Commission under the “umbrella” of the Department of Natural Resources.

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CHAPTER 119  
USED OIL AND USED OIL FILTERS

**567—119.1(455D,455B) Authority, purpose, and applicability.**

**119.1(1) Authority.** Pursuant to Iowa Code sections 455D.7(1), 455D.6(6), and 455B.304, the environmental protection commission is given the authority to adopt rules regulating the disposal, collection, recycling and reuse of used oil and used oil filters.

**119.1(2) Purpose.** The purpose of these rules is to protect the public health and the environment by regulating the disposal and collection of used oil and used oil filters and to promote the reuse and recycling of used oil and used oil filters.

**119.1(3) Applicability.** The provisions of this chapter apply to oil retailers, oil filter retailers, sanitary disposal project permittees, persons involved in the collection of used oil, and persons involved in the generation or collection of used oil filters.

**567—119.2(455D,455B) Definitions.** The following definitions apply to the provisions of this chapter:

*“Contaminated”* means used oil mixed with hazardous waste as defined by the resource conservation and recovery Act or with incompatible wastes including, but not limited to: antifreeze, solvents, paints, pesticides, or household hazardous materials. Minimal amounts of vehicle fuel shall not be considered an incompatible waste.

*“Customer”* means any individual who purchases oil or oil filters or generates used oil or used oil filters for personal or family purposes, including a farmer or a farm household.

*“Department”* means the department of natural resources.

*“Retailer”* means a person offering for sale or selling a petroleum-based or synthetic oil or oil filter to the ultimate consumer or user of the product, as an over-the-counter product or whereby the consumer is charged separately for the oil or oil filter when coupled with a service.

*“Tank”* means a closable stationary or mobile device designed to contain an accumulation of used oil and constructed of nonearthen materials (e.g., concrete, steel, plastic) that provide structural support.

*“Used oil”* means any petroleum-based or synthetic oil which through its use, storage, or handling has become unsuitable for its original purpose due to the presence of chemical or physical impurities. Used oil includes, but is not limited to, the following:

1. Spent lubricating fluids which have been removed from an engine crankcase, transmission, gearbox, or differential of an automobile, bus, truck, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine.
2. Spent industrial oils, including compressor, turbine, bearing, hydraulic, metalworking, electrical, and refrigerator oils.

Used oil does not include oil which has been contaminated or contains PCBs of 5ppm or greater.

*“Used oil collection site”* means any commercial, municipal, or nonprofit establishment or operation which has a used oil collection tank on the premises, and accepts used oil for temporary storage prior to the recycling of that which is collected.

*“Used oil collector”* means any sanitary landfill operator, sanitary disposal project operator, oil retailer, or other individual who operates a used oil collection site.

*“Used oil filter”* means a filter that removes impurities from the oil used to lubricate an internal combustion engine and has been used for its intended purpose.

*“Used oil filter recycling”* means the preparation of used oil filters for steel recovery.

*“Used oil recycling”* means the preparation of used oil for reuse as a petroleum product by rerefining, reprocessing, reclaiming, or other means or to use used oil as a substitute for a petroleum product made from new oil, provided that the preparation or use is operationally safe, environmentally sound, and complies with all federal and state laws.

**567—119.3(455D,455B) Prohibited disposal.**

**119.3(1)** Used oil shall not be accepted for final disposal at any sanitary landfill. However, a sanitary landfill or sanitary disposal project, as defined in Iowa Code section 455B.301, may accept used oil

for temporary storage or collection if the ultimate disposition of the oil is for recycling or reuse. All necessary permits or permit conditions must be obtained prior to the storage or collection of used oil at these landfills and projects.

**119.3(2)** A business that generates used oil filters or accepts used oil filters from a person shall not dispose of the used oil filters in a sanitary landfill and shall source separate and recycle the used oil filters.

**567—119.4(455D,455B) Operational requirements for acceptance of used oil.** Any person accepting used oil from customers shall comply with the following requirements:

**119.4(1)** Used oil shall be accepted which is contained in a closed, unbreakable, preferably reusable, container.

**119.4(2)** Used oil collectors shall provide supervision of the collection process to minimize the risk of spills and to prevent customers from depositing contaminated used oil into the collection tank. However, this does not preclude designating unsupervised drop-off sites for used oil as long as the following conditions are met:

- a. Only sealed containers of five gallons or less shall be accepted.
- b. The designated drop-off site must be protected from the elements.
- c. Customers shall drop off their used oil in containers at the designated site and are not permitted to deposit their used oil into a collection tank.
- d. The designated site must be located on an impervious surface engineered to contain potential spills.

**119.4(3)** During noncollection hours, the tank must be secured to prevent the contamination of the collected used oil.

**119.4(4)** A sign shall be placed on or near the used oil collection tank which includes the statement: This tank is for used oil collection only. The depositing of other materials is prohibited.

**119.4(5)** Collectors of used oil shall ensure that the ultimate disposition of used oil collected is for recycling and reuse.

**119.4(6)** Used oil found to be contaminated shall be managed as a hazardous waste. There is no obligation to accept contaminated oil.

**119.4(7)** Used oil collectors shall comply with Iowa Code section 455B.386 when actual or imminent oil spills pose a threat to the public health or the environment.

**119.4(8)** Absorbent material shall be available at the site for use by the operator to control spillage or discharge of used oil.

**567—119.5(455D,455B) Operational requirements for acceptance of used oil filters.** Any person accepting used oil filters from customers shall comply with the following requirements:

**119.5(1)** The used oil filters shall be collected, stored and transported in a container designed and maintained to prevent the spillage or discharge of used oil from the filters.

**119.5(2)** The collection container shall be located on an impervious surface engineered to contain spills.

**119.5(3)** The collection container shall be protected from inclement weather.

**119.5(4)** The collection container shall be clearly labeled "used oil filters."

**119.5(5)** Used oil filter collectors shall comply with Iowa Code section 455B.386 when actual or imminent oil spills pose a threat to the public health or the environment.

**119.5(6)** Absorbent material shall be available at the site for use by the operator to control spillage or discharge of used oil from the used oil filters.

**567—119.6(455D,455B) Oil retailer requirements.** In addition to the requirements set forth in rules 567—119.4(455D,455B) and 567—119.5(455D,455B) relating to used oil and used oil filter collection, used oil retailers also shall comply with the following:

**119.6(1)** A durable, legible sign at least 8½" by 11" in size shall be placed near the point of sale which contains the following:

- a. Language informing the customer that it is unlawful to dispose of used oil at a sanitary landfill, and that the customer should return used oil to used oil collection sites for recycling and reuse;
- b. The language “RECYCLE USED OIL” in bold lettering;
- c. A list of the benefits from recycling used oil including, but not limited to, “conserves energy, reuses limited resources, and protects Iowa’s drinking water”;
- d. The language “used oil is a household hazardous material” and the household hazardous materials program symbol, at least 2 inches in length, as shown below;



- e. The warning that the disposal of used oil in a landfill or its deposit or discharge into any state waterway is unlawful;
- f. The name, address and location of at least one used oil collection site located within the county in which the retailer is located. If there is more than one used oil collection site located in the county, then the nearest collection site shall be listed on the posted sign.

**119.6(2)** Retailers may obtain the required signs upon request from the department. Retailers choosing to develop and post their own signs must obtain a variance from the departmental rules. Signs must be at least 8½" by 11" in size and contain the information stipulated above. To request a variance, retailers should forward to the department for review the sign they wish to substitute for the departmental sign.

**119.6(3)** Retailers are not required to collect used oil generated by commercial or municipal establishments.

**119.6(4)** Used oil shall be accepted during normal business hours.  
[ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—119.7(455D,455B) Oil filter retailer requirements.** In addition to the requirements set forth in rules 567—119.4(455D,455B) to 567—119.6(455D,455B) relating to used oil and used oil filter collection, oil filter retailers also shall comply with the following:

- 119.7(1)** A durable, legible sign at least 8½" by 11" in size shall be placed near the point of sale which contains the following:
  - a. The language “RECYCLE USED OIL FILTERS” in bold lettering;
  - b. A list of the benefits from recycling used oil filters including, but not limited to, “conserves energy, reuses limited resources, and protects Iowa’s drinking water”;
  - c. The language “used oil filters are a household hazardous material” and the household hazardous materials program symbol, at least 2 inches in length, as shown below;



- d. The name, address and location of at least one used oil filter collection site located within the county in which the retailer is located. If there is more than one used oil filter collection site located in the county, then the nearest collection site shall be listed on the posted sign.

**119.7(2)** Retailers who choose to collect used oil filters shall accept used oil filters generated by residential households or farmers, but are not required to collect used oil filters generated by commercial or municipal establishments.

**119.7(3)** Used oil filters shall be accepted during normal business hours.  
[ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—119.8(455D,455B) Tanks.**

**119.8(1) *Aboveground.*** In addition to the requirements imposed by the office of the state fire marshal, the following standards are applicable to aboveground used oil collection tanks:

*a.* The tank shall be of sufficient size to handle the projected quantities of used oil to be returned to this specific collection site.

*b.* The tank shall be designed and maintained to prevent the spillage or discharge of used oil. Tanks must be set upon an impermeable surface engineered to contain potential spills.

*c.* Absorbent material shall be available at the tank site for use by the operator to control used oil spillage or discharge.

*d.* The tank shall have a level gauge or some other adequate means for checking the oil level within the tank.

*e.* The tank shall be constructed in accordance with American Petroleum Institute specifications and standards.

**119.8(2) *Underground.*** Underground storage tanks used to collect or store used oil shall comply with the standards in part 8 of division IV of Iowa Code chapter 455B, entitled “Underground Storage Tanks,” and the promulgated rules, Iowa Administrative Code, 567—Chapters 135 and 136.

**567—119.9(455D,455B) Locating collection sites.** If the retailer is unaware of any locations within the county where used oil or used oil filters are being accepted from customers, the retailer shall contact the department to determine if a collection site is located in the county. If no collection site is currently available in the county, the retailer shall accept used oil and used oil filters from customers.

These rules are intended to implement Iowa Code sections 455D.6(6) and 455D.13 and chapter 455B, division IV, part 1.

[Filed 4/26/90, Notice 2/7/90—published 5/16/90, effective 6/20/90]

[Filed 7/30/93, Notice 4/14/93—published 8/18/93, effective 9/22/93]

[Filed 2/1/02, Notice 10/17/01—published 2/20/02, effective 3/27/02]

[Filed 12/10/08, Notice 10/8/08—published 12/31/08, effective 2/4/09]

[Filed ARC 3995C (Notice ARC 3826C, IAB 6/6/18), IAB 9/12/18, effective 10/17/18]

CHAPTER 123  
REGIONAL COLLECTION CENTERS AND SATELLITE FACILITIES

**567—123.1(455F) Purpose.** The purpose of this chapter is to implement operating license requirements for regional collection centers and satellite facilities which provide for the collection and proper disposal of household hazardous materials (HHMs) and hazardous waste from very small quantity generators (VSQGs).

[ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—123.2(455B,455D,455F) Definitions.** For the purposes of this chapter, these terms shall have the following meanings:

*“Department”* means the Iowa department of natural resources.

*“Hazardous waste”* or *“HW”* means the same as defined in Iowa Code section 455B.411.

*“Hazardous waste contractor”* means a private company that provides proper management (e.g., disposal, recycling) of hazardous waste. *“Hazardous waste contractor”* does not include regional collection centers.

*“Household hazardous material”* or *“HHM”* means the same as defined in Iowa Code section 455F.1.

*“Household hazardous waste”* or *“HHW”* means an HHM as defined in Iowa Code section 455F.1 which has served its intended use and is designated for disposal.

*“RCC mobile unit”* or *“mobile unit”* means a truck or trailer owned and operated under the direction of a regional collection center that can be moved to different sites within a region. A mobile unit is used to perform collection events and to transport collected materials to an RCC for sorting and consolidation.

*“Regional collection center”* or *“RCC”* means the same as defined in Iowa Code section 455F.1.

*“Satellite facility”* means the same as defined in Iowa Code section 455F.1.

*“Very small quantity generator”* or *“VSQG”* means a generator that generates less than or equal to the following amounts in a calendar month:

1. 100 kilograms (220 lbs) of non-acute hazardous waste;
2. 1 kilogram (2.2 lbs) of acute hazardous waste listed in 40 CFR 261.31 or 40 CFR 261.33(e);
3. 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 40 CFR 261.31 or 40 CFR 261.33(e).

[ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—123.3(455F) Regional collection center license and license renewal.** A license or license renewal will be issued under the following conditions:

**123.3(1) License.**

*a.* An RCC shall not operate without a license issued by the department. RCCs in existence prior to January 14, 2019, will automatically be issued an operating license.

*b.* A satellite facility shall not be required to obtain a license.

**123.3(2) Compliance.** An RCC and satellite facility must be in compliance with current local, state and federal statutes and regulations regarding the management, storage, transportation and disposition of HHM, HHW and HW from VSQGs.

**123.3(3) Construction.** An RCC shall not be constructed without review of the site plan and written approval of the site plan by the department. The approved plans and specifications shall constitute a condition of the initial operating license.

**123.3(4) Inspection prior to commencing initial operation.** The department shall be notified before an RCC or satellite facility begins operations. No HHM or HW from VSQGs shall be accepted by the RCC or satellite facility until the facility has been inspected and approved by the department.

**123.3(5) Duration and renewal of license.** The initial license issued may be renewed for a period of five years. If the license applicant is a private agency under contract with a local government, the license shall not extend past the end date of the contract. An entity designated as an environmental management system pursuant to Iowa Code section 455J.7 may opt out of the license renewal requirement provided

the entity is in compliance with 123.3(2) and there has been no change in the provisions of the current license. Any change in the provisions of the current license requires department notification as described in 123.3(7).

**123.3(6) Request and approval of initial license or license renewal.** A new RCC shall file a request for a license on a form provided by the department. An established RCC shall file a request for license renewal 45 calendar days prior to the expiration of the current license, via hard-copy request or electronically, on a form provided by the department. A renewal shall be issued within 30 business days if the facility is in compliance with Iowa Code chapters 455B, 455D and 455F and the conditions of the current license.

**123.3(7) License modification.** An RCC shall request to modify its license by notifying the department of changes to any provision of its license via hard-copy or electronic correspondence. An RCC shall notify the department within 30 calendar days of a planned change to the provisions of its license and within 7 calendar days of an unplanned change to the provisions of its license. Upon approval of a request to modify an RCC license, the department will issue a license modification within 14 business days of approving the license modification request.

[ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—123.4(455F) Site, structure, storage, and staff qualifications.** RCCs, satellite facilities and mobile units shall each meet the following criteria.

**123.4(1) Siting.** A site selected for an RCC, satellite facility or mobile unit shall meet the following criteria:

*a.* An RCC, satellite facility or mobile unit used for the collection of VSQG waste and HHMs shall be sited on public property or on private property if an agreement exists that guarantees public access. Documentation of the private property agreement for RCCs and satellite facilities shall be provided to the department upon request or upon application and renewal for license.

*b.* The site shall provide adequate secondary containment in case of a spill or other possible on-site contamination.

*c.* The site shall meet all applicable zoning requirements.

*d.* The site shall be adequately sized to accommodate all structures, units and activities that will take place on the site.

*e.* RCCs and satellite facilities shall each have adequate security to prevent unauthorized access. Adequate security may include, but is not limited to, a fence and locking gate.

*f.* All mobile units and the containers used to package collected materials shall comply with applicable Iowa department of transportation rules and guidelines. At each mobile unit site, the mobile unit shall rest on a pad of a chemical-resistant, impervious, smooth material that provides secondary containment in case of a spill. A temporary surface created by securing an impervious tarp to the unloading/receiving area will meet the requirements of an impervious surface. A plan for conducting mobile unit collection events must consider the possibility of inclement weather. The plan must ensure that collected HHM and VSQG hazardous waste have protection from the elements and must minimize the risk of environmental contamination.

**123.4(2) Structures.** RCC or satellite facility structures shall each meet the following criteria:

*a.* All structures shall be sized to adequately accommodate the collection, sorting, bulking and lab packing, packaging for disposal, and temporary storage of HHM and HW from VSQGs.

*b.* All permanent structures shall meet the requirements of applicable fire codes and building codes.

*c.* RCC structures and satellite facility structures shall each be designed to prevent run-on entering from adjacent areas.

*d.* All receiving areas shall have a storage capacity of at least one day's processing capacity.

*e.* All receiving, sorting, bulking, transfer and storage area surfaces shall be constructed of a chemical-resistant, impervious, smooth material so designed to be easily cleaned, nonreactive with the waste, and with proper drainage, in the form of sloped flooring, plastic-lined pits or concrete sumps, according to applicable codes. Areas used for the receiving, bulking, transferring, lab packing and storing

of HHM, HHW and VSQG hazardous waste shall be provided with secondary containment and shall be protected from exposure to the weather.

**123.4(3) Storage.** All full containers of HHW and hazardous wastes from VSQGs must be stored in a building designed in accordance with Group H occupancy requirements and local, state and federal fire codes. It is required that HW or HHW accumulated for disposal not be accumulated on site for more than 180 days. Once the capacity limit of a collection site or time limit is reached, all waste collected shall be collected by a licensed hazardous waste contractor.

