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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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GENERAL

CHAPTER 1
ORGANIZATION OF THE DEPARTMENT OF TRANSPORTATION

[Prior to 6/3/87, Transportation Department[820]—(01,A)Ch1]

Rescinded **ARC 8242C**, IAB 10/2/24, effective 11/6/24

CHAPTER 2
PROVISIONS APPLICABLE TO ALL RULES

Rescinded **ARC 8242C**, IAB 10/2/24, effective 11/6/24

CHAPTER 3
Reserved

CHAPTER 4
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/12/30

761—4.1(8A,22) General provisions.

4.1(1) *Purpose and scope.* It is the policy of the department that free and open examination of public records is generally in the public interest. The purpose of this chapter is to facilitate broad public access to open records and sound determinations with respect to the handling of confidential records. This chapter:

a. Describes the provisions governing public access to records that are owned by or in the physical possession of the department. However, access to personnel and payroll records may also be subject to the rules of the department of administrative services.

b. Does not affect the policy of the department to respond, without charge, to routine oral or written inquiries that do not involve the furnishing of records.

c. Does not make available records compiled by the department in reasonable anticipation of court litigation or formal administrative proceedings. The availability of these records to the public or to any individual or party to such litigation or proceedings is governed by applicable legal and constitutional principles, statutes, rules of discovery, evidentiary privileges, and applicable regulations of the department.

4.1(2) *Custodian.* The custodian of a record is the person who heads the departmental office responsible for that record. The department's electronic Records Management Manual identifies the offices that are responsible for particular records.

a. As used in this chapter, the term "custodian" includes the custodian's superiors and the custodian's designees.

b. A custodian's designee may include but is not limited to the records center.

c. The custodian of a record is authorized to provide or deny access to that record in accordance with the provisions of this chapter. However, the custodian's authority to provide access to a confidential record is limited to the persons listed in subrule 4.3(2).

4.1(3) *Address of records center.* The address of the department's records center is: Records Center, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

4.1(4) *Records Management Manual.*

a. The department's electronic Records Management Manual contains the records management information required by Iowa Code section 8A.615, including descriptions of department records and their formats, management, maintenance, storage, retention, security, and disposal.

b. The manual also contains the descriptive information on records that is required by Iowa Code section 22.11. The manual is updated as needed, and its provisions are made a part of these rules.

c. The manual is available for examination and copying at the department's records center and at various other departmental offices located throughout the state. A copy of the manual may also be obtained, upon request, from the records center.

4.1(5) *Availability of open records.* Open records of the department are available to the public for examination and copying unless otherwise provided by state or federal law, regulation or rule.

4.1(6) *Warranty.* No warranty of the accuracy or completeness of a record is made.

4.1(7) *Existing records.* A request for access applies only to records that exist at the time the request is made and access is provided. The department is not required to create, compile or procure a record solely for the purpose of making it available. EXCEPTIONS: See Iowa Code section 22.3A and subrule 4.3(3).

4.1(8) *Definitions.* As used in this chapter:

"Confidential record" means a record that is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the department is prohibited by law from making available for examination by members of the public, and records or information contained in records that are specified as confidential by Iowa Code section 22.7 or another provision of law, but that may be disclosed upon order of the court, the custodian of the record, or by another person duly authorized to release the record.

Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

"Director" means the director of transportation or the director's designee.

"Open record" means a record other than a confidential record.

"Personally identifiable information" means information about an individual in a record that identifies the individual and is retrievable by a unique personal identifier associated with the individual.

"Public" means those persons who are not officials, employees or agents of the department.

"Record" means the whole or a part of a "public record" as defined in Iowa Code section 22.1 that is owned by or in the physical possession of the department.

"Requester" means a member of the public.

This rule is intended to implement Iowa Code chapter 22 and section 8A.615.

[**ARC 8778C**, IAB 1/8/25, effective 2/12/25]

761—4.2(22) Access to records.

4.2(1) *Submission of request for access.*

a. Submit a request for access to a record to the custodian of the record. If the requester does not know the identity of the custodian, the request may be submitted to the records center at the address in subrule 4.1(3). The records center will forward the request to the custodian.

b. Notwithstanding paragraph 4.2(1)*"a,"* any request that may be related to a potential or an actual tort claim or other litigation is to be submitted to: Attorney General's Office, Transportation Section, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. If the custodian receives a request of this nature, the custodian is to forward the request to the Attorney General's Office, Transportation Section.

c. If a request for access is misdirected, department personnel will forward the request to the custodian.

4.2(2) *Form of request.* A requester shall not be required to give reasons for requesting an open record.

4.2(3) *Response to request.* The custodian is to provide access to an open record promptly upon request. However, if the size or nature of the request makes prompt access infeasible, the custodian is to fill the request as soon as feasible and give the requester an estimate of when the record will be available.

4.2(4) *Delay.* Access to a record may be delayed for one of the purposes authorized by Iowa Code section 22.8(4) or 22.10(4). The custodian will inform the requester of the reason for the delay and the estimated length of the delay.

4.2(5) *Copies.* A photocopy of an open record may be made on department photocopiers. If a photocopier is not available in the office where an open record is kept, the custodian may permit the open record's examination in that office and, if requested, arrange to have a copy made elsewhere. Most department records are stored in electronic formats; therefore, if the requested record is electronic, an electronic copy will be provided. If the requester is unable to open and read an electronic copy, or if the record does not exist in electronic form, a hard copy may be provided.

4.2(6) *Fees.* The department may charge fees for records as authorized by Iowa Code section 22.3 or another provision of law. Under Iowa Code section 22.3, the fee for the copying service, whether electronic or hard copy, is not to exceed the cost of providing the service.

This rule is intended to implement Iowa Code sections 22.2, 22.3, 22.4, 22.8, 22.10 and 22.11.

[**ARC 8778C**, IAB 1/8/25, effective 2/12/25]

761—4.3(22) Access to confidential records. The following provisions are in addition to those specified in rule 761—4.2(22) and are minimum requirements. A statute or another department rule may impose additional requirements for access to certain classes of confidential records. A confidential record may, due to its nature or the way it is compiled or stored, contain a mixture of confidential and nonconfidential information. The department will not refuse to release the nonconfidential information simply because of the manner in which the record is compiled or stored.

4.3(1) *Procedure.*

a. Form of request. The custodian is to ensure that there is sufficient information to provide reasonable assurance that access to a confidential record may be granted. Therefore, the custodian may require the requester to:

(1) Submit the request in writing.

(2) Provide proof of identity and authority to secure access to the record.

(3) Sign a certified statement or affidavit listing the specific reasons justifying access to the record and provide any proof necessary to establish relevant facts.

b. Response to request. The custodian is to notify the requester of approval or denial of the request for access. If the requester indicates to the custodian that a written notice is desired if the request for access is denied, the custodian will provide such notice promptly. The notice is to be signed by the custodian and include:

(1) The name and title or position of the custodian, and

(2) A brief statement of the grounds for denial, including a citation to the applicable statute or other provision of law.

c. Reconsideration of denial. A requester whose request is denied by the custodian may apply to the director for reconsideration of the request.

4.3(2) *Release of confidential records by the custodian.* The custodian may release a confidential record or a portion of it:

a. To the legislative services agency pursuant to Iowa Code section 2A.3.

b. To the ombudsman pursuant to Iowa Code section 2C.9.

c. To other governmental officials and employees only as needed to discharge their duties.

d. To those persons as permitted or required by rule 761—4.9(22).

e. To persons authorized by the subject of the record in accordance with rule 761—4.4(22).

f. To the public information board pursuant to Iowa Code section 23.6.

4.3(3) *Information released.* If a person is provided access to less than an entire record, the department will take measures to ensure that the person is furnished only the information that is to be released. This may be done by providing to the person either an extraction of the information to be released or a copy of the record from which the information not to be released has been deleted.

This rule is intended to implement Iowa Code section 22.11.

[**ARC 8778C**, IAB 1/8/25, effective 2/12/25]

761—4.4(22) Consent to release a confidential record to a third party. To the extent permitted by law, the subject of a confidential record may consent to the confidential record's release to a third party. The consent must be in writing and must identify the particular record that may be disclosed and the particular person or class of persons to whom the record may be disclosed. The subject of the record may be required to provide proof of identity. Appearance of counsel before the agency on behalf of a person who is the subject of a confidential record may be deemed to constitute consent for the department to disclose records about that person to the person's counsel.

This rule is intended to implement Iowa Code section 22.11.

[**ARC 8778C**, IAB 1/8/25, effective 2/12/25]

761—4.5(22) Requests for confidential treatment.

4.5(1) A person may request that all or a portion of a record be confidential. The request must be submitted in writing to the custodian and:

a. Identify the information for which confidential treatment is sought.

b. Cite the legal basis that justifies confidential treatment.

c. Demonstrate that disclosure of the information would clearly not be in the public interest.

d. Give the reasons why any person or persons would be substantially and irreparably injured by disclosure of the information. The requester may be required to provide any proof necessary to support these reasons.

4.5(2) The custodian is to notify the requester in writing of the granting or denial of the request and, if denied, the reasons therefor.

4.5(3) If the request is denied, the requester may apply to the director for reconsideration of the request.

This rule is intended to implement Iowa Code sections 22.8 and 22.11.

[**ARC 8778C**, IAB 1/8/25, effective 2/12/25]

761—4.6(22) Procedure by which additions, dissents, or objections may be entered into records. Except as otherwise provided by law, the person who is the subject of a record may have a written statement of additions, dissents or objections entered into that record and be filed with the custodian. The statement must be dated and signed by the person who is the subject of the record and include the person's current address and telephone number. This rule does not authorize the person who is the subject of the record to alter the original record or to expand the official record of any agency proceeding.

This rule is intended to implement Iowa Code section 22.11.

[**ARC 8778C**, IAB 1/8/25, effective 2/12/25]

761—4.7(22) Notice to suppliers of information. When the department requests a person to supply information about that person, the department will notify the person of the use that will be made of the information, which persons outside the department might routinely be provided this information, which parts of the requested information are required and which are optional, and the consequences of a failure to provide the information requested. This notice may be given in these or other rules of the department, on the written form used to collect the information, on a separate fact sheet or letter, in brochures, in formal agreements, in contracts, in handbooks, in manuals, orally, or by other appropriate means.

This rule is intended to implement Iowa Code section 22.11.

[**ARC 8778C**, IAB 1/8/25, effective 2/12/25]

761—4.8 Reserved.

761—4.9(22) Confidential records. This rule describes the types of departmental information or records that are confidential. This rule is not exhaustive. A citation of the legal authority for confidentiality follows each description. The following records will be kept confidential. Records are listed by category, according to the legal basis for withholding them from public inspection.

Descriptions:

4.9(1) Records that are exempt from disclosure under Iowa Code section 22.7.

4.9(2) Records that constitute attorney work product, attorney-client communications, or are otherwise privileged. (Attorney work product is confidential under Iowa Code sections 22.7, 622.10 and 622.11; Iowa R.C. P. 1.503; Fed. R. Civ. P. 26(b)(3); and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Iowa Rules of Professional Conduct, and case law.)

4.9(3) Those portions of the department's staff manuals, instructions or other statements issued by the department that set forth criteria or guidelines to be used by its departmental staff in auditing, making inspections, settling commercial disputes or negotiating commercial arrangements, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution or settlement of cases, when the disclosure of such statements would enable law violators to avoid detection, facilitate disregard of requirements imposed by law, or give a clearly improper advantage to persons who are in an adverse position to the department. (Iowa Code section 17A.2)

4.9(4) The detailed minutes and recordings of closed sessions of the commission. However, if a closed session regards a real estate purchase or sale, the minutes and recording are to be available for public inspection when the transaction discussed is completed. (Iowa Code section 21.5)

4.9(5) Vehicle accident reports submitted to the department by drivers and peace officers. (Iowa Code sections 321.266 and 321.271)

a. However, access will be granted to those persons authorized by Iowa Code section 321.271.

b. Reserved.

4.9(6) Unless otherwise ordered by the court, all information filed with the court for the purpose of securing a warrant for an arrest, including but not limited to a citation and affidavits, until such time as a

peace officer has made the arrest and has made the officer's return on the warrant, or the defendant has made an initial appearance in court. (Iowa Code section 804.29)

a. However, the information in the record may be disseminated without court order during the course of official duties to the persons authorized in Iowa Code section 804.29 unless access to such information is expressly denied by court order.

b. Reserved.

4.9(7) All information filed with the court for the purpose of securing a warrant for a search, including but not limited to an application and affidavits, until such time as a peace officer has executed the warrant and has made return thereon. (Iowa Code section 808.13)

a. During the period of time that information is confidential, it shall be sealed by the court, and the information contained therein shall not be disseminated to any person other than a peace officer, magistrate or other court employee, in the course of official duties.

b. Reserved.

4.9(8) Information obtained by the department from the examining of reports, returns or records required to be filed or kept under the provisions of Iowa Code chapter 452A, except where disclosure is authorized by Iowa Code chapter 452A. (Iowa Code section 452A.63)

4.9(9) Sealed bids, until the time set for the public opening of bids, whereupon bids are unsealed and no longer confidential. (Iowa Code section 72.3)

4.9(10) Those records that, if disclosed, would diminish competition or would give an improper advantage to persons who are in an adverse position to the department. These records are to be kept confidential until the transaction to which they relate is consummated. However, if disclosure would reveal information that would hinder future competition, the records will be kept confidential. (Iowa Code sections 17A.2, 22.7 and 313.10; Iowa Code chapter 553; and 761—Chapter 20)

a. Examples of records that could, in the proper circumstances, be determined to be within this category include but are not limited to:

(1) Detailed estimates of the cost of a proposed contract.

(2) Economic analyses for determining pavement types.

(3) Negotiations for a proposed contract.

(4) Methodology for determining unfair bidding practices or bid rigging.

(5) Price quotations solicited.

(6) The value of points assigned to a bid rating formula prior to the time set for public opening of bids.

(7) Laboratory testing reports of suppliers' products. These may also be trade secrets. The subject of the report has the right of access to it.

b. Reserved.

4.9(11) Audit reviews for determining equal employment opportunity contract compliance. (Iowa Code section 22.7 and 5 U.S.C. §552 and 552a)

a. The subject of the audit review has the right of access to it.

b. Reserved.

4.9(12) All financial records and any information contained within them that are made available to the department, unless otherwise expressly permitted to be divulged by federal or state law. (Iowa Code sections 22.7 and 422.20 and 5 U.S.C. §552 and 552a)

4.9(13) Personal information in any motor vehicle record, including personal information contained on electronic driver's license or nonoperator's identification card records that is provided by the licensee or card holder to the department for use by law enforcement, first responders, emergency medical service providers, and other medical personnel responding to or assisting with an emergency. (Iowa Code sections 22.7 and 321.11 and 18 U.S.C. §2721 et seq.)

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

b. The subject of the personal information has the right of access to the information.

4.9(14) A report received by the department from a physician licensed under Iowa Code chapter 148, an advanced registered nurse practitioner licensed under Iowa Code chapter 152 and licensed with the board of nursing, a physician assistant licensed under Iowa Code chapter 148C or an optometrist licensed under Iowa Code chapter 154 regarding a person who has been diagnosed as having a physical or mental condition that would render the person physically or mentally incompetent to operate a motor vehicle in a safe manner. (Iowa Code section 321.186)

4.9(15) Privileged and personnel records or information of law enforcement officers and undercover law enforcement officers, as specified in Iowa Code sections 80G.2 and 80G.3, as well as certain records regarding undercover driver's licenses issued to certified peace officers employed by a local authority or by the state or federal law enforcement officers, as specified in 761—Chapter 625. (Iowa Code sections 22.7, 80G.2, 80G.3 and 321.189A)

a. The subject of the record and the head of the law enforcement agency employing the subject have the right of access to the record.

b. Reserved.

4.9(16) Records related to confidential plates issued for government vehicles. (Iowa Code section 321.19)

a. The head of the agency to which the vehicle is assigned has the right of access to the record.

b. Reserved.

4.9(17) Certified transcripts of labor payrolls (also known as certified payroll records) filed by contractors for federal-aid construction contracts, in accordance with the following paragraphs. (Iowa Code section 22.7, 5 U.S.C. §552 and 552a, and 42 U.S.C. §405)

a. The social security numbers in a certified payroll record are confidential. The record itself may be confidential if its release would give advantage to competitors and serve no public purpose.

b. The prime contractor and subcontractor, if applicable, that filed the record have the right of access to it.

c. Certified payroll records are to be released to the U.S. Department of Labor and Federal Highway Administration during investigations.

d. The custodian may release a certified payroll record with social security numbers withheld to representatives of the Iowa Labor Management Work Preservation Fund.

e. The custodian may release a certified payroll record with social security numbers withheld to persons outside the department other than the persons listed in paragraphs 4.9(17)*"b"* through *"d"* according to the following procedure:

(1) The request for the record must be in writing.

(2) The custodian is to send a copy of the request by registered mail to the prime contractor. If the request is for subcontractor information, the custodian is to send copies of the request to both the subcontractor and prime contractor.

(3) The requested record may be released after 14 calendar days have expired from receipt of the request by the contractor(s) to give the contractor(s) an opportunity to seek an injunction.

4.9(18) Information concerning an open or pending railroad accident investigation conducted on behalf of or in conjunction with the Federal Railroad Administration or National Transportation Safety Board to the extent necessary to prevent denial of funds, services or essential information from the United States government. (Iowa Code section 22.9)

4.9(19) A geographic computer database, except upon terms and conditions acceptable to the department. (Iowa Code section 22.2)

4.9(20) Confidential information, as defined in Iowa Code section 86.45, filed with the workers' compensation commissioner. (Iowa Code section 22.7)

4.9(21) An intelligence assessment and intelligence data under Iowa Code chapter 692, except where disclosure is required or authorized by the Iowa Code. (Iowa Code chapter 692 and section 22.7)

4.9(22) Information in a record that would permit the commission, subject to Iowa Code chapter 21, to hold a closed session pursuant to Iowa Code section 21.5 in order to avoid public disclosure of that information, until such time as final action is taken on the subject matter of that information or unless otherwise authorized by the Iowa Code. (Iowa Code section 22.7)

4.9(23) All other information or records that by law are or may be confidential.

This rule is intended to implement Iowa Code chapters 22, 553 and 692; Iowa Code sections 17A.2, 21.5, 72.3, 80G.2, 80G.3, 313.10, 321.11, 321.11A, 321.19, 321.186, 321.189A, 321.266, 321.271, 422.20, 452A.63, 622.10, 622.11, 804.29 and 808.13; 5 U.S.C. §552 and 552a; 18 U.S.C. §2721 et seq.; and 42 U.S.C. §405.

[**ARC 8778C**, IAB 1/8/25, effective 2/12/25]

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CHAPTERS 5 to 9
Reserved

CHAPTER 10
PROCEDURE FOR RULEMAKING AND PETITIONS FOR RULEMAKING

[Prior to 6/3/87, Transportation Department[820]—(01,B) Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/27/30

761—10.1(17A) General.

10.1(1) *Definitions.*

"Commission" means the state transportation commission.

"Director" means the director of transportation or the director's designee.

10.1(2) *Contact information for rules administrator.* The mailing address of the department's rules administrator is: Rules Administrator, Office of the Director, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. The email address of the rules administrator may be found on the department's website at iowadot.gov/administrativerules.

[**ARC 9444C**, IAB 7/23/25, effective 8/27/25]

761—10.2(17A) Procedure for rulemaking.

10.2(1) *Incorporation by reference.* The department incorporates by this reference all such matters in Iowa Code chapter 17A that relate to procedures for rulemaking.

10.2(2) *Information.*

a. Inquiries about rules and the rulemaking process may be directed to the rules administrator at the address in subrule 10.1(2).

b. Any public comment on a Notice of Intended Action or similar document relating to rules may be directed to the rules administrator or as directed in the Notice of Intended Action or similar document.

[**ARC 9444C**, IAB 7/23/25, effective 8/27/25]

761—10.3(17A) Petitions for rulemaking.

10.3(1) The department will accept and consider, from any person or agency, petitions for rulemaking when submitted to the department's rules administrator by mail or email and prepared in conformance with the following:

a. Format:

IOWA DEPARTMENT OF TRANSPORTATION
800 Lincoln Way, Ames, Iowa 50010

PETITION BY (insert petitioner's name) FOR THE (insert one: adoption, amendment or repeal) OF (insert current rule number, if applicable, and brief description of subject matter)	DOCKET NO. _____ PETITION FOR RULEMAKING

(In separate numbered paragraphs, the petition shall include the following.)

1. The petitioner's name, address and telephone number.
2. The nature of the petitioner's interest in the matter.
3. The text or the essential terms and conditions of a proposed new rule, or the rule number and text of a rule proposed for amendment or a repeal. In addition, proposed amendments are to be illustrated to portray the changes in wording requested: Deletions are to be indicated by strikethroughs, and additions by underscoring.
4. The reasons for seeking the requested action, including any facts, views, data or arguments relevant to the request. Copies of statutes, rules or other supporting documents referenced in the petition are to be submitted as appendices to the petition or made available to the department upon request.
5. If desired, a request to meet informally with the department to discuss the petition.

(Signature of petitioner)

b. A petition for amendment or repeal of a rule is to pertain to a rule currently in effect at the time the petition is received by the department.

c. Petitions should be typewritten, although petitions legibly hand-printed in ink will be accepted.

10.3(2) The date of receipt of a petition is the day it reaches the department's rules administrator. The administrator will within five days of receipt notify the petitioner of the date of receipt and the assigned docket number.

10.3(3) If requested in the petition, the department will schedule an informal meeting with the petitioner to discuss the petition.

10.3(4) The department will notify the petitioner of the director's or commission's determination to grant or deny the petition. If the petition is denied, the notification will include the reasons for denial.

[**ARC 9444C**, IAB 7/23/25, effective 8/27/25]

These rules are intended to implement Iowa Code chapter 17A and sections 307.12(1)*"j,"* 307A.2, 312.3 and 312A.3.

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[1] Effective date of amendments to 761—10.2(17A) and 10.3(17A) delayed until adjournment of the 1991 General Assembly by the Administrative Rules Review Committee at its meeting held August 15, 1990.

CHAPTER 11
WAIVER OF RULES

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/27/30

761—11.1(17A) General.

11.1(1) *Purpose.* The purpose of this chapter is to establish a general process for granting waivers from the requirements of department rules in accordance with Iowa Code section 17A.9A.

11.1(2) *Scope.* This chapter does not:

a. Preclude the granting of waivers using another process if a statute or another department rule so provides. If the rule for which a waiver is sought has a specific waiver process of its own, this chapter is applicable only when it is specifically cited.

b. Apply to contested case proceedings.

c. Apply to rules that merely define the meaning of a statute or other provision of law if the department does not possess the delegated authority to bind the courts to any extent with its definition.

11.1(3) *Definition.*

"Director" means the director of transportation or the director's designee.

[**ARC 9445C**, IAB 7/23/25, effective 8/27/25]

761—11.2(17A) Petition for waiver.

11.2(1) *Petitioner.* Any person with a real and direct interest in the matter may petition the department for a waiver from the requirements of a rule.

11.2(2) *Form of petition.* A petition for a waiver from the requirements of a rule must be in writing and state clearly at the top of the petition that it is a "petition for waiver of a rule." The petition shall contain the following information where applicable and known to the petitioner:

a. The name, address and telephone number of the petitioner, and any license, permit or case number applicable to the requested waiver.

b. A description of and citation to the specific rule from which a waiver is requested.

c. The specific waiver requested, including its scope and duration.

d. The relevant facts and reasons the petitioner believes would justify the requested waiver and address each of the following:

(1) Why applying the rule will result in an undue hardship to the petitioner.

(2) Why waiving the rule will not prejudice the substantial legal rights of any other person.

(3) Whether the provisions of the rule are specifically mandated by statute or another law other than the rule.

(4) How substantially equal protection of the public health, safety and welfare will be afforded by means other than those prescribed by the rule.

e. A history of any prior contacts between the petitioner and the department that are related to the requested waiver.

f. Whether the petitioner is currently a party to a rulemaking, declaratory order, contested case, judicial proceeding or any other proceeding related to the requested waiver.

g. Information regarding the department's treatment of similar situations.

h. The name, address and telephone number of any public agency or political subdivision that also regulates the activity in question or that may be affected if the waiver were granted.

i. The name, address and telephone number of any person or entity that may be adversely affected if the waiver were granted.

j. The name, address and telephone number of any person who has knowledge of facts relevant to the requested waiver.

k. Releases authorizing persons with knowledge of relevant facts to furnish that information to the department.

l. The signature of the petitioner and the date signed.

11.2(3) *Submission of petition.* A petition for waiver from the requirements of a rule shall be submitted to the rules administrator either by mail to Rules Administrator, Office of the Director,

Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by email to the rules administrator's email address listed on the department's website at iowadot.gov/administrativerules.
[**ARC 9445C**, IAB 7/23/25, effective 8/27/25]

761—11.3(17A) Action on petition and decision on waiver.

11.3(1) The director may, in response to a written petition submitted in accordance with rule 761—11.2(17A), grant a waiver from the requirements of a rule. The decision to grant a waiver is made at the sole discretion of the director and is final agency action.

11.3(2) The following is the procedure for responding to a petition for a waiver from the requirements of a rule:

a. The department will acknowledge receipt of a petition within five days of receipt.

b. Before a waiver is granted or denied, the department may request a petitioner to furnish additional information related to the petition.

c. The director will issue a written decision to grant or deny a waiver within 120 days after the department acknowledges receipt of the petition unless the petitioner agrees to a later time. However, if the matter is also the subject of a contested case proceeding, the decision to grant or deny a waiver need not be issued until after the final decision in the contested case is issued.

d. The director's decision to grant or deny a waiver in response to a written petition will be in writing and contain:

(1) The name of the person to whom the decision pertains.

(2) A citation to the rule or portion thereof to which the decision pertains and a brief summary of the rule's requirements that are pertinent to the requested waiver.

(3) The relevant facts and reasons upon which the decision is based. If a waiver is granted, the decision needs to include the findings set out in Iowa Code section 17A.9A(2).

(4) The scope and duration of a waiver if one is granted.

(5) Any other conditions placed on a waiver if one is granted.

e. Within seven days after the decision is issued, the department will transmit it to the petitioner.

f. Failure to grant a waiver within the time specified in paragraph 11.3(2)*"c"* is deemed a denial.

g. A petition for a waiver from the requirements of a rule is independent of a contested case proceeding. Submission of a petition does not delay the time to request a contested case hearing, to appeal a proposed decision in a contested case, or to file a petition for judicial review of a final decision in a contested case.

h. A petition for a waiver from the requirements of a rule is not needed to exhaust administrative remedies before judicial review of a department action under Iowa Code section 17A.19.
[**ARC 9445C**, IAB 7/23/25, effective 8/27/25]

761—11.4(17A) Modification or cancellation of waiver. The department may, after notice and opportunity for hearing, modify or cancel a waiver granted pursuant to this chapter if the director finds any of the following:

1. A material fact upon which the waiver is based is not true or has changed.

2. The petitioner withheld or knowingly misrepresented a material fact relevant to the propriety or desirability of the waiver.

3. The petitioner has failed to comply with the conditions set forth in the decision granting the waiver.

4. The alternate means for ensuring that the public health, safety and welfare will be adequately protected after the waiver is granted are insufficient.
[**ARC 9445C**, IAB 7/23/25, effective 8/27/25]

761—11.5(17A) Records.

11.5(1) All records relating to waivers granted or denied under this chapter are open records. However, if a record contains personal information that is confidential, only the portion of the record that is nonconfidential will be made available for public inspection.

11.5(2) The department's rules administrator will, at a minimum, retain for five years records relating to waivers granted or denied under this chapter.
[**ARC 9445C**, IAB 7/23/25, effective 8/27/25]

These rules are intended to implement Iowa Code section 17A.9A.

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CHAPTER 12
DECLARATORY ORDERS

[Prior to 11/8/06, see rule 761—10.4(17A)]

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/27/30

761—12.1(17A) Definitions.

"Declaratory order" means the department's interpretation of a statute, rule or order as applied to specified circumstances. A declaratory order is issued in response to a petition for declaratory order.

"Director" means the director of transportation or the director's designee.

"Petition for declaratory order" means a formal request from a person or agency to the department asking how the department will apply a statute, rule or order based on a specific set of facts contained in the petition. The purpose of the petition is to seek binding advice from the department, not to challenge a decision that the department has already made.

[**ARC 9446C**, IAB 7/23/25, effective 8/27/25]

761—12.2(17A) Petition for declaratory order.

12.2(1) Any person or agency may file with the department a petition for declaratory order.

12.2(2) The petition is to be submitted to the rules administrator either by mail to Rules Administrator, Office of the Director, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by email to the rules administrator's email address listed on the department's website at iowadot.gov/administrativerules.

12.2(3) The petition is to be typewritten or legibly handwritten in ink and is to substantially conform to the following form:

IOWA DEPARTMENT OF TRANSPORTATION
800 Lincoln Way, Ames, Iowa 50010

PETITION BY (insert petitioner's name) FOR DECLARATORY ORDER ON (insert number of statute, rule, etc. and brief description of subject matter)	}	DOCKET NO. _____ PETITION FOR DECLARATORY ORDER

(In separate numbered paragraphs, the petition shall include the following.)

1. The petitioner's name, address and telephone number.
2. The exact words, passages, sentences or paragraphs of statutes, rules, etc. that are the subject of the inquiry.
3. A clear, concise and complete statement of all relevant facts for which the order is requested.
4. The uncertainties or conflicting interpretations that arise when the cited statutes, rules, etc. are applied to the facts.
5. (Optional) The interpretation urged based upon the facts set forth.
6. The reasons for the petition and a full disclosure of the petitioner's interest.
7. Whether the petitioner is currently a party to a rulemaking, contested case or judicial proceeding involving the controversy or uncertainty.
8. The names and addresses, when known, of other persons who may be affected by the declaratory order.

12.2(4) The petition is to be dated and signed by the petitioner or, if applicable, petitioner's representative.

12.2(5) If applicable, the petition is also to include the name, address and telephone number of the petitioner's representative and a statement indicating the person to whom communications concerning the petition should be directed.

12.2(6) The date of receipt of the petition is the day it reaches the department's rules administrator. The administrator will within five days of receipt send an acknowledgment of receipt with the assigned docket number to the petitioner or, if applicable, petitioner's representative.

[**ARC 9446C**, IAB 7/23/25, effective 8/27/25]

761—12.3(17A) Action on petition.

12.3(1) A declaratory order or an order declining to issue a declaratory order is issued by the director.

12.3(2) The director may issue an order declining to issue a declaratory order on some or all of the questions raised in the petition for any of the following reasons:

a. The petition does not substantially comply with the required form.

b. The petition does not contain facts sufficient to demonstrate that the petitioner will be aggrieved or adversely affected by the failure of the department to issue a declaratory order.

c. The department does not have jurisdiction over the questions presented in the petition.

d. The questions presented in the petition are also presented in a current rulemaking, contested case, or other agency or judicial proceeding that may definitively resolve them.

e. The questions presented in the petition would more properly be resolved in a different type of proceeding or by another body with jurisdiction over the matter.

f. The questions posed or facts presented in the petition are unclear, vague, incomplete, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue a declaratory order.

g. There is no need to issue a declaratory order because the questions raised in the petition have been settled due to a change in circumstances.

h. The petition is not based upon facts calculated to aid in the planning of future conduct but is, instead, based solely upon prior conduct in an effort to establish the effect of that conduct or to challenge a department decision already made.

i. The petition requests a declaratory order that would necessarily determine the legal rights, duties or responsibilities of other persons who have not joined in the petition or filed a similar petition and whose position on the questions presented may fairly be presumed to be adverse to that of the petitioner.

j. The petitioner requests the department to determine whether a statute is unconstitutional on its face.

12.3(3) If the director issues an order declining to issue a declaratory order, the order needs to indicate the specific grounds for declining to issue a declaratory order and constitutes final agency action on the petition.

[**ARC 9446C**, IAB 7/23/25, effective 8/27/25]

761—12.4(17A) Effect of a declaratory order. A declaratory order is binding on the department and the petitioner and is applicable only in circumstances where the relevant facts and the law involved are indistinguishable from those on which the order was based. As to all other persons, a declaratory order serves only as precedent and is not binding on the department. The issuance of a declaratory order constitutes final agency action on the petition.

[**ARC 9446C**, IAB 7/23/25, effective 8/27/25]

These rules are intended to implement Iowa Code sections 17A.9 and 17A.19.

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CHAPTER 13
CONTESTED CASES

[Prior to 6/3/87, Transportation Department[820]—(01,B) Ch 3]

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/12/30

761—13.1(17A) Definitions. The definitions in Iowa Code section 17A.2 are hereby adopted. In addition:

"Department" means the Iowa department of transportation.

"Director" means the director of transportation or the director's designee.

[**ARC 8779C**, IAB 1/8/25, effective 2/12/25]

761—13.2(17A) Applicability.

13.2(1) This chapter provides the minimum procedural requirements for department involvement in contested cases under Iowa Code chapter 17A.

13.2(2) Rules that apply to a particular type of contested case take precedence over this chapter. If there are no other rules applicable to a particular type of contested case, it will be conducted in accordance with this chapter.

[**ARC 8779C**, IAB 1/8/25, effective 2/12/25]

761—13.3(17A) Submission of request for informal settlement or hearing.

13.3(1) A person who is aggrieved by an action of the department and who is entitled to a contested case hearing may:

a. Unless prohibited by statute, request an informal settlement.

b. Initiate a contested case by submitting a request for a contested case hearing.

c. Use both procedures.

13.3(2) A request for an informal settlement or a contested case hearing shall be submitted in writing to the director of the bureau or division of the department that administers the matter at issue.

13.3(3) The request shall include complete names, mailing addresses to be used for communications with the department, and telephone numbers for all persons involved and any attorneys representing them.

13.3(4) A statute or rule may provide for submission of requests within a specified time period. A request shall be considered timely submitted if it is postmarked or delivered to the appropriate bureau or division of the department within the time period specified. Timely submission of a request shall be jurisdictional.

[**ARC 8779C**, IAB 1/8/25, effective 2/12/25]

761—13.4(17A) Informal settlement.

13.4(1) An informal settlement may be handled by telephone.

13.4(2) If an informal settlement cannot be reached within a reasonable period of time, the department will notify the person in writing that there has been a failure to reach an informal settlement, that the department's action or decision is sustained, and that the person may request a contested case hearing.

[**ARC 8779C**, IAB 1/8/25, effective 2/12/25]

761—13.5(17A) Contested case.

13.5(1) *Procedures.*

a. The department may initiate a contested case proceeding. Prior to initiating the contested case proceeding, the department, unless disallowed by statute, may attempt to settle the matter informally.

b. After a contested case hearing, a written decision will be issued by the presiding officer.

13.5(2) *Hearing.*

a. The department may be represented by legal assistants, paralegals, or designated attorney general staff at contested case hearings. Any such person is under the supervision of the attorney general transportation section chief.

b. The department may designate staff not under the supervision of the attorney general's office to appear at contested case hearings as witnesses. Staff so designated may appear to testify about matters

including but not limited to clarifying the record, providing additional information, providing justification for the department's action, or answering questions of the appellants and presiding officer.

c. The department may submit certified copies of records admitted pursuant to Iowa Code section 321.10 in lieu of either legal representation or participation by a department employee.

13.5(3) *Appeal of contested case decision.*

a. A decision by a presiding officer shall become the final decision of the department and is binding on the department and the party whose legal rights, duties and privileges are being determined unless either appeals the decision as provided in this subrule.

b. No additional evidence is to be presented on appeal that is decided on the basis of the record made before the presiding officer in the contested case hearing.

c. The appeal is to include a statement of the specific issues presented for review and the precise ruling or relief requested.

d. An appeal of a presiding officer's decision is to be submitted in writing to the director of the bureau or division that administers the matter being contested. The appeal is deemed timely submitted if it is postmarked or delivered to the director of the appropriate bureau or division of the department within 20 days after the date of the presiding officer's decision unless otherwise provided in rule or statute.

e. The director of the administering bureau or division will forward the appeal to the director.

f. Failure to timely appeal a presiding officer's decision is considered a failure to exhaust administrative remedies.

g. The director may make a decision affirming, modifying or reversing the presiding officer's decision, or may remand the case to the presiding officer.

h. The decision of the director is the final decision of the department and constitutes final agency action for purposes of judicial review. No further steps are necessary to exhaust administrative remedies.

[**ARC 8779C**, IAB 1/8/25, effective 2/12/25]

761—13.6(17A) Motion for review. The director may, on the director's own motion, review the presiding officer's decision. The motion for review is subject to the same time limits as an appeal from a presiding officer's decision. If there is a motion for review, paragraphs 13.5(3)*"g"* and *"h"* apply.

[**ARC 8779C**, IAB 1/8/25, effective 2/12/25]

761—13.7(17A) Rehearings. An application for rehearing of a final decision under Iowa Code section 17A.16 shall be filed with the director.

[**ARC 8779C**, IAB 1/8/25, effective 2/12/25]

761—13.8(17A) Maintenance of records. The department shall retain for at least five years from the date of the final decision copies of the record made before the presiding officer, the decision received from the presiding officer, the decision issued by the director, and related correspondence.

[**ARC 8779C**, IAB 1/8/25, effective 2/12/25]

761—13.9(17A) Communications.

13.9(1) Each party to a contested case is to keep the department informed of the party's current address and telephone number; the name, address and telephone number of the party's attorney, if any; and the mailing address to be used for communications from the department.

13.9(2) Mailed notices, communications and decisions regarding the contested case are to be sent by first class or certified mail to the latest address that each party has provided to the department.

13.9(3) Notwithstanding subrule 13.9(2), the department of inspections, appeals, and licensing may communicate with the party or the party's attorney by email and may file and serve documents through the division of administrative hearings' administrative electronic management system.

[**ARC 8779C**, IAB 1/8/25, effective 2/12/25]

761—13.10(17A) Default.

13.10(1) A party may move for default against another party that has requested the contested case proceeding and that has failed to appear after proper service is served.

13.10(2) Notwithstanding subrule 13.10(1), no default may be entered against the department for failure to appear; rather, the presiding officer may either continue the matter or proceed with the hearing and render a decision in the absence of the department.

13.10(3) 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 20 days after the date 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 rule 761—13.5(17A). A motion to vacate is to state all facts relied upon by the moving party that establish that good cause existed for that party's failure to appear or participate.

13.10(4) 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.

13.10(5) Timely filed motions to vacate are to be granted only for good cause shown. The burden of proof is on the moving party. Adverse parties have ten days to respond to a motion to vacate.

13.10(6) "Good cause," for the purpose of this rule, means surprise, excusable neglect or unavoidable casualty.

13.10(7) A decision denying a motion to vacate is subject to further appeal in accordance with rule 761—13.5(17A).

13.10(8) A decision granting a motion to vacate is subject to interlocutory appeal by the adverse party in accordance with subrule 13.5(3).

13.10(9) If a motion to vacate is granted and no timely interlocutory appeal has been taken, the presiding officer is to issue another notice of hearing and the contested case will proceed accordingly.

[**ARC 8779C**, IAB 1/8/25, effective 2/12/25]

761—13.11(17A) Additional procedures when the department is not a party.

13.11(1) *Jurisdiction.* When the department is obligated by statute to administer a controversy to which it is not a party, the following additional procedures apply:

13.11(2) *Request.*

a. A person who has an interest in a controversy and who is entitled to a contested case hearing may submit a written request to the department to resolve the controversy.

b. An acceptable request will contain a statement of facts alleged and the relief sought by the requestor, the name and address of the persons involved and any attorneys representing them, the requestor's telephone number, and the mailing address to be used for all communications to the requestor from the department.

13.11(3) *Informal settlement.*

a. The department will contact the persons involved, either by telephone or letter, and will offer to assist the parties to reach an informal settlement of the controversy.

b. A controversy may be settled informally by the persons involved.

c. When a controversy is settled informally, the persons involved will each notify the department by telephone and confirming letter that the controversy has been resolved.

13.11(4) *Contested case.* When the department is notified by a person involved in the controversy that there has been a failure to reach an informal settlement, or when the department determines that no progress toward a settlement is being made, the department will send a written notice to the persons involved specifying that if the department is not notified of a settlement within 20 days after the notice is mailed, the department will initiate a contested case proceeding.

[**ARC 8779C**, IAB 1/8/25, effective 2/12/25]

These rules are intended to implement Iowa Code chapter 17A and section 10A.801.

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CHAPTERS 14 to 19
Reserved

CHAPTER 20
PROCUREMENT OF EQUIPMENT, MATERIALS, SUPPLIES AND SERVICES

[Prior to 6/3/87, Transportation Department[820]—(01,B)Ch2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/21/30

761—20.1(307) General.

20.1(1) *Scope.* This chapter pertains only to the procurement of equipment, materials, supplies and services by the Iowa department of transportation with funds from the department's operating budget or from the materials and equipment revolving fund established in Iowa Code section 307.47 or other program funds authorized for department use.

20.1(2) *Applicability.* Rules 761—20.4(307) through 761—20.6(307) apply to professional and technical services procured using the general purchasing process where contracts are awarded competitively, and cost is a factor. Rule 761—20.9(307) applies to professional and technical services contracts that are awarded based on qualifications when the cost is negotiated after the vendor is selected.

20.1(3) *Contact information.* Questions regarding this chapter may be directed to the Resources and Acquisitions Bureau, Purchasing Section, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.239.1170.

[**ARC 9126C**, IAB 4/16/25, effective 5/21/25]

761—20.2(307) Definitions. As used in this chapter, unless the context otherwise specifies:

"Bidder" means a respondent to a solicitation as a bidder, offeror or contractor.

"Competition" means the efforts of three or more parties acting independently to secure a contract with the department to provide equipment, materials, supplies or services to the department by offering or being in a position to offer the most favorable terms. "Favorable terms" includes, but is not limited to: price, speed of execution, anticipated quality of the product to be provided judged according to the expertise and experience of the provider, or ability to produce a desired result or to provide a desired commodity.

"Firm" means any bona fide contracting entity, including individuals, public mitigation banks and educational institutions. Except for educational institutions, the term is not to include governmental agencies or political subdivisions.

"Methods of procurement" means formal solicitation, informal solicitation, or negotiation as follows:

1. *"Formal solicitation"* means procurement by competition through public advertising of bid documents stating departmental needs.
2. *"Informal solicitation"* means procurement by obtaining a sufficient number of quotations, bids or proposals from qualified sources.
3. *"Negotiation"* means any method of procurement other than formal solicitation or informal solicitation to seek the best and final offer that is most advantageous to the department.

"Professional and technical services" means services that are unique, technical, or infrequent functions performed by independent contractors whose occupation is the rendering of such services. Contracts may go to partnerships, firms, or corporations as procured through formal and informal solicitation or negotiation methods outlined in rules 761—20.3(307) through 761—20.6(307). Architectural, landscape architectural, surveying, general engineering consultant, construction inspection, or engineering services and other related professional and technical services are outlined in rule 761—20.9(307).

"Response" means the submittal of written documents by a prospective bidder, offeror or contractor as a response to any type of solicitation issued by the department for a quotation, bid or proposal.

"Solicitation" means the request by the department for a quotation, bid or proposal. This includes but is not limited to the complete assembly of related documents (whether attached or incorporated by reference) furnished to prospective bidders for the purpose of responding to a solicitation.

[**ARC 9126C**, IAB 4/16/25, effective 5/21/25]

761—20.3(307) Procurement policy. It is the policy of the department to procure equipment, materials, supplies and services in a way that is most advantageous to the department and competitive to the maximum practicable extent.

20.3(1) *Formal solicitation.* The formal solicitation method of procurement is to be used whenever feasible and practicable under the existing conditions and circumstances and the estimated, aggregate amount of the purchase equals or exceeds $50,000.

20.3(2) *Informal solicitation.* The informal solicitation method of procurement may be used if formal solicitation is not feasible or practicable, or the estimated, aggregate amount of purchase is less than $50,000. This method is to be used as deemed necessary to ensure that the procurement is fair to the department, considering the administrative costs of the procurement, and is to be consistent with the nature and needs of the particular procurement so that the procurement is competitive to the maximum practicable extent.

20.3(3) *Negotiation.* The negotiation method of procurement may be used if formal solicitation or informal solicitation is not feasible or practicable, or in any of the following instances:

a. Procurement by negotiation is determined to be necessary and in the public interest during a period of man-made or natural disaster or emergency.

b. The estimated, aggregate amount of the purchase is less than $15,000.

c. The procurement is for architectural, landscape architectural, engineering, or related professional and technical services.

d. The procurement is for other professional and technical services.

e. When cost is only one of many factors considered to determine the award.

f. The procurement is for services to be rendered by an educational institution.

g. It is impracticable to secure competition through formal solicitation or informal solicitation, such as when:

(1) Equipment, materials, supplies or services can be obtained from only one source, pursuant to rule 761—20.7(307).

(2) Competition is precluded because of the existence of patent rights, copyrights, secret processes, control of basic raw materials, or similar circumstances, pursuant to rule 761—20.7(307).

(3) Solicitations have been made available to prospective bidders and no responses to the solicitation have been received.

(4) Solicitations have been made available and the submitted responses do not cover the quantity needed. In this case, negotiation is permitted for the remaining quantity needed.

(5) The procurement is for electrical power or energy, natural or manufactured gas, water or other utility services, or the procurement is for construction of a part of a utility system or railroad and it would not be practicable to allow a contractor other than the utility or railroad company to perform the work.

(6) The procurement is for professional and technical services in connection with the assembly, installation or servicing (or the instruction of personnel therein) of equipment of a highly technical or specialized nature.

(7) The procurement involves maintenance, repair, alteration or inspection, and the exact nature or amount of work to be done is not known.

(8) The procurement is for commercial transportation.

(9) It is impossible to draft adequate specifications or any other adequately detailed description of the item or services to be procured.

(10) The procurement is for a part or component being procured as a replacement in support of equipment specially designed by the manufacturer, and the data available is not adequate to ensure that the part or component supplied by another manufacturer will perform the same function as the part or component it is to replace.

(11) The procurement involves construction where a contractor or group of contractors is already at work on the site, and either it would not be practicable to allow another contractor or an additional contractor to work on the same site or the amount of work involved is too small to interest other contractors to mobilize and demobilize.

h. The procurement is for experimental, developmental or research work or for the manufacture or furnishing of property for experimentation, development, research or testing.

i. It is determined that the responses received are not reasonable or have not been independently arrived at.

j. Procurement by negotiation is otherwise authorized by law including but not limited to Iowa Code section 73.19.

k. The manufacturer is willing to sell directly to the state at distributor cost.

[**ARC 9126C**, IAB 4/16/25, effective 5/21/25]

761—20.4(307) Formal solicitation procedures.

20.4(1) *Bidders list.* The department's purchasing section will maintain current bidders lists by commodity classification.

a. These lists are generated from the department's electronic sourcing platform and will be actively managed to stay current with the relevant industry players and accurate commodity classifications to secure competition to the maximum practicable extent. Solicitations will be posted on the Iowa economic development authority's targeted small business website no later than 48 hours prior to the issuance of the solicitation.

b. Any firm legally doing business in Iowa may be placed on an appropriate bidders list or lists by registering as a vendor on the department's electronic sourcing platform.

c. Subject to concurrence of legal counsel, a bidder's name may be removed from a bidders list or lists for any of the following reasons:

(1) When the bidder has failed to meet prequalification as set forth in the bid solicitation.

(2) When the bidder has failed to meet the performance standards of a previous procurement.

(3) When the bidder has attempted to improperly influence the decision of any state employee involved in the procurement process.

(4) When there are reasonable grounds to believe that there is a collusive effort by bidders to restrain competition by any means.

(5) Where there is a determination by the civil rights commission that the bidder conducts discriminatory employment practices.

d. A bidder may protest removal from a bidders list or lists by submitting the appeal in writing pursuant to instructions in paragraph 20.4(6)*"d."*

20.4(2) *Solicitation documents.* The department will prepare the solicitation documents complete with requirements, specifications and instructions, as applicable, to be publicly posted for the purpose of procuring goods or services.

a. In special situations (e.g., the procurement of new model equipment), the solicitation may be marked "preliminary" and sent to prospective bidders requesting their review of the solicitation to determine their ability to respond and meet the requirements of the procurement request. The "preliminary" solicitation process involves the following steps:

(1) A conference may be held to discuss the "preliminary" solicitation requirements with prospective bidders when the item in question is a new acquisition for the department.

(2) Written requests for variations, deviations or approved equal substitutions to the solicitation are to be accepted, evaluated and answered by the department.

(3) The solicitation requirements may be revised to incorporate approved changes.

(4) A final solicitation is to be sent to prospective bidders that participated in the preliminary process.

b. The solicitation is to be sent to a sufficient number of prospective bidders so as to promote adequate competition commensurate with the dollar value and nature of the procurement. The solicitation is to be furnished to others upon request.

c. The department will publicize the procurement by advertising in appropriate media, providing the date and time set for public opening of submitted responses, a general description of the item to be procured, and the name and address of the person to contact to obtain a copy of the solicitation.

20.4(3) *Response instructions.* Each bidder is to prepare the response to the solicitation in the manner prescribed and furnish all information and samples requested in the solicitation. All bidders are to adhere to the following when preparing and submitting responses:

a. Response preparation. Responses are to be submitted electronically in a secure authorized system as instructed in the solicitation. Telephonic, written, email or facsimile responses are not to be considered.

b. Information to be provided by bidder. In the space provided, the bidder is to denote brand name, manufacturer's name, model number and any other necessary information to assist in identifying each item the bidder proposes to supply.

c. New merchandise. Unless otherwise specified, all items offered are to be new, of the latest model or manufacture, and at least equal in quality to that specified.

d. Response price. Where requested, the unit and total price for each separate item, and the total price for all items, is to be provided in the bidder's response. Alternate prices for approved substitutions may be submitted by attaching a response marked as an alternate to the original response. In case of error, the unit price prevails. If unit price is not requested in the solicitation, the total price per item prevails.

e. Discounts. Bidders are to quote net discount price. No other discounts are to be considered in making the award.

f. Time of acceptance. The bidder is to hold the offered prices open for action by the department at least 30 days past the time set for public opening of submitted responses.

g. Escalator clauses. Unless specifically provided for in the solicitation, a response containing an escalator clause is not to be considered.

h. Federal and state taxes. Except for specific items that will be noted in the solicitation, the department is exempt from payment of federal and state taxes. These taxes are not to be included in the bidder's response. Exemption certificates are to be furnished to bidders upon request.

i. Delivery dates. In the space provided, the bidder is to show the earliest date on which delivery can be made. When the solicitation shows the acceptable delivery date for an item, the proposed delivery date may be used as a factor in determining the successful bidder.

j. Ties and reservations. No ties or reservations by the bidder are permitted. Any tie or reservation stipulated by the bidder shall be sufficient grounds to reject the submitted response.

k. Changes and additions. No changes in or additions to the solicitation are to be permitted unless a written request for a change or an addition is submitted to the department's purchasing section in sufficient time to allow an appropriate analysis and response to all bidders, and the change or addition is approved by the purchasing section. The purchasing section will notify all bidders of approved changes or additions by means of addenda. Any unauthorized change in or addition to the solicitation is to be sufficient grounds to reject the submitted response.

l. Response submission. All responses are to be submitted electronically prior to the time set for public opening of submitted responses. Responses received are to be dated and time-stamped electronically by the purchasing section showing the date and hour received. By submitting a response, the bidder:

(1) Agrees that the contents of the response will become part of the contract if the bidder receives the award.

(2) Certifies that the bidder has become familiar with the contents and requirements of the solicitation.

m. Bid bond. A bid bond may be necessary as security that the bidder will execute the contract if awarded. If necessary, each response is to be supported by a bid bond in the form and amount prescribed in the solicitation. Responses not so supported are not to be read.

n. Withdrawal of responses prior to opening. Responses may be withdrawn prior to the time set forth in the solicitation. Prior to opening, a bidder who withdraws the response to a solicitation may submit a new response if desired.

o. Modification or withdrawal of responses after opening. After opening, no response is to be modified. A response may be withdrawn after opening only if:

(1) The bidder submits, at least three days prior to award, a sworn statement asserting that the response contains a substantial inadvertent error and that the bidder would suffer a serious financial loss if the bidder were to perform under the response, and

(2) The purchasing director approves the withdrawal. The purchasing director may base the decision to approve or deny the withdrawal on any factors the purchasing director deems relevant, including but not limited to the best interests of the agency, possible prejudice to other bidders or the bidding process, and the extent of financial hardship on the bidder if withdrawal is not allowed.

20.4(4) *Public opening of responses.* Responses are to be opened publicly and read aloud at the time stipulated in the solicitation.

20.4(5) *Consideration of responses.* The department reserves the right to accept or reject any or all responses. Individual responses may be rejected for any of the following reasons:

a. Noncompliance with the requirements of this rule or of the solicitation.

b. Financial insolvency of the bidder.

c. Evidence of unfair bidding practices.

d. For any other reason stated in this rule.

20.4(6) *Recommendation of award.*

a. Time frame. Unless otherwise specified by the department in the solicitation, an award is to be made within 30 days after the date and time set for public opening of submitted responses if it is in the best interest of the state. If an award is not made within the applicable time frame, the procurement is to be canceled unless an extension of time is mutually agreed to by the department and the apparent successful bidder.

b. Tied responses. Responses that are equal in all respects and are tied in price are to be resolved among the tied bidders by giving first preference to an Iowa bidder and second preference to the bidder who satisfactorily performed a contract the previous year for the same item at the same location. If the tie involves bidders with equal standing, the award is to be determined by lot among these bidders. A tied bidder or the bidder's representative may witness the determination by lot.

c. Tabulation of responses. A tabulation of responses with an award recommendation is to be sent to all interested parties including bidders at least ten days prior to award.

d. Protests. Any protest of the recommended award is to be submitted in writing to: Director of the Purchasing Section, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. A written protest must be received by the director of purchasing within five days after the recommended award has been posted. The protest is to be considered by the authority making the award. This is not a contested case as defined in Iowa Code section 17A.2.

e. Return of bid bond. Unsuccessful bidders' bid bonds shall be promptly returned by the department after award is made. The bid bond of the successful bidder shall be returned in accordance with subrule 20.4(7).

20.4(7) *Contract execution and performance.*

a. Execution. The successful bidder is to make good effort to enter into (execute) a formal contract with the department within 14 days after award.

b. Performance bond and certificate of insurance. A performance bond or certificate of liability and property damage insurance, or both, may be needed for those contracts involving services or specially constructed equipment. If needed, the performance bond and certificate of insurance are to be filed with the department promptly after award and prior to contract execution.

c. Return of awarded bidder's bid bond. The bid bond of the successful bidder is to be returned following execution of the contract. However, if the successful bidder fails to execute the contract and file an acceptable performance bond and certificate of insurance (if needed) promptly after award and prior to contract execution, or fails to comply with Iowa Code chapter 490, the award may be annulled and the bid bond forfeited.

d. Assignment of contract. The contractor is not to assign the contract to another party without written authorization from the department's purchasing section.

e. Strikes, lockouts or acts of God. If the contractor's business or source of supply has been disrupted by a strike, lockout or act of God, the contractor is to promptly advise the department's purchasing section. The department may elect to cancel the contract without penalty to either the contractor or to the department.

f. Payment. Unless otherwise stated in the contract, payment terms shall be net following the department's receipt and acceptance of the item(s) procured and receipt of an original invoice, in accordance with Iowa Code section 8A.514(3).

g. Liquidated damages. The contract terms may provide for liquidated damages to be assessed if the contractor fails to complete the contract within the contract period or for any other reason as specified in the contract.

20.4(8) *Additional requirements.*

a. The department's standard specifications for highway and bridge construction, as available on the department's website at www.iowadot.gov, where applicable and not in conflict with this rule or with the needs of a particular procurement, shall apply to formal solicitation procurement activities.

b. If there are federal funds involved in a particular procurement, and the federal procurement regulations conflict with this rule, then the federal procurement regulations shall apply.

c. Procurement of motor vehicles is to be in accordance with Iowa Code section 8A.311(20).

[**ARC 9126C**, IAB 4/16/25, effective 5/21/25]

761—20.5(307) Informal solicitation procedures.

20.5(1) *Bidders lists.* The department will use its current bidders lists (more information can be found in subrule 20.4(1)) to the extent feasible and practicable. However, the solicitation will also be offered to any qualified bidder that has requested an opportunity to participate.

20.5(2) *Form of solicitation.* The solicitation is to be as detailed and complete as practicable for the time and resources available.

20.5(3) *Form of response.* Responses are to be submitted in writing or electronically when practicable. Written responses will prevail over oral responses in case of discrepancies, disputes or errors. Following is the order of preference:

a. Original, signed submitted response.

b. Electronically submitted response (facsimile, email, Internet).

c. Oral response (e.g., telephonic).

20.5(4) *Award.* The award is to be offered to that responsible bidder whose response meets the requirements of the solicitation and is the most advantageous to the department. An Iowa bidder will be given preference over an out-of-state bidder when responses are equal in all respects and are tied in price.

[**ARC 9126C**, IAB 4/16/25, effective 5/21/25]

761—20.6(307) Professional and technical services. This rule applies to professional and technical services procured through the purchasing section using formal solicitation, informal solicitation or negotiation methods outlined in rules 761—20.3(307) through 761—20.6(307). The purchasing section will use the request for proposal (RFP) process, excluding cost evaluation, to ensure qualification-based selection for architectural, landscape architectural, and engineering services. Professional and technical services procured by the project management bureau are covered by rule 761—20.9(307).

20.6(1) *RFP.* A solicitation prepared by the department will include at least the minimum needs for the type of goods or services sought. The solicitation is sent to prospective offerors and is publicly posted on the department's website.

20.6(2) *Evaluation committee.* A committee is established for the purpose of reviewing and evaluating proposed responses based on a set of criteria as outlined in the RFP. "Evaluation criteria" will define categories with assigned weighted values to be used as a scoring measure to determine the best overall solution for the department based on technical expertise and price, including but not limited to:

a. Overall content of written submitted proposal information.

b. Business knowledge.

c. Work experience in mandatory skill sets.

d. Presentation or demonstration.

e. Cost (will not be used for the selection of architectural, landscape architectural, or engineering services).

20.6(3) *Award.* The award is to be offered to a firm whose properly submitted compliant response best meets the needs of the solicitation and receives the highest overall score of the weighted criteria.

[**ARC 9126C**, IAB 4/16/25, effective 5/21/25]

761—20.7(307) Sole source or emergency selection. Sole source or emergency selection applies to all services, including professional and technical services. The department will fully document and include in the contract file the justification for use of sole source or emergency selection, the basis on which a particular firm is selected and that appropriate approvals were obtained.

20.7(1) *Sole source selection.* The department may select a single firm qualified to perform the work with which to negotiate when one of the following conditions exists:

a. Only a single firm is determined qualified or eligible to perform the contemplated services or is eminently more likely to most satisfactorily complete the work than another firm.

b. The services involve work that is of such a specialized character or nature, or related to a specific geographical location, that only a single firm, by virtue of experience, expertise, proximity to or familiarity with the project or ownership of intellectual property rights, could most satisfactorily complete the work.

20.7(2) *Emergency selection.* The department may select a single firm qualified to perform the work when there is an emergency that will not permit the time necessary to use normal selection procedures. An emergency includes, but is not limited to, one of the following:

a. A condition that threatens the public health, welfare or safety.

b. A need to protect the health, welfare or safety of persons occupying or visiting a public improvement or property located adjacent to the public improvement.

c. A situation in which the department must act to preserve critical services or programs.

[**ARC 9126C**, IAB 4/16/25, effective 5/21/25]

761—20.8(307) Conflicts with federal requirements. If any provision of this chapter would cause a denial of federal funds or services or would otherwise be inconsistent with federal law, federal law shall be adhered to, but only to the extent necessary to prevent denial of the federal funds or services or to eliminate the inconsistency with federal law.

[**ARC 9126C**, IAB 4/16/25, effective 5/21/25]

761—20.9(307) Negotiation—architectural, landscape architectural, engineering and related professional and technical services. This rule prescribes procedures followed by the project management bureau for the procurement of architectural, landscape architectural, surveying, general engineering consultant, construction inspection, engineering and related professional and technical services by negotiation where selection is based on qualifications in compliance with 23 CFR Part 172. Contract costs are negotiated after a qualification-based selection.

20.9(1) *Registration of firms providing professional and technical services.*

a. A firm wishing to provide professional and technical services to the department as a consultant may register to receive information through the GovDelivery portal available at the department's website at www.iowadot.gov. The firm is responsible for keeping the firm's information updated. For information, persons may contact the consultant coordinator at the Project Management Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, or by telephone at 515.239.1803.

b. The department will maintain a list of work categories, descriptions and requirements for each work category online.

20.9(2) *Request for professional and technical services.* Prior to selecting a firm with which to initiate negotiations under this rule, the department will document the need for outside services, a description of the needed services, the time frame within which the work must be performed, and the method of selection to be used. One of the following methods is to be used to select a firm with which to initiate negotiations:

a. Complete process. More information can be found in subrule 20.9(3).

b. Small contract process. More information can be found in subrule 20.9(4).

c. Sole source or emergency selection. More information can be found in rule 761—20.7(307).

20.9(3) *Complete process.* The complete process method will use the following process and will be used unless another selection method is justified:

a. RFP. The department will prepare an RFP that will include the scope of the work, duration of the contract, list of applicable work categories, evaluation criteria (excluding cost), any established disadvantaged business enterprise or targeted small business goal for the proposed work, type of contract anticipated, submission details including the point of contact for the RFP for any questions, the time by which the RFP should be received by the department and anticipated date of selection. The RFP will not request any cost information to be submitted by the proposing firms.

b. Website.

(1) The RFP will be posted on the department of administrative services' website no later than 48 hours prior to the issuance of the RFP.

(2) The RFP will be posted on the department's website. The notification of the RFP being posted will be sent to all users who have signed up to receive the notification via GovDelivery. The notification will include the link to the website where the RFP is posted. More information can be found in subrule 20.9(1).

(3) The department will post any questions received on the RFP and answers thereto on the website indicated in the GovDelivery notification.

c. Selection committee. The department will appoint a selection committee to become familiar with the RFP, review the firms that have responded to the RFP to determine if they meet the requirements of the work to be performed, and evaluate the firms that meet the qualifications per the evaluation criteria. The selection committee will, if necessary, interview the firms, score the firms, document the committee's decision and provide the scoring to the consultant steering committee.

d. Evaluation criteria. The selection committee is responsible for establishing criteria for evaluating each firm submitting a proposal, assigning weighted values to the criteria, and rating each firm on each criterion. Evaluation criteria are tailored to the needed services. Typical evaluation criteria are listed below. The list is intended as a guideline only; it is not exhaustive, nor is each criterion mandatory.

(1) Staffing expertise consistent with special project needs.

(2) Past experience with similar types of work.

(3) Current workload and commitment of key personnel.

(4) Specific qualifications of key staff who will be forming the firm's project team.

(5) Resources the firm has available and proposes to use on the project, including the firm's use of equipment and automated technology and the firm's compatibility with equipment and technology used by the department.

(6) Identification of proposed subconsultants and the work the subconsultants will perform.

e. Consultant steering committee. A consultant steering committee is responsible for reviewing the firms as scored by the selection committee, determining the order of preference for negotiations, and documenting its decision. The number of firms selected is to include at least two alternate firms. The committee is to document its reasoning when the number of selected firms is fewer than the minimum. The consultant steering committee is to consider not only the selection committee's scoring but other factors such as:

(1) A firm's ability to complete required tasks in the time allotted, taking into account other work currently under contract.

(2) The volume of work a firm has with the department, both existing and potential.

(3) The department's goal of having a breadth of experienced firms capable of providing quality services to the department.

(4) Other items unique to the particular contract.

f. Completion of selection process. After selection committee and consultant steering committee activities are complete, the department will determine whether negotiations may begin. If negotiations are approved, the department will proceed to negotiate with the firm that is first in order of preference.

g. Notification to firms. The department will post the results of the selection on the website identified in the GovDelivery notification. For firms not included on the ranked list of firms, the department will also provide a matrix showing the high, low and average scores for each item evaluated and that firm's score for each item.

20.9(4) *Small contract process.* The small contract process may be used to identify a single firm with which to negotiate when the estimated work under the contract can normally be completed within a 12-month period and the estimated cost of the contract will not exceed $150,000.

a. Selection committee. The department will appoint a selection committee to identify at least three firms that meet the requirements of the work categories involved in performing the work; document the names of the firms considered, if necessary; interview the firms; select a firm with which to initiate negotiations; and document the committee's decision.

b. *Completion of selection process.* After selection committee activities are complete, the department will determine whether negotiations may begin. If negotiations are approved, the department will proceed to negotiate with the selected firm.

20.9(5) *Selection dispute resolution.* Any dispute of the recommended selection is to be submitted in writing to the consultant coordinator. A written notice of the dispute with supporting evidence must be received by the consultant coordinator within 15 calendar days from the date the selection is posted on the department's website. This is not a contested case as defined in Iowa Code section 17A.2. The department will inform the selected firm(s) of the dispute and inform the firm(s) that the department reserves the right to proceed with negotiations with the selected firm(s) pending resolution of the dispute or claim.

20.9(6) *Negotiation of contract.* The purpose of negotiations is to develop a contract that is mutually satisfactory to the department and the selected firm.

a. The firm must submit a detailed cost proposal, including a detailed cost proposal for each proposed subcontract. The department will prepare an independent estimate of the cost of the proposed services, including a detailed estimate of the firm's staff hours needed to complete the contract. Significant differences are to be evaluated and resolved to the satisfaction of both parties. If it is impractical to make an independent estimate, the department will evaluate the acceptability of the firm's cost proposal on the basis of the reasonableness of the individual elements of the price proposed.

b. The department may perform a preaudit. A preaudit typically includes:

(1) An analysis of the firm's cost proposal and financial records for the method of accounting in place to ensure that the firm has the ability to adequately segregate and accumulate reasonable and allowable costs to be charged against the contract.

(2) An analysis of the firm's proposed direct costing rates and indirect overhead factors to ensure the firm's propriety and allowability.

c. For contracts with federal funding, the department will verify federal suspension and debarment actions and eligibility status of firms prior to entering into an agreement or contract.

20.9(7) *Unsuccessful negotiations.*

a. If a mutually satisfactory contract cannot be negotiated, the department will formally terminate the negotiations and notify the firm in writing. Termination of negotiations is without prejudice and at the department's discretion. The substance of terminated negotiations is confidential.

b. The department will then initiate negotiations with the firm given next preference, and this procedure may be continued until a mutually satisfactory contract has been negotiated. If a satisfactory contract cannot be negotiated with any of the selected firms, the department will either:

(1) Direct the selection committee to select one or more firms with which to continue negotiations, or

(2) Redefine the scope of the project or work and start over. More information can be found in subrule 20.9(2). Once negotiations are terminated, negotiations cannot be reopened with the same firm.

20.9(8) *Evaluation of performance.*

a. The department will evaluate all firms under this rule annually based on the contracts that were active during the fiscal year. Both the firm's performance and quality of the final product shall be evaluated. The evaluation considers:

(1) The quality and adequacy of work performed.

(2) The ability to meet established schedules and budgets.

(3) General administration of the contract, including substantiation of cost billings, payments to subconsultants, and documentation of claims.

(4) Cooperation shown by the firm in responding to requests for information and in revising procedures and products according to directions.

(5) Coordination exhibited by the firm in communicating with the department, subconsultants, agencies and others to accomplish tasks and resolve problems.

(6) Ingenuity displayed in solving unique and unusual design problems encountered during performance of contract objectives.

(7) The ability to obtain an acceptable end product with appropriate department staff guidance.

b. The firm is to be given an opportunity to review, comment on and sign the evaluation.

[**ARC 9126C**, IAB 4/16/25, effective 5/21/25]

These rules are intended to implement Iowa Code sections 8A.302(1), 8A.311(20), 8A.514(3), 73.15 through 73.21, 307.12(1)*"j"* and 307.21.

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[Filed ARC 9126C (Notice ARC 8486C, IAB 12/11/24), IAB 4/16/25, effective 5/21/25]

CHAPTERS 21 to 24
Reserved

CHAPTER 25
COMPETITION WITH PRIVATE ENTERPRISE

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/21/30

761—25.1(23A) Interpretation. This chapter is not to be interpreted to mean that the department will provide a good or service with or without qualification, restriction, or charge.
[**ARC 9127C**, IAB 4/16/25, effective 5/21/25]

761—25.2(23A) Exemptions. Activities related to the items listed in this rule are exempted from the provisions of Iowa Code section 23A.2(1).

25.2(1) Transportation-related printing, publications and electronically generated materials, including but not limited to: forms; brochures; booklets; manuals; directories; periodicals; county, city and state transportation maps; video and audio materials; computer tapes and discs; microfilm and other instructional and informative materials.

25.2(2) Copies of records or other services provided to meet the standards of Iowa Code chapter 22.

25.2(3) Transportation-related studies, planning and research.

25.2(4) Disposal of surplus, obsolete or junked materials and supplies and equipment.

25.2(5) Matters of intergovernmental cooperation. Cooperating with other government bodies does not involve providing goods or services to the public except in the broadest sense. The term "government bodies" includes regional transit systems. Activities that involve intergovernmental cooperation include but are not limited to the following:

a. Use or consumption of departmental facilities, equipment, materials or supplies by other government bodies, including loans, rentals and sales of equipment, materials and supplies.

b. Services provided to or performed for other government bodies. These services include:

(1) Vehicle maintenance and repair services provided to other state agencies.

(2) Purchasing services provided to other government bodies.

(3) Purchases made by other government bodies through state contracts.

(4) Disposal of surplus, obsolete or junked materials and supplies and equipment belonging to other state agencies, counties or cities.

(5) Other services performed for government bodies. These services cover a wide range of activities and are performed primarily for county and city highway departments, agencies having park or institutional roads, county treasurers, public transit systems, publicly owned airports, law enforcement agencies, regional planning agencies, and transportation-related boards.

25.2(6) Acquisition and disposal of land and improvements or mitigation banks acquired for highways or facilities use.

25.2(7) Lease of right-of-way.

25.2(8) Design, construction, reconstruction, inspection and maintenance of highways, including but not limited to signs erected in the right-of-way and acknowledgment signs used in the adopt-a-highway program.

25.2(9) Use or consumption of specialized departmental equipment, materials, supplies or services to complete a contract with the department if the goods or services are not readily available on the open market and the department can provide the goods or services at a competitive price.

25.2(10) Use of departmental facilities to complete a contract with the department.

25.2(11) Activities related to emergencies, including but not limited to providing assistance to the public.

25.2(12) Goods or services for use or consumption by the department.

25.2(13) Use of departmental facilities or services by persons providing services to or representing departmental employees, including but not limited to the following services or persons: food, credit union and employee organizations.

25.2(14) Use of departmental conference rooms or grounds by civic groups and nonprofit organizations.

25.2(15) Personal protective items purchased by departmental employees through state contracts.

25.2(16) Goods or services promoting transportation or transportation safety.

25.2(17) Development, implementation, and licensing of software for use by governmental agencies, whether in Iowa or elsewhere, designed for crash data reporting and analysis; generating uniform citations and other forms for use in public safety; and transmission of such data, analysis, and forms to the appropriate agencies.

25.2(18) Development, implementation, and licensing of systems for use by governmental agencies, whether in Iowa or elsewhere, designed for situational incident response, resource management, and interagency communications.

25.2(19) Any other activity permitted or required by law.

[**ARC 9127C**, IAB 4/16/25, effective 5/21/25]

These rules are intended to implement Iowa Code sections 23A.1 and 23A.2.

[Filed 2/23/89, Notice 1/11/89—published 3/22/89, effective 4/26/89]

[1][Filed ARC 0187C (Notice ARC 0113C, IAB 5/2/12), IAB 7/11/12, effective 8/15/12]

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[Filed ARC 9127C (Notice ARC 8483C, IAB 12/11/24), IAB 4/16/25, effective 5/21/25]

[1] August 15, 2012, effective date of 25.2(8) [ARC 0187C] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2012. At its meeting held September 11, 2012, the Committee delayed the effective date until adjournment of the 2013 Session of the General Assembly.

CHAPTER 26
CONSENT FOR THE SALE OF GOODS AND SERVICES
Rescinded IAB 10/11/06, effective 11/15/06

CHAPTER 27
INTEREST ON RETAINED FUNDS

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

761—27.1(573) Interest on retained funds.

27.1(1) *Scope.* This rule implements Iowa Code section 573.12 regarding payment to a contractor of interest earned on retained funds. This rule does not address payment of interest under Iowa Code section 573.14.

27.1(2) *General requirements.*

a. Interest is paid on retained funds of a contract only if the accrued interest on those funds is at least $25. This dollar threshold reflects the cost to the department of processing an interest payment on retained funds.

b. Interest is not to be paid on retained funds of a contract declared in default.

27.1(3) *Procedures.*

a. Interest begins to accrue on retained funds on the date the first progress payment is issued. An interest rate is established on this date in accordance with Iowa Code section 12C.6. This interest rate applies for the duration of the contract.

b. In general, interest continues to accrue on retained funds until the date the final payment is issued.

(1) Final payment is payment of retained funds less assessed liquidated damages, if applicable.

(2) The final payment and the interest payment are paid by separate warrants. The interest payment is issued within two weeks after issuance of final payment.

c. Notwithstanding paragraph 27.1(3)*"b,"* interest is to cease to accrue on retained funds:

(1) Upon the expiration of 90 days following field acceptance of a project if the contractor has failed to submit to the department the documentation necessary for final payment as specified in the contract provisions.

(2) Upon payment of retained funds via a retention release voucher. A retention release voucher releases the retained funds and the interest accrued on those funds less assessed liquidated damages, twice the amount of claims on file, and the amount of possible overpayments or adjustments to contract items and change orders. A retention release voucher may be paid at any time after 30 days have expired following completion and final acceptance of the project if the contractor has submitted the necessary documentation.

(3) Upon the court's obtaining jurisdiction of the retained funds pursuant to Iowa Code section 573.16. Retained funds turned over to the court will include the interest accrued on those funds to the date the action was filed if the interest has not been paid to the contractor.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 573.12.

[**ARC 9263C**, IAB 5/14/25, effective 6/18/25]

[Filed 1/9/91, Notice 11/14/90—published 2/6/91, effective 3/13/91]
[Filed ARC 9263C (Notice ARC 8591C, IAB 12/25/24), IAB 5/14/25, effective 6/18/25]

CHAPTER 28
IOWA TRANSPORTATION MAP

Rescinded **ARC 8243C**, IAB 10/2/24, effective 11/6/24

CHAPTERS 29 to 39
Reserved

CHAPTER 40
RECOVERY OF DAMAGES TO HIGHWAYS OR HIGHWAY STRUCTURES

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

761—40.1(321) General.

40.1(1) This chapter is limited to recovery of damages to highways or highway structures in accordance with Iowa Code section 321.475, Iowa Code chapter 321E and 761—Chapter 511.

40.1(2) Information about this chapter may be obtained from the Finance Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, or the department's website at www.iowadot.gov/claimsmanagement.

[**ARC 9264C**, IAB 5/14/25, effective 6/18/25]

761—40.2(321) Definitions.

"Highway" means any segment of the primary road system or a municipal extension and includes but is not limited to the pavement surface, shoulder, median, earth fill, ditches and vegetation.

"Highway structure" means all the appurtenances of a highway, including but not limited to guardrails, culverts, bridges, signs, light poles, attenuators, traffic control devices, or buildings at rest areas, information sites, commercial vehicle inspection and enforcement sites, or other appurtenances adjacent to the highway.

[**ARC 9264C**, IAB 5/14/25, effective 6/18/25]

761—40.3(321) Recovery of damages. The department:

40.3(1) Will investigate to determine the person(s) responsible for the damages.

40.3(2) Will summarize the repair or replacement costs and submit the claim to the person(s) responsible for the damage.

40.3(3) May seek recovery through civil court action.

40.3(4) Will deposit the collections for recovery of damages in the primary road fund.

[**ARC 9264C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code section 321.475.

[Filed 1/15/92, Notice 12/11/91—published 2/5/92, effective 3/11/92][1]
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[1] Effective date of 761—40.6(321) delayed 70 days by the Administrative Rules Review Committee at its meeting held March 9, 1992.

CHAPTERS 41 to 99
Reserved

HIGHWAYS

CHAPTER 100
FUNCTIONAL CLASSIFICATION OF HIGHWAYS

[Prior to 6/3/87, Transportation Department[820]—(08,C)Ch3]
Rescinded IAB 12/16/98, effective 1/20/99

CHAPTER 101
FARM-TO-MARKET REVIEW BOARD

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

761—101.1(306) Scope. This chapter formalizes the process by which the farm-to-market review board will administer its duties. The board reviews criteria for determining eligibility for inclusion of additional roads into the farm-to-market road system in accordance with Iowa Code sections 306.6 and 306.6A.
[**ARC 8935C**, IAB 2/19/25, effective 3/26/25]

761—101.2(306) Definitions.

"Area service roads," "local roads," or *"local road system"* means those secondary roads that are not a part of the farm-to-market road system.

"Board" means the farm-to-market review board.

"Executive board" means the Iowa county engineers association executive board.

"Farm-to-market extensions" means extensions of the farm-to-market road system within municipalities, state parks, state institutions, other state lands, and county parks and conservation areas. The mileage of these extensions of the system is to be included in the total mileage of the farm-to-market road system.

"Farm-to-market roads" or *"farm-to-market road system"* means those county jurisdiction intracounty and intercounty roads that serve principal traffic generating areas and connect such areas to other farm-to-market roads and primary roads. The farm-to-market road system includes those county jurisdiction roads providing service for short-distance intracounty and intercounty traffic or providing connections between farm-to-market and area service roads and includes those secondary roads that are federal aid eligible. The farm-to-market road system is not to exceed 35,000 miles.

"President" means the president of the Iowa county engineers association.
[**ARC 8935C**, IAB 2/19/25, effective 3/26/25]

761—101.3(306) Composition and membership of the board.

101.3(1) The board is composed of 12 county engineers selected by the Iowa county engineers association. Two members are selected from each district to serve staggered terms. After the first complete term rotation as shown below, the members serve six-year terms. Rotations should be staggered so that no more than one-sixth of the membership is rotated off the board in any one year. The rotation of board members should further provide that two members from one district will not be rotated off the board in the same year, and that their rotations will be varied by three years. Board rotation should be as follows and should be extended in future years in the same pattern:

Year	Rotation	
2021	District 1 Representative A	District 4 Representative A
2022	District 2 Representative A	District 5 Representative A
2023	District 3 Representative A	District 6 Representative A
2024	District 1 Representative B	District 4 Representative B
2025	District 2 Representative B	District 5 Representative B
2026	District 3 Representative B	District 6 Representative B

101.3(2) Members are nominated by their districts and approved by the executive board. A county engineer may serve multiple, consecutive terms if so nominated by the county engineer's district. If a county engineer is unable to complete a term for any reason, the president selects another county engineer within the district to serve the balance of the term.

101.3(3) The board selects from its membership a chair and a vice-chair to serve one-year terms. The chair serves at the pleasure of the board and may be elected to multiple terms as deemed appropriate by the board. The vice-chair presides at a meeting in the absence of the chair.
[**ARC 8935C**, IAB 2/19/25, effective 3/26/25]

761—101.4(306) Collection of system modification requests and frequency of meetings.

101.4(1) The department of transportation will collect applications for modifications to the farm-to-market road system. The board chair schedules meetings of the board to review accumulated applications for farm-to-market road system modifications. Applications should be filed no less than 21 calendar days prior to each scheduled board meeting.

101.4(2) The board follows the provisions of Iowa Code chapter 21 with regard to open meetings. The chair posts a meeting agenda on the Iowa county engineers association service bureau website and sends copies of the agenda to all counties.

101.4(3) Minutes of each meeting are kept; the chair is responsible for the minutes. Meetings may be recorded to facilitate the preparation of meeting minutes, but any recordings made are not to be retained after the minutes have been completed.

[**ARC 8935C**, IAB 2/19/25, effective 3/26/25]

761—101.5(306) Procedure for requesting modifications to the farm-to-market road system. To apply for a modification to the farm-to-market road system, a county files an application through the department of transportation.

101.5(1) The application includes the following:

a. A copy of a resolution of the county board of supervisors requesting the modification to the existing farm-to-market road system. Farm-to-market modifications may include proposed roads, redesignation of area service roads, or transfers of jurisdiction.

b. A report of the county engineer explaining and justifying the addition of new mileage to the farm-to-market road system or the change in the route or farm-to-market classification proposed by the county.

101.5(2) In the case of intercounty routes, joint applications may be filed. Resolutions are necessary of each county.

[**ARC 8935C**, IAB 2/19/25, effective 3/26/25]

761—101.6(306) Voting and approval of requested modifications. Each member is a voting member and is eligible to vote at every meeting at which that member is in attendance. Attendance may include members being present at the meeting through a conference telephone call, Iowa communications network connection, or other electronic means deemed appropriate by the chair.

101.6(1) *Determination of a quorum.* A minimum of eight board members is necessary for a quorum. If a quorum is not present at a meeting, the meeting is rescheduled.

101.6(2) *Number of votes needed to approve or deny a modification.* For a requested modification to the farm-to-market road system to be approved, it needs to receive a minimum of seven affirmative votes; in other words, a majority of the entire board. A motion to deny a requested modification needs to only receive six votes for the denial to be approved.

[**ARC 8935C**, IAB 2/19/25, effective 3/26/25]

761—101.7(306) Report of board decision to applicant county. Within 30 calendar days after a board meeting, the chair sends a formal response to each county whose request was acted upon by the board at the meeting. The response apprises each applicant of the decision of the board. If the application is denied, the board provides an explanation of the reasons for the denial.

[**ARC 8935C**, IAB 2/19/25, effective 3/26/25]

761—101.8(306) Reapplication for modification. A county may reapply for a modification to the farm-to-market road system if its initial request is denied. The county again follows all provisions for requesting a modification and should be prepared to present additional information in support of the requested change. Any requested system modification that receives two denials is not to be resubmitted for consideration for a minimum of three years.

[**ARC 8935C**, IAB 2/19/25, effective 3/26/25]

761—101.9(306) Judicial review. Any county that is aggrieved or adversely affected by a decision of the board may seek judicial review of such agency action under the provisions of Iowa Code section 17A.19.

[**ARC 8935C**, IAB 2/19/25, effective 3/26/25]

761—101.10(306) Adoption and modification of rules. The chair directs the board to review these rules annually. Board members may recommend changes to these rules.
[**ARC 8935C**, IAB 2/19/25, effective 3/26/25]

761—101.11(306) Severability clause. If any section, provision, or part of these rules is adjudged invalid or unconstitutional, such adjudication will not affect the validity of these rules as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.
[**ARC 8935C**, IAB 2/19/25, effective 3/26/25]

These rules are intended to implement Iowa Code sections 306.6 and 306.6A.

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CHAPTER 102
SECONDARY ROAD FUND DISTRIBUTION COMMITTEE

Rescinded **ARC 8243C**, IAB 10/2/24, effective 11/6/24

CHAPTER 103
SECONDARY ROAD FUND DISTRIBUTION METHODOLOGY

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/21/30

761—103.1(312) General.

103.1(1) *Purpose.* The purpose of these rules is to adopt the formulas to be used for distribution of moneys in the secondary road fund and the farm-to-market road fund and to formalize the process by which the commission will administer its duties in accordance with Iowa Code section 312.3.

103.1(2) *Contact information.* Questions regarding this chapter may be directed to the Systems Planning Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone, 515.239.1664.

103.1(3) *Definitions.* As used in this chapter:

"Bridges" means those structures under the jurisdiction of a county secondary roads department that are included in the National Bridge Inventory System.

"Commission" means the same as defined in Iowa Code section 312.16.

"Committee" means an ad hoc committee as described in rule 761—103.2(7E,312).

"Daily vehicle miles of travel" means the product of a road segment's length, in miles, multiplied by the daily traffic count thereon, in vehicles per day, reported for that segment by department, based on the most recent counts available.

"Earth surfaced" means roads under the jurisdiction of a county secondary roads department that are not surfaced.

"Formula" means the appropriate secondary road fund distribution formula or farm-to-market road fund distribution formula as described in subrules 103.3(1) and 103.3(2).

"Granular surfaced" means roads under the jurisdiction of a county secondary roads department that have crushed rock, gravel, or oiled earth surfaces.

"Paved surfaced" means roads under the jurisdiction of a county secondary roads department with hot mix asphalt, Portland cement concrete, or stabilized base with waterproof surfacing.

"Rural population" means the count, taken from the most recently certified decennial federal census, of persons who reside in the unincorporated areas of a county.

[**ARC 9128C**, IAB 4/16/25, effective 5/21/25]

761—103.2(7E,312) Composition and membership of the ad hoc secondary road fund distribution committee.

103.2(1) The committee is composed of six county engineers, six county supervisors, two representatives of the department, and the executive director of the Iowa county engineers association service bureau.

103.2(2) The county engineers are appointed by the president of the Iowa county engineers association, the county supervisors are appointed by the president of the Iowa state association of county supervisors, and the department representatives are appointed by the department.

103.2(3) The county engineer members and the county supervisor members are selected according to the population of their counties, as follows:

a. Two county engineers and two county supervisors from large counties.

b. Two county engineers and two county supervisors from medium counties.

c. Two county engineers and two county supervisors from small counties.

103.2(4) To the extent possible, the committee is geographically diverse, and no county will have both an engineer and a supervisor as members simultaneously.

103.2(5) All county members are voting members. The department representatives and the executive director of the Iowa county engineers association service bureau are nonvoting members.

103.2(6) The committee selects from its membership a chair and a vice-chair. The vice-chair presides at a meeting in the absence of the chair.

[**ARC 9128C**, IAB 4/16/25, effective 5/21/25]

761—103.3(312) Formulas.

103.3(1) *Formula for determining secondary road fund allocation factors.* The Iowa county engineers association service bureau annually computes percentage allocation factors for the allocation of secondary road fund revenues among the counties by using the methodology determined by the commission and calculating and summing the following percentage subtotals for each county:

a. Thirty percent times the ratio that the total area of each county bears to the total area of the state.

b. Ten percent times the ratio that the rural population of each county bears to the total rural population of the state.

c. Twelve and one-half percent times the ratio that the total daily vehicle miles of travel on each county's secondary roads bear to the total daily vehicle miles of travel on all secondary roads in the state.

d. One-half percent times the ratio that the earth-surfaced miles of secondary roads of each county bear to the total miles of earth-surfaced secondary roads in the state.

e. Twenty percent times the ratio that the granular-surfaced miles of secondary roads of each county bear to the total miles of granular-surfaced secondary roads in the state.

f. Thirteen percent times the ratio that the paved-surfaced miles of secondary roads of each county bear to the total miles of paved-surfaced secondary roads in the state.

g. Fourteen percent times the ratio that the length, in lineal feet, of secondary road bridges of each county bears to the total length of secondary road bridges in the state.

103.3(2) *Formula for determining farm-to-market road fund allocation factors.* The Iowa county engineers association service bureau annually computes percentage allocation factors for the allocation of farm-to-market road fund revenues among the counties by using the methodology determined by the commission and calculating and summing the following percentage subtotals for each county:

a. Thirty percent times the ratio that the total area of each county bears to the total area of the state.

b. Fifteen percent times the ratio that the rural population of each county bears to the total rural population of the state.

c. Ten percent times the ratio that the total daily vehicle miles of travel on each county's farm-to-market roads bear to the total daily vehicle miles of travel on all farm-to-market roads in the state.

d. Nine percent times the ratio that the granular-surfaced miles of farm-to-market roads of each county bear to the total miles of granular-surfaced farm-to-market roads in the state.

e. Twenty-three percent times the ratio that the paved-surfaced miles of farm-to-market roads of each county bear to the total miles of paved-surfaced farm-to-market roads in the state.

f. Thirteen percent times the ratio that the length, in lineal feet, of farm-to-market road bridges of each county bears to the total length of farm-to-market road bridges in the state.

103.3(3) *Considerations for a new or modified distribution formula.* A distribution formula that is proposed in accordance with rule 761—103.4(312) should substantially meet the following objectives:

a. Funding levels to counties should be relatively stable, with only small changes occurring from year to year.

b. The formula should be able to factor in changes in population, mileages, the centerline lineal feet of bridges, and traffic levels as they occur over time, without needing to be revised.

[**ARC 9128C**, IAB 4/16/25, effective 5/21/25]

761—103.4(312) Process for approval of a new or modified distribution formula.