**123.4(4) Staff qualifications.** Prior to handling any HHM or HW, RCC and satellite facility staff shall each have received applicable training conducted by trainers who meet Occupational Safety and Health Administration (OSHA) instructor qualification standards. Training shall include but is not limited to the following:

- a. OSHA 24-hour health and safety training as described in 29 CFR 1910.120.
- b. Annual 8-hour refresher training as described in 29 CFR 1910.120.
- c. Hazardous materials chemistry.
- d. Personnel and site safety.
- e. Proper lab packing techniques.
- f. Proper transporting of hazardous materials.
- g. When applicable, U.S. Department of Transportation hazardous materials training for the operation of a mobile unit used in the collection and transportation of HHM and HW from VSQGs.

[ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—123.5(455F) Operations plans and procedures.**

**123.5(1)** RCCs and satellite facilities must each prepare and maintain on site a current plan of operations.

**123.5(2)** Operations plan. The operations plan shall include, at a minimum, the following information:

- a. Schedule of operations, including hours of operation for RCCs or satellite facilities.
- b. Site selection procedures for mobile unit collections.
- c. Standard receiving procedures for HHM and VSQG HW.
- d. Procedures for managing unknown materials.
- e. Procedures for handling open or leaking containers.
- f. Procedures for managing large quantities of wastes.
- g. Recycling and reuse procedures for usable materials.
- h. Disposal of nonhazardous waste.
- i. Personal protection equipment (PPE).
- j. Initial training requirements and continuing education of staff.
- k. An emergency response plan, such as the facility's response to spills, fires or weather-related events.

[ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—123.6(455F) Closure notification.** RCCs and satellite facilities shall each notify the department via hard-copy or electronic correspondence at least 60 calendar days prior to ceasing operations.

**123.6(1)** The notification shall include, at a minimum, the following information:

- a. A description of how the RCC or satellite facility will notify the public within its service area that the RCC or satellite facility is closing and how HHM and HW from VSQGs should be managed after closure of the facility.
- b. A description of how all HHM, HHW and HW from VSQGs will be removed from the RCC or satellite facility and properly managed within 60 calendar days of the RCC's or satellite facility's ceasing operations.
- c. A description of how final waste disposal costs will be paid.

**123.6(2)** After removal of HHW and VSQG HW, a final inspection shall be conducted by department staff.

[ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—123.7(455F) Regional collection center reporting requirements.** On a form supplied by the department, each RCC shall submit to the department a correctly completed RCC semiannual report. The report shall include, but not be limited to, the pounds of materials managed through a reuse program, by hazardous waste contractors, and by nonhazardous waste contractors. All hazardous waste contractor invoices shall be attached. Such invoices shall depict hazardous material types, net weight of hazardous materials, and associated collection and disposal costs charged by the hazardous waste contractor to the RCC. RCC semiannual reports shall be submitted by September 15 for the portion of the current calendar year January 1 through June 30, and by March 15 for the portion of the previous calendar year July 1 through December 31.

[ARC 3995C, IAB 9/12/18, effective 10/17/18]

These rules are intended to implement Iowa Code chapter 455F.

[Filed 1/27/06, Notice 11/9/05—published 2/15/06, effective 3/22/06]

[Filed 9/6/07, Notice 1/3/07—published 9/26/07, effective 10/31/07]

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[Filed ARC 3995C (Notice ARC 3826C, IAB 6/6/18), IAB 9/12/18, effective 10/17/18]

CHAPTERS 138 and 139  
Reserved

TITLE X  
*HAZARDOUS WASTE*

CHAPTER 140  
SCOPE OF TITLE—DEFINITIONS—FORMS—RULES OF PRACTICE  
[Prior to 12/3/86, Water, Air and Waste Management[900]]  
Rescinded IAB 6/13/12, effective 7/18/12

CHAPTER 141  
HAZARDOUS WASTE  
[Prior to 7/1/83, DEQ Ch 45—Chapter 45 was previously adopted by the Solid Waste Disposal Commission on September 18, 1980, after full notice and public participation. The Environmental Quality Commission formally adopted Chapter 45, effective 1/20/81]  
[Prior to 12/3/86, Water, Air and Waste Management[900]]  
Rescinded IAB 6/13/12, effective 7/18/12

CHAPTER 142  
Reserved

CHAPTER 143  
USE OF RECYCLED OILS FOR ROAD OILING,  
DUST CONTROL, AND WEED CONTROL  
[Prior to 12/3/86, Water, Air and Waste Management[900]]  
Rescinded IAB 8/18/93, effective 9/22/93

CHAPTER 144  
HOUSEHOLD HAZARDOUS MATERIALS  
Rescinded **ARC 3995C**, IAB 9/12/18, effective 10/17/18



## CHAPTER 211

## FINANCIAL ASSISTANCE FOR THE MANAGEMENT OF HOUSEHOLD HAZARDOUS MATERIALS AND HAZARDOUS WASTE FROM VERY SMALL QUANTITY GENERATORS

**567—211.1(455E,455F) Purpose.** The purpose of this program is to reduce the amount of hazardous materials disposed of in Iowa's sanitary landfills, thereby protecting groundwater resources, the health and safety of Iowa citizens, and the environment.

The costs and accessibility of hazardous materials management can be improved by the establishment and maintenance of a system of regional collection centers (RCCs) and satellite facilities for the safe and proper management of household hazardous materials and hazardous materials from very small quantity generators (VSQGs). Therefore, the department may provide financial assistance for costs associated with establishing or improving RCCs and satellite facilities, when such funding is available. The department may also provide financial assistance for ongoing collection and disposal activities which result in eligible pounds, when such funding is available.

[ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—211.2(455E,455F) Definitions.** For the purposes of this chapter, these terms shall have the following meanings:

*"Applicant for RCC or satellite facility financial assistance"* means an RCC or satellite facility operated by a private agency, a local government or a public agency representing local governments pursuant to Iowa Code chapter 28E.

*"Department"* means the Iowa department of natural resources.

*"Eligible pounds"* means household hazardous waste or hazardous waste from VSQGs which is disposed of or recycled by a licensed hazardous waste contractor. VSQG hazardous waste for which an RCC is required to charge a fee under Iowa Code section 455F.8A is considered eligible pounds if there is a corresponding disposal charge from a hazardous waste contractor. "Eligible pounds" means net weight as shown on the final disposition documents. A manifest shows an estimated weight and cannot be used to determine eligible pounds. VSQG hazardous waste or household hazardous waste which has no disposal cost, or for which RCCs receive compensation or charge a fee, is not eligible pounds. Materials such as cathode ray tubes, electronics, and used oil which are not destined for final disposal, but are instead recycled for reuse of components, are not eligible pounds.

*"Financial assistance"* means monetary assistance including grants, cash payments, or support by other financial means.

*"Hazardous waste"* or *"HW"* means the same as defined in Iowa Code section 455B.411.

*"Hazardous waste contractor"* means a private company that provides management (e.g., recycling, disposal) of household hazardous waste or VSQG hazardous waste in compliance with federal regulations. "Hazardous waste contractor" does not include regional collection centers.

*"Household hazardous materials"* or *"HHM"* means the same as defined in Iowa Code section 455F.1.

*"Household hazardous waste"* or *"HHW"* means an HHM as defined in Iowa Code section 455F.1 which has served its intended use and is designated for disposal.

*"Indirect costs"* means costs that are not identifiable with a specific product, function or activity.

*"Overhead costs"* means expenses not chargeable to a particular part of the work or product including, but not limited to, utilities and insurance.

*"RCC mobile unit"* means a truck or trailer owned and operated under the direction of a regional collection center that can be moved to different sites within a region. A mobile unit is used to perform collection events and to transport collected materials to the RCC for sorting and consolidation.

*"Regional collection center"* or *"RCC"* means the same as defined in Iowa Code section 455F.1.

*"Satellite facility"* means the same as defined in Iowa Code section 455F.1.

*"Very small quantity generator"* or *"VSQG"* means a generator that generates less than or equal to the following amounts in a calendar month:

1. 100 kilograms (220 lbs) of non-acute hazardous waste;

2. 1 kilogram (2.2 lbs) of acute hazardous waste listed in 40 CFR 261.31 or 40 CFR 261.33(e);
3. 100 kilograms (220 lbs) of any residue or contaminated soil, water or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 40 CFR 261.31 or 40 CFR 261.33(e).

[ARC 8518B, IAB 2/10/10, effective 3/17/10; ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—211.3(455E,455F) Role of the department.** The department is responsible for the administration of financial assistance sponsored under this chapter. The department shall ensure that funds disbursed meet guidelines established in Iowa Code chapters 455E and 455F. An applicant for financial assistance under this chapter may submit any eligible project as defined in the application provided by the department. The department shall determine which projects, if any, will receive funding after review of all applications, subject to available funding.

[ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—211.4(455E,455F) Funding sources.** The department will use funds appropriated by Iowa Code sections 455E.11(2)“a”(2)(d) and 455E.11(2)“c” to achieve the purpose of this chapter. The department shall ensure that moneys appropriated meet both federal and state guidelines pertaining to the use of the moneys.

[ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—211.5(455E,455F) Eligible costs.** Applicants may request financial assistance for eligible expenses including, but not limited to, the following:

**211.5(1)** Materials and labor for construction and the purchase cost of structures or RCC mobile units to be used in the operation of an RCC or satellite facility, including but not limited to site excavation for the structure and modifications to control runoff.

**211.5(2)** Education programs for households and VSQGs within the RCC service area. Eligible education expenses may include but are not limited to:

- a. Public education and awareness materials and supplies.
- b. Fees for public service announcements.

**211.5(3)** Equipment relating directly to the RCC or satellite facility operation.

[ARC 8518B, IAB 2/10/10, effective 3/17/10; ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—211.6(455E,455F) Ineligible costs.** Applicants for RCC financial assistance cannot request monetary assistance for the following costs:

1. Taxes.
2. Vehicle registration.
3. Indirect or overhead costs.
4. Legal costs.
5. Contingency funds.
6. Land acquisition.
7. Disposal of hazardous materials.
8. Office equipment.
9. Staffing costs.
10. Site and building design fees.

[ARC 8518B, IAB 2/10/10, effective 3/17/10; ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—211.7(455E,455F) RCC and satellite facility financial assistance.**

**211.7(1)** An applicant for RCC and satellite financial assistance shall submit to the department a completed application on a form provided by the department.

**211.7(2)** The department shall coordinate the evaluation of proposals. Applications will be evaluated based on selection criteria contained in the application form. Prior to receiving financial assistance from the department, an RCC must obtain a regional collection center license. A satellite facility shall provide documentation of a contractual arrangement with a licensed RCC for removal of the waste to be collected.

**211.7(3)** The applicant must be in compliance with applicable federal and state statutes and regulations.

[ARC 8518B, IAB 2/10/10, effective 3/17/10; ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—211.8(455E,455F) Grant denial.** An application may be denied for the following reasons, including but not limited to:

1. The applicant does not meet eligibility requirements pursuant to the provisions of this chapter.
2. The applicant does not provide sufficient information requested in the application proposal pursuant to this chapter.
3. The project goals or scope is not consistent with this chapter.
4. Funds are insufficient to award financial assistance to all qualified applicants.
5. The applicant has not met contractual obligations of previous grant awards.
6. The department received the application after the deadline stated in the application and guidelines.
7. The applicant is found to be out of compliance with applicable federal or state statutes or regulations.

[ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—211.9(455E,455F) RCC collection and disposal support funding.**

**211.9(1)** All RCCs are eligible to receive funding support, when available, from the department to properly manage eligible pounds of VSQG hazardous waste and household hazardous waste. To receive funding, an RCC must be in compliance with applicable federal and state statutes and regulations. The source for this funding is described in Iowa Code section 455E.11(2) "a"(2)(d) and (e).

**211.9(2)** To be eligible to receive support and disposal-funding assistance, an RCC must:

- a. Have household hazardous waste and VSQG hazardous waste removed by a licensed hazardous waste contractor.
- b. Correctly complete the hazardous materials collection semiannual report on a form supplied by the department.
- c. Attach the following documentation:
  - (1) Hazardous waste contractor invoices depicting cost and hazardous waste types.
  - (2) The net weight calculations of household hazardous waste and VSQG hazardous waste obtained by subtracting container weight from final disposal weight, not the manifest weight.
  - (3) Documentation that all household hazardous waste and VSQG hazardous waste was disposed of by a licensed hazardous waste contractor.
  - (4) Documentation of materials shipped using final disposal receipts.
- d. Submit regional collection center semiannual reports by September 15 for the portion of the current calendar year January 1 through June 30, and by March 15 for the portion of the previous calendar year July 1 through December 31. Reports submitted after the due date without prior approval by the department are not eligible for funding.

**211.9(3)** Fall collection and disposal funding will be based on the regional collection center semiannual report due September 15 and on available funding. An RCC will receive a percentage of the available funding in an amount proportional to the amount of eligible pounds the RCC recycled or disposed of through a hazardous waste contractor, as reported on the regional collection center semiannual report form, compared to the total amount of eligible pounds recycled or disposed of by all RCCs as reported on the regional collection center semiannual report form.

Spring collection and disposal funding will be based on the total eligible pounds reported for the calendar year and on available funding. An RCC will receive a percentage of the available funding for the calendar year minus the amount received for the fall payment, in an amount proportional to the amount of eligible pounds the RCC recycled or disposed of through a hazardous waste contractor, as reported on the regional collection center semiannual report form for the calendar year, compared to the

total amount of eligible pounds recycled or disposed of by all RCCs as reported on the regional collection center semiannual report form.

[**ARC 8518B**, IAB 2/10/10, effective 3/17/10; **ARC 3995C**, IAB 9/12/18, effective 10/17/18]

These rules are intended to implement Iowa Code sections 455F.8A and 455F.8B.

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CHAPTER 214  
HOUSEHOLD HAZARDOUS MATERIALS PROGRAM  
Rescinded **ARC 3995C**, IAB 9/12/18, effective 10/17/18



## **TRANSPORTATION DEPARTMENT[761]**

Rules transferred from agency number [820] to [761] to conform with the reorganization numbering scheme in general IAC Supp. 6/3/87.

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## CHAPTER 400

## VEHICLE REGISTRATION AND CERTIFICATE OF TITLE

[Prior to 6/3/87, Transportation Department[820]—(07,D)Ch 11]

**761—400.1(321) 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 which 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 which is recognized as a matter of law as a document evidencing ownership of the vehicle described. The terms “title certificate,” “title only,” and “title” shall be synonymous with the term “Certificate of title.”

*“Dealer’s or manufacturer’s stock or inventory”* means a vehicle owned by a dealer which is 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.

*“Electronic”* means as defined in Iowa Code section 554D.103.

*“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 electronic registration and titling (ERT) service provider to submit an electronic application for certificate of title or registration of a vehicle.

*“ERT service provider”* means a person or entity authorized by the department under subrule 400.3(16) 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.”

*“Half-year fee”* means the first semiannual installment of an annual registration fee. The term “half-year registration” shall be 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 which secures payment or performance of an obligation. The term “security interest” shall be 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” shall be synonymous with the term “manufacturer’s certificate of origin.”

2. In addition to the requirements of Iowa Code subsection 321.45(1), the certificate shall contain a description of the vehicle which includes the make, model, style and vehicle identification number. The description of a motorized bicycle shall also specify the maximum speed.

3. For 1992 and subsequent model year vehicles, the form used for manufacturers’ certificates of origin shall be the universal form adopted in 1990 by the American Association of Motor Vehicle Administrators (AAMVA). This requirement does not apply to trailer-type vehicles. A copy of this universal form may be obtained from the office of vehicle and motor carrier services at the address in subrule 400.6(1).

*“Model year,”* except where otherwise specified, means the year of original manufacture or 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 card evidencing payment has been issued to the owner.

“*Registration card*” means a document issued to the owner of a vehicle by the appropriate agency whose duty it is to register vehicles, which contains the name and address of the owner and a description of the vehicle, and which is issued to the owner when the vehicle has been registered. The terms “registration certificate,” “registration receipt” and “registration renewal receipt” are synonymous with the term “registration card.”

“*Security interest*” means an interest in a vehicle which secures payment or performance of an obligation. The term “lien” shall be synonymous with the term “security interest.”

“*Social security number*” means a social security number issued by the United States government.

This rule is intended to implement Iowa Code sections 321.1, 321.8, 321.20, 321.23, 321.24, 321.40, 321.45, 321.50, 321.117, 321.123, 321.134 and 321.157.

[ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 3449C, IAB 11/8/17, effective 12/13/17; ARC 3999C, IAB 9/12/18, effective 10/17/18]

#### **761—400.2(321) Vehicle registration and certificate of title—general provisions.**

**400.2(1) *Vehicles subject to registration.*** A vehicle subject to registration under the laws of Iowa shall be required to be registered at the time the vehicle is first operated or moved upon a highway in this state.

**400.2(2) *Vehicles exempt from titling or registration.*** A certificate of title shall not be issued for a vehicle which is exempt from the titling or registration provisions of Iowa Code chapter 321, unless issuance of a certificate of title is specifically authorized in chapter 321.

**400.2(3) *Issuance of a certificate of title upon payment of registration fees.*** Except as otherwise provided in Iowa Code chapter 321 or this chapter of rules, 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.

**400.2(4) *Trailers with an empty weight of 2000 pounds or less.*** Certificates of title shall not be issued for trailers with an empty weight of 2000 pounds or less. However, these trailers shall be subject to the registration fees provided in Iowa Code section 321.123.