103.4(1) Proposals to adopt a new or modified distribution formula may be initiated by the executive board of either the Iowa county engineers association or the Iowa state association of county supervisors upon request to the commission.

103.4(2) When a formula change has been initiated or requested, the commission directs the committee to develop a work plan and set up a work schedule.

103.4(3) The committee is to evaluate the proposal and, within 18 months after initiation or receipt of the proposal, publish an official report outlining the committee's findings and recommendations.

103.4(4) If the official report recommends adoption of a new or modified distribution formula, the chair communicates the details of the committee's recommendations to all county engineers, all county supervisors and the department in such a manner as the committee deems appropriate. This communication solicits comments on the committee's recommendations.

103.4(5) After receipt and consideration of comments from counties, the committee may adopt a resolution that formally proposes a distribution formula and places it into official consideration.

103.4(6) The chair forwards the resolution to the executive boards of both the Iowa county engineers association and the Iowa state association of county supervisors, with a request for endorsement of the proposed distribution formula.

103.4(7) If both executive boards endorse the proposed distribution formula, the chair requests each individual county to consider and adopt a resolution in favor of or in opposition to the proposed distribution formula.

103.4(8) If at least 66 counties adopt resolutions in favor of the proposed distribution formula, the chair forwards the distribution formula to the commission for action.

103.4(9) If the distribution formula is adopted by the commission, the committee chair notifies the following organizations and groups when the distribution formula has been approved:

a. The executive board of the Iowa county engineers association.

b. The executive board of the Iowa state association of county supervisors.

c. The systems planning and local systems bureaus of the department.

d. The office of the treasurer of state.

e. All county engineers and county supervisors.

f. The Iowa county engineers association service bureau.

[**ARC 9128C**, IAB 4/16/25, effective 5/21/25]

761—103.5(312) Judicial review. Any county that is aggrieved or adversely affected by a decision of the commission may seek judicial review of such agency action under the provisions of Iowa Code section 17A.19.

[**ARC 9128C**, IAB 4/16/25, effective 5/21/25]

761—103.6(312) Severability clause. If any section, provision, or part of these rules is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of these rules as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

[**ARC 9128C**, IAB 4/16/25, effective 5/21/25]

These rules are intended to implement Iowa Code sections 7E.3(3), 312.2, 312.3, 312.3B, 312.5 and 312.16.

[Filed ARC 9128C (Notice ARC 8482C, IAB 12/11/24), IAB 4/16/25, effective 5/21/25]

CHAPTER 104
Reserved

CHAPTER 105
HOLIDAY REST STOPS

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/12/30

761—105.1(314) Purpose. The purpose of this chapter is to establish the requirements and procedures for approving requests for rest stops on primary and interstate highways during holiday periods.
[**ARC 8780C**, IAB 1/8/25, effective 2/12/25]

761—105.2(314) General.

105.2(1) *Definitions.*

"Free refreshments" means the same as defined in Iowa Code section 314.27.

"Holiday periods" means the same as defined in Iowa Code section 314.27.

"Holiday rest stop" means a location where a sponsor serves free refreshments to motorists during holiday periods to provide a break from driving monotony, promote safer driving, and reduce the potential for highway accidents.

"Sponsor" means the nonprofit organization that is providing the free refreshments and staffing the holiday rest stop.

105.2(2) *Information.* Information regarding this chapter is available from the Maintenance Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, or the department's website at www.iowadot.gov.
[**ARC 8780C**, IAB 1/8/25, effective 2/12/25]

761—105.3(314) Conditions. The sponsor of a holiday rest stop shall comply with the following general conditions:

105.3(1) Not request or accept payment for the refreshments served. The sponsor may accept voluntary donations using containers clearly labeled with a sign stating "donations." If the sponsor uses donation containers, the sponsor needs to place signs within the immediate area of the operation at locations designated by the department stating "free refreshments."

105.3(2) Not distribute any literature or other promotional material.

105.3(3) Clean up the area and remove all signs the sponsor has erected promptly after the holiday rest stop is discontinued.

105.3(4) No permit parking on the highway shoulders.

105.3(5) Agree to indemnify, defend and hold the department of transportation and the state of Iowa harmless from any liability that may result from the directing of traffic to the holiday rest stop area, and as a result of changes of traffic patterns caused by the activities of the sponsor in or about the holiday rest stop area, and all other liability related to the operation of the special holiday rest stop and the refreshments provided.
[**ARC 8780C**, IAB 1/8/25, effective 2/12/25]

761—105.4(314) Holiday rest stops.

105.4(1) *Site.*

a. A holiday rest stop along an interstate highway shall be in an established interstate rest area. Running water is available at each rest area. The department will provide electricity if requested.

b. The proposed site of a holiday rest stop along a primary highway will be inspected by the department to ensure it meets the following requirements:

(1) The site is large enough to provide parking space for at least 15 vehicles and located so that all parked vehicles will be at least 50 feet from the edge of the traveled way of the primary highway.

(2) An access drive from the primary highway shoulder to the parking area has a top width of at least 20 feet and provides a clear view of the primary highway for at least 900 feet in each direction.

c. The department will designate an appropriate spot within the requested holiday rest stop location that will not include rest area restroom buildings or welcome center buildings. The sponsor may use the

information kiosk where available. A tent or canopy may be used in areas without a kiosk during inclement weather.

105.4(2) *Signs.* The sponsor shall:

a. Not place any signs directing highway traffic to the holiday rest stop.

b. Not place any signs for an interstate holiday rest stop along the interstate highway or interchange ramps. The department will place signs stating "free refreshments" adjacent to the interstate highway and will remove these signs when the holiday rest stop is discontinued.

c. Provide two signs approximately four feet by four feet announcing the holiday rest stop, one for each highway approach to the site for holiday rest stops on primary highways. The department will install these signs and will remove them when the holiday rest stop is discontinued.

d. Take responsibility for any signs posted at the actual holiday rest stop site. Signs provided or placed by the sponsor shall not include any advertising but may include the sponsor's name. Signs shall not be mounted on objects (including vehicles) that contain the name of any organization or individual except the sponsor. The sponsor is responsible for the removal of all signs the sponsor has erected promptly after the holiday rest stop is discontinued.

105.4(3) *Request.*

a. A request to sponsor a holiday rest stop will be made on Form 810023. This form is available from the maintenance bureau or the department's website.

b. The request will include the name and address of the requesting sponsor, a detailed description of the proposed holiday rest stop location, and the requested hours of operation.

c. The request will be submitted to the maintenance bureau and must be submitted at least 90 days prior to the beginning date of the holiday period and may be accepted up to 12 months in advance.

105.4(4) *Approval of request.*

a. The maintenance bureau will notify the potential sponsor of approval or disapproval of the request within the time frame specified in Iowa Code section 314.27.

b. If there is more than one qualifying request for the same site and date, the sponsor will be selected by lottery.

[**ARC 8780C**, IAB 1/8/25, effective 2/12/25]

These rules are intended to implement Iowa Code section 314.27.

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CHAPTER 106
PROMOTION OF IOWA AGRICULTURAL PRODUCTS AT REST AREAS
Rescinded **ARC 8244C**, IAB 10/2/24, effective 11/6/24

CHAPTERS 107 to 109
Reserved

RIGHT-OF-WAY AND ENVIRONMENT

CHAPTER 110
HIGHWAY PROJECT PLANNING
Rescinded **ARC 3399C**, IAB 10/11/17, effective 11/15/17

CHAPTER 111
REAL PROPERTY ACQUISITION AND RELOCATION ASSISTANCE

[Prior to 6/3/87, see Transportation Department[820]—(06,F) Ch 8]

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/12/30

761—111.1(316) Acquisition and relocation assistance manual. The September 2017 edition of Section II of the manual entitled "Uniform Manual, Real Property Acquisition and Relocation Assistance" is adopted by reference.

111.1(1) *Contents.* Section II establishes uniform rules and procedures that comply with Iowa law and the Federal Uniform Relocation Act for the acquisition of real property and for the provision of relocation assistance to persons who are displaced from real property as a result of programs and projects. Relocation assistance is not compensation for real property acquired nor is it compensation for damages to remaining property. Rather, relocation assistance is assistance and compensation provided to a displaced person for making the move and relocating.

111.1(2) *Applicability.*

a. In general, Section II applies to any program or project that involves the acquisition of real property or that causes a person to be a displaced person if the program or project:

(1) Is undertaken with federal financial assistance, or

(2) Is a road or street program or project undertaken with state financial assistance from the primary road fund, including primary road funds allocated for state park and institutional roads, or

(3) Is a public road or highway eligible for federal aid.

b. In general, Section II applies to any of the following entities that acquire real property or displace a person for a program or project described in paragraph 111.1(2)*"a"*:

(1) The state of Iowa.

(2) A political subdivision of the state.

(3) A department, agency or instrumentality of one or more states or political subdivisions.

(4) A utility or railroad subject to Iowa Code section 327C.2 or chapter 476, 478, 479, 479A or 479B authorized by law to acquire property by eminent domain.

(5) Any other person who has the authority to acquire property by eminent domain under state law.

(6) Any other person who acquires real property or displaces a person for a program or project described in paragraph 111.1(2)*"a."*

c. Any exceptions to paragraphs 111.1(2)*"a"* and *"b"* are set out in Section II.

d. In accordance with Iowa Code section 316.9(3), an entity that provides relocation assistance benefits for any program or project is to provide an appeal process, regardless of the source of funding for the program or project. The appeal process provided is not to diminish the rights of the appellant or the scope of the appeal as described in Section II.

111.1(3) *Availability of manual.* Copies of the manual are available from the Right of Way Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or on the department's website at www.iowadot.gov/rightofway/brochures-and-manuals.

111.1(4) *Future programs or projects.* Failure to comply with Section II when acquiring real property or displacing persons for a program or project may preclude the receipt of future federal financial assistance for the program or project area.

This rule is intended to implement Iowa Code chapter 316 and sections 6B.42, 6B.45, 6B.54, 6B.55 and 310.22.

[**ARC 8781C**, IAB 1/8/25, effective 2/12/25]

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CHAPTER 112
PRIMARY HIGHWAY ACCESS CONTROL

[Prior to 6/3/87, Transportation Department[820]—(06,C) Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/12/30

761—112.1(306A,318) Scope and contact information.

112.1(1) *Statement of policy.* All primary highways are controlled access facilities. The efficiency and safety of a highway depend to a large extent upon the amount and character of interruptions to the movement of traffic. The primary cause of these interruptions is vehicular movement to and from public roadways, businesses, residences, and other developments along the highway. Regulation and overall control of highway access are necessary to provide efficient and safe highway operation and to utilize the full potential of the highway investment. Each highway access connection should be located and designed to achieve the least adverse impact to traffic operations and public safety. Accordingly, the department hereby establishes rules for control of access for all primary highways.

112.1(2) *Contact information.* Information regarding this chapter may be obtained from the department's website at: www.iowadot.gov/traffic/Access-Management/Access-Management-Resources; any of the department's six district offices; or the Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

[**ARC 8782C**, IAB 1/8/25, effective 2/12/25]

761—112.2(306A,321) Definitions. As used in this chapter:

"Access" means a way or means of egress from or ingress to a highway.

"Access connection" means any point of motor vehicle ingress to or egress from a highway. It is the physical connection between the edge of the traveled way and the abutting property and is exclusive of the roadway and median.

"Average annual daily traffic" or *"AADT"* means the total volume of traffic passing a point or segment of a highway facility in both directions for one year divided by the number of days in the year.

"Functional area" includes any area upstream or downstream of an intersection where intersection operation and conflicts significantly influence driver behavior and vehicle operations. The functional area of an intersection is a calculated value based on the intersection's geometrics, posted speed limit, traffic volume, type of traffic control used and perception-reaction-time values determined by the American Association of State Highway and Transportation Officials.

"Highway" means the same as "street" or "highway" as defined in Iowa Code section 321.1(78).

"Intersection" means the same as defined in Iowa Code section 321.1(33).

"Necessity" means the access is required or indispensable to the property because of circumstances that cannot be sufficiently mitigated by other means. Proof of necessity refers to documents, data, maps and other information submitted to illustrate and verify the claim of necessity.

"Primary highway" means a highway that is under department jurisdiction.

"Ramp" means a special lane, usually a short section of one-way roadway, that provides an access connection between two roads to enter or exit a major highway. The term "ramp" includes but is not limited to entrance ramps, roadway ramps, loop roads and collector-distributor roads.

"Roadway" means the same as defined in Iowa Code section 321.1(65). A divided highway has two or more roadways.

"Traveled way" means the portion of a roadway used for the through movement of vehicles, excluding shoulders, gutters and auxiliary turn lanes.

"Trip" means a single or one-directional vehicle movement. A vehicle leaving the highway and entering a property is one trip, and the vehicle leaving the property and entering the highway is a second trip.

[**ARC 8782C**, IAB 1/8/25, effective 2/12/25]

761—112.3(306A) General provisions. The following provisions govern access encroachments onto a primary highway:

112.3(1) Access connection construction activity on a highway shall not begin until an access permit has been issued by the department.

112.3(2) A new access permit is required when there will be a change in use of the access connection. A change in access use includes but is not limited to:

a. A change in the predominant vehicle types using the access.

b. An increase in traffic volumes using the access.

c. The original design and engineering limitations have been exceeded by the current use.

d. The current use has not been authorized by the terms and conditions of the existing access permit.

112.3(3) A person shall not drive a motor vehicle to or from a highway at a location that is not an authorized access connection.

112.3(4) Access rights shall not accrue from, nor will additional access be provided upon, the splitting or dividing of existing parcels of land or contiguous parcels under the same ownership or controlling interest unless the proposed access complies with access category and design requirements and is permitted. Adjacent properties under common ownership or control, consolidated for development, or part of a phased development plan are considered one unit, and a unified access and circulation plan must be established for the site.

112.3(5) No rights of access are conveyed when the department provides a new access connection or modifies an existing access connection.

112.3(6) The terms and conditions of any permit are binding upon the applicant, the property owner and all assigns, successors-in-interest, heirs and occupants. If an assign, successor-in-interest, heir or occupant does not accept the terms and conditions of an existing permit, the assign, successor-in-interest, heir or occupant shall apply for a new access permit or a permit to close the access.

112.3(7) A property owner not wanting to assume responsibility for an access or the access's requirements may apply for access removal at the property owner's expense. An exception may be made for removals during highway projects.

112.3(8) A permit grants no property rights or interests in state right-of-way.

112.3(9) Where there are multiple accesses to the same parcel, the department may consolidate existing access connections during a highway project.

112.3(10) The department has the authority regarding operational modifications to the highway and all access connections.

[**ARC 8782C**, IAB 1/8/25, effective 2/12/25]

761—112.4(17A,306A,318) Permitting process. An access permit is required for an encroachment onto a public right-of-way for the construction, reconstruction or modification of an access connection or any of its related appurtenances.

112.4(1) *Application for an access permit.*

a. To obtain an access permit, applicants will use the web-based system found at eps.iowadot.gov. If the applicant cannot use or connect to this electronic system, the applicant may contact the appropriate district office that is responsible for the area in which the proposed access is located. An applicant may be the property owner or the owner's authorized agent.

b. A separate access application and permit are required for each access connection.

c. Intentional misrepresentation of existing or future conditions or providing false information is considered sufficient grounds for denial or revocation of a permit.

d. The applicant is responsible for providing any location and design plans that describe the access.

e. The applicant is responsible for providing an estimate of the traffic volume of the access and the property as a whole. The estimate will include the anticipated average daily or hourly use and the anticipated access use upon the full development of the property.

f. For access types A and B as defined in subrule 112.5(2) and public intersections, the department requires a traffic impact analysis from the applicant during the processing of a permit request, except when the appropriate district engineer determines an analysis is not necessary. Such traffic impact analysis must be prepared by a professional engineer licensed in Iowa and at the cost of the applicant. The analysis will address a current and 20-year projection of traffic activity and impacts at and near the proposed access connection, including the full-development traffic volumes of the access connection.

g. It is the responsibility of the applicant to comply with all local ordinances and any other regulations.

112.4(2) *Processing an access application.*

a. Upon receipt of an application, the department will begin processing the application using the electronic permitting system. The department will apply the criteria as required by this chapter, including access type, access category, location, design, public safety and traffic operations.

b. The department may issue an access permit with terms and conditions or deny the application if it fails to meet this chapter's requirements. The department representative will notify the applicant of the determination.

c. The department will not act on an application it deems incomplete and will notify the applicant of additional information needed to complete the request.

d. Upon mutual agreement by the department and applicant, the department may suspend or extend the process period.

e. The applicant may withdraw the application.

112.4(3) *Permit terms and conditions.*

a. An access permit will include terms and conditions necessary to meet the requirements of this chapter and include consideration of the following:

(1) Safety of the traveling public.

(2) The access category pursuant to rule 761—112.5(306A).

(3) The access location and design pursuant to rule 761—112.6(306A).

(4) The traffic-carrying capacity of the highway.

(5) Protection of the public investment in the highway.

(6) Topography and geometric limitations and constraints.

b. The department may restrict turning movements as necessary to reduce adverse impacts. The department will consider the 20-year projection of traffic volumes on the roadway and the full-development traffic volumes of the access connection.

c. Access permits expire after one year if construction of the access is not initiated and no extension of time has been requested and granted by the department.

d. The property owner and the owner's authorized agent agree by accepting the permit to indemnify, defend and hold harmless the state of Iowa and its employees from all claims arising out of construction or use of the access.

e. The property owner and applicant assume liability for the construction and ongoing use of the access.

f. The permittee shall maintain the access in good repair at all times.

g. If the department has not received the signed copy of the permit within 60 days of the date of transmittal to the applicant, the permit is deemed withdrawn.

112.4(4) *Permits where department owns access rights.*

a. This subrule applies only where the department has determined there is no longer the necessity for the controlled access line at the proposed location. The department may issue an access permit if all design and location criteria are met.

b. If it becomes necessary to close the access, the property owner will be notified in advance and any permit will be revoked. The access application and permitting process do not include any rights of appeal where the department is the owner of the access rights.

112.4(5) *Appeals.*

a. An applicant or permittee who objects to any terms or conditions placed on an access permit, the denial of a permit, or the closure or revocation of an access may appeal the department's decision. If the department owns the access rights, this subrule does not apply.

(1) The appeal shall be submitted to the appropriate district engineer at the department.

(2) An appeal concerning the closure or revocation of an access or the denial of a permit must be submitted within 60 days of receipt of the department's notification.

(3) An appeal concerning the terms or conditions placed on an access permit must be submitted within 60 days of when the department sends the applicant the signed copy of the permit with terms or conditions for signature.

(4) The appeal must include reasons for the request and may include changes, revisions or conditions that would be acceptable to the applicant or permittee.

b. The district engineer will issue a written decision to the applicant or permittee within 60 days of receipt of the appeal or within 60 days after receipt of requested additional information.

c. Upon receipt of the written decision, the applicant or permittee may appeal the district engineer's decision by submitting the appeal along with background information to the director of transportation. The director will issue a written decision within 60 days of receipt of the appeal. The director's decision is final agency action.

112.4(6) *Waivers.* The director of transportation may, in response to a written petition, waive provisions of this chapter in accordance with 761—Chapter 11. The written petition must contain the information as required in 761—subrule 11.5(2) and shall be submitted to the rules administrator, either by mail to Rules Administrator, Government and Community Relations, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by email to the rules administrator's email address listed on the department's website at iowadot.gov/administrativerules.

112.4(7) *Waivers involving interstate highways.* The director of transportation shall not waive these rules in access situations involving the interstate highway system, including its ramps, without the approval of the Federal Highway Administration.

[**ARC 8782C**, IAB 1/8/25, effective 2/12/25]

761—112.5(306A) Access types and the primary highway category system. This rule manages access connections according to highway function, design, traffic volumes, speed and roadside conditions.

112.5(1) *General.*

a. The department will assign access categories to all highways according to the descriptions in subrule 112.5(3).

b. There are no minimum or maximum distance criteria for the length of a category assignment.

c. The department may assign a specific category to a segment of highway based on operational needs and to maintain consistency along a specific route.

d. The department will maintain an access category assignment schedule for the highway system.

e. Municipal access categories are for primary highway extensions within municipalities where concurrent jurisdiction applies pursuant to Iowa Code section 306.4(4).

f. For all access categories, access connections should be kept to the minimum necessary to provide reasonable access. A second access to a parcel may be provided only if it meets spacing criteria, internal circulation is not feasible, and there is a necessity for the access.

g. If the category allows type D access, an additional type D access may be granted to a parcel if the necessity due to topography problems or ongoing agricultural activities is demonstrated. A change in use of the parcel of land serviced by the type D access requires a new permit and may result in closure of the access if the location will not meet access category requirements for another type.

h. A secondary access for emergency fire services needed to meet local fire safety regulations may be permitted on all categories except for the categories interstate and freeway (I/F), expressway (E), and municipal expressway (ME) and across controlled access lines. Such emergency access may be permitted only if it is not feasible to provide the emergency access to a secondary roadway. A written explanation with references to local standards from an appropriate government safety official must be included with the application. The access shall be maintained by the permittee as a closed access except during emergencies. Hidden pavement structures are acceptable.

i. Access connections to government parcels will be treated the same as private access types based on volume with the exception of egress access connections used specifically for emergency response services such as fire stations.

112.5(2) *Access types.* Access connections are distinguished by the following four types of private access based on access connection traffic volume:

a. Type A is a private access connection with traffic volumes equal to or greater than 100 trips in a peak hour. Traffic volume estimates are to be based on a 20-year projection or the build-out of the development, whichever is greater.

b. Type B is a private access connection with traffic volumes between 11 and 99 trips in a peak hour. Traffic volume estimates are to be based on a 20-year projection or the build-out of the development, whichever is greater.

c. Type C is a private access connection with traffic volumes between one and ten trips in a peak hour.

d. Type D is a private access connection with an AADT of less than one per day.

112.5(3) *Access categories for highways.* Access categories are distinguished as follows:

a. The interstate and freeway (I/F) category applies to highways with full access control. Access to the roadway, when allowed, shall be provided by ramps. Direct access to the main roadway and all ramps is prohibited.

b. The expressway (E) category applies to nonfreeway multilane highways outside municipal boundaries where the department has acquired the associated access rights. Access that has not already been authorized shall not be permitted across existing access control lines. An access management plan is required to authorize a new public intersection. New direct access connections will not be permitted for utilities that have not been previously authorized.

c. The rural-600 (R-600) category applies to two-lane and multilane highways outside municipal boundaries that are on the Iowa commercial industrial network as most recently approved by the commission or are where roadway traffic volume will be equal to or greater than 3,000 AADT within 20 years. Access types A, B and C may be permitted where the applicant can prove necessity and the access has a minimum spacing distance of 600 feet from other connections. Access type D must meet sight distance requirements. Private access connections should not be permitted within the functional area of any public intersection. Public intersections should be located at survey section lines when feasible. Each full-movement access connection should serve as many properties and interests as possible to reduce the need for additional direct access to the highway.

d. The rural safety and need (R-S/N) category applies to two-lane highways outside municipal boundaries that will not exceed 3,000 AADT within 20 years. This category includes frontage roads, service roads and access ways. All private access types may be permitted where the applicant can prove necessity and meet sight distance requirements. Private access connections should not be permitted within the functional area of any public intersection. Public intersections should be located at land survey section lines when feasible.

e. The municipal expressway (ME) category applies to nonfreeway multilane highways inside municipal boundaries where arterial performance is necessary to provide high mobility and through traffic capacity. In the absence of an access management plan, private access shall not be permitted that has not already been authorized. An access management plan is required to authorize a new public intersection and may only be allowed if the public roadway is adopted by the city.

f. The municipal-1000 (M-1000) category applies to important regional and intracity highways that are within a municipality. Designation of M-1000 must include consideration of system continuity and preservation of a high level of mobility and through traffic capacity. The department recommends the installation of restrictive medians between full-movement intersections. Access to an M-1000 may be granted under the following conditions:

(1) All access types are eligible for a full-movement access connection at 1,320 feet (one-quarter mile) locations based on section lines where feasible, and these access connections may be restricted to right-in and right-out turns or directional left-in-only as access volumes increase. If there is a documented necessity to permit access connections at locations less than 1,320 feet, then a minimum access spacing interval of 1,000 feet may be used. No access connection should be allowed within the functional area of a public intersection.

(2) Each full-movement location should serve as many properties and interests as possible to reduce the need for additional direct access to the highway.

(3) All access types are eligible for limited movement connections at minimum spacing intervals of 600 feet if a restrictive median is present.

g. The municipal-600 (M-600) category applies to highways within municipalities that have been determined to have a need to maintain a moderate level of mobility and through traffic capacity. Minimum spacing for all access types is 600 feet.

h. The municipal-300 (M-300) category applies to highways within municipalities where a low level of mobility and through traffic capacity is acceptable. Minimum spacing for all access types is 300 feet.

i. The municipal safety and need (M-S/N) category applies to highways within municipalities where motor vehicle mobility and through traffic capacity are low priorities. The permitting of access and the determination of access connection locations is based only on safety and need.

112.5(4) *Category revisions.*

a. From time to time, it may be necessary for the department to change an assigned access category because of changes in roadway conditions, traffic growth or highway reconstruction. Reassignment must be consistent with subrule 112.5(3). A report will be prepared presenting why the current category should not be used and the reasons for and benefits of making the category revision.

b. If the highway is identified as a future freeway or expressway, the department may suspend the issuance of new access permits.

c. If a highway utilizing at-grade intersections is intended to be improved to accommodate traffic growth or safety considerations, the access category of the future improvement will be applied.

112.5(5) *Interchange and intersection access control.*

a. When it is necessary for an at-grade access connection to be near an interchange on an access category E or ME, the first access connection location will be determined by calculating the functional areas of the expressway ramp and the first at-grade access connection. The two functional areas shall not overlap. The functional area of the ramp shall be considered no less than 1,500 feet from the end of the taper. The first access should be a public intersection. Access turning movements may be restricted for operational reasons.

b. Access is prohibited to all elevated structures and ramps on or connected to any highway.

c. When the interchange crossroad AADT will exceed 10,000 in the twentieth year, the first full-movement access connection should be at least 1,320 feet as measured from the ramp bifurcation point. A minimum of 1,000 feet may be allowed for a full-movement intersection if there is a proven necessity and no reasonable alternative. A restrictive median may be required between the ramps and the full-movement intersection. If the first full-movement intersection is at least 1,200 feet from the ramp bifurcation and a restrictive median is present, a right-in and right-out access may be permitted at a minimum of 600 feet from the ramp bifurcation. The ramp functional area should not overlap with the functional area of any access connection.

d. When the interchange crossroad AADT will be between 3,000 and 10,000 within 20 years, the first full movement should be at least 1,000 feet away from the ramp. All access types may have a restricted right-in and right-out access at a minimum of 600 feet from the ramp bifurcation point.

e. When the interchange crossroad AADT will not exceed 3,000 within 20 years, access public intersections and private access types A and B should be at least 600 feet away from the ramp bifurcation point. Types C and D should be at least 300 feet from the bifurcation point and may be subject to operational restrictions.

f. For any new interchange or interchange reconstruction, access rights should be acquired and extend a minimum of 600 feet away from the ramp bifurcation point. If the AADT will exceed 10,000 within 20 years, a minimum of 1,000 feet of access rights should be acquired.

g. Where a free-flow turning movement from a roadway or ramp merges onto another roadway, an analysis is to be completed to determine the functional area and the preferred placement of the first access connection. The functional area of the merge lane of the roadway and the functional area of the first access connection should not overlap. Access rights are to be acquired along the identified functional area length.

h. An at-grade intersection is defined by the determination of its functional area. Access should not be allowed within this functional area. Access beyond the functional area remains subject to the requirements of the access category location standards.

i. When acquiring access rights as part of a highway project, the department may acquire access rights along intersecting public roadways to protect the operation of the intersection at the highway. Acquisition of access rights should extend a distance of 150 feet from the near edge of the highway traveled way. If the intersecting public roadway AADT is predicted to exceed 3,000 within 20 years, the department should acquire access rights for a distance of 300 feet from the near edge of the highway traveled way. The department may lengthen or shorten the distance of access rights required after considering the intersection functional area, traffic volumes, traffic operations, acquisition costs and other factors.

112.5(6) *Access management plans and agreements.*

a. Access management plans may be developed to determine how access will be managed on select sections of high-priority corridors, around freeway interchanges, and within municipalities and high-growth corridors. Each plan will apply access management techniques, identify acceptable traffic control features, and establish the necessary operational restrictions to ensure the long-term functional performance and safety of the highway. The scope of each access plan may vary depending on what is determined necessary by the parties of the agreement to manage current and predicted future highway conditions and local land use.

b. To apply an access management plan within a municipality, it must be adopted by joint agreement in accordance with Iowa Code sections 306.4(4) and 306A.7.

c. Highway projects and corridor plans may include access management techniques and improvements to bring a section of highway into conformance with its current access category without adopting an access management plan and agreement.

[**ARC 8782C**, IAB 1/8/25, effective 2/12/25]

761—112.6(306A) Location and design. This rule sets criteria for the location and design of access connections to primary highways.

112.6(1) Each access connection authorized must be located and designed in accordance with this rule. Terms and conditions for location, design, construction and use of the access connection shall be established by permit.

112.6(2) The priority of the primary highway system is to provide highway corridors with the goal of maintaining traffic capacity by limiting disruptions to through traffic. Direct access from abutting land is therefore subordinate. Where an adjacent lower traffic volume road is available, the access should connect to that roadway.

112.6(3) Private access connections may only be considered when there is a reasonable necessity for the access and should be separated from other private access connections at a minimum distance equal to the sight distance at the posted speed. The burden of proving necessity is on the applicant.

112.6(4) An access connection must be consistent with the requirements of the assigned access category.

112.6(5) Access location considerations must include traffic operations, public safety, sight distance, distance to other access locations, traffic speed and volumes, the design vehicle for the access, and turning movements.

112.6(6) Restrictive medians may be installed and access connection turning movements may be restricted to right turns or directional left turns for operational reasons when determined necessary and at the sole discretion of the department.

112.6(7) Minimum design criteria may be used only when there is a proven and documented necessity that higher standards are not feasible at the specific site.

112.6(8) When there are access connections on opposite sides of the highway and left turns are allowed from both directions, the access connections should be opposite each other or have sufficient offset distance so as to prevent overlapping left turn maneuvers.

112.6(9) If the access connection requires a turn lane, the access connection should be located so the turn lane can be installed and no other access connections occur along the turn lane. An access should not be installed along a turn lane or taper.

112.6(10) Private access connections should not be located within the functional area of a public intersection.

112.6(11) All access connections must meet sight distance.

112.6(12) The access must be designed to facilitate the movement of vehicles from the highway to prevent the queuing of vehicles on the roadway.

112.6(13) If a proposed access location does not comply with this chapter, the access permit shall be denied.

112.6(14) If the department determines that the literal application of these rules to a specific situation will create or result in an unsafe situation or an unreasonable design, the department will use sound engineering practices to determine the appropriate location and design for the specific situation. The department will include justification for the design in the permit or the highway project file, as applicable.

[**ARC 8782C**, IAB 1/8/25, effective 2/12/25]

761—112.7(306A) Access construction. This rule sets criteria for the construction of access connections.

112.7(1) *Overall stipulations.*

a. Unless part of a public construction project, the construction of the access and its appurtenances as stated in the terms and conditions of the permit shall be completed at the expense of the permittee.

b. The access connection must be constructed according to the department's standards and specifications. The applicant will be provided with the necessary standards and specifications with the issued permit.

c. The access shall be completed in an expeditious and safe manner and must be finished within 30 days from initiation of construction within the highway right-of-way unless otherwise stated on the access permit.

d. The department may restrict work within the highway right-of-way, restrict lane closure periods and require preapproval of all aspects of construction phasing and traffic control. The permittee shall provide work zone traffic control at all times during access construction. Work in the highway right-of-way is not allowed on legal holidays, at night, during peak traffic hours or during adverse weather conditions without specific department permission.

e. Any damage to the primary highway, appurtenances or any utility or any permitted private encroachment shall be repaired immediately at the direction of the affected owner. All costs associated with repair or relocation are to be borne by the permittee. If a survey monument is modified or damaged, repair and replacement shall be done at the direction of the owner of the monument.

f. The relocation, removal or modification of any traffic control device or public or private utilities shall be accomplished by the permittee without cost to the department or utility and at the direction of the department or utility owner.

g. An access permit may require installation of traffic control features or devices, but such requirements do not create any type of private interest in such features. Traffic control features and devices in the right-of-way, such as traffic signals, channelizing islands, medians, median openings, and turn lanes, are operational and safety characteristics of the highway and are not means of private access. The department may install, remove or modify any traffic control feature or device in the right-of-way to promote traffic safety or efficient traffic operations.

h. The department is not obligated to permit or approve any connection, traffic control feature or device or any other site-related improvement that has been specified in a development approval process separate from the permitting criteria and approval process described in this chapter.

i. If any construction element of the permitted access fails within three years following construction, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

j. The property owner or occupants are responsible for maintaining the access. Where the access connection has a paved surface, the property owner or occupants are responsible for maintaining the access connection from the paved edge of the roadway to the right-of-way line. Where the access connection does not have a paved surface, the property owner or occupants are responsible for maintaining the access from the outer shoulder line of the roadway to the right-of-way line. The department is not responsible for the removal of debris, snow or ice on the access, including debris deposited by the department during maintenance operations.

k. Drainage structures located along the highway are maintained by the department except for concrete box culverts and bridges constructed by the property owner for access to the property, which shall be maintained by the property owner or occupants.

112.7(2) *Temporary access.*

a. When an access is needed in temporary situations for a limited period of time, a temporary access connection may be allowed, but it is subject to special stipulations as determined by the department.

b. The location of the temporary access shall comply with all safety and sight distance requirements.

c. Temporary access, if authorized, may be permitted up to but not exceeding 24 consecutive months.

d. The permittee is responsible for all costs incurred, including removal of the access and restoration of the right-of-way at the end of the permit period.

e. An application for temporary access is not needed if the temporary access is for department purposes and has been approved in department internal documents and, when required, by the Federal Highway Administration.

[**ARC 8782C**, IAB 1/8/25, effective 2/12/25]

761—112.8(306A) Drainage requirements for access connection approvals.

112.8(1) The permittee shall provide, at the permittee's expense, drainage structures for access connections that will become an integral part of the existing drainage system.

112.8(2) The type, size and condition of the drainage structures provided by the permittee must meet the requirements of the department in unincorporated areas and the requirements of both the department and the municipality in incorporated areas. The design and construction of drainage structures for access shall not adversely impact the highway right-of-way, a storm sewer system or a drainage-way.

112.8(3) The construction of an access shall not impair the drainage or stability of the highway subgrade, nor shall it cause water to flow across the roadway pavement or pond on the shoulders or in the ditch or result in erosion within the highway right-of-way.

112.8(4) Drainage systems designed and constructed by the department within the highway right-of-way are designed to serve the drainage needs of the highway and adjoining properties based on the basin conditions at the time of the design of the highway.

[**ARC 8782C**, IAB 1/8/25, effective 2/12/25]

761—112.9(306A,318) Violations at access connections.

112.9(1) It is the responsibility of the property owner and permittee to ensure that the access is not in violation of this chapter or the terms and conditions of the permit.

112.9(2) When an authorized access is constructed or used in violation of this chapter or the terms and conditions of the permit, the department may suspend the access permit and may order the immediate closure of the access. Notwithstanding the preceding sentence or any other provision of this chapter, the department may proceed as authorized under Iowa Code chapter 318 at any time.

[**ARC 8782C**, IAB 1/8/25, effective 2/12/25]

These rules are intended to implement Iowa Code chapter 17A and sections 306.19, 306A.1 through 306A.8, 307.12(1)*"j,"* 318.3, 318.5 and 318.8.

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CHAPTERS 113 and 114
Reserved

CHAPTER 115
UTILITY ACCOMMODATION

[Prior to 6/3/87, Transportation Department[820]—(06,D) Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

761—115.1(306A,314,320) General.

115.1(1) *Purpose.* This chapter covers the requirements needed for placement, adjustment and maintenance of utility facilities in, on, above or below the rights-of-way of primary roads to ensure the safety of the road user and the integrity of the road.

115.1(2) *Contact information.* Information regarding this chapter may be obtained from the department's website at: www.iowadot.gov/consultants-contractors/right-way/utility-accommodation-coordination; any of the department's six district offices; or the Transportation Development Division, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

115.1(3) *Considerations.* If the department determines that the literal application of these rules to a specific situation will create or result in an unsafe situation or an unreasonable design, the department shall use sound engineering practices to determine the appropriate design for the specific situation documenting the design decision in the permit or the road project file, as applicable, and addressing:

a. Safety of motorists, pedestrians, construction workers and other road users.

b. Integrity of the road.

c. Protection of the rights of the traveling public and of property owners, including the rights of abutting property owners.

d. Topography and geometric limitations and constraints affecting typical engineering standards.

e. Environmental protections, limitations and constraints of surrounding ecosystem.

115.1(4) *Permit approval process.*

a. To apply for a permit, the applicant must submit a request in the form and manner prescribed by the department. The department will do one of the following in response to a request for a utility accommodation on the primary road system: approve the request for a permit, approve the request for a permit with conditions, or deny the request for a permit. The department will notify the applicant of the determination in writing.

b. If the utility facility will impact a road or street under the jurisdiction of a local public agency, the request must be approved by the county. If the utility facility is within corporate limits of a city, the request must be approved by the city. The applicant is responsible for obtaining local jurisdiction approvals. If the utility facility will cross or impact an interstate road, the request must be approved by the FHWA. The department is responsible for obtaining FHWA approval.

c. Upon receipt of a denial notification or if the permit was approved with conditions, the applicant may choose to pursue a waiver from the director pursuant to subrule 115.1(5).

d. For the purposes of this chapter, required notifications may be made by electronic means.

115.1(5) *Waivers.* The director may, in response to a written petition, waive provisions of this chapter in accordance with 761—Chapter 11. The written petition is to contain the information as required in 761—subrule 11.5(2) and be submitted to the rules administrator either by mail to Rules Administrator, Office of the Director, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by email to the rules administrator's email address listed on the department's website at iowadot.gov/administrativerules.

115.1(6) *Additional requirement for waivers involving interstate roads.* The director will not waive these rules in utility accommodation and adjustment situations involving the interstate road system, including its ramps, without the approval of the FHWA.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.2(306,306A,321) Definitions.

"511" means a traveler information system that provides real-time updates about weather-related road conditions, road work, commercial vehicle restrictions, road closures and other events that impact traffic via the phone or Internet.

"Abandoned" or *"abandonment"* means the decision by a utility owner to no longer use its utility facility.

"Adjustment" means a physical change to an existing utility facility, including improvement, rearrangement, reinstallation, protection, relocation or removal of the utility facility.

"Agreement" means a contract between the department and a utility owner.

"Applicant" means the utility owner or the utility owner's designated representative who submits a request for a utility permit on the primary road system.

"Appurtenance" means a utility facility-related feature, such as a vent, drain, utility access or marker.

"Attachment agreement" means a contract between the owner of a utility pole or structure and another utility owner for the joint use or sharing of poles or structures.

"Backfill" means placement of suitable material and compaction of the material as specified in these rules.

"Best management practices" means the industry's best-known method, technique or proven process used to achieve an end goal or standard.

"Breakaway" means designed to shatter, bend easily or separate from a solid foundation.

"Cable" means an insulated conductor or a combination of insulated conductors.

"Carrier" means a pipe directly enclosing a transmitted fluid (liquid or gas) or slurry. "Carrier" may also mean an electric or communication cable, wire or line.

"Casing" means an oversize load-bearing pipe, conduit, duct, or structure through which a carrier or cable is inserted.

"Cell" means a conduit.

"Clear zone" means a roadside area that is free of obstacles where an out-of-control vehicle can traverse safely, starting at the edge of the traveled way.

"Communication line" or *"communication cable"* means a cable used for the transmission of data, voice, images, television, alarm systems or traffic control.

"Conduit" means an enclosed tubular runway for protecting wires or cables. A conduit may also be referred to as a "cell" or "duct."

"Cover" means depth from the grade of a roadway or ditch to the top of an underground utility facility.

"Department specifications" means departmental standard specifications that can be found on the department's website at www.iowadot.gov/specifications.

"Designated representative" means a person with authority to make decisions on behalf of the utility owner, including employees of the utility company or consultants and utility contractors performing specific work on behalf of the utility owner.

"Director" means the director of transportation or the director's designee.

"District representative" means a department employee who processes utility accommodation requests in an assigned geographical area.

"Duct" means a conduit.

"Emergency" means an unplanned situation that presents a danger to the life, safety or welfare of motorists, persons working within the rights-of-way or the general public and that requires immediate attention. The emergency may be the result of storm damage and may involve disruption of utility service to customers. Work on a utility facility due to an emergency is unplanned work and may be necessary at any time of the day or night. The emergency work operation usually involves a small crew and a work vehicle for a short period of time.

"Encasement" means placing a casing around a utility facility.

"FHWA" means the Federal Highway Administration.

"Flowline" means the lowest point in a pipe, culvert, ditch, stream bed, or other structure that conveys water.

"Foreslope" means the downward sloping surface of an embankment from the outer edge of the roadway shoulder away from the traveled way to the roadway ditch bottom.

"Freeway" means a fully controlled access primary road. The rights of ingress and egress from abutting properties have been legally eliminated by the department. Permanent access to the primary road is allowed only at interchange locations. A freeway is generally five or more miles in length.

"Generally accepted industry standards" means a set of criteria within an industry relating to the standard functioning and carrying out of operations in the industry's respective fields of production.

"Interchange" means a system that provides for the movement of traffic between intersecting roadways via one or more grade separations.

"Maintenance," as used in conjunction with a utility facility, means any repair or replacement of the utility facility that is not an adjustment and that does not increase the capacity of the original installation. The term "maintenance," when used in conjunction with a road, means repair or other operational activities performed by the department within the primary road rights-of-way to preserve the function of the road and its structures.

"Median" means that portion of a divided road separating traffic moving in opposite directions.

"Multiduct" means a system comprised of two or more conduits combined in a joined pathway.

"MUTCD" means the Manual on Uniform Traffic Control Devices as adopted in 761—Chapter 130.

"Nonfreeway primary road" means a primary road that is not a freeway.

"Occupy the primary road rights-of-way" means located or to be located in, on, above or below the primary road rights-of-way. The term includes attachments to primary road structures.

"Out-of-service" means a utility facility that has been removed from service and is not in use.

"Pavement" means that portion of a roadway used for the movement of vehicles, excluding paved and unpaved shoulders.

"Permit" means a utility permit issued by the department. The term "permit" includes all attachments to the permit.

"Pipe" means a tubular product used to transport solids, liquids or gases.

"Pipeline" means a carrier system used to transport liquids, gases, or slurries.

"Primary road" means the same as defined in Iowa Code section 306.3(6).

"Reimbursement agreement" means a contract between a utility owner and the department for reimbursement of utility facility relocation from private easement due to proposed primary road construction.

"Rights-of-way" means the same as "public road right-of-way" as defined in Iowa Code section 306.3(7).

"Road" or *"street"* means the same as defined in Iowa Code section 306.3(8).

"Roadway" means the same as defined in Iowa Code section 321.1(65).

"Rural-type roadway" means a roadway that does not have a curb and gutter section.

"Service connection" means a water, gas, power, sanitary sewer, storm sewer line or communications cable that extends from the main or primary utility facility into an adjacent property and that is used to serve the property regardless of ownership.

"Shoulder" means that portion of a roadway contiguous to the traveled way for the accommodation of disabled vehicles, for emergency use and for the lateral support of the pavement base and paved and unpaved surface courses.

"Ten-day notice" means ten calendar days that begin at midnight on the day the notice is submitted and conclude at midnight on the eleventh day following the date of the notice.

"Toe of foreslope" means the intersection of the foreslope and the natural ground or ditch bottom.

"Traveled way" means that portion of a roadway used for the movement of vehicles, excluding shoulders and auxiliary lanes.

"Trenched" means installed in a narrow open excavation.

"Trenchless" means installed without breaking the ground or the pavement surface, such as by jacking, boring, tunneling, directional drilling or mechanical compaction.

"Urban-type roadway" means a roadway that has a curb and gutter section.

"Utility" means the same as defined in Iowa Code section 306A.13, and for the purposes of this chapter, the term "utility" includes traffic signal systems, street and intersection lighting systems and a communication line or communication cable.

"Utility access" means an opening in an underground utility system through which workers or others may enter for the purpose of making installations, inspections, removals, repairs, connections or tests.

"Utility conflict list" means a document that identifies the relevant information about the utility facilities identified within the primary road project footprint. The utility conflict list, also known as utility conflict matrix, serves as a tool to track the status of the utility facilities in relation to the road design, including but not limited to no conflict, potential conflict, utility owner, utility type, size, location, assessment, relocation required, actions, and resolutions.

"Utility facility" means any pole, pipe, pipeline, pipeline company facility, sewer line, drainage tile, conduit, cable, aqueduct or other utility-related structure or appurtenance.

"Utility owner" means the owner of a utility facility.

"Vent" means an appurtenance used to ventilate or to discharge gaseous contaminants from casings.

"Waterway" means a river, stream, creek, brook, drainage ditch or other perennially flowing body of water.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.3(306A,318,320) General provisions.

115.3(1) *Permit required.* A permit is required to place utility facilities in, on, above or below the primary road rights-of-way to attach utility facilities to a primary road structure or to adjust existing utility facilities occupying the rights-of-way.

115.3(2) *Future adjustment.*

a. In the event any future maintenance or construction of the primary road requires an adjustment of the utility facility, the department will not reimburse the utility owner for adjustment costs incurred unless otherwise noted on the permit.

b. Should adjustment of the utility facility be required, the department makes no assurance nor assumes any liability to the utility owner that the utility facility will again be allowed to occupy the primary road rights-of-way.

115.3(3) *Compliance with requirements.* It is the responsibility of the utility owner to ensure that the utility owner's utility facility complies with all applicable federal, state, local and franchise requirements and meets generally accepted industry standards at the time of installation.

115.3(4) *Performance bond.* The department may require a performance bond for utility work within the primary road rights-of-way under the following circumstances: the work is being done to adjust or relocate the utility facility to accommodate a planned primary road project; the installation is unusual; abnormal site conditions exist, such as but not limited to unstable soil or unique vegetation; or the utility owner has a history of performance problems. A performance bond is required for longitudinal freeway occupancy; more information contained in subrule 115.15(9).

a. If a performance bond is required, the utility owner shall file the bond with the department prior to commencing work within the rights-of-way in the minimum amount of $10,000 per permit. Depending on the type and extent of the utility facility to be installed, adjusted or relocated, the department may require a higher performance bond amount. The performance bond shall be in force for the duration of the permit and through completion of the primary road project construction, when applicable. The department will release the performance bond after all permit requirements have been accomplished by the utility owner. The department shall have the right to file a claim against the performance bond for two years after the performance bond has been released.

b. An annual performance bond in the amount of $100,000 for statewide activities in lieu of an individual performance bond for each permit is permissible and shall be kept in force for as long as the utility owner's utility facilities occupy the primary road rights-of-way anywhere within the state of Iowa.

c. When required, a performance bond shall guarantee prompt relocation for primary road project construction, restoration of any damage that is the result of the utility facility's occupancy of the primary road rights-of-way, and correction of any installation that is not in accordance with the issued permit on location or method of installation.

115.3(5) *Execution of work.* Utility construction and maintenance work within the primary road rights-of-way is to be accomplished in a manner satisfactory to the department.

115.3(6) *Disturbance of other contractors.* Utility construction and maintenance work within the primary road rights-of-way is to be accomplished in a manner that minimizes disturbance to any other

contractor working within the rights-of-way. It is the responsibility of the utility owner to coordinate work with other contractors.

115.3(7) *No adverse effect on primary road.* A utility facility must not adversely affect the safety, design, construction, operation, maintenance or stability of the present use or future expansion of a primary road.

115.3(8) *Safety, health and sanitation.* Construction and maintenance of a utility facility shall be accomplished in a manner that minimizes disruption of primary road traffic and other hazards to the road user. The utility owner is responsible to comply with the MUTCD and all applicable federal, state and local statutes, ordinances and regulations governing safety, health and sanitation. The utility owner is to furnish such additional safeguards, safety devices and protective equipment and take actions to protect the life and health of the public.

115.3(9) *Parking or storage in clear zone or median.*

a. Unattended vehicles, equipment and materials shall not be parked or stored within the shoulder, median or clear zone and should be located as close to the right-of-way line as possible.

b. When in use, vehicles are to be oriented with the direction of traffic.

c. Exceptions to parking or storage requirements may be authorized by the district representative on a case-by-case basis.

115.3(10) *Protection of landscaped or planted areas.* Prior to permit approval, specific authorization is to be obtained from the district representative for mowing, trimming trees and shrubs, and for spraying within the rights-of-way. Landscaped and planted areas are to be avoided as much as practical. A landscaped or planted area that is disturbed is to be restored as nearly as practical to its original condition.

115.3(11) *Noncompliance.* The department may take any or all of the following actions for noncompliance with any provision of this chapter or any term of a permit:

a. Halt utility construction or maintenance activities within the rights-of-way.

b. Withhold an adjustment reimbursement until compliance is ensured.

c. Revoke the permit.

d. Determine a utility facility to be an obstruction and remove the noncomplying utility facility, restore the area to its previous condition, and assess the removal and restoration costs to the utility owner in accordance with Iowa Code section 318.5.

e. Place all pending and future permits on hold until the issue is resolved.

f. Initiate a claim on the performance bond as set out in subrule 115.3(4), when a bond is required.

115.3(12) *Identification signs and markers.* Utility facilities within primary road rights-of-way shall be properly marked in accordance with the following unless otherwise authorized by the district representative:

a. Identification signs are to be installed and maintained by the utility owner.

b. The signs must identify the utility owner, telephone number to contact in case of an emergency, and the type of buried utility.

c. Identification signs are to be composed of highly visible ultraviolet-resistant material.

d. Each sign is to be no larger than 200 square inches.

e. The mounting height is to be 5 feet to the bottom of the sign.

f. Signs are to be placed within 12 inches of the right-of-way line along the entire occupancy route.

g. The interval between signs is not to exceed one-quarter mile in rural areas and 500 feet in urban areas or as designated by the district representative.

h. Utility facility crossings must be properly marked on each side of the road.

i. If the utility facility is removed or relocated, the utility owner is to remove or relocate the corresponding identification signs and markers.

j. If the utility facility is abandoned in place, the utility owner is to promptly notify the department as set out in subrule 115.18(2).

115.3(13) *Insufficient capacity of rights-of-way.* The department may deny issuance of a permit if it determines there is insufficient room for additional utility facilities within the rights-of-way.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.4(306A,318) General design provisions.

115.4(1) *Design.* The design plan for a utility facility shall:

a. Be prepared by a person knowledgeable with this chapter, road design, and work zone traffic control.

b. Include the measures to be taken to preserve the surrounding environment, safe and free flow of traffic, structural integrity of the road and road structures, ease of road maintenance, appearance of the road and integrity of the utility facility to the extent applicable.

c. Include the location of each utility facility in the proposed run line with footage off centerline or right-of-way line to ensure the placement of the proposed utility facility can be accommodated.

115.4(2) *Number of crossings.* The number of utility facilities crossing the primary road rights-of-way shall be kept to a minimum. The department may require distribution facilities to be installed on each side of the road to minimize the number of crossings and service connections. In individual cases, the department may require several facilities to cross in a single conduit or structure. Crossings should be as near to perpendicular to the road alignment as practical.

115.4(3) *Clear zone requirements and aboveground obstructions.* The department will determine the clear zone distance and cause all obstructions within the clear zone of the primary road rights-of-way to be removed pursuant to Iowa Code sections 318.4 and 318.5.

a. On rural-type roadways, a permanent, aboveground obstruction is to be situated as near to the right-of-way line as practical in an area beyond the clear zone or the road foreslope, whichever area locates the obstruction a greater distance from the edge of the traveled way, right-of-way width permitting.

b. On urban-type roadways, the face of a permanent, aboveground obstruction is to be situated no closer than 10 feet from the back of the curb. In areas with parking or auxiliary lanes, an aboveground obstruction is to be situated no closer than 2 feet behind the back of the curb or a minimum of 10 feet from the edge of the traveled way, whichever location is farther from the traveled way.

c. Poles, guys, anchors and related appurtenances shall be situated away from roadway shoulders, the foreslope, the flowline of ditches, and drainage structure openings in an area that minimizes interference with department maintenance operations.

d. Pedestals, cabinets, vaults, hand holes or similar appurtenances should be placed 1 foot from the right-of-way line. The number of installations is subject to district representative approval.

e. If sufficient right-of-way is not available to accommodate the clear zone distance, the department may require the use of breakaway devices, self-supporting poles or towers, double-arming and insulators or dead-end construction; require regrading of the rights-of-way; require the utility facility to be located underground; or authorize the utility facility to be placed near the right-of-way line. The district representative may approve the adjustment of minimum setback distances for poles and other appurtenances that have a breakaway design.

f. Additional clear zone requirements for freeways are included in subrule 115.13(2).

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.5(306A) Scenic enhancement.

115.5(1) *Introduction.* The type and size of a utility facility and the manner in which it is installed can materially alter the scenic quality, appearance and view of roads and adjacent areas. Such areas may include but are not limited to scenic strips, scenic overlooks, rest areas, recreation areas, public parks and historic sites, aesthetically enhanced corridors, and the rights-of-way of primary roads that pass through or are adjacent to these areas.

115.5(2) *Underground installations.* The department may permit a new underground installation if it does not require extensive removal or alteration of trees or other natural features visible to the road user and if it does not impair the visual quality of the area being traversed.

115.5(3) *Aboveground installations.* The department may permit a new aboveground installation only if the following three conditions are met:

a. Other locations for an aboveground installation are unusually difficult, are unreasonably costly, or are less desirable from the standpoint of visual quality.

b. Underground installation is not technically feasible or is unreasonably costly.

c. The location, design and materials to be used for the proposed aboveground installation will give adequate attention to the visual qualities of the area being traversed.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.6(306A) Liability. The following are conditions of a permit:

115.6(1) *The utility owner.* The utility owner will defend, indemnify and save harmless the state of Iowa, its agencies and employees from any and all causes of action; suits at law or in equity; for losses, damages, claims or demands; and from any and all liability and expense of whatsoever nature (including reasonable attorney fees) arising out of or in connection with the utility owner's use or occupancy of the primary road rights-of-way or noncompliance with rule 761—115.19(306,306A) to rule 761—115.24(306A).

115.6(2) *The state of Iowa.* The state of Iowa, its agencies or employees, will be liable for expense incurred by the permit holder in its use and occupancy of the primary road rights-of-way only when negligence of the state, its agencies or employees, is the sole proximate cause of such expense. Whether in contract, tort or otherwise, the liability of the state, its agencies or employees, is limited to the reasonable, direct expenses to repair damaged utilities, and in no event will such liability extend to loss of profits or business, indirect, special, consequential or incidental damages.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.7(306A,320) Utility permit.

115.7(1) *Applicant contact.* The permit request is to include contact information for the utility owner or utility owner's designated representative.

115.7(2) *Permit.*

a. At a minimum, a utility permit allows:

(1) The applicant or the applicant's contractor to perform the work covered by the permit.

(2) The utility facility described in the permit to occupy the primary road rights-of-way.

(3) The utility facility to be operated and maintained.

b. A utility permit does not convey a permanent right of occupancy.

115.7(3) *Plan.* Each permit request is to be accompanied by a plan. The plan shall include all of the following that are applicable to the installation:

a. Location of the utility facility by route, county, section(s), township(s), range(s), reference post and primary road stationing, where these references exist.

b. Primary road centerline and rights-of-way limits.

c. Location of the utility facility by distance to the nearest foot at each point where the utility facility's location changes alignment, as measured from the:

(1) Centerline of the primary road on nonfreeway installations.

(2) Right-of-way fence on freeway installations.

d. Applicable construction details, including the:

(1) Depth of burial.

(2) Types of materials to be used in the installation.

(3) Type and size of the utility facility, including proposed operating pressures and voltages, number of cable pairs and fiber counts.

(4) Vertical and horizontal clearances.

(5) Traffic control plan prepared by a person knowledgeable in work zone traffic control or a reference to a standard traffic control plan of the department.

115.7(4) *Discharging into waterways.*

a. A permit request for the placement of a utility facility that will discharge materials into the nation's waters is to be accompanied by satisfactory evidence of compliance with all applicable federal, state and local environmental statutes, ordinances and regulatory standards.

b. The utility owner is responsible for obtaining these approvals. The department may withhold a permit until these approvals are obtained.

115.7(5) *Department action on permit request.*

a. The department will act on the permit request within 30 days after the filing of the permit request with all necessary and accurate information. If an emergency should exist, the department will act on the request as expeditiously as practical.

b. Failure on the part of the utility owner to provide complete information may result in a delay in the department taking final action on the request.

115.7(6) *Changes to work.* Changes in the work as described in the original permit require the prior approval of the department and shall be documented in a revised permit and utility as-built plan pursuant to subrule 115.7(8).

115.7(7) *Department-issued permit.* The utility owner or the utility owner's designated representative is to have a complete copy of the department-issued permit in paper or electronic form, including attachments, at the construction site at all times for examination by the department. Failure to have the approved permit and attachments on site shall result in the department halting work until the issued permit is produced.

115.7(8) *As-built plan.*

a. Within 90 days after completion of construction, the utility owner is to submit to the department an as-built plan in an electronic format in accordance with department specifications.

b. If the utility owner fails to submit the as-built plan within the time required, the department may hire an independent contractor to locate the utility facility and prepare an as-built plan. All costs associated with this activity are the responsibility of the utility owner.

c. Any costs incurred by the department or its contractors due to incorrect as-built information supplied by the utility owner or deviations in actual placement from that described in the original permit are the responsibility of the utility owner.

115.7(9) *Transfer of permit.* A new utility permit is not needed when a utility facility is transferred or leased in its entirety. The requirements of the permit and this chapter remain in force for as long as the utility facility continues to occupy the primary road rights-of-way and serve the intended purpose. The transferee or lessee is to submit the following information to the appropriate district representative:

a. The name, mailing and email address and telephone number of the transferee or lessee.

b. Geographical area involved in the transaction.

c. Permit numbers or issued permit documents for utility facilities within the geographical area.

115.7(10) *Term of permit.* Except for permits for longitudinal occupancy of freeways as outlined in subrule 115.15(11), an issued permit will continue in perpetuity or until future maintenance or construction of the primary road requires an adjustment of the utility facility (more information contained in paragraph 115.3(2)*"b"*).

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.8(306A) Traffic protection.

115.8(1) *Traffic control for all work.*

a. When performing work within the rights-of-way, the utility owner is responsible for traffic control operations, including but not limited to providing, installing, maintaining and cleaning warning signs and protective devices; removing warning signs and protective devices when the work is complete; and providing certified flaggers.

b. Traffic control operations shall utilize department standard road plans for traffic control available on the department's website, www.iowadot.gov/consultants-contractors/design/standard-road-plans.

c. The utility owner shall provide additional protection when special complexities and hazards exist.

115.8(2) *Traffic control for construction and maintenance work that is not emergency work.*

a. The utility owner is responsible for ensuring the use of traffic controls that are adequate for the nature, location and duration of work; type of roadway; traffic volume and speed; and potential hazards. The utility owner is to provide a ten-day notice to 511 of any lane restrictions or traffic closures.

b. Where high traffic volumes cause frequent congestion, routine scheduled maintenance and construction should be avoided during hours of peak traffic.

c. Work areas should be occupied for only as long as it is necessary to safely move in, finish the work, remove all utility work signs and move out.

d. Special care should be taken to clearly mark suitable boundaries for the workspace with channelizing devices so that pedestrians and drivers can see the workspace. If any of the traveled lanes are closed, tapers are to be used as required by the MUTCD.

e. Pedestrians should not be expected to walk on a path that is inferior to the previous path. Loose dirt, mud, broken concrete or steep slopes may force pedestrians to walk on the roadway rather than the sidewalk. Pedestrian detours, including those to accommodate persons with disabilities (Americans with Disabilities Act of 1990 (ADA) as amended by the ADA Amendments Act of 2008 (P.L. 110-335), codified at 42 U.S.C. 12101 et seq.), may be required at the discretion of the district representative. Repairs (temporary or permanent) to damaged sidewalks should be made quickly. This may include bridging with steel plates or good quality wood supports.

f. Work areas involving excavations on the roadway should not exceed the width of one traffic lane at a time. The work should be staged and, if needed, approved bridging should be used. The utility owner should fully coordinate this type of activity with the district representative and, in a city, with the city's traffic or public works office.

115.8(3) *Traffic control for emergency work.*

a. The extent of traffic control used for emergency work may be less than that used for longer-term construction or maintenance. However, the utility owner is responsible to provide for the safety of pedestrians, motorists and workers. It may be necessary for the utility owner to contact local law enforcement officials to assist in securing the safety of the traveling public.

b. The work vehicle is to be equipped with an amber revolving light or amber strobe light, portable signs and channelizing devices, and necessary equipment for flagging operations.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.9(306A) Construction responsibilities and procedures.

115.9(1) *Permit required before work may begin.* The utility owner shall not commence construction work in the primary road rights-of-way until the utility owner has received a fully approved and issued permit from the department.

115.9(2) *Notice of construction.* The utility owner shall give the district representative at least 48 hours' prior notice of the utility owner's intent to start construction within the rights-of-way.

115.9(3) *Authority of the district representative.*

a. The district representative has the authority to resolve any issues or concerns that arise regarding the intent of the permit and compliance therewith.

b. During the progress of the work, the district representative may approve minor alterations in the plan or character of the work that the district engineer deems necessary or desirable to satisfactorily complete the work. Such an alteration is not a waiver of the permit, nor does it invalidate any provision of the permit.

115.9(4) *Work in progress.* The utility owner is responsible for the care and maintenance of partially completed work within the rights-of-way. Unless otherwise authorized by the permit or the district representative, all work performed within the rights-of-way is to be accomplished within the time frame of 30 minutes after sunrise to 30 minutes before sunset.

115.9(5) *Department inspection.*

a. The department may inspect any permitted work performed within the rights-of-way.

b. If the department finds performance of permitted work is not in compliance with the issued permit, the department will provide to the utility owner written notice of the defects found. The utility owner is to perform any rework or removal as ordered by the department in the time frame established by the department.

115.9(6) *Department inspectors.* The department may appoint inspectors to represent the department in the inspection of construction. Inspectors are placed on the job to keep the district representative informed of the progress of the work and the manner in which it is being performed, and to call to the utility owner's attention any infringements of the permit. The inspectors may not:

a. Modify in any way the provisions of the permit.

b. Delay the work by failing to inspect the work with reasonable promptness.

c. Act as a supervisor for the work or perform any other duties for the utility owner or its contractor.

d. Improperly interfere with the management of the work.

e. Approve or accept any portion of the work on behalf of the department.

115.9(7) *Repair and cleanup.* Prior to the department's final inspection, the utility owner is to:

a. Upon notification by the department, make any repairs to the rights-of-way that are necessary due to the construction work, including but not limited to shoulder and pavement repairs within the time frame established by the department.

b. Remove from the rights-of-way all unused materials and rubbish resulting from the work and leave the rights-of-way in a clean, presentable condition.

c. Make arrangements for repair or compensation for any damage to another utility facility or tile line found to have been caused by the utility owner's actions.

115.9(8) *Completion of work.*

a. The utility owner is to notify the district representative upon completion of work.

b. Upon notification by the utility owner that the work is complete, the department may inspect each item of work included in the permit as set out in subrule 115.9(5).

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.10(306A) Vertical overhead clearance requirements.

115.10(1) *Conformance to standards.* The vertical clearance for overhead utility facilities and the lateral and vertical clearances for bridges are to conform to generally accepted industry standards as well as applicable codes and regulations.

115.10(2) *Minimum vertical clearance.*

a. In no event shall the vertical clearance be less than 20 feet above the roadway for all overhead utilities.

b. Utility facility attachments to existing utility-owned poles are to be documented in an agreement or statement between the applicant and the pole owner authorizing the attachment for all poles not owned by the applicant and included in the permit request.

c. When a primary road detour has been established utilizing local jurisdiction roadways and streets, the minimum vertical clearance shall be applied to the temporary detour route at no cost to the department.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.11(306A) Utility facility attachments to bridges.

115.11(1) *Department determination.* Utility facilities may be attached to an existing primary road bridge if the department determines that the attachment is in the best interests of the public. The department may accommodate utility facility attachments or conduits in the department's design for a new bridge if the department determines that the accommodation is in the best interest of the public.

115.11(2) *Method and weight of attachment.* The plan identified in subrule 115.7(3) is to show the method and weight of attachment. A separate permit is required for each bridge.

a. All attachments are to be placed in conduits, cells, pipes or trays; beneath the bridge's floor; inside the outer girders or beams; and above low steel or masonry of the bridge.

b. Department-approved clamps are to be used for any attachments to structural steel. Attachments are to be designed to withstand expansion or contraction forces.

c. If necessary, expansion devices, such as expansion joints, offsets or loops, shall be used. Utility facilities in cells or casings are to be grounded wherever necessary.

d. Welding or drilling holes in structural steel primary members is prohibited.

e. Utility facilities may be attached to noncritical concrete areas.

f. Holes should not be cut in wing walls, abutments or piers.

115.11(3) *Attachment considerations.*

a. Carrier pipe is to be suitably insulated from electrical power line attachments.

b. Pipelines may be attached to primary road bridges when installation below ground is not feasible, the design of the bridge can accommodate the attachment, and space is available.

c. Pipelines that have an operating pressure of more than 75 pounds per square inch or that are larger than 2 inches in diameter are to have shutoffs not more than 300 feet from each end of the bridge.

d. The department will consider pipeline attachment casing requirements on an individual basis. In some instances, thicker-walled or extra-strength pipe may be considered in lieu of encasement. Encasement is required for plastic pipe attachments to bridges.

e. The utility owner is to provide an indemnity bond to be executed by either itself or by a responsible bonding company, at the department's option.

(1) The indemnifier under the bond is to, in the event of damage resulting from any cause whatsoever arising out of or from permission to attach a pipeline, indemnify the department against all loss or damage to the department or any third party, including but not limited to the expense of repairing or replacing the bridge and the cost of alternate primary road facilities for traffic during the period when the bridge is being repaired or replaced.

(2) The indemnity bond is to be kept in force for as long as the pipeline is attached to the bridge.

(3) The department may periodically review the amount of the bond and require adjustments in the bond amount.

f. All costs attributable to the installation of an attachment to a bridge are to be paid by the utility owner unless the attachment is installed pursuant to a utility agreement.

115.11(4) *Attachment fee.*

a. The utility owner is to pay to the department an attachment fee for attaching the utility owner's utility facility to a primary road bridge. The attachment fee is $181.60 per bridge plus $0.99 times the weight of the attachment in pounds per foot times the length of the bridge in feet. The fee will increase 3 percent per year over the previous year after the base year of 2024. Additional fees may apply for longitudinal freeway occupancy (more information contained in subrule 115.15(8)). The department maintains the current fee listing available on the department's website at www.iowadot.gov/consultants-contractors/right-way/utility-accommodation-coordination.

b. The attachment fee is due before any construction work commences within the rights-of-way and shall be submitted to the department upon request.

c. Utility facilities dedicated solely to government use may, at the department's discretion, be attached to a primary road bridge without assessment of an attachment fee.

115.11(5) *Utility attachments to freeway border bridges.* The department may permit a utility facility to be attached to an existing or planned freeway border bridge if the following conditions are met:

a. The appropriate state agency of the adjoining state approves the attachment.

b. Except for communication cable, the utility facility exits the freeway rights-of-way as soon as physically practical after crossing the state line into Iowa.

c. The attachment otherwise complies with this chapter, specifically including this rule and rule 761—115.15(306A) on longitudinal freeway occupancy.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.12(306A) Underground utility facilities.

115.12(1) *Depth requirements.*

a. Minimum cover—roadway. The minimum required cover under a roadway is 48 inches below the bottom of the pavement.

b. Minimum cover—waterways. A minimum of 10 feet of cover below the flowline is required under waterways at the time of placement unless otherwise authorized by the district representative.

c. Minimum cover—other portions of rights-of-way. The minimum required cover under other portions of the rights-of-way is measured from design elevation at the time of placement and is to be a minimum of:

(1) 48 inches for electrical cable.

(2) 30 inches for communication cable, except that 36 inches is required for longitudinal occupancy under freeway rights-of-way.

(3) 36 inches for all other underground utility facilities.

d. Rocky terrain. The department may allow an exception to the minimum depth requirement where rocky terrain makes it difficult to obtain the required depth. The department will determine the minimum depth in these situations; however, no installation will be authorized with less than 24 inches of cover.

e. Other protective measures. In critical situations where the necessary cover cannot be obtained, the department may approve other protective measures.

f. Highly erodible areas. Highly erodible areas may require trenchless installation and additional depth requirements as determined by the district representative.

115.12(2) *Measurement of cover.* The cover is measured from one of the following:

a. On rural-type roadways, the lowest pavement surface edge.

b. On urban-type roadways, the gutter flow line, excluding local depressions at inlets.

c. Where longitudinal installations will be behind the curb, the top of the curb.

d. The surface of the surrounding ground or the low point of the ditch.

115.12(3) *Casing.* A casing is to:

a. Protect the road from damage.

b. Protect the carrier pipe from external loads or shock, either during or after construction of the road.

c. Convey leaking liquids or gases away from the area directly beneath the traveled way.

d. Provide for repair, removal and replacement of the utility facility without interference to the road.

e. Leave no excessive voids around the pipe (more information on procedures for backfilling contained in subrule 115.12(7)).

f. Be of sufficient strength to withstand the external loads created by the vehicular traffic on the roadway being traversed.

g. Be properly installed with fill compacted to department specifications.

h. Be made of material that complies with all applicable federal, state, local and franchise requirements and meets generally accepted industry standards.

115.12(4) *Seals.* Casing pipe shall be sealed at both ends with a suitable material to prevent water or debris from entering the annular space between the casing and the carrier.

115.12(5) *Encasement and related requirements.*

a. Trenchless construction. Underground crossings of existing paved roadways, gravel entrances and residential or business frontage roads shall be accomplished by trenchless construction. Other installation methods may be authorized by the district representative and noted in the permit. The utility owner is responsible for contacting the property owner prior to any open cuts in entrances and residential or business frontage roads.

b. Transverse crossings. Underground transverse crossings of freeways and primary roads are to be encased from right-of-way line to right-of-way line and clearly marked by the utility owner at the outer limits of the rights-of-way. Encasement exceptions for transverse crossings may be authorized by the district representative on a case-by-case basis.

c. Longitudinal installations. Utility lines installed longitudinally to the primary road rights-of-way are to be encased at entrances and crossings of hard-surfaced roads and streets. Encasement exceptions for longitudinal installations may be authorized by the district representative on a case-by-case basis.

d. Electrical service. Underground electrical service is to be placed in a conduit from right-of-way line to right-of-way line and clearly marked by the utility owner at the outer limits of the rights-of-way.

e. Pipelines, except water.

(1) Exceptions to pipeline encasement may be made for a pipeline carrying natural gas at an operating pressure of 60 pounds per square inch or less that is made of copper, steel or plastic and is protected and installed in accordance with generally accepted industry standards; and the utility owner certifies as a part of the permit that these standards are met.

(2) Exceptions to pipeline encasement may be made for a pipeline carrying liquid petroleum products, ammonia, chlorine or other hazardous or corrosive products if the pipeline meets all of the following requirements and the utility owner certifies as a part of the permit that these requirements are met:

1. The pipeline is welded steel pipeline.
2. The pipeline is cathodically protected.
3. The pipeline is coated in accordance with generally accepted industry standards.
4. The pipeline complies with federal, state and local requirements and meets generally accepted industry standards regarding wall thickness and operating stress levels.

(3) Pipeline encasements are to be vented and marked at the outer rights-of-way limits. The markers are to meet generally accepted industry standards and include the following information:

1. Name and address of the utility owner.
2. Telephone number to contact in case of an emergency.
3. Type of product carried.

f. Communication cable. The department may require encasement of communication cable.

g. Sanitary sewer lines. Exceptions to sanitary sewer line encasement may be made for gravity flow lines installed subsequent to road construction if all of the following requirements are met:

(1) The opening is cut to the size of the carrier pipe so that there are no excessive voids around the pipe.

(2) The pipe is of sufficient strength to withstand the external loads created by the vehicular traffic on the roadway being traversed.

(3) Lines beyond the toe of foreslope are properly installed and compacted to department specifications.

h. Waterlines. Exceptions to waterline encasement may be made for the following:

(1) Encasement is not required where it is impractical due to existing conditions as determined by the district representative.

(2) Waterlines with an inside diameter of 2 inches or less need be encased only from toe of foreslope to toe of foreslope. Venting and sealing of the encasement are not required.

(3) Waterlines installed in advance of road construction need not be encased if the pipe is properly embedded and made of extra strength cast iron or ductile iron pipe with mechanical joints and seals, or equivalent.

i. Installations vulnerable to damage. When it is acceptable to both the utility owner and the department, an underground utility facility that, by reason of shallow depth or location, is vulnerable to damage from road construction or maintenance operations may be allowed to remain in place and shall be protected with a casing, suitable bridging, concrete slabs or other appropriate measures and noted in the permit.

j. Other installations. When it is acceptable to both the utility owner and the department, an underground utility facility not otherwise addressed in this subrule may be installed without protective casing if the installation involves trenched construction.

115.12(6) *Multiduct systems.* The department may require installation of a multiduct system to be shared with others. Details of the installation are subject to department approval.

a. For other multiduct systems, the department may designate a "lead company" for the multiduct system. The lead company will generally be the first utility owner requesting occupancy. The lead company is to:

(1) Design and install the multiduct system.

(2) Maintain the multiduct system.

(3) Provide all capital required to construct the multiduct system.

b. Once a multiduct system has been established, the department may require future occupancies to be located within one of the unoccupied inner ducts of the system. If all inner ducts are occupied, the department may require the establishment of an additional multiduct system. Subsequent occupants of a multiduct system should share equally in the entire capital cost of the utility facility. As each new occupant is added to an existing system, the department may require the new occupant to pay its proportionate share based on the number of inner ducts it occupies.

c. More information is contained in subrule 115.15(8) regarding occupancy fees for longitudinal installations on freeways.

115.12(7) *Procedures for backfilling trenched construction and jacking or boring pits.*

a. When a carrier, pipe, conduit, or cable is placed by trenched construction, jacking or boring, the backfill shall be placed and compacted in accordance with department specifications so that there is no settlement or erosion. Should settling or erosion of a trench be observed, the utility owner will be responsible to correct the problem.

b. Backfill under roadways or entrances is to be of a suitable material to minimize settlement at the site. Examples of suitable material include granular backfill or flowable mortar.

115.12(8) *Procedures for trenchless construction.*

a. When trenchless construction techniques are used, the bore is to be as small as practical and in accordance with department specifications.

b. Grout backfill is to be used for all unused holes and abandoned pipes. Grout or sand backfill is to be used for any borehole more than 2 inches larger than the installed casing or other utility facility. All bored utility facilities are to be constructed in such a manner that surface water is not transported to or otherwise allowed access to groundwater.

115.12(9) *Procedures for pavement removal.*

a. When the existing pavement is cut to accommodate a utility installation, the cut shall be made with a concrete saw.

b. The dimensions of the pavement removal shall be 6 feet in length and full lane width unless otherwise authorized by the district representative. If the distance from the specified cut to any adjacent longitudinal or transverse joint or crack is less than 4 feet, the pavement removal shall be extended to the joint or crack.

c. The district representative will make the final determination on the required depth and width of cut.

115.12(10) *Procedures for pavement replacement.*

a. Restoration of pavement shall be accomplished in accordance with department specifications.

b. The district representative may authorize temporary repair with bituminous material.

c. A permanent patch shall be placed as soon as conditions permit.

115.12(11) *Clear zone for pits.* Jacking or boring pits are to be located beyond the clear zone or road foreslope, whichever locates the pit a greater distance from the edge of the traveled way.

a. On freeways, jacking or boring pits are not allowed within the median.

b. On rural-type, nonfreeway primary roads, jacking or boring pits may be allowed within the median or foreslope upon request and at the discretion of the district representative.

c. On urban-type, nonfreeway primary roads, jacking or boring pits should be located at least 2 feet from the curb.

d. Jacking or boring pits authorized within the clear zone are to be protected at all times. All protection measures are to be included in the permit request. Examples of protection measures include backfilling of the pit, temporary barrier rail, or reflective fence.

115.12(12) *Construction methods.* Casing and pipeline installations are to be accomplished by dry boring, tunneling, jacking, trenching, or directional drilling.

a. The use of water under pressure, jetting or puddling to facilitate boring, pushing or jacking operations is not allowed.

b. Water may be used to lubricate a cutter and pipe during a dry boring operation.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.13(306A) Freeways.

115.13(1) *Access to utility facilities occupying freeway rights-of-way.*

a. Except for emergency work, access to utility facilities during utility construction or maintenance activities is to be obtained from the areas other than the freeway or its ramps. More information is contained in subrules 115.8(3) and 115.17(2) regarding emergency work.

b. Fence removal and replacement will be determined by the district representative.

c. No gates or ladders are to be placed in or upon the right-of-way fence.

d. The department will coordinate approval from the FHWA for any request to access the interstate right-of-way for utility work.

115.13(2) *Freeway clear zone requirements.* The clear zone requirements of subrule 115.4(3) apply to freeways. In addition:

a. Personnel, equipment and materials are not allowed in the median or within the clear zone area during utility facility construction or maintenance operations, except as provided in paragraph 115.13(2) *"b."*

b. Temporary poles may be allowed in the median during cable or conductor stringing operations at the discretion of the district representative.

115.13(3) *Aboveground appurtenances.* Aboveground appurtenances, including but not limited to poles, guys and other supporting structures, are not allowed within the rights-of-way of freeways.

115.13(4) *Existing utility facilities.*

a. A utility facility occupying land that subsequently becomes freeway rights-of-way may remain within the rights-of-way if the utility facility:

(1) Can be accessed from areas other than the freeway or its ramps.

(2) Does not adversely affect the safety, design, construction, operation, maintenance or stability of the freeway.

b. If the conditions in paragraph 115.13(4)*"a"* are not met, the department may request the utility facility be relocated outside the freeway rights-of-way.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.14(306A) Transverse installations on freeways.

115.14(1) *Interchange areas.*

a. Utility facilities may not be placed within the interchange area of intersecting freeways unless they are road-related.

b. In other interchange areas, the department may permit occupancy if access to the utility facility can be obtained from areas other than the freeway or its ramps, such as an intersecting, adjacent or nearby road or trail.

115.14(2) *Aboveground installations.*

a. A single span is to be used to cross the freeway where the width of freeway rights-of-way permits.

b. Within interchange areas:

(1) Single-pole construction is to be used, with the number of poles kept to a minimum.

(2) Overhead lines are to be constructed on tangent, parallel to the intersecting road, without guys or anchors being placed in the areas between the ramps and the main freeway. Guy poles are to be located as near to the freeway rights-of-way line as practical.

(3) Poles are to be located outside the clear zone and situated as far from the main freeway and ramps and as close to the toe of foreslope of the intersecting road as practical but shall remain outside the clear zone.

(4) The use of self-supporting poles or towers, double arming and insulators, breakaway devices and dead-end construction should be considered.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.15(306A,314) Longitudinal installations on freeways.

115.15(1) *Type of installation permitted.*

a. Pursuant to Iowa Code section 314.20, the department may permit the installation of an underground utility facility if, in addition to complying with other provisions of this chapter, the utility facility specifically complies with this rule.

b. Except as provided in this rule, no aboveground installations other than those needed to serve road facilities are allowed.

c. If the department determines that an aboveground installation is necessary to advance the state's priorities, can be installed safely with minimal impact on the traveling public, can be safely accommodated within existing right-of-way, is along a roadway that is not anticipated to require additional right-of-way for future improvements in the foreseeable future, and extends for a relatively short distance, the department may permit installation with proper justification.

115.15(2) *Prohibitions on longitudinal occupancy.*

a. A utility facility may not be placed longitudinally within freeway rights-of-way that is used for transmitting gases, liquids, or products that are flammable, corrosive, expansive or unstable.

b. No direct service connection to adjacent properties is allowed.

c. No utility facility is allowed in or on a structure carrying a freeway roadway or ramp, except for freeway border bridges, as provided in subrule 115.11(5).

115.15(3) *Minimal maintenance.* Once installed, the utility facility should require minimal maintenance.

115.15(4) *Location and depth.* The utility facility should be located on uniform alignment, preferably within 8 feet of the freeway rights-of-way line, and at a location approved by the department.

a. More information is contained in subrule 115.12(1) regarding minimum depth requirements.

b. Installation methods should be minimally invasive and authorized by the district representative.

c. Utility accesses should be placed below the existing ground line. The locations and number of accesses are subject to district representative approval.

115.15(5) *Pedestals, cabinets, vaults, hand holes, repeater stations or similar appurtenances.*

a. Aboveground pedestals are permissible. All pedestals, cabinets, vaults, hand holes or similar appurtenances should be placed one foot from the right-of-way fence. The number of installations is subject to district representative approval.

b. Repeater stations are not allowed in the rights-of-way.

115.15(6) *Metallic warning tape.* Metallic warning tape is to be installed a minimum of 12 inches below the existing grade and above the utility installation unless installation is done by directional boring or other trenchless methods.

115.15(7) *Engineering.* The utility owner is to retain the services of a licensed, professional engineer familiar with the requirements for utility work to be accomplished in Iowa.

a. The engineer is responsible for overseeing continuous on-site inspection of the installation of the utility facility, including all provisions pertaining to access to the work site and traffic control.

b. Upon completion of the project, the engineer is to certify to the department on the appropriate form that the installation, traffic control, and access to the work site were accomplished in accordance with the permit.

c. Any change to the alignment as described in the permit requires the prior approval of the district representative and is to be included in the as-built plan (more information is contained in subrule 115.7(8)).

115.15(8) *Occupancy fee.* The utility owner is to pay to the department an annual fee for longitudinal occupancy of the freeway rights-of-way in accordance with Iowa Code section 314.20. The initial fee is due before any construction work commences within the rights-of-way. Additional fees may apply for bridge attachments (more information is contained in subrule 115.11(4)). The department maintains the current fee listing available on the department's website at www.iowadot.gov/consultants-contractors/right-way/utility-accommodation-coordination.

a. Unless otherwise specified, the annual fee is based on the number of ducts, cables and length in miles as follows:

(1) When a multiduct system is required by the department the fee is $26,188.61 per cable installation or $13,094.31 per mile of cable, whichever is greater. These fees increase 3 percent per year over the previous year after the base year of 2024.

(2) The fee for all other installation is $21,673.33 per cable installation or $4,252.25 per mile of cable, whichever is greater. These fees increase 3 percent per year over the previous year after the base year of 2024.

b. When the department requires the installation of a multiduct system, the department may enter into an agreement with the lead company for a discounted fee payment schedule to be in effect until the company has recovered all or an agreed upon portion of its cost of installing the system. Subsequent occupants of the multiduct system will be required to pay the full annual fee.

c. Utility facilities dedicated solely to state government use may, at the department's discretion, longitudinally occupy freeway rights-of-way without assessment of an occupancy fee.

115.15(9) *Performance bond.* The utility owner is to file a performance bond with the department prior to commencing work within the freeway rights-of-way.

a. The bond shall be in the minimum amount of $100,000 per permit as determined by the district representative and shall guarantee prompt restoration of any damage caused during the installation of the utility facility.

b. The bond is to be in force for the duration of the construction. The department may file a claim against the bond for two years thereafter.

115.15(10) *Insurance.*

a. The utility owner shall maintain the following insurance for bodily injury, death and property damage arising out of or in connection with the construction, maintenance and operation of the utility facility:

(1) General public liability insurance with limits of not less than $500,000 for injury to or death of a single person, or not less than $1,000,000 for any one accident, and not less than $250,000 per accident for property damage.

(2) Comprehensive automobile liability insurance with limits of not less than $500,000 for injury to or death of a single person, or not less than $1,000,000 for any one accident, and not less than $250,000 per accident for property damage.

(3) Excess liability coverage with limits of not less than $5,000,000.

(4) Statutory workers' compensation coverage.

b. This insurance is to be in effect before the utility owner commences any work within the freeway rights-of-way.

c. Coverage may be provided by blanket policies of insurance covering other property or risks.

d. The department is to be named as an additional insured party in the general public liability and excess liability insurance policies.

115.15(11) *Term of permit.* The permit is valid for 20 years from the date of issuance. Upon written request, the department may extend or renegotiate the term.

115.15(12) *Utilities for road facilities.* Longitudinal occupancy of utility facilities that service road-related facilities are permissible upon such terms and conditions as the department may determine.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.16(306A) Longitudinal installations on nonfreeway primary roads.

115.16(1) *Location.* Longitudinal utility facility installations should be located on uniform alignment as near as practical to the right-of-way line to provide a safe environment for traffic operations and to preserve space for future road improvements and other utility installations.

115.16(2) *Underground installations.*

a. No carrier of flammable, corrosive, expansive or unstable material may be placed longitudinally within the rights-of-way of a nonfreeway primary road. Exceptions:

(1) A natural gas line with an operating pressure that is no greater than 150 pounds per square inch is permissible.

(2) The department may permit the placement of a natural gas line with an operating pressure that is greater than 150 pounds per square inch only if a suitable alternate location cannot be found.

b. On rural-type roadways, utility facilities shall be located in an area beyond the road foreslope and ditch bottom, right-of-way width permitting. Exceptions to the location may be made by the district representative for areas such as deep ravines or ditches or to allow for adequate separation between utility facilities. When adequate room within the rights-of-way is available, the utility facility shall be installed beyond the end of any culverts at a minimum depth of 10 feet beneath the normal flow line unless otherwise authorized by the district representative. When adequate room within the rights-of-way is not available, the utility facility shall be installed by trenchless methods a minimum depth of 10 feet beneath any culverts unless otherwise authorized by the district representative.

c. On urban-type roadways, utility facilities shall be located as near to the right-of-way line as practical. A utility access placed within the rights-of-way shall not protrude above the surrounding surface.

d. Utility facilities should not be placed in the median. The district representative may allow an installation within the median if a suitable alternative is not found.

e. Utility facility locations shall be marked and identified as set out in subrule 115.3(12).

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.17(306A) Maintenance and emergency work.

115.17(1) *Maintenance responsibilities.* The utility owner is responsible for utility facility maintenance. The utility owner is to:

a. Maintain the utility facility in a good state of repair.

b. Replace and stabilize all earth cover and vegetation where erosion has occurred over an underground utility facility when the erosion is due to or caused by the placement or existence of the utility facility.

c. Give the district representative 48 hours' prior notice of the utility owner's intent to perform predictable routine maintenance within the rights-of-way.

115.17(2) *Utility emergency work.*

a. Access to the worksite is permissible from the freeway roadways and ramps when an emergency exists.

b. The utility owner shall take all necessary, appropriate and reasonable measures to protect the safety of the traveling public and cooperate fully with law enforcement and the department in completing the emergency work.

c. The utility owner shall notify the district representative of the emergency as soon as practical, describing the steps being taken to protect the traveling public, the extent of the emergency, and the steps being taken to address the emergency.

d. If the nature of the emergency is such that it interferes with the free movement of traffic, the utility owner shall immediately notify law enforcement, 511 and the district representative.

e. When an emergency occurs on the interstate system, the department will notify the FHWA as soon as practical, describing the steps being taken to protect the traveling public and the steps being taken to address the emergency.

115.17(3) *Department emergency work.* There will be times when the department performs road-related emergency work. If utility facilities are affected, the department shall as soon as practical notify the utility owner of the emergency condition and what steps are necessary to protect the utility facility.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.18(306A) Abandonment, out-of-service facilities, or removal of utility facilities.

115.18(1) *Ownership.* Ownership remains in place for a utility facility declared abandoned or out-of-service. To facilitate utility investigations for future primary road projects, the location of abandoned and out-of-service utility facilities should be maintained in the utility owner inventories. The last-known utility owner remains responsible for locating and marking abandoned and out-of-service utility facilities within the primary road rights-of-way and for the cost of removal of abandoned utility facilities required to facilitate proposed primary road construction.

115.18(2) *Notice to department.* Within 90 days after the abandonment, out-of-service designation, or removal of all or a portion of an existing utility facility that occupies the primary road rights-of-way, the utility owner is to submit a notice of abandonment, out-of-service designation, or removal to the district representative. The notice shall include:

a. Type of utility facility.

b. Location of the utility facility by route, county, section, township, range, milepost and primary road stationing, where these references exist.

c. Name of the original utility owner if different than the current utility owner.

d. Original permit number and date of approval, if known.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.19(306,306A) Utility facility adjustments for primary road improvement projects. Rules 761—115.20(306A) through 761—115.24(306A) establish administrative procedures for utility facility adjustments made necessary by primary road improvement projects pursuant to Iowa Code section 306A.10, including information exchange and the responsibilities of the department, utility owners, and the department's contractor. The purpose of these procedures is to adjust utility facilities with minimal delays or added expense pursuant to Iowa Code section 306.47. Rules 761—115.20(306A) through 761—115.24(306A) apply to all primary road improvement projects with the following exceptions:

1. Projects the department develops on an accelerated schedule.
2. Projects with no anticipated utility adjustments.

115.19(1) *Adjustment of facilities.* If, despite making reasonable efforts to avoid or minimize the need for adjusting an existing utility facility, it is determined that adjustment is required due to proposed primary

road construction, the utility owner is to adjust the utility facility in advance of the road construction. Scheduling of relocation work in the case of the following exceptions should be coordinated with the district representative:

a. Relocation work that needs to be coordinated with the department's contractor.

b. Relocation work that is dependent on work to be performed by another utility company.

c. Relocation work that is not practical until certain department project construction activities occur.

115.19(2) *Relocation costs.*

a. If adjustment of an existing utility facility occupying the right-of-way is required due to proposed primary road construction, the utility owner is to adjust the utility facility without cost to the state.

b. If adjustment of an existing utility facility located on an easement outside existing rights-of-way is required due to proposed primary road construction, approved relocation costs will be eligible for reimbursement by the department through a reimbursement agreement.

c. When the department participates in the cost of a utility facility adjustment required for proposed primary road construction, the department will not pay for a betterment that results in an increase in the capacity of the utility facility or for any other adjustment not required by proposed primary road construction and is made solely for the benefit of and at the election of the utility owner. The department is entitled to receive credit for the accrued depreciation on replaced facilities and the salvage value of any materials or parts salvaged and retained or sold by the utility owner.

d. Adjustment costs for which the department is responsible will be paid on a cost reimbursement basis through a reimbursement agreement. Estimates shall follow the cost development and reimbursement requirements outlined in 23 CFR 645 (Subpart A, 645.117) as amended October 1, 2023.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.20(306A) Utility investigation and notice of project.

115.20(1) *Determining affected utilities.*

a. The department will make a reasonable effort to identify utility facilities located in the vicinity of a proposed primary road project and collect location information and attributes.

b. The department will periodically evaluate the information available and determine the utility investigation needs for the project. Utility companies are to respond to collaboration efforts with the department to determine the best approach to meet those needs.

c. The department will look at potential utility impacts and initiate coordination with utility owners. A utility conflict list should be used to document and track information obtained on the potential utility conflicts.

115.20(2) *Notifying utilities.* The department will identify by name the owner of each known utility facility located within the vicinity of a proposed primary road project. In accordance with Iowa Code section 306A.10, the department will send to each identified utility owner a notice of the improvement project, including the route number of the primary road, the geographical limits of the project and a general description of the proposed primary road work to be done, type of project, important schedule milestones, and, if available, the name and contact information of the designer or a department's representative for coordination purposes.

115.20(3) *Responding to notice.* The utility owner shall:

a. Within 30 calendar days after the date of the notice, provide to the department information about the utility owner's utility facilities that are in the vicinity of the improvement project. This information shall include the following:

(1) A confirmation in writing that the utility owner has or has no facilities in the vicinity of the project.

(2) Information on the utility owner's utility facilities' location and attributes, the name of any other utility companies that have utility facilities that coexist with the utility owner's utility facilities and contact information of the coexisting utility owner's authorized representative.

b. The utility owner is to reply regardless of whether or not it has utility facilities in the project's vicinity.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.21(306A) Preliminary plan, verifying accuracy of information.

115.21(1) *Depicting utility information.* The department will use collected information to list all known utility owners within the vicinity of a proposed primary road project and include the utility owners' utility facility locations on the project plans in accordance with department specifications.

115.21(2) *Preliminary plan.* The department will submit its preliminary plan to the owner of each known utility facility within the vicinity of a proposed primary road project and ask utility owners to provide information regarding the accuracy of utility information depicted in the preliminary plan and potential conflicts and the utility owners' recommended solutions. The department should schedule a utility coordination meeting after the preliminary plan is sent to the utility owners.

115.21(3) *Response to the preliminary plan.*

a. The utility owner shall review the preliminary information sent by the department and provide a response within 30 calendar days. The response is to include the following:

(1) A statement regarding the accuracy of the location of the utility owner's existing utility facilities as depicted in the preliminary plan. If the information is inaccurate, a description of the inaccuracies is to be provided.

(2) A declaration that there are no known conflicts between the utility owner's utility facilities and the department's project, or a description of any potential conflicts between the utility owner's utility facilities and the department's project.

(3) Utility owners may provide recommended changes to the department's plan that may help to avoid or minimize impacts to utility facilities.

(4) Any other relevant information regarding potential utility facility conflicts, such as potential rights-of-way needs, permits that may be required, estimated time frame required for utility facility relocations, and any dependencies with other utility owners' work or the department's contractor.

b. The utility owner is to reply regardless of whether or not the utility owner's utility facilities in the project's vicinity are impacted by the proposed primary road project.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.22(306A) Semifinal plan, utility work plan.

115.22(1) *Preparation of semifinal plan.* When preparing the semifinal plan, the department should review information provided by utility owners in response to the preliminary plan that was received within the requested time frame and implement recommended changes when feasible. The project utility investigation needs may be reevaluated to determine the best approach to meet those needs.

115.22(2) *Distribution of semifinal plan.* The department will submit its semifinal plan to the owner of each known utility facility within the vicinity of a proposed primary road project. The semifinal plan contains information details of the department's project to assist the utility owner in the design and the adjustment of the utility owner's utility facilities.

115.22(3) *Work plan.* Within 90 calendar days after the date the department provides its semifinal plan, the utility owner shall submit to the department a work plan for the adjustment or relocation of utility facilities impacted by the proposed primary road project.

a. The work plan is to include the following:

(1) A narrative description of what work the utility owner will do.

(2) An electronic plan or drawing showing the existing and proposed locations of the utility owner's utility facilities in relation to the semifinal plan.

(3) Whether the work is dependent on work by another utility owner.

(4) Whether the work can be done prior to road construction or must be coordinated with the department's contractor.

(5) Whether the work is dependent on the acquisition of rights-of-way.

(6) The number of working days required to complete the work and the earliest date when the utility owner could begin to implement the work plan.

(7) A list of permits and approvals the utility owner is required to obtain from governmental agencies and railroad companies for the work, and the expected time schedule to obtain them.

(8) The expected lead time in calendar days to obtain materials, schedule work crews, and obtain necessary rights-of-way.

(9) Any other information that may be useful to the department or the department's contractor.

b. If the utility adjustment work may be reimbursable, the utility owner shall include the following with the work plan:

(1) Documentation of real estate interests.

(2) A detailed cost estimate for the adjustment, including appropriate credits for betterments or salvage.

115.22(4) *Conflict between work plans.* When requested by the utility owners or when the department determines there is potential for conflict between work plans, the department shall schedule a coordination meeting. All affected utility owners shall attend the meeting to coordinate the utility owners' work plans. The department may allow a utility owner an additional 30 calendar days to submit the utility owner's work plan if coordination is required with other utility owners.

115.22(5) *Department review of work plan.* The department will review each utility owner's work plan to ensure compatibility with permit requirements, the department's project, other utility work plans, and the department's project schedule.

a. If the work plan is acceptable, the department will notify the utility owner of the department's acceptance of the utility owner's work plan.

b. All relocation work plans should ensure the safety and reliability of the utility facilities and the road and avoid any unnecessary cost or delay. An approved and issued permit is to be obtained for work within the primary road rights-of-way. Any work plan by itself does not constitute a permit nor does it grant permission to occupy primary road rights-of-way.

c. If the work plan is not acceptable to the department, the department will notify the utility owner that the work plan is not acceptable and provide a detailed explanation of the problem.

d. The utility owner is to submit a revised work plan to the department within 30 calendar days after the utility owner's receipt of notice from the department that the work plan was not acceptable.

e. The department will review the revised work plan. If the revised work plan is acceptable, the department will notify the utility owner of the department's acceptance of the revised plan.

f. If the revised work plan is still not acceptable, the department may initiate noncompliance procedures per subrule 115.3(11). If the department determines that meaningful progress is being made, the department may elect to repeat the process set out in paragraphs 115.22(5)*"c"* to *"e."*

115.22(6) *Reimbursement agreement.*

a. For certain utility facility adjustments, the department may enter into a reimbursement agreement between the department and the utility owner. If applicable, the utility owner is to provide a request for reimbursement to the department prior to commencement of any relocation work. If the department determines that the relocation is eligible for reimbursement, a reimbursement agreement may be prepared between the department and the utility owner and should be fully executed by both parties prior to commencement of any relocation work. The agreement is to include the following:

(1) The responsibilities of each party, including the pro rata share of costs to be borne by each party.

(2) The scope, description, and location of the relocation work.

(3) The relocation work plan.

(4) The itemized cost estimate of the relocation work, including appropriate credits.

(5) The actions to be taken in case of noncompliance with state requirements.

b. A reimbursement agreement by itself does not constitute a permit nor does it grant permission to occupy the primary road rights-of-way. The utility owner is responsible for obtaining a permit prior to commencing work within the rights-of-way.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.23(306A) Notice of work.

115.23(1) *Notice of receipt of permits and approvals.* The utility owner shall notify the department within 14 calendar days after the utility owner has received all required permits and approvals from government agencies and railroad companies.

115.23(2) *Notice to utility owner to begin work.*

a. The department shall send a notice to proceed to the utility owner when necessary approvals are received, permits are issued, and rights-of-way have been acquired for the relocation work.

b. If the utility owner's work plan is dependent upon work by the department's contractor, the department's contractor is to provide the department and the utility owner a good faith notice 14 calendar days before the department's contractor's work is expected to be complete and ready for the utility owner to begin its work. The department's contractor should follow up with a confirmation notice to the department and the utility owner not less than three working days before the department's contractor's work will be complete and ready for the utility owner to begin its work.

115.23(3) *Notice to department of commencement and completion of work.* The utility owner is to give the department 48 hours' prior notice, excluding weekends and holidays, of the utility owner's intent to start utility adjustment work within the vicinity of a proposed primary road project. The utility owner is to also notify the department immediately upon completion of the work.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

761—115.24(306A) Miscellaneous adjustment provisions.

115.24(1) *Work plan compliance.* The utility owner is to complete its utility adjustment work within the time frame of the work plan approved by the department. Upon completion of the work, the utility owner is to certify to the department that the adjustment of the utility owner's utility facilities is in accordance with the accepted work plan. The utility owner is to submit an as-built plan in accordance with department specifications.

115.24(2) *Work plan changes.* If a utility owner needs to change its work plan after its adjustment work begins, the utility owner shall notify the department. Once the department approves a modified work plan, the utility owner may make the necessary changes and perform the work.

115.24(3) *Cost allocation.*

a. If the department requires the adjustment of a utility facility that was originally determined, per the notice and work plan processes, to not need adjustment:

(1) The utility owner will bear the cost of the adjustment if the work is otherwise not reimbursable.

(2) The department will bear the reasonable cost of the adjustment if the work is otherwise reimbursable.

b. If the department requires additional adjustment to a utility facility after the utility facility has been adjusted in accordance with a work plan accepted by the department, the department will bear the reasonable cost of the additional work. This applies to all utility facilities, whether the original adjustment work was reimbursable or not reimbursable.

c. The utility owner will bear the cost of additional adjustment work performed after its utility facilities have been adjusted in accordance with a work plan accepted by the department if the additional work is due to the utility owner's error.

115.24(4) *Failure to comply with these rules, to provide an acceptable work plan, or to adjust utility facilities.* If a utility owner fails to comply with these rules, fails to provide an acceptable work plan per subrule 115.22(5), fails to comply with the accepted work plan, or fails to complete the adjustment of its utility facilities in accordance with the accepted work plan, and its failure results in a delay to the primary road project or causes damages to be incurred by the department or the department's contractor, the utility owner is liable for all costs and damages incurred as a result of its failure. In addition to any other remedy that may exist at law, in equity, or under these rules, the department may initiate noncompliance procedures per subrule 115.3(11) for failure to comply with the requirements of these rules.

[**ARC 9265C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code chapters 306A and 318 and sections 306.3, 306.47, 314.20, 320.4 through 320.8, and 321.1.

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CHAPTER 116
JUNKYARD CONTROL

[Prior to 6/3/87, Transportation Department[820]—(06,F)Ch 7]

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/12/30

761—116.1(306C) Definitions. The definitions in Iowa Code section 306C.1 apply to this chapter. In addition:

"Adjacent area" means an area that is contiguous to and within 1,000 feet of the nearest edge of the right-of-way of any highway on the national highway system.

"Automobile graveyard," as used in Iowa Code section 306C.1, means any site that is maintained, used, or operated for storing, keeping, buying, or selling ten or more wrecked, scrapped, ruined, dismantled or inoperative motor vehicles, but does not include any location where motor vehicle bodies are placed along stream banks for purposes of bank stabilization and soil erosion control, if such placement conforms with guidelines established by the department of natural resources.

"Industrial activities" means activities that are generally permitted only in industrial or heavier zone classifications by zoning authorities within the state, except that none of the following are considered to be industrial activities:

1. Outdoor advertising structures.
2. Agricultural, forestry, ranching, grazing, farming and related activities, including but not limited to wayside fresh produce stands.
3. Activities normally and regularly in operation less than three months of the year.
4. Transient or temporary activities.
5. Activities not visible from the main traveled way.
6. Activities more than 300 feet from the nearest edge of the main traveled way within the corporate limits of cities.
7. Activities more than 1,000 feet from the nearest edge of the main traveled way outside the corporate limits of cities.
8. Activities conducted in a building principally used as a residence.
9. Railroad tracks, minor sidings, and passenger depots.
10. Junkyards.

"Industrial zone" means a zone established by zoning authorities as being most appropriate for industry or manufacturing. A zone that simply permits certain industrial activities as an incident to the primary land use designation is not considered to be an industrial zone.

"Inoperative motor vehicle" means any of the following:

1. A motor vehicle that does not have a valid title.
2. A motor vehicle that does not have a current registration unless the motor vehicle is in the inventory of a motor vehicle dealer licensed under Iowa Code chapter 322.
3. A motor vehicle with one or more of the following items missing or in need of substantial repair: windshield, driver's seat, steering wheel or steering system, battery, ignition system, fuel tank or fuel supply system, engine, transmission, drive shaft, differential, axle, suspension system, brake system, or frame.
4. A motor vehicle that is not immediately capable of legal operation on a public road or street.

However, any one of the following by itself does not render a motor vehicle inoperative: a battery that can be recharged, one tire and wheel missing or in need of repair, or lack of fuel.

"Main traveled way" means the portion of the roadway for movement of vehicles on which through traffic is carried, exclusive of shoulders and auxiliary lanes. In the case of a divided highway, the main traveled way includes each of the separated roadways for traffic moving in opposite directions, exclusive of shoulders, auxiliary lanes, frontage roads, turning roadways, and parking areas.

"Nonconforming junkyard" means a junkyard located in an area not exempted by Iowa Code section 306C.2 and that was lawfully established:

1. Prior to July 1, 1972, and is located within the adjacent area of an interstate highway.

2. Prior to May 6, 2015, and is located within the adjacent area of a noninterstate highway on the national highway system.

3. Prior to the effective date of a zoning change that caused nonconformity with these rules.

4. Prior to the departure or closure of an industrial activity that caused nonconformity with these rules.

5. Prior to the establishment of a highway as part of the national highway system.

"Right-of-way" means land area dedicated to public use for the highway and its maintenance, and includes land acquired in fee simple or by permanent easement for highway purposes but does not include temporary easements or rights for supplementary highway appurtenances.

"Unzoned industrial area," as used in Iowa Code sections 306C.2 and 306C.3, means land occupied by a regularly used building, parking lot, storage area or processing area of an industrial activity, and land within 1,000 feet thereof that is:

1. Located on the same side of the highway as the activity,
2. Not predominantly used for residential or commercial purposes, and
3. Not zoned by state or local law, regulation, or ordinance.

This rule is intended to implement Iowa Code sections 306C.1 through 306C.9 and 23 U.S.C. Section 136 as implemented through 23 CFR 751.

[**ARC 8783C**, IAB 1/8/25, effective 2/12/25]

761—116.2(306C) Screening or removal costs. Screening or removal shall be paid for and provided by the following:

116.2(1) The department, only for nonconforming junkyards and subject to Iowa Code sections 306C.3 and 306C.5.

116.2(2) The owner, for junkyards established within the adjacent area of a highway on the national highway system in an area not exempted by Iowa Code section 306C.2, or for nonconforming junkyards that have expanded in size since becoming nonconforming.

This rule is intended to implement Iowa Code sections 306C.3 and 306C.5.

[**ARC 8783C**, IAB 1/8/25, effective 2/12/25]

761—116.3(306C) Screening standards.

116.3(1) *Composition.* Screens may be natural or manmade, but all screens shall be of a height and type to provide year-round obscurement of the contents.

a. Natural screens may consist of nondeciduous plantings, provided the variety, size, and growth rate will obscure the site within a reasonable time period. Earthen berms or existing natural features on the site may also be incorporated into the screening solution.

b. Manmade screens may consist of any variety of materials, provided the screen is constructed in a sturdy, permanent manner and blends with the natural surroundings. Buildings may be incorporated into the screening solution, but inoperative motor vehicles may not be stacked or arranged as a component of the screening feature.

116.3(2) *Screening plan.* For junkyards that are not exempted by Iowa Code section 306C.2, a screening plan should be submitted to the department for review before investing in plants, materials, and labor. This allows for the department to review the plan to ensure that the proposed screen will completely obscure the contents of the site from view, will be structurally sound, and will blend in with the natural surroundings for the area. While submitting a screening plan is not required, doing so adds confidence that investments made will yield the desired result.

This rule is intended to implement Iowa Code sections 306C.3 and 306C.4 and 23 U.S.C. Section 136 as implemented through 23 CFR 751.

[**ARC 8783C**, IAB 1/8/25, effective 2/12/25]

761—116.4(306C) Removal. Removal or relocation of contents to areas not viewable from the highway may be necessary for the following reasons:

116.4(1) The difference in elevation between the highway and junkyard is such that a screen tall enough to completely obscure the site is not cost-effective.

116.4(2) The owner is financially unwilling or otherwise unable to complete the installation of or maintain a screen that can pass review by the department.

116.4(3) Local regulations do not permit the construction of screening of such type that would provide complete obscurement.

This rule is intended to implement Iowa Code sections 306C.2, 306C.3 and 306C.5.

[**ARC 8783C**, IAB 1/8/25, effective 2/12/25]

761—116.5(306C) Notice and enforcement.

116.5(1) *Notice.* The department may provide a 30-day written notice by certified mail to the owner of a junkyard and, if not the same person or entity, the owner of the property, demanding that steps be taken to bring a site into compliance. Steps may include but are not limited to the submission of a screening plan, completion of a screen, and extending or repairing a screen.

116.5(2) *Enforcement.* If the junkyard remains out of compliance after notice is served and steps toward compliance are not accomplished within the time frames prescribed by the department, the department may apply for an injunction to abate the public nuisance as provided in Iowa Code section 306C.6.

This rule is intended to implement Iowa Code sections 306C.4 and 306C.6.

[**ARC 8783C**, IAB 1/8/25, effective 2/12/25]

761—116.6(17A) Hearings and appeals. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision pursuant to 761—Chapter 13.

This rule is intended to implement Iowa Code chapter 17A.

[**ARC 8783C**, IAB 1/8/25, effective 2/12/25]

761—116.7(306C) Contact information. Inquiries regarding this chapter may be directed to the Advertising Management Section, Traffic and Safety Bureau, Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.239.1255.

This rule is intended to implement Iowa Code sections 306C.1 through 306C.9.

[**ARC 8783C**, IAB 1/8/25, effective 2/12/25]

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CHAPTER 117
OUTDOOR ADVERTISING

[Prior to 6/3/87, Transportation Department[820]—(06,O) Ch 5]

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/12/30

761—117.1(306B,306C) Definitions. The definitions in Iowa Code section 306C.10 are adopted. In addition:

"Abandoned sign" means an advertising device for which the owner has failed to timely apply for the required outdoor advertising permit(s) or has failed to timely pay the required fee(s).

"Blank sign" means an advertising device for which any of the following conditions exist:

1. The face does not display advertising copy.
2. The face has been removed.
3. The entire advertising device has been removed or does not exist at the permitted location.

"Daylight area" means a triangular area formed by a line connecting two points each back (50 feet in city, 100 feet in unincorporated area) from the point where the right-of-way lines of the main traveled way and an intersecting street meet or would meet if extended.

"Destroyed" means that at least 60 percent of the supports are broken, if wooden, or broken, bent or twisted, if metal, such that normal repair practices would call for the replacement of the damaged supports.

"Face" means that part of an advertising device that is devoted to the display of advertising and that is visible to traffic proceeding in any one direction.

"Interchange" means the entire area constructed for a junction of two or more public streets or highways by a system of separate levels that permit traffic to pass from one level to another without the crossing of traffic streams. This includes all acceleration and deceleration lanes constructed to accommodate this movement of traffic.

"LED display" means a face, as defined herein, displaying a message that is formed by light-emitting diodes and that is changed by an electronic process. An LED display is a single face.

"Modification" means any addition to or change in dimensions, lighting, structure or advertising face, except as incidental to the customary maintenance of an advertising device.

1. A change in the number or type of support posts is a modification. A change in dimensions is a modification. However, the addition of extensions or cutouts, including forward projecting, is not a modification if the extensions or cutouts are added for a period of 90 days or less and if they are illuminated only by existing sign lighting and do not contain internal lighting.
2. A lawful change in advertising message is not a modification. The use of a vinyl overlay or wrap on either a poster panel or paint unit is a change in advertising message, not a modification.
3. On an advertising device that conforms to all current requirements, the replacement of one metal-framed face with another metal-framed face of the same size, using dissimilar component parts or assembly methods, or both, is not a modification.
4. The addition of LED display capabilities to an advertising device is a modification.
5. The elimination of trim surrounding the area used for advertising copy is not a modification, provided the advertising copy retains the same dimensions as the original advertising copy.

"Nonconforming sign" means an advertising device that was lawfully erected and continues to be lawfully maintained, but that does not comply with current requirements due to changed conditions, such as a change in zoning, establishment of a new highway, or a similar change that affects compliance.

"Regularly used" means open for business and staffed by an owner or employee for at least 20 hours per week, on property assessed as commercial or industrial by the jurisdiction having authority, and with the hours of operation visibly posted on the premises. The department may delay action on the permit application for up to 180 days from the date of the application in order to conduct periodic checks on the site as necessary to determine whether the purported commercial or industrial activity meets this definition. A rental storage business is excepted from the staffing requirement if it has 24-hour access for customers and a minimum of 50 units, each occupying at least 50 square feet, individually separated, and enclosed by walls.

"Scenic area," as used in Iowa Code section 306C.13, means any area of particular scenic beauty or historical significance, as determined by the federal, state or local officials having jurisdiction of the area. It includes real property interests that have been acquired for the restoration, preservation and enhancement of scenic beauty.

"Tri-face device" means an advertising device with three singular faces attached to one common structure in a triangular configuration.

"Tri-vision device" means an advertising device that has an advertising face with a mechanical device that allows three advertising messages to be alternately visible to traffic proceeding in any one direction. Each message is attached to individual vertical or horizontal louvers, which are mechanically rotated to change the message.

"Widening," as used in Iowa Code section 306C.13, means the point at which it is detectable that a deceleration or exit ramp is beginning to form alongside the main traveled way, or an acceleration or merging ramp has tapered to a close alongside the main traveled way. In the case where an entrance ramp becomes an auxiliary lane and the auxiliary lane becomes an exit ramp at the adjacent interchange, the widening shall be the point at which a deceleration ramp completely separates from the main traveled way as evidenced by the inside lane marking of such ramp, or an acceleration ramp joins with the main traveled way as evidenced by the inside lane marking of the ramp intersecting with the outside lane marking of the main traveled way.

[**ARC 8784C**, IAB 1/8/25, effective 2/12/25]

761—117.2(306B,306C) General provisions.

117.2(1) *Scope.* This chapter pertains to all advertising devices that are visible from the main traveled way of any primary highway, except for the following:

a. Advertising devices within incorporated areas that are beyond 660 feet from the nearest edge of the right-of-way.

b. Official traffic control devices, logo signing and tourist-oriented directional signing.

c. Advertising devices erected within the right-of-way of any primary highway; such devices are subject to Iowa Code chapter 318.

117.2(2) *Rebuttable presumption.* The department may regulate signs as advertising devices except when sufficient documentation from persons reasonably identified as potential payors or receivers of remuneration is available to the department showing or certifying that remuneration does not exist.

117.2(3) *Contact information.* Inquiries, requests for forms, and applications regarding this chapter may be directed to the Advertising Management Section, Traffic and Safety Bureau, Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. Similar information is also available at www.iowadot.gov/iowaroadsigns/sign-programs-and-applications/advertising-signs.

117.2(4) *Advertising devices permitted under the private directional sign program between May 26, 1983, and July 1, 2021.* Any advertising device permitted as a private directional sign by the department between May 26, 1983, and July 1, 2021, may continue to exist, even if nonconforming to this chapter, under the following conditions:

a. The permit is renewed each year by payment of a $15 fee on or before July 1.

b. The permit remains issued to the owner of the permit on record with the department on July 1, 2021.

c. The advertising device is not modified or destroyed.

d. The advertising device is properly maintained with legible copy.

e. The design and display of the advertising device meet federal standards contained in 23 CFR Section 750.154 as amended to October 1, 2024.

[**ARC 8784C**, IAB 1/8/25, effective 2/12/25]

761—117.3(306B,306C,306D) General criteria.

117.3(1) *Limitations.* In addition to the standards contained in Iowa Code section 306C.13, advertising devices shall not be erected or maintained:

a. That attempt or appear to attempt to direct the movement of traffic.

b. That move or have any animated or moving parts in areas subject to Iowa Code chapter 306B.

c. That contain LED displays, unless each advertisement remains in a fixed position on the display screen for at least eight seconds, transitions between advertisements occur within one second, and advertisements are not flashed, rolled, scrolled, or moved in any way on the display screen.

d. Within the adjacent area of a designated scenic byway, unless the erection occurred prior to the date of designation, in which case subsequent permitting may occur in accordance with Iowa Code section 306C.18.

117.3(2) *Measurements of distance.* Measurements of distance for general spacing purposes are conducted in a horizontal manner parallel with the highway centerline. However, when determining the limits of the adjacent area defined in Iowa Code section 306C.10, measurements from the edge of the right-of-way are conducted in a horizontal manner perpendicular to the highway centerline.

117.3(3) *Measurement of size.* The size of an advertising device is determined by measuring the smallest square, rectangle, triangle, circle or combination thereof that will encompass the entire display area including border and trim, but excluding temporary cutouts and extensions, base, apron, support, and other structural members.

117.3(4) *Zoning exclusions.* The following zoning actions are not commercial or industrial zones for advertising control purposes:

a. A zone in which limited commercial or industrial activities are permitted incidental to other primary land uses.

b. Action that is not a part of comprehensive zoning in accordance with Iowa Code chapter 335 or 414.

c. Action taken primarily to permit advertising devices.

[**ARC 8784C**, IAB 1/8/25, effective 2/12/25]

761—117.4 Reserved.

761—117.5(306B,306C) Location, size and spacing requirements.

117.5(1) *Advertising devices lawfully in existence prior to July 1, 1972.*

a. An advertising device that was lawfully in existence prior to July 1, 1972, including a device located beyond the adjacent area in unincorporated areas, may remain in existence without conforming to the location, size and spacing requirements in this rule provided that a permit is maintained in accordance with rule 761—117.6(306C).

b. If the advertising device is located in an adjacent area that is neither a zoned nor an unzoned commercial or industrial area, the device may remain in existence as described in paragraph 117.5(1)*"a"* only until such time as the device is acquired by the department. The permit issued for the device will be a provisional permit in accordance with Iowa Code section 306C.18(3) and subject to acquisition in accordance with rule 761—117.9(306B,306C).

117.5(2) *Advertising devices erected after July 1, 1972.* Except as otherwise provided in subrule 117.2(4), advertising devices shall not be erected after July 1, 1972, or subsequently maintained except for those that comply with Iowa Code chapters 306B and 306C and the following criteria:

a. Commercial or industrial area. Eligible areas for permitting are limited to the following three areas:

(1) Adjacent to interstate highways; areas that are zoned and used for commercial or industrial purposes in accordance with Iowa Code section 306B.2; within 750 feet of the regularly used portion of a commercial or industrial activity visible from the main traveled way; and on the same individual, platted parcel of land as that commercial or industrial activity.

(2) Adjacent to noninterstate primary highways; areas that are zoned commercial or industrial.

(3) Adjacent to noninterstate primary highways; areas that meet the definition of an unzoned commercial or industrial area.

b. Spacing. In addition to the standards contained in Iowa Code sections 306B.2 and 306C.13, the following requirements apply:

(1) Spacing standards apply to advertising devices for all highways from which the devices are visible, when more than one highway is in the vicinity of the advertising device.

(2) Spacing standards default to unincorporated spacing when both incorporated and unincorporated areas exist within the adjacent area on either side of the highway. However, daylight spacing may be determined by whether the subject location itself is within or outside of the incorporated municipality.

(3) Advertising devices subject to the daylight area spacing exemption in Iowa Code section 306C.13(5) are considered in conformity with that Iowa Code section if the catwalk or light ballasts extend out further than the 12 inches specified, provided such parts do not overhang the right-of-way. If the building from which the device is mounted is removed, the permit is revoked.

(4) Applications for advertising devices proposed in a location that meets the spacing requirements for that location, but that create a nonconformity to exist with another permitted advertising device, will be denied or adjusted so that the nonconformity is not created.

c. The following types of advertising devices are eligible for permits:

(1) Single face devices; one permit required.

(2) Back-to-back devices; two permits required.

(3) V-type devices with the inside angle formed by the two faces not exceeding 60 degrees so that both faces are not readable upon approach; two permits required.

(4) Devices commonly referred to as side-by-sides or double-decks are classified as either single face, back-to-back, or v-type, as provided in this paragraph. However, provisions do not exist for panels of copy that may be oriented in the same direction, but that are not lined up on the same vertical and horizontal planes, or that are not physically connected to the same structure with more than two feet of distance between them, or that are owned by different entities.

(5) Tri-face devices are classified as v-type devices for permitted purposes from the primary highway in which the two faces are visible. If visibility of the third face exists due to a turn in the highway or another primary highway exists in the vicinity, a third permit is required.

(6) Tri-vision devices, with a rotation occurring not more rapidly than four seconds for each display, are classified as either single face, back-to-back, or v-type, as provided in this paragraph, depending upon the structure.

[**ARC 8784C**, IAB 1/8/25, effective 2/12/25]

761—117.6(306C) Outdoor advertising permits and fees required.

117.6(1) *Application.* Application for a permit for any advertising device subject to subrule 117.2(1) shall be made in accordance with Iowa Code section 306C.18 within the following time frames:

a. On or before July 31, 1972, for advertising devices in existence on July 1, 1972.

b. Prior to the erection of the advertising device, if erected after July 1, 1972.

c. Within 30 days of receiving notice from the department that a lawfully erected advertising device that was not subject to subrule 117.2(1) has become subject to subrule 117.2(1) for reasons including but not limited to the establishment of a new primary highway or a change in the designation of a roadway to a primary highway.

117.6(2) *Fees.* Fees are applicable to all advertising devices measuring over 32 square feet in size.

a. The initial fee, payable at the time of application, is $100 per permit. This fee is not refundable unless the application is withdrawn prior to the department's field review of the proposed location.

b. The annual renewal fee for each permit, due on or before June 30 of each year, is as follows:

Area of Sign	Annual Renewal Fee
33 to 375 square feet	$15
376 to 999 square feet	$25
1,000 square feet or more	$50

c. The payment of an annual renewal fee, if postmarked on or before June 30 of each year or otherwise delivered to the department on or before June 30 of each year, automatically renews the existing permit for the device for which the fee was paid.

d. A permit for which the fee was not paid in a timely manner expires on July 1 of each year. If an advertising device is still in existence, it is considered abandoned. If the owner wishes to reapply for

a permit to retain the device, the device and location will be reviewed in the same way that a review is conducted for a newly proposed advertising device.

e. Renewal fees are not refundable and are not prorated.

117.6(3) *Highway improvement projects.* The department shall not prevent nor unnecessarily delay the issuance of a permit for the reason of a proposed future highway improvement project, except under any of the following conditions:

a. The property upon which the advertising device is proposed has been appraised for the purposes of acquisition.

b. Contact by department staff has been made with the property owner regarding compensation for the affected area.

c. The placement of the advertising device would fail to meet the requirements of an existing corridor preservation plan in effect for the proposed location.

d. A construction contract for the project has been initiated by the department.

117.6(4) *Permit plate.* Upon approval of the application, the department will issue a numbered metal permit plate for the advertising face. This permit plate shall be securely attached to the advertising device in a manner that the plate is unobstructed from view from the highway. If the plate is not displayed, the department may provide notice to the owner that the plate is to be displayed within 90 days. If after that period of time the plate is not displayed, the department may cancel the permit.

117.6(5) *Reconstruction or modification.* A new permit is required from the department prior to the reconstruction or modification of a permitted advertising device.

a. Permit applications will be reviewed for compliance with Iowa Code chapter 306C and this chapter; nonconforming signs are not eligible for permit approval for reconstruction or modification.

b. Reconstruction or modification of an advertising device prior to the issuance of the permit needed to conduct such action shall result in revocation of the existing permit that has been issued for the advertising device. This may result in the removal of the advertising device in the manner specified in subrule 117.8(1) if the device is not eligible for permitting in accordance with this chapter or Iowa Code chapter 306B or 306C.

117.6(6) *Access.* Access to the private property upon which an advertising device is located shall be gained only from legal accessways through private property, local streets, secondary roads, or from the primary highway right-of-way through access points designated or allowed by the department in accordance with 761—Chapter 112. Unauthorized use of the primary highway right-of-way for the purpose of constructing or maintaining an advertising device may be cause for permit revocation and removal of the device. The department will issue a warning letter to the owner of the permit following the first instance of unauthorized use; a second instance will result in the revocation of the permit followed by a 12-month period where no new permits may be issued to that person or entity in the same location, or within 500 feet of the same location. The existing device for which the permit was revoked is subject to removal in accordance with Iowa Code section 306C.19.

117.6(7) *Vegetation in the right-of-way.* No vegetation in the right-of-way may be removed, trimmed, poisoned, or altered so that the viewing time can be improved for an advertising device, unless written authorization is received from the department and the conditions included in the authorization are followed. Proceeding to remove, trim, poison, or alter vegetation without such authorization may result in the revocation of the permit for the device and the removal of the device in accordance with subrule 117.8(1). In addition, the department may suspend permit approvals for a 12-month period for any location within 500 feet of the location of the former permit.

117.6(8) *Use and condition.*

a. The maximum period of time in which an advertising device may qualify as a blank sign is six months.

b. The maximum period of time in which an advertising device may have illegible copy or be in a state of disrepair is 90 days.

c. If the department determines that an advertising device has been blank for a period of time exceeding six months, or has illegible copy or is in a state of disrepair for a period of time exceeding 90

days, the department may issue a notice pursuant to rule 761—117.8(306B,306C) in which the owner has 30 days to either cause it to conform or to remove it.

117.6(9) *Destroyed sign.*

a. The permit for an advertising device that has been destroyed will automatically be revoked.

b. An advertising device that has been destroyed is in a condition that, if repaired, would meet the definition of reconstruction in Iowa Code section 306C.10 and is subject to subrule 117.6(5). Whether the device can be reconstructed will depend upon whether it conforms to this chapter and Iowa Code chapters 306B and 306C.

c. An advertising device that has been damaged, but not destroyed, may be repaired. The repair is not deemed an act of reconstruction.

[**ARC 8784C**, IAB 1/8/25, effective 2/12/25]

761—117.7 Reserved.

761—117.8(306B,306C) Removal procedures.

117.8(1) Advertising devices subject to this chapter that have been abandoned, or illegally erected or maintained, may be removed, or caused to be removed, by the department after 30 days' notice in accordance with Iowa Code section 306C.19.

117.8(2) Advertising devices removed by the department may be reused, scrapped or disposed of by the department with no compensation paid to the owner.

117.8(3) Revocation of a permit may be included as part of the 30 days' notice, if served by restricted certified mail or by personal service.

[**ARC 8784C**, IAB 1/8/25, effective 2/12/25]

761—117.9(306B,306C) Acquisition of advertising devices that have been issued provisional permits.

117.9(1) The department will acquire an advertising device for which a provisional permit has been issued only if all of the following conditions are met:

a. Acquisition is required by federal law.

b. All necessary federal and state funding is available for the purpose.

c. The permit has not been revoked.

117.9(2) If the advertising device will be acquired, the department will use the following procedure:

a. A written notice of the department's intent to revoke the provisional permit and acquire the device will be mailed or delivered to the owner of the advertising device and to the owner of the land upon which the device is located. The notice will include an offer to purchase the advertising device. If good-faith negotiations with the owner of the device and the owner of the land upon which the device is located do not result in a mutually agreeable sale price, the department may revoke the provisional permit and initiate condemnation proceedings as provided in Iowa Code chapter 6B.

b. In the event of condemnation, possession will be taken of the advertising device as soon as the award has been deposited with the sheriff.

[**ARC 8784C**, IAB 1/8/25, effective 2/12/25]

761—117.10(17A,306C) Contested cases.

117.10(1) An applicant who has been denied an outdoor advertising permit by the department may timely contest the decision in accordance with 761—Chapter 13. A request is considered timely if submitted in writing to the director of the traffic and safety bureau at the address in subrule 117.2(3) and delivered or postmarked within 30 days of the department's mailing of the letter denying the application.

117.10(2) The owner of an outdoor advertising permit that has been revoked or canceled by the department may timely contest the decision in accordance with 761—Chapter 13. A request is considered timely if submitted in writing to the director of the traffic and safety bureau at the address in subrule 117.2(3) and delivered or postmarked within 30 days of the owner's receipt of the revocation notice issued by the department.

117.10(3) Failure to timely request a hearing on the denial, revocation, or cancellation of a permit is a waiver of the right to a hearing and a failure to exhaust administrative remedies.

[**ARC 8784C**, IAB 1/8/25, effective 2/12/25]

These rules are intended to implement Iowa Code chapters 306B and 306C and section 306D.4 and 23 U.S.C. Section 131 and 23 CFR Section 750.705.

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◊ Two or more ARCs

1 Spacing—Transition to Freeway-Primary Highway diagram replaced with a clearer image.

CHAPTER 118
LOGO SIGNING

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/12/30

761—118.1(306C) Introduction. Logo signing consists of individual business signs attached to specific service signs erected by the department within the right-of-way of interstate and freeway-primary highways. The purpose of logo signing is to provide specific motorist service information of interest to the traveling public in accordance with the "Manual on Uniform Traffic Control Devices," (MUTCD) as adopted in rule 761—130.1(321). The department will perform all installation, maintenance, removal and replacement services for business signs within the right-of-way. The business signs are provided by the applicants.

[**ARC 8785C**, IAB 1/8/25, effective 2/12/25]

761—118.2(306C) Definitions.

"Business" means an entity that provides a gas, food, lodging, or camping service or that is an attraction site.

"Business sign" means a separate sign attached to a specific service sign; the business sign shows the name, symbol or trademark of a business that provides the type of motorist service identified on the specific service sign.

"General service sign" means an official guide sign that identifies general road user services, such as gas, food, lodging and camping. This sign does not provide for the placement of business signs.

"Main line" means the main-traveled way of an interstate or a freeway-primary highway.

"Meal" means the service of food entrees and beverages between the hours of 8 a.m. to 10 a.m., 11 a.m. to 1 p.m., or 5 p.m. to 7 p.m.

"Motorist service" means one of the following five types of services: gas, food, lodging, camping or attraction.

"Ramp" means the exit lane that carries decelerating traffic away from the main line of an interstate or a freeway-primary highway.

"Specific service sign" means an official guide sign that identifies one or more types of motorist services, provides directional information, and has spaces for the attachment of business signs to identify businesses providing those services.

"Trailblazing sign" means a specific service sign erected on the road network accessed from an interchange that has logo signing; the sign directs motorists to a particular business signed on the main line and has spaces for the attachment of business signs.

"Visible" means able to be identified or comprehended by a person of visual acuity sufficient to be issued an Iowa driver's license.

[**ARC 8785C**, IAB 1/8/25, effective 2/12/25]

761—118.3(306C) Erection and location of specific service signs and placement of business signs.

118.3(1) *General.*

a. The department may erect specific service signs at rural interchanges if the requirements of this chapter are met and sufficient space is available. The department may also erect specific service signs at urban or nonrural interchanges if the requirements of this chapter are met and sufficient space is available. If sufficient space is not available for more than one specific service sign, the department may install a general service sign in lieu of a specific service sign.

b. Specific service signs may be erected at an interchange only when the motorist can conveniently reenter the interstate or freeway-primary highway and continue in the same direction of travel.

118.3(2) *Main line specific service signs and placement of business signs.* Following are the requirements for main line specific service signs erected in advance of an interchange, in a single direction of travel, and limitations regarding the number and types of business signs attached to these service signs:

a. A maximum of four main line specific service signs may be erected in advance of an interchange from which motorist services are available.

b. On the main line, the minimum spacing between specific service signs and between specific service signs and other official guide or destination signs is 800 feet.

c. If spacing limitations exist, preference may be given to available gas, food, lodging, camping or attraction services, in that order.

d. If services are displayed, the order of display of services in the direction of travel on successive main line specific service signs is as follows: attraction, camping, lodging, food, and gas.

e. Depending upon factors such as limited space for the placement of signs, limited interest from businesses, or limited availability of businesses, the department may combine up to three service types on one sign as provided in the MUTCD.

f. A maximum of six business signs may be displayed on a specific service sign, regardless of whether it displays a single service type or multiple service types.

118.3(3) *Specific service signs erected along interchange ramps.*

a. The department may erect specific service signs along interchange ramps to accommodate the placement of business signs similar to but smaller than the business signs used along the main lines, along with arrows and mileage indicators. Specific service signs along interchange ramps are available for the participating businesses that are not visible or that are only marginally visible from the traveled portion of the interchange area.

b. The department may opt to erect general service signs in lieu of specific service signs along interchange ramps, or not erect any service signs at all in cases where insufficient spacing exists for signs or where the ramps are directional with no turning decision to be made at a terminal.

118.3(4) *Trailblazing signs.*

a. Businesses that are not visible from the intersecting roadway will need to provide additional smaller versions of their business signs for installation on trailblazer service signs erected in advance of intersections where turns would be necessary.

b. If the proposed placement of a trailblazer service sign is not on the primary road system, the appropriate local jurisdiction will be provided with an opportunity to review the placement before the department proceeds with any specific service signing for the business. If the placement is approved, the department will route the appropriate signs to the local authority for installation.

c. If a trailblazer service sign is necessary, but the location is not conducive for placement or the local ordinance prevents such placement, an official traffic control device from another sign program or a lawfully placed outdoor advertising device may be used as a substitute, provided the sign is positioned to be effective at the intersection where it is needed.

d. If signing at the intersections where turns are necessary cannot be accomplished, the business does not qualify for participation in the logo program.

[**ARC 8785C**, IAB 1/8/25, effective 2/12/25]

761—118.4(306C) Eligibility for placement of business signs on specific service signs. Participation in the logo program is limited to businesses that meet the following conditions:

118.4(1) The business is open to the general public; does not restrict entrance based on age; and conforms to all applicable laws concerning discrimination based on age, race, creed, color, sex, sexual orientation, national origin, religion, and disability.

118.4(2) The business is located within three driving miles of the beginning of the exit ramp for the interchange. In commercially developed areas, the department may reduce the qualifying distance to one mile. In areas where services are limited, the department may increase the qualifying distance to 15 miles.

118.4(3) Service types. The business provides one of the following types of services in accordance with the associated criteria:

a. Gas. Provision for the sale of gasoline, oil, and potable water; the use of restroom facilities; and access to a public telephone or a cell phone. The business' operating times should be at least 16 hours per day, seven days per week. For 24-hour fuel dispensers, operable with the use of a widely accepted credit card, the provision of gas or alternative fuels is considered sufficient for qualification purposes.

b. Food. A restaurant or food service that provides all of the following: at least two meals per day, six days per week; employees, menu, cash register or point-of-sale, seating for at least ten customers, and an exterior sign, all of which are designated exclusively for the business being represented on the service sign;

and the display of a state food service establishment license or, if operating within tribal lands, compliance with food service standards established by the local authority.

c. *Lodging.* A lodging facility, appropriately licensed, with bathrooms and telephones for each unit.

d. *Camping.* A campground with at least 20 available camping spaces, with a 24-hour contact for staff, and for which all state and local health and sanitation standards are met.

e. *Attractions.* One of the following attraction sites providing public restrooms and parking spaces for at least 30 customers, and being open at least five days per week totaling 40 hours or more per week, except if otherwise specified below:

(1) Area of natural beauty or phenomena.
(2) Historic site.
(3) Cultural site or museum.
(4) Scientific site.
(5) Four-year accredited college or university.
(6) Religious site.
(7) Area of outdoor recreation.
(8) Winery, brewery or distillery with on-site production, tours, gift shop, and tasting room.
(9) Amusement park.
(10) Botanical park or zoological facility.
(11) Casino.
(12) Stadium, coliseum, arena or racetrack with a seating capacity of at least 5,000 and open during scheduled events.
(13) Antique mall with at least 20,000 square feet devoted to retail sales.
(14) Area containing eight or more antique shops within a three-block radius.
(15) Shopping mall or retail outlet with a minimum, active store count of 50, excluding kiosks and temporary booths within the common areas, and including only those stores that occupy owned or leased areas whose boundaries are defined by permanent walls with doors or gates.
(16) Sporting goods store or recreational retail outlet with at least 100,000 square feet devoted to retail sales.
(17) Cultural and entertainment district as officially designated by the department responsible for state economic development provided that the local jurisdiction implements a signing plan to direct motorists to the various cultural and entertainment sites within the district.

118.4(4) The business maintains all outdoor advertising signs in a manner that conforms to Iowa Code sections 306C.11 and 306C.13.

118.4(5) The business premises includes a sign identifying the business in a manner visible to traffic approaching the entrance from a public roadway.

118.4(6) The business remains eligible to participate in the signing program in accordance with this chapter. If it is determined that a business is no longer eligible, the department may remove the business sign immediately or provide notice allowing for a 30-day period for the business to make the necessary adjustments to restore eligibility.

[**ARC 8785C**, IAB 1/8/25, effective 2/12/25; **ARC 0207D**, IAB 4/15/26, effective 5/20/26]

761—118.5(306C) Application, drawing, and fees.

118.5(1) *Application.*

a. A business may request placement of a business sign upon a main line specific service sign by submitting a completed application form, provided by the department, along with the application fee, to the Advertising Management Section, Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

b. The department will review the application and site for compliance with this chapter. If the application is approved, the department will advise on how many business signs will be needed to fulfill the request.

c. The business signs will be provided by the business or applicant in accordance with rule 761—118.6(306C). The department may offer a noncomprehensive list of known sign fabricators as a courtesy to the applicant.

d. Approved applications are valid for the fiscal year (July 1 to June 30) and expire on June 30. If the fees, as billed by the department, are paid by the business in accordance with subrule 118.5(4), the application is renewed on July 1.

118.5(2) *Drawing to select applicants.* If the number of applicants for businesses exceeds the number of vacant spaces on a main line specific service sign, the department will hold a lottery drawing among these applicants to select the applicants to fill the vacant spaces.

118.5(3) *New application required for business name change.* If a business participating in the logo signing program changes its name or franchise affiliation from that which appears on its business sign, a new application is required. If the new application is received by the department prior to the change on the business premises, the business will retain its position on the specific service sign, the department will approve the application, and no application fee is due.

118.5(4) *Fees.*

a. Application fee. A fee of $100 is required for an application submitted in accordance with subrule 118.5(3). The application fee is a one-time fee and is nonrefundable once the department has performed an on-site review to verify compliance with the requirements of this chapter.

b. Annual fee. The annual fee is $230 for each business sign posted on a specific service sign and is due on or before July 1 of each fiscal year. However, for a new application, the annual fee will be prorated based on the remaining months left in the fiscal year.

c. Service fee. If business signs are replaced for any reason, including at the request of the business to reflect an updated design or at the request of the department in accordance with rule 761—118.7(306C), a service fee of $50 per sign is due upon completion of the work by the department. If business signs need to be replaced, the department recommends supplying new business signs for replacement rather than refurbishing existing signs. If existing signs are to be removed, refurbished, and then reinstalled, the $50 service fee is applied per sign, per service trip.

118.5(5) *Failure to pay annual fee or service fee.* Applications terminate when annual fees are not paid in full by July 1 of each year or when service fees are not paid within 30 days of receiving the invoice from the department. In the event of termination, the business signs may be removed by the department, although such removal may occur at some point after the date of termination, depending upon the department's schedule and work priorities. If the termination was not voluntary, the business may reapply, subject to the requirements of this chapter, including payment of the application fee and a lottery drawing, where applicable.

118.5(6) *Fee options for seasonal operations.* Subject to subrule 118.5(5), a business that operates on a seasonal basis and is permitted to do so by this chapter has the following payment options:

a. Pay the annual fee for a full year. The department removes and reinstalls each business sign once each year, free of additional charge, coinciding with the dates of operation, if possible.

b. Pay the annual fee for a prorated year, based on the calendar months in which the business is in operation, plus a $50 annual service fee per business sign for removal and reinstallation services performed. The department removes and reinstalls each business sign once each year, coinciding with the dates of operation, if possible.

c. Pay the annual fee for a prorated year, based on the calendar months in which the business is in operation, and provide business signs that contain a supplemental message indicating the dates of operation.

118.5(7) *Fees for temporary specific service signs.* In cases where the specific service sign is lacking or insufficient in size, and the projected date for installation or enlargement of the specific service sign by the department's contractor is undesirable for the applicant, the applicant may pay a special fee to expedite the installation of the business sign by having a small temporary specific service sign erected to provide a surface for the mounting of the business sign. The fee for the performance of this work is $700 per main line specific service sign if none exists for that service type, $400 per main line specific service sign if the existing sign is full, and $300 per ramp specific service sign if similar work is needed along the ramp. The business signs furnished by the applicant will be the standard size and reused for placement on the primary specific service sign when it is available. Subject to availability of department resources, small temporary specific service signs will be installed within three months.

[**ARC 8785C**, IAB 1/8/25, effective 2/12/25]

761—118.6(306C) Business sign fabrication. Upon approval of an application, the department will supply the necessary specifications for fabrication of the business signs to the applicant or applicant's sign fabricator. The applicant or applicant's sign fabricator shall submit a design proof to the department for approval before creating the business signs. If the department approves the submitted design, the sign fabricator may proceed to fabricate the signs and deliver them to the department's sign shop for inspection. All installation services are performed by the department or contractor on behalf of the department.
[**ARC 8785C**, IAB 1/8/25, effective 2/12/25]

761—118.7(306C) Business sign replacement.

118.7(1) *Damaged business signs.* If a business sign is destroyed due to an errant vehicle or act of nature, the business, at its own expense, will need to furnish a replacement business sign. The department, due to an errant vehicle or act of nature, will waive any service fee associated in the work to replace the sign. If the specific service sign for which the business sign is attached can safely be repaired or re-erected while permanent repairs are on order through a contractor, the department will perform this work.

118.7(2) *Faded business signs.* The department may remove business signs that are faded or peeling after providing 60 days' notice to the business. If the business furnishes replacement business signs to the department in advance, the department may remove and replace business signs in the same service trip. This ensures continuity of signing and reduces department expenses.

118.7(3) *Updating a design.* If a business wants to update the design of a business sign, the process described in rule 761—118.6(306C) applies. The business will be billed in accordance with paragraph 118.5(4)*"c."*
[**ARC 8785C**, IAB 1/8/25, effective 2/12/25]

These rules are intended to implement Iowa Code section 306C.11.

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CHAPTER 119
TOURIST-ORIENTED DIRECTIONAL SIGNING

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/12/30

761—119.1(321) Definitions.

"At-grade intersection," for the purpose of this chapter, means an intersection of a primary highway and a secondary roadway, municipal street, or other primary highway, in which traffic may pass through the intersection at the same grade level as the intersecting roadway, or turn directly onto the intersecting roadway without the use of a ramp.

"Destination," for the purpose of this chapter, means a business, service, activity, or site that meets the program requirements established in rule 761—119.3(321).

"Primary highway," for the purpose of this chapter, means those roads and streets both inside and outside the boundaries of municipalities that are under department jurisdiction but does not include an interstate highway or a freeway primary highway as defined in Iowa Code section 306C.10.

"Tourist-oriented directional signing" means a system of guide signs with one or more sign panels that display the identification of and directional information for an eligible destination.

[**ARC 8786C**, IAB 1/8/25, effective 2/12/25]

761—119.2(321) General.

119.2(1) *Conformance to MUTCD.* The department administers the tourist-oriented directional signing program in conformance with the "Manual on Uniform Traffic Control Devices" (MUTCD), as adopted in rule 761—130.1(321).

119.2(2) *Spacing and location.*

a. Tourist-oriented directional signing may be installed only when sufficient space is available. The determination of whether sufficient space is available is the responsibility of the department in accordance with the MUTCD and department policies.

b. Tourist-oriented directional signing may be installed only in advance of at-grade intersections where the motorist leaves the primary highway system to travel to the destination. Tourist-oriented directional signs may also be placed on a higher-classified highway to direct motorists onto a lower-classified highway, or on a greater-traveled highway to direct motorists onto a lesser-traveled highway, provided the signs are placed in advance of an at-grade intersection.

c. Tourist-oriented directional signing is limited to the rural areas and towns that are located outside of any urban areas established by the U.S. Census Bureau for incorporated municipalities with a population that meets or exceeds 5,000.

119.2(3) *Message.* The message on a tourist-oriented directional sign is limited to a descriptive name, a directional arrow, the travel distance to the destination, and in some cases for motorist services, an additional short word or acronym indicating an essential fuel type such as diesel, E-85, or EV (electric vehicle-charging station).

[**ARC 8786C**, IAB 1/8/25, effective 2/12/25]

761—119.3(321) Eligibility for participation. Participation in this signing program is limited to destinations that meet the following criteria:

119.3(1) The destination is open to the general public for a minimum of four days per week and 20 hours per week, year-round or during the normal season for the destination. These hours are exclusive of any hours of operation that are by appointment, reservation or membership. The hours are conspicuously posted on the premises except for destinations that are open 24 hours per day.

119.3(2) Entrance to the destination is not granted based on age.

119.3(3) The destination derives a major portion of income or visitors from road users not residing in the area of the destination.

119.3(4) The destination is properly licensed by governing authorities relative to the nature of the activity engaged in by the destination.

119.3(5) The destination is located within ten miles of the intersection on the primary highway where the tourist-oriented directional signs will be placed.

119.3(6) The destination is located outside the boundaries of any urban area established by the U.S. Census Bureau for an incorporated municipality with a population that meets or exceeds 5,000.

119.3(7) The destination is not visible from the primary highway in a way that allows motorists time to safely react and make the turn. This program is not intended for businesses that enjoy adequate highway frontage for the placement of on-site signing.

119.3(8) The destination consists of buildings, facilities, and grounds that are safe, suitable, and appropriately designed and maintained for the intended purpose. If residential quarters co-exist in the same building, a convenient, well-marked, and separate entrance is available for patrons to access the activity identified on the sign.

119.3(9) The destination complies with all applicable laws concerning public accommodations without regard to age, race, creed, color, sex, sexual orientation, national origin, religion or disability.

119.3(10) The destination complies with Iowa Code chapters 306B, 306C and 306D.

119.3(11) The destination, if seasonally operated, is open for a minimum of four consecutive weeks.

[**ARC 8786C**, IAB 1/8/25, effective 2/12/25; **ARC 0208D**, IAB 4/15/26, effective 5/20/26]

761—119.4(321) Application and approval procedure.

119.4(1) Applications for tourist-oriented directional signing may be submitted to: Advertising Management Section, Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. Information regarding the program may be accessed at www.iowadot.gov/iowaroadsigns or 515.239.1746.

119.4(2) The department may conduct measurements, take photographs, and collect information about destinations as necessary for evaluation purposes.

119.4(3) Applications that meet the requirements of this chapter will be approved.

119.4(4) Applications that do not meet the requirements of this chapter will be denied. The applicant will be informed of the reason for the denial.

[**ARC 8786C**, IAB 1/8/25, effective 2/12/25]

761—119.5(321) Installation, maintenance, replacement and removal.

119.5(1) *Installation and maintenance of tourist-oriented directional signs.* The department will fabricate and perform the installation, maintenance, removal and replacement of tourist-oriented directional signs that are located within the right-of-way.

a. Upon approval of an application, the department will design the tourist-oriented directional sign and provide a scaled drawing of the tourist-oriented directional sign to the applicant, allowing the applicant to reconfirm interest before proceeding with fabrication.

b. Upon payment of the initial fee specified in subrule 119.5(3), the department will fabricate and install the tourist-oriented directional sign.

119.5(2) *Installation and maintenance of trailblazing signs.* Trailblazing signs are necessary when the destination is not located adjacent to the intersecting roadway.

a. The department may fabricate trailblazing signs and provide them to cities and counties for installation on secondary roads and city streets, if such placement does not violate any local ordinance, policy, or traffic manual.

b. The department will consult with the local authority to confirm that placement of a trailblazing sign is possible to guide the motorist to the destination.

c. Tourist-oriented directional signs may be installed only when all trailblazing signs may also be installed.

119.5(3) *Initial and renewal fees.* The initial fee, payable once an application is approved, is $350 for each 72″ × 18″ sign placed along the primary highway and $26 for each trailblazing sign placed along a nonprimary highway. These fees include the cost of sign fabrication and installation but do not include any additional requested fees by local jurisdictions for the placement of trailblazing signs along local road systems. The annual renewal fee, payable on or before June 30 of each year, is $50 per sign, excluding trailblazing signs. This fee covers the administrative costs and normal maintenance.

119.5(4) *Seasonal destination.* Rescinded IAB 4/15/26, effective 5/20/26.

119.5(5) *Replacement.* Tourist-oriented directional signs are constructed with high-quality materials designed to last many years. The department may, however, determine that a tourist-oriented directional sign needs to be replaced due to damage from vehicles, deterioration from age, or loss due to theft. In these cases, the cost for replacing the sign is the responsibility of the destination.

119.5(6) *Not-for-profit organizations.* A not-for-profit destination is exempted from all fees and costs associated with the installation and maintenance of a single set of signs at a location determined by the department to be the most reasonable approach to the destination. Additional locations may be requested by the not-for-profit organization, and, if approved, such locations are subject to the associated fees and costs described in this chapter.

119.5(7) *Removal.* The department may remove a tourist-oriented directional sign if the destination no longer qualifies for tourist-oriented directional signing. As official signs, all removed tourist-oriented directional signs are retained as property of the department unless released to the destination for purposes other than display along any public roadway.

[**ARC 8786C**, IAB 1/8/25, effective 2/12/25; **ARC 0208D**, IAB 4/15/26, effective 5/20/26]

These rules are intended to implement Iowa Code section 321.252.

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CHAPTER 120
PRIVATE DIRECTIONAL SIGNING
Rescinded **ARC 6020C**, IAB 11/3/21, effective 12/8/21

CHAPTER 121
ADOPT-A-HIGHWAY PROGRAM
Rescinded **ARC 8244C**, IAB 10/2/24, effective 11/6/24

CHAPTER 122
KEEP IOWA BEAUTIFUL PROGRAM
Rescinded **ARC 1516C**, IAB 7/9/14, effective 8/13/14

CHAPTER 123
REST AREA SPONSORSHIP PROGRAM
Rescinded **ARC 3561C**, IAB 1/3/18, effective 2/7/18

CHAPTER 124
HIGHWAY HELPER SPONSORSHIP PROGRAM
Rescinded **ARC 8244C**, IAB 10/2/24, effective 11/6/24

CONSTRUCTION

CHAPTER 125
GENERAL REQUIREMENTS AND COVENANTS FOR HIGHWAY AND BRIDGE CONSTRUCTION
Rescinded **ARC 3400C**, IAB 10/11/17, effective 11/15/17

CHAPTER 126
CONTRACTS SET ASIDE FOR DISADVANTAGED BUSINESS ENTERPRISES
[Prior to 6/3/87, Transportation Department[820]—(06,G) Ch 2]
Rescinded IAB 9/5/01, effective 10/10/01

CHAPTER 127
BIKEWAYS AND WALKWAYS
[Prior to 6/3/87, Transportation Department[820]—(06,A) Ch 2]
Rescinded IAB 3/29/95, effective 5/3/95

CHAPTER 128
CONSTRUCTION PROJECTS
Rescinded IAB 9/4/02, effective 10/9/02

CHAPTER 129
Reserved

CHAPTER 130
TRAFFIC CONTROL DEVICE MANUAL

[Prior to 6/3/87, Transportation Department[820]—(06,K) Ch 2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

761—130.1(307,321) Manual. The "Manual on Uniform Traffic Control Devices" (MUTCD), 11th Edition, dated December 2023, published by the U.S. Department of Transportation, Federal Highway Administration, constitutes the manual and specifications for a uniform system of traffic control devices for use upon any street, highway, or bicycle trail open to public travel within this state.

130.1(1) The department makes the following exception to the MUTCD in Part 2, Section 2B.06, General Considerations, paragraph 10. In lieu of the sentence, "Portable or part-time STOP or YIELD signs shall not be used except for emergency and temporary traffic control zone purposes.", the department adopts the following: "Portable or part-time YIELD signs shall not be used except for emergency and temporary traffic control zone purposes. Portable or part-time STOP signs may be used only in the following situations:

"1. When necessary for emergency and temporary traffic control zone purposes, or

"2. In school zones at appropriate school crosswalks."

130.1(2) The department makes the following exception to the MUTCD in Part 2, Section 2M.10, Memorial or Dedication Signing, paragraph 08. In lieu of the sentence, "Decorative or graphical elements, pictographs, logos, or symbols shall not be displayed on memorial or dedication signs.", the department adopts the following: "Decorative or graphical elements, pictographs, logos, or symbols shall not be displayed on memorial or dedication signs, with the exception of an official pictograph representing an Iowa law enforcement agency."

130.1(3) Information regarding this chapter is available from: Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. The MUTCD is available at www.mutcd.fhwa.dot.gov.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.249 and 321.252.

[**ARC 0149D**, IAB 3/18/26, effective 4/22/26]

[761—Chapter 130 appeared as Highway Commission rule, 1973 IDR, p. 517; amended January 1975 Supplement, p. 89. (Note: No chapter number was given.)]

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[1] Effective date of subrule 2.1(2) delayed until the expiration of 45 calendar days into the 1986 Session of the General Assembly pursuant to Iowa Code section 17A.8(9). The 1986 General Assembly took no formal action; therefore, subrule 2.1(2) is effective 2/28/86.

CHAPTER 131
SIGNING FOR IOWA MEDAL OF HONOR HIGHWAY

[Prior to 6/3/87, Transportation Department[820]—(06,K) Ch 3]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/21/30

761—131.1(314) Contact information. Information regarding the signing addressed in this chapter is available from: Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. Submissions to the traffic and safety bureau may also be sent or delivered to this address. Additional information and guidance may be found at www.iowadot.gov/traffic/Library/Traffic-and-Safety-Manual.

[**ARC 9129C**, IAB 4/16/25, effective 5/21/25]

761—131.2(314) Signing. This rule establishes the conditions and procedures for private entities to purchase and pay for the installation of signs designating the Iowa medal of honor highway.

131.2(1) *Definition.*

"Iowa medal of honor highway" means the segment of the highway known as United States Highway 20, as designated as of June 17, 2020, that crosses this state from Sioux City to Dubuque.

131.2(2) *Conditions.*

a. The number of signs within the highway right-of-way is limited to one sign at each end of the Iowa medal of honor highway for traffic entering the state and one sign at each entry point of the corporate limits of each city through which the Iowa medal of honor highway passes.

b. Each sign is to match the design approved and provided by the department, and the sign materials are to comply with departmental standard specifications as they exist at the time of fabrication. The departmental standard specifications can be found on the department's electronic reference library at www.iowadot.gov/erl.

c. Once signs are installed at one of the approved locations, no additional requests will be accepted for that location. When signs have been installed at all locations identified in paragraph 131.2(2)*"a,"* no further requests will be accepted.

d. The applicant may purchase a sign from the department's sign shop or from a private sign fabricator. If an applicant chooses to obtain a sign from a private sign fabricator, the department will furnish the sign design and approve the construction prior to purchase. The department will also inspect the sign as stated in subrule 131.2(5).

e. Signs designating the Iowa medal of honor highway are furnished and paid for by the applicants, including any replacements needed due to sign deterioration or damage. Each applicant is responsible for providing the traffic and safety bureau with the applicant's current contact information so the applicant can be contacted when a replacement sign is needed. Failure to provide current information may result in removal of all signs the applicant purchased. This would allow a new private entity to sponsor the signing.

f. The applicant is responsible for the cost to install the sign, including the posts and hardware.

g. The department will install the sign.

131.2(3) *Procedures.* Requests to purchase or install a sign are submitted to the traffic and safety bureau and contain the following:

a. The applicant's name and contact information.

b. A description of the location where the sign is to be installed.

c. A statement as to whether the sign will be purchased from the department or from a private sign fabricator.

131.2(4) *Approval.* If the request complies with this rule, the traffic and safety bureau will respond to the applicant with approval of the proposed location or modified location and an estimate of the costs for the sign and installation. Following inspection of the sign in compliance with subrule 131.2(5), the department will install the sign and bill the applicant.

131.2(5) *Inspection.* If a sign is not purchased from the department's sign shop, the applicant is to deliver the sign to the department's sign shop for inspection. Upon receipt of the sign, the department will

inspect the sign for compliance with the approved sign design and departmental specifications and notify the applicant.

[**ARC 9129C**, IAB 4/16/25, effective 5/21/25]

These rules are intended to implement Iowa Code section 314.31.

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CHAPTER 132
IOWA BYWAYS PROGRAM
Rescinded **ARC 8243C**, IAB 10/2/24, effective 11/6/24

CHAPTERS 133 and 134
Reserved

CHAPTER 135
WARNING LIGHTS ON VEHICLES OR EQUIPMENT IN ROAD WORK ZONES

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/5/30

761—135.1(321) White warning lights on vehicles or equipment in road work zones.

135.1(1) *Purpose.* The purpose of this rule is to establish the eligibility of vehicles or equipment that are not owned or operated by the department to use flashing white lights in accordance with Iowa Code section 321.423(7)*"a."*

135.1(2) *Eligibility.* A vehicle or other equipment that is not owned or operated by the department may use a flashing white light while the vehicle or other equipment is being used in road work zones on state or local highways.

135.1(3) *Information.* Information regarding this rule is available from the Construction and Materials Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by telephone at 515.239.1352.

This rule is intended to implement Iowa Code section 321.423(7)*"a."*

[**ARC 9575C**, IAB 10/1/25, effective 11/5/25]

[Filed ARC 6132C (Notice ARC 6014C, IAB 11/3/21), IAB 1/12/22, effective 2/16/22]

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CHAPTER 136
LIGHTING
[Prior to 6/3/87, Transportation Department[820]—(06,K) Ch 4]
Rescinded **ARC 0209D**, IAB 4/15/26, effective 5/20/26

CHAPTERS 137 to 139
Reserved

CHAPTER 140
TRAFFIC SIGNALS AND BEACONS ON PRIMARY ROADS
[Prior to 6/3/87, Transportation Department[820]—(06,K) Ch 5]
Rescinded **ARC 0210D**, IAB 4/15/26, effective 5/20/26

CHAPTER 141
TRAFFIC AND ENGINEERING INVESTIGATIONS ON SECONDARY ROADS
[Prior to 6/3/87, Transportation Department[820]—(06,K) Ch 6]
Rescinded IAB 5/5/99, effective 6/9/99

CHAPTER 142
SPEED ZONING ON PRIMARY HIGHWAYS
[Prior to 6/3/87, Transportation Department[820]—(06,K) Ch 7]
Rescinded **ARC 0211D**, IAB 4/15/26, effective 5/20/26

CHAPTER 143
TRAFFIC SIGNAL COORDINATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/20/31

761—143.1(364) Definitions.

"Arterial street" means any U.S. or state numbered route, controlled access highway, or other major street or highway designated by the city within its respective jurisdiction as a part of a major arterial system of streets or highways.

"Coordination" means the establishment of a timing relationship between adjacent traffic signals.

"Traffic signal" means any permanently installed, electrically powered traffic control device by which traffic is alternately directed to stop and to proceed.

"Traffic signal system" means two or more traffic signals operating in a coordinated manner.

[**ARC 0212D**, IAB 4/15/26, effective 5/20/26]

761—143.2(364) Applicability. This chapter applies to all cities with more than three traffic signals within the corporate limits.

[**ARC 0212D**, IAB 4/15/26, effective 5/20/26]

761—143.3(364) Conditions.

143.3(1) Unless a traffic engineering study documents that it is not practical, traffic signals within one-half mile of each other along an arterial street or in a network of intersecting arterial streets shall be operated as a traffic signal system.

143.3(2) Traffic signal timing and operational plans are to be developed by the application of traffic engineering principles to provide maximum traffic flow efficiencies and safety for all users.

143.3(3) All traffic signal installations and operations are to comply with the department's traffic control device manual.

[**ARC 0212D**, IAB 4/15/26, effective 5/20/26]

761—143.4(364) Contact information. Information regarding this chapter is available from: Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. Additional information and guidance may be found at www.iowadot.gov/consultants-contractors/traffic-safety/document-resource-library/traffic-safety-manual.

[**ARC 0212D**, IAB 4/15/26, effective 5/20/26]

These rules are intended to implement Iowa Code section 364.24.

[Filed 3/12/90, Notice 1/24/90—published 4/4/90, effective 5/9/90]
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[Filed ARC 0212D (Notice ARC 9875C, IAB 1/7/26), IAB 4/15/26, effective 5/20/26]

CHAPTER 144
AUTOMATED TRAFFIC ENFORCEMENT ON THE PRIMARY ROAD SYSTEM

Rescinded **ARC 3998C**, IAB 9/12/18, effective 10/17/18

CHAPTER 145
AUTOMATED TRAFFIC ENFORCEMENT MOBILE SYSTEMS

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/21/30

761—145.1(321P) General.

145.1(1) *Purpose and applicability.* This chapter establishes conditions, procedures, and responsibilities for the use of automated traffic enforcement mobile systems to issue citations for violations of the speed limit. These rules apply to local authorities using or planning to use an automated traffic enforcement mobile system.

145.1(2) *Overview.*

a. Mobile systems must comply with Iowa Code chapter 321P.

b. A local authority's use of a mobile system is subject to the population limit identified in Iowa Code section 321P.3(2). However, a local authority of any population may use a mobile system to issue warnings in accordance with Iowa Code section 321P.3(3).

c. Use of a mobile system is limited to locations identified in Iowa Code section 321P.3(2).

d. Mobile systems are to be situated in a manner that:

(1) Maintains a safe environment for all road users.

(2) Allows for free passage along the roadway right-of-way.

(3) Minimizes the potential to cause backups or delays.

(4) Does not obstruct the view of other road users or traffic control devices.

145.1(3) *Contact information.* Information relating to this chapter may be obtained from the Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, or at www.iowadot.gov/traffic.

145.1(4) *Definitions.* The definitions in Iowa Code section 321P.1 apply to this chapter. In addition:

"Automated traffic enforcement mobile system" or *"mobile system"* means a vehicle, trailer, or other portable apparatus containing one or more automated or remote systems for traffic law enforcement.

"Interstate road" means the same as "interstate roads" as defined in Iowa Code section 306.3.

"Location" means a street address, a block number, an intersection, or a mile marker and includes the direction of traffic being monitored.

"Primary road" means the same as "primary roads" as defined in Iowa Code section 306.3.

[**ARC 9144C**, IAB 4/16/25, effective 5/21/25]

761—145.2(321P) Conditions for mobile systems.

145.2(1) *Placement.*

a. Except when used in a construction zone, a mobile system shall not be placed or parked:

(1) Less than 15 feet from any traffic lane of an interstate road unless shielded by a crashworthy barrier.

(2) On the outside shoulder of any non-interstate primary road for longer than 72 hours unless shielded by a crashworthy barrier.

(3) Within the median or on the inside shoulder of any road.

(4) Less than two feet behind the back of a curb on any road.

(5) Less than two feet from the edge of any traffic lane on any road.

b. When used in a construction zone, a mobile system shall be shielded by a crashworthy barrier unless it is placed or parked more than 15 feet from any active traffic lane.

145.2(2) *Duration of use.* Except when used in a construction zone, a mobile system shall not be used in one location for longer than three consecutive weeks or be used in one location for more than 21 days in any 45-day period. When used in a construction zone, a mobile system may be used in one location for the duration of construction activities.

145.2(3) *Public notice.* A local authority operating a mobile system shall provide information regarding where and when a mobile system will be used on the local authority's Internet site or social media outlets.

145.2(4) *Vehicles and trailers.* A vehicle or trailer used as a mobile system shall be operated by a law enforcement agency, marked with distinguishing decals, and identified by a distinguishing license plate affixed to the vehicle or trailer.

[**ARC 9144C**, IAB 4/16/25, effective 5/21/25]

761—145.3(321P) Permitting.

145.3(1) *Initial permit.* A local authority may apply for a permit by submitting a request to the department, following the procedure outlined in Iowa Code section 321P.2(2), for each location where a mobile system is proposed to be used. The department will not issue an initial permit before July 1, 2026.

145.3(2) *Updating an existing permit.* A local authority holding a permit may apply to update the permit with one or more additional locations by submitting a request to the department, following the procedure outlined in Iowa Code section 321P.2(2), for each location where a mobile system is proposed to be used.

145.3(3) *Department review.* The department will review the application within 180 days of receipt and will approve or deny each requested location based on the department's determination that use of a mobile system is appropriate, necessary, and the least restrictive means to address the critical traffic safety issues at that location. Incomplete applications will be returned to the applicant. If approval is granted, the department will issue a permit listing all approved locations.

145.3(4) *Exception for warnings.* Use of a mobile system at a location solely for the issuance of warnings does not require a permit.

[**ARC 9144C**, IAB 4/16/25, effective 5/21/25]

761—145.4(321P) Annual report.

145.4(1) A local authority using a mobile system shall submit to the department and post an annual report as described in Iowa Code section 321P.5(2).

145.4(2) The report must also include the following information from the previous calendar year for each location listed in the permit:

a. Number of days the mobile system was in use.

b. Count of all vehicles traveling past the mobile system while it was in use.

c. Speed distribution data for all vehicles traveling past the mobile system while it was in use.

d. Description of any changes in traffic patterns, roadway infrastructure, zoning, or land use.

e. Identification of any other safety countermeasures that have been implemented.

[**ARC 9144C**, IAB 4/16/25, effective 5/21/25]

761—145.5(321P) Continued use of mobile system.

145.5(1) *Reevaluation.* The department will utilize information collected from the annual report to assist in annually evaluating the ongoing need for a mobile system at each location listed in the permit. Continued approval of each location will be contingent on the effectiveness of the mobile system in addressing the critical traffic safety issues and the local authority's compliance with these rules and Iowa Code chapter 321P. The department may also consider the following factors in the reevaluation:

a. Changes in traffic speeds, volumes, or patterns.

b. Changes in roadway infrastructure.

c. Changes in zoning or land use.

d. Implementation or consideration of other safety countermeasures.

e. Appropriate administration of the mobile system by the local authority.

145.5(2) *Reserve the right.* The department reserves the right to rescind a permit, remove a mobile location from a permit, or require modification of a mobile system.

145.5(3) *Continued use.* A local authority may continue to operate a mobile system at a location listed in the original permit until five days after the date the department rescinds the permit or amends the permit to remove the mobile location.

[**ARC 9144C**, IAB 4/16/25, effective 5/21/25]

761—145.6(321P) Appeal process. A local authority may appeal a decision made by the department under this chapter by submitting a written explanation of the issues for appeal and any supporting information

to the director of transportation or director's designee (director). Once the director receives the appeal, the department will schedule a contested case hearing within 45 days. The decision by the department's presiding officer is final agency action.

[**ARC 9144C**, IAB 4/16/25, effective 5/21/25]

These rules are intended to implement Iowa Code chapter 321P.

[Filed ARC 9144C (Notice ARC 8740C, IAB 1/8/25), IAB 4/16/25, effective 5/21/25]

CHAPTERS 146 to 149
Reserved

PRIMARY ROAD EXTENSIONS

CHAPTER 150
IMPROVEMENTS AND MAINTENANCE ON PRIMARY ROAD EXTENSIONS

[Prior to 6/3/87, Transportation Department[820]—(06,L) Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/20/31

761—150.1(306,306A,307,318,362) General.

150.1(1) *Information.* Information regarding this chapter is available from the Maintenance Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.239.1547.

150.1(2) *Definitions.*

"Access control limits" means the area where the department has acquired access rights in accordance with 761—Chapter 112.

"City" means a municipal corporation as defined in Iowa Code section 362.2.

"Curbed cross section" means a roadway with outside raised paved edges or rims (commonly called "curbs") used for storm water drainage. Raised medians or inside curbs alone are not sufficient to constitute a curbed cross section.

"Encroachment" means an item that is supported or located on the highway right-of-way or that overhangs into the airspace of the highway right-of-way.

"Freeway" means a fully controlled access primary highway. The rights of ingress and egress from abutting properties have been legally eliminated by the department. Permanent access to the freeway is allowed only at interchange locations. For the purpose of this chapter, a freeway is generally five or more miles in length.

"MUTCD" means the "Manual on Uniform Traffic Control Devices" as adopted in 761—Chapter 130.

"Nonfreeway primary highway" means a primary highway that is not a freeway.

"Obstruction" means the same as defined in Iowa Code section 318.1.

"Right-of-way" means the land for any public road, street or highway, including the entire area between the property lines.

"Urban-state traffic engineering program" or *"U-STEP"* refers to a department program that is intended for use by any Iowa city in order to solve traffic operations and safety problems on primary roads in Iowa cities as documented on the department's "Grants and Programs" website at www.iowadot.gov/transportation-development/grant-programs/grant-program-list.

"Utility" means the same as defined in Iowa Code section 306A.13.

This rule is intended to implement Iowa Code sections 306.2, 306.3, 306A.13, 307.12(1)*"j,"* 318.1 and 362.2.

[**ARC 0213D**, IAB 4/15/26, effective 5/20/26]

761—150.2(306,306A,307,313,314) Improvements and maintenance on extensions of freeways.

150.2(1) *Construction.* Except as otherwise provided, the department shall be responsible for all right-of-way and construction costs associated with the construction of freeway extensions.

a. The city shall be responsible for providing, without cost to the department, all necessary rights-of-way that involve dedicated streets or alleys.

b. The city may be responsible for providing, without cost to the department, all necessary rights-of-way that involve other city-owned lands, except parklands, subject to the condition that the department may reimburse the city for the functional replacement value of improved property and advanced purchases negotiated by the city for project purposes.

c. Outside the access control limits, the department shall be responsible for the costs of construction of longitudinal and outlet storm sewers made necessary by highway construction in the proportion that the street right-of-way of the primary road extension bears to the total drainage area to be served by the proposed sewers. The city shall be responsible for the remaining portion of storm sewer costs not paid for by the department.

d. The department shall be responsible for all storm sewer-related costs within the access control limits.

150.2(2) *Maintenance.* The department shall enter into an agreement with a city regarding the maintenance of primary roads within the corporate city limits. This is intended to include corporate line roads, when appropriate. Unless otherwise mutually agreed to and specified in the agreement, the maintenance of freeway extensions within the corporate city limits, including corporate line roads, shall be as follows:

a. The department shall be responsible for all maintenance costs on the through roadway, the on and off ramps, and the roadside features from right-of-way line to right-of-way line.

b. Where city streets cross the freeway, the department shall be responsible for:

(1) Roadside maintenance within the freeway right-of-way.

(2) Surface drainage of the freeway right-of-way.

(3) Traffic signs and pavement markings required for freeway operation.

(4) Guardrail at piers and guardrail at bridge approaches.

(5) Expansion relief joints in approach pavement and approach panel leveling and maintenance.

(6) All maintenance of bridges, including deck repair, structural repair, berm slope protection, painting, and inspection, except as noted in paragraph 150.2(2)*"c."*

(7) Graffiti removal on bridges and abutments within the freeway right-of-way.

c. Where city streets cross the freeway, the city shall be responsible for:

(1) All roadside maintenance outside the freeway right-of-way.

(2) All pavement, subgrade and shoulder maintenance on the cross street except expansion relief joints and bridge approach panel leveling or repair.

(3) All traffic lane markings on the cross street.

(4) Snow removal on the cross street, including bridges over the freeway and through ramp terminals.

(5) Cleaning and sweeping bridge decks on streets crossing over the freeway.

d. The city shall be responsible for maintenance and repair of pedestrian overpasses and underpasses, including snow removal, painting, lighting and structural repairs.

e. Should local service roads or streets be constructed as a part of a project, upon completion they shall become a part of the city street system. The department shall not be responsible for the maintenance of these roads or streets and corresponding drainage structures.

150.2(3) *Lighting.*

a. The department shall be responsible for:

(1) The cost of installation of lighting on the main-traveled-way lanes and the on and off ramps, including the terminals with cross streets when the department determines that lighting is required under established warrants.

(2) The energy and maintenance costs of lighting on the main-traveled-way lanes.

(3) The energy and maintenance costs of lighting through interchange areas and ramps at interchanges between freeways that do not provide service to local streets.

(4) The energy and maintenance costs of lighting in interchange areas at interchanges between freeways and primary roads that are on corporate lines.

(5) At interchanges with city cross streets, the energy and maintenance costs of lighting on the main-traveled-way lanes, on and off ramps, ramp terminals, and, when the department determines full interchange lighting is required, the cross street between the outermost ramp terminals.

b. The department shall not be responsible for:

(1) The installation, energy and maintenance costs of any lighting on cross streets in advance of interchanges and between the outermost ramp terminals at interchanges where the department determines partial interchange lighting or no lighting is required.

(2) The installation, energy and maintenance costs of any lighting on pedestrian overpasses, pedestrian underpasses, bicycle overpasses or bicycle underpasses. The city may elect to provide lighting at its own expense.

c. Warrants for the lighting of freeways shall be according to the 2018 "AASHTO Roadway Lighting Design Guide." The AASHTO publication may be ordered from the website www.transportation.org. The publication may be inspected at the department's maintenance bureau.

This rule is intended to implement Iowa Code sections 306.4, 306.42, 307.12(1)*"j,"* 313.4, 313.5, 313.21 through 313.24, 313.27, 313.36, 314.5 and 314.6 and chapter 306A.
[**ARC 0213D**, IAB 4/15/26, effective 5/20/26]

761—150.3(306,306A,307,309,313,314,321E) Improvements and maintenance on extensions of nonfreeway primary highways.

150.3(1) *Construction.*

a. The department shall be responsible for all right-of-way and construction costs to construct nonfreeway primary highway extensions to the minimum design criteria as established by the department. Construction improvement costs beyond minimum design criteria shall be the responsibility of the city, as specified in the project agreement. Minimum design criteria shall be in accordance with "A Policy on Geometric Design of Highways and Streets, 2018" (Seventh Edition AASHTO Green Book). The AASHTO publication may be ordered from the website www.transportation.org. The publication may be inspected at the department's maintenance bureau.

b. The city shall be responsible for providing, without cost to the department, all necessary rights-of-way that involve dedicated streets or alleys.

c. The city may be responsible for providing, without cost to the department, all necessary rights-of-way that involve other city-owned lands, except parklands, subject to the condition that the department may reimburse the city for the functional replacement value of improved property and advanced purchases negotiated by the city for project purposes.

d. The city shall take all necessary legal action to discontinue and prohibit any past or present use of project rights-of-way for private purposes. The city shall prevent any future encroachment or obstruction within the limits of project rights-of-way.

e. The department shall be responsible for the costs of construction of longitudinal and outlet storm sewers made necessary by highway construction and construction of local service roads developed as a part of the construction or reconstruction of the through traffic lanes in the proportion that the right-of-way of the primary road extension bears to the total drainage area to be served by the proposed sewers. The city shall be responsible for the remaining portion of storm sewer costs not paid for by the department.

f. Unless otherwise mutually agreed to and specified in the project agreement, the department shall be responsible for the cost of acquiring rights-of-way and construction of local service roads developed as a part of the construction or reconstruction of the through traffic lanes.

150.3(2) *Maintenance.* The department shall enter into an agreement with a city regarding the maintenance of primary roads within the corporate city limits. This is intended to include corporate line roads, when appropriate. Unless otherwise mutually agreed to and specified in the agreement, the maintenance of nonfreeway primary highway extensions within the corporate city limits, including corporate line roads, shall be as follows:

a. On primary roads constructed with a curbed cross section, the department shall be responsible for:

(1) Maintenance and repairs to pavement and subgrade from face of curb to face of curb exclusive of parking lanes, culverts, intakes, manholes, public or private utilities, sanitary sewers and storm sewers.

(2) Primary road signing for moving traffic as set out in subrule 150.4(1), pavement markings for traffic lanes, guardrail and stop signs at intersecting streets.

(3) Surface drainage only, within the limits of pavement maintenance.

(4) Plowing of snow from the traffic lanes of pavement and bridges and treatment of traffic lanes with abrasives and chemicals.

(5) Inspection, painting and structural maintenance of bridges as defined in Iowa Code section 309.1.

b. On primary roads constructed with a rural cross section (no curb), the department shall be responsible for all maintenance, except tree removal, sidewalks, retaining walls and repairs due to utility construction and maintenance, which shall be the city's responsibility.

c. On primary roads constructed with a curbed cross section, the city shall be responsible for:

(1) Maintenance and repairs to pavement in parking and bicycle lanes, intersections beyond the limits of department pavement maintenance, curbs used to contain drainage, and repairs to all pavement due to utility construction, maintenance and repair.

(2) Painting of parking stalls, stop lines and crosswalks, and the installation and maintenance of flashing lights. Pavement markings shall conform to the MUTCD.

(3) Maintenance of all storm sewers, manholes, intakes, catch basins and culverts used for collection and disposal of surface drainage.

(4) Removal of snow windrowed by departmental plowing operations, removal of snow and ice from all areas outside the traffic lanes, loading or hauling of snow which the city considers necessary and removal of snow and ice from sidewalks on bridges used for pedestrian traffic.

(5) Maintenance of sidewalks, retaining walls and all areas between curb and right-of-way line.

(6) Cleaning, sweeping and washing of streets.

(7) Maintenance and repair of pedestrian or bicycle overpasses and underpasses, including snow removal, painting and structural repairs.

(8) Roundabout center islands.

d. The city shall comply with the access control policy of the department as adopted in 761—Chapter 112 and obtain prior approval from the department for any changes to existing entrances or for the construction of new entrances.

e. Drainage district assessments levied against the primary road within the corporate limits of the city shall be shared equally by the department and the city.

f. Should local service roads or streets be constructed as a part of a project, upon completion they shall become a part of the city street system. The department shall not be responsible for the maintenance of these roads or streets and corresponding drainage structures.

150.3(3) *Lighting.*

a. The department shall not be responsible for the installation, energy, and maintenance costs of lighting on extensions of nonfreeway primary highways. The city may elect to provide lighting at its own expense. However:

(1) For cities with a population of 5,000 or fewer, the department may elect to install interchange or intersection lighting and to be responsible for or to participate in the energy and maintenance costs of this lighting.

(2) On a new construction project that results in a predominately fully controlled access highway, but incorporates some nonfreeway segments, the department may elect to participate in the installation of lighting at conflict points if the city agrees to be responsible for the energy and maintenance costs of this lighting.

b. At corporate line primary road junctions, the lighting shall be installed where necessary by the department in accordance with department warrants. The department shall be responsible for the installation costs. Unless otherwise agreed, the energy and maintenance costs shall be shared by the city and department in proportion to the number of luminaires in each jurisdiction as established by the corporate line. When and if the corporate line is extended to include any part of the lighting installation or a greater proportion of luminaires, the proportionate costs for maintenance and energy shall be redetermined on the basis of the number of luminaires in each jurisdiction as established by the new location of the corporate line.