**400.2(5) *Vehicles owned by the government.*** A certificate of title shall be issued for a vehicle owned by the government when the vehicle is first registered. However, vehicles owned by the government shall be exempted from registration and titling fees. Also, a certificate of title shall not be issued for a government-owned vehicle if a certificate of title would not be issued if the vehicle were owned by someone other than the government.

**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 in order to obtain this exemption. 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) *Special mobile equipment.*** Rescinded IAB 3/7/90, effective 4/11/90.

**400.2(8) *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.

This rule is intended to implement Iowa Code sections 321.18 to 321.22, 321.24 and 321.123.

#### **761—400.3(321) 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. Application shall be made in accordance with Iowa Code chapter 321, these rules, and other applicable provisions of law.

**400.3(2) Full legal name.** Full legal names shall be given on the application. Civilian or military titles and nicknames shall not be used.

**400.3(3) Information about owner, lessee and primary user.**

*a.* Iowa Code sections 321.20 and 321.109 list the information that must be disclosed by the owner, lessee and primary user on the application.

*b.* 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(4) Plate number and validation number.** If the owner has registration plates that have been assigned to the owner and affixed to the vehicle, the owner shall list the plate number on the application form. The validation number from the validation sticker shall also be listed.

**400.3(5) Birth or registration month.** If the vehicle is owned by one individual, the individual's month of birth shall be listed on the application form and shall determine the registration year. If the vehicle is owned by two or three individuals, the month of birth of one of the individuals shall be listed and shall determine the registration year. If the vehicle is owned by a partnership, corporation, association, or governmental subdivision, the birth or registration month shall be left blank on the application; the county treasurer shall determine the month of registration.

**400.3(6) Model year.** The application shall include the model year of the vehicle.

**400.3(7) Purchase information.** The application shall include the date of purchase or acquisition and, if the vehicle was not purchased from a dealer, the purchase price.

**400.3(8) Vehicle color.** The application shall include the vehicle color.

**400.3(9) Foreign registered vehicle.** If the vehicle is registered in a foreign jurisdiction, the application shall include the date the vehicle was brought into Iowa.

**400.3(10) Signature of applicant.** The owner shall sign the application form in ink, unless submitted electronically.

**400.3(11) Dealer certification.**

*a.* If the vehicle is a new vehicle which has been sold to the owner by a dealer, as defined in Iowa Code section 321.1, the dealer shall certify the following on the application form: sale price of the vehicle, the amounts allowed for property traded in, nontaxable charges and rebates, the tax price of the vehicle, the date that a "Registration Applied For" card was issued, and the registration fee collected.

*b.* The certification shall include the dealer's number and name and shall be signed by the dealer or an authorized representative of the dealer. The signature may be electronic when the application form is submitted electronically in a manner approved by the department.

**400.3(12) Weigh ticket.** If 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.

**400.3(13) Credits.** See rule 761—400.60(321) for:

Credit for unexpired registration fee.

Credit for transfer to spouse, parent or child.

Credit from/to apportioned registration.

Assignment of credit and registration plates from lessor to lessee.

**400.3(14) Leased vehicle.** As required by Iowa Code section 423.26, the lessor shall list the lease price of the vehicle on the application form.

**400.3(15) 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 contain the signatures of all parties to the original error, erasure or alteration.

*c.* Only an original, notarized affidavit shall be accepted.

d. The affidavit must be surrendered with the document that contains the error, erasure or alteration to be corrected.

e. The affidavit may be accepted to correct errors, erasures or alterations on either an Iowa title or a foreign title.

**400.3(16) *Electronic applications.***

a. Applications for certificate of title or registration of a vehicle may be submitted electronically via web-based services offered and maintained by ERT service providers authorized by the department. To be authorized to serve as an ERT service provider, the ERT service provider must establish to the satisfaction of the department that the ERT service provider has the technical, financial, legal, and administrative capacity to meet the department's requirements for submission of electronic applications and must execute an agreement, in a form and content determined by the department, that authorizes and permits the ERT service provider to interact with the department's vehicle title and registration system via an application program interface established by the department and to submit electronic applications on behalf of end users that choose to use the ERT service provider's services to submit an application electronically. Agreements executed by ERT service providers under this paragraph shall include provisions that address security, financial responsibility, privacy, termination, and any other matters deemed appropriate by the department.

b. An agreement executed by an ERT service provider is a condition of authorization and permission only. An ERT service provider authorized by the department is not a contractor, vendor, employee, or agent for the department, the state of Iowa, or any county treasurer accepting electronic applications, and shall not be entitled to compensation from the department, the state of Iowa, or any county treasurer for any service, transaction, or other act rendered as an ERT service provider. The ERT service provider remains solely liable and responsible for the ERT service provider's services and activities as an ERT service provider and shall defend, indemnify and hold harmless the department, any county treasurer, the state of Iowa, and its, or their agents, officers, heirs, assigns, and employees of and from any and all damages, claims, penalties, debts owed, or any other form of liability arising from or related to the ERT service provider's service, performance, errors, acts, or omissions. An ERT service provider that chooses to provide service under the department's permission and authorization does so at the ERT service provider's sole risk and has no claim or right against the department, any county treasurer, or the state of Iowa for fees, costs, profits, loss of profits, interruption of business, or any other form of compensation, remuneration, liability, or damages arising from or related to the ERT service provider's activity as an ERT service provider or inability to serve as an ERT service provider.

c. An ERT service provider authorized by the department may establish web-based services to allow end users to submit applications via an electronic interface established and maintained by the ERT service provider and to submit the applications on behalf of the end user to county treasurers via the department's vehicle title and registration system and application program interface established by the department. In doing so, the ERT service provider is acting as a contractor or vendor for the end user and not the department, any county treasurer, or the state of Iowa, and remains solely responsible to the end user for any failure to perform or breach of performance or agreement. When the end user is a motor vehicle dealer licensed by the department under Iowa Code chapter 322 or 322C, "end user" includes the motor vehicle dealer and any person with an interest in the vehicle that is the subject of the application. The ERT service provider may charge the end user a fee for services rendered as an ERT service provider.

d. In addition to the documentary fee authorized under Iowa Code section 322.19A, an end user that is a motor vehicle dealer licensed by the department under Iowa Code chapter 322 or 322C may pass and charge to a customer the fees or costs incurred by the motor vehicle dealer to submit the customer's application through an ERT service provider's services as a third-party cost or fee under Iowa Code section 322.19A(1), provided that the motor vehicle dealer discloses the charge to the customer before submitting the application. The documentary fee charged by the motor vehicle dealer shall not exceed the amount authorized by Iowa Code section 322.19A(3). Neither the ERT service provider nor the motor vehicle dealer shall charge a customer for creation or delivery of a "registration applied for" card.

e. An ERT service provider authorized by the department has no authority to approve or deny applications. Acceptance of an application by an ERT service provider is not approval of the application.

An application is not considered to be formally submitted until it is electronically transmitted by the ERT service provider to the county treasurer via the department's vehicle title and registration system and the application program interface established by the department. The county treasurer remains responsible for approving or denying the application and may reject the application for any reason permitted or required by state or federal law or regulation.

*f.* An authorized ERT service provider is responsible for the ERT service provider's payment solution and for all payment transaction security and compliance with all applicable standards associated with the payment solution or solutions offered by the ERT service provider. The ERT service provider shall transfer title and registration fees collected by the ERT service provider directly to an account designated by the county treasurer responsible for the transaction via automated clearing house (ACH) transfer and the fees shall be available to the county treasurer no later than three business days following the submission of a transaction for which the fees were paid. Funds received by the ERT service provider shall be held until transfer to the county treasurer's account in a bank insured by the Federal Deposit Insurance Corporation. The ERT service provider shall be responsible for reconciling insufficient funds from an end user.

*g.* Fees submitted electronically are not deemed to be received until deposited into the county treasurer's account via completion of the ACH transfer. The end user remains responsible for fees submitted via an ERT service provider and the end user's responsibility for payment of any required fees is not waived or excused by the ERT service provider's failure to complete the transfer. As a condition of authorization and permission to serve as an ERT service provider and before the ERT service provider may offer services, the ERT service provider shall furnish a surety bond executed by the ERT service provider as principal and executed by a corporate surety company, licensed and qualified to do business within the state of Iowa. The bond shall run to the state of Iowa, be in the amount of \$150,000 and be conditioned upon the faithful compliance by the ERT service provider of all obligations imposed upon the ERT service provider by any applicable state or federal law or regulation, including the terms of this chapter, the authorizing agreement executed by the ERT service provider under this chapter, and any terms or conditions existing between the ERT service provider and any end user using the ERT service provider's services. The ERT service provider shall indemnify any end user that uses the ERT service provider's services of and from any loss or damage occasioned by the failure of the ERT service provider to so comply, including but not limited to the complete and timely submission to the county treasurer of the title and registration fees required for a given transaction. The bond shall be filed with the department before the ERT service provider may begin or offer services as an ERT service provider. The aggregate liability of the surety shall not exceed the amount of the bond.

*h.* The ERT service provider shall provide accounting reports of all fees received and transferred to each respective county treasurer, in a manner determined by the department.

*i.* The ERT service provider shall submit to audits by the department and the state auditor, which shall be at least yearly but may be more frequently if determined necessary by the department or the state auditor.

*j.* An application submitted electronically must meet all legal requirements for the transaction in question, and no requirement shall be excused or waived as a result of submitting the transaction electronically. However, wherever a signature is required, the signature may be an electronic signature, as determined by the department and according to methods approved by the department. 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, which shall at a minimum meet any applicable state or federal standard or requirement, and shall completely capture and represent the original document. The department and any county treasurer processing an application retain the right under Iowa Code section 321.13 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 to determine the same. An end user that submits a scan of an original document as part of an electronic application shall retain the original document for a period of six months. An end user shall make all such original documents available for inspection by the department

at the department's request. An end user that is a business entity shall retain the documents at the end user's principal place of business in Iowa. 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.

*k.* An end user that is a motor vehicle dealer licensed by the department under Iowa Code chapter 322 or 322C and that electronically submits an application on behalf of the person to whom the dealer is transferring the vehicle shall disclose to the person that the application will be submitted electronically and shall obtain the person's written authorization to submit the application on the person's behalf. The written authorization shall be retained at the motor vehicle dealer's principal place of business for a period of six months from the date of application and shall be available for inspection by the department at the department's request. The motor vehicle dealer shall also review with and disclose to the person all details of the application, before submitting the application, and shall provide a complete, true, and accurate copy of the application to the person immediately after submitting the application. The written authorization shall be submitted electronically as a scanned document with the electronic application.

*l.* An authorized ERT service provider shall retain all data, information, records, and electronic records associated with an electronic application or transaction submitted or transacted through the ERT service provider for a period of at least six months, or longer as required by applicable state or federal law or regulation, and shall make all such data, information, and records available to the department at the department's request. This includes but is not limited to the identity of the end user that initiated the electronic application or transaction. Identity information for end users shall be maintained at the entity and individual level, meaning that the ERT service provider must implement and maintain secure profile management that is capable of authenticating and verifying the identity of any entity that initiated the application or transaction and the individual officer, employee, or agent within the entity that was authorized by the entity to initiate the application or transaction.

*m.* The ERT service provider shall hold and protect all personal information as required by Iowa Code section 321.11 and the federal Driver's Privacy Protection Act, 18 U.S.C. § 2721 et seq. (the DPPA), shall only use or release such personal information for purposes necessary to perform services as an ERT service provider, and shall release such personal information for no other purposes or use except as required to comply with legal or administrative matters as permitted under the DPPA. The ERT service provider shall immediately advise the department of any suspected or actual unauthorized release of personal information or highly restricted personal information and shall notify the entity and individual whose personal information or highly restricted personal information was released in an unauthorized manner.

This rule is intended to implement Iowa Code sections 321.1, 321.8, 321.20, 321.23 to 321.26, 321.31, 321.34, 321.46, 321.105A, 321.109, 321.122, 322.19A and 423.26.

[ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 3449C, IAB 11/8/17, effective 12/13/17; ARC 3999C, IAB 9/12/18, effective 10/17/18]

**761—400.4(321) Supporting documents required.** This rule describes the basic supporting documents to be submitted by an applicant for a certificate of title or registration.

**400.4(1) New vehicle.** If application is made for a new vehicle, a manufacturer's certificate of origin, properly assigned to the applicant, shall be submitted. A manufacturer's certificate of origin shall not be accepted if the assignment to the applicant is made by any person other than the manufacturer, importer, distributor or a licensed motor vehicle dealer franchised to sell that line make of vehicle.

*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 applicant indicates in the security interest area on the title application that the security interest is the same as the one noted on the reverse side of the MCO.

c. If a 1980 or subsequent model year vehicle is manufactured by a person other than the original manufacturer, both the original manufacturer's certificate of origin and the final manufacturer's certificate of origin shall be submitted. All assignments or reassignments of ownership of the vehicle shall be made on the final manufacturer's certificate of origin. The face of the original manufacturer's certificate of origin shall be stamped in bold type with the statement: "Final manufacturer's MCO has been issued on this vehicle." The original manufacturer's vehicle identification number shall be listed on the final manufacturer's certificate of origin.

**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. An assignment or reassignment form issued by a foreign jurisdiction may be used with a 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 another state or country may reassign the foreign certificate of title to the applicant, as provided in Iowa Code subsection 321.48(2) and rule 761—400.27(321,322).

d. A person who registers a foreign vehicle under Iowa Code subsection 321.23(3) shall be issued a nontransferable-nonnegotiable registration. To transfer ownership of the vehicle, the owner must first obtain an Iowa certificate of title except as follows: If ownership is transferred to an Iowa licensed motor vehicle dealer as provided in Iowa Code subsection 321.23(3), the foreign certificate of title may be assigned to the dealer; the owner is not required to obtain an Iowa title. The dealer may then reassign the foreign title, as provided in Iowa Code subsection 321.48(2) and rule 761—400.27(321,322).

e. If the vehicle was not subject to the issuance of a certificate of title 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 shall be 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 2000 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 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. If the vehicle was acquired from the state of Iowa or a subdivision of government, the applicant shall surrender the Iowa certificate of title issued in the name of the agency, 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.* If the vehicle was acquired by the applicant by operation of law as specified in Iowa Code section 321.47, the last issued certificate of title shall be submitted by the applicant, or when that is not possible, presentation of satisfactory proof of the applicant's ownership and right of possession to the vehicle shall be submitted by the applicant. Proof of ownership may consist of a foreclosure sale affidavit, artisan's or storage lien affidavit, affidavit of death intestate, abandoned vehicle sales receipt, peace officers bill of sale or court order. See also subrules 400.14(4) and 400.14(5).

**400.4(7)** *Foreign ownership document issued in a language other than English.* A foreign ownership document issued in a language other than English may be required to be reproduced in writing in English and certified to be a correct translation by a person qualified to translate that particular language. The English translation and certification shall be submitted with the foreign ownership document.

**400.4(8)** *Titles from foreign jurisdictions.*

a. Except as provided in paragraph "b" of this subrule, a certificate of title issued by a foreign jurisdiction shall not be accepted if the title contains an alteration or erasure.

b. An affidavit of correction form issued by a foreign jurisdiction that corrects the certificate of title issued by the foreign jurisdiction shall 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 shall 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 shall be accompanied by a copy of all documents creating or otherwise affecting the trust or the certification of trust as defined in Iowa Code section 633A.4604. The application shall be signed by each trustee unless otherwise specified in the trust agreement or the certification of trust. The signature shall be followed by the words "as trustee."

**400.4(10)** *Supporting document retained by county treasurer.* All supporting documents, except those submitted pursuant to subrule 400.3(16), shall be retained by the county treasurer.

This rule is intended to implement Iowa Code sections 321.20, 321.23, 321.24, 321.30, 321.31, 321.45 to 321.50, and 321.67.

[ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 3449C, IAB 11/8/17, effective 12/13/17; ARC 3999C, IAB 9/12/18, effective 10/17/18]

#### **761—400.5(321) Where to apply for registration or certificate of title.**

**400.5(1)** Except as otherwise provided, application for the registration of a vehicle or a certificate of title for a vehicle, or transfers thereof, shall be made to the county treasurer as described in Iowa Code chapter 321. When none of the primary users of a non-resident-owned vehicle are located in Iowa, the vehicle may be registered by the county treasurer of any county.

**400.5(2)** Application shall be made to the department's office of vehicle and motor carrier services 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 subsection 321.46(2).

*b.* Registration of vehicles leased by the government for a period of 60 days or more.

*c.* Registration of urban and regional transit system buses.

*d.* Registration of fire trucks not owned and operated for a pecuniary profit.

*e.* Registration of certain authorized emergency vehicles owned and operated by nonprofit organizations.

*f.* Registration of private school buses.

*g.* Registration of vehicles under the provisions of Iowa Code subsection 321.23(4), relating to restricted-use vehicles.

**400.5(3)** 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 office of vehicle and motor carrier services.

**400.5(4)** Application for apportioned registration shall be made to the department's office of vehicle and motor carrier services. See 761—Chapter 500.