This rule is intended to implement Iowa Code sections 306.4, 306.42, 307.12(1)*"j,"* 309.1, 313.5, 313.21 through 313.24, 313.27, 313.36, 314.5, 314.6 and 321E.3 and chapter 306A.

[**ARC 0213D**, IAB 4/15/26, effective 5/20/26]

761—150.4(306,306A,307,313,314,318) General requirements for primary road extensions.

150.4(1) *Signing.*

a. The department shall be responsible for permanent traffic control signing on primary road extensions.

b. The department shall not be responsible for construction and maintenance work zone signing unless the work is being done by the department.

c. The department shall not be responsible for street name signs, any regulatory parking signs that denote special regulations as may be determined by the city in cooperation with the department, and those signs that regulate parking as to time, hours and days of the week.

d. The department shall not be responsible for signs facing traffic on primary road extensions that regulate traffic movements on city cross streets (one-way traffic).

e. "Business District" signs on primary road extensions may be permitted upon application by the city to the department.

f. All signing within the right-of-way shall conform to the MUTCD.

150.4(2) *Encroachments and obstructions.*

a. The city shall remove any existing obstructions within the highway right-of-way and prevent any future obstructions from occurring within the highway right-of-way in a manner consistent with Iowa Code chapter 318.

b. The city shall remove any existing encroachments and prevent any future encroachments from occurring within the highway right-of-way, except those authorized or permitted by the highway authority. Under no circumstances shall an overhanging sign or awning be allowed within two feet of the inside edge of the curb (also known as the face of the curb, which is that part of the curb that is next to traffic) or within two feet of the edge of the pavement in the absence of a curb. Any encroachments authorized or permitted by the highway authority shall be in accordance with Iowa Code chapter 318.

150.4(3) *Pedestrian, equestrian, and bicycle routes (sidewalks).*

a. The department shall remove and replace portions of existing routes as required by construction.

b. The department will consider the impacts to pedestrian accommodation at all stages of the project development process and encourage pedestrian accommodation efforts when pedestrian accommodation is impacted by highway construction. The cost of pedestrian accommodation made at the time of the highway improvement may be considered an additional roadway construction cost. Providing pedestrian accommodation independent of a highway construction project may be considered with construction funding obtained from local jurisdictions or other federal and non-road use tax state sources.

c. If a project is initiated by the department, the department shall fund 100 percent of all curb ramps, turning spaces, transitions, sidewalks, curb drops and pedestrian signals within the right-of-way of primary road extensions to meet the requirements of the Americans with Disabilities Act of 1990 (ADA) as amended by the ADA Amendments Act of 2008 (PL 110–325), codified at 42 U.S.C. 12101 et seq., if such improvements are in the project.

d. If a project is initiated by a local jurisdiction, the department may participate by funding 55 percent of the cost of constructing curb ramps, turning spaces, transitions, sidewalks, curb drops and pedestrian signals on existing sidewalks within the right-of-way of primary road extensions to meet the requirements of the Americans with Disabilities Act if such improvements are in the project. However, departmental participation shall not exceed $250,000 per year for any one local jurisdiction and $5 million per year in total.

150.4(4) *Overpasses and underpasses for pedestrian, equestrian, and bicycle routes.*

a. During initial construction of freeways and other relocated primary road extensions and when user-volumes and topographic conditions warrant the construction of a separation, the cost shall be shared between the department and the city on the basis of the current U-STEP cost apportionment.

b. The department may participate in a city-initiated separation that is not included in the department's "Five-Year Iowa Transportation Improvement Program."

150.4(5) *Utility relocation and removal.*

a. The city shall relocate or cause to be relocated, without cost to the department, all city-owned utilities necessary for construction when these utilities are within the existing street or alley right-of-way. The department shall reimburse the owner of a utility that is located on private right-of-way for the costs of relocation or removal, including the costs of installation in a new location.

b. The city shall comply with the utility accommodation policy of the department as adopted in 761—Chapter 115.

150.4(6) *Project concept statements and predesign project agreements for proposed construction projects.*

a. As early as possible after an urban project is included in the department's "Five-Year Iowa Transportation Improvement Program," a concept statement for the project shall be developed and shall be reviewed with the officials of the city prior to the public hearing.

b. During the design process, a predesign project agreement may be submitted to city officials for their approval. It shall include all the following:

(1) A preliminary description of the project.

(2) The general concepts of the project.

(3) Responsibilities for right-of-way acquisition, storm sewer costs and utility adjustment costs.

(4) The parking and access control restrictions to be applied to the project.

(5) Financial participation above minimum standards.

150.4(7) *Preconstruction project agreements for proposed construction projects.*

a. The department shall maintain a close liaison with the city during the development of the project plan so that all parties will be fully informed of the details involved in the proposed improvement.

b. When the plan is sufficiently complete to provide typical cross sections, plan and profile drawings and incidental details, the department shall submit a preconstruction project agreement, which shall include known design data, to city officials for their approval. Terms for reimbursement to the state and local financial participation shall be stated in this agreement.

c. Modifications to this agreement necessitated by design changes encountered during construction shall be made by an extra work order agreed to in writing by the city, the contractor, and the department.

150.4(8) *Traffic signals.*

a. All traffic signal installations shall meet the standards and warrants established in the MUTCD.

b. When replacing pavement or adding lanes, the department may, by agreement, install or replace warranted traffic signals (including pedestrian-only signals) at no cost to the city.

c. When new or upgraded traffic signals (including pedestrian-only signals) are part of a pavement maintenance or stand-alone traffic signal project, the department may, by agreement, participate in installation costs with its maximum share limited to that based on the current U-STEP cost-sharing policy. The city is responsible for preparing plans, awarding the contract, supervising installation, and covering the remaining costs.

d. Signal modifications to coordinate with other city systems (outside the primary road extension system) are the city's full financial responsibility.

e. The department will not fund signals intended solely for commercial use or signalization of primary road stub routes ending within the city.

f. The department does not assume ownership or responsibility for any energy or maintenance costs for traffic signals.

g. Signal phasing, initial and future, as well as timing and coordination between intersections shall be coordinated between the department and the city.

150.4(9) *Overdimensional and overweight vehicles.* The city shall comply with all current statutes, rules and regulations pertaining to overdimensional and overweight vehicles using primary roads when issuing special permits for overdimensional and overweight vehicles.

This rule is intended to implement Iowa Code sections 306.4, 307.12(1)*"j,"* 313.21 through 313.24, 313.27, 313.36, 314.5 and 314.6 and chapters 306A and 318.

[**ARC 0213D**, IAB 4/15/26, effective 5/20/26]

761—150.5(17A,307) Special circumstances.

150.5(1) *Waivers.* The director of transportation or the director's designee may, in response to a written petition, waive provisions of this chapter in accordance with 761—Chapter 11. The written petition must contain the information as required in 761—subrule 11.5(2) and shall be submitted to the Rules Administrator, Office of the Director, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by email to the rules administrator's email address listed on the department's website at www.iowadot.gov/administrativerules.

150.5(2) *Waivers involving interstate highways.* The director shall not waive these rules if the request involves the interstate highway system, including its ramps, without the approval of the Federal Highway Administration.

This rule is intended to implement Iowa Code sections 17A.9A and 307.12(1)*"j."*

[**ARC 0213D**, IAB 4/15/26, effective 5/20/26]

[Filed 7/1/75]

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[Filed ARC 5427C (Notice ARC 5244C, IAB 11/4/20), IAB 2/10/21, effective 3/17/21]
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[Filed ARC 0213D (Notice ARC 9880C, IAB 1/7/26), IAB 4/15/26, effective 5/20/26]

CHAPTER 151
CITY REQUESTS FOR CLOSURE OF PRIMARY ROAD EXTENSIONS

[Prior to 4/24/85, (06,J) Ch 1]
[Prior to 6/3/87, Transportation Department[820]—(06,L) Ch 2]
Rescinded **ARC 9861C**, IAB 12/24/25, effective 1/28/26

CHAPTERS 152 to 159
Reserved

SPECIAL HIGHWAY PROGRAMS

CHAPTER 160
COUNTY AND CITY BRIDGE CONSTRUCTION FUNDS

Note: 761—Ch 160, Special Great River Road Fund, rescinded IAB 3/7/90, effective 4/11/90

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

761—160.1(312) Purpose. The purpose of these rules is to establish requirements for the counties' and cities' bridge construction funds in accordance with Iowa Code section 312.2.
[**ARC 8936C**, IAB 2/19/25, effective 3/26/25]

761—160.2(312) Contact information. Questions regarding this chapter may be directed to the Local Systems Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.
[**ARC 8936C**, IAB 2/19/25, effective 3/26/25]

761—160.3(312) Administration of funds. The department allocates the funds to counties and cities for bridge construction and reconstruction projects based on need, and the funds will be administered by the local systems bureau.

160.3(1) The county bridge construction fund is to be allocated for projects on secondary roads as determined by the department after consultation with county officials through their representative organizations.

160.3(2) The city bridge construction fund is to be allocated for projects on city streets as determined by the department after consultation with city officials through their representative organizations.

160.3(3) To be considered for funding, a proposed project needs to be on the appropriate eligibility list maintained by the department.

a. The department maintains a county bridge construction fund eligibility list and a city bridge construction fund eligibility list.

b. A local jurisdiction may propose a project by submitting a project application to the local systems bureau.

c. Unless otherwise agreed to by the city and county, a proposed project for a bridge located on the line dividing incorporated and unincorporated areas is to be placed on the eligibility list that corresponds to the jurisdiction submitting the application.

160.3(4) Prior to allocation, the department ranks the proposed projects within each eligibility list by a priority system based on needs, as developed under subrules 160.3(1) and 160.3(2). The priority system will include various items, such as but not limited to structural condition, traffic, and detour length. For each list, the department allocates funds, within the limits of funding availability, to those projects ranked as having the greatest needs.
[**ARC 8936C**, IAB 2/19/25, effective 3/26/25]

These rules are intended to implement Iowa Code section 312.2.

[Filed 2/7/90, Notice 12/27/89—published 3/7/90, effective 4/11/90]
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CHAPTER 161
HIGHWAY BRIDGE PROGRAM FOR CITIES AND COUNTIES

[Prior to 6/3/87, Transportation Department[820]—(06,Q) Ch 8]

Rescinded **ARC 8243C**, IAB 10/2/24, effective 11/6/24

CHAPTER 162
SURFACE TRANSPORTATION BLOCK GRANT PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/21/30

761—162.1(8,307) Purpose and information.

162.1(1) Federal authorization acts appropriate funds to states to support surface transportation investments. A portion of these funds are provided to the state of Iowa for the Surface Transportation Block Grant Program. The purpose of these rules is to establish requirements for the Surface Transportation Block Grant Program.

162.1(2) Information relating to this chapter may be obtained from the Program Management Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.239.1288; or on the department's website at www.iowadot.gov.

[**ARC 9130C**, IAB 4/16/25, effective 5/21/25]

761—162.2(8,307) Source of funds. The Surface Transportation Block Grant Program established in 23 U.S.C. Section 133 provides for the use of federal funds to preserve and improve the condition and performance of any federal-aid highway, bridge or tunnel project on any public road. Surface Transportation Block Grant funds may also be used on pedestrian and bicycle infrastructure and transit capital projects, including intercity bus terminals.

[**ARC 9130C**, IAB 4/16/25, effective 5/21/25]

761—162.3(8,313) Swapping of funds. Surface Transportation Block Grant funds allocated to city and county road or bridge construction projects may be swapped with primary road funds in accordance with Iowa Code section 313.4(1).

[**ARC 9130C**, IAB 4/16/25, effective 5/21/25]

761—162.4(8,307) Administration of funds. Surface Transportation Block Grant funds are administered by the department and will be made available for obligation throughout the state on a fair and equitable basis. The department, in consultation with city, county and local planning agency officials, through their representative organizations, will allocate these funds to Iowa's transportation management areas, metropolitan planning organizations, regional planning affiliations, incorporated cities, counties and the department. Allocation of these funds is to be based upon a distribution methodology approved by the commission. The commission reviews and approves the distribution methodology upon passage of each federal authorization act. Funds allocated to cities and counties to support the Federal-Aid Highway Bridge Program will be made in accordance with Instructional Memorandum 1.100 dated June 12, 2024, available at www.iowadot.gov/local_systems/publications/im/1100.pdf. All allocations of the Surface Transportation Block Grant funds are made in accordance with the Federal Highway Administration's regulations and include the allocations of the Surface Transportation Program (STP) Set-Aside for transportation alternatives as established in 23 U.S.C. Section 133(h) in effect as of December 4, 2015.

[**ARC 9130C**, IAB 4/16/25, effective 5/21/25]

These rules are intended to implement Iowa Code sections 8.41(3)*"c,"* 307.44 and 313.4(1).

[Filed Emergency ARC 2745C, IAB 10/12/16, effective 10/1/16]
[Filed ARC 2843C (Notice ARC 2750C, IAB 10/12/16), IAB 12/7/16, effective 1/11/17]
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[Filed ARC 9130C (Notice ARC 8479C, IAB 12/11/24), IAB 4/16/25, effective 5/21/25]

CHAPTER 163
RISE PROGRAM

[Prior to 6/3/87, Transportation Department[820]—(06,Q) Ch 4]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/23/30

761—163.1(315) General.

163.1(1) *Definitions.*

"Brownfield site" means an abandoned, idled, or underutilized industrial or commercial facility where expansion or redevelopment is complicated by real or perceived environmental contamination.

"Commission" means the state transportation commission.

"Direct jobs created" refers to jobs new to the state in firms, developments, or sites specifically assisted by a RISE project.

"Direct jobs retained" refers to existing Iowa jobs that would otherwise be lost in firms, developments, or sites specifically assisted by a RISE project.

"Economic development" means private investment involving the creation of new jobs and income or the retention of existing jobs and income that would otherwise be lost. For the purposes of this program, economic development is viewed from a statewide perspective rather than a local or substate, regional perspective and results in a net gain to the state.

"Funding commitment" means commission approval of the use of RISE funds for a project.

"Grant" means funds received for a RISE project with no provision for applicant repayment of principal.

"Immediate opportunity project," one of the two types of RISE projects, is a roadway project that needs a funding commitment within a short time period and meets the threshold criteria in subrule 163.8(6). The project primarily provides improved access to a single economic unit, such as a county, a city, an industrial park, a plant or other business, a development site or a tourist attraction.

"Import substitution" means replacing inputs, products or services from out-of-state firms or locations with Iowa inputs, products or services.

"Jurisdiction" means the state, county, or city having legal authority over a road or street.

"Loan" means funds received for a RISE project with provision for applicant repayment of principal. A loan may involve the payment of interest charges.

"Local development project," one of the two types of RISE projects, is a roadway project that is programmed through a semiannual competitive rating procedure. The project primarily provides improved access to either a single economic unit, such as a county, a city, an industrial park, a plant or other business, a development site or a tourist attraction, or to a portion of a metropolitan area.

"Project" means an eligible activity or cost or set of eligible activities or costs funded with RISE program funds. The two types of projects that may be funded under the RISE program are immediate opportunity projects and local development projects.

"RISE" means revitalize Iowa's sound economy.

"Total capital investment" means the economic value of all permanent purchases, donations, or improvements directly associated with an economic development activity but not funded with RISE moneys, including land; improvements to land; buildings; equipment; furnishings; electric, gas, telephone, and other utilities; sanitary sewer and storm sewer extensions and hookups; and railroad spurs, access roads, parking lots, and other transportation facilities.

"Traffic impact analysis" means an analysis identifying system and immediate impacts associated with a proposed development to allow an assessment of the existing and future highway system's safety, performance, maintenance, and capacity needs and includes all necessary information as requested by the department.

"Transportation justification" means the reasons given for a project from a transportation planning and engineering standpoint. The justification should address the current condition of existing roadways or bridges, the relationship of the project to connecting roads, anticipated total traffic, anticipated large truck traffic, proposed major design features, roadway function, and the reasons the proposed alternative was selected over other available alternatives.

"Value-adding activities" means activities that, through the employment of knowledge or labor, add value to a product, process or service that results in the creation of new wealth to the state.

163.1(2) *Information and forms.* Information, instructions and application forms may be obtained from the Local Systems Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; by telephone at 515.239.1738; or through the department's website at www.iowadot.gov/systems_planning/Grant-Programs/Revitalize-Iowas-Sound-Economy-RISE-Program.

[**ARC 9008C**, IAB 3/19/25, effective 4/23/25]

761—163.2(315) Administration of RISE program.

163.2(1) Purpose.

a. The purpose of the RISE program is to promote economic development in Iowa through the establishment, construction, improvement, and maintenance of roads and streets. The RISE program is targeted toward value-adding activities to provide maximum economic impact to the state. Value-adding activities feed new dollars into the economy. As these dollars are circulated, the state experiences economic growth. Tourism activities that result in the attraction of out-of-state dollars to the state economy may also be targeted by the program. Residential development, local government facilities, local public schools, locally oriented business services and personal services are generally not value-adding activities and will rarely meet the intent of the program.

b. The RISE program is also administered to encourage economic diversification, new business opportunities, small business development, exporting, import substitution and tourism in Iowa.

163.2(2) The RISE program is administered by the department as a statewide program, with projects evaluated primarily on the basis of economic development criteria rather than solely on the basis of transportation criteria. In carrying out its program responsibilities, the department:

a. Involves local officials in program development and periodic program review and evaluation, including evaluation of the accomplishments and effectiveness of the RISE program. However, all project funding decisions are the responsibility of the commission.

b. Simplifies application processes and administrative procedures to the maximum practicable extent.

c. Designs the RISE program administrative procedures to be flexible enough to meet county and city needs.

d. Ensures neutrality and fairness in the treatment of all applications submitted for funding under the RISE program.

e. Promotes intergovernmental cooperation on economic development.

f. Promotes the use of innovative financing mechanisms for RISE projects.

163.2(3) The commission is responsible for all RISE project funding commitments. All project funding commitments are made subject to the availability of RISE funds.

163.2(4) The department will annually prepare a written report indicating the amount and percentage of funds committed during the previous year on primary roads, secondary roads, city streets, state park roads and county conservation parkways.

[**ARC 9008C**, IAB 3/19/25, effective 4/23/25]

761—163.3(312,315) Allocation and use of RISE funds.

163.3(1) *Allocation among roadway jurisdictions.* The RISE fund is allocated for use on primary, city, and county roads.

163.3(2) *Funding limited to public roads.* The use of RISE funds is limited to construction or improvement of primary roads, secondary roads, city streets, state park roads and county conservation parkways presently open to public use or ones that will be dedicated and open to public use in the future. RISE funds are not to be used for private road projects or for any other private purpose. Project activities eligible for funding under the RISE program are listed in rule 761—163.6(315).

163.3(3) *Use of county or city RISE funds on primary road projects.* Counties or cities may at their option make application to the department to apply RISE funds allocated for use on secondary road or city street projects toward primary road projects. Use of county or city RISE funds on primary road projects is to be approved by the commission.

163.3(4) *Type of projects.* The two types of projects that may be funded under the RISE program are immediate opportunity projects and local development projects as described in the following rules of this chapter:

a. Immediate opportunity projects: rule 761—163.8(315).

b. Local development projects: rule 761—163.9(315).

163.3(5) *Relationship of project.* The demonstrated relationship of a project to economic development is generally the main criterion employed in determining the priority for funding. The department will assign the lowest priority to a project if it involves a business with wages substantially below other area businesses or with a consistent record of law violations. In terms of project type, immediate opportunity projects are prioritized for all available RISE funds.

163.3(6) *Use of repaid funds.* RISE funds repaid to the department for any reason may be used for other projects or carried over to the next programming cycle. RISE funds repaid are to be credited to the share of the fund from which the project was originally funded.

163.3(7) *Carryover of funds.* The commission need not commit the spending of all RISE funds available during a programming cycle. Uncommitted city funds may be carried over to the next programming cycle or used for immediate opportunity projects. On June 30 of each year, all uncommitted county funds are to be credited to the secondary road fund.

163.3(8) *Reserve for future needs and contingencies.* The commission will monitor RISE fund commitments and expected RISE fund cash flow and take actions necessary to ensure that funds remain available for anticipated present and future immediate opportunity project needs and other contingencies. Such actions may include placing a moratorium on the receipt and award of local development RISE applications, placing a limit on RISE dollars awarded to each project, or taking other actions at the discretion of the commission.

[**ARC 9008C**, IAB 3/19/25, effective 4/23/25]

761—163.4(315) Project financing and funding shares.

163.4(1) *Financing.* Applicants may choose to propose grant financing for any RISE project. Applicants are encouraged to propose below-market rate interest loans, no interest loans, or partial principal payback rather than grant financing for RISE projects. The extent to which a project will return moneys to the RISE fund is to be considered in project evaluation processes. Final financial terms for all RISE projects are subject to negotiation between the department and the applicant and approval by the commission.

163.4(2) *Funding shares.* Applicants may propose the proportions and sources of RISE and non-RISE funds to be used for a project. Use of RISE funds is subject to commission approval.

[**ARC 9008C**, IAB 3/19/25, effective 4/23/25]

761—163.5(315) Eligibility of applicants and joint applications.

163.5(1) *Applicant eligibility.* All incorporated cities and all counties in the state of Iowa are eligible to apply for and receive funds under the RISE program. The department is also eligible to initiate projects and receive funds under this program but need not formally apply for funds. Private firms or developers or other agencies are not eligible to apply directly for funds but are encouraged to work with county or city governments in seeking funding for projects. In any case, all projects are to be let by the applicant or through the department's contracts and specifications bureau and in accordance with all applicable laws and rules.

163.5(2) *Joint applications.* Joint applications from two or more counties or cities are encouraged when mutual action supports economic development. Joint applications are to designate a lead county or city to serve as a principal contact point for the department.

[**ARC 9008C**, IAB 3/19/25, effective 4/23/25]

761—163.6(315) Project activities eligible and ineligible for RISE funds.

163.6(1) *Eligible activities.* Project activities or costs eligible for RISE funding and that may be counted as part of the non-RISE participation in immediate opportunity and local development roadway projects include only the following:

a. Roadway resurfacing, rehabilitation, modernization, upgrading, reconstruction or initial construction, including grading and drainage, paving, erosion control, pavement overlays, and shoulder widening and stabilization.

b. Bridge and culvert repair, modernization, replacement or initial construction.

c. Roadway intersection and interchange improvements, including warranted traffic signalization when it is integral to the improvement.

d. Public transportation system improvements, including but not limited to bus shelters, bus turnouts, and passenger information signage, when they are integral to the roadway improvement.

e. Bicycle and pedestrian infrastructure improvements, including but not limited to sidewalks, at-grade pedestrian crossings, bike lanes, and separated bike lanes, when they are integral to the roadway improvement.

f. Right-of-way acquisition costs, including but not limited to appraisals, negotiation, compensation, and cultural resources surveys necessary to comply with applicable local, state and federal laws, rules and regulations.

g. Construction or improvement of motorist rest areas, welcome centers, and information centers.

h. Design engineering costs leading to construction plan development and construction inspection costs associated with RISE-financed projects.

i. County and city bond principal and interest payments associated only with RISE projects. No financing expenses incurred prior to funding commitment are eligible, and no administrative or legal expenses may be reimbursed. The bond term is limited to the expected useful life of the roadway.

j. Storm drainage and storm sewer costs to the extent needed for draining the roadway.

k. Reconstruction or adjustment of utilities, including but not limited to water, sanitary sewer, electric, telephone, and natural gas, when utilities are located on private property and replacement or relocation due to project construction is necessary or when said utilities are located in the public right-of-way and agreements in place allow for compensation to the utility if relocation is necessary.

l. Costs associated with the acquisition of local, state and federal permits are limited to those directly related to the roadway construction.

m. Costs of modifications to railroad facilities are limited to those necessary to construct the RISE roadway, including but not limited to construction, hiring flaggers, and engineering performed by the railroad or the railroad's contractor, that are consistent with an executed agreement between the railroad and the roadway jurisdiction.

163.6(2) *Ineligible activities.* Activities or costs ineligible for RISE funding and that are excluded from the non-RISE participation in immediate opportunity or local development roadway projects include but are not limited to the following:

a. Any and all costs incurred prior to a funding commitment by the commission notwithstanding rule 761—163.7(315).

b. Routine roadway, bridge and culvert maintenance, including but not limited to pothole filling, crack sealing, seal coating, patching, shoulder maintenance, gravel or earth roadway maintenance, and bridge painting.

c. Winter roadway and bridge maintenance, including but not limited to snow plowing, sanding, and salting.

d. Overhead and operating costs associated with eligible project activities, including auditing.

e. Expenses associated with the preparation and submission of applications for RISE funding.

f. Predesign engineering, feasibility or alignment studies and other planning expenses.

g. Traffic signalization, except as an integral part of a roadway project.

h. Pavement marking and traffic signs, except as an integral part of a roadway project.

i. Utility construction, reconstruction or adjustment, except for those activities or costs described in subrule 163.6(1).

j. Safety appurtenances, except as an integral part of a roadway project.

k. Lighting, except as an integral part of a roadway project.

l. Lighting energy and maintenance costs.

m. Sidewalks, bicycle paths, and railroad-highway crossings, except when replacing those facilities in service and affected by the project or as an integral part of a roadway project.

n. Parking expenditures, including those for structures, lots, meters, paving, and marking whether for on-street or off-street parking.

o. Nonroadway transportation expenditures, including those for railway, aviation, public transportation, and inland waterway facilities and equipment.

p. Purchase of furnishings, construction equipment, and personal property.

q. General government expenses and expenses associated with the provision of any public service that are not eligible for RISE program assistance.

r. Donated right-of-way.

[**ARC 9008C**, IAB 3/19/25, effective 4/23/25]

761—163.7(315) Advance eligibility of land acquisition and preliminary design costs incurred prior to funding commitment by commission.

163.7(1) *Need for advance eligibility.* If there is extreme urgency involving land acquisition or preliminary design and a necessity to protect or preserve a project corridor or to proceed with the preparation of project construction plans prior to a RISE funding commitment, a potential applicant may submit a written request to the department for a determination of advance eligibility to incur costs for land acquisition or preliminary design immediately. A determination of advance eligibility by the department will allow specified costs incurred prior to a funding commitment by the commission to be eligible for reimbursement with RISE funding without jeopardizing the project's eligibility for funding approval but does not imply or guarantee that the commission will commit RISE funding to a subsequent application.

163.7(2) *Request, justification and review.* The request is to be received by the department prior to the expenditure and is to include justification regarding the extreme urgency and necessity to incur costs prior to a RISE funding commitment. A request for land acquisition is to also include a description of the land to be acquired, a summary of the estimated costs, and a map showing the parcels to be acquired. Preliminary design requests are to include a description of the project scope, location map, and proposed cross section. If the request will include consultant design costs, a draft agreement between the jurisdiction and the consultant is to be submitted that includes the scope of services to be rendered. Costs for RISE application preparation and submission or project feasibility, route alignment studies or other planning expenses as cited in paragraphs 163.6(2)*"e"* and *"f"* remain ineligible for RISE funding and are not to be included in a request for determination of advance eligibility. The department will review the submittal and provide written confirmation of the determination of advance eligibility following receipt of a request consistent with this rule.

163.7(3) *Eligibility of costs for reimbursement.* Any cost incurred before the request is received by the department will be ineligible for reimbursement. Costs receiving a determination of advance eligibility are to be noted in the subsequent RISE funding application submitted to the department. Land acquired or design work completed following a determination of advance eligibility will not be eligible for reimbursement with RISE funds if the property acquired or design work completed is not necessary to construct the proposed RISE project included in the subsequent application. Design costs receiving a determination of advance eligibility are not to exceed 10 percent of the total construction costs for the project. An application for funding that includes the expenditure is to be received by the department within two years following the determination of advance eligibility, or the costs may become ineligible for RISE funding.

[**ARC 9008C**, IAB 3/19/25, effective 4/23/25]

761—163.8(315) Immediate opportunity projects.

163.8(1) *General provisions.* The following provisions are applicable to immediate opportunity projects:

a. Immediate opportunity projects may be located on primary roads, secondary roads, city streets, state park roads or county conservation parkways.

b. There is no limit on the number of applications per county or city that will be considered for RISE funding.

c. Counties and cities may apply for single-year or multiyear funding. Multiyear funding is to be limited to funding commitments from no more than three program years' allocations.

d. Applicants may use staff from other counties or cities, areawide planning organizations, areawide economic development organizations, or other jurisdictions to prepare application materials or administer projects.

e. An adequate transportation justification for the roadway project is to be provided. The proposed improvement need not be designed prior to project application, but the concept is to generally be reasonable from a transportation planning and engineering standpoint and detailed enough to enable project cost estimates to be developed.

163.8(2) *Contents of applications.* Each application for an immediate opportunity project is to contain the following:

a. General information, including the applicant's name, contact person, mailing address, telephone number, local economic development area and history of efforts in the area, and other information of a general nature about the project proposal and the associated economic development activity.

b. Cost information, including the estimated total capital investment involved with the associated economic development activity, the estimated total cost of the roadway project, the amount of RISE funds requested for the roadway project, and the amount of non-RISE funds to be used to match or supplement RISE funding. Itemized breakdowns (showing the item, cost, and funding source) are to be included for the total capital investment, the total roadway project cost, the RISE funds requested, and the non-RISE funds to be used to match or supplement RISE funding.

c. Data showing the impact of the associated economic development activity, including the number of direct jobs created or direct jobs retained. Jobs created as a result of jobs being displaced elsewhere in the state are not to be considered direct jobs created for the purpose of evaluating the application.

(1) To expedite the review, the applicant is to provide the following data for each business included in the project justification: a list of in-state competitors; a list of in-state suppliers; the percentage of out-of-state sales; the effect on import substitution; long-range growth potential; and a list of all current and anticipated employment positions, both full- and part-time, the hourly wage for each, and the turnover rate.

(2) The applicant is to certify that each business will give hiring preference to residents of the state or local area, except for out-of-state employees offered a transfer to Iowa.

d. A preliminary project concept statement for the roadway project, including maps showing site characteristics, such as zoning, platting, subdivision boundaries, and corporate limits; a sketch plan; and a justification for the transportation improvement. In most cases, a sketch plan should include a simple plan and profile defining the horizontal and vertical geometrics and a typical roadway cross section defining pavement, shoulders, foreslope, and backslope or border treatment. The transportation justification should address topics such as the current condition of existing roadways or bridges, the relationship of the project to connecting roads, and ingress to and egress from the site, as well as the current flow of traffic on the development site, anticipated total traffic and large truck traffic, proposed major design features of the proposed improvement, the intended roadway function, how the proposed improvement is consistent with other local plans, and the reason the proposed alternative was selected over other alternatives. The department may request completion of a traffic impact analysis to supplement the transportation justification before it is reviewed.

e. A time schedule for the total development, including the roadway project and the associated economic development activity.

f. A formal resolution passed by the governing body of the jurisdiction responsible or to be responsible for the road or street to be constructed or improved. The resolution is to state that the project will be adequately maintained and dedicated to public use for a minimum of 20 years after completion of the project and that land provided access by the proposed improvement will be developed according to rule 761—163.2(315). The resolution is to also certify that the project meets the threshold criteria cited in paragraph 163.8(6)*"a"* and that any business assisted by the project that acquires or merges with an Iowa corporation within three years following the RISE application intends to make a good-faith effort to hire the workers of the merged or acquired company.

g. Documentation showing that the threshold criteria of subrule 163.8(6) have been met.

163.8(3) *Submission of applications.* Applications are to be submitted on a form provided by the department and may be submitted at any time. Once an application has been submitted, no further information concerning that application is accepted by the department from the applicant unless specifically requested by the department. Applications may be withdrawn by the applicant and resubmitted at any time. Resubmitted applications are to be dated accordingly.

163.8(4) *Incomplete applications.* An applicant is to fully complete the official application form and provide all other information identified in this chapter before the application will be considered by the commission.

163.8(5) *Verification of application materials.* Complete applications are reviewed to verify the figures or statements in the applications. This may include site visits. If inaccuracies, omissions, or errors are found, the commission may rescind the commitment of funds or reevaluate the application based on the correct information. If an applicant loses funding through this process, the commission has complete discretion concerning the disposition of those funds, including awarding them to other applicants or carrying them over to the next programming cycle.

163.8(6) *Threshold criteria.* Funding commitment decisions for immediate opportunity projects are made on an individual basis. There is no competitive ranking of project applications. In order to gain a funding commitment, an application is to meet all of the following threshold criteria:

a. The project is to be related to an immediate, nonspeculative opportunity for permanent job creation or retention. The applicant county or city (or its agent) should be in the process of negotiating a location or retention decision with a developer or firm.

b. The applicant is to demonstrate that an immediate funding commitment is essential to influence the job location or retention decision.

c. The applicant is to demonstrate that necessary arrangements have been made for nonroadway factors (e.g., labor force training, zoning, sewer, water, police and fire protection, financing, and permits) essential for the proposed job creation or job retention activity.

d. The applicant is to commit to providing at least 20 percent non-RISE financial participation in the roadway project, except the commission may approve a participation amount that is less than 20 percent if it determines that the applicant city or county is economically distressed.

e. There is to be a strong likelihood that the total development, including the roadway project, can be completed in a timely manner. It is up to the applicant to identify a time schedule and maintain it. This time schedule may be adjusted for such reasons, including but not limited to the project involves unusually complex engineering studies, extensive real estate negotiations, extensive analysis for environmental clearances, or unusually complex planning for associated development. The commission may withdraw funding if time schedules have been misrepresented or have not been maintained.

163.8(7) *Review and funding of applications.*

a. Department staff reviews complete immediate opportunity project applications and may consult with other organizations with economic development responsibilities. As part of the review, the staff evaluates the effect of the proposed project on the state economy using the following factors: consistency with the state economic development plan; diversification of the state economy; the impact on in-state suppliers, competitors, and import substitution; percentage of out-of-state sales; the quality of employment positions; and the record of law violations. This review is to be performed within a reasonable period of time after receipt of the application. Following this review, complete applications meeting the threshold criteria of subrule 163.8(6) are to be forwarded to the commission for action at its next meeting.

b. The commission may fund all or any part of an application and may make a conditional funding commitment. In making its decision, the commission will consider the amount of total capital investment per RISE dollar requested and the amount of RISE dollars requested per job created or retained.

c. The commission may deny funding for projects that will not result in net job creation or job retention from a statewide point of view, for instance, projects that simply involve the relocation of jobs or other economic activity within Iowa.

d. Immediate opportunity project applications may, at the discretion of the commission, be considered as applications for local development projects and included in the current round of local development project programming, regardless of the deadlines stated in subrule 163.9(3). However,

immediate opportunity project applications submitted solely to circumvent the deadlines for local development project applications are not to be considered in this manner.
[**ARC 9008C**, IAB 3/19/25, effective 4/23/25]

761—163.9(315) Local development projects.

163.9(1) *General provisions.* The following provisions are applicable to local development projects:

a. Local development projects may be located on primary roads, secondary roads, city streets, state park roads or county conservation parkways.

b. There is no limit on the number of applications per county or city that will be considered for RISE funding.

c. Counties and cities may apply for single-year or multiyear funding. Multiyear funding is to be limited to funding commitments from no more than three program years' allocations.

d. Applicants may use staff from other counties or cities, areawide planning organizations, areawide economic development organizations, or other jurisdictions to prepare application materials or administer projects.

e. An adequate transportation justification for the roadway project is to be provided. The proposed improvement need not be designed prior to project application, but the concept is to generally be reasonable from a transportation planning and engineering standpoint and detailed enough to enable project cost estimates to be developed.

163.9(2) *Contents of applications.* Each application for a local development project is to contain the following:

a. General information, including the applicant's name, contact person, mailing address, telephone number, local economic development program and history of efforts in the area, and other information of a general nature about the project proposal and the associated economic development activity.

b. Cost information, including the estimated total capital investment involved with the associated economic development activity, the estimated total cost of the roadway project, the amount of RISE funds requested for the roadway project, and the amount of non-RISE funds to be used to match or supplement RISE funding. Itemized breakdowns (showing the item, cost and funding source) are to be included for the total capital investment, the total roadway project cost, the RISE funds requested, and the non-RISE funds to be used to match or supplement RISE funding.

c. Data showing the impact of the associated economic development activity, including the number of direct jobs created or retained. Jobs created as a result of jobs being displaced elsewhere in the state are not to be considered direct jobs created for the purpose of evaluating the application.

(1) To expedite the review, the applicant is to provide the following data for each business included in the project justification: a list of in-state competitors; a list of in-state suppliers; the percentage of out-of-state sales; the effect on import substitution; long-range growth potential; and a list of all current and anticipated employment positions, both full- and part-time, the hourly wage for each, and the turnover rate.

(2) The applicant is to certify that each business will give hiring preference to residents of the state or local area, except for out-of-state employees offered a transfer to Iowa.

d. A preliminary project concept statement for the roadway project, including maps showing site characteristics such as zoning, platting, subdivision boundaries, and corporate limits; a sketch plan; and a justification for the transportation improvement. In most cases, a sketch plan should include a simple plan and profile defining the horizontal and vertical geometrics and a typical roadway cross section defining pavement, shoulders, foreslope, and backslope or border treatment. The transportation justification should address topics such as the current condition of existing roadways or bridges, the relationship of the project to connecting roads, and ingress to and egress from the site, as well as the current flow of traffic on the development site, anticipated total traffic and large truck traffic, proposed major design features of the proposed improvement, the intended roadway function, how the proposed improvement is consistent with other local plans, and the reason the proposed alternative was selected over other alternatives. The department may request completion of a traffic impact analysis to supplement the transportation justification before it is reviewed.

e. A time schedule for the total development, including the roadway project and the associated economic development activity.

f. A formal resolution passed by the governing body of the jurisdiction responsible or to be responsible for the road or street to be constructed or improved. The resolution is to state that the project will be adequately maintained and dedicated to public use for a minimum of 20 years after completion of the project and that land provided access by the proposed improvement will be developed according to rule 761—163.2(315). The resolution is to also certify that any business assisted by the project that acquires or merges with an Iowa corporation within three years following the RISE application intends to make a good-faith effort to hire the workers of the merged or acquired company.

g. A summary showing that necessary arrangements have been made for nonroadway factors (e.g., zoning, sewer, water, police and fire protection, financing, and permits) essential for the proposed economic development activity.

163.9(3) *Submission of applications.* Applications are to be submitted on a form provided by the department.

a. Applications may be submitted at any time. However, in order to be considered in the current round of programming, complete applications are to be received by the department or postmarked no later than February 1 or September 1.

b. Once an application has been submitted, no further information concerning that application is accepted by the department from the applicant unless specifically requested by the department. Applications may be withdrawn by the applicant and resubmitted at any time. Resubmitted applications are to be dated accordingly.

163.9(4) *Incomplete applications.* An applicant is to fully complete the official application form and provide all other information identified in this chapter before the application will be considered by the commission. An applicant is to be notified if an application is incomplete.

163.9(5) *Verification of application materials.* Complete applications are reviewed to verify the figures or statements in the applications. This may include site visits. If inaccuracies, omissions, or errors are found, the commission may rescind the commitment of funds or reevaluate the application based on the correct information. If an applicant loses funding through this process, the commission has complete discretion concerning the disposition of those funds, including awarding them to other applicants or carrying them over to the next programming cycle.

163.9(6) *Rating factors.* The following factors and potential rating points are to be used in assessing applications for local development projects. Assessment of these factors is to be the responsibility of the department.

a. Development potential. This factor measures the degree of certainty involved in the economic development activity to be supported by the proposed RISE project and the potential for future job growth. Maximum points: 35.

b. Economic impact. This factor measures the economic impact of the development activity to be supported by the proposed RISE project, including the number of direct jobs assisted, investment leveraging, the percentage of out-of-state sales and in-state suppliers, the impact on competition and diversification, and the quality of job factors. Maximum points: 20.

c. Local commitment and initiative. This factor measures the level of effort being put forth by the applicant to attract economic development and the adequacy of the supporting infrastructure. Maximum points: 35 (includes 5 points for the remediation or redevelopment of a brownfield site).

d. Transportation need. This factor measures the condition and quality of existing road or street service. Maximum points: 4.

e. Area economic need. This factor measures the economic condition of the area. Maximum points: 6.

163.9(7) *Review and funding of applications.*

a. The staff of the department reviews and rates complete local development project applications and may consult with other organizations with economic development responsibilities. As part of the review, the staff evaluates the effect of the proposed project on the state economy using the following factors: consistency with the state economic development plan; diversification of the state economy; the impact on in-state suppliers, competitors, and import substitution; percentage of out-of-state sales; the quality of employment positions; and the record of law violations. Complete applications are to be forwarded to

the commission for a funding commitment action within a reasonable period of time after the application deadline. An application considered but not funded in one programming cycle is not to be considered in a subsequent cycle without resubmittal by the applicant.

b. The commission may fund all or any part of an application and may make a funding commitment conditional upon adherence to a specific time schedule, realization of a development prospect, or fulfillment of other agreements.

[**ARC 9008C**, IAB 3/19/25, effective 4/23/25]

761—163.10(315) Project administration.

163.10(1) *Agreement.* After a funding commitment has been made for a project, the department enters into a project agreement with the applicant. The agreement is to delineate responsibilities for project planning, design, right-of-way, contracting, construction and materials inspection, and documentation. The agreement is to identify any additional stipulations regarding the project relating to specific jobs to be created or retained and land development contingencies consistent with rule 761—163.2(315). Procedures for documenting compliance with the agreement terms will also be identified in the agreement. By executing the agreement, the applicant agrees to comply with all local, state, and federal laws and rules and regulations that may apply to the project.

163.10(2) *Project payments.* Payments from the RISE fund to counties or cities are to be made on a cost reimbursement basis, and financial participation is to be limited to the maximum percentage allowed by the funding commitment. The non-RISE financial participation is to include only those items listed as eligible for RISE funding and may be in the form of cash, the value of design engineering and construction inspection services, or the cost of eligible advance right-of-way acquisitions or preliminary design pursuant to rule 761—163.7(315). Grants from other state agencies or programs may also contribute to the non-RISE financial participation if their laws and rules allow. The applicant is to provide documentation to the department supporting the value of any noncash contribution to the project. The department has the sole authority to determine the value of noncash contributions. Contributions made by a third party may be allowed.

163.10(3) *Project expenditures incurred prior to agreement.* Project expenditures incurred after the commission has made a funding commitment, but before execution of the agreement, are eligible for reimbursement if a project agreement is subsequently executed. Reimbursement is to be paid following execution of the agreement.

163.10(4) *Remedies for noncompliance with project agreement.* The commission may revoke funding commitments, demand repayment of RISE funds loaned or granted or take both actions when the county or city has not fulfilled the terms of the project agreement.

163.10(5) *Cost overruns.* RISE funds committed for projects are for a maximum dollar amount. Cost overruns are the responsibility of the administering jurisdiction.

163.10(6) *Audit.* The department may audit all project costs incurred for compliance with the agreement, including costs that are part of the matching contribution. All force account work performed by a county or city on the project is to be audited.

[**ARC 9008C**, IAB 3/19/25, effective 4/23/25]

These rules are intended to implement Iowa Code section 312.2 and chapter 315.

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CHAPTER 164
TRAFFIC SAFETY IMPROVEMENT PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/20/31

761—164.1(307,312) General.

164.1(1) *Definitions.*

"Commission" means the state transportation commission.

"Jurisdiction" means the department, a county, a city or any other public agency having responsibility for and control over a road or street.

"Other public agency" means any board, commission or agency having jurisdiction and control over roads and streets in any state park, state institution, and other state land road system.

"State park, state institution, and other state land road system" means the same as defined in Iowa Code section 306.3(10).

"Traffic safety improvement program" means the funding program created for traffic safety improvement projects pursuant to Iowa Code section 312.2(11).

164.1(2) *Information and forms.* Information, instructions and application forms may be obtained from the Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.239.1557; or on the department's website at www.iowadot.gov/consultants-contractors/traffic-safety/programs/traffic-safety-improvement-program-tsip.

[**ARC 0214D**, IAB 4/15/26, effective 5/20/26]

761—164.2(307,312) Program administration.

164.2(1) *Purpose.* The traffic safety improvement program provides funding for traffic safety improvements or studies on public roads under county, city or state jurisdiction.

164.2(2) *Local participation.* The department will administer the traffic safety improvement program as a statewide program and will coordinate local participation in review and evaluation of applications for funding.

164.2(3) *Funding.*

a. The traffic and safety bureau will review all applications and availability of funds in order to make funding recommendations to the commission. The commission may choose to fund all or part of a project or limit funding to specific work items. Funding may also be made dependent upon adherence to a time schedule or fulfillment of specified conditions.

b. The commission need not commit all funds available during a fiscal year. Funds not committed by the commission will be retained for subsequent programming cycles. Awarded funds not used within a specified period or remaining after project closure will be retained for subsequent programming cycles.

c. The maximum traffic safety improvement program funding for a site-specific improvement will not exceed $500,000. Total funding allotted for the traffic control device category will not exceed $750,000 annually. Total funding allotted for the studies and outreach category will not exceed $750,000 annually. All project costs exceeding the commitment of traffic safety improvement program funds shall be the responsibility of the applicant.

[**ARC 0214D**, IAB 4/15/26, effective 5/20/26]

761—164.3(307,312) Eligibility.

164.3(1) *Applicant eligibility.* Any jurisdiction in the state of Iowa is eligible to apply for traffic safety improvement program funding. Applicants are to designate one jurisdiction as the principal contact for a project involving multiple jurisdictions.

164.3(2) *Project eligibility.* Projects located on a public roadway within the state of Iowa are eligible for funding. Projects located on a private road or for a private purpose are not eligible.

[**ARC 0214D**, IAB 4/15/26, effective 5/20/26]

761—164.4(307,312) Project costs.

164.4(1) *Eligible project costs.*

a. Site-specific improvements category. Activities considered eligible for funding are those integral to the safety aspects of the project. Eligible activities include but are not limited to the following:

(1) Road modernization, upgrading or reconstruction.
(2) Intersection improvements.
(3) Right-of-way purchases.
(4) Drainage and erosion control measures.
(5) Traffic control devices.
(6) Traffic barriers and other roadside safety devices.
(7) Removal of trees and other fixed objects.

b. Traffic control devices category. The cost of materials purchased for initial installation of traffic control devices or replacement of obsolete traffic control devices is considered eligible for funding. Devices shall comply with the applicable warrants in the "Manual on Uniform Traffic Control Devices" (MUTCD) as adopted in rule 761—130.1(321).

c. Studies and outreach category. Activities considered eligible for funding include but are not limited to the following:

(1) Research addressing statewide traffic safety concerns.
(2) Studies addressing traffic safety concerns at specific locations.
(3) Initiatives emphasizing or improving traffic safety techniques or policies.

164.4(2) *Ineligible project costs.*

a. Any and all costs incurred prior to commission approval of funding for a project are ineligible.

b. Activities and costs not eligible for traffic safety improvement program funding within the site-specific improvements category include but are not limited to:

(1) Routine maintenance of a road, street, bridge, culvert or traffic control device.
(2) Contract administration costs.
(3) Design and construction engineering and inspection.
(4) Utility construction, reconstruction or adjustment, except as an integral part of a project.
(5) Sidewalks, shared-use paths, or railroad-highway crossings, except as an integral part of a project.
(6) Maintenance or energy costs for traffic control devices or lighting.
(7) Expenditures for items not related to the roadway.

c. Activities and costs not eligible for traffic safety improvement program funding within the traffic control devices category include but are not limited to:

(1) Maintenance or energy costs.
(2) Installation costs.

[**ARC 0214D**, IAB 4/15/26, effective 5/20/26]

761—164.5(307,312) Applications. Applications address funding needs in one of three categories: site-specific improvements, traffic control devices, or studies and outreach. Application procedures for each funding category are distinct.

164.5(1) *Site-specific improvements category.* Applications in the site-specific improvements category shall be submitted electronically on forms provided on the department's website. Required information includes:

a. The applicant's name, mailing address, telephone number, and a designated contact person.

b. A preliminary project concept statement, including a location map and a sketch plan. Concepts are to be developed using engineering principles and are to include details to generate project cost estimates.

c. Justification for the proposed construction project. Justification may be based on a location's crash history, a location's crash risk, or recommendations from a traffic study.

d. Data showing the anticipated effect of the project on traffic safety. Data shall include crash history based on the department's current crash analysis software and the anticipated crash reduction as a result of the project.

e. An itemized cost estimate for the project including a list of the sources and amounts of supplementary funds for the project. Safety-related work items and quantities shall be listed separately.

f. A time schedule for the project.

g. The jurisdiction's official endorsement, where applicable, of the project and written assurance that the improved site will be adequately maintained for a specified period of time.

164.5(2) *Traffic control devices category.* Applications in the traffic control devices category shall be submitted electronically on forms provided on the department's website. Required information includes:

a. The applicant's name, mailing address, telephone number, and a designated contact person.

b. A list of the number and types of devices requested, and whether each is for initial placement or a replacement.

c. Justification for the requested devices, including compliance with the applicable warrants in the MUTCD as adopted in rule 761—130.1(321).

d. A cost estimate.

e. A time schedule for installation.

f. The jurisdiction's official endorsement of the traffic control device project and written assurance that the traffic control device will be adequately maintained for a specified period of time.

164.5(3) *Studies and outreach category.* Applications in the studies and outreach category shall be submitted electronically on forms provided on the department's website. Required information includes:

a. The applicant's name, mailing address, telephone number and a designated contact person.

b. A description of the proposed subject matter and the goals or expected results of the effort.

c. A cost estimate.

d. A time schedule.

[**ARC 0214D**, IAB 4/15/26, effective 5/20/26]

761—164.6(307,312) Processing the application.

164.6(1) *Submission.*

a. The jurisdiction shall submit the complete application electronically to the traffic and safety bureau. An application may be submitted at any time.

b. Complete applications received before August 16 of each year will be evaluated for funding in the following state fiscal year.

c. An unfunded application may be resubmitted for consideration during a subsequent funding cycle.

d. An application may be withdrawn at any time.

164.6(2) *Approval of projects.* Department staff will prepare, with input from local officials, a proposed program of projects for each funding category and submit the programs to the commission for approval. The criterion for determining funding priorities in each category is the demonstrated relationship of the project to traffic safety.

[**ARC 0214D**, IAB 4/15/26, effective 5/20/26]

761—164.7(307,312) Project agreement.

164.7(1) After the commission has approved funding, a project agreement shall be negotiated and executed between the department and the jurisdiction. The agreement shall specify the following:

a. Conditions for project funding, which may include such items as the responsibility for planning, design, right-of-way, contracting, construction, materials inspection, documentation and the criteria for each.

b. The funding level for the eligible work items.

164.7(2) The department will reimburse the jurisdiction for actual eligible project costs not to exceed the amounts authorized by the project agreement.

[**ARC 0214D**, IAB 4/15/26, effective 5/20/26]

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CHAPTER 165
RECREATIONAL TRAILS PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/23/30

761—165.1(465B) General.

165.1(1) *Definitions.*

"Authority" means a state or local government agency, municipal corporation, county or nonprofit organization having authority and responsibility for a trail.

"Commission" means the state transportation commission.

"Recreational trail" means a thoroughfare or track across land or snow, used for recreational purposes, such as pedestrian activities, including wheelchair use; skating or skateboarding; equestrian activities, including carriage driving; nonmotorized snow trail activities, including skiing; bicycling or use of other human-powered vehicles; providing access to aquatic or water activities; and motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

"Recreational trails funds" means funds appropriated for the acquisition, construction, and improvement of recreational trails.

165.1(2) *Information and forms.* Information, instructions and application forms may be obtained from the Local Systems Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.239.1252; or through the department's website at www.iowadot.gov/systems_planning/Grant-Programs/-Federal-and-State-Recreational-Trails.

[**ARC 9009C**, IAB 3/19/25, effective 4/23/25]

761—165.2(465B) Program administration.

165.2(1) *Purpose.* The recreational trails program provides funds to establish recreational trails in Iowa for the use, enjoyment and participation of the public. The department administers the recreational trails fund as a statewide program.

165.2(2) *Funding.*

a. The commission is solely responsible for all funding commitments and determines the projects to be funded, subject to the availability of recreational trails funds. The commission may approve, modify, or deny an application. The commission may fund all or part of a project and may make funding conditional upon adherence to a time schedule or to fulfillment of an agreement.

b. The commission need not commit all funds available during a programming cycle. The commission may reserve unexpended or repaid funds for the next programming cycle or for anticipated present and future project needs and other contingencies.

c. Project costs that exceed the commission's funding commitment are not eligible for reimbursement from the recreational trails fund. Reimbursement for project costs is limited to the percentage match approved by the commission and actual eligible project costs incurred.

[**ARC 9009C**, IAB 3/19/25, effective 4/23/25]

761—165.3(465B) Applicant eligibility.

165.3(1) A state or local government agency, a municipal corporation, a county or a nonprofit organization is eligible to apply for and receive funds from the recreational trails program.

165.3(2) A private business or developer is not eligible to apply directly for funds from the recreational trails program.

[**ARC 9009C**, IAB 3/19/25, effective 4/23/25]

761—165.4(465B) Project eligibility.

165.4(1) *Public use.* The recreational trails program is limited to the acquisition, construction or improvement of recreational trails open for public use or trails that will be dedicated to public use upon completion. A private trail project or a project for a private purpose is not eligible for funding under this program.

165.4(2) *Criteria.* A proposed recreational trails project is to meet all of the following:

a. The project is to be part of a local, areawide, regional or statewide plan.

b. The trail route is to be designed to allow enjoyment of scenic views or points of historical interest and to maximize safety. The route may use existing roads, streets or parkways, if the normal flow of motor vehicle traffic will not be hindered; abandoned railroad corridors; utility corridors; or new right-of-way as necessary.

c. The project is to include a contribution of at least 25 percent matching funds.

d. Matching funds may include grants from other state agencies or programs if their laws and rules allow and the donation of in-kind labor, materials, equipment, and services from a third party. The department has the sole authority to determine the value of noncash contributions. The value of donated land may be an eligible matching contribution if:

(1) The land is donated after the commission's funding commitment, and

(2) The value is based on a real estate appraisal acceptable to the department. The appraisal is subject to review and approval by the department after a funding commitment has been made.

[**ARC 9009C**, IAB 3/19/25, effective 4/23/25]

761—165.5(465B) Eligible project costs.

165.5(1) *Land.* Land acquisition costs, including but not limited to appraisals, negotiation, compensation and cultural resources surveys necessary to comply with applicable local, state and federal laws, rules and regulations, are eligible project costs. Land may be acquired by lease, easement or fee simple and as allowed by Iowa Code section 6A.21. The performance of land negotiation and acquisition activities is not the responsibility of the department, although the department may provide advisory services.

165.5(2) *Other eligible costs.* Other project costs that are eligible for funding are limited to the following:

a. Trail surfacing, resurfacing, rehabilitation, modernization, upgrading and reconstruction, including pavement repairs and overlays and shoulder widening and stabilization; or initial trail construction, including grading, drainage, paving and erosion control.

b. Bridge and culvert repair, modernization, replacement or initial construction.

c. Roadway intersection and interchange improvements, including warranted traffic signalization that is an integral part of the project.

d. Construction or improvement of rest areas, information centers, waysides, permanent interpretive displays, lighting and rest rooms, including the costs of utility connections that are an integral part of the project.

e. Design engineering costs leading to construction plan development and construction inspection costs directly associated with the project.

f. Storm drainage and storm sewer costs to the extent needed for draining the trail.

g. Reconstruction or adjustment of utilities, including but not limited to water, sanitary sewer, electric, telephone, and natural gas when utilities are located on private property and replacement or relocation due to project construction is necessary; or said utilities are located in the public right-of-way and agreements in place allow for compensation to the utility if relocation is necessary.

h. Trail signs, fencing, landscaping, parking areas, and walkways.

[**ARC 9009C**, IAB 3/19/25, effective 4/23/25]

761—165.6(465B) Ineligible project costs.

165.6(1) *Before commission approval.* Any and all costs incurred prior to a funding commitment by the commission are ineligible for funding notwithstanding rule 761—165.7(465B).

165.6(2) *Other ineligible costs.* Other project costs that are ineligible for funding include but are not limited to the following:

a. Routine maintenance of a trail, bridge, culvert, fence or sign; winter maintenance of a trail or bridge, including but not limited to snow plowing, sanding, and salting.

b. Overhead and operating costs associated with a project, such as auditing, legal and administrative costs.

c. Expenses associated with the preparation and submission of a project application.

d. Predesign engineering, feasibility, or alignment studies and other planning expenses.

e. Utility construction, reconstruction or adjustment except for those activities or costs described in subrule 165.5(2).

f. Pavement markings, traffic signs, safety appurtenances or lighting except as an integral part of a trail project.

g. Purchases of office furnishings or equipment, construction or maintenance equipment, or personal property.

h. General government expenses and expenses associated with the provision of any public service that are not otherwise eligible for project funding.

[**ARC 9009C**, IAB 3/19/25, effective 4/23/25]

761—165.7(465B) Advance eligibility of land acquisition and preliminary design costs incurred prior to funding commitment by commission.

165.7(1) *Need for advance eligibility.* If there is extreme urgency involving land acquisition or preliminary design and a necessity to protect or preserve a project corridor or to proceed with the preparation of project construction plans prior to a recreational trails program funding commitment, a potential applicant may submit a written request to the department for a determination of advance eligibility to incur costs for land acquisition or preliminary design immediately. A determination of advance eligibility by the department will allow specified costs incurred prior to a funding commitment by the commission to be eligible for reimbursement with recreational trails program funding without jeopardizing the project's eligibility for funding approval but does not imply or guarantee that the commission will commit recreational trails program funding to a subsequent application.

165.7(2) *Request, justification and review.* The request is to be received by the department prior to the expenditure and is to include justification regarding the extreme urgency and necessity to incur costs prior to a recreational trails program funding commitment. A request for land acquisition is to also include a description of the land to be acquired, a summary of the estimated costs, and a map showing the parcels to be acquired. Preliminary design requests are to include a description of the project scope, location map, and proposed cross section. If the request will include consultant design costs, a draft agreement between the jurisdiction and the consultant is to be submitted that includes the scope of services to be rendered. Costs for recreational trails program application preparation and submission or project feasibility, route alignment studies or other planning expenses as cited in paragraphs 165.6(2)*"c"* and *"d"* remain ineligible for recreational trails program funding and are not to be included in a request for determination of advance eligibility. The department will review the submittal. The department will provide written confirmation of the determination of advance eligibility following receipt of a request consistent with this rule.

165.7(3) *Eligibility of costs for reimbursement.* Any cost incurred before the request is received by the department will be ineligible for reimbursement. Costs receiving a determination of advance eligibility are to be noted in the subsequent recreational trails program funding application submitted to the department. Land acquired or design work completed following a determination of advance eligibility will not be eligible for reimbursement with recreational trails program funds if the property acquired or design work completed is not necessary to construct the proposed recreational trails program project included in the subsequent application. Design costs receiving a determination of advance eligibility are not to exceed 10 percent of the total construction costs for the project. An application for funding that includes the expenditure is to be received by the department within two years following the determination of advance eligibility, or the costs may become ineligible for recreational trails program funding.

[**ARC 9009C**, IAB 3/19/25, effective 4/23/25]

761—165.8(465B) Application.

165.8(1) *Submission.* An eligible applicant is to complete and submit an application on a form and in the quantity prescribed by the department.

a. An eligible applicant may submit more than one application in a funding cycle.

b. Two or more eligible applicants may submit a joint application and are encouraged to do so when mutual action supports the development of the project. A joint application is to designate a lead applicant to serve as the principal contact with the department.

c. The application deadline is to be on the first day of the fiscal year for which funding has been provided to the program and any additional stated deadline as deemed necessary by the department to fully award program funding.

d. Applications are to be received by the department by the stated application deadline.

e. All applications for funding are to be complete. The department reserves the right to return an incomplete application to the applicant without further consideration for funding. An applicant may then submit a completed application for the next available funding cycle.

f. An application that is considered but not funded in one funding cycle may be resubmitted by the applicant for consideration in the next cycle.

165.8(2) *Contents of application.* Each application is to contain the following:

a. The applicant's name, mailing address, email address, and telephone number, and the contact person who will serve as liaison with the department.

b. A project concept statement, including a location map, a cross section and a sketch of the project intended to be constructed with program funds. The proposed project need not be designed before applying, but the concept is to be reasonable from a transportation engineering standpoint and detailed enough to generate project cost estimates.

c. An itemized cost estimate for the total project to be constructed, showing for each item the cost and funding source. When a project is part of a larger multiphase project, the application is to differentiate the costs and scope of the proposed construction project from the costs and scope of the overall multiphase project.

d. A time schedule for project completion. A time schedule adjustment may be approved by the department if the project involves unusually complex studies, extensive real estate negotiations, extensive analyses for environmental clearances, complex planning for associated developments, or another compelling reason.

e. An adequate justification for the recreational trails project based on the project eligibility criteria in subrule 165.4(2) and the evaluation criteria in subrule 165.9(2).

f. A formal resolution passed by the governing body of the responsible authority endorsing the application and the timeline for project completion provided therein. The resolution is to also state that the proposed trail project will be adequately maintained and made available for the intended public use for a minimum of 20 years after completion of the project and acknowledge intent to provide all funds necessary to complete the project beyond any funding award.

165.8(3) *Funding requests.* An applicant is to specify in the application the amount of grant funding requested from the recreational trails program and may offer a matching fund contribution larger than 25 percent.

[**ARC 9009C**, IAB 3/19/25, effective 4/23/25]

761—165.9(465B) Evaluation and approval.

165.9(1) The department will review each application, may verify the contents and may visit the trail site.

165.9(2) The department will evaluate each complete application primarily on the basis of whether the predicted use of the trail justifies the construction and maintenance costs, including but not limited to the following criteria:

a. Need, in terms of the population to be served and existing trails in the area.

b. Compatibility with local, areawide, regional or statewide plans.

c. Benefits of multiple uses and recreational opportunities.

d. Economic and tourism benefits to the local area.

e. Accessibility.

f. Project readiness for development.

g. Local match to be contributed to the project.

165.9(3) Completed applications are to be reviewed by a committee composed of representatives from state agencies with jurisdiction over transportation, tourism, cultural resources and natural resources. The committee is to recommend applications to the department by ranking them in order of funding priority.

165.9(4) The department is to prepare a list of applications and funding recommendations and present it to the commission for final approval and award of funding.

[**ARC 9009C**, IAB 3/19/25, effective 4/23/25]

761—165.10(465B) Project agreement.

165.10(1) After the commission has approved funding for a recreational trails project, the department enters into a project agreement with the applicant.

a. The agreement is to specify the responsibilities for project planning, design, land acquisition, contracting, construction and materials inspection, and documentation and the criteria for each. The agreement is to also specify the overall funding level approved and contain an estimated budget for eligible work items.

b. By executing the agreement, the applicant agrees to comply with all local, state and federal laws, rules and regulations that may apply to the project.

165.10(2) The department will reimburse the authority for actual eligible project costs incurred as specified in the agreement, not to exceed the amounts authorized by the project agreement.

165.10(3) Project expenditures incurred after the commission has made a funding commitment, but before execution of the agreement, are eligible for reimbursement if a project agreement is subsequently executed. Reimbursement is to be paid following execution of the project agreement.

165.10(4) The department may audit all project costs incurred for compliance with the agreement, including costs that are part of the matching contribution. All force account work performed by a county or city on the project is to be audited.

165.10(5) The department may revoke funding commitments, seek repayment of funds already reimbursed, or take both actions if:

a. The terms of the project agreement have not been fulfilled.

b. An agreement has not been signed within six months after the project sponsor receives the signature copy.

c. The department finds that the application contained inaccuracies, omissions, errors or misrepresentations.

d. The time schedule for project completion was misrepresented or has not been maintained.

[**ARC 9009C**, IAB 3/19/25, effective 4/23/25]

These rules are intended to implement Iowa Code chapter 465B.

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CHAPTERS 166 to 169
Reserved
LOCAL SYSTEMS

CHAPTER 170
ALLOCATION OF FARM-TO-MARKET ROAD FUNDS
[Prior to 6/3/87, Transportation Department[820]—(06,Q) Ch 16]
Rescinded **ARC 8243C**, IAB 10/2/24, effective 11/6/24

CHAPTER 171
Reserved

CHAPTER 172
AVAILABILITY OF INSTRUCTIONAL MEMORANDUMS
TO LOCAL PUBLIC AGENCIES
[Prior to 6/3/87, Transportation Department[820]—(06,Q) Ch 1]
Rescinded **ARC 8243C**, IAB 10/2/24, effective 11/6/24

CHAPTER 173
PREPARATION OF SECONDARY ROAD CONSTRUCTION PROGRAMS,
BUDGETS, AND COUNTY ANNUAL REPORTS
[Prior to 6/3/87, Transportation Department[820]—(06,Q) Ch 2]
Rescinded **ARC 8243C**, IAB 10/2/24, effective 11/6/24

CHAPTER 174
REIMBURSABLE SERVICES AND SUPPLIES
[Prior to 6/3/87, Transportation Department[820]—(06,Q) Ch 9]
Rescinded **ARC 8243C**, IAB 10/2/24, effective 11/6/24

CHAPTERS 175 to 177
Reserved

CHAPTER 178
PROJECT COST REPORTING REQUIREMENTS FOR CITIES AND COUNTIES

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/23/30

761—178.1(314) Purpose and contact information.

178.1(1) The purpose of these rules is to establish requirements for the reporting by cities and counties of project cost information to the department, in accordance with Iowa Code section 314.1A.

178.1(2) Questions regarding this chapter may be directed to the Local Systems Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010 or www.iowadot.gov/local_systems.

[**ARC 9010C**, IAB 3/19/25, effective 4/23/25]

761—178.2(309,314) Definitions.

"Bridge" means the same as defined in Iowa Code section 309.1.

"City" means a municipal corporation as defined in Iowa Code section 312.8 or 362.2.

"Construction" means the building or development of a road, street, bridge, or culvert in a new location when:

1. The new location deviates substantially from the existing alignment, and
2. The result is an entirely new road or street for the greater part of the length of the project.

"Culvert" means the same as defined in Iowa Code section 309.1.

"Day labor" means road, street, bridge, or culvert work, or materials that have not been subjected to bids. This includes work performed by permanent or temporary city or county employees, materials purchased by a city or county without taking formal bids, or contractor services that were not formally bid.

"Improvement" means a betterment to a road, street, bridge, or culvert. The work increases the value of the facility and enhances the facility, its traffic operations, or its safety beyond the original design. The work would not be so extensive as to be classified as construction or reconstruction, but it could involve rehabilitation, restoration, or resurfacing (3R) work.

"Reconstruction" means a significant change to the existing type of road, street, bridge, or culvert or its geometric or structural features. Some realignment and the use of current design criteria may be involved.

[**ARC 9010C**, IAB 3/19/25, effective 4/23/25]

761—178.3(309,312,314) Detailed instructions furnished to cities and counties.

178.3(1) Each year, the department provides cities and counties a set of detailed instructions for reporting the following information:

a. The cost of day labor and contracts for construction, reconstruction, and improvement projects on the farm-to-market, secondary road, and municipal street systems.

b. The cost of purchasing, leasing, and renting construction and maintenance equipment.

c. The use of this equipment for construction, reconstruction, and improvement projects on the farm-to-market, secondary road, and municipal street systems.

178.3(2) These instructions constitute the form, content, and method of preparation acceptable to the department. Cities and counties include this information in the annual reports they submit to the department under Iowa Code sections 309.22 and 312.14.

[**ARC 9010C**, IAB 3/19/25, effective 4/23/25]

761—178.4(314) Project reporting. Reporting of projects accomplished by day labor or contract is required for any construction, reconstruction, or improvement project that has a total cost of 90 percent or more of the applicable bid threshold. Other reporting requirements set out in the Iowa Code still apply.

178.4(1) *Types of projects.*

a. Bridge. Bridge project types include the following:

(1) Bridge. This project type includes removal of existing structures and all new construction, reconstruction, and improvement of bridges.

(2) Culvert. This project type includes new construction or installation of an individual box or pipe culvert with a span or diameter that is greater than 4 feet but no greater than 20 feet.

b. Road. Road project types include the following:

(1) Roadway construction. This project type includes but is not limited to all types of excavation, overhaul, clearing and grubbing, removal of pavement, and culverts included with grading.

(2) Surfaces. This project type includes but is not limited to:

1. Hot mix asphalt and Portland cement concrete pavements and overlays on roads, streets and shoulders.

2. Stabilized bases and granular surfacing on new grades.

(3) Roadside construction. This project type includes but is not limited to:

1. Erosion control structures, such as check dams and letdown structures.

2. Landscape treatments, such as seedbed preparation, seeding, sodding, mulching, fertilizing, and planting of shrubs and trees on newly graded roads.

3. Construction of shoulders on paved roads and rebuilding or raising entrances due to shoulder construction.

(4) Traffic control. This project type includes but is not limited to installation of major signs, traffic signals, railroad crossing signals, guardrail, roadway lighting, construction signing, and pavement markings on newly paved roads and streets.

(5) Miscellaneous. This project type includes but is not limited to construction, reconstruction, or installation of storm sewers, subdrains, retaining walls, noise barriers, and sidewalks.

178.4(2) *Contract work.* The cost of contract work on a project is the contract price plus additions and deductions.

178.4(3) *Day labor.* The cost of day labor on a project includes the following expenditures:

a. Labor. Labor cost includes the wages of city or county employees for their time devoted to the project, plus corresponding fringe benefits, such as but not limited to IPERS, FICA, and insurance.

b. Equipment. Equipment cost is calculated based on the equipment used on the project and the time the equipment is used. If an item of equipment is rented or leased, its rental or lease rate may be used to calculate cost. If an item of equipment is not rented or leased, its cost is to be calculated using the standard rate established by the department for that type of equipment or using a city- or county-established rate based on actual expense data. The department establishes equipment rates each year based on the latest "Rental Rate Blue Book for Construction Equipment."

c. Materials. Materials cost is the cost of materials and supplies consumed or expended on the project. The materials and supplies may be procured directly for the project or charged to the project from stock on hand. The cost of used material is its salvage value.

d. Overhead. Overhead cost is the pro rata share of indirect costs to be allocated to day labor projects. Indirect costs are the city's or county's road- or street-related costs that cannot be charged directly to any project. The city or county may use its records to calculate the cost of overhead, or it may use a standard overhead rate of 10 percent of the labor cost, excluding fringe benefits.

[**ARC 9010C**, IAB 3/19/25, effective 4/23/25]

These rules are intended to implement Iowa Code sections 309.1, 309.22, 309.93, 312.14, 314.1 and 314.1A.

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CHAPTER 179
Reserved

CHAPTER 180
QUOTATION PROCESS FOR GOVERNMENTAL ENTITIES FOR PUBLIC IMPROVEMENT FOR VERTICAL INFRASTRUCTURE

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/21/30

761—180.1(26,314) Purpose and contact information.

180.1(1) The purpose of these rules is to prescribe the manner by which governmental entities are to administer competitive quotations for contracts pertaining to a public improvement for vertical infrastructure in accordance with Iowa Code section 26.14.

180.1(2) Questions regarding this chapter may be directed to the Resources and Acquisitions Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.239.1170.

[**ARC 9131C**, IAB 4/16/25, effective 5/21/25]

761—180.2(26,314) Definitions.

"Estimated total cost" means the same as defined in Iowa Code section 26.2.

"Governmental entity" means the same as defined in Iowa Code section 26.2.

"Public improvement for vertical infrastructure" is a "public improvement" as defined in Iowa Code section 26.2(3)*"a"* and *"b"* but excludes those improvements in Iowa Code section 26.2(3)*"b"*(1) through 26.2(3)*"b"*(6).

"Responsible quotation" means a quotation submitted by a contractor who is capable of performing the work. To be considered responsible, the contractor must possess the necessary financial and technical capability to perform the work as well as the ability to complete the work as demonstrated by past performance or other appropriate considerations.

"Responsive quotation" means a quotation in which the contractor agrees to do everything required by the governmental entity's solicitation of quotations and by the plans and specifications and other related documents without any conditions, qualifications or exclusions.

[**ARC 9131C**, IAB 4/16/25, effective 5/21/25]

761—180.3(314,573) Solicitation of quotations.

180.3(1) A governmental entity is to solicit competitive quotations for a public improvement for vertical infrastructure when the estimated total cost of the public improvement for vertical infrastructure exceeds the competitive quotation threshold established in Iowa Code section 26.14, as adjusted pursuant to Iowa Code section 314.1B, but is less than the competitive bid threshold established in Iowa Code section 26.3, as adjusted pursuant to Iowa Code section 314.1B. The adjusted thresholds are published on the department's website at www.iowadot.gov.

180.3(2) The governmental entity is to make a good-faith effort to obtain quotations for the work from at least two contractors regularly engaged in such work prior to letting a contract. Quotations are to be obtained by means of either an oral or a written solicitation directed to not less than two contractors.

180.3(3) Each solicitation is to include a description of the work to be performed, and plans and specifications for the work prepared by an architect or engineer if required by Iowa Code chapter 542B or 544A (additional guidelines can be found in 193B—Chapter 5 or rule 193C—1.5(542B). In its solicitation, the governmental entity is to advise each contractor that it has an opportunity to inspect the work site. Each contractor requesting to inspect the work site is to be provided an equal and adequate opportunity to do so.

180.3(4) Additional information deemed pertinent by the governmental entity, or requested by a contractor, may be provided by the governmental entity if the same information is provided to all contractors from which quotations are solicited. If the information is provided in written form to a contractor, it is to be provided in the same form to all contractors from which quotations are solicited.

180.3(5) In its solicitation, the governmental entity is to:

a. Specify the required form and content of quotations (more information can be found in rule 761—180.5(314)).

b. Request quotations to be filed by a particular time, at a particular location and with a particular office or representative of the governmental entity.

c. Establish the acceptable method(s) for delivery of quotations. The governmental entity may specify any or all of the following methods of delivery: mail, electronic mail, or delivery in-hand.

180.3(6) In accordance with Iowa Code section 573.2, the governmental entity is to utilize the solicitation to inform quoting contractors that the awarded contractor is to provide a performance and payment bond to secure the performance and timely completion of the work and to secure the payment of subcontractors and suppliers.

180.3(7) In its solicitation, the governmental entity may stipulate that each quoting contractor:

a. Provide along with its quotation a bid bond, or other bid security or evidence of its responsibility, to ensure that it will enter into a contract to perform the work and that it will provide the necessary performance and payment bond.

b. Commit to the execution of a contract for the work.

c. Commit to commencement and completion dates for the work as directed by the governmental entity.

d. File evidence of insurance, as specified by the governmental entity, with its quotation, or commit to filing such evidence of insurance upon award of the contract to perform the work.

180.3(8) In its solicitation, the governmental entity may provide that it will issue special sales tax exemption certificates to contractors and subcontractors pursuant to Iowa Code section 423.3(80).

[**ARC 9131C**, IAB 4/16/25, effective 5/21/25]

761—180.4(314) Submission of competitive quotation by governmental entity. The governmental entity may itself file a competitive quotation to perform the work. The governmental entity's quotation is to be filed in the same manner as quotations are to be filed by contractors except as provided in subrule 180.5(3).

[**ARC 9131C**, IAB 4/16/25, effective 5/21/25]

761—180.5(314) Form and content of competitive quotations.

180.5(1) A competitive quotation filed by a contractor or by the governmental entity is to be in writing and include the total price for labor, equipment, materials and supplies necessary to perform the work. A contractor may include in its quotation or in individual quotation items a breakdown of costs for labor, materials, equipment and supplies. Competitive quotations filed by contractors are to include all other information, documentation or commitments requested by the governmental entity in its solicitation of quotations.

180.5(2) If the governmental entity in its solicitation indicates its intention to file a competing quotation, contractors are to also separately identify in their quotations the premium cost for the necessary performance and payment bond and an estimate of the sales and fuel taxes they will incur in performing the work. However, if in its solicitation the governmental entity provides for the issuance of sales tax exemption certificates to the contractor and subcontractors performing the work, quoting contractors are not to include or separately identify estimated sales tax in their quotations.

180.5(3) A quotation submitted by a governmental entity need not include the information, documents or commitments in subrule 180.3(7). A performance and payment bond is not mandatory for a governmental entity.

180.5(4) The governmental entity may insist that quotations from contractors be submitted on a form prescribed by the governmental entity, provided the form complies with these rules.

[**ARC 9131C**, IAB 4/16/25, effective 5/21/25]

761—180.6(314) Evaluation of competitive quotations.

180.6(1) If a quoting contractor does not file a quotation in the form specified by the governmental entity, or does not provide all information or documentation or make all commitments requested by the governmental entity, or does not sign the quotation if required by the governmental entity, the quotation will be determined to be nonresponsive and be rejected by the governmental entity.

180.6(2) If the governmental entity submits a quotation to perform the work, paragraphs 180.6(2)*"a"* through *"c"* are applicable. If the governmental entity does not submit a quotation, these paragraphs do not apply.

a. Because the governmental entity is not required to pay sales tax or fuel tax or to submit a performance and payment bond in connection with work performed by governmental employees using governmental equipment, each contractor's total quotation is to be adjusted to deduct the amounts identified in the quotation for estimated sales and fuel taxes and the bond premium. The amount of each contractor's adjusted quotation is to then be compared to the amount of the quotation submitted by the governmental entity for the purpose of determining if the governmental entity's quotation is the lowest responsive, responsible quotation.

b. If in its solicitation the governmental entity provides for the issuance of sales tax exemption certificates to the contractor and subcontractors performing the work, quoting contractors are not to include or separately identify estimated sales tax in their quotations, and the governmental entity is not to deduct estimated sales tax from the contractors' quotations for the purpose of determining if the governmental entity's quotation is the lowest responsive, responsible quotation.

c. The governmental entity may request that the contractor to which the work is awarded provide documentation of the premium cost incurred by it for the performance and payment bond and of all sales and fuel taxes paid by it and its subcontractors in connection with the work. The governmental entity may decline to pay the amounts identified by the contractor in its quotation for the bond premium and estimated sales and fuel taxes if these amounts are not properly documented as having been paid.

[**ARC 9131C**, IAB 4/16/25, effective 5/21/25]

761—180.7(314) Award of contract and subsequent procedures.

180.7(1) Except as provided in subrule 180.7(3), the governmental entity is to award the contract for the work to the contractor submitting the lowest responsive, responsible quotation, subject to Iowa Code section 26.9, or the governmental entity may reject all of the quotations. A contract is to be considered awarded when the governmental entity unconditionally accepts and approves the lowest responsive, responsible quotation. The governing body of the governmental entity is to record the approved quotation in its meeting minutes.

180.7(2) The governing body of a governmental entity may delegate the authority to award and execute contracts, or to award contracts and authorize the work to proceed, to an officer or employee of the governmental entity, provided that an award approved outside a meeting of the governing body is to be reported in the meeting minutes of the next regular meeting of the governing body.

180.7(3) If no quotations are received from contractors to perform the work or if the governmental entity's estimated cost to do the work with its employees, as reflected in its quotation, is less than the lowest responsive, responsible quotation received from a contractor, the governmental entity may authorize its employees to perform the work.

180.7(4) Upon the submission of the necessary performance and payment bond by the contractor to which the contract has been awarded and upon approval of the bond by the governmental entity, the governmental entity is to execute a contract to perform the work or shall authorize the contractor to proceed with the work.

180.7(5) Upon execution of the contract by the contractor and the governmental entity or upon authorization to proceed by the governmental entity and acknowledgment thereof by the contractor, the governmental entity releases the bid bonds or other quotation security submitted with the quotations received.

180.7(6) If the governmental entity is a city and the cost of the work will exceed the amount provided for in Iowa Code section 380.4, the governing body is to pass a resolution approving the expenditure.

[**ARC 9131C**, IAB 4/16/25, effective 5/21/25]

761—180.8(314,573) Retained funds. In addition to requiring the contractor to submit a performance and payment bond, the governmental entity also retains funds from each payment to the contractor for the benefit of subcontractors and suppliers, and applies or releases such funds, in accordance with Iowa Code chapter 573.

[**ARC 9131C**, IAB 4/16/25, effective 5/21/25]

These rules are intended to implement Iowa Code sections 26.2, 26.14, 314.1A, 314.1B, 573.2 and 573.28.

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[Filed ARC 3448C (Notice ARC 3269C, IAB 8/30/17), IAB 11/8/17, effective 12/13/17]
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[Filed ARC 9131C (Notice ARC 8490C, IAB 12/11/24), IAB 4/16/25, effective 5/21/25]

CHAPTER 181
STATEWIDE STANDARD FOR PERMITTING CERTAIN IMPLEMENTS OF HUSBANDRY

Rescinded **ARC 9965C**, IAB 1/7/26, effective 2/11/26

CHAPTERS 182 to 200
Reserved

CHAPTER 201
INTERMODAL PILOT PROJECT PROGRAM

Rescinded **ARC 6488C**, IAB 9/7/22, effective 10/12/22

CHAPTERS 202 to 300
Reserved

VEHICLES

CHAPTER 301
DRIVER'S PRIVACY PROTECTION—MOTOR VEHICLE RECORDS

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/21/30

761—301.1(321) Applicability and adoption. This chapter applies to personal information and highly restricted personal information in motor vehicle records of the department. The department adopts the Driver's Privacy Protection Act of 1994 (18 U.S.C. §2721 and 2725 effective as of October 23, 2000, and 18 U.S.C. §2722 through 2724 effective as of September 13, 1994) for motor vehicle records. The department does not provide the waiver procedure described in the Driver's Privacy Protection Act (codified as 18 U.S.C. §2721(d) effective as of October 23, 2000).

This rule is intended to implement Iowa Code section 321.11; 18 U.S.C. §2721 and 2725 effective as of October 23, 2000; and 18 U.S.C. §2722 through 2724 effective as of September 13, 1994.

[**ARC 9132C**, IAB 4/16/25, effective 5/21/25]

761—301.2(321) Definitions. The definitions in Iowa Code section 321.1 and 18 U.S.C. §2725 effective as of October 23, 2000, are hereby adopted and incorporated. In addition:

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

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

"Express written consent" as used in Iowa Code section 321.11 means the same as "express consent" as defined in 18 U.S.C. §2725(5) effective as of October 23, 2000, and must either be notarized or accompanied by proof of identity of the requester.

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

"Motor vehicle record" as used in the Driver's Privacy Protection Act and this chapter means any record that pertains to a driver's license, nonoperator's identification card, certificate of title, registration receipt, or registration renewal receipt issued by the department or a county treasurer. This also includes information on individuals who do not currently hold a driver's license or nonoperator's identification card, including but not limited to operating records and records of driver sanctions.

"Proof of identity" means a copy of the individual's driver's license or nonoperator's identification card issued by the department or another state, the document discriminator number of a driver's license or nonoperator's identification card issued by the department, or an alternate form approved by the department.

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

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

This rule is intended to implement Iowa Code sections 321.1 and 321.11; 18 U.S.C. §2721 and 2725 effective as of October 23, 2000; and 18 U.S.C. §2722 through 2724 effective as of September 13, 1994.

[**ARC 9132C**, IAB 4/16/25, effective 5/21/25]

761—301.3(321) Information and addresses. Information and forms for records pertaining to motor vehicle records may be obtained at any driver's license service center or by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.237.3110; by email at privacy.agreements@iowadot.us; or on the department's website at www.iowadot.gov/mvd/vehicleregistration/records for vehicle records and www.iowadot.gov/mvd/driverslicense/records for driving records.

This rule is intended to implement Iowa Code section 321.11.

[**ARC 9132C**, IAB 4/16/25, effective 5/21/25]

761—301.4(321) Requirements and procedures.

301.4(1) A requester seeking personal information or highly restricted personal information is required to:

a. Complete Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," and submit the form to any driver's license service center or the motor vehicle division at the address in rule 761—301.3(321). Requests for information about another individual require completion of Parts A, B (if applicable), C, and D of Form 431069. Requests for an individual's own information require completion of Part A.

b. Provide proof of identity and proof of eligibility to access the information. The department may request additional information to confirm that the requester is eligible under Iowa Code section 321.11; 18 U.S.C. §2721 and 2725 effective as of October 23, 2000; 18 U.S.C. §2722 through 2724 effective as of September 13, 1994; and this chapter to access the information.

301.4(2) A law enforcement agency that requests personal information or highly restricted personal information is to either follow the process in subrule 301.4(1) or complete and submit Form 431200, "Certified Motor Vehicle Record Request Form for Use by County Attorney's Offices and Law Enforcement Agencies," to any driver's license service center or the motor vehicle division at the address in rule 761—301.3(321). Alternately, a law enforcement agency may enter into a memorandum of understanding with the department for the purposes of requesting personal information or highly restricted personal information.

301.4(3) Personal information and highly restricted personal information, except for an individual's photograph or image, may be disclosed with the express written consent of the individual or vehicle owner to whom such information applies. When the requester has obtained the written consent of the individual or vehicle owner to whom the information applies, the requester must attach that written consent on a completed Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," and submit the form to any driver's license service center or the motor vehicle division at the address in rule 761—301.3(321).

301.4(4) The statutory fee, if applicable, is due at the time the request for a motor vehicle record is submitted.

301.4(5) Requested information will be provided to the requester electronically unless the requester specifies otherwise. The department shall not release any personal information or highly restricted personal information if the request is made by plate number or validation sticker number, except as provided in Iowa Code section 321.11.

301.4(6) All requesters who obtain personal information or highly restricted personal information from the department are required to comply with Iowa Code section 321.11 and the Driver's Privacy Protection Act.

301.4(7) The department may also enter into a memorandum of understanding with an authorized requester for purposes of disclosing personal information or highly restricted personal information.

This rule is intended to implement Iowa Code sections 321.10, 321.11 and 321.13; 18 U.S.C. §2721 and 2725 effective as of October 23, 2000; and 18 U.S.C. §2722 through 2724 effective as of September 13, 1994.

[**ARC 9132C**, IAB 4/16/25, effective 5/21/25]

761—301.5(321) Online motor vehicle records access. Online access to motor vehicle records may be available to recurring authorized requesters upon approval by the department and upon payment of any applicable fees. The requester must complete and submit Form 430030 using a method provided for in rule 761—301.3(321), including any required attachments.

This rule is intended to implement Iowa Code section 321.11; 18 U.S.C. §2721 and 2725 effective as of October 23, 2000; and 18 U.S.C. §2722 through 2724 effective as of September 13, 1994.

[**ARC 9132C**, IAB 4/16/25, effective 5/21/25]

761—301.6(321,321A) Certified abstract of operating records.

301.6(1) A certified abstract of the operating record includes the information that is on the face of an individual's driver's license, plus information on the individual's sanctions, reportable vehicle accidents,

and convictions. The certified abstract of operating record does not include the individual's photograph, social security number, or medical or disability information.

a. In accordance with Iowa Code section 321A.3, a certified abstract of operating record can be obtained by following the process outlined in rule 761—301.4(321).

b. The statutory fee, if applicable, is due at the time of the request.

301.6(2) The single-use restriction in Iowa Code section 321A.3(8) applies only to the certified abstract of operating records and to persons who are subject to the fee listed in Iowa Code section 321A.3(1).

301.6(3) Any person who obtains a certified abstract of operating record from the department is required to comply with Iowa Code section 321.11 and the Driver's Privacy Protection Act.

This rule is intended to implement Iowa Code sections 321.11, 321.13 and 321A.3; 18 U.S.C. §2721 and 2725 effective as of October 23, 2000; and 18 U.S.C. §2722 through 2724 effective as of September 13, 1994.

[**ARC 9132C**, IAB 4/16/25, effective 5/21/25]

761—301.7(321) Fees for records. In addition to the statutory fees, the following fees related to motor vehicle records of the department provided pursuant to Iowa Code section 321.10 or 321.11 may include:

301.7(1) A $5 fee for an audio recording of a contested case hearing.

301.7(2) A $0.0003-per-record or -line of data bulk data request fee. However, no fee will be assessed to requesters that are government entities.

301.7(3) A one-time programming set-up fee for online data access or electronic data transfers, not to exceed the costs incurred in the set-up.

301.7(4) Fees commensurate with file size and complexity for other data file requests.

This rule is intended to implement Iowa Code sections 321.10 and 321.11.

[**ARC 9132C**, IAB 4/16/25, effective 5/21/25]

[Filed ARC 6060C (Notice ARC 5921C, IAB 9/22/21), IAB 12/1/21, effective 1/5/22]

[Editorial change: IAC Supplement 3/19/25]

[Filed ARC 9132C (Notice ARC 8484C, IAB 12/11/24), IAB 4/16/25, effective 5/21/25]

CHAPTERS 302 to 379
Reserved

CHAPTER 380
MOTOR VEHICLES OPERATED BY AN AUTOMATED DRIVING SYSTEM

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/23/30

761—380.1(321) Applicability. This chapter applies to driverless-capable motor vehicles operated by an automated driving system.
[**ARC 9011C**, IAB 3/19/25, effective 4/23/25]

761—380.2(321) Definitions. The definitions in Iowa Code section 321.514 are adopted and incorporated herein. In addition:

"Conventional human driver" means the same as defined in Iowa Code section 321.514 but does not include a driverless-capable vehicle passenger.

"Driverless-capable vehicle" as defined in Iowa Code section 321.514 means the vehicle meets the criteria for automation classification of Level 3, Level 4, or Level 5 as established in the April 30, 2021, edition of "Taxonomy and Definitions for Terms Related to Driving Automated Systems for On-Road Motor Vehicles" by the Society of Automotive Engineers (SAE), which is accessible by web link on the department's website listed under rule 761—380.3(321).

"Driverless-capable vehicle passenger" means a person who does not control the in-vehicle accelerating, braking, steering, and transmission gear selection input devices in order to operate a motor vehicle and who is not otherwise expected to respond to a request to intervene issued by the automated driving system of a driverless-capable vehicle.

"SAE" means the Society of Automotive Engineers, which is an international association reputed for its standards development efforts, including its efforts to standardize definitions of driving automation systems.
[**ARC 9011C**, IAB 3/19/25, effective 4/23/25]

761—380.3(321) Information and addresses. Information and forms pertaining to driverless-capable vehicles may be obtained by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.237.3156; by email at central.vehicle@iowadot.us; or on the department's website at: www.iowadot.gov/automatedtransportation/Policies-Procedures.
[**ARC 9011C**, IAB 3/19/25, effective 4/23/25]

761—380.4(321) Registration of driverless-capable vehicles.

380.4(1) Upon registration of a driverless-capable vehicle under 761—subrule 400.3(16) or notification of a vehicle modification under 761—subrule 400.21(5), the department will notate the vehicle's SAE level of automation in the records system established under Iowa Code section 321.31. Any changes to the SAE level of automation are to be reported to the department by the vehicle owner, or manufacturer on behalf of the owner.

380.4(2) Upon request, the vehicle owner, or manufacturer on behalf of the owner, is to provide to the department the vehicle's operational design domain and associated operational capabilities, which the department may review to impose operational restrictions as provided in rule 761—400.21(321) as a condition of registration of the vehicle. Any subsequent material changes to the vehicle's operational design domain and associated operational capabilities related to any previously imposed operational restrictions are to be submitted to the department in order to determine whether the previously imposed operational restrictions should be modified or removed as a result of such changes.
[**ARC 9011C**, IAB 3/19/25, effective 4/23/25]

761—380.5(17A,321) Driverless-capable vehicle exemption.

380.5(1) *Application.* The owner, or manufacturer on behalf of the owner, of a driverless-capable vehicle seeking an exemption under Iowa Code section 321.515(1)*"b"* may apply to the department to allow driverless operation of the vehicle. Applications are to be made on a form prescribed by the department and are to include:

a. Identification of the laws or regulations from which the driverless-capable vehicle is seeking an exemption.

b. Information describing how the vehicle will be operated under the exemption without posing a safety risk to the public.

380.5(2) *Issuance and display of exemption.* An exemption may be issued, subject to any operational restrictions as provided under rule 761—400.21(321), if the department has sufficient information to determine a public safety risk does not exist. The department will provide written notice of the exemption to the vehicle owner, and if applicable, to the manufacturer. The notice shall be maintained at all times in the driverless-capable vehicle and made available for display to any peace officer upon request.

380.5(3) *Revocation and reinstatement.*

a. The department may revoke a driverless-capable vehicle exemption in any of the following circumstances:

(1) If the exemption has been issued in conflict with the statutes or rules governing the exemption's issuance.

(2) If the exemption was issued based on false information.

(3) If there was a violation of Iowa Code sections 321.514 through 321.519, 761—Chapter 400 or this chapter.

(4) If the vehicle operating under the exemption is involved in a contributive motor vehicle accident attributable to the automated driving system performance in this or any other state and that accident results in death or serious injury.

(5) If the vehicle is operated in violation of any of the motor vehicle laws of this or any other state that results in death or serious injury.

b. For incidents occurring outside the state of Iowa, revocation may only occur once the investigation of the incident is completed, and the vehicle's automated driving system performance was found to be involved in or contributive to a motor vehicle accident that resulted in a death or serious injury. The effective date of the suspension or revocation shall be 20 days after the department has mailed notice of the revocation to the vehicle owner, and manufacturer if applicable, by first class mail. To reinstate the exemption, the vehicle owner, or manufacturer on behalf of the owner, is to reapply for the exemption.

380.5(4) *Hearings.* A vehicle owner, or manufacturer on behalf of the owner, whose driverless-capable vehicle exemption has been revoked may contest the revocation in accordance with Iowa Code chapter 17A and 761—Chapter 13. The request for a hearing must be submitted to the director of the motor vehicle division at the address in rule 761—380.3(17A). The request will be deemed timely if it is delivered or postmarked on or before the effective date specified in the notice. The department will stay the revocation for the duration of the hearing proceedings.

[**ARC 9011C**, IAB 3/19/25, effective 4/23/25]

761—380.6(321) Submission in aggregate. Information or application reported or submitted by a manufacturer on behalf of the owner to the department under rule 761—380.4(321) or rule 761—380.5(17A,321) may be reported or submitted in aggregate by vehicle make and model.

[**ARC 9011C**, IAB 3/19/25, effective 4/23/25]

These rules are intended to implement Iowa Code chapter 17A and sections 321.1, 321.16, 321.20, 321.31, 321.381, 321.482, and 321.514 through 321.519.

[Filed ARC 5893C (Notice ARC 5621C, IAB 5/19/21), IAB 9/8/21, effective 10/13/21]

[Filed ARC 9011C (Notice ARC 8389C, IAB 11/27/24), IAB 3/19/25, effective 4/23/25]

CHAPTERS 381 to 399
Reserved

CHAPTER 400
VEHICLE REGISTRATION AND CERTIFICATE OF TITLE

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

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

761—400.1(307,321,322,554) Definitions. The definitions in Iowa Code section 321.1 are hereby made part of this chapter. In addition, the following words and phrases, when used in Iowa Code chapter 321 or this chapter, shall have the meanings respectively ascribed to them, except when the context otherwise requires.

"Certificate of title" means a document issued by the appropriate official that contains a statement of the owner's title, the name and address of the owner, a description of the vehicle, a statement of all security interests and additional information required under the laws or rules of the jurisdiction in which the document was issued, and that is recognized as a matter of law as a document evidencing ownership of the vehicle described. The terms "title certificate," "title only," and "title" are synonymous with the term "certificate of title."

"Dealer's or manufacturer's inventory" means all vehicles owned by a dealer that are being held for sale or trade and for which the dealer has a duly assigned ownership document as required by Iowa Code section 321.45.

"Driverless-capable vehicle" means the same as defined in rule 761—380.2(321).

"Electric vehicle annual registration fee" means an annual registration fee for a battery electric or plug-in hybrid electric motor vehicle as provided in Iowa Code sections 321.116 and 321.117. Unless otherwise provided, for purposes of this chapter, any reference to a registration fee, a penalty, or a registration fee and penalty shall also include an annual registration fee, penalty, or registration fee and penalty for a battery electric or plug-in hybrid electric motor vehicle.

"Electronic" means as defined in Iowa Code section 554D.103.

"Electronic lien and title" or *"ELT"* means an information technology system authorized by the department for the purpose of providing an electronic record of the certificate of title to a security interest holder in order to subject a vehicle to an electronic lien and to allow for the submission and receipt of forms related to security interests through electronic means as described in Iowa Code section 321.50.

"Electronic record" means as defined in Iowa Code section 554D.103.

"Electronic signature" means as defined in Iowa Code section 554D.103.

"End user" means a person or entity that directly uses the services of an ERT service provider to submit an electronic application for certificate of title or registration of a vehicle.

"ERT" means the electronic registration and title program.

"ERT service provider" means a person or entity authorized by the department to submit electronic applications for certificate of title or registration of a vehicle on behalf of an end user to a county treasurer.

"Farm trailer" means a trailer used exclusively by a farmer in the conduct of the farmer's agricultural operation. The term shall not include a "semitrailer."

"Final-stage manufacturer" means as defined in Iowa Code section 322.2.

"Half-year fee" means the first semiannual installment of an annual registration fee under Iowa Code section 321.134(2) for a heavy weighted truck when the registration month is December but does not include an electric vehicle annual registration fee. The term "half-year registration" is synonymous with the term "half-year fee."

"Hearse" means a motor vehicle used exclusively to transport a deceased person.

"Lien" means an interest in a vehicle that secures payment or performance of an obligation. The term "security interest" is synonymous with the term "lien."

"Manufacturer's certificate of origin" means a certification signed by the manufacturer, distributor or importer that the vehicle described has been transferred to the person or dealer named and that the transfer is the first transfer of the vehicle in ordinary trade and commerce.

1. The terms "manufacturer's statement," "importer's statement or certificate," "MSO" and "MCO" are synonymous with the term "manufacturer's certificate of origin."

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

3. For 1992 and subsequent model year vehicles, the form used for manufacturers' certificates of origin shall conform with the American Association of Motor Vehicle Administrators (AAMVA) Appendix B: Recommended Specifications and Security Features for a Manufacturers Certificate of Origin effective 2023. This requirement does not apply to trailer-type vehicles.

"Model year," except where otherwise specified, means the year certified by the manufacturer. For purposes of titling and registration, the model year shall advance one year each January 1.

"Registered" means that the appropriate registration fee has been paid for a vehicle and a registration receipt evidencing payment has been issued to the owner.

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

"Security interest" means an interest in a vehicle that secures payment or performance of an obligation. The term "lien" is synonymous with the term "security interest."

"Signature" unless otherwise specified shall include a signature in ink or an electronic signature as provided in Iowa Code section 554D.103(8). A requirement to sign a document unless otherwise specified shall allow for a signature in ink or an electronic signature.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.1, 321.8, 321.20, 321.23, 321.24, 321.40, 321.45, 321.50, 321.116, 321.117, 321.123, 321.134, 321.157 and 322.2 and chapter 554D.
[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.2(307,321,322) Vehicle registration, certificate of title, receipt, validation sticker and registration plates—general provisions.

400.2(1) *Vehicles subject to registration.*

a. A vehicle subject to registration under the laws of Iowa shall be required to be registered from the time the vehicle is first operated or moved upon a highway in this state.

b. The department shall not register the following:

(1) An all-terrain vehicle.

(2) A vehicle built on or after January 1, 1968, unless it was manufactured primarily for use on public streets, roads and highways except a vehicle operated exclusively by a person with a disability, which may be registered if the department, in its discretion, determines that the vehicle is not in an unsafe condition. This subparagraph does not apply to a vehicle that is specially constructed, a reconstructed street rod or a replica vehicle as defined in Iowa Code section 321.1.

400.2(2) *Vehicles exempt from titling or registration.* No certificate of title will be issued for a vehicle that is exempt from the titling or registration provisions of Iowa Code chapter 321 unless issuance of a certificate of title is specifically authorized in Iowa Code chapter 321 or as provided in 761—Chapter 410.

400.2(3) *Issuance of a certificate of title, receipt, validation sticker and registration plates upon payment of registration fees.* Except as otherwise provided in Iowa Code chapter 321 or this chapter, the current year registration fee and any delinquent registration fees and penalties, if any, shall be paid prior to issuance of a certificate of title, receipt, validation sticker and registration plates.

400.2(4) *Trailers with an empty weight of 2,000 pounds or less.* No certificate of title will be issued for trailers with an empty weight of 2,000 pounds or less.

400.2(5) *Vehicles owned by the government.* A certificate of title shall be issued for a vehicle owned by the government that is otherwise required to be titled. However, vehicles owned by the government are exempted from registration and titling fees.

400.2(6) *Vehicles leased by the government.* Vehicles leased by the government for a period of 60 days or more are exempted from payment of registration fees. A copy of the lease agreement, certificate of lease, or other evidence that the vehicle is being leased by the government shall be required. However, the lessor is not exempted from the requirements for obtaining a certificate of title as set out in Iowa Code chapter 321 and these rules, including payment of the appropriate certificate of title fee.

400.2(7) *Private school buses, fire trucks, authorized emergency vehicles, and transit buses.* In accordance with Iowa Code sections 321.18, 321.19 and 321.22, private school buses, fire trucks not owned or operated for a pecuniary profit, certain authorized emergency vehicles owned and operated by nonprofit organizations, and urban and regional transit system buses are exempt from the payment of registration fees. However, these vehicles are not exempt from the requirements for obtaining a certificate of title as set out in Iowa Code chapter 321, including payment of the appropriate certificate of title fee.

400.2(8) *Plates for exempted vehicles.* The department, upon application, issues plates for exempted vehicles under subrules 400.2(5), 400.2(6) and 400.2(7) in accordance with the requirements in Iowa Code sections 321.18, 321.19, 321.22 and 321.170, as applicable, and this chapter. As authorized by Iowa Code sections 8A.361 and 8A.362(7), the department of administrative services may order the issuance of regular registration plates for exempted vehicles assigned to the department of administrative services. The following process applies to regular registration plates issued to an exempted vehicle under Iowa Code section 321.19(1)*"c"*:

a. The requesting agency under Iowa Code section 321.19(1)*"c,"* other than the department of administrative services, files an application with the department in the form and manner prescribed by the department and certifies the authorized purpose for which issuance of the registration plates for an exempted vehicle is requested.

b. The plates shall be assigned to a specific vehicle. The requesting agency shall notify the department within ten days of assigning the plates to another vehicle.

c. In accordance with Iowa Code section 321.19, the department maintains separate records of regular registration plates issued to exempted vehicles, which are available in a manner that allows law enforcement and other persons authorized by Iowa Code section 321.11(3) to query vehicle and owner information by the registration plate number.

d. If a vehicle to which regular registration plates are assigned under this subrule is no longer used for an exempted purpose, the requesting agency shall surrender the plates to the department and the department will cancel the plates. The department may revoke the plates and require the agency to surrender the plates pursuant to Iowa Code section 321.103 if the department determines use of the plates is no longer authorized.

400.2(9) *Registration plates mailing fee.* Pursuant to Iowa Code section 321.105, the mailing fee for registration plates is $5.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.18 through 321.20B, 321.22, 321.24, 321.34, 321.103, 321.105, 321.123, 321.170, 321I.4 and 322C.2(19).

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.3(321,322,423) Application for certificate of title or registration for a vehicle.

400.3(1) *Application form.* To apply for a certificate of title or registration for a vehicle, the owner of the vehicle shall complete an application form prescribed by the department, which may be electronic. In addition to the information required in Iowa Code section 321.20, the application shall include:

a. The plate number and plate type if the owner has registration plates that have been assigned to the owner and transferred to the vehicle.

b. The vehicle owner's month of birth, if applicable, subject to the following:

(1) If the vehicle is owned by one individual, the individual's month of birth determines the registration year.

(2) If the vehicle is owned by two or three individuals, the county treasurer selects the month of birth of one of the individuals to determine the registration year.

(3) If the vehicle is owned by a partnership, corporation, association, or governmental subdivision, the county treasurer selects the month to determine the registration year.

c. The model year of the vehicle.

d. The purchase or acquisition date and the purchase price.

e. The vehicle color. If the color is not already listed in the department's vehicle registration and titling system, then the county treasurer selects the color that most closely matches the application.

f. The date the vehicle was brought into Iowa, if the vehicle was registered in a foreign jurisdiction.

g. The owner's signature. If there are two or more owners, all owner signatures. The definition of "signature" in Iowa Code section 9B.2(15) applies.

h. If the vehicle has been sold to the owner by a dealer as defined in Iowa Code section 321.1 and the dealer collects the fees and forwards the application form under Iowa Code section 321.25(1), a dealer certification containing the dealer's number and signed by the dealer or an authorized representative of the dealer, including signature by electronic means, containing the following information:

(1) Sale price of the vehicle.

(2) The amounts allowed for property traded in.

(3) Nontaxable charges and rebates.

(4) The tax price of the vehicle.

(5) The date that a "Registration Applied For" card was issued, and the registration fee collected.

i. If an application is being made to lower the tonnage on any motor truck, bus or truck tractor, the county treasurer may require a copy of a stamped weigh ticket issued by any public scale.

j. If leased, the lease price of the vehicle and the lessor's leasing license number if the entity is required to have a leasing license. A federal employer identification number is not required to be listed for an entity with a leasing license number.

k. If requested by the department, whether the vehicle is a driverless-capable vehicle as defined in rule 761—380.2(321). The department may also use a separate form to assess the vehicle's driverless capability.

400.3(2) *Information about owner, lessee and primary user.* A firm, association, corporation, or trust that is not required to have a federal employer identification number shall disclose the social security number, Iowa driver's license number or Iowa nonoperator's identification card number of an authorized representative of the firm, association, corporation, or trust. The authorized representative of a trust is the trustee unless otherwise specified in the trust agreement or the certification of trust as defined in Iowa Code section 633A.4604.

400.3(3) *Affidavit of correction.* As provided in Iowa Code section 321.23A, the county treasurer or the department may accept an affidavit of correction on a form prescribed by the department.

a. The affidavit may be used only to correct those errors, erasures or alterations listed on the affidavit.

b. The affidavit must be signed by the parties that made the error, erasure or alteration.

c. The affidavit must be surrendered with the document that contains the error, erasure or alteration.

d. The affidavit may be accepted to correct errors, erasures or alterations on either an Iowa title or a foreign title.

400.3(4) *Electronic applications.* The department will authorize electronic submission of applications for certificate of title and registration by an authorized ERT service provider pursuant to the authority in Iowa Code section 321.20(2). To be authorized to serve as an ERT service provider, the ERT service provider must comply with the department's ERT policy and execute a provider agreement with the department.

a. An application submitted electronically must meet all legal requirements for the applicable transaction, and no requirement is excused or waived as a result of submitting the transaction electronically. However, wherever a signature is required, the signature may be an electronic signature. Wherever an electronic solution approved by the department requires the submission of scanned documents, the scanned documents shall be of a quality and resolution determined by the department. The department and any county treasurer processing an application retain the right under Iowa Code sections 321.13 and 321.30 to determine the genuineness, regularity, and legality of the application and any scanned document submitted as part of the application and may withhold approval of the application and require presentation of the original document whenever the scanned document is of insufficient quality, content, or appearance. An end user shall retain all such documents for a period of six months from the date of submission of the application by the end user and make all such documents available for inspection by the department upon request. Anything in this paragraph notwithstanding, lessors required to retain a damage disclosure statement under Iowa Code section 321.69(4), and authorized vehicle recyclers licensed under Iowa Code chapter 321H and motor vehicle dealers licensed under Iowa Code chapter 322 required to retain damage

disclosure statements under Iowa Code section 321.69(6) shall retain the original document for a period of five years from the date of the statement as required therein.

b. An end user that electronically submits an application on behalf of the owner or owners to whom the end user is transferring or delivering the vehicle shall disclose to all owners or, if there is more than one owner and the title application uses "or" between the names of the owners, at least one owner, that the application will be submitted electronically and shall obtain written authorization from all owners, or if there is more than one owner and the title application uses "or" between the names of the owners, written authorization from at least one owner, to submit the application on the owner's behalf. The written authorization shall be retained by the end user for a period of six months from the date of application and be made available for the department's inspection upon request. Before submitting the application, the end user shall review and disclose to the owner or owners all details of the application and provide a complete, true, and accurate copy of the application to the owner or owners immediately after submitting the application. The written authorization shall be submitted in the form and manner required by the department.

This rule is intended to implement Iowa Code sections 321.1, 321.8, 321.20, 321.23 through 321.26, 321.31, 321.34, 321.46, 321.105A, 321.109, 321.122, 321.515, 321.519 and 423.26.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.4(321,322,633A) Supporting documents and processing requirements.

400.4(1) *New vehicle.* An application for a new vehicle must be accompanied by a manufacturer's certificate of origin, properly assigned to the applicant. A manufacturer's certificate of origin is not acceptable if the assignment to the applicant is made by any person other than the manufacturer, importer or distributor, a licensed motor vehicle dealer franchised to sell that line-make of vehicle, or a final-stage manufacturer motor vehicle dealer licensed under rule 761—425.11(322).

a. The first person, including a dealer not franchised to sell that line-make of vehicle, who is assigned the manufacturer's certificate of origin shall obtain a certificate of title and register the vehicle.

b. An uncanceled security interest noted on the reverse side of a manufacturer's certificate of origin (MCO) shall be noted as a separate security interest on the certificate of title, in addition to any security interest acknowledged by the applicant, unless the security interest acknowledged by the applicant is the same as the one noted on the reverse side of the MCO.

c. For a 1980 or subsequent model year vehicle manufactured by a person other than the original manufacturer, both the original manufacturer's certificate of origin and the final-stage manufacturer's certificate of origin shall be submitted if the vehicle's original line-make is changed by the final-stage manufacturer. The final-stage manufacturer's certificate of origin shall contain all assignments or reassignments of ownership of the vehicle and list the original manufacturer's vehicle identification number. The face of the original manufacturer's certificate of origin is to be stamped in bold type with the statement: "Final-stage manufacturer's MCO has been issued on this vehicle."

d. If a final-stage manufacturer is a motor vehicle dealer licensed under rule 761—425.11(322), the final-stage manufacturer may reassign the original manufacturer's certificate of origin or an incomplete or intermediate MCO to the retail buyer.

400.4(2) *Used vehicle registered or titled in this state.* The last issued certificate of title, properly assigned to the applicant, shall be submitted, unless the applicant is an insurer applying for a salvage certificate of title under Iowa Code section 321.52(4). An uncanceled security interest noted on the face of the certificate of title shall be noted on the face of the certificate of title issued to the applicant, in addition to any security interest acknowledged by the applicant. If the vehicle is not subject to titling provisions, the last issued registration receipt or bill of sale, properly assigned to the applicant, shall be submitted.

400.4(3) *Used vehicle from a foreign jurisdiction.* If the vehicle was subject to the issuance of a certificate of title in the foreign jurisdiction, the certificate of title issued by the foreign jurisdiction to the applicant or properly assigned to the applicant shall be submitted unless the applicant is an insurer applying for a salvage certificate of title under Iowa Code section 321.52(4).

a. A security interest, noted on the face of the foreign certificate of title, which has not been canceled, shall be noted on the face of the certificate of title issued to the applicant, in addition to any security interest acknowledged by the applicant.

b. A certificate of title issued in a foreign jurisdiction may be assigned to a motor vehicle dealer in another jurisdiction, and the dealer may reassign the certificate of title to the applicant. Unless a regulation of the foreign jurisdiction provides otherwise, an assignment or reassignment form issued by any foreign jurisdiction may be used with any foreign title to complete an assignment or reassignment of ownership from a foreign motor vehicle dealer to the applicant, provided the ownership chain is complete.

c. An Iowa licensed motor vehicle dealer who acquires a vehicle registered in a foreign jurisdiction may reassign the foreign certificate of title to the applicant as provided in Iowa Code section 321.48(2) and rule 761—400.24(321,322).

d. A person who registers a foreign vehicle under Iowa Code section 321.23(3) will be issued a nontransferable-nonnegotiable registration. To transfer ownership of the vehicle, the owner must first obtain an Iowa certificate of title except as provided in Iowa Code section 321.23(3) when ownership is transferred to an Iowa licensed motor vehicle dealer or an insurance carrier authorized to do business in Iowa.

e. If the vehicle was not subject to the issuance of a certificate of title but was registered in the foreign jurisdiction, the registration document issued by the foreign jurisdiction to the applicant or properly assigned to the applicant shall be submitted.

(1) If the foreign registration document is not issued in the applicant's name and does not contain an assignment of ownership form, a bill of sale conveying ownership from the owner as listed on the foreign registration document to the applicant shall be submitted with the foreign registration document.

(2) Upon receipt of the foreign registration document, the county treasurer shall issue a nontransferable—nonnegotiable registration unless the foreign registration document has been approved by the department.

(3) Acceptance of the foreign registration document is determined by the department on an individual basis, if the county treasurer of the county where the certificate of title is to be issued cannot determine whether the document is acceptable.

f. If a trailer weighing 2,000 lbs. or less is exempt from the issuance of a certificate of title and registration in the foreign jurisdiction, a bill of sale conveying ownership to the applicant, if acquired by a resident from a nonresident, or an affidavit of ownership signed by the applicant, if the applicant is establishing residence in this state, shall be submitted.

g. If a motor vehicle is exempt from the issuance of a certificate of title and registration in the foreign jurisdiction, the bonding procedures as provided in Iowa Code section 321.24 shall be followed.

400.4(4) *Used vehicle acquired by a resident of this state from a federal government agency.* If the vehicle was acquired from an agency of the federal government, the applicant shall surrender the government bill of sale, General Services Administration Form 97, or Internal Revenue Service Form 2435, properly assigned to the applicant.

400.4(5) *Manufactured or mobile home.* If the vehicle described on the application is a manufactured or mobile home with an Iowa title, the applicant shall submit a tax clearance form to show that no taxes are owing, unless the title has been issued to a manufactured or mobile home retailer licensed under Iowa Code chapter 103A. The form may be obtained by any owner of record of the manufactured or mobile home from the county treasurer.

400.4(6) *Vehicle acquired by a resident of this state by operation of law.* Iowa Code section 321.47 applies to a vehicle acquired by the applicant by operation of law under the conditions specified in Iowa Code section 321.47. Acceptable proof of ownership includes but is not limited to a foreclosure sale affidavit, artisan's or storage lien affidavit, affidavit of death testate or intestate, abandoned vehicle sales receipt, peace officer's bill of sale or court order.

400.4(7) *Foreign ownership document issued in a language other than English.* The county treasurer may require an applicant to produce a written English translation of a foreign ownership document or other supporting document issued in a language other than English.

400.4(8) *Titles from foreign jurisdictions.*

a. Except as provided in paragraph 400.4(8)*"b,"* the department will not accept a certificate of title issued by a foreign jurisdiction if the title or assignments thereon contain an alteration or erasure.

b. An affidavit of correction form issued by a foreign jurisdiction that corrects the certificate of title issued by the same foreign jurisdiction will be accepted only for the reason listed on the affidavit of correction form. However, acceptance of an affidavit of correction form that corrects an odometer statement or a designation will be determined by the department on an individual basis.

400.4(9) *Applications in the name of trusts.* An application in the name of a trust must be accompanied by a copy of all documents specifying the required signatories of the trust or by the certification of trust as defined in Iowa Code section 633A.4604. A certification of trust must meet the requirements of Iowa Code section 633A.4604, including but not limited to providing the names of all the currently acting trustees. If there are two or more currently acting trustees, the certification of trust must state whether the trustees may act individually, whether the trustees must act by majority decision or whether the trustees must act by unanimous decision. If the certification of trust does not meet said requirements, the certification of trust will be considered invalid for the purposes of the application. Each signature on the application shall be followed by the words "as trustee."

400.4(10) *Driverless-capable vehicles.* If an application is made for a driverless-capable vehicle, the department may require the application to be accompanied by the operational design domain.

This rule is intended to implement Iowa Code sections 321.20, 321.23, 321.24, 321.30, 321.31, 321.45 through 321.50, 321.67, 321.515, 321.519, 322.3 and 633A.4604.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.5(321) Where to apply for registration or certificate of title.

400.5(1) Application shall be made to the department's motor vehicle division for the following:

a. Titling and registration of vehicles owned by the government. This requirement does not apply to manufactured or mobile homes subject to a public bidder sale as explained in Iowa Code section 321.46(2).

b. Registration of vehicles exempted under Iowa Code section 321.19.

c. Registration of private school buses.

d. Registration of vehicles under the provisions of Iowa Code section 321.23(4), relating to restricted-use vehicles.

e. Registration of apportioned vehicles under Iowa Code chapter 326. More information contained in 761—Chapter 500.

400.5(2) Application for a certificate of title for a vehicle subject to apportioned registration under Iowa Code chapter 326 may be made to either the county treasurer or to the department's motor vehicle division.

This rule is intended to implement Iowa Code sections 321.18, 321.91, 321.20, 321.22, 321.23, 321.46(2) and 321.170.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.6(307,321) Addresses, information and forms. Assistance under this chapter is available as follows:

400.6(1) Information and forms for vehicle registration, certificate of title, or other procedures covered under Iowa Code sections 321.18 through 321.20B, 321.22 through 321.26, 321.28 through 321.32, 321.34, 321.35, 321.37 through 321.63, 321.65 through 321.74, 321.78, 321.79, 321.81, 321.84 through 321.106, 321.109 through 321.113, 321.115 through 321.117, 321.119 through 321.135, 321.145, 321.148 through 321.162 and 321.165 through 321.171 may be obtained from the county treasurer or by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at Iowa Department of Transportation, 6310 SE Convenience Boulevard, Ankeny, Iowa 50021; by telephone at 515.237.3110; or on the department's website at www.iowadot.gov.

400.6(2) Information for investigations under this chapter may be obtained from the Bureau of Investigation and Identity Protection, Iowa Department of Transportation, 6310 SE Convenience Boulevard, Ankeny, Iowa 50021; or on the department's website at www.iowadot.gov/biip/home.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.20.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.7(307,321) Information appearing on title or registration. In addition to the requirements of Iowa Code sections 321.24, 321.52, 321.69, 321.71 and 322G.12, a certificate of title or registration receipt or both shall contain the following information when applicable:

400.7(1) Registration expiration date.

400.7(2) Registration month, as explained in rule 761—400.3(321).

400.7(3) Description of the vehicle, including the following items. These items may be represented on the title and registration by code letters or numbers.

a. Vehicle identification number.

b. Type, such as automobile, trailer, truck, etc.

c. Make, model, and model year.

d. Color.

e. Weight and registered gross weight.

f. The square footage of floor space of a manufactured or mobile home or travel trailer as determined by measuring the exterior.

g. The odometer mileage and whether the mileage is "actual," "not actual," or "exceeds mechanical limits."

400.7(4) Previous Iowa title number or the name of the foreign jurisdiction if the previous title is a foreign title.

400.7(5) Plate number.

400.7(6) List price or value.

400.7(7) Penalties and title, registration and security interest receipt numbers.

400.7(8) The following phrase stamped on the reassignment portion of a manufactured or mobile home title: "Dealer reassignment not authorized on this certificate of title."

400.7(9) The designation required by 761—Chapter 405. A vehicle may have no more than one designation.

400.7(10) Full legal name of owner.

a. When the name of an owner changes from that which is printed on the title or registration issued to the owner, the owner shall apply for a replacement registration receipt and submit to the county treasurer one of the following documents:

(1) Court order for a name change. The court order must contain the full name, date of birth, and court seal.

(2) Divorce decree.

(3) Marriage certificate.

b. This subrule does not apply to owners that are firms, associations, corporations, or trusts.

400.7(11) Driverless-capable vehicle indicator, which may also indicate whether operational restrictions exist.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.24, 321.31, 321.40, 321.45, 321.52, 321.69, 321.71, 321.124, 321.515, 321.519 and 322G.12.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.8(307,321) Release form for cancellation of security interest.

400.8(1) A secured party may note the cancellation of a security interest on any of the following:

a. Form 411168 (Cancellation of Security Interest).

b. The secured party's letterhead if the written statement is notarized and contains the same information as Form 411168.

c. The certificate of title containing the cancellation pursuant to Iowa Code section 321.50(5)*"a."*

400.8(2) The secured party shall forward the cancellation form or statement to the county treasurer or to the department if the title was issued by the department. The county treasurer or department may accept facsimiles or photocopies. A separate form or statement is required for each vehicle.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.50.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.9(307,321) Assignment of security interest. A security interest noted on a certificate of title may be assigned to another secured party without losing the seniority of the security interest by complying with the procedure in Iowa Code section 321.50 or with the following procedure:

400.9(1) *Notice of assignment.* In the cancellation portion of the title certificate, the secured party listed on the title certificate shall make the notation "Assigned to (name of assignee)" where the security interest is noted and include the date, name of secured party and signature of the person noting the assignment.

400.9(2) *Application for notation of security interest.* The assignee shall complete, and sign in the space where the signature of the owner is ordinarily required, Form 411046 (Application for Notation of a Security Interest).

400.9(3) *Submission of documents to county treasurer.* The certificate of title, application for notation of security interest and appropriate notation fee shall be submitted to the county treasurer.

a. If there are additional security interests noted on the certificate of title, the seniority of the assignee's security interest may be preserved by issuance of a certificate of title in lieu of the original, on which the assignee's security interest will be noted in the same seniority as the assignor's security interest.

b. A receipt for notation of security interest form processed by a county treasurer shall list the following:

(1) A new receipt number.

(2) The original notation date.

(3) The words "by assignment" following the name of the assignee.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.50.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.10(307,321,809A) Sheriff's levy, restitution lien, and forfeiture lien noted as security interests.

400.10(1) A sheriff's levy may be noted as a security interest on a certificate of title by completing Form 411046. The sheriff or sheriff's deputy shall sign the application in the space where the signature of the owner is ordinarily required and submit with the appropriate notation fee to the county treasurer.

400.10(2) A restitution or forfeiture lien may be noted as a security interest on a certificate of title by completing Form 411046. The county attorney or the county attorney's designee shall sign the application in the space where the signature of the owner is ordinarily required and submit to the county treasurer.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.50 and chapter 809A.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.11(307,321) Replacement certificate of title. Application for a replacement certificate of title shall be made on Form 411033 (Application for Replacement of Iowa Certificate of Title to a Motor Vehicle). All living owners of the vehicle as listed on the certificate of title shall sign Form 411033 unless the application is made by a lienholder. If all owners are deceased, a court-appointed executor or administrator may complete, sign, and submit Form 411033 along with a certified copy of the court order or the letter of appointment confirming executor or administrator status.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.42.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.12(321) Bond required before title issued.

400.12(1) *Procedures.* An applicant for a certificate of title who cannot provide the supporting documents required in rule 761—400.4(321) is required to comply with the procedure under Iowa Code section 321.24(11), in addition to this rule.

a. The applicant shall submit a bond application and supporting material to the motor vehicle division on a form prescribed by the department.

b. The department will search the department's vehicle title and registration system to determine if there is an owner of record or security interest for the vehicle and if the vehicle has been reported stolen or embezzled.

(1) If an owner of record is found, the department will mail a release letter by first-class mail to the owner of record at the owner's last-known address notifying the owner of the right to claim ownership of the vehicle or to waive all rights or claims.

(2) If the owner of record makes a claim, the motor vehicle division will review the claim.

(3) If the department receives no response from the owner of record within ten days after the date of mailing, the owner of record waives all rights or claims; or if the letter is returned as undeliverable, the department will continue processing the bond application.

(4) If one or more security interests are found and can be identified, the department will send a certified letter and application for cancellation of security interest to a lienholder at the last-known address of that lienholder. If a lienholder releases the lien, the department will continue to process the application. If a lienholder responds with a request to claim the vehicle, the department will review the claim. If the certified letter is returned as undeliverable, the department will continue to process the application.

(5) If one or more security interests is found but a lienholder cannot be identified because the record is held by another jurisdiction, the department will return the application to the applicant and inform the applicant which jurisdiction holds the record(s) to the vehicle.

c. If the department determines that there is sufficient evidence to indicate that the applicant is the rightful owner, and that there is no known unsatisfied security interest, the department is authorized to determine the current value of the vehicle and notify the applicant to deposit cash or file a surety bond with the department in an amount equal to one and one-half times the current value of the vehicle.

d. A motor vehicle investigator of the department may verify information in the application, examine the vehicle, and authorize the county treasurer to issue a title for and register the vehicle. An investigator may require the applicant to drive the vehicle to and from the examination location upon completing Form 420054, Affidavit to Operate a Vehicle for Inspection. Should the vehicle not meet the equipment requirements of Iowa Code chapter 321, the investigator may authorize the county treasurer to issue a title and registration but instruct the county treasurer to immediately suspend the registration until such time as the vehicle meets these equipment requirements. If applicable, the investigator will also affix an assigned vehicle identification number to the vehicle.

400.12(2) *Denial.* If the department determines that the applicant has not complied with this rule, that there is sufficient evidence to indicate that the applicant may not be the rightful owner, or that there is an unsatisfied security interest, then the department will not authorize issuance of a certificate of title or registration receipt and will notify the applicant in writing of the reason(s).

400.12(3) *Junked vehicle.* A certificate of title will not be reinstated for a vehicle that has been issued a junking certificate unless the junking certificate was issued in error, as explained in rule 761—400.23(321), or the vehicle qualifies as an antique vehicle under Iowa Code section 321.115(1).

This rule is intended to implement Iowa Code sections 321.24 and 321.52.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.13(307,321) Authorized signatories for a transfer of ownership. The following procedures shall apply for all titling and registration purposes:

400.13(1) *Transfer of vehicle owned by two or three persons.* If the names of the owners of a vehicle on the certificate of title, the manufacturer's certificate of origin, or the registration receipt for a vehicle that does not require a title are joined by the word "or," as in "John Doe, Jane Doe or Mary Doe," then the signature of any of these owners is sufficient to transfer ownership or to junk the vehicle. In all other cases the signature of each named owner is required.

400.13(2) *Assignment of title to two or three persons.* If a certificate of title, a manufacturer's certificate of origin, or a bill of sale for a vehicle that does not require a title is assigned to two or three persons with their names joined by the word "or," as in "John Doe, Jane Doe or Mary Doe," then a certificate of title or registration receipt for a vehicle that does not require a title may be issued to any one of these persons, or to any two or all three of these persons with their names joined by the word "or." However, a certificate of title or registration for a vehicle that does not require a title shall only be issued to persons who have signed the application for title and registration.

400.13(3) *Organizational ownership.*

a. When a vehicle is owned by a partnership, corporation, association, governmental unit, or private organization, the signature of its authorized representative is required.

b. When a vehicle is owned by a trust, the title shall be accompanied by a copy of all documents creating or otherwise affecting the trust or by the certification of trust as defined in Iowa Code section 633A.4604.

(1) The certification of trust may be signed by any trustee or the attorney for any trustee.

(2) The title shall be signed by the number of trustees as specified in the trust agreement, and the transferor shall provide the department with the document or the certification of trust specifying the required signatories for the trust.

(3) If a certification of trust is provided, one of the following shall apply:

1. Any currently acting trustee may sign the title if the certification of trust states that such trustee may act individually.

2. A majority of the trustees must sign the title if the certification of trust states that the trustees must act by majority decision.

3. All currently acting trustees must sign the title if the certification of trust states that the trustees must act by unanimous decision.

(4) A certification of trust must meet the requirements of Iowa Code section 633A.4604, including but not limited to providing the names of all the currently acting trustees. If there are two or more currently acting trustees, the certification of trust must state whether the trustees may act individually, whether the trustees must act by majority decision or whether the trustees must act by unanimous decision. If the certification of trust does not meet said requirement, the certification of trust will be considered invalid for the purposes of the transfer.

(5) Each signature on the title shall be followed by the words "as trustee."

400.13(4) *Death with a will.* When ownership is transferred according to a decedent's will, a certified copy of the court order or the letter of appointment appointing the person assigning the title as executor of the will shall be required.

400.13(5) *Death without a will.* When ownership is transferred from a decedent without a will and there is no administration of the estate, a notarized affidavit of death intestate form shall be required. When ownership is transferred from a decedent without a will but there is an administration of the estate, a copy of the court order or the letter of appointment appointing the person assigning the title as administrator shall be required.

400.13(6) *Power of attorney.* An attorney in fact may act for the living owner(s) if the appointment is shown on a power of attorney form. Power of attorney forms are available from the department, but other forms or a certified true copy may be accepted if they contain all necessary information.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.20, 321.24, 321.45, 321.47, 321.49, 321.67 and 633A.4604.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.14(307,321) Cancellation of a certificate of title.

400.14(1) The department will cancel a certificate of title when authorized by any provision of law or when it has reasonable grounds to believe that the person holding the certificate of title, purportedly issued for the vehicle, has no immediate right to possession of the vehicle.

400.14(2) The decision to take any action regarding ownership of the vehicle for which the current title has been canceled will be determined after an investigation and recommendation by a motor vehicle investigator of the department.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.101.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.15(307,321) Application for certificate of title or original registration for a vehicle that is specially constructed, reconstructed, a street rod or a replica vehicle.

400.15(1) *Definitions applicable to this rule.*

a. "Ownership document for the vehicle" means the certificate of title, the manufacturer's certificate of origin, the junking certificate, or other evidence of ownership acceptable to the department.

b. *"Ownership documents for essential parts"* means bills of sale for all essential parts used to construct or reconstruct the vehicle. Each bill of sale shall contain a description of the part, the manufacturer's identification number of the part, if any, and the name, address, and telephone number of the seller.

400.15(2) *Procedures.* This subrule describes the procedures for obtaining department approval to title and register a vehicle that is specially constructed, reconstructed, a street rod or a replica vehicle. The procedures described are in addition to the regular procedures for titling and registering a vehicle.

a. The applicant shall apply to the county treasurer for a certificate of title and registration. The county treasurer, upon receiving an application that indicates the vehicle is specially constructed, reconstructed, a street rod or a replica vehicle, shall forward the application to a motor vehicle investigator of the department.

b. The investigator will contact the applicant and schedule a time and place for an examination of the vehicle and the ownership documents. An investigator may require the applicant to drive or tow the vehicle to and from the examination location upon the applicant's completion of Form 420054. The applicant, when appearing with the vehicle for the examination, shall submit to the investigator the ownership document for the vehicle, the ownership documents for essential parts, and a weigh ticket indicating the weight of the vehicle. However, a weigh ticket is not required for motorcycles, autocycles, trucks, truck tractors, road tractors or trailer-type vehicles.

c. If the investigator determines that the vehicle complies with 761—Chapter 450, that the integral parts and components have been identified as to ownership, and that the application has been completed properly:

(1) The investigator will approve the application, affix to the vehicle an assigned vehicle identification number, and return the application and ownership documents to the applicant. The investigator will authorize the county treasurer to issue a title and registration for the vehicle.

(2) If the vehicle is a passenger-type motor vehicle, the department is authorized to determine its weight and value and if the vehicle is subject to the electric vehicle annual registration fee. The vehicle weight shall be fixed as provided in Iowa Code section 321.162. The weight and value shall constitute the basis for determining the annual registration fee under Iowa Code section 321.109, except as provided in Iowa Code section 321.113.

(3) The applicant shall then submit the ownership document for the vehicle to the county treasurer and continue with the regular title and registration process.

400.15(3) *Disapproval.* If the department determines that the vehicle does not comply with 761—Chapter 450, that the integral parts or components have not been identified as to ownership, or that the application has not been completed properly, then the department will not approve the vehicle for titling and registration.

400.15(4) *Model year.* The model year of a specially constructed or reconstructed motor vehicle is the year the vehicle is approved by the department as a specially constructed or reconstructed motor vehicle.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.20, 321.23, 321.24, 321.52, 321.109, 321.116, 321.117 and 321.162.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.16(307,321) Temporary use of vehicle without plates or registration receipt.

400.16(1) *Temporary use of vehicle without plates.* A person who acquires a vehicle that is currently registered or in a dealer's inventory at the time of sale and who does not possess registration plates that may be assigned to and displayed on the vehicle may operate or permit the operation of the vehicle not to exceed 30 days from the date of purchase or transfer without registration plates displayed thereon, if ownership evidence is carried in the vehicle.

400.16(2) *Temporary use of vehicle without registration receipt.* A person who acquires a vehicle that is currently registered or in a dealer's inventory at the time of sale and who has possession of plates which may be attached to the vehicle acquired may operate or permit the operation of the vehicle not to exceed 45 days from the date of delivery or transfer without a registration receipt, if ownership evidence is carried in the vehicle.

400.16(3) *Ownership evidence.* Ownership evidence under this rule shall consist of the certificate of title or registration receipt, or a photocopy thereof, properly assigned to the person who has acquired the vehicle, or a bill of sale conveying ownership of the vehicle to the person who has acquired the vehicle. The ownership evidence shall be shown to any peace officer upon request.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.25 and 321.46.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.17(307,321) Registration of motor vehicle weighing 55,000 pounds or more. When applying for registration or renewal of registration for a motor vehicle weighing 55,000 pounds or more, the owner shall present to the department or to the county treasurer proof of compliance with the federal heavy vehicle use tax required by 26 CFR Part 41 in effect as of April 1, 2021.

400.17(1) If the motor vehicle is used exclusively in the transportation of harvested forest products, the owner may present a written statement certifying that usage and the usage will be recorded.

400.17(2) If the motor vehicle is used primarily for farming purposes, the owner may present a written statement certifying that usage and the usage will be recorded.

This rule is intended to implement Iowa Code sections 307.30 and 321.20.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.18(307,321) Registration of vehicles on a restricted basis. The department may register a vehicle that does not meet the equipment requirements of Iowa Code chapter 321, due to the particular use for which it is designed or intended, or which is a driverless-capable vehicle as defined in rule 761—380.2(321). Registration may be accomplished upon payment of the appropriate fees and after inspection and certification by the department that the vehicle is not in an unsafe condition.

400.18(1) Operation of the vehicle may be restricted to a roadway to which a specific lawful speed limit applies, as specified in Iowa Code section 321.285, if the maximum speed of the vehicle is such that the operation of the vehicle would impede or block the normal and reasonable movement of traffic.

400.18(2) The department may also restrict the operation of the vehicle to daylight hours if operation of the vehicle during hours other than daylight would create a hazard.

400.18(3) The department will issue a certificate of restriction in conjunction with registration of the vehicle, listing the restrictions that apply to the operation of the vehicle.

a. Registration laws applicable to motor vehicles in general shall also apply to vehicles registered under a restricted registration.

b. The department may approve exceptions to those equipment requirements of Iowa Code chapter 321 which cannot be met due to the particular use for which the vehicle is designed or intended.

400.18(4) When a vehicle registered in this state is modified to make it a driverless-capable vehicle as defined in rule 761—380.2(321), the person in whose name the vehicle is registered shall within 30 days notify the department upon a form prescribed by the department.

400.18(5) As provided in Iowa Code sections 321.515 and 321.519, the department may restrict the operations of a driverless-capable vehicle registered in this state or another state but that operates in this state. The restrictions may include but are not limited to the restrictions provided in subrules 400.18(1) and 400.18(2) and any operational restrictions based on a specific functional highway classification, weather conditions, days of the week, times of day, and other elements of operational design while the automated driving system is engaged. The department may require the vehicle owner to submit to the department the automated driving system's intended operational design domain for the vehicle on a form prescribed by the department. The department may evaluate the automated driving system's intended operational design domain for the vehicle. The department may establish additional operational restrictions to ensure safe operation of the vehicle. The department shall issue a certificate of restriction as provided in subrule 400.18(3) for any restriction established under this subrule, and the certificate shall be carried in the vehicle and made available for inspection by any peace officer upon request.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.1, 321.23(4), 321.30(2), 321.101(1), 321.515 and 321.519.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.19(307,321) Transfers of ownership by operation of law. For a vehicle transferred by operation of law under Iowa Code section 321.47 that is not currently registered in this state, the registration fee and penalties due shall be computed as follows:

400.19(1) If the vehicle is ordered confiscated or forfeited by a court under a judgment or forfeiture, the fee shall be computed on the remaining unexpired months in the registration year from the date of the court order.

400.19(2) If the vehicle is sold on a peace officer's bill of sale as an unclaimed, stolen, embezzled or abandoned vehicle, or as a vehicle seized under Iowa Code section 321.84, the fee shall be computed on the remaining unexpired months in the registration year from the date of the sale.

400.19(3) If the vehicle is sold or transferred under a judgment or order entered by a court in a civil action or proceeding, or is transferred under any provision of Iowa Code section 321.47 that is not covered in this subrule, the fee shall include any delinquent fees that have accrued during previous registration periods and accrued penalties. Penalties shall continue to accrue until paid.

400.19(4) If the vehicle was last titled or registered in a foreign state, the fee shall be based on the month the vehicle becomes subject to registration in this state, except as provided in subrules 400.19(1) and (2) above.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.47, 321.105, 321.106, 321.134 and 321.135.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.20(321,321H) Junked vehicle.

400.20(1) *Junking certificate.* The owner of a vehicle that is to be junked or dismantled shall obtain a junking certificate when required by Iowa Code section 321.52.

400.20(2) *Required verification.*

a. One of the following shall satisfy the required verification when a vehicle owner junks or dismantles a vehicle to a licensed vehicle recycler under Iowa Code section 321.52(2)*"b"* or 321H.4A(2)*"b"*:

(1) The owner or authorized representative provides information to the licensed vehicle recycler who acquires the vehicle, including, at a minimum, government-issued photo identification and verification of prior reporting to the National Motor Vehicle Title Information System (NMVTIS). For a subsequent transaction with the licensed vehicle recycler, the vehicle owner or authorized representative is not required to provide government-issued photo identification if the licensed vehicle recycler has retained such information from a prior transaction. A licensed vehicle recycler is not required to report a vehicle verified under this subparagraph to the NMVTIS.

(2) The vehicle's owner is a licensed vehicle recycler or is the authorized representative of an established commercial or industrial business, operating from a fixed location, that is known to the licensed vehicle recycler to be regularly engaged in the junking or dismantling of vehicles or may reasonably be expected to produce vehicles for junking or dismantling and has entered into a written agreement with the licensed vehicle recycler confirming it has reported the vehicles to the NMVTIS. The written agreement shall, at a minimum, contain the owner's or authorized representative's name and address. A licensed vehicle recycler is not required to report a vehicle covered under an agreement under this subparagraph to the NMVTIS.

(3) The licensed vehicle recycler obtains the vehicle owner's or authorized representative's name and the vehicle identification number for the vehicle being junked or dismantled, and the vehicle recycler reports the vehicle to the NMVTIS.

b. A licensed vehicle recycler acquiring a vehicle as described under this subrule shall cooperate with a law enforcement agency during normal business hours when the agency has reason to believe that fraud has occurred in connection with the junking or dismantling of the vehicle. A law enforcement agency shall maintain the information as confidential and shall not disclose the information to a third party, except as may be necessary for the prosecution of a criminal violation.

400.20(3) *Retitling a junked vehicle.* The department may authorize issuance of a new certificate of title to the vehicle owner named on the junking certificate only if the department determines that the junking certificate was issued in error.

a. The reasons a junking certificate was issued in error include but are not limited to the following:

(1) The owner inadvertently surrendered the wrong certificate of title. The owner shall submit to the department a photocopy of the ownership document for each vehicle and a signed statement explaining the circumstances that resulted in the error.

(2) A junking certificate was obtained in error and the vehicle continues to be registered. The owner shall submit to the department a photocopy of the current registration and a signed statement explaining the circumstances that resulted in the error.

(3) The owner intended to apply for a salvage title under Iowa Code section 321.52(4) but inadvertently submitted an application for a junking certificate. The owner shall submit to the department a bill of sale or other documentation from the previous owner stating that the vehicle was rebuildable when purchased and a signed statement explaining the owner's original intention to obtain a salvage title. The department shall inspect the vehicle to verify the rebuildable condition.

b. If the department determines that the junking certificate was issued in error, the department will authorize the proper county treasurer to issue a certificate of title for the vehicle after payment by the owner of appropriate fees and taxes, including the return of any credit or refund for registration fees paid to the owner because of the error.

This rule is intended to implement Iowa Code sections 321.52 and 321H.4A.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.21(307,321) Annual vehicle registration fee. The registration fee shall be computed on the month of purchase or transfer of a vehicle, except that the registration fee on a vehicle acquired outside of this state shall be based on the month that the vehicle was brought into Iowa.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.105 and 321.135.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.22(307,321) Fees established by the department. If the department cannot obtain the retail list price and weight for a particular motor vehicle model registered under Iowa Code section 321.109(1), the department shall determine a list price and weight.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.109, 321.157 and 321.159.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.23(321) Anatomical gift. Voluntary contributions collected by the county treasurer or the department to the anatomical gift public awareness and transplantation fund shall be a minimum of $1. The county treasurer and the department will remit contributions collected monthly to the funds specified in Iowa Code section 321.44A.

This rule is intended to implement Iowa Code section 321.44A.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.24(307,321,322) Vehicles held for resale or trade by dealers. A motor vehicle dealer, as defined in Iowa Code section 321.1, is authorized to hold a motor vehicle for resale or trade under the following conditions.

400.24(1) *Assignment to dealer.* The certificate of title or manufacturer's certificate of origin for the vehicle shall be assigned to the dealer by the seller. The seller shall complete the assignment portion of the form, including the date of sale or trade and the name and address of the dealer, and shall sign the form. The date of the sale or trade shown in the assignment portion of the form shall be the date the dealer acquired the vehicle.

400.24(2) *New certificate of title and registration not required.*

a. A motor vehicle held for resale by a dealer or registered in Iowa at the time of sale or trade to a dealer may be held by that dealer without obtaining a new certificate of title or a new registration if the dealer holds for that vehicle a certificate of title or a manufacturer's certificate of origin properly assigned to the dealer.

b. A motor vehicle may also be held by a dealer without obtaining a new certificate of title or a new registration if the dealer has a title properly assigned to the dealer from a state that permits its titles to be reassigned by Iowa dealers and if a vacant reassignment space is available on the title.

400.24(3) *New certificate of title required.* A dealer shall obtain a new certificate of title under the procedures in Iowa Code section 321.20(1) but is not required to pay registration fees for a vehicle if the application for title is made within 30 days of vehicle transfer date and if any of the following conditions apply:

a. The vehicle has been registered in a foreign state or country that does not permit its titles to be reassigned by Iowa dealers.

b. The vehicle was assigned to the dealer using an affidavit of foreclosure form prescribed by the department or issued by a foreign jurisdiction.

c. All reassignment spaces of the certificate of title have been used.

d. The vehicle registration fee was delinquent in Iowa at the time the vehicle was acquired by the dealer. The delinquent fees and penalty shall be paid by the dealer from the first day the registration was due to the month the application for title is submitted.

e. In accordance with 761—Chapter 405, the dealer is required to obtain a salvage certificate of title.

400.24(4) *New certificate of title and registration fee required.* A dealer shall obtain both a new certificate of title and pay a registration fee for a vehicle if:

a. The vehicle has a foreign certificate of title but has never been registered and the dealer is not licensed under Iowa Code chapter 322 to sell that line-make of vehicle. The registration fee due shall be prorated for the remaining unexpired months of the dealer's registration year.

b. The vehicle was placed in storage by the previous owner. The registration fee due shall be computed from and commence the month the vehicle is removed from storage.

c. The vehicle has been registered in a foreign state or country that does not permit its titles to be reassigned by Iowa dealers and the application for a new certificate of title is submitted more than 30 days after the date the vehicle entered Iowa. The registration fee due shall be prorated for the remaining unexpired months of the dealer's registration year.

d. The vehicle has been registered in a foreign state or country and all reassignment spaces on the title are full and the application for a new certificate of title is submitted more than 30 days after the last available reassignment space is used. The registration fee due shall be prorated for the remaining unexpired months of the dealer's registration year.

e. The vehicle was in the dealer's inventory and the dealer's license was revoked as provided in Iowa Code chapter 322 or 322C or surrendered in lieu of revocation. The dealer shall obtain title and registration within 30 days from the date of revocation or surrender of the license. The registration fee due shall be prorated for the remaining unexpired months of the registration year.

400.24(5) *Registration fee required.* A vehicle owned by a dealer and used as a work or service vehicle, or offered for lease, rent or hire, shall become subject to a registration fee in the month that the vehicle is first used for that purpose. The registration fee shall be due annually unless the vehicle is transferred to the dealer's inventory. To transfer the vehicle, the dealer shall surrender the registration plates that were issued for the vehicle.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.20, 321.45, 321.46, 321.48, 321.49, 321.67, 321.70, 321.104 and 321.126 and chapter 322.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.25(321) Special trucks. The owner of a truck tractor registered as a special truck shall certify to the owner's county treasurer annually at the time of renewal that the truck tractor is not operated more than 15,000 miles annually.

This rule is intended to implement Iowa Code sections 321.1(75) and 321.121.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.26(307,321) Registration of vehicles registered in another state or country.

400.26(1) The registration fee for a vehicle from another state or country shall be due in the month that the vehicle becomes subject to registration in Iowa.

400.26(2) A vehicle registered in another state or country shall become subject to registration in Iowa and payment of the Iowa registration fee beginning in either of the following:

a. The month of sale or transfer to an Iowa resident.

b. The month that a nonresident owner establishes Iowa residency or accepts employment in Iowa of 90 days duration or longer. The county treasurer or the department may require from the applicant a written statement giving the date that the applicant established residency in Iowa.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.18, 321.20, 321.53 through 321.55, 321.101 and 321.135.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.27(307,321) Vehicles owned by nonresident members of the armed services.

400.27(1) A vehicle owner who is a nonresident and a member of the armed services is not required to register the vehicle in Iowa if it is properly registered in the person's state of residence.

400.27(2) A vehicle owner who is a nonresident and a member of the armed services may register the vehicle in Iowa under the following conditions:

a. The vehicle is owned entirely by nonresidents.

b. The fee for a passenger-type vehicle registered under Iowa Code section 321.109 shall be based only on the weight of the vehicle; the part of the fee based on value shall be excluded. The fees for all other vehicles shall be determined as specified in Iowa Code chapter 321. The registration fee under Iowa Code sections 321.116 and 321.117 shall apply.

c. The application for vehicle registration shall include a certification by the person's commanding officer of the person's state of residence and assignment to Iowa.

400.27(3) If ownership of a passenger-type vehicle is transferred to another person, the vehicle shall be subject to registration in Iowa.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.53 through 321.55, 321.109, 321.116 and 321.117.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.28(307,321,321L) Registration of vehicles equipped for persons with disabilities. To apply for the reduced registration fees under Iowa Code section 321.109(1)*"b"* or 321.124(1)*"h"*(1)(f), the owner of the vehicle must provide a written self-certification at the first registration and at each renewal of either of the following:

400.28(1) That the automobile, multipurpose vehicle, or motor truck with an unladen weight of 10,000 pounds or less has permanently installed equipment manufactured for and necessary to assist a person with a disability, as defined in Iowa Code section 321L.1, to enter or exit the vehicle.

400.28(2) That the owner or a member of the owner's household uses a wheelchair as the person's only means of mobility.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.109, 321.124 and 321L.1.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.29(321) Motorcycle or autocycle primarily designed or converted to transport property. A motorcycle or autocycle primarily designed or converted to transport less than 1,000 pounds of property will be registered as a motorcycle or autocycle. A motorcycle or autocycle primarily designed or converted to transport 1,000 pounds of property or more will be registered as a motor truck.

This rule is intended to implement Iowa Code sections 321.1, 321.20 and 321.117.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.30(307,321) Conversion of motor vehicles.

400.30(1) An automobile converted to a truck with a carrying capacity of 1,000 pounds or more will be registered as a reconstructed motor vehicle.

400.30(2) A vehicle manufactured as a truck tractor or motor truck will not be registered as a motor home unless the vehicle has been substantially altered to change its type and mode of operation so that it is a reconstructed vehicle as defined in Iowa Code section 321.1.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.1, 321.23, 321.111 and 321.124.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.31(321,435) Manufactured or mobile home converted to or from real property.

400.31(1) *Conversion to real property.* When a manufactured or mobile home is converted to real property under Iowa Code section 435.26, the process shall be as follows:

a. If a security interest is noted on the title and the secured party is given a mortgage for the land on which the home is located, the assessor shall collect the certificate of title as provided in rule 701—74.5(435).

b. If a security interest is noted on the title and the secured party is not given a mortgage for the land on which the home is located, the secured party shall retain the certificate of title as provided in Iowa Code section 435.26. At the time the security interest is released, the secured party may surrender the certificate of title to the county treasurer, who shall cancel the title as converted to real estate and destroy the title.

c. If there is no security interest noted on the title, the owner shall surrender the certificate of title to the assessor. The assessor shall note the conversion on the face of the certificate of title above the assessor's signature, date the notation and deliver the title to the county treasurer. The county treasurer shall note the conversion on the vehicle record and then cancel the title as converted to real estate and destroy the certificate of title.

d. If the assessor identifies in the county records a security interest no longer exists that would prevent the title to the home and the title to the land to merge under Iowa Code section 435.26 and the county treasurer verifies there is no lien on the certificate of title, the title to the home and the title to the land shall merge, and the county treasurer shall cancel the title as converted to real estate and destroy the certificate of title, if available.

400.31(2) *Reconversion from real property.*

a. When a manufactured or mobile home is reconverted from real property by adding a vehicular frame, the owner may apply to the county treasurer for a certificate of title.

b. The owner shall submit a record of existing liens obtained from a local abstracter. The record shall identify the owner of the property, list all liens and encumbrances against the property, and shall be signed by the abstracter.

c. The owner shall also submit written consent to the reconversion from any person holding a mortgage on the real property (mortgagee). An existing mortgage shall be noted as a security interest on the certificate of title.

d. The county treasurer shall submit written notice of the reconversion to the county assessor's office.

400.31(3) *Affidavit for surrender of certificate of title.*

a. As provided in Iowa Code section 435.26B, an owner may effectuate a surrender of the certificate of title by recording with the county recorder Form 411186 if all of the following requirements are met:

(1) There is no record that a certificate of title has been issued or surrendered for a manufactured or mobile home that is located outside a manufactured home community or mobile home park.

(2) The manufactured home or mobile home has been converted to real estate by being placed on a permanent foundation.

(3) The manufactured or mobile home is entered on the tax rolls.

b. The fee for the duties performed by the department pursuant to Iowa Code section 435.26B(1)*"i"* (2) shall be $5.

This rule is intended to implement Iowa Code sections 321.1, 435.1, 435.26, 435.26A, 435.26B and 435.27.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.32(307,321) Church bus registration fee. If ownership of a church bus registered under Iowa Code section 321.119 is transferred to a person not entitled to register the vehicle as a church bus or the bus is used in a manner other than provided by law, the church bus shall be registered under the provisions of Iowa Code section 321.122. The registration fee shall be prorated for the remaining unexpired months of the registration year.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.119 and 321.122.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.33(307,321) Storage of vehicles.

400.33(1) The owner of a vehicle upon which the registration fee is not delinquent may surrender all registration plates for the vehicle to the county treasurer where the vehicle is registered and has the right to register the vehicle later upon payment of the annual registration fee due, which shall be computed from and commence the month the vehicle is removed from storage. Payment of a registration fee is not required when the vehicle is removed from storage within the current registration year, provided that registration fees have not been refunded. Surrendered plates shall be destroyed. When a vehicle is removed from storage, the fee is $5 for a set of replacement plates.

400.33(2) The owner of a motor vehicle that is placed in storage when the owner enters the military service of the United States shall comply with Iowa Code section 321.126, and subrule 400.33(1) does not apply.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.126 and 321.134.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.34(307,321) Penalty on registration fees.

400.34(1) *Monthly basis.* The penalty on the delinquent payment of a registration fee shall be computed on a monthly basis, rounded to the nearest whole dollar. If multiple penalties are assessed, the penalties shall be first added together and then the sum shall be rounded to the nearest whole dollar.

400.34(2) *Vehicle purchased.* The penalty on the registration fee shall accrue from the first day of the month following the date of purchase unless the application for a certificate of title is submitted within 30 days after the date of purchase.

400.34(3) *Vehicle moved into Iowa.* The penalty on the registration fee shall accrue on the first day of the month following 30 days from the date a vehicle is moved into Iowa.

400.34(4) *When delinquency extends beyond the current year.* When the penalty on a delinquent registration fee extends beyond the current registration year, the penalty shall continue to accrue until paid or until the provision of Iowa Code section 321.134(4) takes effect. Penalty shall only accrue on the fee applicable at the time the delinquency accrued and shall not be applicable to subsequent registration fees that have not been paid.

400.34(5) *Statement of nonuse.* If the owner of a vehicle, on which the registration fees have not been paid for more than three complete registration years, certifies to the county treasurer of the owner's residence, or to the department on Form 442018 if a vehicle is registered under Iowa Code chapter 326, that the vehicle has not been moved or operated upon the highway since the year it was last registered, the vehicle may be registered upon payment of the current year's registration fee.

400.34(6) *Waiver of penalties for military members.* Registration penalties will be waived as provided in Iowa Code section 321.134(5), if the owner provides a copy of an official government document verifying that the applicant is in the military service of the United States and has been relocated as a result of being placed on active duty on or after September 11, 2001.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.39, 321.46, 321.47, 321.49, 321.134 and 321.135.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.35(252J,307,321) Suspension, revocation or denial of registration.

400.35(1) A peace officer, county treasurer, or the county treasurer's designee may submit a request using Form 411012, Request for Cancellation of Title or Revocation or Suspension of Registration and Plates, or 411013, Request for Suspension of Registration and Plates, as applicable, to the department for suspension or revocation of registration and plates under Iowa Code section 321.101.

a. The notice of suspension or revocation will contain the following:

(1) The basis of the suspension or revocation.

(2) Information regarding how the person may satisfy the violation and have the suspension or revocation removed, if applicable.

(3) Information notifying the person of the right to appeal the suspension or revocation in accordance with rule 761—400.44(321).

b. Reserved.

400.35(2) When the registration of a vehicle has been revoked as provided in Iowa Code sections 321.101 and 321.101A, the registration fee and penalty shall accrue as if the plates had never been issued, unless waiver of registration fees and penalties is specifically provided for in Iowa Code chapter 321.

400.35(3) Pursuant to Iowa Code section 252J.8, the department will suspend or deny the issuance or renewal of registration and plates upon receipt of a certificate of noncompliance from child support services.

a. The suspension or denial takes effect 30 days after notice to the vehicle owner and continues until the department receives a withdrawal of the certificate of noncompliance from child support services.

b. If a person who is the named individual on a certificate of noncompliance subsequently purchases a vehicle, the vehicle will be titled and registered, but the registration will be immediately suspended.

This rule is intended to implement Iowa Code sections 252J.1, 252J.8, 252J.9, 307.12(1)*"j,"* 321.101, 321.101A and 321.127.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.36(307,321) Termination of suspension of registration. Upon termination of the suspension of registration of a vehicle, the county treasurer may issue new plates for the vehicle. If the new plates replace a current series of plates, there shall be a replacement fee as provided in Iowa Code section 321.42. If the vehicle is not currently registered at the time the suspension is lifted, the registration fee and penalties due shall be determined as follows:

400.36(1) If the registration fee was delinquent at the time that the suspension became effective, the penalty shall continue to accrue on the registration fee until the suspension became lifted and the registration fee is paid. In addition, if the suspension was for failure to pay an additional registration fee, the additional registration fee shall be paid before the suspension is lifted.

400.36(2) If the registration fee was not delinquent when the suspension became effective and the suspension is lifted after the beginning of another registration year, the annual registration fee for that year shall be due in the month the suspension is lifted. The penalty shall accrue on the registration fee the first day of the month following the month that the suspension was lifted. The annual registration fee on a recovered stolen vehicle for which the registration has been suspended shall be prorated for the remaining unexpired months of the registration year.

400.36(3) If the registration fee was not delinquent at the time that the suspension became effective and the suspension is lifted during the same registration period, no additional registration fees shall be due unless the suspension was for failure to pay an additional registration fee, in which event the additional registration fee shall be paid before the suspension is lifted.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.42, 321.105 and 321.134.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.37(307,321) Raw farm products. A vehicle may be operated with a gross weight of 25 percent in excess of the gross weight for which it is registered when transporting a load of raw farm products or soil fertilizers under Iowa Code section 321.466 except that nothing in this rule shall be construed to allow operation of a special truck on the public highways with a gross weight exceeding the maximum gross weight allowed under Iowa Code section 321.463(6). In addition, the following products are considered raw farm products. This list is not exhaustive and does not exclude other commodities that might be considered raw farm products:

Animals that are dead	Hides
Berries, fresh	Honey, comb or extracted
Blood	Melons
Corn, ear corn including hybrids	Milk, raw
Corn, shelled	Nursery stock
Corn, cobs	Potatoes
Cream, separated	Peat
Eggs, fresh or frozen in shell	Poultry, live

Flax	Saw logs
Flaxseed	Sod
Fodder	Soybeans
Fruit, fresh	Straw, baled or loose
Grain, threshed or unthreshed	Vegetables, fresh
Hair	Wood, cord or stove wood
Hay, baled or loose	Wool

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.466(4) and 321.466(5).
[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.38(25,307,321,326) Refund of registration fees.

400.38(1) *Vehicles registered by county treasurer.*

a. The department will refund annual registration fees for vehicles registered by the county treasurer pursuant to Iowa Code section 321.126.

b. Except as provided in Iowa Code section 321.126, the owner may submit a claim for refund to the county treasurer's office in any county.

c. Registration plates shall be submitted with the claim if the vehicle is placed in storage or registered for apportioned registration, if the owner of the vehicle moves out of state, or if the plates have not been assigned to a replacement vehicle, unless the plates have been surrendered to a licensed dealer in Iowa that has submitted the title and registration application under Iowa Code section 321.25. If one or both plates have been lost or stolen, the claimant shall certify this fact in writing.

d. For a vehicle that was junked, the date on the junking certificate determines the date the vehicle was junked.

e. If the claim for refund is for excess credit or no replacement vehicle:

(1) The county treasurer will, within three days of receipt of the claim for refund, provide the information required to process the refund to the department.

(2) The department is authorized to approve or deny the claim.

f. The county treasurer shall forward all other claims for refund to the department for processing in the form and manner prescribed by the department.

400.38(2) *Vehicles registered by the department.* Forms and instructions for claiming a refund on apportioned registration fees under Iowa Code section 326.15 may be obtained from the department at the address in subrule 400.6(1).

This rule is intended to implement Iowa Code sections 25.1, 307.12(1)*"j,"* 321.126 through 321.129 and 326.15.
[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.39(307,321) Assigned identification numbers. The department is authorized to issue to the owner an assigned vehicle identification number for a vehicle, an assigned component part number for a component part, and an assigned product identification number for a fence-line feeder, grain cart, or tank wagon. An identification number will be assigned only if the department is satisfied as to the true identity and ownership of the vehicle, component part, fence-line feeder, grain cart or tank wagon. When an assigned vehicle identification number has been issued for a vehicle, the vehicle will be registered and titled under that number. An assigned component part number or an assigned product identification number shall be used only for identification purposes.

400.39(1) *Issuance of an identification number.* The department will issue an assigned vehicle identification number, assigned component part number or assigned product identification number, as applicable, only if:

a. The original number has been destroyed, removed or obliterated.

b. The vehicle has had a cab, body, or frame change and the replacement cab, body, or frame is within the manufacturer's interchangeability parts specifications catalog and is compatible with the make, model, and year of the vehicle. If the replacement cab, body, or frame change is not within the

manufacturer's interchangeability parts specifications catalog or is not compatible with the make, year, and model of the vehicle, the vehicle shall be considered reconstructed and subject to rule 761—400.16(321).

c. The vehicle is specially constructed, reconstructed, a street rod or a replica vehicle. More information is contained in rule 761—400.15(321) for the requirements and procedures applicable to vehicles that are specially constructed, reconstructed, street rods or replica vehicles.

400.39(2) *Procedures.*

a. Request. Whenever an assigned identification number is required under subrule 400.39(1) and the request does not apply to a vehicle that is specially constructed, reconstructed, a street rod or a replica vehicle, the owner of the vehicle, component part, fence-line feeder, grain cart or tank wagon, or the person holding lawful custody, shall contact the department's motor vehicle division at the address in subrule 400.6(1) and request the assignment of a number.

b. Examination. A motor vehicle investigator will contact the owner and schedule a time and place for examination of the vehicle, component part, fence-line feeder, grain cart or tank wagon and ownership documents. An investigator may require the owner to drive or tow the vehicle to and from the examination location upon the applicant's completion of Form 420054. If the vehicle has had a cab, body, or frame change, the owner shall have, for evidence of ownership for the replacement cab, body, or frame, a bill of sale with a description of the part, complete with the manufacturer's identification number, if any, and the name, address, and telephone number of the seller. The bill of sale, the vehicle, and the cab, body, or frame that has been replaced shall be made available for examination at the time and place scheduled.

c. Assigned vehicle identification number.

(1) The investigator upon approval of the request will affix to the vehicle an assigned vehicle identification number and authorize the county treasurer to issue a title and registration for the vehicle.

(2) The owner shall submit the certificate of title and the registration receipt issued for the vehicle to the county treasurer. If the certificate of title is in the possession of a secured party, the county treasurer will notify the secured party to return the certificate of title to the county treasurer for the purpose of issuing a corrected title. Upon receipt of the notification, the secured party shall submit the certificate of title within ten days. The county treasurer, upon receipt of the certificate of title and the registration receipt, will issue a corrected title and registration receipt listing as the vehicle identification number the assigned vehicle identification number.

d. Assigned component part number. The investigator upon approval of the request will affix to the component part an assigned component part number and give to the owner a component part form. The owner shall retain the form as a record of issuance and attachment. The form shall be made available on demand by any peace officer for examination.

e. Assigned product identification number. The investigator upon approval of the request will affix an assigned product identification number to the fence-line feeder, grain cart or tank wagon and give to the owner an assigned product identification number form. The owner shall retain the form as a record of issuance and attachment. The form shall be made available on demand by any peace officer for examination.

400.39(3) *Fees.* A county treasurer, as provided in Iowa Code section 321.20(1), may issue a corrected certificate of title upon collection of the certificate of title fee and a fee for a notation of a security interest, if applicable. A corrected certificate of title is not required for a name change.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.1, 321.20, 321.43, 321.50, 321.52A and 321.92.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.40(321) Odometer statement.

400.40(1) Pursuant to Iowa Code section 321.71 and 49 U.S.C. Section 32705, an odometer disclosure statement shall be submitted with an application for certificate of title for a motor vehicle unless the motor vehicle is exempt. The statement shall provide a current odometer reading and reflect whether the mileage is "actual," "not actual" or "exceeds mechanical limits."

400.40(2) If the transferor failed to provide an odometer disclosure statement or if the transferee lost the statement, and the transferee has attempted in good faith to contact the transferor to obtain a statement, the transferee may file a sworn statement of these facts on a form prescribed by the department.

The sworn statement will be accepted by the county treasurer or the department in lieu of the required odometer disclosure statement. The subsequent title issued from the sworn statement will record "not actual" mileage.

400.40(3) As required by 49 CFR Section 580.17 in effect as of October 1, 2024, for vehicle transfers that occur through December 31, 2030, any vehicle that is model year 2011 or newer shall require an odometer disclosure statement. For vehicle transfers that occur on or after January 1, 2031, the model year formula for odometer disclosure statements is the current year minus 20. The resulting number represents the first model year for which a motor vehicle is exempt from the odometer statement requirements incident to a transfer.

This rule is intended to implement Iowa Code section 321.71.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.41(321) Stickers.

400.41(1) *Placement of validation sticker.* The validation sticker shall be affixed to the lower left corner of the rear registration plate. EXCEPTIONS: For motorcycle, autocycle and small trailer plates, the validation sticker shall be affixed to the upper left corner of the plate. For natural resources plates, the sticker may be affixed to the lower right corner of the rear plate.

400.41(2) *Special fuel identification sticker.* Iowa Code section 321.41(4) applies to special fuel identification stickers. This sticker shall be displayed on the cover of the fuel inlet of the motor vehicle or on the outside panel of the motor vehicle within 3 inches of the fuel inlet so as to be in view when fuel is delivered into the motor vehicle.

400.41(3) *Persons with disabilities parking sticker.* A persons with disabilities special registration plate parking sticker shall be affixed to the lower right corner of the rear registration plate. A persons with disabilities parking sticker shall be affixed to the lower left corner of the flying our colors rear registration plate and above the validation sticker to allow for full view of all numerals and letters printed on the plate pursuant to Iowa Code section 321.37.

400.41(4) *Special truck for farm use sticker.* An owner of a special truck, registered pursuant to Iowa Code section 321.121, who has been issued either regular registration plates or special registration plates other than special truck registration plates must obtain from the county treasurer a sticker that distinguishes the vehicle as a special truck. The sticker shall be affixed to the lower right corner of the rear registration plate. EXCEPTION: If the vehicle displays front and rear plates, two stickers shall be issued with one sticker affixed to the lower right corner of the front plate and rear plate. For natural resources plates and flying our colors plates, the stickers must be affixed to the lower left corner of the front and rear plates.

This rule is intended to implement Iowa Code sections 321.34, 321.37, 321.40, 321.41, 321.121 and 321.166.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.42(307,321) Registration receipt issued for trailer-type vehicles. The registration receipt issued for trailer-type vehicles shall be carried in the vehicle that is described on the receipt or in the driver's compartment of the towing vehicle.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.32.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.43(321) Damage disclosure statement.

400.43(1) If the transferor failed to provide a damage disclosure statement or if the transferee lost the statement, and the transferee has attempted in good faith to contact the transferor to obtain a statement, the transferee may file a sworn statement of these facts. The transferee shall also complete section 2 of a separate damage disclosure statement and sign on the buyer's line. The sworn statement and damage disclosure statement completed by the transferee will be accepted by the county treasurer or the department in lieu of the damage disclosure statement required from the transferor.

400.43(2) A model year formula for damage disclosure statements shall be the current year minus eight. The resulting number represents the first model year for which a motor vehicle is exempt from the damage disclosure statement requirements incident to a transfer.

400.43(3) If the transferor completes the damage disclosure on the assignment of title at the time of application for title, a transferor or transferee of a vehicle may submit a separate damage disclosure statement, Form 411108, indicating the damage level of the vehicle and whether the damage level exceeds 70 percent.

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

b. If the transferee signs the separate damage disclosure statement, Form 411108, the county treasurer shall accept the separate damage disclosure statement only if the separate damage disclosure statement indicates the damage level exceeds 70 percent. If the transferee's statement indicates the damage level is less than 70 percent, and there is no evidence that a prior Iowa title or foreign title was issued or designated as salvage, rebuilt or flood, the department will review the transaction to confirm the damage level using data obtained from the insurance provider, motor vehicle repair facility, or other entity with direct knowledge of the damage.

This rule is intended to implement Iowa Code sections 321.52 and 321.69.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.44(17A,321) Hearings. The department will send notice by certified mail to a person whose certificate of title, vehicle registration, license, or permit is to be revoked, suspended, canceled, or denied under this chapter. The notice will be mailed to the person's mailing address as shown on departmental records and takes effect after 20 days from the date mailed. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13. The request shall be submitted in writing to the director of the motor vehicle division at the address in subrule 400.6(1). The request for a contested case shall be deemed timely submitted if it is delivered or postmarked on or before the 20th day from the date the notice was mailed for revocation, suspension, cancellation, or denial.

This rule is intended to implement Iowa Code sections 17A.10 through 17A.19, 321.101 and 321.102.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.45(321) Motorized bicycles. The following rules shall apply to motorized bicycles.

400.45(1) *Maximum speed.* If the department has reason to believe that a particular vehicle or model is capable of speeds exceeding 39 miles per hour, the department may conduct independent tests to determine the maximum speed of the vehicle or model. If the department determines that the maximum speed of the particular vehicle or model exceeds 39 miles per hour, the vehicle or model will not be registered as a motorized bicycle.

400.45(2) *Identification of a vehicle as a motorized bicycle.* Registration plates issued for motorcycles will also be issued for motorized bicycles.

This rule is intended to implement Iowa Code sections 321.1, 321.13 and 321.166.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.46(307,321) Registration documents lost or damaged in transit through the United States postal service. To obtain without cost the reissuance of registration documents that were sent by the county treasurer to the owner through the United States postal service and that were lost or damaged in transit, the owner of the vehicle shall file application for reissuance between 20 and 60 days of the date the documents were issued by the county treasurer.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.42.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.47(307,321) Credit of registration fees.

400.47(1) *Credit for unexpired registration fee.* The applicant may claim credit, as specified in Iowa Code section 321.46(3), toward the registration fee for one newly acquired replacement vehicle.

a. The credit may be claimed only when the owner of the newly acquired vehicle is applying for a certificate of title and registration (or just registration if the vehicle is not subject to titling provisions) for the newly acquired vehicle.

b. For a junked vehicle, the date on the junking certificate determines the date the vehicle was junked.

c. Excess credit shall not be applied toward the registration fee for a second vehicle.

d. Credit shall be allowed for one or two vehicles that have been sold, traded or junked toward one replacement vehicle. Credit shall be based on the remaining unexpired months of the registration year(s) of the vehicle(s) sold, traded or junked.

400.47(2) *Credit for transfer to spouse, parent or child.* Credit shall be allowed toward a new registration for a vehicle being transferred to the applicant from the applicant's spouse, parent or child, or from a former spouse pursuant to a dissolution of marriage decree, if application for the certificate of title and registration (or just registration if the vehicle is not subject to titling provisions) is made within 30 days after the date of transfer. If the owner is deceased, credit may be transferred under rule 761—400.13(321).

400.47(3) *Credit from/to apportioned registration.*

a. Pursuant to Iowa Code section 321.46A, an owner may claim credit toward the registration fees due when changing a vehicle's registration from apportioned registration under Iowa Code chapter 326 to registration under Iowa Code chapter 321. The owner shall surrender proof of apportioned registration to the county treasurer. Credit shall be allowed for the unexpired complete calendar months remaining in the registration year from the date the application is filed with the county treasurer.

b. Pursuant to Iowa Code sections 321.126 and 321.127, the owner or lessee of a motor vehicle may claim credit for the apportioned registration fees due when changing the vehicle's registration from registration by the county treasurer to apportioned registration. Application for apportioned registration shall be submitted to the department's motor vehicle division; more information is contained in 761—Chapter 500.

400.47(4) *Assignment of credit and registration plates from lessor to lessee.* When a lessee purchases the leased vehicle and within 30 days requests the assignment of the vehicle's fee credit and registration plates, the lessor shall assign the registration fee credit and registration plates for the purchased vehicle to the lessee.

400.47(5) *Rounding.* If credit from two registration years or two registration fees, or some combination of both, is available, the credits shall first be added together, then it shall be determined whether the sum meets the minimum required under Iowa Code section 321.46(3)*"c,"* and then the sum shall be rounded to the nearest whole dollar.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.46, 321.46A, 321.48, 321.116, 321.117, 321.126 and 321.127.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.48(321) Reassignment of registration plates.

400.48(1) Registration plates may be reassigned if one of the owners listed on the registration receipt before the transfer is also a listed owner following the transfer.

400.48(2) Registration plates may be reassigned when credit is allowed toward a new registration for a vehicle being transferred to the owner's spouse, parent, or child, or to a former spouse pursuant to a dissolution of marriage decree. If the owner is deceased, plates may be transferred under rule 761—400.13(321).

400.48(3) Registration plates shall not be reassigned between a natural person or persons and a corporation, association, copartnership, company, or firm.

400.48(4) Registration plates may be reassigned and credit allowed if two or more corporations, associations, partnerships, or firms merge into one corporation, association, partnership or firm.

400.48(5) Registration plates may be assigned and credit allowed if an owner listed on the certificate of title and registration transfers ownership of the vehicle to a trust created by that owner.

400.48(6) Registration plates may be assigned and credit allowed if an owner listed on the certificate of title and registration transfers ownership of the vehicle from a living trust to an individual owner who created that trust and vice versa.

This rule is intended to implement Iowa Code sections 321.34 and 321.46.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.49(307,321) Storage of registration plates, certificate of title forms and registration forms. Registration plates, certificate of title forms and registration forms that are consigned to county treasurers by the department shall be stored in a secure location only accessible to authorized persons as designated by the county treasurer or department.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.5, 321.8 and 321.167.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.50(307,321) Disposal of surrendered registration plates. The county treasurer shall return plates that have been surrendered to the county treasurer to Iowa state prison industries for recycling.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.5 and 321.171.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.51(307,321) County treasurer's report of motor vehicle collections and funds. The county treasurer shall file the report provided for in Iowa Code section 321.153 in a manner prescribed by the department.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.153.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.52(321) Removal of registration and plates by peace officer under financial liability coverage law. This rule applies to instances when a peace officer issues a citation and removes the registration receipt and registration plates of a motor vehicle registered in this state when the driver of the motor vehicle is unable to provide proof of financial liability coverage. This rule applies regardless of whether the vehicle was also impounded.

400.52(1) The peace officer shall forward the registration receipt and evidence of the violation to the county treasurer of the county in which the motor vehicle is registered. Evidence of the violation is one of the following:

a. A copy of the citation. The citation must either reference Iowa Code section 321.20B(4)*"a"*(3) or 321.20B(4)*"a"*(4), as applicable, or reference Iowa Code section 321.20B and indicate whether or not the vehicle was impounded.

b. A written statement from the peace officer listing the plate number of the registration plate removed from the vehicle and the vehicle owner's name. The statement must either reference Iowa Code section 321.20B(4)*"a"*(3) or 321.20B(4)*"a"*(4), as applicable, or reference Iowa Code section 321.20B and indicate whether or not the vehicle was impounded. The statement must be signed by the peace officer or an employee of the law enforcement agency.

400.52(2) The peace officer may either destroy removed plates or deliver the removed plates to the county treasurer for destruction.

This rule is intended to implement Iowa Code section 321.20B.

[**ARC 9266C**, IAB 5/14/25, effective 6/18/25]

761—400.53(307,321) Electronic lien and title.

400.53(1) The department may authorize the use of an electronic lien and title (ELT) system to provide an electronic record of the certificate of title to a security interest holder, to subject a vehicle to an electronic lien, and to allow for the submission and receipt of forms related to security interests through electronic means.

a. The department may enter into an agreement with ELT providers for transmission of vehicle data, title data and forms necessary to process security interest transactions through electronic means.

b. The department may authorize an ELT lender to participate in the ELT system if the ELT lender has first established a service relationship with an authorized ELT provider. The department may establish application forms and approval processes as necessary for ELT lenders.

400.53(2) For each individual transaction, an authorized ELT lender may choose to use either the ELT process or the paper security interest process as provided in Iowa Code section 321.50 and rules 761—400.8(321) and 761—400.9(321).

400.53(3) If a security interest is released through ELT and there are no other secured parties, but the ELT lender does not request a paper title to be printed and provided to the owner, or the ELT lender does

not otherwise provide a paper title to the owner, then the owner of the vehicle may apply to the county treasurer or the department for a certificate of title to be printed and provided to the owner by submitting an application form in the form and manner prescribed by the department.

a. If there is more than one owner of the vehicle, any owner may apply to the department or the county treasurer, as applicable, for the certificate of title to be printed and provided to whomever the owner specifies.

b. If an owner is deceased, the signatures and documents specified in subrules 400.13(4) and 400.13(5) shall be required.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.50.

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◊ Two or more ARCs

CHAPTER 401
PERSONALIZED AND SPECIAL REGISTRATION PLATES

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

761—401.1(307,321) Definitions.

"Current firefighter" means a member of a paid or volunteer fire department who has at least one year of service and is in good standing, as determined by the fire chief.

"Retired firefighter" means a former member of a paid or volunteer fire department who has a minimum of ten years' total service in good standing, as determined by the fire chief.

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

"Special registration plates" means registration plates issued under Iowa Code section 321.34 or 321.105 other than regular or sample plates.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"*321.34 and 321.105.

[**ARC 8937C**, IAB 2/19/25, effective 3/26/25]

761—401.2(307,321,321L) Application and requirements for certain special registration plates.

401.2(1) *Plates available without application.* Except for the special registration plates listed in subrules 401.2(2) and 401.2(3) and collegiate plates issued under Iowa Code section 321.34(7) and 321.34(7A), all special registration plates authorized under Iowa Code section 321.34 are available as random letter-number designated plates at the county treasurer's office of the county of registration without separate application.