This rule is intended to implement Iowa Code sections 321.18 to 321.23, 321.46(2), and 321.170. [ARC 3999C, IAB 9/12/18, effective 10/17/18]

**761—400.6(17A) 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 to 321.173 may be obtained from the county treasurer or by mail from the Office of Vehicle and Motor Carrier Services, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at Iowa Department of Transportation, 6310 SE Convenience Blvd., Ankeny, Iowa 50021; by telephone at (515)237-3264; or on the department's website at [www.iowadot.gov](http://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 Blvd., Ankeny, Iowa 50021; by telephone at (515)237-3050; or on the department's website at [www.iowadot.gov](http://www.iowadot.gov).

This rule is intended to implement Iowa Code section 17A.3. [ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 3999C, IAB 9/12/18, effective 10/17/18]

**761—400.7(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)** Name and address of last titled owner.

**400.7(4)** 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.* Style.

*d.* Make, model, and model year.

*e.* Number of engine cylinders.

*f.* Color.

*g.* Weight and registered gross weight.

*h.* The square footage of floor space of a manufactured or mobile home or travel trailer, as determined by measuring the exterior.

*i.* The odometer mileage and whether the mileage is “actual,” “not actual,” or “exceeds mechanical limits.”

**400.7(5)** Previous Iowa title number or the name of the foreign jurisdiction if the previous title is a foreign title.

**400.7(6)** Plate number and previous registration number.

**400.7(7)** List price or value.

**400.7(8)** Penalties and title, registration and security interest receipt numbers.

**400.7(9)** 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(10)** The designation required by 761—Chapter 405. A vehicle may have no more than one designation. The referenced rules explain which designation takes precedence when more than one designation could apply.

**400.7(11)** 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 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.

*c.* When the name of an owner changes from that which is printed on the registration card, the owner shall apply for a replacement registration card.

This rule is intended to implement Iowa Code sections 321.24, 321.31, 321.40, 321.45, 321.52, 321.69, 321.71, 321.124 and 322G.12.

[ARC 0136C, IAB 5/30/12, effective 7/4/12; ARC 3999C, IAB 9/12/18, effective 10/17/18]

#### **761—400.8(321) Release form for cancellation of security interest.**

**400.8(1)** A secured party may use a form prescribed by the department to note the cancellation of a security interest.

**400.8(2)** The secured party may also note the cancellation in a statement written on the secured party’s letterhead if the statement contains the following information: county that issued the title; title number; security interest number; vehicle identification number; vehicle owner’s name; secured party’s name, street address, city, state and ZIP code; date the security interest was canceled; and signature of an authorized representative of the secured party.

**400.8(3)** The secured party shall forward the original cancellation form or statement to the department or to the county treasurer of the county where the title was issued. Facsimiles and photocopies are not acceptable.

**400.8(4)** The secured party shall note the cancellation on the face of the title, attach a copy of the release form to the title as evidence of cancellation, and forward the title to the next secured party or, if there is no other secured party, to the person designated by the owner or, if there is no person designated, to the owner.

This rule is intended to implement Iowa Code section 321.50.

**761—400.9(321) Security interest notation, 30-day limit.** Rescinded IAB 11/23/05, effective 12/28/05.

**761—400.10(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:

**400.10(1) Notice of assignment.** The secured party listed on the title certificate shall make the following notation in the cancellation portion of the certificate of title where security interest is noted “Assigned to (name of assignee).” The date, name of secured party and signature of the person noting the assignment shall be completed in the cancellation portion pertaining to the security interest.

**400.10(2)** *Application for notation of security interest.* The assignee shall complete an application for notation of a security interest on the form provided by the department. The application form shall be signed by the assignee in the space where the signature of the owner is ordinarily required. The signature of the owner shall not be required on an assignment of a security interest.

**400.10(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 of the county where the certificate of title was issued or will be issued.

*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 shall be noted in the same seniority as the assignor's.

*b.* A receipt for notation of security interest form shall be processed and the new receipt number shall be listed in the appropriate space provided. The original notation date shall also be listed and the words "by assignment" shall be listed following the name of the assignee.

This rule is intended to implement Iowa Code section 321.50.

**761—400.11(321) Sheriff's levy, restitution lien, and forfeiture lien noted as security interests.**

**400.11(1)** A sheriff's levy may be noted as a security interest on a certificate of title if the sheriff so desires. To apply for a notation of a security interest, the sheriff or the sheriff's deputy shall complete an application form prescribed by the department. The sheriff or sheriff's deputy shall sign the application in the space where the signature of the owner is ordinarily required. The signature of the owner is not required. The appropriate notation fee shall be submitted with the application form to the county treasurer of the county where the certificate of title was issued. If the certificate of title is not surrendered with the application, the county treasurer shall notify the holder of the certificate of title in the manner prescribed in Iowa Code section 321.50.

**400.11(2)** A restitution or forfeiture lien may be noted as a security interest on a certificate of title if the county attorney so desires. To apply for a notation of a security interest, the county attorney or designee shall complete an application form prescribed by the department. The county attorney or designee shall sign the application in the space where the signature of the owner is ordinarily required. The signature of the owner is not required. A lien notation fee is not required. If the certificate of title is not surrendered with the application, the county treasurer shall notify the holder of the certificate of title in the manner prescribed in Iowa Code section 321.50.

This rule is intended to implement Iowa Code section 321.50 and chapter 809A.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

**761—400.12(321) Replacement certificate of title.**

**400.12(1)** When a certificate of title is lost, destroyed or altered, the owner or lienholder shall apply for a replacement certificate of title. If a security interest noted on the certificate of title was released by the secured party on a separate form, but the secured party has not delivered the original certificate of title to the appropriate party, the owner may apply for a replacement certificate of title as provided in Iowa Code section 321.42.

**400.12(2)** Application for a replacement certificate of title shall be made on a form prescribed by the department. All owners of the vehicle as listed on the certificate of title shall sign the application form. If an owner is deceased, the signatures and documents specified in subrules 400.14(4) and 400.14(5) shall be required in lieu of the deceased owner's signature. A person entitled to vehicle ownership under the laws of descent and distribution shall sign the required forms and shall insert the words "heir at law" following the signature.

This rule is intended to implement Iowa Code section 321.42.

**761—400.13(321) Bond required before title issued.** An applicant for a certificate of title who cannot provide the supporting documents required in rule 761—400.4(321) shall be required to file a bond as a condition to obtaining a title and registration plates.

**400.13(1) Procedures.** This subrule describes the procedures to be followed to obtain a “bonded” certificate of title. The procedures described are in addition to the regular procedures for titling and registering a vehicle.

*a.* The applicant shall submit a bond application to the office of vehicle and motor carrier services on a form prescribed by the department. The application shall be accompanied by evidence of ownership of the vehicle.

*b.* The department shall search the state files to determine if there is an owner of record for the vehicle and if the vehicle has been reported stolen or embezzled.

(1) If a record is found, the applicant shall complete a request for release of personal information form explaining that the applicant is the current owner and is requesting a duplicate title. The department shall mail the release by first-class mail to the owner of record, at the owner’s last-known address.

(2) If the department receives no response from the owner of record within ten days after the date of mailing or the owner of record does not want the owner’s personal information released, the department will continue processing the bond application.

*c.* If the department determines that the applicant has complied with this rule, 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 shall 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.* After the cash deposit or surety bond has been deposited, a motor vehicle investigator of the department may examine the vehicle to verify the information submitted on the application is correct. The owner of the vehicle may drive or tow the vehicle to and from the examination location after completing an affidavit to drive on a form provided by the department. The form shall state that the vehicle is reasonably safe for operation, and the form must be signed by the owner. After verifying the information, the investigator shall authorize the county treasurer to issue a title for and register the vehicle. Should the vehicle not meet the equipment requirements of Iowa Code chapter 321, the investigator shall 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 shall also affix an assigned vehicle identification number to the vehicle.

*e.* The applicant shall then make application for a certificate of title and registration.

**400.13(2) Disapproval.** 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 shall not authorize issuance of a certificate of title or registration receipt and shall notify the applicant in writing of the reason(s).

**400.13(3) Junked vehicle.** A certificate of title shall 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 subsection 321.115(1).

This rule is intended to implement Iowa Code sections 321.24 and 321.52.

[ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 0136C, IAB 5/30/12, effective 7/4/12; ARC 3999C, IAB 9/12/18, effective 10/17/18]

**761—400.14(321) Transfer of ownership.** The following procedures shall apply for all titling and registration purposes:

**400.14(1) Transfer of vehicle owned by two or three persons.**

*a.* If the names of the owners of a vehicle on the certificate of title or on the manufacturer’s certificate of origin 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 title or to junk the vehicle.

*b.* If ownership of a vehicle is stated as a name or names followed by the words “Doing Business As” or the initials “DBA” and another name, only the name of an owner followed by the signature of an authorized representative of an owner is required to transfer title or to junk the vehicle.

EXAMPLE: Ownership is stated as “John Smith and Mary Smith DBA Smith Repair.” Jane Doe is an authorized representative of John Smith and Mary Smith. To transfer ownership, Jane Doe may sign as “John Smith and Mary Smith DBA Smith Repair, by Jane Doe,” “John Smith and Mary Smith by Jane Doe,” or Smith Repair by Jane Doe.”

c. In all other cases the signature of each named owner is required.

**400.14(2) Assignment of title to two or three persons.** If a certificate of title or a manufacturer’s certificate of origin 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 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 shall only be issued to persons who have signed the application for title.

**400.14(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 signature of each trustee is required, unless otherwise specified in the trust agreement or the certification of trust as defined in Iowa Code section 633A.4604. The signature shall be followed by the words “as trustee.” In addition, the title shall be accompanied by a copy of all documents creating or otherwise affecting the trust or the certification of trust.

**400.14(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.

**400.14(5) Death without a will.** When ownership is transferred from a decedent without a will and there is no administration of the estate, an affidavit of death intestate form signed by the clerk of court 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.

**400.14(6) Power of attorney.** An attorney in fact may act for the 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 may be accepted if they contain all necessary information. The power of attorney form or a certified true copy shall be kept by the county treasurer and attached to the document to which it applies.

This rule is intended to implement Iowa Code sections 321.20, 321.24, 321.45, 321.47, 321.49, and 321.67.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

#### **761—400.15(321) Cancellation of a certificate of title.**

**400.15(1)** The department shall cancel a certificate of title when authorized by any provision of law or when it has reasonable grounds to believe that the title has not been surrendered to the county treasurer as provided in Iowa Code section 321.52 or when the vehicle has been stolen or embezzled from the rightful owner or seized under the provisions of Iowa Code section 321.84, and the person holding the certificate of title, purportedly issued for the vehicle, has no immediate right to possession of the vehicle.

**400.15(2)** The decision to issue a new certificate of title or to allow the previous title to be reinstated through a replacement title application process or to take any other action regarding ownership of the vehicle for which the current title has been canceled shall be determined after an investigation and recommendation by a motor vehicle investigator of the department.

This rule is intended to implement Iowa Code section 321.101.

#### **761—400.16(321) Application for certificate of title or original registration for a specially constructed, reconstructed, street rod or replica motor vehicle.**

**400.16(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.

**400.16(2) Procedures.** This subrule describes the procedures for obtaining department approval to title and register a specially constructed, reconstructed, street rod or replica motor 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 a specially constructed, reconstructed, street rod or replica motor vehicle, shall forward the application to a motor vehicle investigator of the department.

*b.* The investigator shall contact the applicant and schedule a time and place for an examination of the vehicle and the ownership documents. The owner of the vehicle may drive or tow the vehicle to and from the examination location by completing an affidavit to drive on a form provided by the department. The form shall state that the vehicle is reasonably safe for operation and must be signed by the owner. 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 shall approve the application, affix to the vehicle an assigned vehicle identification number, and return the application and ownership documents to the applicant. The investigator shall 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 shall determine its weight and value. The vehicle weight shall be fixed at the next even 100 pounds above the actual weight of the vehicle fully equipped, 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.

**400.16(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 shall not approve the vehicle for titling and registration.

**400.16(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 321.20, 321.23, 321.24, 321.52, 321.109 and 321.162.

[ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 0136C, IAB 5/30/12, effective 7/4/12; ARC 2985C, IAB 3/15/17, effective 4/19/17; ARC 3999C, IAB 9/12/18, effective 10/17/18]

**761—400.17(321) Remanufactured vehicle.** Rescinded IAB 11/23/05, effective 12/28/05.

**761—400.18(321)** Rescinded IAB 3/26/97, effective 4/30/97.

**761—400.19(321) Temporary use of vehicle without plates or registration card.**

**400.19(1) Temporary use of vehicle without plates.** A person who acquires a vehicle which is currently registered or in a dealer's inventory at the time of sale and who does not possess registration plates which 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.

**400.19(2) *Temporary use of vehicle without registration card.*** A person who acquires a vehicle which 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 purchase or transfer without a registration card, if ownership evidence is carried in the vehicle.

**400.19(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 321.25, 321.33 and 321.46.

**761—400.20(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 U.S.C. Section 4481 and 26 CFR Part 41.

**400.20(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.

**400.20(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.

**761—400.21(321) *Registration of vehicles on a restricted basis.*** The department may register a vehicle which does not meet the equipment requirements of Iowa Code chapter 321, due to the particular use for which it is designed or intended. 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.

**400.21(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.

**400.21(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.

**400.21(3)** A certificate of restriction shall be issued 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.

**400.21(4)** The department shall not register an all-terrain vehicle. The department shall not register 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 subrule does not apply to a specially constructed, reconstructed, street rod or replica motor vehicle as defined in Iowa Code section 321.1.

This rule is intended to implement Iowa Code sections 321.1 and 321.234A and subsections 321.23(4), 321.30(2), and 321.101(1).

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

**761—400.22(321) *Transfers of ownership by operation of law.*** When ownership of a vehicle is transferred by operation of law under Iowa Code section 321.47, the following, in addition to rule 761—400.4(321), shall apply:

**400.22(1)** The new certificate of title and registration shall be issued, upon receipt of the proper documentation, by the county treasurer of the county where the transferee resides.

**400.22(2)** If the vehicle is not currently registered in this state, the registration fee and penalties due shall be computed in accordance with the following:

*a.* 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.

*b.* 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.

*c.* 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 which is not covered in this subrule, the fee shall include any delinquent fees which have accrued during previous registration periods and accrued penalties. Penalties shall continue to accrue until paid.

*d.* 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 paragraphs 400.22(2) "a" and "b" above.

This rule is intended to implement Iowa Code sections 321.47, 321.105, 321.106, 321.134, and 321.135.

**761—400.23(321) Junked vehicle.**

**400.23(1) *Junking certificate.*** The owner of a vehicle that is to be junked or dismantled shall obtain a junking certificate in accordance with Iowa Code subsection 321.52(3).

**400.23(2) *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 subsection 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 shall 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.

*c.* If the department determines that the junking certificate was not issued in error and denies the application for reinstatement of the certificate of title for the vehicle, the owner may apply for a certificate of title under the bonding procedure in rule 761—400.13(321) if the vehicle qualifies as an antique vehicle under Iowa Code subsection 321.115(1).

This rule is intended to implement Iowa Code subsection 321.52(3).

**761—400.24(321) New vehicle registration fee.** The registration fee shall be computed on the month of purchase of a new vehicle, except that the registration fee on a new 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 321.105 and 321.135.

**761—400.25(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 subsection 321.109(1), the department shall determine a list price and weight.

This rule is intended to implement Iowa Code sections 321.109, 321.157 and 321.159.

**761—400.26(321) Anatomical gift.** Voluntary contributions collected by the county treasurer or the department to the anatomical gift public awareness and transplantation fund shall be in whole dollar amounts. The county treasurer and the department shall remit contributions collected to the department of public health quarterly.

This rule is intended to implement Iowa Code section 321.44A.

**761—400.27(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.

**400.27(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.

**400.27(2) New certificate of title and registration not required.**

*a.* A motor vehicle currently registered in Iowa may be held by a 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 from a state that permits its titles to be reassigned by Iowa dealers and if a vacant reassignment space is available on the title.

**400.27(3) New certificate of title required.** A dealer shall obtain a new certificate of title, but is not required to pay registration fees for a vehicle if:

*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.* The reassignment area of the certificate of title has been used.

*d.* Reserved.

*e.* 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.

*f.* In accordance with 761—Chapter 405, the dealer is required to obtain a salvage certificate of title.

**400.27(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 a full registration year fee.

*c.* The vehicle has been registered in a foreign state or country that does not permit its titles to be reassigned by Iowa dealers or 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 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 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.

**400.27(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.

**400.27(6) *Violations.***

*a.* Failure to comply with this rule is a violation of Iowa Code subsection 321.104(2).

*b.* Failure to obtain a certificate of title when required shall result in a title penalty of \$10, as specified in Iowa Code subsection 321.49(1).

This rule is intended to implement Iowa Code sections 321.45, 321.46, 321.48, 321.49, 321.67, 321.70, 321.104 and chapter 322.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

**761—400.28(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 3999C, IAB 9/12/18, effective 10/17/18]

**761—400.29(321) *Vehicles previously registered under Iowa Code chapter 326.*** Rescinded IAB 11/23/05, effective 12/28/05.

**761—400.30(321) *Registration of vehicles registered in another state or country.***

**400.30(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.

**400.30(2)** A vehicle registered in another state or country shall become subject to registration in Iowa and payment of the Iowa registration fee in:

*a.* The month of sale or transfer to an Iowa resident, or

*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.

**400.30(3)** Rescinded IAB 2/6/02, effective 3/13/02.

This rule is intended to implement Iowa Code sections 321.18, 321.20, 321.53 to 321.55, 321.101 and 321.135.

**761—400.31** Rescinded, effective 12/1/83.

**761—400.32(321) *Vehicles owned by nonresident members of the armed services.***

**400.32(1)** A vehicle owner who is a nonresident and a member of the armed services shall not be required to register the vehicle in Iowa if it is properly registered in the person's state of residence.

**400.32(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.

*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.

**400.32(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 321.53 to 321.55 and 321.109.

**761—400.33(321) Disabled veterans exemption from payment of registration fees.** Rescinded IAB 11/23/05, effective 12/28/05.

**761—400.34(321) Multipurpose vehicle registration fee.** Rescinded IAB 11/7/07, effective 12/12/07.

**761—400.35(321) Registration of vehicles equipped for persons with disabilities.** The registration fee shall be reduced for an automobile, multipurpose vehicle, or motor truck with an unladen weight of 10,000 pounds or less with permanent equipment for assisting a person with a disability or for an automobile, multipurpose vehicle, or motor truck with an unladen weight of 10,000 pounds or less used by a person who uses a wheelchair as the person's only means of mobility. To qualify for the reduction, the owner of the vehicle must provide a written self-certification at the first registration and at each renewal:

**400.35(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, or

**400.35(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 321.109, 321.124 and 321L.1.  
[ARC 9048B, IAB 9/8/10, effective 10/13/10]

**761—400.36(321) Land and water-type travel trailers registration fee.** The registration fee for trailer-type vehicles designed to be used as a travel trailer and for use upon water shall be registered as a travel trailer. The exterior measurements used to determine the registration fee shall not include any pen deck area or area occupied by a trailer hitch.

This rule is intended to implement Iowa Code sections 321.1 and 321.123.

**761—400.37(321) Motorcycle or autocycle primarily designed or converted to transport property.** A motorcycle or autocycle primarily designed or converted to transport less than 1000 pounds of property shall be registered as a motorcycle or autocycle. A motorcycle or autocycle primarily designed or converted to transport 1000 pounds of property or more shall be registered as a motor truck.

This rule is intended to implement Iowa Code sections 321.1 and 321.117.  
[ARC 2985C, IAB 3/15/17, effective 4/19/17]

**761—400.38(321)** Rescinded IAB 3/26/97, effective 4/30/97.

**761—400.39(321) Conversion of motor vehicles.**

**400.39(1)** An automobile converted to a truck with a carrying capacity of 1000 pounds or more shall be registered as a reconstructed motor vehicle.

**400.39(2)** A vehicle manufactured as a truck tractor or motor truck shall 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 321.23, 321.111 and 321.124.  
[ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 0136C, IAB 5/30/12, effective 7/4/12; ARC 3999C, IAB 9/12/18, effective 10/17/18]

**761—400.40(321) Manufactured or mobile home converted to or from real property.**

**400.40(1)** *Conversion to real property.* When a manufactured or mobile home is converted to real property under Iowa Code section 435.26, the assessor shall collect its vehicle certificate of title. 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 and retain the certificate of title.

**400.40(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.

This rule is intended to implement Iowa Code sections 321.1, 435.1, 435.26, 435.26A and 435.27. [ARC 3999C, IAB 9/12/18, effective 10/17/18]

**761—400.41(321) Special registration plates.** Rescinded IAB 3/1/95, effective 4/5/95.

**761—400.42(321) Church bus registration fee.** The church bus registration fee shall not apply if the bus is used in a manner other than provided by law or if ownership of the bus is transferred to a person who is not entitled to register the vehicle as a church bus.

**400.42(1)** When the church bus registration fee does not apply, the bus shall be registered under the provisions of Iowa Code section 321.122.

**400.42(2)** When Iowa Code section 321.122 applies and the bus is currently registered as a church bus, the registration fee shall be prorated for the remaining unexpired months of the registration year.

This rule is intended to implement Iowa Code sections 321.119 and 321.122.

**761—400.43(321) Storage of vehicles.**

**400.43(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 shall have the right to register the vehicle later upon payment of the annual registration fee due at the time of removal of the vehicle from storage. Payment of a registration fee shall not be required when the vehicle is removed from storage within the current registration year provided that registration fees have not been refunded. Plates that have been surrendered shall be destroyed. When a vehicle is removed from storage, the fee is \$5 for a set of replacement plates.

**400.43(2)** The owner of a motor vehicle which 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 400.43(1) does not apply.

This rule is intended to implement Iowa Code sections 321.126 and 321.134. [ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 3999C, IAB 9/12/18, effective 10/17/18]

**761—400.44(321) Penalty on registration fees.**

**400.44(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.

**400.44(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.

**400.44(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.

**400.44(4) When delinquency extends beyond the current year.** When the penalty on a delinquent registration fee extends beyond the current year, the penalty shall continue to accrue until paid. Penalty shall only accrue on the fee applicable at the time the delinquency accrued and shall not be applicable to subsequent registration fees which have not been paid.

**400.44(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 that the vehicle has not been moved or operated upon the highway since the year it was last registered, the county treasurer may register the vehicle upon payment of the current year's registration fee.

**400.44(6) Waiver of penalties for military members.** Registration penalties shall be waived as provided in Iowa Code section 321.134, subsection 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 321.39, 321.46, 321.47, 321.49, 321.134 and 321.135.

**761—400.45(321) Suspension, revocation or denial of registration.**

**400.45(1)** The department shall suspend or revoke registration and plates under Iowa Code section 321.101 when a written request is received from a peace officer or the county treasurer's office that issued the registration and plates.

*a.* A request from a peace officer shall be submitted on a form prescribed by the department.

*b.* A request from a county treasurer's office shall be signed by the county treasurer or designee.

**400.45(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.

**400.45(3)** In accordance with Iowa Code sections 252J.8 and 261.126, the department shall suspend or deny the issuance or renewal of registration and plates upon receipt of a certificate of noncompliance from the child support recovery unit or the college student aid commission.

*a.* The suspension or denial shall become effective 30 days after notice to the vehicle owner and continue until the department receives a withdrawal of the certificate of noncompliance from the child support recovery unit or the college student aid commission.

*b.* If a person who is the named individual on a certificate of noncompliance subsequently purchases a vehicle, the vehicle shall be titled and registered, but the registration shall be immediately suspended.

This rule is intended to implement Iowa Code sections 252J.1, 252J.8, 252J.9, 261.126, 321.101, 321.101A and 321.127.

[ARC 3999C, IAB 9/12/18, effective 10/17/18]

**761—400.46(321) Termination of suspension of registration.** Upon termination of the suspension of registration of a vehicle, the county treasurer shall 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:

**400.46(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.

**400.46(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.

**400.46(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 321.42, 321.105 and 321.134.

**761—400.47(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. In addition, the following products shall be considered raw farm products. This list shall not be deemed conclusive and shall not exclude other commodities which might be considered raw farm products:

Animals which 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 321.466(4) and 321.466(5).  
[ARC 3999C, IAB 9/12/18, effective 10/17/18]

**761—400.48(321) Special mobile equipment.** Rescinded IAB 3/7/90, effective 4/11/90.

**761—400.49(321) Special mobile equipment transported on a registered vehicle.** Rescinded IAB 3/7/90, effective 4/11/90.

**761—400.50(321,326) Refund of registration fees.**

**400.50(1) Vehicles registered by county treasurer.**

*a.* The department shall refund fees for vehicles registered by the county treasurer pursuant to Iowa Code section 321.126.

*b.* A claim for refund shall be made on a form prescribed by the department. Except as provided in Iowa Code section 321.126, the claim may be submitted 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. 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 shall determine the date the vehicle was junked.

*e.* If the claim for refund is for excess credit or no replacement vehicle:

(1) The county treasurer shall enter into the state motor vehicle computer system the information required to process the refund. The information shall be entered within three days of receipt of the claim for refund.

(2) The claim for refund shall be approved or denied by the office of vehicle and motor carrier services.

*f.* All other claims for refund shall be forwarded to the office of vehicle and motor carrier services for processing.

**400.50(2) Vehicles registered by department.** Forms and instructions for claiming a refund on apportioned registration fees under Iowa Code section 326.15 may be obtained from the office of

vehicle and motor carrier services at the address in subrule 400.6(1). The claim for refund shall be filed at the same address.

This rule is intended to implement Iowa Code sections 25.1, 321.126 to 321.128 and 326.15.  
[ARC 3999C, IAB 9/12/18, effective 10/17/18]

**761—400.51(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 shall 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 shall 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.

**400.51(1) Issuance of an identification number.** The department shall 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 a specially constructed, reconstructed, street rod or replica motor vehicle. See rule 761—400.16(321) for the requirements and procedures applicable to specially constructed, reconstructed, street rod or replica motor vehicles.

**400.51(2) Procedures.**

a. *Request.* Whenever an assigned identification number is required under subrule 400.51(1) and the request does not apply to a specially constructed, reconstructed, street rod or replica motor 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 bureau of investigation and identity protection at the address in subrule 400.6(2) and request the assignment of a number.

b. *Examination.* A motor vehicle investigator shall 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. The owner of the vehicle may drive or tow the vehicle to and from the examination location by completing the affidavit to drive section on the certification of compliance form. The affidavit shall state that the vehicle is reasonably safe for operation and must be signed by the owner.

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 shall 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 shall 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, shall 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 shall 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 shall 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.

**400.51(3) Fees.** A certificate of title fee and a fee for a notation of a security interest, if applicable, shall be collected by the county treasurer upon issuance of a corrected certificate of title. A corrected certificate of title shall not be required for a name change.

This rule is intended to implement Iowa Code sections 321.1, 321.43 and 321.92.

[ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 0136C, IAB 5/30/12, effective 7/4/12; ARC 3999C, IAB 9/12/18, effective 10/17/18]

#### **761—400.52(321) Odometer statement.**

**400.52(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. The statement shall provide a current odometer reading and reflect whether the mileage is “actual,” “not actual” or “exceeds mechanical limits.”

**400.52(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 shall 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.

**400.52(3)** A model year formula for odometer statements shall be the current year minus ten. 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.

#### **761—400.53(321) Stickers.**

**400.53(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.

**400.53(2) Special fuel user identification sticker.** If the vehicle uses a special fuel as defined in Iowa Code section 452A.2, a special fuel user identification sticker shall be issued. 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.

**400.53(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.

**400.53(4) Special truck 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 which 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, 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, 321.40, 321.41, 321.121 and 321.166.

[ARC 9833B, IAB 11/2/11, effective 12/7/11; ARC 2985C, IAB 3/15/17, effective 4/19/17; ARC 3999C, IAB 9/12/18, effective 10/17/18]

**761—400.54(321) Registration card issued for trailer-type vehicles.** The registration card issued for trailer-type vehicles shall be carried in the vehicle which is described on the card or the registration card may be carried in the driver's compartment of the towing vehicle. If the registration card is carried in the vehicle which is described on such card, the registration card shall be enclosed in a registration card holder and the holder shall be attached to the vehicle so that the registration card may be viewed by any peace officer upon request.

This rule is intended to implement Iowa Code section 321.32.

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

**400.55(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 shall be accepted by the county treasurer or the department in lieu of the damage disclosure statement required from the transferor.

**400.55(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.

This rule is intended to implement Iowa Code section 321.69.

**761—400.56(321) Hearings.** The department shall 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. The notice shall be mailed to the person's mailing address as shown on departmental records and shall become effective 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 13. The request shall be submitted in writing to the director of the office of vehicle and motor carrier services 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 effective date specified in the notice of revocation, suspension, cancellation, or denial.

This rule is intended to implement Iowa Code sections 17A.10 to 17A.19, 321.101 and 321.102.  
[ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 3999C, IAB 9/12/18, effective 10/17/18]

**761—400.57(321) Non-resident-owned vehicles.** Rescinded IAB 2/6/02, effective 3/13/02.

**761—400.58(321) Motorized bicycles.** The following rules shall apply to motorized bicycles.

**400.58(1) Maximum speed.** If the department has reasonable cause 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 shall not be registered as a motorized bicycle.

**400.58(2) Identification of a vehicle as a motorized bicycle.** Registration plates issued for motorcycles shall also be issued for motorized bicycles.

This rule is intended to implement Iowa Code sections 321.1 and 321.166.  
[ARC 2887C, IAB 1/4/17, effective 2/8/17]

**761—400.59(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 which were lost or damaged in transit, the owner of the vehicle shall file application for reissuance within 60 days of the date the documents were issued by the county treasurer.

This rule is intended to implement Iowa Code section 321.42.

**761—400.60(321) Credit of registration fees.**

**400.60(1)** *Credit for unexpired registration fee.* The applicant may claim credit, as specified in Iowa Code subsection 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 shall determine 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 which 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.

**400.60(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—400.14(321) of this chapter.

**400.60(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 office of vehicle and motor carrier services; see 761—Chapter 500.

**400.60(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.

This rule is intended to implement Iowa Code sections 321.46, 321.46A, 321.48, 321.126 and 321.127.

[ARC 3999C, IAB 9/12/18, effective 10/17/18]

#### **761—400.61(321) Reassignment of registration plates.**

**400.61(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.

**400.61(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—400.14(321).

**400.61(3)** Registration plates shall not be reassigned between a natural person or persons and a corporation, association, copartnership, company, or firm.

**400.61(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.

**400.61(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.

This rule is intended to implement Iowa Code sections 321.34 and 321.46.

**761—400.62(321) Storage of registration plates, certificate of title forms and registration forms.** Registration plates, certificate of title forms and registration forms which are consigned to county treasurers by the department shall be stored in a secure location. The location may be within the office of the county treasurer which is accessible only to authorized persons or in a storage area located outside the general office area assigned to the county treasurer. Any storage area located outside the general office area assigned to the county treasurer shall be of the construction that it is accessible only to authorized persons, as designated by the county treasurer or department.

This rule is intended to implement Iowa Code sections 321.5, 321.8, and 321.167.

**761—400.63(321) Disposal of surrendered registration plates.** The county treasurer shall either destroy plates that have been surrendered to the county treasurer or return the surrendered plates to Iowa state industries for recycling.

This rule is intended to implement Iowa Code sections 321.5 and 321.171.

**761—400.64(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 section 321.153.

**761—400.65 to 400.69** Reserved.

**761—400.70(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.

**400.70(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 subparagraph 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 subparagraph 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.

**400.70(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.

**761—400.71(321) Lemon law designation.** Rescinded IAB 11/7/07, effective 12/12/07.

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◊ Two or more ARCs



CHAPTER 405  
SALVAGE

**761—405.1(321) Applicability.** This chapter supplements 761—Chapter 400. It applies to salvage motor vehicles and foreign motor vehicles brought into Iowa that are or were salvage, rebuilt or junked. This chapter applies only to motor vehicles subject to registration except that owners of vehicles with a gross vehicle weight rating of 30,000 pounds or more are not required to submit a salvage theft examination certificate to convert a salvage title to a regular title.

**761—405.2(321) Definitions.**

“*Authorized vehicle recycler*” means a person licensed under Iowa Code chapter 321H.

“*Iowa salvage title*” means an Iowa salvage certificate of title.

“*Junking certificate*” means an Iowa junking certificate.

“*New motor vehicle dealer*” means a dealer licensed under Iowa Code chapter 322 to sell new motor vehicles.

“*Previous owner*” as used in Iowa Code section 321.24 means the last titled owner.

“*Regular foreign title*” means a certificate of title issued by a foreign jurisdiction that allows the vehicle to be driven or moved upon a highway.

“*Regular Iowa title*” means an Iowa certificate of title that is not a salvage title.

**761—405.3(321) Salvage title.**

**405.3(1) Face of title.** Except for vehicles with a gross vehicle weight rating of 30,000 pounds or more, the following shall be stamped in red ink on the face of an Iowa salvage title: SALVAGE—CANNOT BE REGISTERED WITHOUT A SALVAGE THEFT EXAMINATION CERTIFICATE OR AN INSURER’S CERTIFICATION.

**405.3(2) Assignment.** An Iowa or a foreign salvage title may be assigned only as provided in Iowa Code subsection 321.52(4). Except as provided in subrule 405.3(3), the transferee to whom an Iowa or a foreign salvage title is assigned shall apply for a new Iowa salvage title within 30 days after the date of assignment unless, within this time period, application for a regular title is made or a junking certificate is obtained.

**405.3(3) Reassignment.** Reassignment of an Iowa or a foreign salvage title by a licensed new motor vehicle dealer or by an authorized vehicle recycler is allowed, and the dealer or recycler is not required to obtain a new Iowa salvage title upon assignment of an Iowa or a foreign salvage title to the dealer or recycler, provided a vacant reassignment space is available on the title. If all reassignment spaces on an Iowa or a foreign salvage title assigned to the dealer or recycler have been used, the dealer or recycler shall obtain a new Iowa salvage title in accordance with subrule 405.3(2). The following shall be stamped on the dealer reassignment portion of Iowa salvage titles: ONLY NEW MOTOR VEHICLE DEALERS OR RECYCLERS MAY REASSIGN THIS TITLE.

**405.3(4) Registration fees.**

*a.* An Iowa salvage title may be obtained without payment of the current registration fees or any delinquent registration fees or registration penalties. If the registration fees are delinquent at the time of issuance of an Iowa salvage title, no additional penalty shall accrue after issuance.