401.2(2) *Special registration plates requiring separate application.* The following special registration plates require that a separate application with any applicable supporting documentation be submitted to the department on Form 411260. Applications are to be submitted by mail to Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; by email to dot.plates@iowadot.us, or electronically at www.iowadot.gov/mvd/vehicleregistration/vehicleregistration/plates/plates. Form 411260 may be obtained by contacting the motor vehicle division using the information in this subrule, by phone at 515.237.3110, by fax at 515.237.3056, or at any county treasurer's office.

a. Amateur radio call letter plate applications under Iowa Code section 321.34(3) require the number of the amateur radio license issued by the Federal Communications Commission.

b. Medal of honor plate applications under Iowa Code section 321.34(8) require an official government document verifying the applicant's receipt of the medal of honor.

c. Ex-prisoner of war plate applications under Iowa Code section 321.34(8A) require a copy of an official government document verifying that the applicant was a prisoner of war or a signed statement from a person who has knowledge that the person was a prisoner of war.

d. Firefighter plates issued under Iowa Code section 321.34(10) require a certification signed by the fire chief of the paid or volunteer fire department confirming that the applicant is a current or retired firefighter member of the fire department. Renewal for a current firefighter requires a new certification be submitted to the county treasurer's office. Renewal for a retired firefighter does not require a new certification.

e. Emergency medical services plate applications under Iowa Code section 321.34(10A) require a signature from the applicant's service director certifying that the applicant is a current member of a paid or volunteer emergency medical services agency.

f. Legion of Merit plate applications under Iowa Code section 321.34(15) require a copy of the official government document verifying receipt of the Legion of Merit. An eligible applicant who wishes to receive such plates for more than one vehicle is subject to the regular annual registration fee for each additional vehicle.

g. National guard plate applications under Iowa Code section 321.31(16) require certification from the applicant's unit commander on unit letterhead confirming the applicant's eligibility.

h. Pearl Harbor plate applications under Iowa Code section 321.34(17) require a copy of an official government document verifying that the applicant was stationed at Pearl Harbor, Hawaii, as a member of the armed forces on December 7, 1941.

i. Purple heart, silver star, and bronze star plate applications under Iowa Code sections 321.34(18) and 321.34(20) require an official military order, the report of discharge, or DD Form 214 confirming the applicant's receipt of the award.

j. Gold star plate applications under Iowa Code section 321.34(24) require written approval from the Iowa department of veterans affairs confirming the lineage of applicant to the deceased veteran and documentation that the veteran is deceased due to military service.

k. U.S. armed forces retired special plates under Iowa Code section 321.34(19) require documentation that the U.S. armed forces recognizes the person as retired from the U.S. armed forces, in the form of the official military order confirming the applicant's retirement, report of discharge, or DD Form 214.

l. Distinguished service, navy, or air force cross plates under Iowa Code section 321.34(20A) require an official military order, the report of discharge, or DD Form 214 confirming the applicant's receipt of the award.

m. Soldier's, navy and marine corps, or airman's medal plates under Iowa Code section 321.34(20B) require an official military order, the report of discharge, or DD Form 214 confirming the applicant's receipt of the award.

n. U.S. veteran plate applications under Iowa Code section 321.34(27) require a certification from the Iowa department of veterans affairs that the applicant qualifies as an honorably discharged veteran.

o. Disabled veteran plate applications under Iowa Code section 321.166(6) require a certification from the U.S. Department of Veterans Affairs that the United States government has provided or has assisted in providing the motor vehicle to the disabled veteran. A separate certification may be required for any subsequently acquired vehicle or when the veteran moves to another county.

p. Notwithstanding any provision of this rule to the contrary, an applicant seeking any military or armed forces special registration plate may submit alternate documentation if approved by the Iowa office of the adjutant general or the Iowa department of veterans affairs.

401.2(3) *Persons with disabilities special registration plates.* Plates issued under Iowa Code section 321.34(14) are available from the department or county treasurer and require the application and statement of disability prescribed by 761—subrule 411.3(2), including certification that the applicant meets the eligibility requirements of Iowa Code section 321.34(14). If applicable, the application also requires certification of residency on Form 411120. In lieu of the statement of disability, a veteran may submit a certification of disability from the U.S. Department of Veteran's Affairs.

401.2(4) *Plates with minimum ordering requirements.* Applicants seeking a combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, combat medical badge, or civil war sesquicentennial plate under Iowa Code section 321.34(20C) or 321.34(25) are to apply to the department.

a. Applications for combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge plates require a copy of an official government document verifying that the applicant received such award.

b. Applications for civil war sesquicentennial plates do not require additional documentation.

401.2(5) *Fees due.* The applicable statutory issuance fee for each special registration plate under Iowa Code section 321.34 is due at the time of application.

401.2(6) *Vehicles eligible.* Unless otherwise specified in Iowa Code section 321.34, special registration plates are available for motor vehicles subject to registration under Iowa Code section 321.109(1), autocycles, motor trucks, motor homes, multipurpose vehicles, motorcycles, trailers, and travel trailers.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.34 and 321.105 and chapter 321L.

[**ARC 8937C**, IAB 2/19/25, effective 3/26/25]

761—401.3(321) Character limits. In addition to the character requirements of Iowa Code sections 321.34(5), 321.34(12), and 321.166, the following provisions apply to all personalized and special registration plates:

401.3(1) Plates will be issued with a minimum of two characters.

401.3(2) Plates with a processed emblem, and plates issued under Iowa Code section 321.34(13), are limited to five characters whether personalized or issued as a letter-number designated plate.

This rule is intended to implement Iowa Code sections 321.34 and 321.166.

[**ARC 8937C**, IAB 2/19/25, effective 3/26/25]

761—401.4(17A,321) Nonprofit organization decal approval and issuance.

401.4(1) *Application.* An organization meeting the criteria of Iowa Code section 321.34(13)*"a"* and 321.34(13)*"b"* must apply to the department for approval of the decal design and issuance on Form 411346. The department is to notify the organization of approval or denial of the proposed decal within 60 days of application receipt.

401.4(2) *Decal design.* In addition to satisfying the requirements of Iowa Code section 321.34(13) *"d,"* an approved decal will be limited to dimensions of 2.875″ in width and 3″ in height and designed to be placed in the space reserved for the decal on the nonprofit organizational decal plate. The department may consult with other organizations, law enforcement authorities, and the public regarding approval or denial of the decal design.

401.4(3) *Revocation.* If, following approval of the decal, the department determines a false application was submitted or that the decal or the issuing organization is in violation of Iowa Code section 321.34(13) or this chapter, the department shall revoke the organization's approval to issue the decal.

401.4(4) *Notice.* If the department denies or revokes the decal design, the department will send notice of the denial or revocation by certified mail to the organization at the address listed on the application. The revocation or denial takes effect 20 days from the date of mailing. The organization may contest the decision in accordance with 761—Chapter 13. The request will be deemed timely if it is delivered or postmarked on or before the effective date specified in the notice.

This rule is intended to implement Iowa Code chapter 17A and section 321.34.

[**ARC 8937C**, IAB 2/19/25, effective 3/26/25]

761—401.5(307,321) Personalized plates.

401.5(1) Personalized plates under Iowa Code section 321.34(5) are available to order online through the department's website at www.iowadot.gov/mvd/personalizedplates/home.aspx. An applicant unable to order online may contact the motor vehicle division at the address or phone number listed in subrule 401.2(2) to apply in an alternate manner.

401.5(2) An application for a personalized plate will be rejected if the requested combination of characters is issued to another vehicle or is reserved for any other vehicle plate series under Iowa Code chapter 321.

401.5(3) The department shall not issue any combination of characters it determines is:

a. Denoting a government agency;

b. Sexual in connotation;

c. A term of vulgarity, contempt, prejudice, hostility, insult, or racial or ethnic degradation;

d. Recognized as a swear word;

e. A reference to an illegal substance;

f. A reference to a criminal act;

g. Offensive; or

h. A foreign word falling into any of these categories.

401.5(4) Personalized plates are not available for the plates listed in paragraphs 401.2(2)*"a"* through *"c,"**"f,"* and *"o."*

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"*321.34, and 321.166.

[**ARC 8937C**, IAB 2/19/25, effective 3/26/25]

761—401.6(307,321) Issuance of special registration plates.

401.6(1) Only a person who is an owner or lessee of a vehicle with current registration is eligible to receive special registration plates. The registration plates previously issued to the vehicle are to be surrendered to the county treasurer prior to issuance of new special registration plates.

401.6(2) Special registration plate fees are not eligible to be prorated.

401.6(3) Special registration plates are void if they are not assigned to a vehicle within 90 days after the date the county receives the plates, or if they are replacement plates issued as part of a periodic replacement cycle, within 90 days after the last day of the month of expiration of registration. If the plates are not picked up within the 90-day period, the plates are to be destroyed and a new application and a new issuance fee are to be submitted.

401.6(4) When an applicant provides proof to the department that a special registration plate has been lost or damaged, the applicant may obtain replacement plates containing the applicant's previous plate number upon payment of the statutory fee.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"*321.26, 321.34 and 321.42.

[**ARC 8937C**, IAB 2/19/25, effective 3/26/25]

761—401.7(307,321) Renewal.

401.7(1) Registration plates under this chapter are to be renewed at the office of the applicable county treasurer. All applicable annual statutory fees for the special registration plate or personalized plate are due at the same time the regular annual registration fee is due and are in addition to the regular annual registration fee.

401.7(2) If renewal of a personalized registration plate is delinquent beyond the period authorized under Iowa Code section 321.40(1), a new application and new statutory issuance fee(s) are required. In addition, the department may issue the combination of characters on personalized plates to another applicant.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"*321.20, 321.34, 321.40 and 321.105.

[**ARC 8937C**, IAB 2/19/25, effective 3/26/25]

761—401.8(307,321) Reassignment or surrender of special registration plates.

401.8(1) *Reassignment.*

a. A vehicle owner or lessee who has special registration plates assigned to a currently registered vehicle may request that the plates or the plate character sequence be reassigned to another currently registered vehicle owned or leased by that person or owned or leased by another person, provided the assignee is eligible for the special registration plates.

b. To reassign plates to a vehicle owned or leased by another person, a written request for reassignment signed by both the assignor and assignee must be submitted to the county treasurer of the assignee's county of residence. The special registration plates will be issued to the assignee by the county treasurer in exchange for the registration plates previously issued.

401.8(2) *Qualifying events requiring surrender or reassignment.* Special registration plates issued to a person are to be surrendered to the county treasurer in exchange for regular registration plates within 30 days of a qualifying event. Alternatively, a person may request reassignment of the plates within 30 days of a qualifying event. A qualifying event includes the following:

a. The person is no longer eligible for the plates.

b. The person has sold or transferred the vehicle to another person.

c. The person was the lessee of the vehicle and the lease was terminated.

d. The person died, except to the extent that Iowa Code section 321.34 permits another person to retain such plates on the vehicle.

401.8(3) *Fees due.* If the vehicle was exempt from the payment of regular registration fees due to the type of special registration plates issued, the vehicle becomes subject to the payment of regular registration fees on the first day of the month following the date of the event that made the person ineligible or the person's death. The regular registration fees will be prorated for the remaining unexpired months of the registration year.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"*321.34 and 321.40.

[**ARC 8937C**, IAB 2/19/25, effective 3/26/25]

761—401.9(17A,307,321) Revocation of plates—appeal.

401.9(1) A special registration plate or personalized plate shall be revoked if the department determines it has been issued in conflict with the statutes or rules governing the plate's issuance. The department shall send the notice of revocation to a person's mailing address by certified mail, and the revocation takes effect 20 days from the date of mailing. Revoked plates must be surrendered to the county treasurer within ten days of the date of receipt of the notice.

401.9(2) The person may contest the decision of the department in accordance with 761—Chapter 13. The request will be deemed timely if it is delivered or postmarked on or before the effective date specified in the notice.

This rule is intended to implement Iowa Code chapter 17A and sections 307.12(1)*"j"* and 321.34.

[**ARC 8937C**, IAB 2/19/25, effective 3/26/25]

761—401.10(307,321) Refund of fees. No refund of fees for special or personalized registration plates shall be allowed unless the plates were issued in error or in conflict with the statutes or rules governing their issuance.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.34.

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CHAPTERS 402 to 404
Reserved

CHAPTER 405
SALVAGE AND OTHER TITLE DESIGNATIONS

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/23/30

761—405.1(321,322G) Applicability and information.

405.1(1) This chapter applies to motor vehicles subject to Iowa Code sections 321.24, 321.52, 321.69 and 322G.12.

405.1(2) Information regarding this chapter may be obtained by mail from the Motor Vehicle Division, Iowa Department of Transportation, 6310 SE Convenience Boulevard, Ankeny, Iowa 50201; by email at central.vehicle@iowadot.us; or on the department's website at www.iowadot.gov/mvd/vehicleregistration.

[**ARC 9012C**, IAB 3/19/25, effective 4/23/25]

761—405.2(321,321H) Definitions.

405.2(1) The definitions in Iowa Code section 321.1 are hereby adopted. In addition:

"Authorized vehicle recycler" means a person licensed under Iowa Code chapter 321H.

"Bill of sale" means a document provided by the seller to the buyer containing the name, contact information 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.

"Foreign jurisdiction" means a jurisdiction other than Iowa.

"New motor vehicle dealer" means a dealer licensed under Iowa Code chapter 322 to sell new motor vehicles that have not been sold "at retail" or previously registered in this or any other state.

"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 and is not designated as "salvage."

"Regular Iowa title" means an Iowa certificate of title that is not a salvage title.

"Salvage theft examination certificate" means a certificate, including an electronic certificate in the form and manner prescribed by the department, issued by a peace officer who has been specially certified to conduct salvage theft examinations as provided in Iowa Code section 321.52.

"Salvage title" means either an Iowa or a foreign salvage title unless otherwise specified.

"Wrecked or salvage vehicle" means a damaged motor vehicle that:

1. Has repair costs exceeding 70 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.

405.2(2) Fair market value, for the purposes of this chapter, is to be determined by the motor vehicle division using any of the following: a bill of sale, an appraisal conducted by a motor vehicle dealer or a third-party appraiser, or a commercially available motor vehicle pricing guide.

[**ARC 9012C**, IAB 3/19/25, effective 4/23/25]

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 word "SALVAGE" is to be printed on the face of an Iowa salvage title.

405.3(2) *Assignment.* A salvage title may be assigned only as provided in Iowa Code section 321.52(4). Except as provided in subrule 405.3(3), the transferee to whom a salvage title is assigned shall, within 30 days after the date of assignment, apply for a new Iowa salvage title, a regular title or an Iowa junking certificate.

405.3(3) *Reassignment.* If a vacant reassignment space is available on the salvage title, a licensed new motor vehicle dealer or an authorized vehicle recycler may reassign the salvage title, and the dealer or recycler is not required to obtain a new Iowa salvage title. If all reassignment spaces on a salvage title assigned to the dealer or recycler have been used, the dealer or recycler is required to obtain a new Iowa salvage title in accordance with subrule 405.3(2). The words "ONLY NEW MOTOR VEHICLE DEALERS OR RECYCLERS MAY REASSIGN THIS TITLE" are to be printed on the dealer reassignment portion of Iowa salvage titles.

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 an Iowa salvage title is issued, no additional penalties 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, are to 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) will 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.

405.3(6) *Application.* Application for an Iowa salvage title shall be made within 30 days after the date of assignment to the transferee.

[**ARC 9012C**, IAB 3/19/25, effective 4/23/25]

761—405.4(321) Converting salvage title to regular title.

405.4(1) *Rebuilt designation.* When a person converts a salvage title to a regular title under Iowa Code section 321.52(4), a regular title and registration receipt issued will bear the designation "REBUILT-IA."

405.4(2) *Insurer's certification.* An insurer who has a title under Iowa Code section 321.52(4) may submit an insurer's certification in lieu of a salvage theft examination certificate.

a. An acceptable insurer's certification will:

(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 $3,000.

(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 owner.

c. A regular title and registration receipt issued pursuant to this subrule is not required to have a designation of "REBUILT-IA." However, rule 761—405.7(321) applies to carry forward any designation on the title and registration receipt.

[**ARC 9012C**, IAB 3/19/25, effective 4/23/25]

761—405.5(321) Foreign vehicles.

405.5(1) *Definitions.* The following definitions apply to foreign titles and the designations shown on them.

"Junked" is any designation from a foreign jurisdiction that 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 or titled as salvage but had the designation removed or was subsequently issued a regular title, and the vehicle is permitted to be driven and moved upon a highway.

"Salvage" means the vehicle is designated or titled as salvage or the vehicle is damaged and shall not be registered to be driven or moved upon a highway until it is no longer designated or titled as salvage.

405.5(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 will contain the designation of "rebuilt" together with the two-letter abbreviation of the name of the jurisdiction that issued the foreign title. However, if a records check indicates that the vehicle was previously titled in Iowa with a designation of "prior salvage," the Iowa title and registration receipt issued shall contain the designation of "REBUILT-IA." If a records check indicates that the vehicle was previously titled in Iowa with a designation of "REBUILT-IA," the "REBUILT-IA" designation takes precedence and is to be carried forward to the Iowa title and registration receipt.

405.5(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 is not to 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 Iowa Code section 321.52(4) and rule 761—405.4(321). However, 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.

405.5(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. With the word "rebuilt" plus the two-letter abbreviation of the name of the jurisdiction that converted the salvage designation to a regular title, even if the foreign title does not indicate that the vehicle was rebuilt.

b. As specified in subrule 405.5(2), if the foreign title indicates that the vehicle was rebuilt.

405.5(5) *Designation carried forward.* If a vehicle leaves Iowa with a regular Iowa title and reenters Iowa with a regular foreign title and if the foreign title does not indicate that the vehicle was rebuilt and if a records check indicates that the vehicle had a designation listed in paragraphs 405.7(1)*"a"* through *"f,"* that designation shall be carried forward to the Iowa title and registration receipt issued from the foreign title.

405.5(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—405.7(321), the Iowa title and registration receipt issued from the foreign title shall contain, as applicable, the designation of "flood," "fire," "vandalism" or "theft."

405.5(7) *Foreign title with a lemon buy-back designation.* See rule 761—405.7(321).

405.5(8) *Junking certificate.* For all vehicles subject to Iowa titling laws, an Iowa junking certificate is to be issued if either of the following applies:

a. The prior title for a vehicle is a foreign title indicating that the vehicle was junked, regardless of any other designation on the title, or

b. A records check for a vehicle with a foreign title indicates that the vehicle should have been or has been junked as defined in subrule 405.5(1).

[**ARC 9012C**, IAB 3/19/25, effective 4/23/25]

761—405.6(321) Records check. Before a title is issued in Iowa, an electronic records check may be made pursuant to 28 CFR Section 25.54 (July 1, 2023). The purpose of the records check is to determine if the vehicle:

405.6(1) Has, ever had or should have had a "salvage," "prior salvage," "rebuilt," "damage over 70 percent," "flood," "fire," "vandalism," "theft," "lemon buy-back" or equivalent designation(s) on a previous title. If such a designation is or should have been on a previous title, the Iowa title to be issued shall contain the designation required by this chapter.

405.6(2) 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.

405.6(3) Should have been or was ever junked as defined in subrule 405.5(1). If the vehicle should have been or was ever junked, an Iowa junking certificate shall be issued.

[**ARC 9012C**, IAB 3/19/25, effective 4/23/25]

761—405.7(321,322G) Designations.

405.7(1) The following designations for a vehicle shall be used on Iowa titles and registration receipts and will be carried forward to all subsequent Iowa titles and registration receipts issued for the vehicle unless otherwise specified:

a. REBUILT-IA. This designation supersedes other designations. When a designation of "REBUILT-IA" is required pursuant to rule 761—405.4(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 405.5(2), it replaces any other designation except a "REBUILT-IA" designation.

c. Damage over 50 percent. The designation shall be used for applicable vehicle transfers and Iowa title and registration issuances occurring prior to July 1, 2021.

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

e. Flood, fire, vandalism or theft. The most recent designation applies. Unless superseded by a "REBUILT-IA," "rebuilt," "damage over 50 percent" or "damage over 70 percent" designation, a designation of "flood," "fire," "vandalism" or "theft" shall be used as specified in subrule 405.5(6) and supersedes a "lemon buy-back" designation.

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

(1) 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.

405.7(2) An Iowa salvage title will be issued with a designation of "salvage" unless a designation listed in subrule 405.7(1) is required.

[**ARC 9012C**, IAB 3/19/25, effective 4/23/25]

761—405.8(321) Salvage theft examination. Except for foreign salvage titles assigned to licensed new motor vehicle dealers, authorized vehicle recyclers or educational institutions, a salvage theft examination may only be conducted on a vehicle with an Iowa salvage title. The vehicle is not to be examined until it has been completely repaired, except for minor body parts such as trim, body marking or paint.

405.8(1) *General procedure.* In addition to requirements in Iowa Code section 321.52(4)*"d,"* the following procedures apply to salvage theft examinations:

a. An applicant may request a salvage theft examination by contacting an investigator of the department's motor vehicle division by email at invbureau@iowadot.us, on the department's website at www.iowadot.gov/biip or by contacting an Iowa local law enforcement agency.

b. The applicant is to bring the following documents to the inspection:

(1) The repair affidavit under Iowa Code section 321.52(4)*"d,"* which may be found on the department's website and is to be submitted in an electronic format to the department or the Iowa local law enforcement agency.

(2) The permit authorized in Iowa Code section 321.52(4)*"d"* to operate the vehicle to and from the examination location, which must be printed and signed by the owner and kept in the vehicle to be considered valid.

(3) A bill of sale for all component parts replaced.

c. Payment for the salvage theft examination is to be made electronically and is due at the time the examination is scheduled. If the examination is not completed within three years from the date the affidavit and payment were submitted, a new fee is due.

d. The peace officer shall return to the owner upon completion of the examination the following: the salvage title or the certified copy of the salvage title, the permit to drive on the repair affidavit (if applicable) and the bills of sale.

405.8(2) *Certificates.* Upon completion of the examination, the salvage theft examination certificate will be completed electronically. However, if a peace officer finds it necessary to use a physical salvage

theft examination certificate, the salvage theft examination certificate is to be a controlled form furnished by the department.

a. The owner of the vehicle may obtain a copy of the salvage theft examination certificate upon written request to the department.

b. The salvage theft examination certificate is not transferable to a different party or owner.

[**ARC 9012C**, IAB 3/19/25, effective 4/23/25]

These rules are intended to implement Iowa Code sections 321.1, 321.13, 321.24, 321.52, 321.69, 321H.2 and 322G.12 and 28 CFR Section 25.54.

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CHAPTERS 406 to 409
Reserved

CHAPTER 410
SPECIAL MOBILE EQUIPMENT

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/12/30

761—410.1(321) General.

410.1(1) "Special mobile equipment" means the same as defined in Iowa Code section 321.1.

410.1(2) Special mobile equipment is exempt from titling and registration pursuant to Iowa Code sections 321.18 and 321.20. However, a certificate of title and registration may be obtained in accordance with Iowa Code chapter 321 for a motor truck, trailer or semitrailer with special mobile equipment permanently attached.

410.1(3) Questions about special mobile equipment may be directed by mail to the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.237.3268; or by email at omcs@iowadot.us.

This rule is intended to implement Iowa Code sections 321.1, 321.18 and 321.20.

[**ARC 8787C**, IAB 1/8/25, effective 2/12/25]

761—410.2(321E) Special mobile equipment transported on a registered vehicle. The movement of special mobile equipment or component parts of special mobile equipment transported on a vehicle registered for the gross weight of the vehicle without load, as provided in Iowa Code section 321E.12, is subject to the following:

410.2(1) If the special mobile equipment is leased, the lease agreement or a certified copy of the lease agreement is to be carried in the cab of the transporting vehicle.

410.2(2) The size and weight limits in Iowa Code chapter 321 are applicable unless a permit to exceed these limits is obtained in accordance with Iowa Code chapter 321E.

This rule is intended to implement Iowa Code sections 321E.12 and 321E.15.

[**ARC 8787C**, IAB 1/8/25, effective 2/12/25]

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[1] Effective date of 410.3(2), June 2, 1993, delayed 70 days by the Administrative Rules Review Committee at its meeting held May 12, 1993; delay lifted by this Committee June 8, 1993, effective June 9, 1993.

CHAPTER 411
PERSONS WITH DISABILITIES PARKING PERMITS

[Prior to 6/3/87, Transportation Department [820]—(07,D) Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/23/30

761—411.1(321L) Definitions.

411.1(1) The definitions in Iowa Code section 321L.1 are hereby made part of and fully incorporated in this chapter.

"Health care provider" means a licensed medical professional listed in Iowa Code section 321L.2(1).

"Nonexpiring removable windshield placard" means a removable windshield placard issued on or before December 31, 2016, to a person with a lifelong disability.

"Organization" means an applicant that is a corporation, partnership, sole proprietorship, business trust, estate, trust, limited liability company, association, joint venture, government, governmental subdivision, agency, instrumentality, public corporation, or any other legal or commercial entity lawfully doing business in the state of Iowa that has a program for transporting persons with disabilities or elderly persons.

"Standard removable windshield placard" means a removable windshield placard issued on or after January 1, 2017, to a person with a lifelong disability.

"Statement of disability" means the communication originating from the applicant's health care provider as described in Iowa Code section 321L.2, which attests that the applicant is a person with a disability as defined in Iowa Code section 321L.1(8) and, if applicable, identifies the period of time during which the applicant is expected to be disabled.

"Temporary removable windshield placard" means a removable windshield placard issued to a person with a statement of disability that indicates the disability is temporary.

411.1(2) Reserved.

This rule is intended to implement Iowa Code sections 321L.1 and 321L.2.

[**ARC 9013C**, IAB 3/19/25, effective 4/23/25]

761—411.2(321L) Application for persons with disabilities parking permit.

411.2(1) *General.*

a. A person seeking a persons with disabilities parking permit pursuant to Iowa Code section 321L.2 shall complete Form 411055 and include a statement of disability and any required supporting documentation. The applicant is to indicate which of the following permits the applicant is seeking:

(1) Temporary removable windshield placard.

(2) Standard removable windshield placard.

(3) Persons with disabilities parking sticker.

(4) Persons with disabilities special registration plates.

b. An applicant seeking persons with disabilities special registration plates must also submit an application as described in 761—subrule 401.2(3).

c. An organization seeking a persons with disabilities removable windshield placard shall complete Form 411355 and include the name of its authorized representative; the mailing address, telephone number, and signature of its authorized representative; and, if required to obtain one, the organization's federal employer identification number or federal tax identification number. An application made by an organization does not have to include a statement of disability.

d. An applicant who provides a certification of disability from the U.S. Department of Veterans Affairs in lieu of a statement of disability must also self-certify, under penalty of perjury, that the nature of the applicant's disability certified by the U.S. Department of Veterans Affairs is a lifelong disability that impairs the applicant's mobility to the extent defined in Iowa Code section 321L.1(8).

411.2(2) *Application forms and submission.*

a. Applications may be obtained by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; by telephone at 515.237.3110; by facsimile at 515.237.3056; by email at vscusto@iowadot.us; or on the department's website

at www.iowadot.gov/mvd/vehicleregistration/persons-with-disabilities. Applications may also be obtained from a driver's license service center or county treasurer's office.

b. Completed applications are to be submitted by any method in paragraph 411.2(2)*"a."*

This rule is intended to implement Iowa Code sections 321L.1, 321L.2 and 321L.8.

[**ARC 9013C**, IAB 3/19/25, effective 4/23/25]

761—411.3(321L) Removable windshield placards.

411.3(1) *Nonexpiring removable windshield placards.*

a. Period of validity. A nonexpiring removable windshield placard issued on or before December 31, 2016, remains valid until the occurrence of any condition set forth in Iowa Code section 321L.3(1), the procedure set forth in rule 761—411.6(321L), and as otherwise specified by statute or rule.

b. Replacement. A lost, stolen, or damaged nonexpiring removable windshield placard will be replaced with a standard removable windshield placard.

411.3(2) *Standard removable windshield placards.*

a. Period of validity. A standard removable windshield placard may be issued only to a person with a lifelong disability and is valid for a period of five years.

b. Renewal. A person who holds a valid standard removable windshield placard may renew the placard by submitting a new statement of disability indicating the applicant has a continuing need for the placard and a new persons with disabilities parking permit application pursuant to rule 761—411.2(321L).

411.3(3) *Temporary removable windshield placards.* A temporary removable windshield placard may be issued to the applicant if the applicant's statement of disability indicates the applicant's disability is temporary. An organization is not eligible to apply for a temporary removable windshield placard.

a. Period of validity. A temporary removable windshield placard shall be valid for the period of time indicated on the statement of disability, but not to exceed six months.

b. Renewal. A person who holds a valid temporary removable windshield placard may renew the placard by submitting a new statement of disability and a new persons with disabilities parking permit application pursuant to rule 761—411.2(321L).

411.3(4) *Removable windshield placards for an organization.* An organization may be issued a removable windshield placard. The placard shall bear the name of the organization and the signature of its authorized representative.

a. Period of validity. A removable windshield placard issued to an organization shall be valid for four years.

b. Renewal. The organization may renew a placard issued to it by submitting a new persons with disabilities parking permit application pursuant to rule 761—411.2(321L) provided the organization continues to provide the service for which the placard was issued. If at any time the organization ceases providing the service for which the placard was issued, the organization shall immediately surrender the placard to the department.

411.3(5) *Display of placards.* A removable windshield placard displayed when the vehicle is parked in a persons with disabilities parking space as prescribed in Iowa Code section 321L.4 shall be displayed in a manner that allows the entire placard to be visible through the vehicle's windshield.

This rule is intended to implement Iowa Code sections 321L.1, 321L.2 and 321L.4.

[**ARC 9013C**, IAB 3/19/25, effective 4/23/25]

761—411.4(321L) Persons with disabilities parking stickers.

411.4(1) *Eligibility.* A persons with disabilities parking sticker may be issued only to an eligible person under Iowa Code section 321L.2 with a lifelong disability. An organization is not eligible for a persons with disabilities parking sticker.

411.4(2) *Period of validity.* The special registration plate parking sticker is valid for such period of time that the registration for the vehicle remains valid.

411.4(3) *Display.* The special registration plate parking sticker shall be affixed to the lower right corner of the rear registration plate, as required by rule 761—400.53(321). A persons with disabilities parking sticker shall not be placed on persons with disabilities special plates issued under Iowa Code section 321.34(14).

This rule is intended to implement Iowa Code sections 321L.1, 321L.2 and 321L.4.
[**ARC 9013C**, IAB 3/19/25, effective 4/23/25]

761—411.5(321L) Return of persons with disabilities parking permit. A persons with disabilities parking permit issued pursuant to this chapter and Iowa Code section 321L.2 shall be returned to the department, to a driver's license service center, or to any law enforcement office within ten days of an occurrence of any of the events set forth in Iowa Code section 321L.3(1) and in the manner prescribed in Iowa Code section 321L.3(3).

This rule is intended to implement Iowa Code section 321L.3.
[**ARC 9013C**, IAB 3/19/25, effective 4/23/25]

761—411.6(17A,321,321L) Revocation of a persons with disabilities parking permit—service, appeal and stay.

411.6(1) *Revocation.* A person's or organization's persons with disabilities parking permit shall be revoked if the department determines it has been issued in conflict with the statutes or rules governing the permit's issuance.

411.6(2) *Service of notice.* Notice of revocation is served by first-class mail to the mailing address on the applicable application for a persons with disabilities parking permit. The department may prepare an affidavit of mailing verifying a notice was mailed by first-class mail using its records in conjunction with U.S. Postal Service records, and the affidavit may be attested to and certified in accordance with Iowa Code section 622.1.

411.6(3) *Appeal.* The person or organization may contest the decision of the department in accordance with 761—Chapter 13. The request will be deemed timely if it is delivered or postmarked within ten days of the receipt of notice of revocation.

411.6(4) *Stay.* When the department receives a properly submitted, timely appeal request, the department shall stay the revocation pending resolution of the appeal.
[**ARC 9013C**, IAB 3/19/25, effective 4/23/25]

This rule is intended to implement Iowa Code chapter 17A and sections 321.16, 321L.2 and 321L.4.

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CHAPTERS 412 to 414
Reserved

CHAPTER 415
DRIVER'S PRIVACY PROTECTION—CERTIFICATES OF TITLE AND VEHICLE REGISTRATION
Rescinded **ARC 6060C**, IAB 12/1/21, effective 1/5/22

CHAPTERS 416 to 419
Reserved

CHAPTER 420
MOTOR VEHICLE DEALERS, MANUFACTURERS AND DISTRIBUTORS
[Prior to 6/3/87, Transportation Department[820]—(07,D) Ch 10]
Rescinded IAB 7/17/96, effective 8/21/96. See 761—Chapter 425.

CHAPTER 421
MANUFACTURED OR MOBILE HOME RETAILERS, MANUFACTURERS AND DISTRIBUTORS
[Prior to 6/3/87, Transportation Department[820]—(07,D) Ch 7]
Rescinded IAB 11/7/07, effective 12/12/07

CHAPTER 422
TRAVEL TRAILER DEALERS, MANUFACTURERS AND DISTRIBUTORS
[Prior to 6/3/87, Transportation Department[820]—(07,D) Ch 8]
Rescinded IAB 7/17/96, effective 8/21/96. See 761—Chapter 425.

CHAPTER 423
Reserved

CHAPTER 424
TRANSPORTER PLATES

[Prior to 6/3/87, Transportation Department[820]—(07,D) Ch 5]

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/27/30

761—424.1(307,321) Definitions.

"Operating authority" means the authority issued by the department or the Federal Motor Carrier Safety Administration under Iowa Code chapter 325A or 327B that is required for the delivery of a vehicle for compensation.

"Transporter" means a person who is engaged in the business of delivering vehicles owned by the person or delivering vehicles owned by other persons for compensation and who has an established place of business for such purpose in this state. An authorized vehicle recycler under Iowa Code chapter 321H who delivers vehicles in the course of the recycler's business meets this definition.

"Transporter plate" means a special plate for transporters as authorized by Iowa Code sections 307.12(1)*"j"* and 321.57 through 321.63.

[**ARC 9447C**, IAB 7/23/25, effective 8/27/25]

761—424.2(307,321) Application and requirements for transporter plates.

424.2(1) *Application.* A transporter may obtain transporter plates from the department by submitting an application on Form 417003 to the department with the applicable statutory fees under Iowa Code sections 321.58 through 321.60. Applications are to be submitted by mail to Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. Form 417003 may be obtained by contacting the motor vehicle division by phone at 515.237.3156, by email to dealer.programs@iowadot.us or on the department's website at iowadot.gov/mvd/buyingselling/buyingselling/misc.

424.2(2) *Required information.* Each application shall include the following information:

a. The transporter's business name, bona fide address and telephone number.

b. The legal name, bona fide address and phone number of an owner when the owner of the business is an individual, or the name, bona fide address and phone number of at least two partners or officers if the business is a partnership or corporation.

c. The federal employer identification number of the business. However, if the business is owned by an individual who is not required to have a federal employer identification number, the application is to include the individual's social security number, Iowa nonoperator's identification number or Iowa driver's license number.

d. Certification on the application that the applicant possesses all necessary operating authority to conduct business as a transporter in the state.

424.2(3) *Permitted uses of a transporter plate.* The person delivering the vehicle must carry evidence issued by the owner of the vehicle authorizing the delivery. The evidence shall include the origin and destination of the vehicle delivery, the vehicle owner's name and address and a description of the vehicle being delivered. Subject to these stipulations, a transporter plate may be displayed on a vehicle being operated or moved on the highway for the purpose of delivery to a place designated by the owner of the vehicle.

424.2(4) *Prohibited uses of a transporter plate.* A transporter plate shall not be displayed on a vehicle being delivered or displayed in any manner not specifically permitted under Iowa Code section 321.57 or subrule 424.2(3).

[**ARC 9447C**, IAB 7/23/25, effective 8/27/25]

These rules are intended to implement Iowa Code sections 307.12(1)*"j,"* 321.1 and 321.57 through 321.63.

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CHAPTER 425
MOTOR VEHICLE AND TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, DISTRIBUTORS AND WHOLESALERS

[Prior to 7/17/96, see 761—Chapters 420 and 422]

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/19/30

761—425.1(307,321,322,322C) Introduction.

425.1(1) This chapter applies to the licensing of motor vehicle and towable recreational vehicle dealers, manufacturers, distributors and wholesalers. Also included in this chapter are the criteria for the issuance and use of dealer plates.

425.1(2) Information about dealer plates and the licensing of motor vehicles and towable recreational vehicle dealers, manufacturers, distributors and wholesalers is available from the motor vehicle division or on the department's website at www.iowadot.gov/mvd/buyingselling/dealers.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.57 through 321.63 and chapters 322 and 322C.

[**ARC 9620C**, IAB 10/15/25, effective 11/19/25]

761—425.2(307,322,322C) Definitions. The following definitions, in addition to those found in Iowa Code sections 322.2 and 322C.2, apply to this chapter:

"All-weather surface" means a surface that does not include grass or exposed soil.

"Bad business repute" means business activity in Iowa or any other state demonstrating noncompliance with, or infractions of, the provisions of Iowa Code chapter 322 or 322C or this chapter or law enforcement engagement or negative public perception, including complaints, media coverage and known criminal activity. For purposes of this definition, any evidence concerning a licensee's current or past conduct, dealings, habits or associations relevant to the business's reputation may be considered.

"Certificate of title" or *"title"* means the same as defined in rule 761—400.1(321).

"Consumer use" means use of a motor vehicle or towable recreational vehicle for business or pleasure, not for sale at retail, by a person who has obtained a certificate of title and has registered the vehicle under Iowa Code chapter 321.

"Dealer" unless otherwise specified means a person who is licensed to engage in the business of selling motor vehicles or towable recreational vehicles at retail in this state under Iowa Code chapter 322 or 322C.

"Engaged in the business" as defined in Iowa Code section 322.2 includes the sale of towable recreational vehicles.

"Extension lot" means as follows:

1. For a motor vehicle dealer, a lot for the sale of motor vehicles that is located within the same city or township as but is not adjacent to the motor vehicle dealer's principal place of business.
2. For a towable recreational vehicle dealer, a lot for the sale of towable recreational vehicles that is located within the same county as but is not adjacent to the towable recreational vehicle dealer's principal place of business.

"Manufacturer's certificate of origin" means the same as defined in rule 761—400.1(321).

"Principal place of business" means a building actually occupied and located in this state where the public and the department may contact the owner or operator during regular business hours. In lieu of a building, a towable recreational vehicle dealer may use a manufactured or mobile home as an office if taxes are current or a towable recreational vehicle as an office if registration fees are current.

"Registered dealer" means a dealer licensed under Iowa Code chapter 322 or 322C who possesses a current dealer certificate under Iowa Code section 321.59.

"Regular business hours" means to be consistently open to the public on a weekly basis at hours reported to the vehicle and motor carrier services bureau. Except as provided in Iowa Code section 322.36, regular business hours for a motor vehicle or towable recreational vehicle dealer shall include a minimum of 32 posted hours between 7 a.m. and 9 p.m., Monday through Friday.

"Restricted dealer" means a person or a business specifically identified in rule 761—425.9(307,321F,322,322C) that is required to obtain a dealer license for only a specific type of retail sales but that does not have to maintain repair facilities, display facilities or a working telephone service.

"Salesperson" means a person employed by a motor vehicle or towable recreational vehicle dealer for the purpose of buying or selling vehicles.

"Vehicle" unless otherwise specified means a motor vehicle or towable recreational vehicle.

"Wholesaler" means a person who sells new vehicles to dealers and not at retail.

This rule is intended to implement Iowa Code section 307.12(1)*"j"* and chapters 322 and 322C.

[**ARC 9620C**, IAB 10/15/25, effective 11/19/25]

761—425.3(307,322,322C) Application for dealer's license. Application for a motor vehicle or towable recreational vehicle dealer license is to be made on Form 411008 and submitted with all supporting documents and the applicable statutory fees by mail to Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. Form 411008 may be obtained by phone at 515.237.3156, by email at dealer.programs@iowadot.us or on the department's website at www.iowadot.gov/mvd/buyingselling/buyingselling/dealer.

This rule is intended to implement Iowa Code section 307.12(1)*"j"* and chapters 322 and 322C.

[**ARC 9620C**, IAB 10/15/25, effective 11/19/25]

761—425.4(307,322,322C) Supporting documentation and general requirements.

425.4(1) *Required information and documentation.* Each application for a dealer's license shall include all information required by Iowa Code section 322.4 for motor vehicle dealers and Iowa Code section 322C.4 for towable recreational vehicle dealers and the following information and supporting documentation.

a. Surety bond.

(1) The applicant shall obtain a surety bond in the following amounts and include a provision requiring that notice be provided to the motor vehicle division at least 30 days before cancellation:

1. For a motor vehicle dealer's license, $75,000. However, an applicant for a motor vehicle dealer's license is not required to file a bond if the person is licensed as a towable recreational vehicle dealer under the same name and at the same principal place of business.

2. For a towable recreational vehicle dealer's license, $75,000. However, an applicant for a towable recreational vehicle dealer's license is not required to file a bond if the person is licensed as a motor vehicle dealer under the same name and at the same principal place of business.

(2) Evidence of the bond shall be on file with the motor vehicle division, and the original surety bond is to be maintained with the dealer's business records.

(3) The motor vehicle division will notify the bonding company of any conviction of the dealer for a violation of laws related to the operations of the dealership.

b. Franchise agreement.

(1) An applicant who intends to sell new motor vehicles or towable recreational vehicles shall submit to the motor vehicle division a copy of a signed franchise agreement with the manufacturer or distributor of each make the applicant intends to sell.

(2) If a signed franchise agreement is not available at the time of application, the department may accept written evidence of a franchise that includes all of the following:

1. The name and address of the applicant and the manufacturer or distributor.

2. The make of motor vehicle or towable recreational vehicle that the applicant is authorized to sell.

3. The applicant's area of responsibility as stipulated in the franchise and certified on a form prescribed by the department.

4. The signature of the manufacturer or distributor.

(3) A final-stage manufacturer applying for a motor vehicle dealer license under rule 761—425.5(322) is not required to submit a franchise agreement under paragraph 425.4(1)*"b."*

c. Corporate applicants. If the applicant is a corporation, the applicant shall certify on the application that the corporation complies with all applicable state requirements for incorporation.

d. Zoning. The applicant shall provide to the motor vehicle division written evidence, issued by the office responsible for the enforcement of zoning ordinances in the city or county where the applicant's business is located, stating the applicant's principal place of business and any extensions comply with all applicable zoning provisions or are a legal nonconforming use.

e. Financial liability. The applicant for a motor vehicle dealer's license shall certify on the application that the applicant has the required financial liability coverage in the limits as set forth in Iowa Code section 322.4(1). It is the applicant's responsibility to ensure the required financial liability coverage is continuous with no lapse in coverage as long as the applicant maintains a valid dealer's license.

f. Ownership information.

(1) If the owner of the business is an individual, the application shall include the legal name, bona fide address and telephone number of the owner. If the owner is a corporation or partnership, the application shall include the name, bona fide address and phone number of at least two partners or officers.

(2) The application shall include the federal employer identification number of the business. If the business is owned by an individual who is not required to have a federal employer identification number, the application shall include the individual's social security number, Iowa nonoperator's identification number or Iowa driver's license number.

425.4(2) *Principal place of business.* The applicant shall maintain a principal place of business, which must be staffed during regular business hours (more information contained in rule 761—425.6(307,322,322C)). Before a motor vehicle dealer's license is issued, a representative of the department will physically inspect an applicant's principal place of business to verify compliance with this rule. A physical inspection is not required for a towable recreational vehicle dealer.

425.4(3) *Separate licenses required.*

a. A separate license is required for each city or township in which an applicant for a motor vehicle dealer's license maintains a place of business.

b. A separate license is required for each county in which an applicant for a towable recreational vehicle dealer's license maintains a place of business.

425.4(4) *Dealership name.* A dealer shall not represent or advertise the dealership under any name or style other than the name that appears on the dealer's license.

425.4(5) *Verification of compliance.* Prior to issuance of the license, the department will verify the applicant's compliance with all statutory and regulatory dealer licensing requirements.

425.4(6) *Supplemental statement of changes.* A licensed dealer shall file a written statement with the motor vehicle division at least ten days before any change of name, location, hours, method of doing business or any other statements made on the application. The specified changes cannot take effect until written approval is issued by the motor vehicle division.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 322.1 through 322.15 and 322C.1 through 322C.6.

[**ARC 9620C**, IAB 10/15/25, effective 11/19/25]

761—425.5(322) Motor vehicle dealer licensing for final-stage manufacturers.

425.5(1) *Eligibility.* A final-stage manufacturer may be licensed as a motor vehicle dealer if the final-stage manufacturer:

a. Meets the definition of "final-stage manufacturer" in Iowa Code section 322.2.

b. Meets the requirements of a final-stage manufacturer in 49 CFR Section 567.5 effective October 1, 2024.

c. Is licensed as a manufacturer under Iowa Code chapter 322 and this chapter.

425.5(2) *Application.* A final-stage manufacturer shall apply for a motor vehicle dealer license in the manner described in rule 761—425.4(307,322,322C) and certify that the final-stage manufacturer meets the eligibility requirements under subrule 425.4(1).

This rule is intended to implement Iowa Code sections 322.2 and 322.3.

[**ARC 9620C**, IAB 10/15/25, effective 11/19/25]

761—425.6(307,322,322C) Principal place of business requirements.

425.6(1) *Telephone and office area.* A principal place of business shall include a working telephone service provided specifically for business use and an adequate office area, separate from other facilities, for keeping business records, manufacturers' certificates of origin, certificates of title or other evidence of ownership for all motor vehicle or towable recreational vehicles offered for sale. Evidence of ownership may include a copy of an original document if the original document is held by a lienholder, floor planner or county treasurer.

425.6(2) *Facility for displaying motor vehicles or towable recreational vehicles.* A principal place of business shall include a facility for displaying motor vehicles or towable recreational vehicles meeting the following requirements.

a. Motor vehicles. A motor vehicle dealer's principal place of business shall include a suitable space reserved for display purposes where motor vehicles may be viewed by prospective buyers and is:

(1) Within a building. However, used motor vehicle dealers and dealers selling new trucks or motor homes exclusively may use a display facility that is an outdoor area with an all-weather surface.

(2) Of the following minimum applicable size:

1. 10 feet by 15 feet for display of motorcycles, motorized bicycles and autocycles.
2. 18 feet by 30 feet for display of other motor vehicles.

b. Towable recreational vehicles. A towable recreational vehicle dealer's principal place of business shall include a space of sufficient size to permit the display of one or more towable recreational vehicles. The display facility may be an indoor or an outdoor area with an all-weather surface. If an outdoor display facility is maintained, it may be used only to display, recondition or repair towable recreational vehicles or to park vehicles.

425.6(3) *Facility for repairing and reconditioning motor vehicles and towable recreational vehicles.* A principal place of business shall include a facility for repairing and reconditioning motor vehicles or towable recreational vehicles meeting the following requirements.

a. Motor vehicles. The facility for repairing and reconditioning motor vehicles shall:

(1) Be equipped to repair and recondition one or more motor vehicles of a type sold by the dealer.

(2) Be within a building.

(3) Have adequate access.

(4) Be separated from the display and office areas by solid, floor-to-ceiling walls and solid, full-length doors.

(5) Be of the following minimum applicable unobstructed, rectangular size:

1. 10 feet by 15 feet for motorcycles, motorized bicycles and autocycles.
2. 14 feet by 24 feet for other types of motor vehicles.

b. Towable recreational vehicles. The facility for repairing and reconditioning towable recreational vehicles:

(1) Shall be equipped and of sufficient size to repair and recondition one or more towable recreational vehicles of a type sold by the dealer.

(2) Shall have adequate access.

(3) Shall be either indoors or outdoors, but with an all-weather surface.

(4) May occupy the same area as the display facility.

425.6(4) *Motor vehicle dealer who is also a recycler.* If a motor vehicle dealer also does business as a recycler, there shall be separate parking for motor vehicles being offered for sale at retail from motor vehicles that are salvage.

425.6(5) *Towable recreational vehicle dealer also licensed as a motor vehicle dealer.* If a towable recreational vehicle dealer is also licensed as a motor vehicle dealer under the same name and at the same principal place of business, separate facilities for displaying, repairing and reconditioning towable recreational vehicles are not required.

425.6(6) *Colocation prohibited.* The department will not issue a license under Iowa Code chapter 322 or 322C to anyone at the principal place of business of an existing licensee.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 322.1 through 322.15 and 322C.1 through 322C.6.

[**ARC 9620C**, IAB 10/15/25, effective 11/19/25]

761—425.7(321,322) Business records of a motor vehicle dealer with multiple licenses.

425.7(1) *Applicability.* A motor vehicle dealer licensed under Iowa Code chapter 322 and this chapter who holds more than one motor vehicle dealer license may maintain the dealer's collective business records together at any of the dealer's licensed locations.

425.7(2) *Separation of records.* Business records of licensed motor vehicle dealers kept at a single licensed location under this rule shall:

a. Be stored separately and distinctly, in a manner distinguishable to each licensee.

b. Not be commingled.

425.7(3) *Notification to the department.* A motor vehicle dealer shall notify the motor vehicle division in writing no fewer than ten days before moving the dealer's business records to another licensed location.

This rule is intended to implement Iowa Code sections 321.63 and 322.2 through 322.15.

[**ARC 9620C**, IAB 10/15/25, effective 11/19/25]

761—425.8(307,322,322C) Extension lot license. Extension lots of motor vehicle and towable recreational vehicle dealers must be licensed, and application is to be made to the department on Form 417072.

425.8(1) An extension lot must be owned or leased by the dealer.

425.8(2) For purposes of this rule, parcels of property are adjacent if the parcels are owned or leased by the dealer and the parcels are either adjoining or are separated only by an alley, street or highway that is not a fully controlled access facility.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 322.1 through 322.15 and 322C.1 through 322C.6.

[**ARC 9620C**, IAB 10/15/25, effective 11/19/25]

761—425.9(307,321F,322,322C) Restricted dealers.

425.9(1) A restricted dealer license is only required when the person or business meets the definition of "engaged in the business." Banks, credit unions and trust companies in Iowa are not required to obtain a dealer license.

425.9(2) A restricted dealer license is only available to a person or business engaged in one of the following qualifying categories:

a. Leased vehicles. The person or business leasing vehicles is selling those vehicles solely through an option to purchase in the lease agreement.

b. Repossessed vehicles. The person or business is selling only those vehicles acquired or repossessed due to lien, title retention instruments or security contracts.

c. Fleet vehicle sales. The person or business acquires vehicles for consumer use in a business and then offers the vehicles for sale.

d. Auction only. The person or business is selling more than six vehicles in a 12-month period only at public auctions. All certificates of title for vehicles offered for sale at the public auction shall be duly assigned to the restricted dealer.

e. Insurers. The person or business is selling vehicles of a type subject to registration solely for the purpose of disposing of vehicles acquired as a result of a damage settlement or recovered stolen vehicles acquired as a result of a loss settlement.

425.9(3) Restricted dealers must have a business location in Iowa but are not required to maintain a "place of business" as defined in Iowa Code section 322.2.

425.9(4) Restricted dealers may obtain titles and reassign titles. Restricted dealers cannot use dealer plates or issue "Registration Applied For" cards or in-transit permits.

425.9(5) The state of Iowa, counties, cities and other governmental subdivisions are not required to obtain a dealer's license to sell their vehicles.

425.9(6) This rule does not apply to a vehicle owner, or to an auctioneer representing the owner, selling vehicles at a retail auction if the vehicles were acquired by the owner for consumer use, the vehicles are incidental to the auction and only one owner's vehicles are sold.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321F.9, 322.1 through 322.15 and 322C.1 through 322C.6.

[**ARC 9620C**, IAB 10/15/25, effective 11/19/25]

761—425.10(307,322,322C) State fair, fairs, shows and exhibitions.

425.10(1) *Definitions.* As used in this rule:

"Community" means the same as defined in Iowa Code section 322A.1.

"Display" means having new motor vehicles or new towable recreational vehicles available for public viewing at fairs, vehicle shows or vehicle exhibitions. The dealer may also post, display or provide product information through literature or other descriptive media. However, the product information shall not include prices, except for the manufacturer's sticker price. "Display" does not mean offering new vehicles for sale or negotiating sales of new vehicles.

"Fair" means a county fair or a scheduled gathering for a predetermined period of time at a specific location for the exhibition, display or sale of various wares, products, equipment, produce or livestock, but not solely new vehicles, and sponsored by a person other than a single dealer.

"Offer" new vehicles *"for sale," "negotiate sales"* of new vehicles, or similar wording means doing any of the following at the state fair or a fair, vehicle show or vehicle exhibition: posting prices in addition to the manufacturer's sticker price, discussing prices or trade-ins, arranging for payments or financing and initiating contracts.

"State fair" means the fair as described in Iowa Code chapter 173.

"Vehicle exhibition" means a scheduled event conducted at a specific location where various types, makes or models of new vehicles are displayed either at the same time or consecutively in time and sponsored by a person other than a single dealer.

"Vehicle show" means a scheduled event conducted for a predetermined period of time at a specific location for the purpose of displaying at the same time various types, makes or models of new vehicles, which may be in conjunction with other events or displays, and sponsored by a person other than a single dealer.

425.10(2) *Permits for dealers of new motor vehicles.*

a. A "display only" fair, vehicle show or vehicle exhibition permit allows a motor vehicle dealer to display new motor vehicles at a specified fair, vehicle show or vehicle exhibition in any Iowa county. The permit is valid on Sundays.

b. A "full" fair, state fair, vehicle show or vehicle exhibition permit allows a motor vehicle dealer to display and offer new motor vehicles for sale and negotiate sales of new motor vehicles at the state fair, or a specified fair, vehicle show or vehicle exhibition that is held within the motor vehicle dealer's community.

EXCEPTION: A motor vehicle dealer who is licensed to sell motor homes may be issued a permit to offer for sale Class "A" and Class "C" motor homes at a specified fair, vehicle show or vehicle exhibition in any Iowa county. A "full" fair, show or exhibition permit is not valid on Sundays.

c. The following restrictions are applicable to both types of permits:

(1) Permits will be issued to motor vehicle dealers only for the state fair, fairs, vehicle shows or vehicle exhibitions where more than one motor vehicle dealer may participate.

(2) A permit is limited to the line makes for which the motor vehicle dealer is licensed in Iowa.

425.10(3) *Permits for dealers of new towable recreational vehicles.* A fair, vehicle show or vehicle exhibition permit allows a towable recreational vehicle dealer to display and offer new towable recreational vehicles for sale and negotiate sales of new towable recreational vehicles at a specified fair, vehicle show or vehicle exhibition in any Iowa county.

a. The permit is valid on Sundays.

b. The permit is limited to the line makes for which the towable recreational vehicle dealer is licensed in Iowa.

c. A towable recreational vehicle dealer who does not have a permit may display vehicles at fairs, vehicle shows and vehicle exhibitions.

425.10(4) *Permit application.* Application for a permit under this rule is to be submitted to the motor vehicle division on Form 411119 at least ten days prior to the event and must include the dealer's name,

address and license number and the following information about the event: name, location, sponsor(s) and duration, including the opening and closing dates.

425.10(5) *Display of permit.* The motor vehicle or towable recreational vehicle dealer shall display the permit in close proximity to the vehicles being exhibited.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 322.5(2) and 322C.3(9).

[**ARC 9620C**, IAB 10/15/25, effective 11/19/25]

761—425.11(322) Classic car permit. A classic car permit allows a motor vehicle dealer to display and sell classic cars at a specified county fair, vehicle show or vehicle exhibition that is held in the same county as the motor vehicle dealer's principal place of business. "Classic car" is defined in Iowa Code section 322.5(3).

425.11(1) The permit period is the duration of the event, not to exceed five days. The permit is valid on Sundays. Only one permit may be issued to each motor vehicle dealer for an event. No more than three permits may be issued to a motor vehicle dealer in any one calendar year.

425.11(2) Application for a permit under this rule is to be made to the motor vehicle division on Form 411045 at least ten days prior to the event and must include the dealer's name, address and license number and the following information about the county fair, vehicle show or vehicle exhibition: name, location, sponsor(s) and duration, including the opening and closing dates.

425.11(3) The motor vehicle dealer shall display the permit in a prominent place at the location of the county fair, vehicle show or vehicle exhibition.

This rule is intended to implement Iowa Code section 322.5(3).

[**ARC 9620C**, IAB 10/15/25, effective 11/19/25]

761—425.12(322) Nonresident motor truck display permit. Application for a permit under this rule is to be made to the motor vehicle division on Form 493007 at least ten days prior to the event and must include information or documentation showing that the nonresident motor vehicle dealer is eligible for issuance of a permit and that the event meets the statutory conditions for permit issuance.

This rule is intended to implement Iowa Code section 322.5(4).

[**ARC 9620C**, IAB 10/15/25, effective 11/19/25]

761—425.13(322) Firefighting and rescue show permit.

425.13(1) Application for a firefighting and rescue show permit for vehicle shows and vehicle exhibitions conducted for educational purposes only is to be made to the motor vehicle division on Form 411220 at least ten days prior to the event and must include the name, address and license number of the applicant, the type of vehicles being displayed and the following information about the vehicle show or vehicle exhibition: name, location, sponsor(s) and duration, including the opening and closing dates.

425.13(2) The permit is not valid on Sundays. Only one permit can be issued to each licensee for an event.

425.13(3) The permit holder shall display the permit in a prominent place at the location of the vehicle show or vehicle exhibition.

This rule is intended to implement Iowa Code section 322.5(5).

[**ARC 9620C**, IAB 10/15/25, effective 11/19/25]

761—425.14(307,322,322C) Salespersons of dealers.

425.14(1) Every motor vehicle and towable recreational vehicle dealer shall:

a. Keep a current written record of all salespersons acting on the dealer's behalf. The record shall be available for inspection by any peace officer or any employee of the department.

b. Maintain a current record of authorized persons allowed to sign all documents required under Iowa Code chapter 321 for vehicle sales.

425.14(2) No person is authorized to either directly or indirectly claim to represent a dealer unless the person is listed as a salesperson by that dealer.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 322.3, 322.13 and 322C.4.

[**ARC 9620C**, IAB 10/15/25, effective 11/19/25]

761—425.15(307,322,322C) Manufacturers, distributors and wholesalers—application and requirements. This rule applies to the licensing of manufacturers, distributors and wholesalers of new motor vehicles and towable recreational vehicles.

425.15(1) *Application for license.* To apply for a license under this rule, the applicant shall complete and submit to the motor vehicle division Form 417029 and provide a list of the applicant's franchised dealers in Iowa and a sample copy of a completed manufacturer's certificate of origin that is issued by the applicant. A distributor or wholesaler shall also provide a copy of written authorization from the manufacturer to act as its distributor or wholesaler.

425.15(2) *Licensing requirements.* A licensee shall:

a. If applicable, ensure new motor homes delivered to Iowa dealers contain the systems and meet the standards specified in Iowa Code section 321.1(36D)*"d."*

b. Ensure that any new retail outlet is properly licensed as a dealer before any vehicles are delivered to the outlet.

c. Notify the motor vehicle division in writing at least ten days prior to any:

(1) Change in name, location or method of doing business, as shown on the license.

(2) Issuance of a franchise to a dealer in this state to sell new vehicles at retail.

(3) Change in the trade name of a towable recreational vehicle manufactured for delivery in this state.

(4) New make of vehicle being offered for sale at retail in this state.

425.15(3) *Wholesaler's financial liability coverage.* A new motor vehicle wholesaler shall certify on the license application that the wholesaler has the required financial liability coverage in the limits set forth in Iowa Code section 322.27A. It is the wholesaler's responsibility to ensure that the required financial liability coverage is continuous with no lapse in coverage as long as the wholesaler maintains a valid wholesaler's license.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 322.27 through 322.30 and 322C.7 through 322C.9.

[**ARC 9620C**, IAB 10/15/25, effective 11/19/25]

761—425.16(307,321,322,322C) Right of inspection.

425.16(1) Peace officers have the authority to inspect vehicles or component parts of vehicles, business records and manufacturers' certificates of origin, certificates of title and other evidence of ownership for all vehicles sold and inventory offered for sale. This rule will not be construed to require a dealer to keep records for a sold vehicle longer than the dealer's established records retention policy requires, or ten years, whichever is longer.

425.16(2) The department has the right at any time to verify compliance of a person licensed under Iowa Code chapter 322 or 322C or issued a certificate under Iowa Code section 321.59 with all statutory and regulatory requirements.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.62, 321.95, 322.13 and 322C.1.

[**ARC 9620C**, IAB 10/15/25, effective 11/19/25]

761—425.17(17A,307,321,322,322C) Denial, suspension or revocation.

425.17(1) The department may deny an application or suspend or revoke a certificate or license if the applicant, certificate holder or licensee fails to comply with the applicable provisions of this chapter, Iowa Code sections 321.57 through 321.63 or Iowa Code chapter 322 or 322C.

425.17(2) The department will cancel a dealer's license upon notification of cancellation of a surety bond under rule 761—425.4(307,322,322C). The cancellation takes effect the same date that the bond is cancelled. However, upon reinstatement of the bond or issuance of a new bond pursuant to rule 761—425.4(307,322,322C), the department will immediately rescind the revocation of the dealer's license.

425.17(3) The department may deny a dealer's application for the state fair or a fair, vehicle show or vehicle exhibition permit for a period not to exceed six months if the dealer fails to comply with the applicable provisions of rule 761—425.10(307,322,322C) or Iowa Code section 322.5(2) or 322C.3(9).

425.17(4) The department may deny a motor vehicle dealer's application for a demonstration permit for a period not to exceed six months if the dealer fails to comply with rule 761—425.19(307,321).

425.17(5) The department will send notice by certified mail to a person whose certificate, license or permit is to be revoked, suspended, canceled or denied. The notice will be mailed to the person's mailing address as shown on departmental records or, if the person is currently licensed, to the principal place of business and will take effect 20 days from the date mailed. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13. The request shall be submitted in writing to the director of the motor vehicle division at the address in rule 761—425.3(307,322,322C). The request will be deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice of revocation, suspension, cancellation or denial.

This rule is intended to implement Iowa Code chapter 17A and sections 307.12(1)*"j,"* 321.57 through 321.63, 322.6, 322.9, 322.31 and 322C.6.

[**ARC 9620C**, IAB 10/15/25, effective 11/19/25]

761—425.18(307,321) Dealer plates.

425.18(1) *Persons who may be issued dealer plates.* Dealer plates as provided in Iowa Code sections 321.57 through 321.63 may be issued to:

a. Licensed motor vehicle dealers.

b. Licensed towable recreational vehicle dealers.

c. A person engaged in the business of buying, selling or exchanging trailer-type vehicles subject to registration under Iowa Code chapter 321, other than towable recreational vehicles, and who has an established place of business for such purpose in this state.

d. Insurers selling vehicles of a type subject to registration under Iowa Code chapter 321 solely for the purpose of disposing of vehicles acquired as a result of a damage settlement or recovered stolen vehicles acquired as a result of a loss settlement.

e. A person selling vehicles of a type subject to registration under Iowa Code chapter 321 solely for the purpose of disposing of vehicles acquired or repossessed by the person in exercise of powers or rights granted by lien or title-retention instruments or contracts given as security for loans or purchase money obligations and who are not required to be licensed dealers.

f. A person engaged in the business of selling special equipment body units that have been or will be installed on motor vehicle chassis not owned by the person, solely for the purpose of delivering, testing or demonstrating the special equipment body and the motor vehicle.

g. A licensed manufacturer of ambulances, rescue vehicles or fire vehicles, solely for the purpose of transporting, demonstrating, showing or exhibiting the vehicles.

h. A licensed wholesaler who is also licensed as a motor vehicle dealer as specified in paragraph 425.18(3)*"e."*

425.18(2) *Limited use.* Dealer plates displayed pursuant to paragraphs 425.18(1)*"d"* through *"h"* shall display the words "limited use."

425.18(3) *Use of dealer plates.*

a. Dealer plates shall not be displayed on vehicles that are rented or loaned. However, a dealer plate may be displayed on a motor vehicle, other than a truck or truck tractor, loaned to a customer of a licensed motor vehicle dealer while the customer's motor vehicle is being serviced or repaired by the dealer.

b. Saddle-mounted vehicles being transported shall display dealer plates.

c. Dealer plates may be displayed on a trailer carrying a load, provided the motor vehicle towing the trailer is properly registered under Iowa Code section 321.109, 321.120 or 321.122 or is displaying a dealer plate described in paragraph 425.18(3)*"e,"* or a demonstration permit has been issued as described in rule 761—425.19(307,321).

d. Dealer plates may be used by a dealer licensed as a wholesaler for a new motor vehicle model when operating a new motor vehicle of that model if the motor vehicle is owned by the wholesaler and is operated solely for the purpose of demonstration, show or exhibition.

e. A dealer plate issued under Iowa Code section 321.60 for the purpose of hauling a load or towing a trailer will be marked "HAUL & TOW." Dealer "HAUL & TOW" plates may only be displayed on vehicles in the dealer's inventory that are continuously offered for sale at retail.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.57 through 321.63.

[**ARC 9620C**, IAB 10/15/25, effective 11/19/25]

761—425.19(307,321) Demonstration permits.

425.19(1) Demonstration permits may be issued by motor vehicle dealers to permit the use of dealer plates for the purpose of demonstrating the load capabilities of motor trucks and truck tractors. A demonstration permit must be issued on a form prescribed by the department.

425.19(2) The dealer shall complete the permit. The information to be filled out includes but is not limited to the following:

a. Date of issuance by the dealer, date of expiration and the specific dates for which the permit is valid. The expiration date shall be five days or less from the date of issuance.

b. Dealer's name, address and license number.

c. Name(s) of the prospective buyer(s) and all prospective drivers.

d. Route of the demonstration trip. The points of origin and destination shall be the dealership. The permit is not valid for a route outside Iowa.

e. The make, year and vehicle identification number of the motor vehicle being demonstrated.

425.19(3) The permit shall at all times be carried in the motor vehicle to which it refers and be shown to any peace officer upon request.

425.19(4) No more than one demonstration permit per motor vehicle is to be issued for a prospective buyer.

425.19(5) The demonstration permit is valid only for a movement that does not exceed the legal length, width, height and weight restrictions. The permit is not valid for an overdimensional or overweight movement.

425.19(6) A dealer plate issued under Iowa Code section 321.60 for the purpose of hauling a load or towing a trailer may be used in lieu of a demonstration permit.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.57 through 321.63.

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◊ Two or more ARCs

CHAPTERS 426 to 429
Reserved

CHAPTER 430
MOTOR VEHICLE LEASING LICENSES

[Prior to 6/3/87, Transportation Department[820]—(07,D) Ch 9]

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/27/30

761—430.1(321F) General.

430.1(1) *Information.* Information and forms relating to this chapter may be obtained from the Motor Vehicle Division, Iowa Department of Transportation, by mail at P.O. Box 9278, Des Moines, Iowa 50306-9278; by telephone at 515.237.3156; by email at dealer.programs@iowadot.us; or from the department's website at www.iowadot.gov/mvd/buyingselling.

430.1(2) *Definition.*

"Engage in the business" means leasing two or more motor vehicles that are subject to registration in a 12-month period if the lessee is a resident of this state and first takes possession of the vehicle in this state, or if the lessor's business address is located in this state. A person is not considered to be engaged in the business if the business address is located outside of this state and the lessee first takes possession of the motor vehicle outside of this state.

[**ARC 9448C**, IAB 7/23/25, effective 8/27/25]

761—430.2(321F) Application.

430.2(1) *Form and submission.* Application for a motor vehicle leasing license shall be made on Form 417034 and submitted to the address provided in subrule 430.1(1).

430.2(2) *Required information.* Each application is to include the following information:

a. The applicant's business name, bona fide address and telephone number under which the applicant will engage in the business and where an individual, partner or corporate officer can be reached during normal business hours.

b. The legal name, bona fide address and phone number of the owner when the owner of the business is an individual, or the name, bona fide address and phone number of at least two partners or officers if the business is a partnership or corporation.

c. The federal employer identification number of the business, or, if the business is owned by an individual who is not required to have a federal employer identification number, the individual's social security number, Iowa nonoperator's identification number or Iowa driver's license number.

430.2(3) *Supplemental statements.* The licensee shall notify the department, in writing, within ten days, at the address shown in subrule 430.1(1), of any change in the information required on the original application.

[**ARC 9448C**, IAB 7/23/25, effective 8/27/25]

761—430.3(321F) Separate licenses required. A separate license is required for:

430.3(1) Each address under which a single business entity will conduct business under Iowa Code chapter 321F and these rules.

430.3(2) Each address that will be used for titling or registering vehicles subject to registration in Iowa.

[**ARC 9448C**, IAB 7/23/25, effective 8/27/25]

These rules are intended to implement Iowa Code chapter 321F.

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CHAPTER 431
VEHICLE RECYCLERS

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

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/27/30

761—431.1(307,321H) Definitions.

"NMVTIS" means the National Motor Vehicle Title Information System.

"Principal place of business" means a building actually occupied where the public and the department may contact the owner or operator during regular business hours. The principal place of business must be located in this state.

"Regular business hours" means to be consistently open to the public on a weekly basis at hours reported to the motor vehicle division. Regular business hours shall include a minimum of 32 posted hours between 7 a.m. and 9 p.m., Monday through Friday.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321H.2 and 321H.4.

[**ARC 9449C**, IAB 7/23/25, effective 8/27/25]

761—431.2(307,321,321H) Authorized vehicle recycler.

431.2(1) *General requirements.* Every authorized vehicle recycler shall:

a. Maintain a principal place of business that includes separate and adequate office space for the recycler's business records and a working telephone service provided specifically for business use, which will allow the public, the department and law enforcement to contact the licensee during business hours.

b. Maintain regular business hours at the principal place of business.

c. Comply with local zoning laws.

d. Comply with the provisions of Iowa Code chapter 306C, relating to the Iowa junkyard control law, when applicable.

e. If subject to the requirements of 28 CFR Section 25.56, effective July 1, 2023, as adopted in Iowa Code section 321H.4A(2)*"a,"* do all of the following:

(1) Obtain and maintain a registered account with the NMVTIS.

(2) Report, or verify reporting of, inventory to the NMVTIS.

(3) If applicable, verify the seller of a vehicle purchased by the recycler has complied with 28 CFR Section 25.56, effective July 1, 2023, and document such verification on a form prescribed by the department if third-party electronic records are insufficient to verify compliance with 28 CFR Section 25.56, effective July 1, 2023, because the vehicle has been crushed or flattened by mechanical means as stated in Iowa Code section 321H.4A.

(4) Retain records of compliance, including verification forms completed under subparagraph 431.2(1)*"e"*(3), at the vehicle recycler's principal place of business for at least three years after the purchase of the vehicle. Records may be stored either in hard copy or electronically.

f. Only represent or advertise the business under the name or style that appears on the recycler's license.

g. Allow any peace officer to inspect vehicles or component parts of vehicles and the records and documents required to be kept under Iowa Code chapter 321H and this chapter.

431.2(2) *Vehicle rebuilder qualifications.* For every licensed location, a vehicle rebuilder must have:

a. An unobstructed area inside a building for rebuilding and restoring vehicles. The inside measurement of the unobstructed area must be at least 14 feet by 24 feet.

b. Sufficient storage for all vehicles in the rebuilder's inventory.

c. Equipment necessary to perform rebuilding and restoring of vehicles in the inventory, such as frame-straightening equipment, a hydraulic jack, alignment and calibration equipment, and tools.

431.2(3) *Used vehicle parts dealer qualifications.* For every licensed location, a used vehicle parts dealer must have sufficient storage for the vehicle parts in the dealer's inventory.

431.2(4) *Vehicle salvager qualifications.* For every licensed location, a vehicle salvager must have:

a. Sufficient storage for vehicles, vehicle parts and vehicle bodies included in the salvager's inventory.

b. Sufficient equipment necessary to perform dismantling, scrapping or storing of vehicles and vehicle parts in the inventory.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.95, 321H.4 and 321H.4A.

[**ARC 9449C**, IAB 7/23/25, effective 8/27/25]

761—431.3(307,321H) Application and requirements for license.

431.3(1) *Application submission.* Application for an authorized vehicle recycler's license shall be made on Form 411117 and submitted to the department with the applicable statutory fee by mail to Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. Form 411117 may be obtained by contacting the motor vehicle division, by phone at 515.237.3156, by email to dealer.programs@iowadot.us or on the department's website at www.iowadot.gov/mvd/buyingselling/buyingselling/recycler.

431.3(2) *Required information.* Each application shall include all information required by Iowa Code section 321H.4 and the following information:

a. The business's name, bona fide address and telephone number.

b. The legal name, bona fide address and telephone number of an owner when the owner of the business is an individual, or the name, bona fide address and phone number of at least two partners or officers if the business is a partnership or corporation.

c. The federal employer identification number of the business. If the business is owned by an individual who is not required to have a federal employer identification number, the application shall include the individual's social security number, Iowa nonoperator's identification number or Iowa driver's license number.

d. The address of any extension of the applicant's place of business.

e. Certification the applicant complies with the requirements for the type of business the applicant engages in as specified under Iowa Code section 321H.4(2)*"b."*

f. A letter from the appropriate city or county zoning official stating that the business, or any extension of the applicant's business, complies with all applicable zoning provisions or is a legal nonconforming use. The letter must include acknowledgment by the zoning official of the type, or types, of business the applicant is engaged in.

g. A statement of the previous criminal history of the applicant. If the applicant is a corporation, the statement is required from each officer. If the applicant is a partnership, the statement is required from each partner.

h. The unique NMVTIS identification number as proof of compliance with registration requirements.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321H.4 and 321H.4A.

[**ARC 9449C**, IAB 7/23/25, effective 8/27/25]

761—431.4(17A,307,321H) Denial, suspension or revocation.

431.4(1) *Denial.* The department shall deny an application if the applicant fails to meet the criteria for issuance of a license under this chapter and is authorized to deny the application for any of the reasons stated in Iowa Code section 321H.6.

431.4(2) *Suspension or revocation.* The department may suspend or revoke the recycler's license for failure to comply with the provisions of this chapter or for any of the reasons stated in Iowa Code section 321H.6.

431.4(3) *Appeal.* A person aggrieved by a decision of the department may contest the decision pursuant to 761—Chapter 13 by submitting an appeal request in writing to the director of the motor vehicle division.

This rule is intended to implement Iowa Code chapter 17A and sections 307.12(1)*"j"* and 321H.6.

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CHAPTERS 432 to 449
Reserved

CHAPTER 450
EQUIPMENT AND INSPECTION REQUIREMENTS FOR CERTAIN MOTOR VEHICLES

[Appeared as Ch 1, Department of Public Safety, 1973 IDR; amended January 1975 IDR Supplement]
[Prior to 6/3/87, Transportation Department[820]—(07,E)Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/21/30

761—450.1(307,321) Addresses information and application.

450.1(1) *Information.* Information for inspections may be obtained from the Bureau of Investigation and Identity Protection, Iowa Department of Transportation, 6310 SE Convenience Boulevard, Ankeny, Iowa; by email at www.iowadot.gov/biip/contact-us; or on the department's website at www.iowadot.gov/mvd/vehicleregistration/vehicle-inspections-for-titling.

450.1(2) *Definitions.* The definitions in Iowa Code section 321.1 and rule 761—400.16(321) are hereby made part of this chapter. In addition:

a. The exchange of compatible body parts does not meet the definition of a specially constructed, reconstructed, street rod, or replica motor vehicle; or of a specially constructed or reconstructed motorcycle or motorized bicycle; or of a specially constructed, reconstructed, street rod, or replica autocycle.

b. The removal, addition, or substitution of reconstructed motor vehicle parts that modifies the vehicle's external appearance so that it does not reflect the original make or manufacturer model for that model does meet the definition of a specially constructed, reconstructed, street rod, or replica motor vehicle.

c. The removal, addition, or substitution of a reconstructed motorcycle or motorized bicycle part that modifies the vehicle's external appearance so that it does not reflect the original make or manufacturer model does meet the definition of a specially constructed, reconstructed, street rod, or replica motorcycle or motorized bicycle.

EXEMPTION: The conversion of a manufactured motorcycle from two-wheel to three-wheel operation by the addition or substitution of a bolt-on conversion kit does not meet the definition of a reconstructed motorcycle.

d. The removal, addition, or substitution of reconstructed autocycle parts that modifies the autocycle's external appearance so that it does not reflect the original make or manufacturer model for that model does constitute a specially constructed, reconstructed, street rod, or replica autocycle.

450.1(3) *Application.*

a. After receiving the application forms and exhibits outlined in rule 761—400.16(321), the department shall:

(1) Examine the vehicle and ownership documents.

(2) Determine if the motor vehicle complies with this rule, that the integral parts and components have been identified as to ownership, and that the application forms have been completed properly.

(3) If the provisions of paragraph 450.1(3)*"b"* are met, assign an identification number to the vehicle and certify that the motor vehicle is eligible for titling and registration.

b. If the frame or unibody specified on an application for a specially constructed, reconstructed, street rod, or replica motor vehicle; a specially constructed or reconstructed motorcycle or motorized bicycle; or a specially constructed, reconstructed street rod or replica autocycle is manufactured or designated "not for highway use," the application shall not be approved.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.1 and 321.23.

[**ARC 9133C**, IAB 4/16/25, effective 5/21/25]

761—450.2(307,321) Equipment requirements for specially constructed, reconstructed, street rod, and replica motor vehicles other than autocycles, motorcycles and motorized bicycles. The following standards are minimum requirements to meet the definition of a specially constructed, reconstructed, street rod, and replica motor vehicle other than autocycles, motorcycles and motorized bicycles:

450.2(1) *Defroster and defogging device.* If the motor vehicle is a closed motor vehicle, it is equipped with a device capable of defogging or defrosting the windshield area.

450.2(2) *Door latches.* The motor vehicle that is equipped with doors leading directly into a compartment that contains one or more seating accommodations is equipped with mechanically actuated door latches that firmly and automatically secure the door when pushed closed and that allow each door to be opened from the inside by the actuation of a convenient lever, handle or other nonelectric device. Interior handles must be visible.

450.2(3) *Floor pan.* The motor vehicle is equipped with a floor pan under the entire passenger-carrying compartment that supports the weight of the number of occupants that the vehicle is designed to carry. The floor pan shall be so constructed that it prevents the entry of exhaust fumes.

450.2(4) *Glazing.*

a. Windshields. The motor vehicle is equipped with a laminated safety glass windshield that complies with and bears the approval marking of the American National Standards Institute (ANSI) Z 26.1-1996 Standard as set forth in 49 CFR Section 571.205 effective October 1, 2024. The windshield shall be in such a position that it affords continuous horizontal frontal protection to the driver and front seat occupants. The minimum vertical height of the unobstructed windshield glass shall be six inches. This paragraph does not preclude the use of a windshield that can be folded down to a horizontal position, provided that the windshield can be firmly fastened in both the vertical and horizontal positions.

b. Side and rear glass. Side and rear glass is not required in motor vehicles. If present, however, this glass must be either laminated or tempered safety glass bearing the approval of the ANSI Z 26.1-1996 Standard as set forth in 49 CFR Section 571.205 effective October 1, 2024.

450.2(5) *Driver visibility.* The motor vehicle provides the driver with a minimum outward horizontal vision capability of 90 degrees each side of a vertical plane passing through the fore and aft centerline of the vehicle. This plane of vision may be interrupted by window framing and windshield door support posts not exceeding four inches in width at each side location.

450.2(6) *Hood latches.* If a motor vehicle is equipped with a front-opening hood, that hood is equipped with a primary and secondary latching system to hold the hood in a closed position.

450.2(7) *Instruments and controls.* The motor vehicle is equipped with:

a. An operating speedometer calibrated to indicate “miles per hour.”

b. An operating odometer calibrated to indicate “total miles driven.”

c. A steering wheel circular or nearly circular in shape, having an outside diameter of not less than 13 inches.

d. An accelerator control system that returns the engine throttle to an idle position automatically when the driver removes the actuating force from the accelerator control.

450.2(8) *Brakes.* The motor vehicle is equipped with brakes acting upon all wheels, service brakes, and parking brakes that comply with Iowa Code sections 321.430 and 321.431.

450.2(9) *Rearview mirror.* The motor vehicle is equipped with two rearview mirrors, each having substantial unit magnification. One is mounted on the inside of the vehicle in such a position that it affords the driver a clear view to the rear. The other is mounted on the outside of the vehicle on the driver’s side in such a position that it affords the driver a clear view to the rear. When an inside mirror does not give a clear view to the rear, a right-hand outside mirror is required in lieu thereof. The mirror mounting provides a stable support for the mirror and provides for mirror adjustment by tilting in both horizontal and vertical directions. Each mirror has a minimum of ten square inches of reflective surface.

450.2(10) *Seat belts.* The motor vehicle complies with Iowa Code section 321.445(1).

450.2(11) *Seating.* All bench-type and individual seats in motor vehicles are firmly anchored to structural components or body parts.

450.2(12) *Exhaust system.* The motor vehicle has an exhaust system meeting the following requirements:

a. The system is free of leaks, including the exhaust manifold (or headers), piping forward of the muffler, the muffler(s), and tail piping.

b. Exhaust fumes are emitted to the extremity of the vehicle, behind the rear wheels, or to the extremity of the vehicle within six inches in front of the rear wheels. Exhaust fumes from trucks, other than enclosed vans, may be emitted to the rear of that part of the vehicle designed for and normally used for carrying the driver and passengers.

c. Each exhaust system is equipped with a muffler that prevents excessive noise.

d. No part of the exhaust system passes through any area of the vehicle that is used as a passenger-carrying compartment, and is constructed that persons entering the vehicle cannot make contact with the exhaust system.

e. All exterior side exhaust pipes are fully shielded and any vertical truck exhaust stacks are shielded to the top of the cab.

450.2(13) *Frame.* The motor vehicle is equipped with a frame consisting of wall box tubing, round tubing, wall channel or unitized construction capable of supporting the vehicle, its load and the torque produced by the power source.

450.2(14) *Fuel system.* The motor vehicle has a fuel system in which all components are securely fastened with fasteners designed for this purpose, including the tank, tubing, hoses, clamps, etc. The filler from the system is located in a position not within the passenger-carrying compartment and is capped. The system is leakproof, and fuel lines are positioned so as not to come in contact with high temperature surfaces or moving parts.

450.2(15) *Steering and suspension.*

a. The motor vehicle does not have any parts extending below the wheel rims in their lowest position, except for tires and electrical grounding devices designed for this purpose.

b. The steering system remains unobstructed when turned from lock to lock.

c. The steering wheel has no less than two turns and no more than six turns when turning the road wheels from lock to lock.

d. While in a sharp turn at a speed between 5 and 15 MPH, release of the steering wheel results in a distinct tendency for the vehicle to increase its turning radius.

e. The motor vehicle is not constructed so that the weight on any axle is less than 20 percent of the gross weight of the vehicle and load.

f. The motor vehicle is equipped with a damping device at each wheel location providing a minimum relative motion between the unsprung axle and the chassis of plus or minus two inches.

g. When each corner of the vehicle is depressed and released, the damping device stops vertical body motion within two cycles.

h. There is no heating or welding on coil springs, leaf springs, or torsion bars.

450.2(16) *Tires.* Tires comply with Iowa Code section 321.440. Each tire has a load-bearing capacity in keeping with the size and weight of the vehicle.

450.2(17) *Lighting and electrical system.* The motor vehicle is equipped with approved lighting devices in sufficient number, type, and locations to meet the requirements of Iowa Code sections 321.384 through 321.423, including headlamps, rear lamps, license plate lamp, rear reflectors, parking lamps, stop lamps, turn signals, and high-low beam indicator. In addition, the motor vehicle is equipped with:

a. A driver-controlled switch capable of selecting high and low beams (dimmer switch).

b. A motor vehicle more than 40 inches in width is equipped with turn signal lamps and have a manually operated switch controlled by the driver that causes the turn signal lamps to function. This switch is self-canceling.

c. A horn that complies with Iowa Code section 321.433.

d. All wiring is done in an orderly and workmanlike fashion, with no wiring in contact with high temperature surfaces or moving parts.

e. Headlamps are in a plane that is perpendicular to a vertical plane through the longitudinal centerline of the vehicle. The headlamps are mounted not less than 24 inches, nor more than 54 inches, above the road surface when measured to the headlamp center.

f. A tail lamp or lamps are mounted on the rear of the motor vehicle or vehicle, exhibiting a red light plainly visible from a distance of 500 feet to the rear. The tail lamp or lamps are mounted not less than 15 inches, nor more than 72 inches, above the roadway.

g. All original lamps and lighting equipment provided on the motor vehicle by the manufacturer are maintained in working condition or shall be replaced with equivalent equipment.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.23.

[**ARC 9133C**, IAB 4/16/25, effective 5/21/25]

761—450.3(307,321) Minimum requirements for constructing and equipping specially constructed or reconstructed motorcycles or motorized bicycles. The following standards are minimum requirements to meet the definition of a specially constructed or reconstructed motorcycle or motorized bicycle as defined in Iowa Code section 321.1:

450.3(1) *Upgrade pulls—minimum speed.* Iowa Code section 321.382 applies.

450.3(2) *Frame/chassis.* The motorcycle or motorized bicycle frame/chassis, including the suspension components and engine mountings, is of sufficient strength, capable of supporting the combined weight of all vehicle components and riders for which the vehicle was designed.

450.3(3) *Front end assembly.*

a. Trail (extended fork measured in inches). The reconstructed or specially constructed motorcycle or motorized bicycle does not have the front fork so extended as to place the center of the front wheel axle farther than 36 inches from a vertical plane through the steering axis.

b. Rake (extended fork measured in degrees). The reconstructed or specially constructed motorcycle or motorized bicycle does not have the front fork so extended as to exceed a 45-degree angle between the fork assembly and a vertical plane through the steering axis.

c. Extensions. The reconstructed or specially constructed motorcycle or motorized bicycle is not equipped with extension slugs. However, one-piece extension tubes and springer units, if approved, are acceptable.

d. Wheelbase. The reconstructed or specially constructed motorcycle or motorized bicycle does not have an overall wheelbase, measured from the center of the front axle to the center of the rear axle, of less than 40 inches.

e. Motorcycle front end geometry. A representation of the front end geometry of a motorcycle is depicted in the Appendix to this rule.

450.3(4) *Brakes.* The motorcycle and motorized bicycle is equipped with at least a rear brake. If the vehicle is also equipped with a front brake, all control cables, lines and hoses are located and secured so as not to become pinched between the fork and frame members when the wheel is turned completely to the left or right. Brake-actuating devices are in a readily accessible location, unencumbered by vehicle components. A suitable mechanism is provided for the purpose of automatically returning the actuating devices to a normal position upon release.

450.3(5) *Tires, wheels, rims.* The motorcycle tires are of pneumatic design with a minimum width of two and twenty-five hundredths inches and designed for highway use. Wheel rim diameters are not less than 10 inches and rims otherwise comply with applicable federal standards.

450.3(6) *Steering and suspension.*

a. Stability. The motorcycle or motorized bicycle steering and suspension provides the operator with the means of safely controlling vehicle direction.

b. Wheel alignment. The rear wheel of a two-wheel motorcycle or motorized bicycle tracks behind the front wheel within one inch with both wheels in a vertical plane when the vehicle is operating on a straight course. On a three-wheel motorcycle or motorized bicycle, the two wheels mounted on the rear axle have a wheel track distance not less than 30 inches and the midpoint of the rear wheel track distance is within 1 inch of the front wheel track when the vehicle is proceeding on a straight course.

c. Steering.

(1) The steering head is provided with a bearing or similar device that will allow the steering shaft to turn freely in rotational motion only. All handlebar-mounted control cables, wires, lines and hoses are located and secured so as not to become pinched between the fork and frame members when the wheel is turned completely to the right or the left.

(2) A steering wheel may be used on a three-wheel reconstructed or specially constructed motorcycle or motorized bicycle provided:

1. The steering wheel is circular or nearly circular in shape, having an outside diameter of not less than 13 inches.

2. The steering wheel has no less than two turns and no more than six turns when the road wheels are turned from lock to lock.

d. Handlebars. Handlebars are of sturdy construction, adequate in size (length) to provide proper leverage for steering, and capable of withstanding a minimum force of 100 pounds applied to each hand grip in any direction. The handlebars provide a minimum distance of 18 inches between grips after final assembly.

e. Hand grips. The motorcycle or motorized bicycle has handlebars equipped with hand grips of nonslip design or material.

f. Suspension. The motorcycle or motorized bicycle is equipped with a suspension system, and the suspension system applies to at least the front wheel. The suspension system(s) is designed for the purpose of maximum vehicle stability.

450.3(7) *Fuel system.* All fuel system components, including the tank, pump, tubing, hoses, clamps, etc., are securely fastened to the motorcycle or motorized bicycle so as not to interfere with vehicle operation and are leakproof when the vehicle is in its normal operating attitude. Fuel lines and tank are positioned in a manner so as to prevent their contact with the engine head, manifold, exhaust system, or other high temperature surfaces or moving components. The fuel system is adequately vented and provided with a fuel shutoff valve located between the fuel supply and the engine.