*b.* Any registration fees or registration penalties due at the time of issuance of an Iowa salvage title, together with the current registration fees if not already paid, shall be paid upon issuance of a regular title. However, a dealer is not required to pay current registration fees to obtain a regular title for a vehicle held for resale or trade. See rule 761—400.27(321,322) for any exceptions.

*c.* Notwithstanding any provision of this chapter to the contrary, an Iowa salvage title obtained by an insurer pursuant to the provisions under Iowa Code section 321.52(4) shall be issued free and clear of all liens and claims of ownership, including any outstanding registration fees or registration penalties.

**405.3(5) Plates.** Registration plates shall not be assigned when an Iowa salvage title is issued.

[ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 3999C, IAB 9/12/18, effective 10/17/18]

**761—405.4 and 405.5** Reserved.

**761—405.6(321) Iowa salvage title required.**

**405.6(1) *Wrecked or salvage vehicle.*** A vehicle rebuilder or a person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered in this state upon acquisition of a wrecked or salvage vehicle shall obtain an Iowa salvage title or a junking certificate for the vehicle except as provided in subrule 405.3(3).

*a.* A wrecked or salvage vehicle is a damaged motor vehicle that:

- (1) Has repair costs exceeding 50 percent of its fair market value before it became damaged, and
- (2) Had a fair market value of \$500 or more before it became damaged.

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

**405.6(2) *Insurer.*** An insurer upon acquisition of a motor vehicle as a result of a settlement with the motor vehicle owner arising out of damage to or unrecovered theft of the motor vehicle shall obtain an Iowa salvage title for the motor vehicle.

**405.6(3) *Application.*** Application for an Iowa salvage title shall be made within 30 days after the date of assignment to the transferee.

**761—405.7(321) Converting salvage title to regular title.**

**405.7(1) *General application procedure.***

*a.* To obtain a regular title, the owner in whose name the salvage title is issued or assigned shall pay the appropriate fees and surrender the following when applying for the regular title:

- (1) The salvage title.
- (2) The salvage theft examination certificate issued in the applicant's name. However, a salvage theft examination certificate is not required if the vehicle has a gross vehicle weight rating of 30,000 pounds or more. See rule 761—405.15(321) for salvage theft examination.

*b.* A regular title and registration receipt issued pursuant to this subrule shall bear the designation "prior salvage."

**405.7(2) *Insurer's certification.*** An insurer who has title pursuant to Iowa Code subsection 321.52(4) may submit an insurer's certification in lieu of a salvage theft examination certificate.

*a.* The insurer's certification shall:

- (1) Include the name and address of the insurance company and the VIN, year and make of the salvage titled vehicle.
- (2) Include a statement by the insurer certifying that the retail cost of repairs for all damages to the vehicle is less than \$3000.
- (3) Be dated and signed by an authorized representative of the insurer.

*b.* The insurer's certification is not transferable if the insurer assigns the salvage title to another person.

*c.* A regular title and registration receipt issued pursuant to this subrule is not required to have a designation of "prior salvage." However, the title and registration receipt shall bear any designation to be carried forward, as explained in rule 761—405.10(321).

**761—405.8(321) Foreign vehicles.**

**405.8(1) *Definitions.*** The following definitions apply to foreign titles and the designations shown on them.

*"Junked"* means the vehicle is damaged or dismantled and is prohibited from ever again being driven upon a highway.

*"Rebuilt"* means the vehicle had been designated as salvage but had the designation removed, and the vehicle is permitted to be driven and moved upon a highway. Also, a designation of "salvage" on a regular foreign title means that the vehicle is rebuilt.

*"Salvage"* means the vehicle is damaged and shall not be registered to be driven or moved upon a highway until it is no longer designated as salvage.

**405.8(2) Foreign title with rebuilt designation.** If the prior title for a vehicle is a foreign title indicating that the vehicle was rebuilt, the Iowa title and registration receipt issued from the foreign title shall contain the designation of “rebuilt” together with the two-letter abbreviation of the name of the jurisdiction that issued the foreign title.

EXCEPTION: If a records check indicates that the vehicle was previously titled in Iowa with a designation of “prior salvage,” the prior salvage designation takes precedence and shall be carried forward to the Iowa title and registration receipt.

**405.8(3) Converting foreign salvage title to Iowa title.** If the prior title for a vehicle is a foreign title indicating that the vehicle is salvage, a regular Iowa title shall not be issued for the vehicle unless an Iowa salvage title is first issued. After an Iowa salvage title is issued for the vehicle, a regular Iowa title may be obtained pursuant to rule 761—405.7(321).

EXCEPTION 1: As provided in subrule 405.3(3), a licensed new motor vehicle dealer or an authorized vehicle recycler is not required to obtain an Iowa salvage title upon assignment of a foreign salvage title to the dealer or recycler, provided a vacant reassignment space is available on the title.

EXCEPTION 2: As provided in Iowa Code section 321.24(5), an owner who surrenders a foreign salvage title and obtains a salvage theft examination pursuant to Iowa Code section 321.52(4) “b” within 30 days of the date the owner was assigned the foreign salvage title is not required to first obtain an Iowa salvage title.

**405.8(4) Salvage titled vehicle leaving and reentering Iowa.** If a vehicle leaves Iowa with an Iowa salvage title and reenters Iowa with a regular foreign title, a regular Iowa title may be issued without a salvage theft examination. The regular Iowa title and registration receipt issued from the foreign title will be designated:

- a. “Prior salvage” if the foreign title does not indicate that the vehicle was rebuilt.
- b. As specified in subrule 405.8(2) if the foreign title indicates that the vehicle was rebuilt.

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

**405.8(6) Foreign title with flood, fire, vandalism or theft designation.** If the prior title for a vehicle is a foreign title indicating that the vehicle was damaged by flood, fire or vandalism or is a recovered stolen vehicle and another designation is not required under this rule or rule 761—405.10(321), the Iowa title and registration receipt issued from the foreign title shall contain, as applicable, the designation of “flood,” “fire,” “vandalism” or “theft.”

**405.8(7) Foreign title with a lemon buy-back designation.** See rule 761—405.10(321).

**405.8(8) Junking certificate.**

a. An Iowa junking certificate shall be issued if:

- (1) The prior title for a vehicle is a foreign title indicating that the vehicle was junked, regardless of any other designation on the title.
- (2) A records check for a vehicle with a foreign title indicates that the vehicle had previously been issued an Iowa junking certificate.

b. This subrule applies to all vehicles subject to Iowa titling laws.

[ARC 3108C, IAB 6/7/17, effective 7/12/17]

**761—405.9(321) Records check.** Before a title is issued in Iowa, a computer records check may be made. The purpose of the records check is to:

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

**405.9(2)** Determine if the vehicle is or was ever a wrecked or salvage vehicle as defined in Iowa Code section 321.52. If a vehicle is a wrecked or salvage vehicle, an Iowa salvage title shall be issued.

If the vehicle was a wrecked or salvage vehicle, the Iowa title to be issued shall contain the appropriate designation required by this chapter.

**405.9(3)** Determine if the vehicle should have been or was ever junked as defined in subrule 405.8(1). If the vehicle should have been or was ever junked, an Iowa junking certificate shall be issued.

**761—405.10(321) Designations.**

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

*a.* Prior salvage. This designation supersedes other designations. When a designation of “prior salvage” is required pursuant to rule 761—405.7(321), it replaces any other designation.

*b.* Rebuilt together with a two-letter abbreviation of the name of a foreign jurisdiction. When this designation is required pursuant to subrule 405.8(2), it replaces any other designation except a “prior salvage” designation.

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

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

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

(1) When a certificate of title is issued to a manufacturer of a motor vehicle pursuant to Iowa Code section 322G.12.

(2) When the prior certificate of title for a motor vehicle is a foreign title indicating that the vehicle was returned to the manufacturer pursuant to Iowa Code chapter 322G or a law of another state similar to Iowa Code chapter 322G.

**405.10(2)** An Iowa salvage title will be issued with a designation of “salvage” unless a designation listed in subrule 405.10(1) is required.

**761—405.11 to 405.14** Reserved.

**761—405.15(321) Salvage theft examination.** Except for foreign salvage titles assigned to licensed new motor vehicle dealers or authorized vehicle recyclers, a salvage theft examination may only be conducted on a vehicle with an Iowa salvage title. The vehicle shall not be examined until it has been completely repaired, except for minor body parts such as trim, body marking or paint.

**405.15(1) General procedure.**

*a.* A salvage theft examination shall be conducted by a peace officer who has been specially certified, and recertified when required, by the Iowa law enforcement academy to perform salvage theft examinations.

(1) To arrange for a salvage theft examination by an investigator from the department of transportation, the applicant shall contact the office of motor vehicle enforcement. The address is: Office of Motor Vehicle Enforcement, Department of Transportation, P.O. Box 10473, Des Moines, Iowa 50306-0473.

(2) To arrange for a salvage theft examination by any other authorized peace officer, the applicant shall contact the local law enforcement agency for instructions.

*b.* The owner of the vehicle may drive the vehicle to and from the examination location by completing the permit section located on the affidavit of salvage vehicle repairs form.

(1) The affidavit shall state that the vehicle is reasonably safe for operation and shall list the parts that have been replaced on the vehicle. The affidavit must be signed by the owner or the owner's authorized agent.

(2) To be valid, the permit to drive the vehicle to and from the examination location must be signed by the owner or owner's authorized agent.

*c.* The owner of the vehicle must be present for the examination or certify, on the affidavit of salvage vehicle repairs, the name of the person who will be representing the owner at the examination.

*d.* The owner or owner's representative, when appearing with the vehicle for the examination, shall submit to the peace officer for review the salvage title or a certified copy of the salvage title; the affidavit of salvage vehicle repairs; and, pursuant to subrules 405.15(3) and 405.15(4), bills of sale for all component parts replaced.

*e.* The owner or owner's representative shall electronically make payment for the salvage theft examination at the time the examination is scheduled, and the fee collected shall be distributed in accordance with Iowa Code section 321.52(4) "c."

*f.* If the vehicle passes the salvage theft examination, the peace officer shall complete a salvage theft examination certificate on a form prescribed by the department. The form shall be distributed as follows:

(1) The white copy shall be mailed with the \$10 to the office of vehicle services at the Des Moines address.

(2) The canary copy shall be given to the owner or the owner's representative. This copy must be surrendered when applying for title.

(3) The pink copy shall be retained by the examining officer for three years for verification purposes.

*g.* Reserved.

*h.* The peace officer shall return the salvage title or the certified copy of the salvage title, the permit to drive section, if applicable, on the affidavit of salvage vehicle repairs, and the bills of sale to the owner or the owner's representative.

**405.15(2) *Affidavit of salvage vehicle repairs form and salvage theft examination certificate.***

*a.* The affidavit of salvage vehicle repairs form may be obtained from the office of motor vehicle enforcement at the Des Moines address, any local enforcement agency with officers certified to conduct salvage theft examinations or any local county treasurer's office.

*b.* The salvage theft examination certificate shall be a controlled form and furnished by the department.

*c.* The owner of the vehicle may obtain a duplicate copy of the salvage theft examination certificate upon written request to the issuing officer or agency.

*d.* The salvage theft examination certificate is not transferable.

**405.15(3) *Bill of sale.*** A bill of sale is a document from the seller to the buyer containing the name, address and telephone number of the seller, a description and identification number of the component part and, if applicable, the vehicle identification number (VIN) of the vehicle from which it was removed.

**405.15(4) *Component part.*** For salvage theft examinations, the definition of component part as found in Iowa Code section 321.1 shall apply.

[ARC 0136C, IAB 5/30/12, effective 7/4/12; ARC 3108C, IAB 6/7/17, effective 7/12/17]

These rules are intended to implement Iowa Code sections 321.24, 321.52, 321.69 and 322G.12.

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CHAPTER 605  
LICENSE ISSUANCE

**761—605.1(321) Scope.** This chapter of rules applies to the issuance of all Iowa driver's licenses. Additional information on the issuance of a commercial driver's license or a commercial learner's permit is given in 761—Chapter 607.

This rule is intended to implement Iowa Code section 321.174.  
[ARC 2071C, IAB 8/5/15, effective 7/14/15; ARC 2337C, IAB 1/6/16, effective 2/10/16]

**761—605.2(321) Contents of license.** In addition to the information specified in Iowa Code subsection 321.189(2), the following information shall be shown on a driver's license.

**605.2(1) Name.** The licensee's full legal name shall be listed as established according to 761—subrule 601.5(1) and 761—subrule 601.5(5) and shall conform to the requirements of 761—subrule 601.1(2).

**605.2(2) Current residential address.** The licensee's current residential address shall be listed as established according to the requirements of 761—subrule 601.5(3).

**605.2(3) Physical description.** The physical description of the licensee on the face of the driver's license shall include:

*a.* The licensee's eye color using these abbreviations: Blk-black, Blu-blue, Bro-brown, Dic-dichromatic, Gry-gray, Grn-green, Haz-hazel, Pnk-pink and Unk-unknown.

*b.* The licensee's height in inches.

**605.2(4) Date of birth.** The licensee's date of birth shall be listed as established according to 761—subrule 601.5(1) and 761—subrule 601.5(6).

**605.2(5) Sex.** The licensee's sex designation shall be listed as established according to the requirements of 761—subrule 601.5(7).

**605.2(6) REAL ID markings.**

*a.* A driver's license that is issued as a REAL ID license as defined in 761—601.7(321) shall include a security marking as required by 6 CFR 37.17(n).

*b.* A driver's license that is not issued as a REAL ID license as defined in 761—601.7(321) may be marked as required by 6 CFR 37.71 and any subsequent guidance issued by the U.S. Department of Homeland Security.

*c.* A driver's license issued to a foreign national with temporary lawful status shall include the following statement on the face of the license: "limited term."

**605.2(7) Voluntary markings.** Upon the request of the licensee, the department shall indicate on the driver's license any of the following:

*a.* The presence of a medical condition.

*b.* That the licensee is a donor under the uniform anatomical gift law.

*c.* That the licensee has in effect a medical advance directive.

*d.* That the licensee is hearing impaired or deaf.

*e.* That the licensee is a veteran.

(1) To be eligible for a veteran designation, the licensee must be an honorably discharged veteran of the armed forces of the United States, the national guard or reserve forces. A licensee who requests a veteran designation shall submit Form 432035, properly completed by the licensee and a designee of the Iowa department of veterans affairs, or the licensee shall present certification of release or discharge from active duty, DD form 214, to the department indicating that the licensee was honorably discharged from active duty. A licensee who was a member of the national guard or reserve forces and who applies directly to the department must present a DD form 214 which indicates that the licensee was honorably discharged after serving for at least a minimum aggregate (total) of 90 days of active duty service for purposes other than training. A licensee who was a member of the national guard or reserve forces and who has a discharge document other than a DD form 214 must have the licensee's eligibility for a veteran designation determined by a designee of the Iowa department of veterans affairs and shall apply to the

department for a veteran designation by submitting Form 432035, properly completed by the licensee and a designee of the Iowa department of veterans affairs.

(2) The department may consult with and defer to the Iowa department of veterans affairs regarding what constitutes a properly completed DD form 214 and veteran status in general.

(3) If the department denies issuance of a license with a veteran designation upon presentation of the DD form 214 to the department, the licensee may obtain a license with a veteran designation if the licensee submits Form 432035, properly completed by the licensee and a designee of the Iowa department of veterans affairs.

(4) If the department issues a veteran designation in error or as the result of fraud on the part of the licensee, the driver's license with a veteran designation shall be canceled, and a duplicate license without the designation may be issued to the licensee. There shall be no charge to issue a duplicate license if the license was issued in error, unless the error was the result of fraud on the part of the licensee.

This rule is intended to implement Iowa Code sections 142C.3 and 321.189, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.

[ARC 0347C, IAB 10/3/12, effective 11/7/12; ARC 1714C, IAB 11/12/14, effective 12/17/14; ARC 2888C, IAB 1/4/17, effective 2/8/17; ARC 4000C, IAB 9/12/18, effective 10/17/18]

**761—605.3(321) License class.** The driver's license class shall be coded on the face of the driver's license using these codes:

Class A—commercial driver's license

Class B—commercial driver's license

Class C—commercial driver's license

Class C—noncommercial driver's license

Class D—noncommercial driver's license, chauffeur

Class M—noncommercial driver's license, motorcycle only

This rule is intended to implement Iowa Code section 321.189.

**761—605.4(321) Endorsements.** The endorsements shall be coded on the face of the driver's license and explained in text on the back of the driver's license.

**605.4(1) For a commercial driver's license.** The following endorsements may be added to a Class A, B or C commercial driver's license using these letter codes:

H—Hazardous material

P—Passenger

N—Tank

X—Hazardous material and tank

T—Double/triple trailers

S—School bus

**605.4(2) For a commercial learner's permit.** The following endorsements are the only endorsements that may be added to a commercial learner's permit using these letter codes. All other endorsements are prohibited on a commercial learner's permit.

P—Passenger

N—Tank

S—School bus

**605.4(3) For a Class D driver's license (chauffeur).** The following endorsements may be added to a Class D driver's license using these number codes:

1—Truck-tractor semitrailer combination

2—Vehicle with 16,001 pounds gross vehicle weight rating or more. Not valid for truck-tractor semitrailer combination

3—Passenger vehicle less than 16-passenger design

**605.4(4) Motorcycle endorsement.** A motorcycle endorsement may be added to any driver's license that permits unaccompanied driving, other than a Class M driver's license or a motorized bicycle license, using the following letter code:

## L—Motorcycle

This rule is intended to implement Iowa Code sections 321.180 and 321.189.

[ARC 2071C, IAB 8/5/15, effective 7/14/15; ARC 2337C, IAB 1/6/16, effective 2/10/16; ARC 4000C, IAB 9/12/18, effective 10/17/18]

**761—605.5(321) Restrictions.** Restrictions shall be coded on the face of the driver's license and explained in text on the back of the driver's license. For purposes of this rule, "CMV" means commercial motor vehicle.

**605.5(1)** *For all licenses.* The following restrictions may apply to any driver's license:

- B—Corrective lenses required
- C—Mechanical aid (as detailed in the restriction on the back of the card)
- D—Prosthetic aid (as detailed in the restriction on the back of the card)
- F—Left and right outside rearview mirrors
- G—No driving when headlights required
- H—Temporary restricted license or permit (work permit)
- I—Ignition interlock required
- J—Restrictions on the back of card
- S—SR required (proof of financial responsibility for the future)
- T—Medical report required at renewal
- U—Not valid for 2-wheel vehicle
- W—Restricted commercial driver's license (CDL)
- Y—Intermediate license

**605.5(2)** *For a noncommercial driver's license.* The following restrictions apply only to a noncommercial driver's license:

- 8—Special instruction permit
- 9—Passenger restriction for intermediate license
- Q—No interstate or freeway driving

**605.5(3)** *For a commercial driver's license.* The following restrictions apply to a commercial driver's license:

- E—No manual transmission equipped CMV
- K—Intrastate only
- L—No air brake equipped CMV
- M—No Class A passenger vehicle
- N—No Class A and B passenger vehicle
- O—No tractor trailer CMV
- V—Medical variance
- Z—No full air brake equipped CMV

**605.5(4)** *For a commercial learner's permit.* The following restrictions apply to a commercial learner's permit.

- K—Intrastate only
- L—No air brake equipped CMV
- M—No Class A passenger vehicle
- N—No Class A and B passenger vehicle
- P—No passengers in CMV bus
- V—Medical variance
- X—No cargo in CMV tank vehicle

**605.5(5)** *Special licenses.* A numbered restriction will designate a special driver's license using these codes:

- 1—Motorcycle instruction permit
- 2—Noncommercial instruction permit (vehicle less than 16,001 gross vehicle weight rating)
- 3—Commercial learner's permit
- 4—Chauffeur's instruction permit

5—Motorized bicycle license

6—Minor's restricted license

7—Minor's school license

**605.5(6) Additional information.**

*a. Reexamination or report.* The department may issue a restriction requiring a person to reappear at a specified time for examination. The department may require a medical report to be submitted. The department shall send Form 430029 as a reminder to appear.

*b. Loss of consciousness or voluntary control.*

(1) If a person is licensed pursuant to 761—subrule 600.4(4), the department shall issue the first driver's license with a restriction stating: "Medical report to be furnished at the end of six months."

(2) If this medical report shows that the person has been free of an episode of loss of consciousness or voluntary control since the previous medical report and the report recommends licensing, the department shall issue a duplicate driver's license with a restriction stating: "Medical report required at renewal." At each renewal accompanied by a favorable medical report, the department shall issue a two-year driver's license with the same restriction.

(3) If the latest medical report indicates the person experienced only a single nonrecurring episode, the cause has been identified, and the qualified medical professional is not treating or has not treated the person for the episode and believes it is unlikely to recur, the department may waive the medical report requirement upon receipt of a favorable recommendation from a qualified medical professional.

(4) The department may remove the medical report requirement and issue a full-term driver's license if recommended by a qualified medical professional and if the latest medical information on file with the department indicates the person has not had an episode of loss of consciousness or voluntary control and has not been prescribed medications to control such episodes during the 24-month period immediately preceding application for a license.

(5) The department may remove the medical report requirement and issue a full-term driver's license if recommended by a qualified medical professional and if the latest medical information on file with the department indicates the person has not had an episode of loss of consciousness or voluntary control during the 10-year period immediately preceding application for a license.

*c. Financial responsibility.* When a person is required under Iowa Code chapter 321A to have future proof of financial responsibility on file, the license restriction will read: "SR required." The license shall be valid only for the operation of motor vehicles covered by the class of license issued and by the proof of financial responsibility filed.

*d. Vision restriction.* Restrictions relating to vision are addressed in 761—Chapter 604.

This rule is intended to implement Iowa Code chapter 321A and sections 321.178, 321.180, 321.180A, 321.180B, 321.188, 321.189, 321.193, 321.194, 321.215, 321J.4, and 321J.20.

[ARC 9991B, IAB 2/8/12, effective 3/14/12; ARC 0661C, IAB 4/3/13, effective 5/8/13; ARC 2071C, IAB 8/5/15, effective 7/14/15; ARC 2337C, IAB 1/6/16, effective 2/10/16; ARC 4000C, IAB 9/12/18, effective 10/17/18]

**761—605.6(321) License term for temporary foreign national.** A driver's license issued to a person who is a foreign national with temporary lawful status shall be issued only for the length of time the person is authorized to be present as verified by the department, not to exceed two years. However, if the person's lawful status as verified by the department has no expiration date, the driver's license shall be issued for a period of no longer than one year.

This rule is intended to implement Iowa Code section 321.196, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.

[ARC 0347C, IAB 10/3/12, effective 11/7/12]

**761—605.7(321L) Handicapped designation.** Rescinded IAB 2/11/98, effective 3/18/98.

**761—605.8** Reserved.

**761—605.9(321) Fees for driver’s licenses.** Fees for driver’s licenses are specified in Iowa Code section 321.191. A license fee may be paid by cash, check, credit card, debit card or money order. If payment is by check, the following requirements apply:

**605.9(1)** The check shall be for the exact amount of the fee and shall be payable to: Treasurer, State of Iowa. An exception may be made when a traveler’s check is presented.

**605.9(2)** One check may be used to pay fees for several persons, such as members of a family or employees of a business firm. One check may pay all fees involved, such as the license fee and the reinstatement fee.

This rule is intended to implement Iowa Code section 321.191.  
[ARC 9991B, IAB 2/8/12, effective 3/14/12]

**761—605.10(321) Waiver or refund of license fees.** Rescinded IAB 2/8/12, effective 3/14/12.

**761—605.11(321) Duplicate license.**

**605.11(1)** *Lost, stolen or destroyed license.* To replace a valid license that is lost, stolen or destroyed, the licensee shall provide the licensee’s full legal name, date of birth, and social security number, all of which must be verified by the department, and pay the replacement fee. A licensee subject to 761—paragraph 601.5(2)“b” shall provide the applicant’s U.S. Customs and Immigration Services number, which must be verified by the department. The department may investigate or require additional information as may be reasonably necessary to determine that the licensee’s identity matches the identity of record and shall not issue the replacement license if the licensee’s identity is questionable, cannot be determined, or otherwise does not match the identity of record. If the licensee’s current residential address, name, date of birth, or sex designation has changed since the previous license was issued, the licensee shall comply with subrule 605.11(2).

**605.11(2)** *Voluntary replacement.* The department shall issue a duplicate of a valid license to an eligible licensee if the license is surrendered to the department and the replacement fee is paid. Voluntary replacement includes but is not limited to:

- a. Replacement of a damaged license.
- b. Replacement to change the current residential address on a license. The licensee shall comply with the requirements of 761—subrule 601.5(3) to establish a change of current residential address.
- c. Replacement to change the name on a license. The licensee shall comply with the requirements of 761—subrule 601.5(5) to establish a name change.
- d. Replacement to change the date of birth on a license. The licensee shall comply with the requirements of 761—subrule 601.5(6) to establish a change of date of birth.
- e. Replacement to change the sex designation on a license. The licensee shall comply with the requirements of 761—subrule 601.5(7) to establish a change of sex designation.
- f. Issuance of a license without the words “under 21” to a licensee who is 21 years of age or older.
- g. Issuance of a license without the words “under 18” to a licensee who is 18 years of age or older. (If the licensee is under 21 years of age, the words “under 21” will replace the words “under 18.”)
- h. Issuance of a noncommercial driver’s license to an eligible person who has been disqualified from operating a commercial motor vehicle.
- i. Replacement of a valid license before its expiration date to obtain a license that may be accepted for federal identification purposes under 6 CFR Part 37 (a REAL ID license). The licensee shall comply with the requirements of 761—601.5(321) to obtain a REAL ID license.
- j. Replacement to add a veteran designation to the license. To be eligible for a veteran designation, the licensee must comply with the requirements of paragraph 605.2(7)“e.”

**605.11(3)** *Fee.* The fee to replace a license is \$10.

This rule is intended to implement Iowa Code sections 321.13, 321.189, 321.195 and 321.208, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.

[ARC 7902B, IAB 7/1/09, effective 8/5/09; ARC 0347C, IAB 10/3/12, effective 11/7/12; ARC 1714C, IAB 11/12/14, effective 12/17/14; ARC 2888C, IAB 1/4/17, effective 2/8/17; ARC 3451C, IAB 11/8/17, effective 12/13/17; ARC 4000C, IAB 9/12/18, effective 10/17/18]

**761—605.12(321) Address changes.**

**605.12(1)** A licensee shall notify the department of a change in the licensee's mailing address within 30 days of the change. Notice shall be given by:

- a.* Submitting the address change in writing to Driver and Identification Services, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; or
- b.* Completing the address change on the department's website at [www.iowadot.gov](http://www.iowadot.gov) or at a driver's license kiosk; or
- c.* Appearing in person to change the mailing address at any driver's license service center.

**605.12(2)** Parents or legal guardians may provide written notice of a mailing address change on behalf of their minor children.

**605.12(3)** The department may use U.S. Postal Service address information to update its address records.

This rule is intended to implement Iowa Code sections 321.182 and 321.184.  
[ARC 4000C, IAB 9/12/18, effective 10/17/18]

**761—605.13 and 605.14** Reserved.

**761—605.15(321) License extension.**

**605.15(1)** *Six-month extension.* An Iowa resident may apply for a six-month extension of a license if the resident:

- a.* Has a valid license,
- b.* Is eligible for further licensing, and
- c.* Is temporarily absent from Iowa or is temporarily incapacitated at the time for renewal.

**605.15(2)** *Procedure.* The licensee shall apply for an extension by submitting Form 430027 to the department. The form may be obtained from and submitted to a driver's license service center. The licensee may also apply by letter to the address in paragraph 605.12(1) "a."

*a.* A six-month extension shall be added to the expiration date on the license. When the licensee 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.

*b.* The department shall allow only two six-month extensions.

This rule is intended to implement Iowa Code section 321.196.  
[ARC 4000C, IAB 9/12/18, effective 10/17/18]

**761—605.16(321) Military extension.**

**605.16(1)** *Form 430028.* A person who qualifies for a military extension of a valid license should request Form 430028 from the department and carry it with the license for verification to peace officers. Form 430028 explains the provisions of Iowa Code section 321.198 regarding military extensions.

**605.16(2)** *Request for retention of record.* A person with a military extension may request that the department retain the record of license issuance for the duration of the extension or reenter the record if it has been removed from department records. The request may be made by letter or by using Form 430081. The letter or Form 430081 shall be signed by the person's commanding officer to verify the military service and shall be submitted to the department at the address in paragraph 605.12(1) "a."

**605.16(3)** *Renewal of license after military extension.* When an applicant renews a license after a military extension, the department may require the applicant to provide documentation of both the military service and the date of separation from military service.

**605.16(4)** *Reinstatement after sanction.* A person with a military extension whose license has been canceled, suspended or revoked shall comply with the requirements of 761—615.40(321) to reinstate the license.

This rule is intended to implement Iowa Code section 321.198.  
[ARC 4000C, IAB 9/12/18, effective 10/17/18]

**761—605.17 to 605.19** Reserved.

**761—605.20(321) Fee adjustment for upgrading license.** The fee for upgrading a driver's license shall be computed on a full-year basis. The fee is charged for each year or part of a year between the date of the change and the expiration date on the license.

**605.20(1)** The fee to upgrade a driver's license from one class to another is determined by computing the difference between the current license fee and the new license fee as follows:

- a. Converting noncommercial Class C to Class D—\$4 per year of new license validity.
- b. Converting Class M to Class D with a motorcycle endorsement—\$4 per year of new license validity.
- c. Converting Class M to noncommercial Class C with a motorcycle endorsement—\$2 one-time fee.

**605.20(2)** The fee to add a privilege to a driver's license is computed per year of new license validity as follows:

Noncommercial Class C (full privileges from a restricted Class C)	\$4 per year
Motorized bicycle	\$4 per year
Minor's restricted license	\$4 per year
Minor's school license	\$4 per year
Motorcycle instruction permit	\$2 per year
Motorcycle endorsement	\$2 per year

This rule is intended to implement Iowa Code sections 321.189 and 321.191.  
[ARC 1714C, IAB 11/12/14, effective 12/17/14]

**761—605.21 to 605.24** Reserved.

**761—605.25(321) License renewal.**

**605.25(1)** A licensee who wishes to renew a driver's license shall apply to the department and, if required, pass the appropriate examination.

**605.25(2)** A valid license may be renewed within 180 days before the expiration date. If this is impractical, the department for good cause may renew a license earlier.

**605.25(3)** A valid license may be renewed within 60 days after the expiration date, unless otherwise specified.

**605.25(4)** If the licensee's current residential address, name, date of birth, or sex designation has changed since the previous license was issued, the licensee shall comply with the following:

- a. *Current residential address.* The licensee shall notify the department to establish the current residential address.
- b. *Name.* The licensee shall comply with the requirements of 761—subrule 601.5(5) to establish a name change.
- c. *Date of birth.* The licensee shall comply with the requirements of 761—subrule 601.5(6) to establish a change of date of birth.
- d. *Sex designation.* The licensee shall comply with the requirements of 761—subrule 601.5(7) to establish a change of sex designation.

**605.25(5)** A licensee who has not previously been issued a license that may be accepted for federal identification purposes under 6 CFR Part 37 (a REAL ID license) and wishes to obtain a REAL ID license upon renewal must comply with the requirements of 761—601.5(321) to obtain a REAL ID license upon renewal.

**605.25(6)** A licensee who is a foreign national with temporary lawful status must provide documentation of lawful status as required by 761—subrule 601.5(4) at each renewal.

**605.25(7)** The department may determine means or methods for electronic renewal of a driver's license.

- a. An applicant who meets the following criteria may apply for electronic renewal:

- (1) The applicant must be at least 18 years of age but not yet 70 years of age.
- (2) The applicant completed a satisfactory vision screen or submitted a satisfactory vision report under 761—subrules 604.10(1) to 604.10(3) and updated the applicant's photo at the applicant's last issuance or renewal.
- (3) The applicant's driver's license has not been expired for more than one year.
- (4) The department's records show the applicant is a U.S. citizen.
- (5) The applicant's driver's license is not marked "valid without photo."
- (6) The applicant is not seeking to change any of the following information as it appears on the applicant's driver's license:

1. Name.
2. Date of birth.
3. Sex.

(7) The applicant's driver's license is a Class C noncommercial driver's license, a Class D noncommercial driver's license (chauffeur), or Class M noncommercial driver's license (motorcycle) that is not a special license or permit, a temporary restricted license, or a two-year license.

(8) The applicant is not subject to a pending request for reexamination.

(9) The applicant does not wish to change any of the following:

1. Class of license.
2. License endorsements.
3. License restrictions.

(10) The applicant is not subject to any of the following restrictions:

G—No driving when headlights required

J—Restrictions on the back of card

T—Medical report required at renewal

8—Special instruction permit

Q—No interstate or freeway driving

R—Maximum speed of 35 mph

*b.* Notwithstanding any other provision of this subrule to the contrary, the department may accept an electronic renewal application if the license contains a single "J" restriction accompanied by a "7," "I" or "Y" restriction.

*c.* The department reserves the right to deny electronic renewal and to require the applicant to personally apply for renewal at a driver's license service center if it appears to the department that the applicant may have a physical or mental condition that may impair the applicant's ability to safely operate a motor vehicle, even if the applicant otherwise meets the criteria in 605.25(7) "a."

*d.* An applicant who has not previously been issued a driver's license that is compliant with the REAL ID Act of 2005, 49 U.S.C. Section 30301 note, as further defined in 6 CFR Part 37 (a REAL ID license) may not request a REAL ID driver's license by electronic renewal.

This rule is intended to implement Iowa Code sections 321.186 and 321.196, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.

[ARC 0347C, IAB 10/3/12, effective 11/7/12; ARC 0895C, IAB 8/7/13, effective 7/9/13; ARC 1073C, IAB 10/2/13, effective 11/6/13; ARC 2071C, IAB 8/5/15, effective 7/14/15; ARC 2337C, IAB 1/6/16, effective 2/10/16; ARC 4000C, IAB 9/12/18, effective 10/17/18]

**761—605.26(321) License renewal by mail.** Rescinded IAB 3/20/02, effective 4/24/02.

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[Filed ARC 4000C (Notice ARC 3865C, IAB 7/4/18), IAB 9/12/18, effective 10/17/18]

<sup>1</sup> Effective date of December 29, 1993, for 761—605.26(2) “a” and “d,” delayed 70 days by the Administrative Rules Review Committee at its meeting held December 15, 1993; delay lifted by this Committee on January 5, 1994, effective January 6, 1994.