450.3(8) *Exhaust system.* The motorcycle or motorized bicycle with an internal combustion engine is equipped with an exhaust system incorporating a muffler or other mechanical device for the purpose of reducing engine noise. Cutouts and bypasses in the exhaust system are prohibited. The system is leakproof and all components are securely attached to the vehicle and located so as not to interfere with the operation of the motorcycle or motorized bicycle. Shielding is provided to prevent inadvertent contact with the exhaust system by the operator and/or passenger during normal operations.

450.3(9) *Mirrors.* The motorcycle and motorized bicycle is equipped with at least one mirror of unit magnification, securely affixed to the handlebar and capable of adjustment within a range that will reflect an image that includes at least the horizon and the road surface to the rear of the motorcycle or motorized bicycle. The mirror consists of a minimum reflective surface of ten square inches. All mirrors are regular in shape (circular, oval, rectangular, or square) and do not contain sharp edges or projections capable of producing injury.

450.3(10) *Seat or saddle.* A seat or saddle securely attached to the vehicle is provided for the use of the operator. The seat or saddle is not less than 20 inches above a level road surface when measured to the lowest point on top of the seat or saddle cushion with the driver seated in a driving position. The seat or saddle adjustment locking device prevents relative movement of the seat from its selected and secured position under all normal vehicle operating conditions.

450.3(11) *Horn.* The motorcycle or motorized bicycle complies with Iowa Code sections 321.432 and 321.433.

450.3(12) *Speedometer and odometer.* The motorcycle or motorized bicycle is equipped with a properly operating speedometer and odometer calibrated in miles per hour and miles respectively and is fully illuminated when the headlamp(s) is activated.

450.3(13) *Lighting equipment.* The motorcycle or motorized bicycle is equipped with at least one headlamp but not more than two, mounted securely. Headlamp(s) are mounted not less than 24 inches, nor more than 54 inches, above the level road surface. A headlight beam indicator light is located within the operator's field of vision and illuminated automatically when the high beam of the headlamp is actuated. The motorcycle or motorized bicycle is equipped with a tail and brake light assembly and a license plate light. All original lamps and lighting equipment provided on the motor vehicle by the manufacturer are maintained in working condition or are replaced with equivalent equipment.

450.3(14) *Footrest.* The motorcycle is equipped with two footrests, one on each side of the vehicle and footrests are provided for each designated seating position. Footrests are located so as to provide reasonable accessibility. Footrests are able to fold upward if they protrude beyond the side of the motorcycle's fixed items. The motorized bicycle is equipped with either two footrests or two pedals, one on each side of the vehicle, to provide reasonable accessibility.

450.3(15) *Highway bars.* If a motorcycle or motorized bicycle is so equipped, highway bars (alternate footrests) are located at a maximum distance of 26 inches from the foot controls and do not interfere with the operation of the foot controls.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.23.
[**ARC 9133C**, IAB 4/16/25, effective 5/21/25]

761—450.4(307,321) Minimum requirements for constructing and equipping specially constructed or reconstructed autocycles. Minimum requirements to meet the definition of a specially constructed or reconstructed autocycle as defined in Iowa Code section 321.1 are as follows:

450.4(1) *Seat belt.* The autocycle complies with Iowa Code section 321.445(1).

450.4(2) *Seat.* A seat that is firmly attached to the autocycle and does not require the operator to straddle or sit astride is provided for the use of the operator.

450.4(3) *Lighting equipment.* The autocycle is equipped with at least one headlamp, at least one taillight, and either a taillight or a separate white light that illuminates the license plate if a taillight does not. All original lamps and lighting equipment provided on the autocycle by the manufacturer are maintained in working condition or are replaced with equivalent equipment.

450.4(4) *Warning devices.* The autocycle is equipped with at least one red reflector, either separate or as part of the taillight or taillights.

450.4(5) *Brakes.* The autocycle is equipped with a braking system, other than a parking brake, in accordance with Iowa Code section 321.431.

450.4(6) *Horn.* The autocycle is equipped with a horn that complies with Iowa Code section 321.433.

450.4(7) *Exhaust system.* The autocycle with an internal combustion engine is equipped with a muffler and emission control system in accordance with 49 CFR Section 393.83 as amended through October 1, 2024. When a muffler and emission control system are factory equipped, neither may be removed.

450.4(8) *Mirrors.* The autocycle is equipped with a mirror that shall consist of a minimum reflective surface of ten square inches. All mirrors are regular in shape (circular, oval, rectangular, or square) and do not contain sharp edges or projections capable of producing injury.

450.4(9) *Tires.* The autocycle is equipped with tires that comply with the requirements of Iowa Code section 321.440.

450.4(10) *Floor pan.* The autocycle is equipped with a floor pan under the entire passenger-carrying compartment. The floor pan supports the weight of the number of occupants that the autocycle is designed to carry. The floor pan is so constructed that it prevents the entry of exhaust fumes.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.23.
[**ARC 9133C**, IAB 4/16/25, effective 5/21/25]

761—450.5(321) Front windshields, windows or sidewings.

450.5(1) "Excessively dark or reflective" means that the windshield, front side window or front sidewing does not meet a minimum standard of transparency of 70 percent light transmittance.

450.5(2) Motor vehicles operating with a dark window exemption issued prior to July 4, 2012, are subject to the provisions of rule 761—450.7(3) in effect April 13, 2022.

This rule is intended to implement Iowa Code section 321.438.
[**ARC 9133C**, IAB 4/16/25, effective 5/21/25]

761—450.6(307,321) Seat belt exemptions.

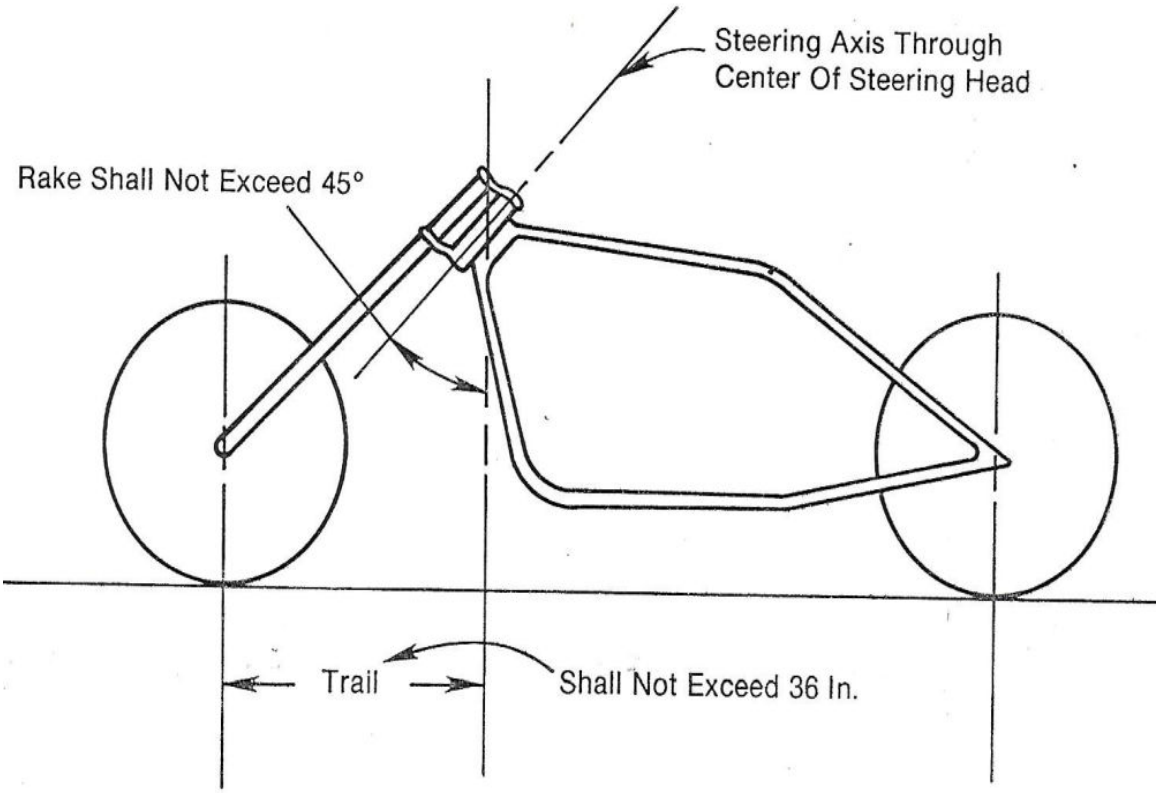
450.6(1) A person who is unable to wear a safety belt or safety harness for physical or medical reasons may obtain a form to be signed by the person's health care provider licensed under Iowa Code chapter 148 or 151. Form No. 432017, "Iowa Medical Safety Belt Exemption," is available from the motor vehicle division.

450.6(2) Iowa Code section 321.445(1) and 321.445(2) shall not apply to the front seats and front seat passengers of motor vehicles owned, leased, rented or primarily used by a person with a physical disability who uses a collapsible wheelchair.
[**ARC 9133C**, IAB 4/16/25, effective 5/21/25]

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.445.

APPENDIX TO RULE
761—450.3(321)

MOTORCYCLE FRONT END GEOMETRY



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CHAPTER 451
AUTHORIZED EMERGENCY VEHICLE CERTIFICATE OF DESIGNATION

[Prior to 6/3/87, see Transportation Department[820]—(07,E) Ch 2]

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

761—451.1(307,321) Information. Information about certificates of designation for authorized emergency vehicles is available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.237.3156; by email at dealer.programs@iowadot.us; or on the department's website at www.iowadot.gov.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.2 and 321.3.

[**ARC 8938C**, IAB 2/19/25, effective 3/26/25]

761—451.2(307,321) Certificate application and expiration.

451.2(1) Application for a certificate of designation as an authorized emergency vehicle is to be submitted to the motor vehicle division in the form and manner prescribed by the department.

451.2(2) The certificate of designation expires on the thirty-first day of December five years from the year in which it was issued.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.451.

[**ARC 8938C**, IAB 2/19/25, effective 3/26/25]

761—451.3(321) Towing and recovery vehicles. In addition to the provisions of Iowa Code sections 321.231(2), 321.231(4), 321.231A, 321.324A(4) and 321.451, a towing or recovery vehicle with a valid certificate of designation may only display illuminated emergency lights in one of the following circumstances:

451.3(1) When the vehicle is at the scene of an emergency, which includes an incident dangerous to the public or roadside operations where increased visibility will mitigate risk of traffic hazards.

451.3(2) When otherwise authorized by a law enforcement officer.

This rule is intended to implement Iowa Code sections 321.231, 321.231A, 321.324A(4) and 321.451.

[**ARC 8938C**, IAB 2/19/25, effective 3/26/25]

761—451.4(17A,307,321) Denial or revocation.

451.4(1) The department shall deny an application if the applicant does not establish that the vehicle will be used as an authorized emergency vehicle or if the applicant does not meet the criteria for issuance of a certificate pursuant to Iowa Code section 321.451.

451.4(2) The department shall revoke a certificate of designation if the holder fails to comply with the applicable provisions of this chapter or Iowa Code section 321.231, 321.231A, 321.324A(4) or 321.451 or if the certificate holder is no longer eligible for the certificate.

451.4(3) When the department denies or revokes a certificate of designation, notice will be sent in accordance with Iowa Code section 321.16. The revocation or denial takes effect 20 days from the date mailed. A person who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13. The request will be submitted in writing to the director of the motor vehicle division and deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice.

This rule is intended to implement Iowa Code chapter 17A and sections 307.12(1)*"j,"* 321.13, 321.16, 321.231, 321.231A, 321.324A(4) and 321.451.

[**ARC 8938C**, IAB 2/19/25, effective 3/26/25]

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[Filed ARC 8938C (Notice ARC 8335C, IAB 11/13/24), IAB 2/19/25, effective 3/26/25]

CHAPTER 452
REFLECTIVE DEVICES ON SLOW-MOVING VEHICLES

[Appeared as Ch 3, Department of Public Safety, 1973 IDR]
[Prior to 6/3/87, Transportation Department[820]—(07,E) Ch 3]
Transferred to 661—Chapter 23, IAC Supplement 8/7/24

CHAPTER 453
WEIGHT EQUALIZING HITCH AND SWAY CONTROL DEVICES FOR TRAILERS

Rescinded IAB 1/23/02, effective 2/27/02

CHAPTER 454
TOWING WRECKED OR DISABLED VEHICLES

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/21/30

761—454.1(307,321) Definitions. For the purpose of Iowa Code section 321.463, the following definitions are established:

"Tow" means the transportation by a vehicle designed to tow or transport wrecked or disabled vehicles directly from the scene of a crash, disablement, or impoundment to any place of repair, storage, or safekeeping.

"Wrecked or disabled vehicle" means a vehicle upon a highway involved in a crash or having mechanical failure, broken parts, or other defects, any of which prevent the vehicle from moving safely under its own power, or any vehicle impounded by the order of a peace officer.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.463 and 23 U.S.C. §141(a) and (b).

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CHAPTERS 455 to 479
Reserved

CHAPTER 480
ABANDONED VEHICLES

[Prior to 6/3/87, Transportation Department[820]—(07,D) Ch 2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/23/30

761—480.1(321) Definitions. The definitions in Iowa Code sections 321.1 and 321.89(1) apply to this chapter. In addition:

"Abandoned vehicle," when used in Iowa Code section 321.89 and this chapter, means only those vehicles subject to registration as referred to in Iowa Code section 321.18.

"Bidder registry" means a record of all persons who have registered to bid at a public auction.

"Public auction," when used in Iowa Code section 321.89, means an auction open to the general public.

[**ARC 9014C**, IAB 3/19/25, effective 4/23/25]

761—480.2(321) Information. Information, forms and instructions are available from: Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278 or the department's website at www.iowadot.gov/mvd/vehicleregistration/abandoned-vehicles.

[**ARC 9014C**, IAB 3/19/25, effective 4/23/25]

761—480.3(321) General provisions.

480.3(1) If a police authority has designated a private entity to process an abandoned vehicle, the police authority shall provide to the private entity a certificate of disposal form prescribed by the department. On the form, the police authority shall provide a description of the vehicle and list the name and address of the last registered owner, all known lienholders of record, and any other known claimants to the vehicle.

480.3(2) A police authority or private entity processing an abandoned vehicle shall maintain records for three years from the sale at a public auction or transfer of a motor vehicle to a demolisher. The records are to be open to inspection by any peace officer or any employee of the department. The required documents to be made available for inspection include:

a. The motor vehicle record request results letter issued by the department with lien information or evidence that a motor vehicle record was reviewed for owners and liens through other legal means.

b. The impound report with the date of abandonment.

c. One copy of the dated notice sent by the police authority or private entity to each owner and lienholder or proof of publication of notice with the publication date visible.

d. One copy of an actual newspaper page advertising each public auction with advertisement and date visible.

e. A copy of the certificate of disposal for the private entity.

f. The bidder registry for the police authority or private entity designated by a police authority holding a public auction.

g. A copy of affidavit of sale on a form prescribed by the department.

480.3(3) A police authority or private entity shall verify that the provisions of this chapter have been executed, prior to the sale of the abandoned vehicle, on a form prescribed by the department.

480.3(4) A purchaser in good faith of a motor vehicle sold as a result of the abandoned vehicle process takes the motor vehicle free of all rights of all persons, including holders of preexisting liens, notwithstanding any police authority or private entity's noncompliance with this chapter.

480.3(5) Upon presentation of a sales receipt, a county official shall process the registration and issuance of title to the purchaser free of all rights of all persons, including holders of preexisting liens, notwithstanding any police authority or private entity's noncompliance with this chapter.

[**ARC 9014C**, IAB 3/19/25, effective 4/23/25]

761—480.4(321) Auction requirements.

480.4(1) *Auction.* A public auction may be by electronic means, by sealed bid, or a conventional oral auction. The highest bidder is awarded the property. When the auction is a conventional oral auction,

bidders shall register and bring the bid deposit with them to the auction on the day and at the location and time specified for the sale, if a bid deposit is required. Bidders bid against one another until bidding stops.

a. A police authority or a private entity designated by a police authority holding a public auction may set the initial bid at an amount that equals the actual cost of storage and towing.

b. A police authority or private entity is limited to two attempts at selling an abandoned vehicle at a public auction. If the police authority or private entity cannot make a satisfactory sale at two public auctions, or if a sale cannot otherwise be made with enough proceeds to cover the expenses and costs in carrying out the abandoned vehicle process, the police authority or private entity shall sell or dispose of the vehicle to a demolisher for junk.

480.4(2) *Advertisement.* Any attempt to sell a vehicle by public auction shall be advertised at least seven days in advance using two or more modes of appropriate media widely accessible and targeted to individuals within the county where the auction will take place or where the vehicle is physically located. Appropriate media modes include the following:

a. A newspaper that meets the requirements set forth in Iowa Code section 618.3.

b. Notice posted in a conspicuous manner viewable to the public at the location where the public auction will occur or in a location where it is permissible to post community announcements. If the public auction is to be conducted by electronic means, the location means the specific website to be used for the auction.

c. Notice posted to a community website or on a social media platform available to the public.

480.4(3) *Bidder registry.* Each auctioned vehicle sold or offered for sale at a public auction requires a bidder registry. The bidder registry shall be maintained for at least three years by the police authority or private entity designated by a police authority and open for inspection by any peace officer or department employee. The bidder registry shall contain:

a. The full name of the bidder.

b. The bona fide address of the bidder.

c. A telephone number of the bidder.

d. The date of the auction.

e. The auctioned vehicle's make, model, model year, and vehicle identification number.

f. The location of the auction.

480.4(4) *Odometer statement.*

a. When an odometer disclosure statement is required pursuant to Iowa Code section 321.71 but the auctioned vehicle's seller cannot attest to the true mileage reading of the vehicle's odometer, the seller's odometer disclosure statement shall:

(1) Reflect the odometer mileage reading at the time of sale.

(2) Be marked indicating "odometer discrepancy," certifying the odometer mileage reading is not the actual mileage.

b. The subsequent title issued for the vehicle shall record the vehicle's mileage is "not actual."

[**ARC 9014C**, IAB 3/19/25, effective 4/23/25]

761—480.5(321) Claims procedure—expense reimbursement and unclaimed proceeds.

480.5(1) *General.* The following requirements are applicable to a claim under this subrule:

a. A police authority may only report an abandoned vehicle to the department if it is remitting unclaimed profits or requesting reimbursement.

b. A private entity designated by a police authority to process an abandoned vehicle may request reimbursement of expenses that are in excess of the proceeds of the sale of the abandoned vehicle.

c. If a police authority has designated a private entity to process an abandoned vehicle, the police authority is eligible for reimbursement of only the towing expense.

d. A police authority or private entity requesting reimbursement is to submit Form 411090 (Abandoned Vehicle Report) to the department. Other forms may be accepted if they contain all information deemed necessary by the department.

e. Form 411090 is also required when remitting unclaimed profits.

f. The only reimbursable expense includes losses incurred in disposing of a vehicle abandoned on a public highway.

480.5(2) *Documentation.* Form 411090 submitted for expense reimbursement or for remittance of unclaimed proceeds must be accompanied by the following:

a. The police authority's impound report showing the date the vehicle was taken into custody, including a complete description of the vehicle. The date of abandonment is the date the vehicle was taken into custody unless the police authority declares a different date of abandonment. The abandonment date shall be used to calculate the 20-day notification required under Iowa Code section 321.89(3).

b. A copy of the notice sent to the owner and lienholder(s) or proof of publication of notice. The notice must display a sent or published date within the 20-day time frame required under Iowa Code section 321.89(3) to qualify the claim for reimbursement.

c. A completed certificate of disposal.

d. Detailed receipts showing payment for each expense incurred. A receipt must identify the date(s) of occurrence of the expense; for example, a receipt for storage must identify the beginning and ending dates. A receipt for both towing and storage must show separately the towing charge and the storage charge per day.

480.5(3) *Time frames.* Claims for allowable reimbursement expenses under Iowa Code section 321.89 must be submitted to the department within 90 days after the sale or disposal of the abandoned vehicle. The police authority shall send unclaimed proceeds from the sale or disposal of the vehicle to the department within 10 days after the specified 90-day claiming period expires.

480.5(4) *Rates.* The department establishes the following maximum expense reimbursement rates:

a. Towing—$50 per vehicle.

b. Notice—actual postage or publication cost.

c. Storage—$5 per day, not to exceed 45 days per vehicle.

(1) If a police authority provides its own storage facility for abandoned vehicles, the department shall not reimburse the police authority for use of that facility.

(2) When the vehicle is held for an evidentiary hearing for more than 45 days, the police authority or private entity shall submit proof of the evidentiary hearing to obtain reimbursement.

d. Advertising—only actual costs of up to $20 per auction, or advertising receipt totals for two auctions, whichever is less, not to exceed $40 total.

e. Auction expenses—10 percent of the vehicle's sale price or $10 per vehicle, whichever is less. A receipt is not required for auction expense reimbursement.

[**ARC 9014C**, IAB 3/19/25, effective 4/23/25]

These rules are intended to implement Iowa Code sections 321.1, 321.18, 321.71, 321.89 and 321.90.

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CHAPTERS 481 to 499
Reserved

MOTOR CARRIERS

CHAPTER 500
INTERSTATE REGISTRATION AND OPERATION OF VEHICLES

[Prior to 6/3/87, Transportation Department[820]—(07,F) Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/19/30

761—500.1(326) Definitions. The definitions in Iowa Code sections 326.2 and 326.3 apply to this chapter. In addition:

"Distance schedule" means the department form used to report fleet distance.

"IRP" means the International Registration Plan as defined in Iowa Code section 326.2.

"Qualified registrant" means a motor carrier who has received written approval by the department to self-certify IRP credential destruction.

"Self-certification of IRP credential destruction" means a signed statement that is completed by a qualified registrant certifying the date the IRP credentials have been destroyed.

"Temporary evidence of apportioned registration" means a document issued by the department that describes the vehicle and lists the weight for each jurisdiction in which the vehicle is registered for operation and allows the vehicle to be operated.

"Vehicle schedule" means the department form used to report vehicle registration information.

This rule is intended to implement Iowa Code sections 326.2, 326.3, 326.15 and 326.33.

[**ARC 9621C**, IAB 10/15/25, effective 11/19/25]

761—500.2(326) General information.

500.2(1) *Information and location.* Applications, forms and information on interstate registration and operation of vehicles are available on the department's website at www.iowadot.gov/mvd/motorcarriers/IRP/File-IRP; by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Boulevard, Ankeny, Iowa; by telephone at 515.237.3268; by facsimile at 515.236.3225; or by email at omcs@iowadot.us.

500.2(2) *Method of operation.* The operations of the department's motor vehicle division relating to reciprocity and apportioned registration are conducted in accordance with the IRP and Iowa Code chapters 321 and 326.

500.2(3) *Organizational data.* The motor vehicle division is authorized pursuant to Iowa Code chapter 326 to enter into reciprocity apportioned registration agreements with other jurisdictions. The department is a member of the IRP. The IRP, effective October 2025, is hereby incorporated into this chapter. Under this agreement, the motor vehicle division will do all of the following:

a. Compute and collect apportionable fees due to this state under apportioned registration agreements.

b. Issue registration plates, validation stickers, cab cards, temporary evidence of apportioned registration and trip permits to qualified registrants.

c. Enter into reciprocity agreements with other jurisdictions. These agreements exempt nonresidents from the registration and registration fee requirements of Iowa Code chapter 321.

This rule is intended to implement Iowa Code sections 326.5, 326.6 and 326.33.

[**ARC 9621C**, IAB 10/15/25, effective 11/19/25]

761—500.3(17A,326) Waiver of rules. In accordance with 761—Chapter 11, the director of transportation or the director's designee (director) may, in response to a petition, waive provisions of this chapter. A waiver will not be granted unless the director finds that special or emergency circumstances exist. "Special or emergency circumstances" means one or more of the following:

500.3(1) Circumstances where the movement is necessary to cooperate with cities, counties, other state agencies or other states in response to a national or other disaster.

500.3(2) Circumstances where the movement is necessary to cooperate with national defense officials.

500.3(3) Circumstances where the movement is necessary to cooperate with public or private utilities in order to maintain their public services.

500.3(4) Circumstances where the movement is essential to ensure safety and protection of any person or property due to events such as but not limited to pollution of natural resources, a potential fire or explosion.

500.3(5) Circumstances where weather or transportation problems create an undue hardship for citizens of the state of Iowa.

500.3(6) Circumstances where movement involves emergency-type vehicles.

500.3(7) Uncommon or extraordinary circumstances where the movement is essential to the existence of an Iowa business and the move may be accomplished without causing undue hazard to the safety of the traveling public or undue damage to private or public property.

This rule is intended to implement Iowa Code sections 17A.9A and 326.33.

[**ARC 9621C**, IAB 10/15/25, effective 11/19/25]

761—500.4(326) Renewal for IRP registration. Renewal reminder notices are sent electronically or by mail at least 60 days prior to the registration expiration date to all registrants who maintained an active IRP fleet with Iowa during that year. The renewal is made available online at least 60 days prior to the registration expiration date and can be accessed on the department's website.

500.4(1) The renewal must include:

a. A completed and signed distance schedule and vehicle schedule(s). The schedules can be filed and signed either electronically or on paper.

b. Title documentation, if necessary.

c. One of the following:

(1) Receipted federal heavy vehicle use tax (Form 2290 Schedule 1) for vehicles with a taxable gross weight of 55,000 pounds or more.

(2) A copy of Form 2290 Schedule 1 and sufficient documentation of payment of the tax due at the time Form 2290 was filed. The documentation can include but is not limited to a photocopy of both sides of a canceled check, a bank statement indicating the amount of tax paid and electronic acknowledgment indicating a payment of tax and an Internal Revenue Service printout of the taxpayer's account showing the amount of tax paid.

500.4(2) Additional renewal procedures.

a. Vehicles may be deleted from the fleet at the time of renewal. Operating a vehicle with credentials marked as deleted will result in the registrant being responsible for any fees assessed, including any applicable penalty. Operating a vehicle with credentials that were self-certified as destroyed will result in suspension of the self-certification privilege.

b. Units being stored must be marked "stored" on the renewal vehicle schedule and the plates, cab cards and validation stickers must be returned in accordance with rule 761—500.5(321).

c. Vehicles may be added at the time of renewal. Upon payment of required fees, an applicant must apply for a temporary evidence of apportioned registration to be issued to operate a vehicle in accordance with the IRP. The department may extend the temporary evidence of apportioned registration if there are extenuating circumstances beyond the applicant's control.

d. When the registrant is seeking a refund in accordance with Iowa Code section 326.15 for vehicles deleted from a fleet, the annual and permanent registration plates and validation stickers must be returned to the motor vehicle division. No refund will be paid for a vehicle deleted at the time of renewal.

This rule is intended to implement Iowa Code sections 326.6, 326.11, 326.12, 326.14, 326.15 and 326.33.

[**ARC 9621C**, IAB 10/15/25, effective 11/19/25]

761—500.5(321,326) Deadline for placing a vehicle in storage. The registrant of a currently registered vehicle may at any time request that a vehicle be put into storage. The registrant must complete a vehicle schedule and return it with the plate, cab card and validation sticker to the motor vehicle division. The vehicle schedule, plate, cab card and sticker must be received or postmarked on or before the registration expiration date to stop the registration fee from being assessed for the renewal year. The motor vehicle

division will destroy the plate and return the cab card to the registrant with the word "stored" stamped on it. Placing the vehicle in storage stops penalties on registration fees. When the vehicle is taken out of storage, the vehicle is assessed for the current annual registration fee.

This rule is intended to implement Iowa Code sections 321.126, 321.134 and 326.33.

[**ARC 9621C**, IAB 10/15/25, effective 11/19/25]

761—500.6(326) Payment, delinquency and suspension.

500.6(1) Acceptable methods to make payment to the Iowa Department of Transportation include cash, check, credit card or any other means offered by the department. Payment is due 30 calendar days from the invoice date. However, renewal invoices are due 30 calendar days from the invoice date or by the last day of the registration expiration month, whichever is later.

500.6(2) Invoices not paid by the due date are assessed a late payment penalty as provided in Iowa Code sections 326.14 and 326.16. The same penalty amount will be assessed the first of each month thereafter until the total invoice and all penalties are paid in full.

500.6(3) A delinquency notice will be sent on invoices 30 calendar days overdue. The department will send a delinquency notice stating the IRP registration will be suspended unless payment is received within 30 calendar days from the date of the delinquency notice. If payment is not received in a timely manner, a notice of suspension will be sent to the registrant. When a registrant is under suspension, all of the registrant's Iowa-based IRP vehicles and the registrant's Iowa-based International Fuel Tax Agreement (IFTA) account, if applicable, are suspended.

This rule is intended to implement Iowa Code sections 326.10A, 326.14, 326.16 and 326.33.

[**ARC 9621C**, IAB 10/15/25, effective 11/19/25]

761—500.7(326) Self-certification of IRP registration plate and validation sticker destruction.

500.7(1) In order to request a refund for unused registration fees, unless the registrant qualifies to self-certify destruction under this rule, plates and validation stickers must be returned to the department when a vehicle is deleted from the fleet. A registrant will meet all of the following requirements to qualify for department approval to self-certify destruction of IRP credentials:

a. A minimum of five years' experience with IRP registration.

b. A satisfactory IRP payment history. A satisfactory payment history includes but is not limited to no suspension of IRP registration in the last five years due to late payment or returned check because of insufficient funds.

c. A satisfactory rating from the U.S. Department of Transportation in the previous five years.

500.7(2) A motor carrier subject to a federal out-of-service order in the current year or any of the four prior years is not eligible to self-certify IRP credential destruction.

This rule is intended to implement Iowa Code sections 326.15 and 326.33.

[**ARC 9621C**, IAB 10/15/25, effective 11/19/25]

761—500.8(326) IRP credentials. Upon payment of appropriate fees and submission of all required documentation, the motor vehicle division will issue one IRP plate for each power unit to be mounted on the front of the power unit, one trailer plate to be mounted on the rear of the trailer and one cab card for each power unit. The cab card may be in either a physical or electronic format.

This rule is intended to implement Iowa Code sections 326.14 and 326.33.

[**ARC 9621C**, IAB 10/15/25, effective 11/19/25]

761—500.9(326) Nonrenewal vehicle additions. A registrant may add a vehicle to the fleet at any time after the commencement of the registration year. Upon payment of required fees, temporary evidence of apportioned registration may be issued to operate the vehicle(s). The temporary evidence of apportioned registration will not exceed 45 days. However, the department may extend the temporary evidence of apportioned registration if there are extenuating circumstances. Once temporary evidence of apportioned registration is issued and used, fees will be due and the invoice may only be canceled if an error was made by the department or there were extenuating circumstances for which nonuse can be proven.

This rule is intended to implement Iowa Code sections 326.11 and 326.33.

[**ARC 9621C**, IAB 10/15/25, effective 11/19/25]

761—500.10(326) Nonrenewal vehicle deletions. A registrant may delete vehicles from the fleet at any time after the commencement of the registration year. The plates and validation stickers must be returned to the motor vehicle division at the time of deletion. In lieu of returning the plates and validation stickers, a qualified registrant may submit a self-certification of IRP credential destruction on or before the vehicle's or vehicles' deletion date to the motor vehicle division. Operating a vehicle with credentials that were self-certified as destroyed will result in suspension of the self-certification privilege, and the registrant is responsible for any additional fees that would have been due beyond the stated destruction date.

This rule is intended to implement Iowa Code sections 326.12, 326.15 and 326.33.

[**ARC 9621C**, IAB 10/15/25, effective 11/19/25]

761—500.11(326) Voluntary cancellation of registration. A registrant may cancel a transaction for IRP registration if the registrant notifies the motor vehicle division within 48 hours of the invoice date. The notice shall state the reason for cancellation, the licensing status and ownership and be signed by the registrant or its representative. If notice is not received within 48 hours or if a temporary evidence of apportioned registration was issued in accordance with rule 761—500.9(326), all registration fees must be paid in full.

This rule is intended to implement Iowa Code sections 326.6, 326.11 and 326.33.

[**ARC 9621C**, IAB 10/15/25, effective 11/19/25]

761—500.12(326) Registration credit.

500.12(1) If a vehicle is deleted from the IRP fleet and replaced with another vehicle, registration credit may be applied to IRP fees due on the replacement vehicle if the registrant does all of the following:

a. Submits the vehicle schedule identifying the added and deleted vehicles to the motor vehicle division.

b. Deletes the vehicle on or before the effective date of the replacement vehicle's registration.

500.12(2) Allowance for credit of deleted vehicles is subject to the conditions set forth in Iowa Code section 326.12.

This rule is intended to implement Iowa Code sections 326.12 and 326.33.

[**ARC 9621C**, IAB 10/15/25, effective 11/19/25]

761—500.13(321,326) Penalty for late filing of vehicle registration.

500.13(1) As provided in Iowa Code sections 326.14 and 326.16, a late filing penalty of 5 percent is assessed to the vehicle if a vehicle registration is not filed within 30 days of one of the following:

a. The purchase of a new or used vehicle.

b. The date a vehicle is brought across state borders into Iowa to be registered.

c. A vehicle being first operated with the exemption allowed under Iowa Code section 321.20A.

500.13(2) An additional penalty will be assessed on the first of each month thereafter until the vehicle schedule is filed.

500.13(3) The department may collect intrastate registration fees and penalties when registering a delinquent vehicle to bring the vehicle fees current before allowing the IRP registration of the vehicle.

This rule is intended to implement Iowa Code sections 321.20A, 326.11, 326.14, 326.16 and 326.33.

[**ARC 9621C**, IAB 10/15/25, effective 11/19/25]

761—500.14(326) Duplicate credentials. The fees for duplicate credentials are as follows:

500.14(1) A replacement cab card is $3.

500.14(2) A replacement plate, including the cab card, is $8.

500.14(3) If applicable, a mailing fee will also be assessed based on the number of plates or cab cards being issued.

This rule is intended to implement Iowa Code sections 326.22 and 326.33.

[**ARC 9621C**, IAB 10/15/25, effective 11/19/25]

761—500.15(321,326) Making claim for refund. A refund of Iowa fees previously paid for the registration of vehicles may be made in accordance with Iowa Code sections 321.126, 321.127, 321.129 and 326.15. A claim for refund form may be obtained from the motor vehicle division. In lieu of returning

the plates, a qualified registrant may submit a self-certification of IRP credential destruction on or before the vehicle's or vehicles' deletion date to the motor vehicle division.

This rule is intended to implement Iowa Code sections 321.126, 321.127, 321.129, 326.15 and 326.33.

[**ARC 9621C**, IAB 10/15/25, effective 11/19/25]

761—500.16(326) Registration of vehicles with non-Iowa titles. Registrants applying for registration for non-Iowa titled vehicles shall submit to the motor vehicle division with the application or payment as specified in rule 761—500.6(326) one of the following:

500.16(1) A copy of the non-Iowa title or a copy of the title application if the title has not been issued.

500.16(2) If a jurisdiction does not issue titles, a copy of the bill of sale or a copy of the Canadian registration.

This rule is intended to implement Iowa Code sections 326.11 and 326.33.

[**ARC 9621C**, IAB 10/15/25, effective 11/19/25]

761—500.17(326) Record retention.

500.17(1) *Record retention requirement and penalty.* Iowa IRP registrants shall preserve the records upon which their registration is based as required by the IRP for the current registration year and the three preceding registration years and, upon request, make such records available for audit. The department may assess a penalty upon registrants who have failed to maintain proper records.

500.17(2) *Adequacy of records.* Records maintained by a registrant are adequate only if the records enable the department to verify the distances reported in the registrant's application for apportioned registration and to evaluate the accuracy of the registrant's distance accounting system. The records may be produced through any means and retained in any format or medium available to the registrant and accessible by the department.

a. Records produced by a means other than a vehicle-tracking system will be considered adequate if the records include:

(1) The beginning and ending dates of the trip to which the records pertain.

(2) The origin and destination of the trip.

(3) The route of travel.

(4) The beginning and ending reading from the odometer, hubodometer, engine control module (ECM), or any similar device for the trip.

(5) The total distance of the trip.

(6) The distance traveled in each jurisdiction.

(7) The vehicle identification number or vehicle unit number.

b. Records produced by a vehicle-tracking system that utilizes latitudes and longitudes must be created and maintained at a minimum of every 15 minutes when the vehicle's engine is on and contain the following data elements:

(1) The vehicle identification number or vehicle unit number.

(2) The date and time of each system reading.

(3) The latitude and longitude to include a minimum of four decimal places (0.0001) of each system reading.

(4) The odometer reading from the ECM of each system reading. If no ECM odometer is available, a beginning and ending dashboard odometer or hubometer for the trip will be acceptable.

(5) The calculated distance between each system reading.

(6) The route of the vehicle's travel.

(7) The total distance traveled by the vehicle.

(8) The distance traveled in each jurisdiction.

500.17(3) *Summaries.* The following summaries shall be maintained:

a. A summary of the fleet's operations of each month, which includes both the full distance traveled by each apportioned vehicle in the fleet during the calendar month and the distance traveled in the month by each apportioned vehicle in each jurisdiction.

b. A summary of the fleet's operations for each calendar quarter, which includes both the full distance traveled by vehicles in the fleet during the calendar quarter and the distance traveled in each jurisdiction by the vehicles in the fleet during the calendar quarter.

This rule is intended to implement Iowa Code sections 326.19A and 326.33.

[**ARC 9621C**, IAB 10/15/25, effective 11/19/25]

761—500.18(326) Trip permits. A registrant may meet the registration requirements of Iowa Code chapter 326 by operating under a trip permit. However, trips that are intrastate or exceed legal dimensions or weight and operate under permit as specified in Iowa Code chapter 321E are not allowed.

500.18(1) Trip permits may be obtained through the department's website or in person from the motor vehicle division upon payment of the appropriate permit fee.

500.18(2) Registrants purchasing trip permits in advance of use cannot return unused permits for a refund.

This rule is intended to implement Iowa Code sections 326.23, 326.33 and 326.46.

[**ARC 9621C**, IAB 10/15/25, effective 11/19/25]

761—500.19(326) Electronic information. To the greatest extent possible, the motor vehicle division will maintain in electronic form all records required under this chapter. The retention period for electronic records must follow the guidelines of the IRP.

500.19(1) *IRP vehicle transaction.* The motor vehicle division will destroy paper copies of IRP vehicle transaction requests 90 days after the IRP invoice is generated.

500.19(2) *Federal heavy use tax (Form 2290 Schedule 1).* The motor vehicle division will maintain Form 2290 Schedule 1 in accordance with 23 CFR Section 669.9 effective April 1, 2024.

This rule is intended to implement Iowa Code section 326.33.

[**ARC 9621C**, IAB 10/15/25, effective 11/19/25]

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[1] Effective date of 500.1, definition of "Power unit," 500.2, 500.3(1), 500.3(3), introductory paragraph, 500.3(3)*"a"* and *"c,"* 500.3(4)*"a,"* introductory paragraph, 500.3(4)*"c,"* 500.3(5)*"a,"* introductory paragraph, 500.3(5)*"a"*(2), 500.3(5)*"b"*(2),

500.3(6), 500.6 to 500.9, 500.11, 500.12, 500.14, 500.17, 500.20, June 2, 1993, delayed 70 days by the Administrative Rules Review Committee at its meeting held May 12, 1993; delay lifted by this Committee June 8, 1993, effective June 9, 1993.

CHAPTERS 501 to 504
Reserved

CHAPTER 505
INTERSTATE MOTOR VEHICLE FUEL LICENSES AND PERMITS

[Prior to 6/3/87, Transportation Department[820]—(07,F) Ch 7]

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/5/30

761—505.1(452A) Definitions. The definitions in Iowa Code sections 452A.2, 452A.40 and 452A.57, where not inconsistent with the definitions below, apply to this chapter. In addition:

"Department" means the department of transportation.

"Director" means the director of transportation or the director's designee.

"Fuel(s)" means and includes "motor fuel" and "special fuel" as defined in Iowa Code section 452A.2.

"Fuel license" or *"license"* means an IFTA license issued pursuant to Iowa Code section 452A.53.

"Hydrogen gallon" means a diesel gallon equivalent. A diesel gallon equivalent of hydrogen weighs 2.49 pounds.

"IFTA" means the International Fuel Tax Agreement, which is a multijurisdictional agreement for the administration of motor fuel tax laws for vehicles operated in multiple member jurisdictions.

"IFTA member jurisdiction" means a jurisdiction that is a member of the IFTA. A list of jurisdictions and their membership statuses may be obtained by contacting the motor vehicle division.

"Lease" means a contract or agreement by which a vehicle owner (lessor) provides a vehicle to a person or company (lessee) for use during a specified period of time.

1. *"Long-term lease"* means a lease for a period of 30 days or more.
2. *"Short-term lease"* means a lease for a period of 29 days or less, including trip leases. Back-to-back leases of 29 days or less are considered short-term leases.

"Licensee" means any person who holds a valid fuel license.

"Non-IFTA member jurisdiction" means a jurisdiction that is not a member of the IFTA. A list of jurisdictions and their membership statuses may be obtained by contacting the motor vehicle division.

"Permittee" means any person who holds a valid temporary fuel permit.

"Qualified motor vehicle" means a motor vehicle or combination of vehicles used or designed to transport persons or property if any of the following apply:

1. The vehicle or combination of vehicles weighs more than 26,000 pounds.
2. The vehicle or combination of vehicles is registered for more than 26,000 pounds.
3. The power unit has three or more axles.

"Qualified motor vehicle" does not include recreational vehicles.

"Quarter" means calendar quarter, January 1 through March 31, April 1 through June 30, July 1 through September 30 and October 1 through December 31.

"Temporary fuel permit" or *"temporary permit"* means a single trip fuel permit issued pursuant to Iowa Code section 452A.53.

This rule is intended to implement Iowa Code sections 452A.2, 452A.40, 452A.57 and 452A.59.

[**ARC 9576C**, IAB 10/1/25, effective 11/5/25]

761—505.2(452A) General information.

505.2(1) *Information and location.* Applications, forms and information on interstate motor vehicle fuel permits and licenses are available on the department's website at www.iowadot.gov/mvd/motorcarriers/IFTA/File-IFTA; by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.237.3268; by facsimile at 515.237.3225; or by email at omcs@iowadot.us.

505.2(2) *Organizational data.* The motor vehicle division is authorized pursuant to Iowa Code chapter 452A to:

a. Issue fuel licenses or temporary fuel permits.

b. Compute and collect interstate motor fuel taxes.

c. Refund overpayments of interstate fuel taxes.

d. Administer agreements with other jurisdictions for the collection and refund of interstate motor fuel tax. Pursuant to Iowa Code section 452A.56, the department has adopted and incorporates into this chapter the IFTA effective January 2025. IFTA governing documents do not create rights for the taxpayer.

505.2(3) *Waiver of rules.* In accordance with 761—Chapter 11, the director may, in response to a petition, waive provisions of this chapter. A waiver will not be granted unless the director finds that special or emergency circumstances exist.

"Special or emergency circumstances" means one or more of the following:

a. Circumstances where the movement is necessary to cooperate with cities, counties, other state agencies or other states in response to a national or other disaster.

b. Circumstances where the movement is necessary to cooperate with national defense officials.

c. Circumstances where the movement is necessary to cooperate with public or private utilities in order to maintain their public services.

d. Circumstances where the movement is essential to ensure safety and protection of any person or property due to events, such as but not limited to pollution of natural resources, a potential fire or an explosion.

e. Circumstances where weather or transportation problems create an undue hardship for citizens of the state of Iowa.

f. Circumstances where the movement involves emergency-type vehicles.

g. Uncommon or extraordinary circumstances where the movement is essential to the existence of an Iowa business and the move may be accomplished without causing undue hazard to the safety of the traveling public or undue damage to private or public property.

This rule is intended to implement Iowa Code sections 452A.51, 452A.56 and 452A.59.

[**ARC 9576C**, IAB 10/1/25, effective 11/5/25]

761—505.3(452A) General stipulations.

505.3(1) *IFTA member requirements.* In order to enter this state and not be in violation of Iowa Code section 452A.52, the operator of the qualified motor vehicle based in an IFTA member jurisdiction must do one of the following:

a. Possess a fuel license pursuant to Iowa Code section 452A.53.

b. Purchase a temporary fuel permit pursuant to Iowa Code section 452A.53 and subrule 505.3(9) when entering or before entering the state.

505.3(2) *Non-IFTA member requirements.* The operator of a qualified motor vehicle based in a non-IFTA member jurisdiction must do one of the following:

a. Possess a fuel license pursuant to Iowa Code section 452A.53.

b. Purchase a temporary fuel permit pursuant to Iowa Code section 452A.53 and subrule 505.3(9) when entering or before entering the state.

c. Enter the state with 30 gallons of fuel or less.

d. Enter the state with less than 350 kilowatt hours of electric fuel.

e. Enter the state with only Iowa tax paid fuel.

505.3(3) *Determination of fuel supply.*

a. To determine if a vehicle has entered the state with more than 30 gallons of fuel, the total of all fuel in all tanks that could be used to fuel the power source of the vehicle shall be considered to reach a total gallonage, or diesel gallon equivalent. The fuel tank connected to a "reefer unit," which can neither be directly nor indirectly connected to the power source of the vehicle, shall not be considered in arriving at the 30-gallon total.

b. To determine if a vehicle has entered the state with more than 350 kilowatt hours of electric fuel, the total of all electric fuel in the batteries or other energy storage devices of a commercial motor vehicle shall be considered to reach total kilowatt hours, regardless of whether the batteries or storage devices are connected to the motor of the vehicle.

505.3(4) *Fuel license.*

a. A fuel license may be obtained from the motor vehicle division, provided the following information is included with the application:

(1) Name and address of company or corporation or owner who operates or controls the qualified motor vehicle(s).

(2) Name(s) and address(es) of principal or corporate officers.

(3) Signature and telephone number of contact person.

(4) A power of attorney if someone other than an officer or employee of the company will be completing quarterly reports or requesting information from the department.

(5) Any other information required by the department.

b. The fuel license remains valid until canceled or revoked. The reporting and computation procedure for a fuel license allows for the payment of taxes due and a refund of any overpayment. All persons holding a valid fuel license must file quarterly reports with the department.

505.3(5) *Number of temporary permits or licenses required.* No vehicle may operate under more than one license or temporary permit at a time.

505.3(6) *Possession of the license or temporary permit.* A license or temporary permit must be carried in the vehicle. More than one vehicle may be operated and reported under the same license by making a photocopy of the license and carrying it in each vehicle operating under said license. A license, copy of a license or temporary permit is void if altered. A duplicate license may be purchased from the motor vehicle division.

505.3(7) *Cancellation and reissuance.*

a. If a qualified motor vehicle operating under a license is consistently operated only within the state or only outside the state, the licensee or the department shall request that the license be canceled for nonuse.

b. A fuel license that has been canceled for cause pursuant to Iowa Code section 452A.68 may be reinstated if a bond is filed.

505.3(8) *Bond requirements.*

a. The department will require a bond when:

(1) A previous fuel licensee is reapplying for a fuel license and has two or more outstanding fuel billings due for periods within the three years prior to date of application for a new license.

(2) A previous fuel licensee is reapplying for a new fuel license and has failed to file two or more reports for a calendar year within the three years prior to date of application for a new license.

(3) A previous fuel licensee is reapplying for a new license and has filed reports late for two or more reporting periods for a calendar year within the three years prior to date of application for a new fuel license.

(4) The department determines from an audit that a bond is required to protect the interests of member jurisdictions.

b. Bonds are to be made payable to the state of Iowa, in the minimum amount of $500 or the equivalent to at least twice the estimated average tax liability for the reporting period in which the licensee will be required to file a tax return, whichever is greater.

c. A new license will not be issued until a copy of the bond is filed with the motor vehicle division. The motor vehicle division must be notified of bond cancellation 30 days before the cancellation is effective.

505.3(9) *Temporary fuel permits.*

a. A temporary fuel permit may be obtained by any person operating a qualified motor vehicle that is not otherwise covered by a license. The temporary permit may be obtained from the motor vehicle division. The temporary permit may also be obtained from a permit service or a processing agent. An application for a temporary permit may be made by phone, by facsimile or electronically to the motor vehicle division. Permittees who purchase temporary fuel permits in advance of use may not return unused permits for refund.

b. The temporary fuel permit is valid for 72 consecutive hours from the date and hour appearing on the temporary permit or upon departure from Iowa, whichever occurs first. A new temporary permit is required in order to reenter the state. While a permittee is operating under a temporary permit, unlimited travel is allowed within Iowa. No refund of tax paid on overpurchases of Iowa fuel is allowed.

c. An application for a temporary fuel permit is to include but is not limited to the following information:

(1) The name and address of the person who owns or controls the vehicle.

(2) The make, year, serial number, license number and unit number of the vehicle.

(3) The address to which the temporary permit is to be sent, if applicable.

d. The temporary permit fee shall also accompany the application unless a method of collection upon delivery is requested.

e. A temporary permit is not eligible to be transferred and is valid only for the carrier and the vehicle that are described on the permit. Once a temporary permit has been issued to a qualified motor vehicle, the purchase price is nonrefundable.

f. The completed temporary permit must be carried in the qualified motor vehicle for which it is issued.

g. The 72-hour period for which the temporary permit is valid may be extended for "emergencies," such as extreme weather conditions when travel is not advisable or other instances, at the discretion of the motor vehicle division.

h. A temporary fuel permit is invalid if the permittee has outstanding IFTA fuel tax bills.

i. Fees for a temporary permit may be paid by cash, company or personal check or credit card.

505.3(10) *Qualified motor vehicles on lease.*

a. Long-term lease. Under normal circumstances, the lessee is responsible for reporting all mileage and fuel activity unless otherwise specified by the lease. Supporting documentation, including the lease, must be made available to the department to confirm the reporting responsibility.

b. Short-term lease. The lessor is responsible for reporting all mileage and fuel activity unless otherwise specified by the lease. Supporting documentation, such as a maintenance agreement or lease, must be made available to the department to confirm the reporting responsibility.

c. Purchase receipts. Purchase receipts must be made out in the name of the lessor, in the name of the lessee or to cash and must identify the vehicle for which the purchase is made by showing one of the following: vehicle license number, full vehicle identification number (VIN) or vehicle unit number.

This rule is intended to implement Iowa Code sections 452A.52 through 452A.54, 452A.58, 452A.59 and 452A.68.

[**ARC 9576C**, IAB 10/1/25, effective 11/5/25]

761—505.4(452A) Quarterly reports.

505.4(1) *Failure to file.* All valid fuel licensees shall file quarterly reports with the department, even if a licensee has not traveled in Iowa. Failure to file is cause for revocation of the license and assessment of a penalty.

505.4(2) *Filing deadline.* All persons holding a valid fuel license, pursuant to the provisions of Iowa Code section 452A.53, shall file quarterly reports with the department and either remit any tax due no later than the last day of the month following the last day of the quarter covered by the report, or request a refund no later than the last day of the third month following the last day of the quarter covered by the report. If the claim for refund is filed after that date, no refund will be allowed.

505.4(3) *Reporting multiple vehicles on single license.* The licensee shall select which vehicles may be operated under the license. All miles traveled, interstate and intrastate, and all fuel purchased for those vehicles shall be reported on a consistent basis.

505.4(4) *Tax refund.* Refunds will be computed separately for each fuel type. If a refund for a fuel type does not exceed $10, it will not be processed unless there is more than one type of fuel reported on one return and the combined refunds for all fuel types exceed $10.

505.4(5) *Refunds of tax on fuel purchased in Iowa and consumed out of Iowa.* Even when fuel is purchased in Iowa, fuel tax is paid in Iowa and the excess fuel tax paid is subject to refund under the provisions of Iowa Code chapter 452A, relating to interstate motor vehicle operation, the refund is not subject to state sales tax.

505.4(6) *Timely filing of report.*

a. The interstate fuel tax report required under Iowa Code section 452A.54 will be deemed timely filed if received by the motor vehicle division or postpaid, properly addressed and postmarked by the

United States Postal Service on or before midnight of the filing deadline. If the filing date falls on a Saturday, Sunday or legal holiday, the next secular or business day is the filing deadline.

b. All reports and remittances shall be filed online at the department's website; mailed to the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; delivered in person to 6310 SE Convenience Blvd., Ankeny, Iowa; sent by facsimile to 515.237.3225 or email to omcs@iowadot.us.

c. If a report or remittance is not received by the department and the taxpayer can prove by competent evidence that the return or remittance was timely filed, the report will be considered timely filed. For the purpose of this rule, "competent evidence" means evidence in addition to the testimony of the sender sufficient or adequate to prove that the document was mailed on a specific date.

505.4(7) *Extension of time to file.* The department may grant an extension for the filing of any required report or tax payment. In order for an extension to be granted, the application requesting such extension must be filed with the department prior to the due date of the report or remittance. In determining whether an application for extension is timely filed, the provisions of subrules 505.4(2) and 505.4(6) apply. The application for extension shall be accompanied by an explanation of the circumstances justifying an extension. Any extension granted will be documented on a form issued by the department indicating the length of the extension. This form shall be attached to the report when it is filed. If an extension is granted, the penalties under Iowa Code section 452A.65 applicable to a late-filed report or remittance do not accrue until the expiration of the extension period.

505.4(8) *Penalties.*

a. A penalty of $50 or 10 percent of the total tax due, whichever is greater, is assessed against the taxpayer if the report is not filed by the due date in accordance with subrule 505.4(6).

b. If the quarterly report shows no taxes owed or a refund due, the penalty for filing a report after the due date is $50.

505.4(9) *Interest.* Interest at the rate established pursuant to Iowa Code chapter 421 will be assessed against the taxpayer for each month the tax remains unpaid. The interest will accrue from the date the return was required to be filed. Interest does not apply to any penalty. Each fraction of a month will be considered a full month for the computation of interest.

505.4(10) *Application of remittance.* All payments will be first applied to the interest, then to the penalty and then the balance, if any, on the amount of tax then due.

a. If a taxpayer remits a payment on or before the due date, but the payment is insufficient to discharge the tax liability, the entire amount of such payment will be applied to the tax. Any penalty or interest subsequently assessed will be based on the unpaid portion of the tax.

b. If the department determines there is additional tax due from a taxpayer, interest and penalty will accrue on that amount from the date the tax should have been reported and paid.

505.4(11) *Reports, records and variations.* The department will prescribe and furnish all forms upon which reports, claims for refund, temporary permits and license applications are to be made under Iowa Code chapter 452A.

a. If the information required in these documents is presented to the department on forms or in a manner other than on the prescribed form, the report, application or claim will not be deemed "filed."

b. The fact that the reporting party does not have the prescribed form is not an acceptable reason for failure to file. The motor vehicle division may be contacted to request copies of any necessary forms.

505.4(12) *Estimating gallonage or kilowatt hours used.*

a. In the event the taxpayer's records for a specific vehicle, or vehicles, in the fleet are lacking or inadequate to support any report filed or to determine the tax liability, the department is authorized to estimate the gallonage or kilowatt hours used upon which tax is due. This estimation will be based upon such factors, including but not limited to the following:

(1) Prior experience of the licensee.
(2) Licensees with similar operations.
(3) Other vehicles in the fleet with similar operations.
(4) Industry averages.
(5) Records available from fuel distributors or other third parties.

(6) Other pertinent information the base jurisdiction may obtain or examine.

b. In the event the taxpayer's records for the fleet as a whole are lacking or inadequate to support any report filed or to determine the tax liability, the department is authorized to do either of the following when estimating gallonage or kilowatt hours used upon which tax is due:

(1) Reduce the vehicle miles per gallon or kilowatt hours by 20 percent.

(2) Adjust the vehicle miles per gallon to 4.00 or the kilowatt hours to 1.7.

c. The findings of the department as to the amount of fuel taxes due from any person are presumed to be the correct amount and in any litigation that may follow, the certificate of the department shall be admitted in evidence and shall:

(1) Be considered to be true and accurate unless shown otherwise by an objecting party.

(2) Impose upon the other party the burden of showing any error in the department's finding and the extent thereof or that the finding was contrary to law.

505.4(13) *Information confidential.* Iowa Code section 452A.63, which makes all information obtained from reports or records required to be filed or kept under Iowa Code chapter 452A confidential, applies generally to the director, auditors, agents, officers, or other employees of the department. However, any person having acquired information disclosed in a taxpayer's filed report is bound by the same rules of confidentiality. The information may only be divulged to the appropriate public officials enumerated in Iowa Code section 452A.63.

505.4(14) *Taxes erroneously or illegally collected.* Any licensee is entitled to a refund of taxes, penalties or interest erroneously or illegally collected by the department or as a result of a computation error. The claim must be filed within a year of payment and accompanied by evidence to support the claim. If the request for refund includes the return of penalties or interest, the interest or penalties will be refunded in the same proportion as the tax.

505.4(15) *Supplemental billings.* The amount due is payable upon being billed by the motor vehicle division. Billings will be generated by the department for the collection of additional amounts due in the following circumstances:

a. Penalties are assessed under the provisions of subrule 505.4(8).

b. Interest is assessed under the provisions of subrule 505.4(9).

c. An error in the computation on the front of the report results in additional tax due.

d. There is a failure to remit payment for part or all of the tax due with the filed report.

e. Payment is remitted and subsequently not honored.

f. Taxes, penalties or interest are assessed as the result of an audit.

This rule is intended to implement Iowa Code sections 452A.54, 452A.55, 452A.59, 452A.60, 452A.61 and 452A.63 through 452A.65.

[**ARC 9576C**, IAB 10/1/25, effective 11/5/25]

761—505.5(452A) Audits—required reports.

505.5(1) *Delegation to audit and examine.* Pursuant to Iowa Code sections 452A.53, 452A.55, and 452A.62, the department reserves the right to examine returns and records, perform audits and determine the correct amount of tax due.

505.5(2) *Statute of limitations.* Within three years after a return is filed, the department may audit the return to determine the accuracy of taxes paid. There is no time limitation on collection activities for any tax, penalty or interest due the department.

505.5(3) *Outstanding tax, penalty or interest for canceled and inactive licenses.* Any outstanding taxes, penalties or interest must be paid before reapplying for a fuel license.

505.5(4) *Audit period—records—costs.* The statute of limitations on the determination of any additional tax liability shall be three years after a return is filed; therefore, all records must be kept for four years after a return is filed.

a. For the purpose of verifying the correctness of a return filed or for estimating the tax liability of any taxpayer, the department has:

(1) The right and duty to examine or cause to be examined the books, papers, records, memoranda or documents of a taxpayer that relate in any manner to fuel taxes.

(2) The authority to require, at a hearing, the attendance of the taxpayer and other witnesses and the production of books, papers, records, memoranda or documents.

b. The cost of an audit shall be at the taxpayer's expense when the records are maintained outside the state of Iowa.

505.5(5) *Taxpayers required to keep records.*

a. The records required to be kept by this rule, including invoices or other proofs of purchase, shall:

(1) Be preserved for a period of four years after a return is filed unless otherwise stated.

(2) Be open for examination by the department.

b. The fact that the tax has been paid shall appear on the proof of purchase.

505.5(6) *Records to be kept and preserved.* Every person required to file a quarterly report under Iowa Code section 452A.54 shall keep and preserve the following records:

a. Fuel purchase invoices containing:

(1) The date of the fuel purchase.

(2) The name and address of the seller of the fuel (a vendor code, properly identified, is acceptable for this purpose).

(3) The quantity of fuel purchased.

(4) The type of fuel purchased, the price of the fuel per gallon or per liter or the total price of the fuel purchased.

(5) The identification of the qualified motor vehicle into which the fuel was placed.

(6) The name of the purchaser of the fuel. When the qualified motor vehicle being fueled is subject to a lease, the name of either the lessor or lessee is acceptable for this purpose, provided a legal connection can be made between the purchaser named and the licensee.

b. Documentation for bulk fuel storage containing:

(1) Receipts for all deliveries.

(2) Quarterly inventory reconciliations for each tank.

(3) The capacity of each tank.

(4) Bulk withdrawal records for every bulk tank at each location.

(5) The purchase price of the fuel delivered into the bulk storage, including tax paid to the member jurisdiction where the bulk storage is located.

(6) Proof the licensee has paid fuel tax to the member jurisdiction where the bulk storage is located.

(7) The location of the bulk storage from which the withdrawal was made.

(8) The date of each withdrawal, including non-IFTA withdrawals.

(9) The quantity of fuel withdrawn, including non-IFTA withdrawals.

(10) The type of fuel withdrawn.

(11) The identification of the vehicle or equipment into which the fuel was placed.

c. Distance records (manual records) containing:

(1) The beginning and ending dates of the trip to which the records pertain.

(2) The origin and destination of the trip.

(3) The route of travel.

(4) The beginning and ending reading from the odometer, hubodometer, engine control module (ECM) or any similar device for the trip.

(5) The total distance of the trip.

(6) The distance traveled in each jurisdiction during the trip.

(7) The VIN or vehicle unit number.

d. Electronic tracking device record created and maintained at a minimum every ten minutes when the vehicle's engine is on, containing the following data elements:

(1) The date and time of each system reading.

(2) The latitude and longitude to include a minimum of four decimal places (0.0001) of each system reading.

(3) The odometer reading from the ECM of each system reading. If no ECM odometer is available, a beginning and ending dashboard odometer or hubodometer for the trip will be acceptable.

(4) The VIN or vehicle unit number.

e. Data required under paragraph 505.5(6)*"d"* must be accessible in an electronic spreadsheet format, such as XLS, XLSX, CSV or delimited text file. Formats from a vehicle tracking system that provides a static image, such as PDF, JPEG, PNG or Word, are not acceptable.

505.5(7) *New licensees.* When a person is issued a new license, the department may, within one year of issuance of the license, audit the records of the new licensee for a period going back two years from the date of issuance.

505.5(8) *Nonlicense and nonpermit holders.* All persons who bring into the state a qualified motor vehicle, upon which the Iowa tax on said fuel has not been paid, are operating within the purview of these rules as stated in Iowa Code section 452A.55. Such persons are therefore subject to audit and must keep the same records required of a fuel licensee.

505.5(9) *Interstate—intrastate operators—motor vehicle special fuel holding tanks.* If a person operates one or more qualified motor vehicles under a fuel license and also operates one or more qualified motor vehicles that are not operated under the fuel license, recordkeeping regarding the fuel consumed from the special holding tank may be performed in either of the following ways:

a. Operators of interstate vehicles shall be given an invoice that meets the standards set forth in Iowa Code section 452A.17, for each tank fill, and the vehicle operator must then log the mileage.

b. The licensee shall report total miles driven and total fuel used from the bulk tank, including both interstate and intrastate vehicles.

This rule is intended to implement Iowa Code sections 452A.53, 452A.55, 452A.59, 452A.60, 452A.62 and 452A.69.

[**ARC 9576C**, IAB 10/1/25, effective 11/5/25]

761—505.6(452A) Hearings.

505.6(1) *Conduct of hearings.* Hearings are conducted in accordance with Iowa Code section 452A.69.

505.6(2) *Circumstances for holding hearings.*

a. When there is reasonable cause to believe that there is an evasion of fuel taxes, the department may cause a hearing to be held to determine the amount of fuel taxes due, if any. The person who is suspected of evading fuel taxes will be sent at least ten days' notice of the hearing. The provisions of Iowa Code section 452A.64 and paragraph 505.4(12)*"b"* apply.

b. If a licensee disputes the findings of an investigation or audit by the department, the licensee may request a hearing to present further evidence, information or records to support the claim. The hearing request shall be submitted in writing to the director of the motor vehicle division within 30 days of the date of notice of audit results issued by the department. A copy of the hearing request must be sent to: Iowa Attorney General's Office, Transportation Section, Attn: Audit Appeals, 800 Lincoln Way, Ames, Iowa 50010.

This rule is intended to implement Iowa Code sections 452A.59, 452A.64 and 452A.69.

[**ARC 9576C**, IAB 10/1/25, effective 11/5/25]

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[1] Effective date of 505.2, 505.3(2)*"a,"* 505.3(4)*"b,"* 505.3(5)*"b,"* 505.3(6)*"c,"* 505.3(7)*"a"* and *"c,"* 505.4(12)*"b,"* 505.6(2)*"b,"* June 2, 1993, delayed 70 days by the Administrative Rules Review Committee at its meeting held May 12, 1993; delay lifted by this Committee June 8, 1993, effective June 9, 1993.

CHAPTERS 506 to 509
Reserved

CHAPTER 510
DESIGNATED HIGHWAY SYSTEM
[Prior to 6/3/87, Transportation Department[820]—(07,A) Ch1]
Rescinded IAB 7/6/94, effective 6/30/94

CHAPTER 511
SPECIAL PERMITS FOR OPERATION AND MOVEMENT OF VEHICLES AND LOADS OF EXCESS SIZE AND WEIGHT

[Appeared as Ch 2, Highway Commission, 1973 IDR; amended in July 1974 and January and July 1975 Supplements]
[Previously numbered as (07,E) Ch 12, transferred at the request of the department on 10/8/75]
[Prior to 6/3/87, Transportation Department[820]—(07,F) Ch 2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 9/24/30

761—511.1(321E) Definitions. As used in this chapter, unless the context otherwise requires:

"Compacted rubbish vehicle" means any vehicle hauling rubbish that has been mechanically compacted with a hydraulic, electric, or air-operated ram.

"Dimensions" or *"size"* means length, width or height limits.

"Emergency interstate permit" means a permit issued under Iowa Code section 321E.29B.

"Fluid milk product" means the same as defined in Iowa Code section 321E.29B(3).

"Indivisible load" means any load or vehicle exceeding applicable length or weight limits that, if separated into smaller loads or vehicles, would:

1. Compromise the intended use of the vehicle, i.e., make it unable to perform the function for which it was intended;
2. Destroy the value of the load or vehicle, i.e., make it unusable for its intended purpose; or
3. Require more than eight work hours to dismantle using appropriate equipment. The applicant for an indivisible load permit has the burden of proof as to the number of work hours required to dismantle the load.

"Overdimensional" or *"oversize"* means the exceeding of statutory length, width or height limits.

"Permit" means a permit issued under Iowa Code chapter 321E for the movement of an overdimensional or overweight vehicle, combination of vehicles, or vehicle with load. The term includes any additions or supplements thereto issued by the permit-issuing authority.

"Permit-issuing authority" means the:

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

"Primary roads" or *"primary road system"* means the same as defined in Iowa Code section 306.3. The primary road system includes the interstate road system.

"Raw forest products" means the same as defined in Iowa Code section 321E.26.

"Rubbish" means any unwanted or useless material that has no commercial or practical value or use and that would normally be discarded.

"Special or emergency situation" means one or more of the following:

1. Circumstances where the movement is necessary to cooperate with cities, counties, other state agencies or other states in response to a national or other disaster.
2. Circumstances where the movement is necessary to cooperate with national defense officials.
3. Circumstances where the movement is necessary to cooperate with public or private utilities in order to maintain their public services.
4. Circumstances where the movement is essential to ensure safety and protection of any person or property due to an event such as but not limited to pollution of natural resources, a potential fire or an explosion.
5. Circumstances where weather or transportation problems create an undue hardship for citizens of the state of Iowa.
6. Circumstances where the movement involves emergency-type vehicles.
7. Uncommon or extraordinary circumstances where the movement is essential to the existence of an Iowa business and the move may be accomplished without causing undue hazards to the safety of the traveling public or undue damage to private or public property.

8. Other unique circumstances that warrant the issuance of a permit as determined by the permit-issuing authority.

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

"Statutory" when used with size or weight limits refers to those limits found in Iowa Code chapter 321.

This rule is intended to implement Iowa Code sections 321E.9, 321E.15, 321E.26, 321E.29, 321E.29B, 321E.30 and 321E.34.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.2(321E) General information.

511.2(1) Permits may be obtained electronically upon making application to the motor vehicle division at www.iowadot.gov/mvd/motorcarriers/oversize-overweight-trip-permits. Applications, forms, instructions and restrictions are also available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Boulevard, Ankeny, Iowa; by telephone at 515.237.3264; or by facsimile at 515.237.3257.

511.2(2) No overdimensional or overweight vehicle, combination of vehicles, or vehicle with load shall be moved on the highways of this state without permit except as provided in Iowa Code section 321.453.

511.2(3) Except as provided in rule 761—511.10(312,321,321E) or 761—511.18(321,321E), permits may be issued only for the transporting of a single article that exceeds statutory size or weight limits, or both, and that cannot reasonably be divided or reduced to statutory size and weight limits. However, permits may be issued for the transporting of property consisting of more than one article when:

a. The statutory weight limits are not exceeded,

b. One of the articles exceeds the statutory size limits, and

c. The inclusion of other articles does not cause the statutory size limits to be exceeded by an additional amount.

511.2(4) Nothing in the permit shall be construed as waiving any load limits that have been or that might be established on any bridge or any road that is posted with embargo signs unless specifically stated on the permit.

511.2(5) The state of Iowa, the department, and any other permit-issuing authority assume no responsibility for the property of the permit holder. Permit holders shall hold permit-issuing authorities harmless of any damages that may be sustained by the traveling public, adjacent property owners or the highways of this state on account of movements made under permit.

This rule is intended to implement Iowa Code sections 321E.2 and 321E.15.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.3(321E) Movement under permit.

511.3(1) During the movement of a vehicle or object under permit, the permit holder shall comply with the terms and conditions of the permit and take all reasonable precautions to protect and safeguard the lives and property of the traveling public and adjacent property owners.

511.3(2) Movement shall be made only when roads are clear of ice and snow and visibility is at least one-quarter mile. Snow removal equipment operating under permit is exempt from this restriction while snow removal operations are conducted. Nothing in this subrule shall be construed to mean that the movement of a compacted rubbish vehicle permitted under rule 761—511.12(321E) is subject to this restriction.

511.3(3) Movement will be permitted only during the hours from one-half hour before sunrise to one-half hour after sunset unless the permit qualifies for continuous movement under subrule 511.3(5) or it is established by the permit-issuing authority that the movement can be better accomplished at another period of time.

511.3(4) Except as provided in Iowa Code section 321.457, no movement will be permitted on the holidays of Memorial Day, Independence Day and Labor Day, after 12 noon on days preceding these holidays and holiday weekends, during holiday weekends, or during special events when abnormally high traffic volumes can be expected. A holiday weekend occurs when the holiday falls on Friday, Saturday,

Sunday or Monday. No movement will be permitted until one-half hour before sunrise on the day after the holiday or holiday weekend.

511.3(5) Vehicles and loads may travel by permit between one-half hour after sunset and one-half hour before sunrise if, in addition to the general provisions and general requirements specified by the permit, the following conditions are met.

a. Dimensions do not exceed:

(1) Width. 12 feet.

(2) Height. 14 feet, 6 inches.

(3) Length. 100 feet.

(4) Weight. Legal axle limits.

b. Travel occurs on roadways with a minimum width of 22 feet and minimum lane width of 11 feet.

c. Safety lighting is provided at the widest part of a load. The lamps may be placed at the outer ends of the load itself or on appurtenances that are equal in width to the widest part of the load and positioned at both the extreme front and rear of the vehicle or trailer as follows:

(1) One lighted red lamp on each side at the rear of the load.

(2) One lighted yellow or amber lamp on each side at the front of the load.

This rule is intended to implement Iowa Code sections 321E.2, 321E.11 and 321E.15.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.4(321E) Permits. The department may issue permits in writing or in electronic format, including single-trip, multitrip, annual oversize, annual oversize/overweight, annual raw forest products, annual small crane, compacted rubbish, emergency interstate, annual fluid milk products, annual all-systems oversize, or annual all-systems overweight permits.

511.4(1) *Methods of issuance.* Permits for movement on the primary road system may be obtained in person, by facsimile, online, or by mail at the address in subrule 511.2(1).

511.4(2) *Forms.*

a. The department will accept applications for permits for movement on the primary road system online or in the form and manner prescribed by the department.

b. Other permit-issuing authorities receiving applications made upon department forms must deem the applications sufficient and properly made.

c. Subject to the preceding paragraph, permit-issuing authorities may adopt, amend or modify department forms provided that the amended or modified forms adequately identify the applicant, the hauling vehicle and load, the manner and extent that the vehicle with load exceeds the statutory size and weight limits, the route, and the authorization of the issuing authority. However, the load for a multitrip permit does not have to be identified but the vehicle and load cannot exceed either the weight per axle or the total weight identified on the multitrip permit. Axle spacings cannot change.

511.4(3) *Validity.*

a. Annual oversize, annual oversize/overweight, annual raw forest products, annual small crane, compacted rubbish, annual fluid milk products, annual all-systems oversize, and annual all-systems overweight permits expire one year from the date of issuance.

b. A single-trip permit is effective for five days.

c. The validity of a multitrip permit does not exceed 60 calendar days.

d. Emergency interstate permits issued under Iowa Code section 321E.29B are effective for 30 calendar days. However, the permit will not be valid past the expiration of the applicable governor's proclamation of disaster emergency issued under Iowa Code section 29C.6 in conjunction with the presidential declaration allowing interstate travel under the Stafford Act or the expiration of the declaration of major disaster under the Stafford Act, whichever expires first.

511.4(4) *Duplicate permit.* If a permit is lost or destroyed before it has expired, a duplicate permit may be issued at the discretion of the permit-issuing authority. The expiration date on the duplicate permit will be the same as on the original permit.

This rule is intended to implement Iowa Code sections 321E.2, 321E.3, 321E.8, 321E.9, 321E.15 and 321E.29B.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.5(321,321E) Fees and costs.

511.5(1) *Issuance and payment.* A permit will not be issued until the required fees and costs are paid in the manner and format prescribed by the department.

511.5(2) *Special or emergency oversize permit for certain divisible loads.* The fee for each single-trip permit issued pursuant to Iowa Code section 321E.27 is $35.

511.5(3) *Permit transfers.* The department may allow transfer of the following permit types to a replacement vehicle when the original vehicle has been damaged in an accident, junked or sold:

a. Annual oversize/overweight.

b. Annual all-systems overweight.

c. Annual small crane.

511.5(4) *Duplicate permit.* The fee for a duplicate permit is $2.

511.5(5) *Registration fee.* A registration fee will be charged for vehicles transporting buildings, except mobile homes and factory-built structures, on a single-trip basis. The vehicle shall be registered for the combined gross weight of the vehicle and load, and the fee is 5 cents per ton exceeding the weight registered under Iowa Code section 321.122 per mile of travel. Fees will not be prorated for fractions of miles.

511.5(6) *Fair and reasonable costs.* Permit-issuing authorities may charge any permit applicant:

a. A fair and reasonable cost for the removal and replacement of natural obstructions or official signs and signals.

b. A fair and reasonable cost for measures necessary to avoid damage to public property including structures and bridges.

This rule is intended to implement Iowa Code sections 321.12, 321.122, 321E.8, 321E.9, 321E.14, 321E.15, 321E.29, 321E.29A and 321E.30.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.6(321E) Insurance and bonds.

511.6(1) *Insurance.*

a. Permittees must maintain, and carry in the permitted vehicle a copy of the current insurance certificate as proof of, public liability insurance in the amounts of $100,000 bodily injury each person, $200,000 bodily injury each occurrence, and $50,000 property damage with an expiration date to cover the tenure of the annual oversize, annual oversize/overweight, annual raw forest products, annual small crane, annual all-systems oversize, annual all-systems overweight, multitrip, emergency interstate, annual fluid milk products or single-trip permit. Proof of liability insurance may be either in writing or in electronic format.

b. Notwithstanding paragraph 511.6(1)*"a,"* a carrier may act as a self-insurer if an application for self-insurance is filed with and approved by the department.

511.6(2) *Bond.*

a. The permit-issuing authority may require the applicant to file a bond, certified check or other assurance in an amount sufficient to cover the reasonably anticipated cost of damage or loss to private property, either real or personal, likely to be caused by or arising out of the movement of the vehicle and load or to ensure compliance with permit provisions.

b. The amount in the preceding paragraph may be reduced either in whole or in part by the applicant's submission to the permit-issuing authority of written permission from an affected third party stating in substance that the third party either owns or has the right of exclusive possession and control over the affected property, does by the party's signature consent to the move and that the applicant has in hand paid or secured the payment of the anticipated cost of loss or damage to the party's property.

This rule is intended to implement Iowa Code sections 321E.8, 321E.9, 321E.13, 321E.15 and 321E.29B.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.7(321,321E) Annual oversize permits. Annual oversize permits are issued for indivisible vehicles or indivisible loads for travel when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and

posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Route, detour and road embargo information may be found online at www.511ia.org or the department's website for the embargo bridge maps at www.iowadot.gov/mvd/motorcarriers/bridgemap.pdf. Annual oversize permits are issued for the following:

511.7(1) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded.

a. Width. 12 feet 5 inches including appurtenances.

b. Length. 120 feet 0 inches overall.

c. Height. 13 feet 10 inches.

d. Weight. Information contained in rule 761—511.17(321,321E).

e. Distance. Movement is allowed for unlimited distance; routing through the motor vehicle division is not required.

511.7(2) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded.

a. Width. 14 feet 6 inches.

b. Length. 120 feet 0 inches overall.

c. Height. 15 feet 5 inches.

d. Weight. Information contained in rule 761—511.17(321,321E).

e. Distance. Movement is restricted to 50 miles unless trip routes are obtained from the motor vehicle division or the route continues on at least four-lane roads. Trip routes are valid for five days.

511.7(3) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded.

a. Width. 16 feet 0 inches.

b. Length. 120 feet 0 inches.

c. Height. 15 feet 5 inches.

d. Weight. Information contained in rule 761—511.17(321,321E).

e. Distance. Trip routes must be obtained from the motor vehicle division.

511.7(4) Truck trailers manufactured or assembled in the state of Iowa provided the following are met.

a. Width. Not to exceed 10 feet 0 inches.

b. Length. Overall combination length must comply with Iowa Code section 321.457.

c. Height. Statutory: Not to exceed 13 feet 6 inches.

d. Weight. Information contained in rule 761—511.17(321,321E).

e. Roadway width. At least 24 feet 0 inches.

f. Limited movement. Only movement limited to the purpose of delivery or transfer from the point of manufacture or assembly to another point of manufacture or assembly within the state or to a point outside the state and on the most direct route necessary for the movement is allowed.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, 321E.10, 321E.15 and 321E.29A.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.8(321,321E) Annual oversize/overweight permits. Annual oversize/overweight permits are issued for indivisible vehicles or indivisible loads for travel when either the dimensions or the weight or both the dimensions and the weight exceed statutory limits. Travel is not allowed on the interstate. However, a carrier moving under this annual oversize/overweight permit may operate under the same restrictions as an annual oversize permit under rule 761—511.7(321,321E) when the vehicle meets the dimensions required by that rule. Routing is subject to embargoed bridges and roads and posted speed limits. Annual oversize/overweight permits are issued for the following:

511.8(1) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded.

a. Width. 13 feet 5 inches.

b. Length. 120 feet 0 inches.

c. *Height.* 15 feet 5 inches.

d. *Weight.* Information contained in rule 761—511.17(321,321E).

e. *Routing.* The owner or operator shall select a route using a vertical clearance map, bridge embargo map, pavement restrictions map, and construction and travel restrictions map provided by the department. Route, detour and road embargo information may be found online at www.511ia.org or the department's website for the embargo bridge maps at www.iowadot.gov/mvd/motorcarriers/bridgemap.pdf.

511.8(2) Reserved.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, 321E.9 and 321E.15.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.9(321,321E) Annual all-systems oversize permits. Annual all-systems oversize permits are issued by the motor vehicle division for indivisible vehicles or indivisible loads for travel on the primary road system and specified city streets and county roads when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The department will provide a map of the authorized city streets and county roads. Permit holders shall consult with local officials when traveling on county roads or city streets for bridge embargo, vertical clearance, detour, and road construction information. These permits are issued for the following:

511.9(1) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded.

a. *Width.* 12 feet 5 inches including appurtenances.

b. *Length.* 120 feet 0 inches overall.

c. *Height.* 13 feet 10 inches.

d. *Weight.* Information contained in rule 761—511.17(321,321E).

e. *Distance.* Movement is allowed for unlimited distance; routing through the motor vehicle division and city and county jurisdictions is not required.

511.9(2) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded.

a. *Width.* 14 feet 6 inches.

b. *Length.* 120 feet 0 inches overall.

c. *Height.* 15 feet 5 inches.

d. *Weight.* Information contained in rule 761—511.17(321,321E).

e. *Distance.* Movement is restricted to 50 miles unless trip routes are obtained from the motor vehicle division and city and county jurisdictions or the route continues on at least four-lane roads. Trip routes are valid for five days.

511.9(3) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded.

a. *Width.* 16 feet 0 inches.

b. *Length.* 120 feet 0 inches.

c. *Height.* 15 feet 5 inches.

d. *Weight.* Information contained in rule 761—511.17(321,321E).

e. *Distance.* Trip routes must be obtained from the motor vehicle division and city and county jurisdictions.

511.9(4) Truck trailers manufactured or assembled in the state of Iowa provided the following are met.

a. *Width.* Not to exceed 10 feet 0 inches.

b. *Length.* Overall combination length complies with Iowa Code section 321.457.

c. *Height.* Statutory: Not to exceed 13 feet 6 inches.

d. *Weight.* Information contained in rule 761—511.17(321,321E).

e. *Roadway width.* At least 24 feet 0 inches.

f. *Limited movement.* Only movement limited to the purpose of delivery or transfer from the point of manufacture or assembly to another point of manufacture or assembly within the state or to a point outside the state and on the most direct route necessary for the movement is allowed.

511.9(5) Necessary trip routes must be obtained from the appropriate city and county jurisdictions.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, 321E.10 and 321E.15.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.10(312,321,321E) Annual all-systems overweight permits.

511.10(1) *Issuance.* Annual all-systems overweight permits are issued by the department for indivisible vehicles or indivisible or divisible loads for travel on the primary road system and specified city streets and county roads when the weight of the vehicle or load exceeds statutory limits but the dimensions are within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The department will provide a map of the authorized city streets and county roads. Permit holders shall consult with local officials when traveling on county roads or city streets for bridge embargo, vertical clearance, detour, and road construction information. These permits are issued for vehicles with divisible or indivisible loads provided the following are not exceeded.

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

b. *Length.* Statutory: 75 feet 0 inches overall.

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

d. *Weight.* Information contained in rule 761—511.17(321,321E).

e. *Distance.* Movement is allowed for unlimited distance; routing through the motor vehicle division and city and county jurisdictions is not required.

511.10(2) *Distribution of monthly credit.* In accordance with Iowa Code section 312.2(18), the department will allocate the monthly credit as follows:

a. The department will maintain a list of participating counties. The list will be updated on a monthly basis as determined by the department after consultation with county officials through their representative organizations.

b. The monthly credit will be divided among the participating counties as determined by the department after consultation with county officials through their representative organizations.

c. The funds from the monthly credit will be distributed to each participating county based on the list of participating counties for the applicable month.

This rule is intended to implement Iowa Code sections 312.2, 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, 321E.10 and 321E.15.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.11(321,321E) Multitrip permits. Multitrip permits are issued for indivisible vehicles or indivisible loads for travel when either the dimensions or the weight or both the dimensions and the weight exceed statutory limits. The permit allows unlimited trips along a specific route between one point of origin and one point of destination. Additional routes will require a new permit. Multitrip permits are issued for the following:

511.11(1) Multitrip permits may be issued for vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded.

a. *Width.* 16 feet.

b. *Length.* 120 feet.

c. *Height.* 15 feet 5 inches.

d. *Weight.* 156,000 pounds total gross weight.

e. *Distance.* On routes specified by the permit-issuing authority.

511.11(2) Multitrip permits may be issued for all movements allowed under the single-trip permit provisions of rule 761—511.13(321,321E) provided the movement is within the size and weight limitations of subrule 511.11(1).

511.11(3) The dimensions listed on the permit are considered maximums. The movement is legal as long as the vehicle and load do not exceed these dimensions and the movement meets all other requirements of Iowa Code chapter 321E and this chapter.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.9A and 321E.15.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.12(321E) Compacted rubbish vehicle permits. All compacted rubbish vehicle permits issued by the department are subject to the following criteria:

511.12(1) Permits are issued in writing or in an electronic format and are to be carried in the vehicle for which the permit has been issued and made available for inspection by any peace officer or authorized agent of any permit-granting authority.

511.12(2) Movements by permit are allowed day and night, seven days a week, including holidays.

511.12(3) Vehicles traveling under permit are registered for the gross weight or combined gross weight of the vehicle and load.

511.12(4) Vehicles under permit are in compliance with posted bridge and road embargoes and speed limits.

511.12(5) Maximum axle weight allowed on the interstate system is 20,000 pounds on a single axle and 34,000 pounds on a tandem axle.

This rule is intended to implement Iowa Code sections 321E.15 and 321E.30.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.13(321,321E) Single-trip permits. Single-trip permits are issued for indivisible vehicles or indivisible loads for travel when either the dimensions or the weight or both the dimensions and the weight exceed statutory limits. The permit is for a specific route between an origin and destination. Single-trip permits are issued for the following:

511.13(1) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded.

a. Width. Limited to the maximum physical limitations and clearances of the roadway and infrastructure along the intended route of travel.

b. Length. Limited to the maximum physical limitations and clearances of the roadway along the intended route of travel.

c. Height. Limited only to the height of underpasses, bridges, power lines, and other established height restrictions. The carrier is required to contact affected public utilities when the height of the vehicle with load exceeds 16 feet 0 inches. At the discretion of the permit-issuing authority, a written verification may be required from the affected utility.

d. Weight. Information contained in rule 761—511.17(321,321E).

e. Distance. Limited at the discretion of the permit-issuing authority. The following factors will be considered:

(1) Road conditions.
(2) Road width.
(3) Traffic volume.
(4) Weather conditions.
(5) Roadside obstructions, including bridges, signs and overhead obstructions.

511.13(2) Reserved.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.9 and 321E.15.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.14(321,321E) Annual raw forest products permits. Annual raw forest products permits are issued for vehicles transporting divisible loads of raw forest products when the weight exceeds statutory limits. Travel is not allowed on the interstate. The owner or operator shall select a route using the vertical clearance map, bridge embargo map, pavement restrictions map, and construction and travel restrictions

map provided by the department. The owner or operator must contact the appropriate local authority for route approval to use this permit on county roads or city streets. Detour and road embargo information may be found online at: www.511ia.org. Routing is subject to embargoed bridges and roads and posted speed limits. Annual raw forest products permits are issued for the following:

511.14(1) Vehicles with divisible loads of raw forest products provided the following are not exceeded.

a. Width. Statutory: 8 feet 6 inches.

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

c. Height. Statutory: 13 feet 6 inches.

d. Weight. Information contained in rule 761—511.17(321,321E).

e. Distance. Unlimited.

511.14(2) Reserved.

This rule is intended to implement Iowa Code sections 321.463, 321E.2, 321E.3, 321E.15 and 321E.26.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.15(29C,321,321E) Emergency interstate permit. Emergency interstate permits are issued for vehicles transporting divisible loads of relief supplies when the weight exceeds statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Route, detour, and road embargo information may be found online at www.511ia.org or the department's website for the embargo bridge maps at www.iowadot.gov/mvd/motorcarriers/bridgemap.pdf. The owner or operator must contact the appropriate local authority for route approval to determine if additional permits are necessary for county roads or city streets. Emergency interstate permits are issued for the following:

511.15(1) Vehicles with divisible loads of relief supplies, which may exceed the weight limits established under Iowa Code section 321.463 on the interstate highway system, provided the following are not exceeded.

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

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

c. Height. Statutory: 13 feet 6 inches.

d. Weight. Information contained in rule 761—511.17(321,321E).

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

511.15(2) Reserved.

This rule is intended to implement Iowa Code sections 29C.6, 321.457, 321.463, 321E.15 and 321E.29B.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.16(321,321E) Annual fluid milk products permits. Annual fluid milk products permits are issued for indivisible loads of fluid milk products for travel when the weight of the vehicle or load exceeds statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Route, detour and road embargo for fluid milk products information may be found online at www.511ia.org or the department's website for the embargo bridge maps at www.iowadot.gov/mvd/motorcarriers/bridgemap.pdf. Annual fluid milk products permits are issued for the following:

511.16(1) Vehicles with indivisible loads of fluid milk products provided the following are not exceeded.

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

b. Length. Statutory: 75 feet 0 inches overall.

c. Height. Statutory: 13 feet 6 inches.

d. Weight. Information contained in rule 761—511.17(321,321E).

e. Distance. Movement is allowed for unlimited distance on the primary road system, including the interstate, provided the vehicle is transporting fluid milk products to or from a milk plant, receiving station, or transfer station; routing through the motor vehicle division is not required.

511.16(2) Reserved.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, 321E.10, 321E.15 and 321E.29A.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.17(321,321E) Maximum axle weights and maximum gross weights for vehicles and loads moved under permit.