CHAPTER 620  
OWI AND IMPLIED CONSENT  
[Prior to 6/3/87, Transportation Department[820]—(07,C)Ch 11]

**761—620.1(321J) Definitions.** Rescinded IAB 1/8/92, effective 2/12/92.

**761—620.2(321J) Information and location.** Applications, forms, information, assistance, and answers to questions relating to this chapter are available by mail from Driver and Identification Services, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)244-8725; or by facsimile at (515)239-1837.

[ARC 4001C, IAB 9/12/18, effective 10/17/18]

**761—620.3(321J) Issuance of temporary restricted license.**

**620.3(1) Eligibility and application.**

*a.* The department may issue a temporary restricted license to a person who is eligible under Iowa Code section 321J.4 (except subsection 8), 321J.9, 321J.12 or 321J.20. The department shall not issue a temporary restricted license to a person who has a current suspension or revocation for any other reason, or who is otherwise ineligible.

*b.* To apply for a temporary restricted license, an applicant shall, at any time before or during the revocation period, submit application Form 430100 to driver and identification services at the address in 761—620.2(321J). The application form should be furnished by the arresting officer. It may also be obtained upon oral or written request to driver and identification services or by submitting Form 432018 to driver and identification services with the appropriate box checked.

*c.* A temporary restricted license issued for employment may include permission for the licensee to transport dependent children to and from a location for child care when that activity is essential to continuation of the licensee's employment.

*d.* A temporary restricted license issued for any purpose may include permission for the licensee to participate in the sobriety and drug monitoring program established pursuant to Iowa Code chapter 901D. For purposes of this chapter, a sobriety and drug monitoring program means the sobriety and drug monitoring program established pursuant to Iowa Code chapter 901D. If the licensee is required to participate in and comply with the sobriety and drug monitoring program as a condition of the license, the licensee shall notify the department of the jurisdiction to which the licensee is reporting in compliance with the program.

**620.3(2) Statements.** A person applying for a temporary restricted license shall submit all of the following statements that apply to the person's situation. Each statement shall explain the need for the license and shall list specific places and times for the activity which can be verified by the department.

*a.* A statement from the person's employer unless the person is self-employed including, when applicable, verification that the person's use of a child care facility is essential to the person's continued employment.

*b.* A statement from the person.

*c.* A statement from the health care provider if the person or the person's dependent requires continuing health care.

*d.* A statement from the educational institution in which the person is enrolled.

*e.* A statement from the substance abuse treatment program in which the person is participating.

*f.* A copy of the court order for community service and a statement describing the assigned community service from the responsible supervisor.

*g.* A statement from the child care provider.

**620.3(3) Additional requirements.** A person applying for a temporary restricted license shall also comply with all of the following requirements:

*a.* Provide a description of all motor vehicles to be operated under the temporary restricted license.

b. Submit proof of financial responsibility under Iowa Code chapter 321A for all motor vehicles to be operated under the temporary restricted license.

c. Provide certification of installation of an approved ignition interlock device on every motor vehicle operated.

d. Pay the \$200 civil penalty.

**620.3(4) Issuance and restrictions.**

a. The department shall not issue the temporary restricted license until the application is approved, all requirements are met, the applicable reinstatement and license fees have been paid, and the applicant has passed the appropriate examination for the type of vehicle to be operated under the temporary restricted license.

b. The department shall determine the restrictions to be imposed by the temporary restricted license. The licensee shall apply to the department in writing with a justification for any requested change in license restrictions.

**620.3(5) Denial.** A person who has been denied a temporary restricted license or who contests the restrictions imposed by the department may request an informal settlement conference by submitting a written request to the director of driver and identification services at the address given in 761—620.2(321J). Following an unsuccessful informal settlement or instead of that procedure, the person may request a contested case hearing in accordance with rule 761—620.4(321J).

[ARC 8024B, IAB 8/12/09, effective 7/14/09; ARC 8203B, IAB 10/7/09, effective 11/11/09; ARC 4001C, IAB 9/12/18, effective 10/17/18]

**761—620.4(321J) Hearings and appeals.**

**620.4(1) Contested case hearing.**

a. A person may request a contested case hearing by checking the appropriate box on Form 432018 and submitting it to the department or by submitting a written request to the director of driver and identification services at the address given in 761—620.2(321J). The request shall include the person's name, date of birth, driver license number, complete address and telephone number.

b. A request for a hearing to contest the denial of a temporary restricted license or to contest the restrictions may be submitted at any time.

c. A request for a hearing to contest a revocation shall be submitted within ten days after receipt of the revocation notice. The request shall be deemed timely submitted if it is delivered to the director of driver and identification services or properly addressed and postmarked within this time period.

d. Failure to timely request a hearing on a revocation is a waiver of the right to a hearing under Iowa Code chapter 321J, and the revocation shall become effective on the date specified in the revocation notice.

e. After a hearing, a written decision will be issued by the presiding officer.

**620.4(2) Appeal.** A decision by a presiding officer shall become the final decision of the department and shall be binding on the department and the person who requested the hearing unless either appeals the decision in accordance with this subrule.

a. The appeal shall be decided on the basis of the record made before the presiding officer in the contested case hearing and no additional evidence shall be presented.

b. The appeal shall include a statement of the specific issues presented for review and the precise ruling or relief requested.

c. An appeal of the presiding officer's decision shall be submitted in writing by sending the original and one copy of the appeal to the director of driver and identification services at the address given in 761—620.2(321J).

d. An appeal shall be deemed timely submitted if it is delivered to the director of driver and identification services or properly addressed and postmarked within ten days after receipt of the presiding officer's decision.

e. The director of driver and identification services shall forward the appeal to the director of transportation. The director of transportation may affirm, modify or reverse the decision of the presiding officer, or may remand the case to the presiding officer.

*f.* Failure to timely appeal a decision shall be considered a failure to exhaust administrative remedies.

**620.4(3) Final agency action.** The decision of the director of transportation shall be the final decision of the department and shall constitute final agency action for purposes of judicial review. No further steps are necessary to exhaust administrative remedies.

**620.4(4) Default.**

*a.* If a party fails to appear or participate in a contested case proceeding after proper service of notice, the presiding officer may, if no continuance is granted, either enter a default decision or proceed with the hearing and render a decision in the absence of the party.

*b.* Any party may move for default against a party who has requested the contested case proceeding and who has failed to appear after proper service.

*c.* A default decision or a decision rendered on the merits after a party has failed to appear or participate in a contested case proceeding becomes final agency action unless, within ten days after receipt of the decision, either a motion to vacate is filed and served on the presiding officer and the other parties or an appeal of a decision on the merits is timely submitted in accordance with subrule 620.4(2). A motion to vacate must state all facts relied upon by the moving party which establish that good cause existed for that party's failure to appear or participate.

*d.* The time for further appeal of a decision for which a timely motion to vacate has been filed is stayed pending a decision on the motion to vacate.

*e.* Timely filed motions to vacate shall be granted only for good cause shown. The burden of proof is on the moving party. Adverse parties shall have ten days to respond to a motion to vacate.

*f.* "Good cause" for the purpose of this rule means surprise, excusable neglect or unavoidable casualty.

*g.* A decision denying a motion to vacate is subject to further appeal in accordance with subrule 620.4(2).

*h.* A decision granting a motion to vacate is subject to interlocutory appeal by the adverse party in accordance with subrule 620.4(2).

*i.* If a motion to vacate is granted and no timely interlocutory appeal has been taken, the presiding officer shall issue another notice of hearing and the contested case shall proceed accordingly.

**620.4(5) Petition to reopen a hearing.**

*a.* A petition to reopen a hearing pursuant to Iowa Code section 17A.16 shall be submitted in writing to the director of driver and identification services at the address in 761—620.2(321J). If a petition is based on a court order, a copy of the court order shall be submitted with the petition. If a petition is based on new evidence, the petitioner shall submit a concise statement of the new evidence and the reason(s) for the unavailability of the evidence at the original hearing.

*b.* A petition to reopen a hearing may be submitted at any time even if a hearing to contest the revocation was not originally requested or held.

*c.* A person may appeal a denial of the petition to reopen. The appeal shall be deemed timely if it is delivered to the director of driver and identification services at the address in 761—620.2(321J) or properly addressed and postmarked within 20 days after issuance of the decision denying the petition to reopen.

[ARC 4001C, IAB 9/12/18, effective 10/17/18]

**761—620.5(321J) Reinstatement.** The department may reinstate the license when the revocation has ended if the person has:

**620.5(1)** Filed proof of financial responsibility under Iowa Code chapter 321A for all motor vehicles to be operated.

**620.5(2)** Paid the \$200 civil penalty.

**620.5(3)** Provided proof of satisfactory completion of a course for drinking drivers and proof of completion of substance abuse evaluation and treatment or rehabilitation services on a form and in a manner approved by the department.

**620.5(4)** Successfully completed the required driver license examination.

**620.5(5)** Paid the specified reinstatement fee.

**620.5(6)** Paid the appropriate license or permit fee.

**620.5(7)** Provided, if required by Iowa Code section 321J.17(3), proof of installation of an approved ignition interlock device or proof the person remains in compliance with the ignition interlock device requirement if the device was installed for a temporary restricted license.

**620.5(8)** Provided, if required in accordance with Iowa Code section 321J.20, proof of participation in and compliance with the sobriety and drug monitoring program.  
[ARC 4001C, IAB 9/12/18, effective 10/17/18]

**761—620.6(321J) Issuance of temporary restricted license after revocation period has expired.** The department may issue a temporary restricted license to a person whose period of revocation under Iowa Code chapter 321J has expired but who has not met all the requirements for license reinstatement. The period of issuance shall be determined by the department, but it shall not exceed six months from the end of the original revocation period.

**620.6(1)** An applicant for a temporary restricted license under this rule must meet one of the following two conditions:

*a.* The applicant must demonstrate to the satisfaction of the department that a course for drinking drivers was not readily available to the person during the revocation period and that the applicant has enrolled in a course for drinking drivers. The applicant must furnish the dates the class will begin and end.

*b.* The applicant must demonstrate to the satisfaction of the department that substance abuse evaluation and treatment or rehabilitation services have not been completed because of an inability to schedule them or because they are ongoing.

**620.6(2)** An applicant for a temporary restricted license under this rule must meet all other conditions for issuance of a temporary restricted license under rule 761—620.3(321J) and Iowa Code section 321J.20, including installation of an ignition interlock device.

**761—620.7 to 620.9** Reserved.

**761—620.10(321J) Revocation for deferred judgment.** The revocation period under Iowa Code subsection 321J.4(3) shall be 90 days.

**761—620.11 to 620.14** Reserved.

**761—620.15(321J) Substance abuse evaluation and treatment or rehabilitation services.** When the department revokes a person's license under Iowa Code chapter 321J, the department shall also order the person to submit to substance abuse evaluation and, if recommended, treatment or rehabilitation services. A provider of substance abuse evaluation and treatment or rehabilitation programs shall be licensed by the Iowa department of public health, division of substance abuse.

**620.15(1) Reporting.**

*a.* When a person who has been ordered to attend a substance abuse program has satisfactorily completed the program, the program provider shall electronically report completion to the department in a manner approved by the department.

*b.* Reporting to the department shall be in accordance with Iowa Code sections 125.37, 125.84 and 125.86 and the federal confidentiality regulations, "Confidentiality of Alcohol and Drug Abuse Patient Records," 42 CFR Part 2.

**620.15(2) Payment.** Payment of substance abuse evaluation and treatment or rehabilitation costs shall be in accordance with Iowa department of public health rules.

[ARC 4001C, IAB 9/12/18, effective 10/17/18]

**761—620.16(321J) Drinking drivers course.** When the department revokes a person's license under Iowa Code chapter 321J, the department shall order the person to enroll, attend and satisfactorily complete a course for drinking drivers, as provided in Iowa Code section 321J.22.

**620.16(1) Reporting.**

a. When a person who has been ordered to attend a drinking drivers course has successfully completed the course, the program provider under Iowa Code section 321J.22(2) “a” shall electronically report completion to the department in a manner approved by the department.

b. Reserved.

**620.16(2) Payment.** A person ordered to complete a drinking drivers course is responsible for payment of course fees and expenses in accordance with Iowa Code section 321J.22.

[ARC 4001C, IAB 9/12/18, effective 10/17/18]

**761—620.17(321J) Sobriety and drug monitoring program.** When the department revokes a person’s driver’s license under Iowa Code chapter 321J, and the person seeks a temporary restricted license, or the person seeks reinstatement of the person’s driver’s license under Iowa Code section 321J.17, the department shall, if applicable, require the person to participate in and comply with the sobriety and drug monitoring program.

**620.17(1) Condition of license.** Participation in and compliance with the sobriety and drug monitoring program shall be a condition of the license if all of the following apply:

a. The person committed an eligible offense as defined in Iowa Code section 901D.2(4). A first offense means the person has no previous revocation under Iowa Code chapter 321J, and a second or subsequent offense means the person has had a previous revocation under Iowa Code chapter 321J.

b. The eligible offense was committed in a participating jurisdiction.

**620.17(2) Duration.** Unless otherwise provided in Iowa Code chapter 901D or Iowa Code section 321J.20, the person shall be required to participate in the sobriety and drug monitoring program for the length of time that an ignition interlock device is required as provided in Iowa Code section 321J.20.

**620.17(3) Excuse from participation and compliance.** Participation in and compliance with the sobriety and drug monitoring program shall not be required as a condition of the person’s driver’s license if the court enters an order finding the person is not required to participate in and comply with the program.

**620.17(4) Cancellation.** If the department is notified that a person required to participate in the sobriety and drug monitoring program has not completed enrollment in the program, the department shall cancel the person’s driver’s license in accordance with the department’s existing provisions for cancellation of a license.

**620.17(5) Noncompliance.** If the department is notified pursuant to Iowa Code section 901D.9 that a person required to participate in the sobriety and drug monitoring program is no longer in compliance with the program, the department shall revoke the person’s driver’s license in accordance with the department’s existing provisions for revocation of a license.

[ARC 4001C, IAB 9/12/18, effective 10/17/18]

These rules are intended to implement Iowa Code chapters 17A, 321J and 901D and sections 321.193, 321.201, 321.376 and 707.6A.

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CHAPTER 625  
DRIVER'S LICENSES FOR UNDERCOVER  
LAW ENFORCEMENT OFFICERS

**761—625.1(321) Purpose.** This chapter addresses the issuance of undercover driver's licenses.

**761—625.2(321) Application.**

**625.2(1)** The application for an undercover driver's license must:

- a. Be in writing.
- b. Include a fictitious name as well as the applicant's true identity.
- c. Include a statement of need.
- d. Be signed by both the applicant and the head of the law enforcement agency employing the applicant.
- e. Be submitted to the Bureau of Investigation and Identity Protection, Iowa Department of Transportation, 6310 SE Convenience Blvd., Ankeny, Iowa 50021.

**625.2(2)** All applications shall be investigated by the department. An investigation shall include, but not be limited to, a 50-state check of the fictitious name and verification of the applicant's employment with the sponsoring law enforcement agency.

**625.2(3)** The department shall determine if the undercover license is necessary.

**625.2(4)** The department shall approve or disapprove the application, based on the results of the investigation and the determination of necessity.

[ARC 4002C, IAB 9/12/18, effective 10/17/18]

**761—625.3(321) Issuance.**

**625.3(1)** To obtain an undercover license after the application is approved, the applicant must appear at the Motor Vehicle Division offices, Iowa Department of Transportation, 6310 SE Convenience Blvd., Ankeny, Iowa, with all applicable documents necessary for the issuance of an undercover license.

**625.3(2)** A two-year license will be issued. The applicant must pay all fees and meet all requirements for the class of license applied for, except that rule 761—601.5(321) is waived in accordance with the provisions in 6 CFR Part 37.

**625.3(3)** An undercover license may not be renewed. The department may issue a subsequent new undercover license to an applicant who submits a new application and continues to meet the requirements of rule 761—625.2(321).

[ARC 0347C, IAB 10/3/12, effective 11/7/12; ARC 4002C, IAB 9/12/18, effective 10/17/18]

**761—625.4(321) Renewal not permitted.** Rescinded ARC 4002C, IAB 9/12/18, effective 10/17/18.

**761—625.5(321) Cancellation.** When the need for an undercover license no longer exists or if the licensee ceases to be employed by the sponsoring law enforcement agency, the licensee shall surrender the undercover license to the department for cancellation.

**761—625.6(321) Records.**

**625.6(1)** Applications, forms and other records of the department that establish the true identity of an applicant or licensee under this chapter are confidential public records under Iowa Code sections 22.7, 80G.3 and 321.189A. The fictitious license information itself is not confidential, except as provided in Iowa Code section 321.11.

**625.6(2)** The open public records of the department shall contain no information or indicator that would distinguish any undercover license issued under this chapter from any other driver's license issued by the department.

**625.6(3)** An undercover license issued under this chapter will appear on the driver's license record system.

[ARC 4002C, IAB 9/12/18, effective 10/17/18]

These rules are intended to implement Iowa Code sections 22.7, 80G.3 and 321.189A and 6 CFR Part 37.

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