511.17(1) *Annual oversize, annual all-systems oversize, and annual all-systems overweight permits.*

a. For movement under an annual oversize or annual all-systems oversize permit, the axle weight and combined gross weight cannot exceed the limits found in Iowa Code section 321.463(3).

b. For movement under an all-systems overweight permit, the axle weight cannot exceed the limits found in Iowa Code sections 321.463(3) and 321E.8. The combined gross weight cannot exceed the gross weight authorized under Iowa Code section 321E.8(2).

511.17(2) *Annual oversize/overweight permits or annual raw forest products permits.* For movement under an annual oversize/overweight permit or an annual raw forest products permit, the gross weight on any axle cannot exceed 20,000 pounds, with a maximum of 156,000 pounds total gross weight.

511.17(3) *Multitrip permits.* For movement under a multitrip permit, the gross weight on any axle cannot exceed 20,000 pounds with a maximum of 156,000 pounds total gross weight.

511.17(4) *Single-trip permits.*

a. For movement under a single-trip permit, the gross weight on any axle cannot exceed 20,000 pounds unless authorized under Iowa Code section 321E.9(2).

b. If the combined gross weight exceeds 100,000 pounds, a single-trip permit may be issued for the movement only if the permit-issuing authority determines that it would not cause undue damage to the road and is in the best interest of the public.

c. Cranes may have a maximum of 24,000 pounds per axle for movement under a single-trip permit. Routes must be reviewed by the permit-issuing authority prior to issuance.

511.17(5) *Emergency interstate permits.*

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

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

511.17(6) *Annual fluid milk products permits.* For movement under an annual fluid milk products permit, the gross weight on any axle cannot exceed 20,000 pounds with a maximum of 96,000 pounds total gross weight.

511.17(7) *Annual small crane permit.* For movement under an annual small crane permit, the gross weight on any axle cannot exceed 24,000 pounds with a maximum of 80,000 pounds total gross weight.

511.17(8) *Special mobile equipment.* Special mobile equipment may have a gross weight of 36,000 pounds on any single axle equipped with minimum size 26.5-inch by 25-inch flotation pneumatic tires and a maximum gross weight of 20,000 pounds on any single axle equipped with minimum size 18-inch by 25-inch flotation pneumatic tires, provided that the total gross weight of the vehicle or a combination of vehicles does not exceed a maximum of 80,000 pounds for movement under an annual oversize or all-systems oversize permit and 126,000 pounds for movement under a single-trip, multitrip or annual oversize/overweight permit.

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

511.17(9) *Permitted tandem axle weights.*

a. Vehicles operating under an annual oversize permit, annual oversize/overweight permit, annual raw forest products permit, single-trip permit, or multitrip permit may have a gross weight not to exceed 46,000 pounds on a single-tandem axle of the truck tractor and a gross weight not to exceed 46,000 pounds on a single-tandem axle of the trailer or semitrailer if each axle of each tandem group has at least four tires.

b. The maximum weight of any single axle within a permitted tandem axle group is 24,000 pounds.

c. A permitted tandem axle cannot be a part of a larger group of axles whose centers are greater than 96 inches apart.

This rule is intended to implement Iowa Code sections 321.463, 321E.7, 321E.8, 321E.9, 321E.9A, 321E.15, 321E.26, 321E.29B and 321E.32.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.18(321,321E) Movement of vehicles with divisible loads exceeding statutory size or weight limits.

511.18(1) Vehicles with divisible loads exceeding statutory size or weight limits may be moved under a single-trip permit if the permit-issuing authority determines that a special or emergency situation warrants its issuance.

511.18(2) At the discretion of the permit-issuing authority, the combined gross weight may exceed the statutory weight, but the axle weights shall be subject to rule 761—511.17(321,321E).

511.18(3) Movement is subject to the routes established by the permit-issuing authority.

This rule is intended to implement Iowa Code sections 321.463, 321E.15 and 321E.29.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.19(321,321E) Towing units. Only a truck or truck tractor with dual wheels and with a gross vehicle weight rating of at least 10,000 pounds is an acceptable towing unit for towing mobile homes or loads exceeding 10,000 pounds.

This rule is intended to implement Iowa Code sections 321.457 and 321E.15.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.20(321E) Escorting.

511.20(1) *Escort qualifications.* To qualify as an escort or an escorting vehicle, the following requirements apply:

a. The escort is a person aged 18 or over who possesses a valid driver's license that allows driving unaccompanied and who carries proof of public liability insurance in the amounts of $100,000/$200,000/$50,000.

b. The escorting vehicle is a midsize automobile or motor truck with sufficient mobility to be able to assist in an emergency and designed to afford clear and unobstructed vision both front and rear. The escorting vehicle cannot be used to tow a trailer while performing escorting duties. In questionable cases, the permit-issuing authority is authorized to determine if a vehicle meets these conditions.

c. The escorting vehicle has a flashing or strobe amber light that is visible for at least 500 feet and provides 360° warning. While escorting a permit load, the light is mounted on top of the escort vehicle and is burning. Additional escort vehicle markings may be approved or required by the permit-issuing authority.

d. An 18-inch by 18-inch red or orange fluorescent flag is mounted on each corner of the front bumper of the escorting vehicle.

e. The escort remains a distance of approximately 300 feet in front or to the rear of the load. However, when traveling within the corporate limits of a city, the escort maintains a reasonable and proper distance consistent with existing traffic conditions.

f. A separate escort accompanies each load hauled under escort.

g. The escort obeys all traffic laws and provisions of the oversize permit for the load.

h. The escort shall not assume responsibility for stopping traffic. An on-duty peace officer, as defined in Iowa Code section 321.1, shall be contacted to provide any necessary traffic control.

i. Immediately prior to an escorting trip, the escort determines that the escorting vehicle is in a safe operational condition and that the dimensions of the vehicle and load are in compliance with the permit issued.

j. A pole used for measuring vertical clearances is mounted on the front escorting vehicle. The escort is required to measure all vertical clearances whenever the height of the permitted vehicle exceeds 14 feet 6 inches up to and including 20 feet.

511.20(2) *Minimum escort and warning device requirements.* The following chart explains the minimum escort and warning devices required for vehicles operating under permit.

Minimum Warning Devices and Escort Requirements

For Vehicles Operating Under Permit

	Flags/Signs	**Lights**	**Escorts**	
			4-Lane	**2-Lane**
Length				
75′1″ up to and including 85′	yes	not required	not required	not required
Over 85′ up to and including 120′	yes	yes	not required	not required
Over 120′	yes	not required	rear	rear
Projections				
Front: over 25′	not required	yes	not required	not required
Rear: over 4′ up to and including 10′	flags only	not required	not required	not required
Rear: over 10′	flags only	yes	not required	not required
Height				
Over 14′6″ up to and including 20′	yes	not required	front with a height pole	front with a height pole
Weight				
Over 80,000 lbs	not required	not required	not required	not required
Width				
Over 8′6″ up to 12′0″	yes	not required	not required	not required
Over 12′0″ up to and including 14′6″	yes	not required	rear *	front *
Over 14′6″ up to and including 16′6″	yes	not required	rear *	front
Over 16′6″ up to and including 18′	yes	not required	rear	front

*In lieu of an escort, a carrier can display an amber light or strobe light on the power unit and on the rear extremity of the vehicle or load.

yes = required

511.20(3) *Flags, lights and signs.* The following criteria apply to the required flags, signs and lights on an escorting vehicle:

a. Red or orange fluorescent flags at least 18″ square are mounted as follows: one flag at each front corner of the towing unit, one flag at each rear corner of the load, and a flag at any additional protrusion in the width of the load.

b. A sign reading "Oversize Load," which is at least 18″ high by 7′ long with a minimum of 10″ black letters, with a 1½″ stroke, on a yellow background is used. The sign is mounted on the front bumper and on the rear of the load unless a mobile home or factory-built structure, in which case, the rear sign is mounted at least 7′ above the highway surface, measuring from the bottom of the sign.

c. A flashing or strobe amber light that is visible for at least 500 feet and provides 360° warning is mounted on the towing unit and is visible from front and rear. More than one light may be necessary.

d. The flags, lights and signs are removed or covered when the vehicle is within legal dimensions.

511.20(4) *Additional escorts.* The permit-issuing authority may require additional escorts when deemed necessary.

This rule is intended to implement Iowa Code sections 321E.8, 321E.14, 321E.15, 321E.24 and 321E.34.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.21(321,321E) Permit violations. Permit violations are to be reported to the permit-issuing authority by the arresting officer and the permit holder. If a permit holder is found to have willfully violated permit provisions, the motor vehicle division may, after notice and hearing, suspend, modify or revoke the permit privileges of the permit holder consistent with Iowa Code section 321E.20. If the permit that is suspended, modified, or revoked is an emergency interstate permit that is issued for a fleet operating under the permit holder's interstate or intrastate motor carrier number, the department may issue emergency interstate permits to individual vehicles operating under the interstate or intrastate motor carrier number.

This rule is intended to implement Iowa Code sections 321.492, 321E.15, 321E.16, 321E.20 and 321E.29B.

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

761—511.22(321) Movement of combination vehicles on economic export corridors.

511.22(1) *Designation of economic export corridors.*

a. The department may in its discretion establish economic export corridors for the transportation of goods or products manufactured in Iowa to or through the state of South Dakota and for the return of unladen semitrailers or unladen full trailers used for the transportation of those goods or products. An economic export corridor does not include any segment of the interstate system or any part of the national network of highways identified pursuant to 23 CFR Part 658, effective April 1, 2024. However, if appropriate, the department may petition the Federal Highway Administration to remove a road or road segment from the national network of highways for the purpose of including it in an economic export corridor.

b. The department may initiate designation of economic export corridors, or a request for economic export corridor designation may be submitted to the department by an interested party. If a proposed economic export corridor includes any roads or road segments that are under the jurisdiction of a city or a county, a resolution from all relevant local jurisdictions is to be submitted to the department indicating jurisdiction support for economic export corridor designation. The resolution is to include a description of the proposed economic export corridor under local jurisdiction.

c. The department will exercise due regard for the safety of the traveling public and the protection of the highway surfaces and structures when establishing an economic export corridor. Factors to be considered include ability of the proposed economic export corridor to safely accommodate combinations of vehicles described in subrule 511.22(2), taking into account physical configurations and restrictions and traffic demands and capacity, as well as connection to markets that will benefit from the established economic export corridor.

d. The department will post established economic export corridors on the department's website.

511.22(2) *Combination vehicles that may be operated on an economic export corridor.*

a. In addition to combinations of vehicles lawful for operation on roads or road segments not designated as an economic export corridor, the following combinations of vehicles may be operated on an economic export corridor designated under subrule 511.22(1) if the combinations of vehicles meet the requirements in paragraph 511.22(2)*"b"*:

(1) A truck tractor-semitrailer-semitrailer converted to a full trailer by use of a dolly equipped with a fifth wheel that is considered a part of the trailer for all purposes, and not a separate unit.

(2) A truck tractor-semitrailer-full trailer.

(3) A truck tractor-semitrailer-semitrailer combination, where the semitrailers are connected by a rigid frame extension including a fifth wheel connection point attached to the rear frame of the first semitrailer.

b. The combination of vehicles shall meet all of the following requirements:

(1) The length of the combination of vehicles, excluding the length of the truck tractor, does not exceed 81½ feet.

(2) The length of either semitrailer or full trailer does not exceed 45 feet.

(3) The weight of the second semitrailer or full trailer does not exceed the weight of the first semitrailer by more than 3,000 pounds.

(4) The gross weight of the combination of vehicles does not exceed 80,000 pounds and the combination of vehicles does not exceed the gross axle weight limits of Iowa Code section 321.463(2).

(5) The load on each semitrailer or full trailer in the combination is an indivisible load. For the purpose of issuing permits for height or width under Iowa Code chapter 321E, the combination of vehicles will be considered an indivisible load so long as the load on each semitrailer or full trailer in the combination remains an indivisible load.

c. The length of the frame extension is not included when determining the overall length of the first semitrailer in a truck tractor-semitrailer-semitrailer combination in which the semitrailers are connected by a rigid frame extension including a fifth wheel connection point attached to the rear frame of the first semitrailer.

d. For purposes of this subrule, "full trailer" means the same as defined in 49 CFR Section 390.5, effective October 1, 2024.

This rule is intended to implement Iowa Code section 321.457(2)*"n."*

[**ARC 9512C**, IAB 8/20/25, effective 9/24/25]

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[1] Effective date of 511.2(1), 511.4(1)*"a,"* 511.4(2)*"a"* and *"b,"* 511.5(1), 511.5(6)*"b"*(3), 511.7, 511.8, 511.9(1) to 511.9(5), 511.14(2)*"g"* and *"i,"* 511.14(3)*"e,"* delayed 70 days by the Administrative Rules Review Committee at its meeting held May 12, 1993; delay lifted by this Committee June 8, 1993, effective June 9, 1993.

CHAPTER 512
Reserved

CHAPTER 513
COMPACTED RUBBISH VEHICLE PERMITS
[Prior to 6/3/87, Transportation Department[820]—(07,F) Ch 6]
Rescinded **ARC 3193C**, IAB 7/5/17, effective 8/9/17

CHAPTERS 514 to 519
Reserved

CHAPTER 520
REGULATIONS APPLICABLE TO CARRIERS
[Prior to 6/3/87, Transportation Department[820]—(07,F) Ch 8]
Transferred to 661—Chapter 22, IAC Supplement 7/26/23

CHAPTERS 521 and 522
Reserved

CHAPTER 523
TRUCK OPERATORS AND CONTRACT CARRIERS
[Transferred from IDR 1973, Commerce Commission, Ch 3, 7/1/75]
[Prior to 6/3/87, Transportation Department[820]—(07,F)Ch 3]
Rescinded IAB 8/11/99, effective 9/15/99

CHAPTER 524
FOR-HIRE INTRASTATE MOTOR CARRIER AUTHORITY

Chapter rescission date pursuant to Iowa Code section 17A.7: 9/24/30

761—524.1(325A) Purpose and applicability.

524.1(1) This chapter establishes requirements concerning for-hire intrastate motor carriers as authorized by Iowa Code chapter 325A.

524.1(2) This chapter applies to motor carriers of household goods, bulk liquid commodities, all other property, and passengers being transported for hire on any highway of this state other than a transportation network company or transportation network company driver as both are defined in Iowa Code section 321N.1 and provided for in 761—Chapter 540.

[**ARC 9513C**, IAB 8/20/25, effective 9/24/25]

761—524.2(325A) General information.

524.2(1) *Information and location.* Applications, forms and information on motor carrier permits and motor carrier certificates are available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.237.3268; by facsimile at 515.237.3225; or by email at omcs@iowadot.us.

524.2(2) *Waiver of rules.* In accordance with 761—Chapter 11, the director of transportation or the director's designee (director) may, in response to a petition, waive provisions of this chapter. A waiver will not be granted unless the director finds that special or emergency circumstances exist.

"Special or emergency circumstances" means one or more of the following:

1. Circumstances where the movement is necessary to cooperate with cities, counties, other state agencies or other states in response to a national or other disaster.
2. Circumstances where the movement is necessary to cooperate with national defense officials.
3. Circumstances where the movement is necessary to cooperate with public or private utilities in order to maintain their public services.
4. Circumstances where the movement is essential to ensure safety and protection of any person or property due to events such as but not limited to pollution of natural resources, a potential fire or an explosion.
5. Circumstances where weather or transportation problems create an undue hardship for citizens of the state of Iowa.
6. Circumstances where movement involves emergency-type vehicles.
7. Uncommon or extraordinary circumstances where the movement is essential to the existence of an Iowa business and the move may be accomplished without causing undue hazards to the safety of the traveling public or undue damage to private or public property.

524.2(3) *Complaints.* Complaints against motor carriers pertaining to the provisions of this chapter can be submitted in writing to the motor vehicle division.

[**ARC 9513C**, IAB 8/20/25, effective 9/24/25]

761—524.3(325A) Applications and supporting documents.

524.3(1) *Application and fee.* Application for a motor carrier permit or motor carrier certificate shall be made to the motor vehicle division on Form 441052, including the required safety self-certification, and accompanied by the statutory fee. Acceptable payment methods include credit card, cash, and check or money order made payable to the Iowa Department of Transportation.

524.3(2) *Supporting documents.* The following documents must accompany the motor carrier permit or motor carrier certificate application:

a. Proof of insurance.
b. A U.S. DOT number if required by the Federal Motor Carrier Safety Administration.
c. Financial statement if required by rule 761—524.10(325A).
d. Tariff, only for motor carriers of household goods.

e. All applicable documents identified in 761—subrule 380.4(2) and any other documentation, if required by the department, necessary to assess the operational capabilities of any driverless-capable vehicles the motor carrier intends to operate, including for the purpose of determining whether to impose operational restrictions as authorized under rule 761—400.18(307,321).

[**ARC 9513C**, IAB 8/20/25, effective 9/24/25]

761—524.4(325A) Issuance of motor carrier permit or motor carrier certificate. When all requirements are met, the department will issue the motor carrier permit or certificate, a copy of which shall be carried in each motor vehicle at all times. The copy may be in either a physical or an electronic format and shall be available for display to any peace officer upon request.

[**ARC 9513C**, IAB 8/20/25, effective 9/24/25]

761—524.5(325A) Duplicate motor carrier permit or motor carrier certificate. A motor carrier seeking a duplicate motor carrier permit or motor carrier certificate shall send a written request to the motor vehicle division and include the carrier name, the permit number, certificate number, or U.S. DOT number, and the statutory fee.

[**ARC 9513C**, IAB 8/20/25, effective 9/24/25]

761—524.6(325A) Amendment to a motor carrier permit or motor carrier certificate.

524.6(1) *Update to a motor carrier permit.* A motor carrier seeking to change the commodities being transported under a permit shall submit an updated application to the motor vehicle division, including the permit number and statutory fee for a duplicate permit. Transporting of commodities not listed on the permit is not authorized until a new permit or temporary permit has been issued and is carried in the vehicle.

524.6(2) *Change of name or address for a motor carrier permit or certificate.* A motor carrier seeking to change the name or address shall submit an updated application to the motor vehicle division within 30 days after the change and include the permit or certificate number, old name or address, new name or address and the statutory fee.

[**ARC 9513C**, IAB 8/20/25, effective 9/24/25]

761—524.7(325A) Insurance.

524.7(1) *Insurance.* Each motor carrier shall do the following:

a. At all times maintain on file with the department the effective certificate(s) of insurance or a surety bond on a form prescribed by the department.

b. Ensure the insurance or the surety bond is written for a period of one year or more.

c. Provide the department written notice 30 days prior to the cancellation of the insurance or the surety bond.

d. Submit all certificates of insurance to the department electronically in a format approved by the department.

524.7(2) *Self-insurance.* Except as otherwise provided in subrule 524.7(1), the department may allow a carrier to self-insure in lieu of maintaining insurance required under subrule 524.7(1) if the following criteria is met:

a. The intrastate carrier also operates interstate and has been approved by a federal agency to self-insure.

b. The carrier submits a written request to self-insure to the motor vehicle division that includes a copy of the federal agency's approval to self-insure and copies of any information required by that federal agency in approving the request to self-insure.

c. The motor carrier agrees to immediately notify the department if there is any change in the status of the self-insurance for interstate operation.

[**ARC 9513C**, IAB 8/20/25, effective 9/24/25]

761—524.8(325A) Self-insurance for motor carriers of passengers.

524.8(1) *Applications for self-insurance.* A motor carrier of passengers with more than 25 motor vehicles may request self-insurance by submitting a written request to the motor vehicle division, including a copy of the carrier's most recent audited financial statement and a vehicle list.

524.8(2) *Review by the department.* The department may request additional information to evaluate the request to self-insure. A request to self-insure will be denied and an existing approval to self-insure will be suspended if the motor carrier fails to meet the self-insurance standard under 49 CFR 387.33T effective as of October 1, 2024. An approval to self-insure is continuous unless canceled. The motor carrier shall annually file audited financial statements with the motor vehicle division within 60 days after the end of the motor carrier's fiscal year.

524.8(3) *Cancellation of self-insurance approval.* The department, upon five days' notice prior to any hearing to cancel approval, may cancel approval of a carrier to self-insure if the carrier fails to file an audited financial statement as required under subrule 524.8(2) or for other reasonable grounds, including but not limited to the failure of the carrier to pay a final judgment within 30 days.

[**ARC 9513C**, IAB 8/20/25, effective 9/24/25]

761—524.9(325A) Safety regulations. All motor carriers shall follow the applicable safety regulations in 661—Chapter 22 concerning operation, maintenance and inspection of vehicles.

[**ARC 9513C**, IAB 8/20/25, effective 9/24/25]

761—524.10(325A) Financial statement. An application by a motor carrier of bulk liquid commodities (nondairy) or regular-route passengers must include, on a form prescribed by the department, a statement signed by an authorized agent of a lending institution or a certified public accountant attesting to the financial capability of that carrier.

[**ARC 9513C**, IAB 8/20/25, effective 9/24/25]

761—524.11(325A) Safety education seminar.

524.11(1) *Requirement.* Except as provided in subrule 524.11(4), persons responsible for the safety records and driver training of applicable motor carriers are required to complete the safety education seminar under Iowa Code section 325A.3(5). Failure to attend an approved safety education seminar within the required time frame will result in suspension of the motor carrier permit or certificate.

524.11(2) *Availability.* The department provides an approved safety education seminar periodically. Information on how to access the seminar is available from the Motor Vehicle Division in person at 6310 SE Convenience Boulevard, Ankeny, Iowa; by telephone at 515.237.3268; or by email at omcs@iowadot.us.

524.11(3) *Third-party safety education seminar approval.* The motor vehicle division may approve individuals outside the department to conduct safety education seminars. Only the department is authorized to approve the course curriculum. At a minimum, the safety course curriculum is to include the following information:

a. Commercial driver's license regulations.

b. A general overview of the U.S. DOT's motor carrier safety regulations and hazardous materials regulations adopted annually by the department of public safety.

c. Iowa Code sections 321.449 and 321.450 and all associated administrative rules.

d. Iowa Code section 321.463 and all associated administrative rules.

e. Out-of-service criteria.

f. A general overview of the U.S. DOT's Emergency Response Guidebook.

524.11(4) *Exemption.* Passenger carriers with vehicles not meeting the definition of a commercial vehicle as defined in Iowa Code section 321.1 are exempt from attending the safety education seminar and paying the seminar fee. A motor carrier certificate issued for such a carrier contains the following statement: "limited to noncommercial vehicles only." If a motor carrier wishes to start operating vehicles that meet the definition of a commercial motor vehicle, the motor carrier must update its authority with the motor vehicle division. Upon paying the seminar fee and attending the seminar within six months of updating the certificate, the department will issue a new motor carrier certificate removing the limitation.

[**ARC 9513C**, IAB 8/20/25, effective 9/24/25]

761—524.12(325A) Lease of a vehicle.

524.12(1) *Lease defined.* "Lease," for the purpose of these rules, means a written document providing for the exclusive possession, control and responsibility over the operation of a vehicle by the lessee for a specific period of time as if the lessee were the owner. A copy of the lease must be carried in the leased vehicle at all times. No motor carrier may have more than one lease covering a specific vehicle in effect at a given time.

524.12(2) *Lease of a vehicle to a shipper or a receiver.* No motor carrier shall lease a vehicle with or without a driver to a shipper or a receiver.

524.12(3) *Marking of a motor vehicle.* Each lessee shall properly identify each motor vehicle during the period of the lease as specified in rule 661—22.9(325A).

524.12(4) *Lease requirements.* Any lease of a vehicle by any motor carrier except under the following conditions is prohibited:

a. Every lease must be in writing and signed by the parties or their regular employees or agents duly authorized to act for them.

b. Every lease shall specify the time that the lease begins and the time or circumstances on which it ends.

[**ARC 9513C**, IAB 8/20/25, effective 9/24/25]

761—524.13(325A) Tariffs.

524.13(1) *Requirements.* All motor carriers of household goods shall maintain on file with the motor vehicle division a tariff stating the rates and charges that apply for the services performed under the permit.

524.13(2) *Maintenance.* All tariffs and amendments or supplements must be maintained in physical or electronic format and be legibly printed or produced. No alteration in writing, typing or erasure is to be made in any tariff or supplement.

524.13(3) *Filing date.* All changes to tariffs and supplements are to be filed with the motor vehicle division at least seven days prior to the effective date. Tariffs or supplements issued in connection with applications for motor carriers of household goods may become effective on the date the permits are issued.

524.13(4) *Copy to department.* To file a tariff with the motor vehicle division, motor carriers of household goods or their agents are to submit, including by electronic means, a transmittal letter listing all the enclosed tariffs and include one copy of each tariff, supplement or revised page.

524.13(5) *Title page.* The title page of every tariff and supplement shall meet the following requirements:

a. Each tariff shall be numbered in the upper right-hand corner, beginning with number 1 and shown as follows: Ia. DOT No. …

b. When a tariff is issued canceling a tariff previously filed, the Ia. DOT number of the canceled tariff shall be in the right-hand corner under the Ia. DOT number of the new tariff.

c. Supplements or changes to a tariff shall be numbered beginning with number 1 in the upper right-hand corner along with the number of any previous supplements canceled or changed by the supplement.

d. The name of each motor carrier of household goods must be the same as it appears on the permit. If the motor carrier of household goods is not a corporation and uses a trade name, the name of the individual or partners needs to precede the trade name.

e. Each tariff shall include a brief description of the territory or points from which and to which the tariff applies.

f. Each tariff shall contain the issue and effective dates.

g. Each tariff shall include the name, title and street address of the motor carrier of household goods or the agent by whom the tariff is issued.

524.13(6) *Contents of tariff.* Each tariff shall include the following:

a. A table of contents that is arranged alphabetically.

b. A complete index of all commodities, including the page number. However, no index or table of contents is needed in tariffs of less than five pages or if the rates are alphabetically arranged by commodities.

c. An explanation of all abbreviations, symbols and reference marks used.

d. All rates in the tariff explicitly stated in cents or in dollars and cents per one hundred pounds, per mile, per hour, per ton or two thousand pounds, per truck load (of stated amount) or other definable measure. Where rates are stated in amounts per package or bundle, definite specifications of the packages or bundles must be shown and ambiguous terms, rates, descriptions or plans for determining charges will not be accepted.

524.13(7) *Duplication of rates.* Motor carriers of household goods or their agents shall not publish duplicate or conflicting rates.

524.13(8) *Tariff changes.* All rates and charges that have been filed with the motor vehicle division must be allowed to become effective and remain in effect for a period of at least seven days before being changed, canceled or withdrawn. All tariffs, supplements and revised pages shall indicate changes from the previous tariff. Changes may be indicated by providing a summary or by use of the following symbols:

(R) to denote reductions

(A) to denote increases

(C) to denote changes, the result of which is neither an increase nor a reduction.

524.13(9) *Posting regulations.* Each motor carrier of household goods must post and file, in either physical or electronic format, at its principal place of business all of its tariffs and supplements. All tariffs must be kept available for public inspection.

524.13(10) *Application for special permission.* When making application for permission to establish rates, charges, or rules of the tariff on less than the statutory seven days' notice, motor carriers of household goods and their agents shall use the form prescribed by the department or other form containing all of the required information.

524.13(11) *Powers of attorney.* An agent or other motor carrier of household goods has the authority to file tariffs and supplements on behalf of a motor carrier if the motor carrier completes a power of attorney granting the agent or other motor carrier authority to act on the motor carrier's behalf, subject to the following requirements:

a. The original power of attorney is on file with the motor vehicle division and a copy has been sent to the agent or other motor carrier of household goods who was granted the authority to act by the power of attorney.

b. The motor carrier notifies the department in writing whenever the motor carrier wants to cancel the authority granted to an agent or other motor carrier of household goods by power of attorney. The notification may occur in writing to the department and state the power of attorney is revoked with 60 days' notice. For good cause, the department may authorize less than 60 days' notice. Copies of the notice must also be mailed to all interested parties by the motor carrier.

524.13(12) *Nonconforming tariffs.* The motor vehicle division will review tariffs that do not conform with subrules 524.13(1) through 524.13(11) to determine if the tariffs contain the necessary information and are acceptable. Tariffs that are unacceptable will be returned to the motor carrier with an explanation.

[**ARC 9513C**, IAB 8/20/25, effective 9/24/25]

761—524.14(325A) Denial, suspension, revocation, appeal and reinstatement.

524.14(1) *Denial.* The department will deny an application if the applicant fails to meet the criteria for issuance of a permit or certificate under Iowa Code chapter 325A or this chapter.

524.14(2) *Suspension or revocation.* The department may suspend or revoke a motor carrier permit or certificate for a violation of Iowa Code chapter 325A or this chapter. The suspension or revocation shall continue until the motor carrier is no longer in violation.

524.14(3) *Appeal.* A person whose application for a motor carrier permit or certificate has been denied for a reason other than noncompliance with insurance requirements or whose motor carrier permit or certificate has been suspended or revoked for a reason other than noncompliance with insurance requirements may contest the decision in accordance with Iowa Code chapter 17A and 761—Chapter 13 by submitting an appeal request in writing to the director of the motor vehicle division. To be considered timely, the request must be submitted within 20 days after the date of the notice of suspension, revocation or denial and include, as applicable, the motor carrier's name, permit or certificate number; complete address; and telephone number.

524.14(4) *Reinstatement.* Once the suspension or revocation is ended and the statutory fee is paid, the department will issue a new permit or certificate.

[**ARC 9513C**, IAB 8/20/25, effective 9/24/25]

These rules are intended to implement Iowa Code sections 321.515 and 321.519 and chapter 325A.

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CHAPTER 525
MOTOR CARRIERS AND CHARTER CARRIERS

[Prior to 6/3/87, Transportation Department [820]—(07F)Ch 4]

Rescinded IAB 8/11/99, effective 9/15/99

CHAPTERS 526 and 527
Reserved

CHAPTER 528
LIQUID TRANSPORT CARRIERS

[Prior to 6/3/87, Transportation Department[820]—(07,F)Ch 13]

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CHAPTER 529
FOR-HIRE INTERSTATE MOTOR CARRIER AUTHORITY

[Prior to 6/3/87, Transportation Department[820]—(07,F) Ch 5]

Chapter rescission date pursuant to Iowa Code section 17A.7: 9/24/30

761—529.1(307,327B) Motor carrier regulations. The department adopts the Code of Federal Regulations, 49 CFR Parts 365 through 368 and 370 through 379, dated October 1, 2024, for regulating interstate for-hire carriers. Copies of this publication are available from the state law library or at www.fmcsa.dot.gov.

[**ARC 9514C**, IAB 8/20/25, effective 9/24/25]

761—529.2(307,327B) Registering interstate authority in Iowa. Authorized methods to submit registration for interstate exempt and nonexempt authority to the department include by mail to the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; delivery in person to 6310 SE Convenience Boulevard, Ankeny, Iowa; or by facsimile to 515.237.3257.

[**ARC 9514C**, IAB 8/20/25, effective 9/24/25]

761—529.3(307,327B) Waiver of rules. In accordance with 761—Chapter 11, the director of transportation or the director's designee (director) may, in response to a petition, waive provisions of this chapter. A waiver will not be granted unless the director finds that special or emergency circumstances exist.

"Special or emergency circumstances" means one or more of the following:

1. Circumstances where the movement is necessary to cooperate with cities, counties, other state agencies or other states in response to a national or other disaster.
2. Circumstances where the movement is necessary to cooperate with national defense officials.
3. Circumstances where the movement is necessary to cooperate with public or private utilities in order to maintain their public services.
4. Circumstances where the movement is essential to ensure safety and protection of any person or property due to events such as but not limited to pollution of natural resources, a potential fire or an explosion.
5. Circumstances where weather or transportation problems create an undue hardship for citizens of the state of Iowa.
6. Circumstances where movement involves emergency-type vehicles.
7. Uncommon or extraordinary circumstances where the movement is essential to the existence of an Iowa business and the move may be accomplished without causing undue hazard to the safety of the traveling public or undue damage to private or public property.

[**ARC 9514C**, IAB 8/20/25, effective 9/24/25]

These rules are intended to implement Iowa Code sections 307.12(1)*"j"* and 307.27 and chapter 327B.

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CHAPTERS 530 to 539
Reserved

CHAPTER 540
TRANSPORTATION NETWORK COMPANIES

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/12/30

761—540.1(321N) Purpose and applicability. This chapter implements the permitting and regulation requirements of Iowa Code chapter 321N and applies to transportation network companies and transportation network company drivers.
[**ARC 8788C**, IAB 1/8/25, effective 2/12/25]

761—540.2(321N) Definitions. The definitions in Iowa Code section 321N.1 are hereby incorporated in this chapter.
[**ARC 8788C**, IAB 1/8/25, effective 2/12/25]

761—540.3(321N) General information.

540.3(1) *Information and location.* Applications, forms, and information regarding transportation network company permits are available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.237.3156; by email at central.vehicle@iowadot.us; or on the department's website at www.iowadot.gov/mvd/paid-rideshare.

540.3(2) *Complaints.* Complaints against transportation network companies pertaining to the provisions of Iowa Code chapter 321N and this chapter that are within the regulation and jurisdiction of the department may be submitted in writing to the motor vehicle division via the methods listed in subrule 540.3(1).
[**ARC 8788C**, IAB 1/8/25, effective 2/12/25]

761—540.4(321N) Application for transportation network company permit and supporting documents.

540.4(1) *Application.* An application for a transportation network company permit is to be made to the motor vehicle division using Form 432070 and is to contain the information required in Iowa Code section 321N.2, as well as the following:

a. If incorporated or otherwise organized, the transportation network company's state of incorporation or organization and a statement confirming the transportation network company is in good standing with the transportation network company's state of incorporation or organization.

b. A statement confirming the transportation network company's agreement to comply with all applicable requirements of Iowa Code chapter 321N and this chapter, signed by the transportation network company's authorized representative.

c. The name by which the transportation network company will do business in the state of Iowa, if different from the transportation network company's full legal name.

d. A description of the transportation network company's digital network and the means or manner by which the network may be accessed by the transportation network company's drivers and riders. This paragraph is not intended to and shall not be construed as requiring the disclosure of information proprietary to the transportation network company.

e. A description of how the transportation network company has established a means of informing persons seeking approval to serve as transportation network company drivers of the driver's notification obligations under Iowa Code section 321N.3(2).

f. A description of how the transportation network company has established a means of making the automobile insurance disclosures required by Iowa Code section 321N.5 to persons serving as transportation network company drivers.

g. A description of how the transportation network company has established a means of making the driver and vehicle disclosures required by Iowa Code section 321N.7 to transportation network company riders.

h. A description of how the transportation network company has established a means of transmitting an electronic receipt to transportation network company riders as required by Iowa Code section 321N.8.

i. Such other information as may be required by the department.

540.4(2) *Application fee.* The application fee in Iowa Code section 321N.2(2) shall be made payable to the Iowa Department of Transportation in the form and manner prescribed by the department.

540.4(3) *Supporting documents.* The proof required in Iowa Code section 321N.2(2) includes the following:

a. Proof under Iowa Code section 321N.2(2)*"a"*(4): a valid certificate of coverage from an insurer governed by Iowa Code chapter 515 or from a surplus lines insurer governed by Iowa Code chapter 515I. An acceptable certificate of coverage will demonstrate coverage in the amounts and circumstances required by Iowa Code section 321N.4 and will certify that, if insurance maintained by a transportation network company driver under Iowa Code chapter 321N lapses or does not provide coverage in the amounts or types required by Iowa Code section 321N.4(2) or 321N.4(3), the insurance certified in the certificate of coverage will provide coverage in the amounts and types required by Iowa Code section 321N.4(2) or 321N.4(3), beginning with the first dollar of the claim, and the insurer providing such coverage shall defend the claim. An acceptable certificate of coverage will also certify that the coverage therein is not dependent on the insurer of a transportation network company driver's personal vehicle first denying a claim, and does not require the insurer of a personal automobile insurance policy to first deny a claim to trigger coverage and defense under the coverage certified.

b. Proof under Iowa Code section 321N.2(2)*"a"*(5): a written copy of the applicable policy and an explanation of the manner or means by which the policy is made known to transportation network company drivers and the manner or means by which the policy is enforced.

c. Proof under Iowa Code section 321N.2(2)*"a"*(7): a written copy of each applicable policy and an explanation of the manner or means by which the policy is made known to transportation network company drivers and the manner or means by which the policy is enforced. As used herein, "nondiscrimination policy" means a policy that prohibits discrimination against transportation network company riders on the basis of race, age, disability, religion, color, sex, or national origin. "Accessibility policy" means a policy that prohibits discrimination against and ensures equal opportunity and access to transportation network company riders who are persons with disabilities under the Americans with Disabilities Act of 1990 (ADA) as amended by the ADA Amendments Act of 2008 (P.L.110-325), codified at 42 U.S.C. 12101 et seq.

d. Proof under Iowa Code section 321N.2(2)*"a"*(8): a written copy of the applicable policy and an explanation of the manner or means by which the policy is made known to the designated records retention officer or responsible staff and the manner or means by which the policy is enforced.

e. All applicable documents identified in 761—subrule 380.7(2) and any other documentation, if required by the department, necessary to assess the operational capabilities of any driverless-capable vehicles the transportation network company intends to operate, including for the purpose of determining whether to impose operational restrictions as authorized under rule 761—400.21(321).

[**ARC 8788C**, IAB 1/8/25, effective 2/12/25]

761—540.5(321N) Issuance of permit. Upon submission of a completed application as set forth in rule 761—540.4(321N), the department shall process the application and inform the transportation network company of the package's status no later than 30 days after the department receives the application. Application statuses for the purpose of this rule are as follows: "in process," "granted," and "denied." If the department informs a transportation network company that the application is "in process," then the department shall also inform the transportation network company of the reason for the status.

[**ARC 8788C**, IAB 1/8/25, effective 2/12/25]

761—540.6(321N) Amendment to transportation network company permit. If during the period the permit is valid any information required and presented in the application under subrule 540.4(1) changes, the transportation network company is to notify the motor vehicle division of the change in writing within 30 days after the change. Notification is to include the permit number and a description of the information that has changed and needs to be updated in the department's records. Submission of amended information is not a request for a new permit or for permit approval and does not extend the period the permit is valid.

Upon determination that the information submitted is complete and correct, the department shall update its records and issue an amended permit, if the department determines it is necessary.
[**ARC 8788C**, IAB 1/8/25, effective 2/12/25]

761—540.7(321N) Suspension and revocation procedures.

540.7(1) *Suspension.* If the department determines that the transportation network company has violated Iowa Code chapter 321N or this chapter, the department may issue to the transportation network company a written notice of the violation. The written notice shall specify the violation and advise the transportation network company that failure to remedy the violation and to comply with the applicable requirements within 30 days will result in suspension of the permit and the privilege to operate or conduct business as a transportation network company in the state of Iowa. If the transportation network company fails to remedy the violation within 30 days, the department shall issue to the transportation network company a written notice of suspension of the permit and the privilege to operate or conduct business as a transportation network company in the state of Iowa, which will take effect 30 days after service of the written notice of suspension. Once effective, the suspension will remain in effect until the transportation network company demonstrates to the department that the transportation network company is in compliance with the applicable requirements or the permit is revoked or expires, whichever occurs first.

540.7(2) *Revocation.* If the department determines that the transportation network company is in continued noncompliance with Iowa Code chapter 321N or this chapter, the department shall revoke the transportation network company's permit and the privilege to operate or conduct business as a transportation network company in the state of Iowa for a minimum of 90 days. Notice of revocation shall be in writing and specify the continued noncompliance. The revocation will take effect 30 days after service of the written notice of revocation and will remain effective until the following criteria are satisfied:

a. The transportation network company submits a new application, application fee, and supporting documents under rule 761—540.4(321N).

b. The department determines a new permit should be issued under this chapter.

540.7(3) *Continued noncompliance.* As used in this rule, "continued noncompliance" means a violation of Iowa Code chapter 321N or this chapter for which a notice of suspension has become effective and has remained in effect for a period of at least 180 days.
[**ARC 8788C**, IAB 1/8/25, effective 2/12/25]

761—540.8(321N) Appeal.

540.8(1) A transportation network company whose permit has been suspended, revoked, or denied may request an informal settlement or a contested case proceeding as provided in 761—Chapter 13.

540.8(2) To be timely, the request must be submitted within 20 days of service of the notice of suspension or revocation. A request to appeal a denial may be submitted at any time.

540.8(3) The department will stay the suspension or revocation pending resolution of the informal settlement, contested case, or appeal.
[**ARC 8788C**, IAB 1/8/25, effective 2/12/25]

761—540.9(321N) Renewal.

540.9(1) A transportation network company that holds a valid permit may renew the permit by submitting, at minimum, the following: (1) the application, (2) the application fee, (3) current proof of insurance as specified in subrule 540.4(3), and (4) any supporting documents as set forth in rule 761—540.4(321N) that have changed since the documents were last approved by the department. Any required documentation that has not changed, other than current proof of insurance, does not need to be resubmitted for a permit renewal. The application for renewal must be submitted no more than 60 days before the expiration date of the existing permit and no fewer than 30 days before the expiration date of the existing permit.

540.9(2) Pursuant to Iowa Code section 17A.18(2), when a transportation network company has made a timely and sufficient application for the renewal of a valid permit, the existing permit does not expire until the application has been finally determined by the department and, in case the application is denied or

the terms of the new permit are limited, until the last day for seeking judicial review of the department's order or a later date fixed by order of the department or the reviewing court.

540.9(3) If the application for renewal is submitted fewer than 30 days before the expiration date of the existing permit, then the application will be considered a new application and Iowa Code section 17A.18(2) shall not apply. If a transportation network company does not file a renewal application pursuant to this rule, then the original application will expire on the expiration date set forth on the original permit.

540.9(4) If a transportation network company initiates an appeal, informal settlement, or contested case proceeding pursuant to rule 761—540.8(321N) and the original application expires pursuant to the expiration date of the application, then the transportation network company is required to submit a renewal application pursuant to subrule 540.9(1) if the transportation network company intends to hold a valid permit under this chapter once the appeal, informal settlement, or contested case proceeding has been finally determined.

[**ARC 8788C**, IAB 1/8/25, effective 2/12/25]

761—540.10(321N) Record review.

540.10(1) When the department examines the records of a transportation network company as authorized under Iowa Code section 321N.2(5), the department may request the transportation network company to provide a list of all prearranged rides for a seven-day period or all transportation network company drivers in Iowa for a specific date. The transportation network company shall provide the required information to the department within 30 days of the request.

540.10(2) For the records provided under subrule 540.10(1), the department may identify a random sample of rides or drivers, or rides and drivers, for review for the specified period. The transportation network company must provide additional information for each driver and each rider for each ride as requested by the department. The department may also require:

a. A copy of the driver's license for the transportation network company driver.

b. A copy of the driver's state-issued vehicle registration, including year, make, model, VIN and license plate number.

c. A copy of proof of the driver's financial liability coverage, including the driver's insurance company name, address, and policy number. In addition, a copy of proof of financial liability coverage maintained to comply with Iowa Code sections 321N.4(2) and 321N.4(3) that includes coverages and limits may be satisfied by any of the following:

(1) Insurance maintained by the transportation network company driver.

(2) Insurance maintained by the transportation network company.

(3) A combination of subparagraphs 540.10(2)*"c"*(1) and (2).

d. A copy of or a verification that all necessary disclosures were supplied to the driver by the transportation network company, including the lienholder, vehicle owner, insurance and motor vehicle equipment requirements.

e. A copy of all complaints received by the transportation network company from any rider who received a ride from the driver. This includes but is not limited to complaints related to drug or alcohol use, vehicle safety, motor vehicle equipment safety, driver behavior, driver ability or operation of the vehicle.

f. A summary or other documentation that shows how the transportation network company resolved any complaint from a rider.

g. Documentation or verification of the background and sex offender registry check on the driver.

h. The electronic ride receipt provided to each rider.

540.10(3) Notwithstanding any provision of subrule 540.10(1) to the contrary, the department and the transportation network company may agree to an alternative process or format for the transportation network company to provide the requested records if the records otherwise include the information required in subrule 540.10(2).

540.10(4) Records submitted by the transportation network company to the department pursuant to this rule shall maintain the same status, including confidentiality and disclosure requirements as provided in Iowa Code section 321N.2(5).

[**ARC 8788C**, IAB 1/8/25, effective 2/12/25]

These rules are intended to implement Iowa Code sections 321.515 and 321.519 and chapter 321N.

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CHAPTERS 541 to 599
Reserved
DRIVER LICENSES

CHAPTER 600
GENERAL INFORMATION
[Prior to 6/3/87, Transportation Department[820]—(07,C) Ch 13]
Rescinded **ARC 9450C**, IAB 7/23/25, effective 8/27/25

CHAPTER 601
APPLICATION FOR LICENSE

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/19/30

761—601.1(321) Information.

601.1(1) *General.* In addition to Iowa Code sections 321.182 and 321.196, this chapter provides information regarding how an applicant can qualify to apply for a driver's license. Additional information regarding applications for a commercial driver's license can be found in 761—Chapter 607.

601.1(2) *Definition.*

"License" means "driver's license" as defined in Iowa Code section 321.1(20A) unless the context otherwise requires.

601.1(3) *Documents and location.* Applications, forms and information about applying for a driver's license are available at any driver's license service center. Assistance is also available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; by telephone at 515.239.1837; by email at driver.services@iowadot.us; or on the department's website at www.iowadot.gov/mvd/driverslicense.

This rule is intended to implement Iowa Code section 321.182.

[**ARC 9622C**, IAB 10/15/25, effective 11/19/25]

761—601.2(321,321C) Application for license. An application for a driver's license is to include the following:

601.2(1) *Name.* The applicant's full legal name is to be given on the application. "Full legal name" means an individual's first name(s), middle name(s) and last name(s), without use of initials or nicknames. Civilian and military titles, initials and nicknames are not to be used on the applicant's license or in the applicant's record. This does not apply where a portion of an individual's legal name, whether first, middle or last, consists of a single character, whether followed by a period or not.

601.2(2) *Out-of-state verification.* Upon application for a driver's license, the department is to ascertain whether the applicant has ever held, or is the holder of, a driver's license issued by any other state.

a. The department will not issue a driver's license to the applicant if:

(1) The applicant has held a driver's license issued by any other state, but the driver's license has been suspended by reason, in whole or part, of a violation and if such suspension period has not terminated.

(2) The applicant has held a driver's license issued by any other state, but the driver's license has been revoked by reason, in whole or part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, the applicant may make application for a new license if permitted by law. The department may refuse to issue a license to any such applicant if, after investigation, the department determines that it will not be safe to grant such applicant the privilege of driving a motor vehicle on the highways.

(3) The applicant is the holder of a driver's license issued by another state and currently in force unless the applicant surrenders such license.

b. If the applicant is subject to subparagraph 601.2(2)*"a"*(2) or has committed an offense or acted in a manner in another state that in Iowa would be grounds for revocation and it has been more than one year from the date the license or driving privilege was revoked, the department may issue the applicant a driver's license only upon such terms and conditions and subject to such restrictions or limitations as if the violation had been committed and the revocation imposed in Iowa. The department will delay licensing or restrict licensing for such period of time that the applicant would be ineligible for a driving privilege or subject to a restricted driving privilege if the violation had been committed and the revocation imposed in Iowa.

(1) The department may grant a driving privilege to an applicant who meets all of the following:

1. The applicant has satisfied the same requirements as if the violation had been committed and the revocation imposed in Iowa.

2. The applicant is otherwise physically and mentally capable of safely operating a motor vehicle.

(2) The department will not assess a civil penalty to the applicant as a condition of licensing under this subrule.

(3) Pursuant to Iowa Code section 321.13, the department may make further investigation or request further information necessary to determine whether it is safe to grant the applicant a driving privilege.

c. The department may verify the applicant's driving record from another state of record, including electronically, to assist the department in determining whether it is safe to grant the applicant a license.

601.2(3) *Disabilities.* The applicant is to indicate and explain any mental or physical disabilities that might affect the applicant's ability to operate a motor vehicle safely. The department may make further inquiries of the applicant or request further information necessary to determine whether it is safe to grant the applicant a driving privilege, including but not limited to requesting an examination authorized under Iowa Code section 321.186.

601.2(4) *Physical description.* The applicant shall provide the applicant's sex, height to the nearest inch, weight to the nearest pound and eye color.

601.2(5) *Address.* The applicant shall provide the applicant's current residential address and current mailing address, if different from the applicant's current residential address. A mailing address for which a forwarding order with the United States Postal Service is in place is not acceptable. Notwithstanding anything in subrule 601.2(5), an applicant who is a participant in the "safe at home" address confidentiality program administered by the Iowa secretary of state may submit a designated address issued to the applicant by the Iowa secretary of state as the applicant's residential and mailing address.

601.2(6) *Signature.*

a. The applicant's signature shall be without qualification and shall contain only the applicant's usual signature without any other titles, characters or symbols.

b. The applicant's signature certifies, under penalty of perjury and pursuant to the laws of the state of Iowa, that the statements made and information provided in the applicant's application are true and correct.

c. The applicant's signature further certifies that the fee collected and the change returned, if any, is correct and acknowledges that the applicant is aware of the obligation to notify the department of a change in mailing address within 30 days of the change.

d. The applicant's signature will be captured electronically.

601.2(7) *Surrender of license and nonoperator's identification card.* An applicant for a driver's license shall surrender all other driver's licenses and nonoperator's identification cards. This includes those issued by a state other than Iowa or a foreign jurisdiction unless otherwise provided in a letter of understanding or other written memorialization of reciprocity or understanding. An applicant who renews a driver's license electronically pursuant to 761—subrule 605.25(7) shall destroy the previous driver's license upon receipt of the renewed driver's license.

This rule is intended to implement Iowa Code sections 321.13, 321.177, 321.182, 321.186, 321.196 and 321C.1 and 6 CFR Part 37.

[**ARC 9622C**, IAB 10/15/25, effective 11/19/25]

761—601.3(321) Emergency contact information. Pursuant to Iowa Code section 321.197, a person may voluntarily provide the department with emergency contact information.

601.3(1) *Form and submission.*

a. Emergency contact information may be provided to the department through any of the following methods:

(1) By submitting Form 430305 to the department's address or website listed in subrule 601.1(3) or by email at emergencyinfo.contact@iowadot.us.

(2) In person at a driver's license service center.

(3) In person at a county treasurer's office that issues driver's licenses under Iowa Code chapter 321M.

b. Submission of emergency contact information is not a condition of issuing, renewing or replacing a driver's license.

601.3(2) *Modifications.*

a. A person may request changes to the person's emergency contact information by entering those changes on the department's website or by submitting Form 430305 to the department using any of the methods provided in paragraph 601.3(1)*"a."*

b. A person may request to be removed as an emergency contact by submitting Form 430306 to the department at the address or website listed in subrule 601.1(3) or by email at emergencyinfo.contact@iowadot.us.

c. A person who was removed as an emergency contact under paragraph 601.3(2)*"b"* will not again be listed as the person's emergency contact unless the person submits Form 430306 to the department at the address or website listed in subrule 601.1(3) or by email at emergencyinfo.contact@iowadot.us.

This rule is intended to implement Iowa Code section 321.197.

[**ARC 9622C**, IAB 10/15/25, effective 11/19/25]

761—601.4(17A,321) Proofs submitted with application. An applicant for a new Iowa driver's license or nonoperator's identification card, including a person who currently holds a license or card issued by another state or foreign jurisdiction, shall submit proof of identity, date of birth, social security number, Iowa residency and current residential address and lawful status in the United States.

601.4(1) *Verification of identity and date of birth.* To establish identity and date of birth, an applicant must submit at least one of the following documents. The department may require additional documentation.

a. A valid, unexpired U.S. passport or U.S. passport card.

b. A certified copy of a birth certificate and, if applicable, a certified amended or new birth certificate showing a change in name or date of birth, filed with a state office of vital statistics or equivalent agency in the applicant's state of birth. The birth certificate must bear the issuing authority's certification of authenticity. A hospital-issued certificate is not acceptable. As used herein, "state" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

c. A Consular Report of Birth Abroad issued by the U.S. Department of State (Form FS-240, DS-1350 or FS-545).

d. A valid, unexpired Permanent Resident Card (Form I-551) issued by the U.S. Department of Homeland Security or U.S. Immigration and Naturalization Service.

e. An unexpired employment authorization document issued by the U.S. Department of Homeland Security (Form I-766 or Form I-688B).

f. An unexpired foreign passport with a U.S. visa affixed, accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States.

g. A Certificate of Naturalization issued by the U.S. Department of Homeland Security (Form N-550 or Form N-570).

h. A Certificate of Citizenship (Form N-560 or Form N-561) issued by the U.S. Department of Homeland Security.

i. A REAL ID driver's license or identification card as defined in 6 CFR Section 37.3.

j. Such other documents as the U.S. Department of Homeland Security may designate as acceptable proof of identity and date of birth for REAL ID purposes by notice published in the Federal Register.

k. A federal release identification card issued by the U.S. Department of Justice or Federal Bureau of Prisons or an Inmate Descriptor Inquiry, Client Information Inquiry or Offender Snapshot document issued by the Iowa department of corrections or the United States District Court, Northern and Southern Districts of Iowa, that contains the applicant's full legal name and date of birth and is notarized. An application that includes only a document listed in this paragraph as proof of identity and date of birth is only eligible for a driver's license or nonoperator's identification card marked as not acceptable for federal purposes pursuant to 6 CFR Part 37.

601.4(2) *Verification of social security number.*

a. Except as provided in paragraph 601.4(2)*"b,"* an applicant must provide the applicant's Social Security Administration's account number.

b. An applicant who establishes identity by presenting the identity document listed in paragraph 601.4(1)*"f"* (unexpired foreign passport with a valid, unexpired U.S. visa affixed and accompanied by

the approved I-94 form documenting the applicant's most recent admittance into the United States) must provide the applicant's social security number or demonstrate non-work authorized status.

601.4(3) *Verification of Iowa residency and current residential address.*

a. An applicant must present two documents that include the applicant's name and current Iowa residential address and that demonstrate residency in the state of Iowa. Acceptable documents are issued by a person, organization or entity other than the applicant that include the issuer's name and address, include the applicant's name and current residential address and demonstrate residency in the state of Iowa. Acceptable documents are reasonable, authentic documents capable of verification by the department.

b. An acceptable address is a street or highway address and not a post office box. In areas where a number and street name have not been assigned, an address convention used by the U.S. Postal Service is acceptable. The current residence of a person with more than one dwelling is the dwelling for which the person claims a homestead tax credit under Iowa Code chapter 425, if applicable.

c. An applicant who is a member of the armed forces and is an Iowa resident stationed in another state or an applicant who is the spouse or dependent family member residing with a member of the armed forces that is an Iowa resident stationed in another state may use the applicant's address in the state of station as the applicant's current residential address if the applicant does not maintain an Iowa residence during the applicant's deployment outside the state of Iowa. The applicant must provide official documentation confirming the applicant's residential address in the state of station and that the applicant is stationed in that state. The applicant's mailing address may be the applicant's current residential address or another address at which the applicant receives mail.

601.4(4) *Verification of lawful status in the United States.*

a. If an applicant presents one of the identity documents listed under subrule 601.5(1), the department's verification of that identity document is satisfactory evidence of lawful status.

b. An applicant who presents only a document listed under paragraph 601.4(1)*"e," "f"* or *"i"* is not eligible to receive a driver's license or nonoperator's identification card marked as REAL ID compliant unless the applicant also provides one of the other documents listed in subrule 601.4(1) or another United States Department of Homeland Security-approved document.

601.4(5) *Verification of name change.* The name listed on the driver's license or nonoperator's identification card that is issued will be identical to the name listed on the identity document submitted unless the applicant submits the chain of legal documents necessary to show the legal change of the applicant's name from the identity document submitted to the applicant's current legal name under paragraph 601.4(5)*"a"* or *"b."* Alternatively, an applicant who is an existing Iowa licensee or cardholder may confirm the applicant's current legal name as displayed on the applicant's license or card under the provisions of paragraph 601.4(5)*"c."* The following documents are acceptable:

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

b. Certified copy of marriage certificate. The marriage certificate must be filed with a state office of vital statistics or equivalent agency in the person's state or country of marriage. The certificate must bear the issuing authority's certification of authenticity. A church, chapel or similarly issued certificate is not acceptable. As used herein, "state" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

c. Social security records match. The applicant must establish that the applicant's Social Security Administration's account number is issued in the applicant's current legal name as verified by the department with the Social Security Online Verification (SSOLV) system in accordance with 6 CFR Section 37.13(b)(2) effective January 1, 2024.

601.4(6) *Verification of change of date of birth.* The date of birth listed on the driver's license or nonoperator's identification card that is issued will be identical to the date of birth listed on the identity document submitted unless the applicant submits a certified amended or new birth certificate that documents the change of date of birth and complies with paragraph 601.4(1)*"b."*

601.4(7) *Verification of sex.* The sex listed on the driver's license or nonoperator's identification card that is issued will be identical to the sex listed on the identity document submitted.

601.4(8) *Exception process.* As provided in 6 CFR Section 37.11(h) (REAL ID exceptions process) effective January 1, 2024, and notwithstanding any other provisions of this chapter or 761—Chapter 11 to the contrary, an applicant who, for reasons beyond the applicant's control, is unable to present a necessary document under this rule may apply to the department for an exception as provided in this subrule.

a. To apply for an exception under this rule, an applicant is to submit a written request to the department at the address or email address listed in subrule 601.1(3) or in person at any driver's license service center containing all of the following:

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

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

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

(4) Any alternate document or other proof that exists to verify the facts contained in the missing document, which may include an approved I-94 form documenting the applicant's most recent admittance into the United States as verified by the U.S. Department of Homeland Security in accordance with 6 CFR Section 37.13 effective January 1, 2024.

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

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

(1) The applicant has submitted a written request with all of the required documentation under paragraph 601.4(8)*"a."*

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

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

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

c. The department may place any condition on an exception issued under this rule that the department finds necessary to carry out the department's functions.

d. An exception under this subrule does not apply to a required document under subrule 601.4(2).

e. An alternate document accepted under this exception process to satisfy the provisions of subrule 601.4(4) is only allowed if the document demonstrates United States citizenship as required by 6 CFR Section 37.11(h) effective January 1, 2024.

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

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

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

This rule is intended to implement Iowa Code chapter 17A; Iowa Code section 4.1A as enacted by 2025 Iowa Acts, Senate File 418; Iowa Code sections 321.13, 321.182 and 321.189; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

[**ARC 9622C**, IAB 10/15/25, effective 11/19/25]

761—601.5(321) Parent's, guardian's, or custodian's consent. The application of an unmarried person under the age of 18 years is subject to the following:

601.5(1) Form 430018, Parent's, Guardian's or Custodian's Consent to Issue Driver's License or Permit, or its equivalent must be submitted at the time of issuance or to the email address listed in subrule 601.1(3).

601.5(2) The form shall contain the verified consent and confirmation of the applicant's date of birth and be signed by either parent of the applicant, the guardian of the applicant, or a person having custody of the applicant under Iowa Code chapter 232 or 600A.

601.5(3) The signature, which may be electronic, is to be dated and subject to the following verification or its equivalent: "I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct." No exception will be made for the parent's, guardian's or custodian's absence from Iowa. A married person under the age of 18 years shall submit a marriage certificate that complies with paragraph 601.4(5)*"b"* in lieu of the consent form.

This rule is intended to implement Iowa Code section 321.184.

[**ARC 9622C**, IAB 10/15/25, effective 11/19/25]

761—601.6(321) REAL ID driver's license. A person who seeks a driver's license that is compliant with the REAL ID Act of 2005, 49 U.S.C. Section 30301 note, as implemented in 6 CFR Part 37 ("REAL ID driver's license") effective January 1, 2024, must meet and comply with all lawful requirements for an Iowa driver's license and must also meet and comply with all application and documentation requirements set forth at 6 CFR Part 37, including but not limited to documentation of identity, date of birth, social security number, address of principal residence and evidence of lawful status in the United States. Documents and information provided will be verified pursuant to 6 CFR Section 37.13. An applicant for a REAL ID driver's license is subject to a mandatory facial image capture that meets the requirements of 6 CFR Section 37.11(a). A REAL ID driver's license may not be issued, reissued or renewed except as permitted in 6 CFR Part 37 and may not be issued, reissued or renewed by any procedure, in any circumstance, to any person or for any term prohibited under 6 CFR Part 37. The information on the front of any REAL ID driver's license must include all information and markings required by 6 CFR Section 37.17. Nothing in this rule requires a person to obtain a REAL ID driver's license.

This rule is intended to implement Iowa Code chapter 321; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

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CHAPTER 602
CLASSES OF DRIVER'S LICENSES

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/5/30

761—602.1(307,321) Information and location. Applications, forms and information regarding driver's licenses are available at any driver's license service center or by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; by telephone at 515.244.8725; by facsimile at 515.239.1837; or on the department's website at www.iowadot.gov/drivers-licenses-ids/get-or-renew-drivers-licenses-ids-permits.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.8.

[**ARC 9577C**, IAB 10/1/25, effective 11/5/25]

761—602.2(307,321) Definitions.

"Iowa-approved course" means a course in driver education, motorcycle rider education or motorized bicycle rider education approved by the department.

"License" means driver's license as defined in Iowa Code section 321.1(20A) unless the context otherwise requires.

"Member of permittee's immediate family" means as follows:

1. As used in Iowa Code section 321.180(1), the permittee's parent or guardian or a brother, a sister or other relative of the permittee who resides at the permittee's residence.

2. As used in Iowa Code section 321.180B(1) and 321.180B(2), a brother, a sister or other relative of the permittee who resides at the permittee's residence.

"Provider" means a provider of an Iowa-approved course.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.1, 321.180 and 321.180B.

[**ARC 9577C**, IAB 10/1/25, effective 11/5/25]

761—602.3(321) Driver's licenses.

602.3(1) *Classes.* The department issues the following classes of driver's licenses. All licenses issued, including special licenses and permits, shall carry a class designation. A license will be issued for only one class, except that Class M may be issued in combination with another class.

Class A—commercial driver's license (CDL)
Class B—commercial driver's license (CDL)
Class C—commercial driver's license (CDL)
Class C—noncommercial driver's license
Class D—noncommercial driver's license (chauffeur)
Class M—noncommercial driver's license (motorcycle)

602.3(2) *Special licenses and permits.* The department issues the following special licenses and permits. More than one type of special license or permit may be issued to an applicant. On the driver's license, a restriction number designates the type of special license or permit issued as follows:

1—Motorcycle instruction permit—includes motorcycle instruction permits issued under Iowa Code sections 321.180(1) and 321.180B(1)

2—Noncommercial instruction permit (vehicle less than 16,001 gross vehicle weight rating)—includes instruction permits, other than motorcycle instruction permits, issued under Iowa Code sections 321.180(1), 321.180A and 321.180B(1)

3—Commercial learner's permit
4—Chauffeur's instruction permit
5—Motorized bicycle (moped) license
6—Minor's restricted work license
7—Special minor's restricted license
8—Special instruction permit

602.3(3) *Commercial driver's license (CDL).* More information is contained in 761—Chapter 607 on the procedures, requirements and validity of a commercial driver's license (Classes A, B and C) and a commercial learner's permit, and their restrictions and endorsements.

This rule is intended to implement Iowa Code sections 321.178, 321.180 through 321.180B, 321.189, and 321.194.

[**ARC 9577C**, IAB 10/1/25, effective 11/5/25]

761—602.4(307,321) Certificates of completion and forms.

602.4(1) *Iowa-approved course.* Proof of successful completion of an Iowa-approved course shall be submitted to the department on Form 430036 or through an online reporting system used by participating providers.

602.4(2) *Out-of-state course.*

a. If a student completed a course in another state, a provider of an Iowa-approved course may issue the form or online completion, if applicable, for the student if the provider determines that the out-of-state course is comparable to the Iowa-approved course.

b. If the out-of-state course is comparable but lacks certain components of the Iowa-approved course, the provider may issue the form or online completion, if applicable, after the student completes the missing components.

602.4(3) *Affidavit for special minor's restricted license.* Form 430021 shall be used for submitting the required statements, affidavits and parental consent for a special minor's restricted license. More information is contained in rule 761—602.9(321).

602.4(4) *Certification and consent for employment and multiple residences.* Form 430022 shall be used to satisfy the requirements of Iowa Code section 321.194(2) and 321.194(9). In addition to the information required under Iowa Code section 321.194(2), the form must contain the employer's contact information and any other information required by the department.

602.4(5) *Waiver of accompanying driver for intermediate licensee.* Form 431170 is the waiver described in Iowa Code section 321.180B(2). This form allows an intermediate licensee to drive unaccompanied between the hours of 12:30 a.m. and 5 a.m. and must be in the licensee's possession when the licensee is driving during the hours to which the waiver applies.

a. If the waiver is for employment, the form must be signed by the licensee's employer.

b. If the licensee attends a public school and the waiver is for school-related extracurricular activities, the form must be signed by the chairperson of the school board, the superintendent of the school, or the principal of the school if authorized by the superintendent. If the licensee attends an accredited nonpublic school and the waiver is for school-related extracurricular activities, the form must be signed by an authority in charge of the accredited nonpublic school or a duly authorized representative of the authority.

c. If the licensee receives competent private instruction or independent private instruction, the form must be signed by the licensee's primary instructor.

d. The form must be signed by the licensee's parent or guardian. However, the parent's or guardian's signature is not required if the licensee is married and the original or a certified copy of the marriage certificate is in the licensee's possession when the licensee is driving during the hours to which the waiver applies.

602.4(6) *Passenger restriction for intermediate licensee.* The passenger restriction required by Iowa Code section 321.180B(2) will be added to an intermediate license unless waived by the licensee's parent or guardian at the time the license is issued. If the restriction is not waived at the time the license is issued, the intermediate license will be designated with a "9" restriction with the following notation: "Only 1 unrelated minor passenger allowed until [six months from the date the license is issued]." The licensee must obey the restriction for the first six months after the intermediate license is issued. If a parent or guardian wishes to waive the passenger restriction after the license has already been issued, the licensee and the parent or guardian must apply for a duplicate license and pay the replacement fee pursuant to 761—subrule 605.11(4).

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.8, 321.178, 321.180B, 321.184, 321.189, and 321.194.

[**ARC 9577C**, IAB 10/1/25, effective 11/5/25]

761—602.5(307,321) Class C noncommercial driver's license.

602.5(1) *Validity.* A noncommercial Class C driver's license that is not a special license or permit is valid for operating:

a. A motor vehicle, including an autocycle as defined in Iowa Code section 321.1, that does not require a commercial driver's license or a Class D driver's license for its operation.

b. A motorized bicycle.

c. A motorcycle only if the license has a motorcycle endorsement.

602.5(2) *Requirements.*

a. Except as otherwise provided in Iowa Code section 321.178(3), an applicant under 18 years of age must meet the requirements of Iowa Code section 321.180B and submit proof of successful completion of an Iowa-approved course in driver education.

b. For purposes of determining eligibility for an intermediate license issued to a person 16 or 17 years of age under Iowa Code section 321.180B(2):

(1) The 12-month period during which the applicant is required to possess an instruction permit before applying for an intermediate license is calculated cumulatively and includes any period of time during which the applicant has held a valid instruction permit issued under Iowa Code section 321.180B(1), a special minor's restricted license issued under Iowa Code section 321.194 or comparable instruction permit or license issued by another state, but excludes any period of time during which the permit or license is suspended, revoked or canceled or the applicant otherwise did not have a valid driving privilege.

(2) The six-month period during which the applicant is required to remain accident- and violation-free is calculated continuously and must encompass without interruption the six-month period of time immediately preceding the application. The applicant must hold a valid instruction permit issued under Iowa Code section 321.180B(1), a special minor's restricted license issued under Iowa Code section 321.194 or a comparable instruction permit or license issued by another state and maintain a valid driving privilege without interruption throughout the continuous six-month period.

(3) The three-month waiting period required under Iowa Code section 321.194(7)*"b,"* if applicable, will be calculated to begin on the licensee's sixteenth birthday and must be satisfied in addition to the requirements of subparagraphs 602.5(2)*"b"*(1) and *"b"*(2). Any additional three-month waiting period will begin on the date the previous waiting period (if any) expires.

c. For purposes of determining eligibility for a full license issued to a person 17 years of age under Iowa Code section 321.180B(4), the 12-month period during which the applicant is required to possess an intermediate license and to remain accident- and violation-free before applying for a full license is calculated together and continuously and must encompass without interruption the 12-month period of time immediately preceding the application. The applicant must hold a valid intermediate license issued under Iowa Code section 321.180B(2) or a comparable license issued by another state and maintain a valid driving privilege without interruption throughout the continuous 12-month period.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.1, 321.177, 321.178, 321.180B, 321.189, 321.194 and 321.196.

[**ARC 9577C**, IAB 10/1/25, effective 11/5/25]

761—602.6(307,321) Class D noncommercial driver's license (chauffeur).

602.6(1) *Validity.* A noncommercial Class D driver's license is valid for operating:

a. A motor vehicle as a chauffeur as specified by the endorsement on the license unless the type of vehicle or type of operation requires a commercial driver's license.

b. A motor vehicle that may be legally operated under a noncommercial Class C driver's license, including a motorized bicycle.

c. A motorcycle only if the license has a motorcycle endorsement.

602.6(2) *Requirement.* The license shall have one endorsement authorizing a specific type of motor vehicle or type of operation as listed in 761—subrule 605.7(3).

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.1 and 321.189.

[**ARC 9577C**, IAB 10/1/25, effective 11/5/25]

761—602.7(307,321) Class M noncommercial driver's license (motorcycle).

602.7(1) *Validity.* A noncommercial Class M driver's license that is not a special license or permit is valid for operating:

a. A motorcycle. However, the license may have a restriction that limits operation to a three-wheel motorcycle.

b. A motorized bicycle.

602.7(2) *Requirements.*

a. An applicant shall be at least 16 years of age.

b. Except as otherwise provided in Iowa Code section 321.178(3), an applicant under 18 years of age must meet the requirements of Iowa Code section 321.180B and submit proof of successful completion of both an Iowa-approved course in driver education and an Iowa-approved course in motorcycle rider education.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.177, 321.178, 321.180B, 321.189 and 321.196.

[**ARC 9577C**, IAB 10/1/25, effective 11/5/25]

761—602.8(299,321) Minor's restricted work license.

602.8(1) *Validity.*

a. A minor's restricted work license is a restricted, noncommercial Class C or Class M driver's license.

b. The type of motor vehicle that may be operated is controlled by the class of driver's license issued. A Class C minor's restricted work license is valid for operating a motorcycle only if the license has a motorcycle endorsement. A minor's restricted work license is valid for operating a motorized bicycle only for the purposes specified in Iowa Code section 321.178(2).

c. The license is valid for two years or until the licensee attains age 18, whichever is sooner.

602.8(2) *Requirements.* An applicant who qualifies under Iowa Code section 321.178(2) must submit the following to the department:

a. A statement from the employer confirming the applicant's employment.

b. Proof of nonattendance at school. Proof of nonattendance is receipt of notification from the appropriate school authority that the applicant does not attend school as described in 761—subrule 615.23(2).

c. Proof of successful completion of an Iowa-approved course in driver education.

d. For a Class M minor's restricted work license or a motorcycle endorsement, proof of successful completion of an Iowa-approved course in motorcycle rider education.

This rule is intended to implement Iowa Code sections 299.1B, 321.178, 321.180B, 321.189, 321.196 and 321.213B.

[**ARC 9577C**, IAB 10/1/25, effective 11/5/25]

761—602.9(321) Special minor's restricted license.

602.9(1) *Validity.*

a. A special minor's restricted license is a restricted, noncommercial Class C or Class M driver's license.

b. The type of motor vehicle that may be operated is controlled by the class of driver's license issued. A Class C special minor's restricted license is valid for operating a motorcycle only if the license has a motorcycle endorsement. A special minor's restricted license is valid for operating a motorized bicycle.

c. The license is valid for four years or until the licensee attains age 18, whichever is sooner.

602.9(2) *Requirements.* An applicant who qualifies under Iowa Code section 321.194(1) and 321.194(3) must submit the following to the department:

a. Form 430021, containing the required certification under Iowa Code section 321.194(6).

b. Proof of successful completion of an Iowa-approved driver's education course.

c. For a Class M special minor's restricted license or a motorcycle endorsement, proof of successful completion of an Iowa-approved course in motorcycle rider education.

602.9(3) *Exemption.*

a. An applicant is not required to have completed an approved driver education course if the applicant demonstrates to the satisfaction of the department that completion of the course would impose a hardship upon the applicant; however, the applicant must meet all other requirements for a special minor's restricted license. "Hardship" means the applicant's parent, guardian or custodian does not qualify as a teaching parent as defined in Iowa Code section 321.178A(2)*"c"* and the applicant meets one of the following criteria:

(1) If the applicant is 14 years old, that a driver education course will not begin at the applicant's school(s) of enrollment or at a public school in the applicant's district of residence within one year following the applicant's fourteenth birthday.

(2) If the applicant is 15 years old, that a driver education course will not begin at the applicant's school(s) of enrollment or at a public school in the applicant's district of residence within six months following the applicant's fifteenth birthday.

(3) If the applicant is between 16 and 18 years old, that a driver education course is not offered at the applicant's school(s) of enrollment or at a public school in the applicant's district of residence at the time the request for hardship status is submitted to the department.

(4) That the applicant is a person with a disability. In this rule, "person with a disability" means that, because of a disability or impairment, the applicant is unable to walk in excess of 200 feet unassisted or cannot walk without causing serious detriment or injury to the applicant's health.

b. "Demonstrates to the satisfaction of the department" means the applicant has provided the department written proof that a hardship exists signed by the applicant's parent, guardian or custodian and the applicable school authority authorized to sign the certification form for a special minor's restricted license pursuant to Iowa Code section 321.194(6).

c. The department reserves the right to verify any assertion made in the application for hardship exemption under this subrule.

602.9(4) *Multiple residences.*

a. A special minor's restricted license approved for travel to and from up to three residences pursuant to Iowa Code section 321.194(9)*"d"* is not valid for travel directly between each residence unless the licensee is accompanied in accordance with Iowa Code section 321.180B(1) or unless the travel is for the purposes set forth in and subject to the limitations of Iowa Code section 321.194(4) or 321.194(5).

b. The primary residential address listed on Form 430021 will appear on the face of the license.

This rule is intended to implement Iowa Code sections 321.177, 321.180B, 321.189, 321.194 and 321.196.

[**ARC 9577C**, IAB 10/1/25, effective 11/5/25]

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CHAPTER 603
Reserved

CHAPTER 604
LICENSE EXAMINATION

[Prior to 6/3/87, see Transportation Department[820]—(07,C) rules 13.3 and 13.17]

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/5/30

761—604.1(307,321) Authority and scope.

604.1(1) The department is authorized to determine by examination an applicant's ability to operate motor vehicles safely upon the highways and to issue all driver's licenses.

604.1(2) This chapter applies to the examination for all driver's licenses. Information on the additional examination procedures and requirements for a commercial driver's license or commercial learner's permit is given in 761—Chapter 607.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.2, 321.3, 321.13, 321.177 and 321.186.

[**ARC 9578C**, IAB 10/1/25, effective 11/5/25]

761—604.2(307,321) Definitions.

"Binocular field of vision" is the sum of the temporal measurements or the sum of the nasal measurements.

"License" means "driver's license" as defined in Iowa Code section 321.1(20A) unless the context otherwise requires.

"Monocular field of vision" is the sum of the temporal measurement and the nasal measurement for one eye.

"Representative vehicle" is a vehicle that is characteristic of and requires operating skills comparable to those vehicles that may legally be operated under the class of license or endorsement desired.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.174 and 321.186.

[**ARC 9578C**, IAB 10/1/25, effective 11/5/25]

761—604.3(307) Information and forms.

604.3(1) Applications, forms and information about driver's license examinations are available at any driver's license service center. Assistance is also available by mail at Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.244.8725; by facsimile at 515.239.1837; or on the department's website at www.iowadot.gov/mvd/driverslicense/driverslicense/descriptions.

604.3(2) The "Iowa Driver Manual" and the "Iowa Motorcycle Operator Manual" are also available from the department and on the department's website.

This rule is intended to implement Iowa Code section 307.12(1)*"j."*

[**ARC 9578C**, IAB 10/1/25, effective 11/5/25]

761—604.4(307,321) Examination.

604.4(1) An examination is to include:

a. A vision screening if the person has not filed a vision report.

b. A knowledge test of Iowa traffic laws and highway signs.

c. A driving test of the person's ability to operate a motor vehicle.

604.4(2) The examination required for a driver's license depends upon the class of license requested, applicable endorsements and the qualifications of the applicant.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.186 and 321.186A.

[**ARC 9578C**, IAB 10/1/25, effective 11/5/25]

761—604.5(307,321) Vision screening.

604.5(1) *Method.* Prior to issuance, the department will use a vision screening instrument to screen the applicant's vision. An applicant who uses corrective lenses may be screened with or without the corrective lenses.

604.5(2) *Report.* A vision report measuring visual acuity level and field of vision is to be submitted on Form 430032 signed by a licensed vision specialist within 30 days prior to submission to the department for consideration. In lieu of Form 430032, a letter signed by a licensed vision specialist may be accepted if it contains all the information specified on Form 430032.

604.5(3) *Exception for persons renewing electronically.* An applicant renewing a driver's license electronically pursuant to 761—subrule 605.25(7) is not required to complete a vision screening or submit a vision report. This subrule does not preclude the department from requiring a vision screening or vision report of a person who has renewed a driver's license electronically when the department has reason to believe that the person is not capable of operating a motor vehicle safely.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.186, 321.186A and 321.196.
[**ARC 9578C**, IAB 10/1/25, effective 11/5/25]

761—604.6(307,321) Vision standards. The visual acuity and field of vision standards for licensing and the applicable restrictions are as follows.

604.6(1) *Visual acuity standards.*

a. When the applicant is screened without corrective lenses. If the visual acuity is 20/40 or better with both eyes or with the better eye, no restriction will be imposed. If the visual acuity is less than 20/40 but at least 20/70 with both eyes or with the better eye, the applicant is to be restricted from driving when headlights are required.

b. When the applicant is screened with corrective lenses. If the visual acuity is 20/40 or better with both eyes or with the better eye, the applicant is to be restricted to wear corrective lenses when driving. If the visual acuity is less than 20/40 but at least 20/70 with both eyes or with the better eye, the applicant is to be restricted from driving when headlights are required and to wear corrective lenses when driving.

c. Other standards.

(1) If the visual acuity in the left eye is less than 20/100, the applicant is to be restricted to driving a vehicle with both left and right outside rearview mirrors. However, if the applicant has a visual acuity of 20/40 in the right eye and less than 20/100 in the left eye without corrective lenses and has corrective lenses that improve the vision in the left eye to better than 20/100, the applicant is to have the option of being restricted to driving with corrective lenses or driving a vehicle with both left and right outside rearview mirrors.

(2) A driving test is required prior to issuance the first time visual acuity measures below 20/40.

604.6(2) *Field of vision standards.*

a. If the binocular field of vision is at least 140 degrees, no restriction will be imposed.

b. If the binocular field of vision is less than 140 degrees but at least 110 degrees, or one eye has a monocular field of vision of at least 100 degrees, the applicant is to be restricted to driving a vehicle with both left and right outside rearview mirrors.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.186, 321.193 and 321.196.
[**ARC 9578C**, IAB 10/1/25, effective 11/5/25]

761—604.7(307,321) Vision referrals.

604.7(1) *Referral.*

a. If, during any vision screening, an applicant cannot attain 20/40 with at least one eye but can attain 20/70 with at least one eye, the department will not issue a license to the applicant and will advise the applicant to consult a licensed vision specialist.

b. A vision report, pursuant to subrule 604.5(2), is required before the department will reconsider licensing.

604.7(2) *License.* If the applicant's license is valid, the department may issue a temporary driving permit with restrictions appropriate to the applicant's visual acuity level and field of vision. If the applicant's license is valid for less than 30 days, the temporary driving permit will not be valid for more than 60 days from the end of the current license validity.

604.7(3) *Report.* If the vision report recommends a restriction, the department will issue a restricted license even though it would not be required by departmental standards.

604.7(4) *Applicant refusal.* If an applicant refuses to consult a licensed vision specialist, the department will issue or deny the license based on the results achieved on the vision screening.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.181, 321.186, 321.186A, 321.193 and 321.196.

[**ARC 9578C**, IAB 10/1/25, effective 11/5/25]

761—604.8(307,321) Vision screening results.

604.8(1) *Two-year license.* An applicant who cannot attain a visual acuity of 20/40 with both eyes or with the better eye will be issued a two-year license.

604.8(2) *License denied.*

a. An applicant who cannot attain a visual acuity of 20/70 with both eyes or with the better eye will not be licensed subject to discretionary issuance under subrule 604.8(4).

b. If the applicant's binocular field of vision is less than 110 degrees or the monocular field of vision is less than 100 degrees, the applicant will not be licensed subject to discretionary issuance under subrule 604.8(4).

604.8(3) *Reapplication.* An applicant who cannot meet the vision standards in subrule 604.8(2) may reapply when the vision improves and the applicant meets the vision standards. If a suspension or denial notice was served, reapplication is to be made to the motor vehicle division at the address in subrule 604.3(1) or at a driver's license service center.

604.8(4) *Discretionary issuance.*

a. An applicant whose license is restricted under rule 761—604.6(321) or who cannot meet the vision standards in subrule 604.8(2) may submit a written request for review by the department.

b. Based upon consideration of the applicant's vision report, driving test and driving record, the written recommendation of the applicant's licensed vision specialist and traffic conditions in the vicinity of the applicant's residence, the department may recommend issuing a license with restrictions suitable to the applicant's capabilities subject to the following:

(1) An applicant who cannot attain a visual acuity of 20/100 with both eyes or with the better eye may be considered for licensing only after recommendation by the medical advisory board.

(2) An applicant who cannot attain a visual acuity of 20/199 with both eyes or with the better eye will not be licensed.

(3) An applicant who cannot attain a binocular or monocular field of vision of 75 degrees may be considered for licensing only after recommendation by the medical advisory board.

(4) An applicant who cannot attain a binocular or monocular field of vision of 21 degrees will not be licensed.

c. The department's recommendation denying discretionary issuance or regarding the extent and nature of restrictions is subject to reversal or modification upon review or appeal only if it is clearly characterized by an abuse of discretion.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.186, 321.186A, 321.193 and 321.196.

[**ARC 9578C**, IAB 10/1/25, effective 11/5/25]

761—604.9(307,321) Knowledge test.

604.9(1) *Written test.* A knowledge test is used to determine an applicant's ability to read and understand Iowa traffic laws and the highway signs that regulate, warn and direct traffic. The department reserves the right to revise a test at any time and will declare the minimum passing score for each test.

604.9(2) *Oral test.* An applicant who is unable to read or understand a written test may request an oral test. The oral test may be administered by an examiner or by an automated testing device.

604.9(3) *Test score.* The test score result is valid for 180 days.

604.9(4) *Retesting.* An applicant who fails a knowledge test may repeat the test at the discretion of the examiner.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.186.

[**ARC 9578C**, IAB 10/1/25, effective 11/5/25]

761—604.10(307,321) Knowledge test requirements and waivers.

604.10(1) *Knowledge test requirements.* The knowledge test requirements are as follows:

a. An operator's knowledge test is required for all classes of noncommercial driver's licenses and all types of special driver's licenses and permits.

b. A motorcycle knowledge test is required for all:

(1) Motorcycle instruction permits.

(2) Class M driver's licenses.

(3) Motorcycle endorsements.

604.10(2) *Knowledge test waivers.* The department may waive a knowledge test listed in subrule 604.10(1) if the applicant meets one of the following qualifications:

a. The applicant has passed the same type of test for another Iowa driver's license or an equivalent out-of-state license that is still valid or has expired within the past year.

b. The applicant has a valid, equivalent driver's license issued by a foreign jurisdiction with which Iowa has a nonbinding reciprocity agreement.

c. The applicant has a military extension and is renewing the applicant's Iowa driver's license within six months following separation from active duty.

d. The applicant is renewing an Iowa driver's license or endorsement within a period of one year after the expiration date of the license or endorsement.

e. The applicant is reinstating from a denial, cancellation, suspension, revocation, disqualification or bar of an Iowa driver's license or endorsement within a period of one year after the expiration date of the denial, cancellation, suspension, revocation, disqualification or bar.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.1(8), 321.180 through 321.180B, 321.186, 321.189, 321.196 and 321.198.

[**ARC 9578C**, IAB 10/1/25, effective 11/5/25]

761—604.11(307,321) Driving test. A driving test is used to determine an applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle under actual traffic conditions. The test may also be called a road test, field test or driving demonstration. A motorcycle skills test is an off-street demonstration of an applicant's ability to control the motorcycle in a set of standard maneuvers, and a motorcycle driving test is an on-street demonstration.

604.11(1) *Vehicle type and safety.*

a. For the driving test, the applicant is to provide a representative vehicle and proof of financial responsibility for the representative vehicle.

b. The examiner or other authorized personnel will visually inspect the vehicle. If a vehicle is illegal or unsafe or is not a representative vehicle, the examiner will refuse to administer the test until an acceptable vehicle is provided.

604.11(2) *Criteria and route.* Form 430024 explains the test criteria and will be given to the applicant before any operator's driving test. The applicant will be directed over one of the routes that have been preselected by the examiner to test driving skills and maneuvers.

604.11(3) *Test score.* The examiner will use the standard departmental score sheet to record the test score and the licensing decision. At the end of the test, the examiner will explain the test score to the applicant. The test score result is valid for 180 days.

604.11(4) *Retesting.* An applicant who fails a driving test may repeat the test at the discretion of the examiner.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.174 and 321.186.

[**ARC 9578C**, IAB 10/1/25, effective 11/5/25]

761—604.12(307,321) Driving test requirements and waivers for noncommercial driver's licenses.

604.12(1) *Driving test requirements.* The driving test requirements for noncommercial driver's licenses are as follows.

a. Instruction permits. An applicant is not required to obtain an instruction permit for a driving test.

b. Class C driver's licenses. For a Class C driver's license other than an instruction permit or a motorized bicycle license, an operator's driving test is to be in a representative vehicle, except that an autocycle as defined in Iowa Code section 321.1(6A) cannot be used for the driving test.

c. Class D driver's licenses. For a Class D driver's license, a driving test in a representative vehicle for the endorsement requested, as set out in 761—subrule 605.7(3), is required.

d. Class M driver's licenses and motorcycle endorsements. The driving test for a Class M driver's license or motorcycle endorsement consists of two parts: an off-street motorcycle skill test and an on-street motorcycle driving test.

(1) The off-street motorcycle skill test is required. The on-street motorcycle driving test is also required if the applicant does not have another driver's license that permits unaccompanied driving. Neither motorcycle test is required for the purposes of operating an autocycle.

(2) A motorcycle is to be used for the motorcycle skills test and motorcycle driving test. If a three-wheeled motorcycle is used, the driver's license will be restricted: "Not valid for 2-wheel vehicle." An autocycle is not considered a motorcycle or a three-wheeled motorcycle for testing purposes.

e. Motorized bicycle licenses. For a motorized bicycle license, an off-street or on-street driving test may be required. A motorized bicycle is to be used for the test.

604.12(2) *Driving test waivers.* The department may waive a required driving test listed in subrule 604.12(1) if the applicant meets one of the following qualifications:

a. The applicant has successfully completed the appropriate Iowa-approved course or courses. The appropriate Iowa-approved courses are the following: driver education, other than driver education by a teaching parent under rule 761—634.11(321), for an applicant's first Class C driver's license that permits unaccompanied driving other than motorized bicycle; motorcycle rider education for a Class M driver's license or motorcycle endorsement; and motorized bicycle education for a motorized bicycle license. However, if an applicant is under the age of 18, a driving test is required if requested by the applicant's parent, guardian or course instructor.

b. The applicant is renewing a Class C, Class D or Class M Iowa driver's license or endorsement within a period of one year after the expiration date of the license or endorsement.

c. The applicant is reinstating from a denial, cancellation, suspension, revocation, disqualification or bar of an Iowa driver's license or endorsement within a period of one year after the expiration date of the denial, cancellation, suspension, revocation, disqualification or bar.

d. The applicant has passed the same type of driving test for another Iowa driver's license or endorsement that is still valid or has expired within the past year.

e. The applicant has a military extension and is renewing the applicant's Iowa driver's license within six months following separation from active duty.

f. The applicant is applying for a Class C Iowa driver's license that permits unaccompanied driving and has an equivalent out-of-state license that is valid or has expired within the past year.

g. The applicant is applying for a Class D Iowa driver's license and has an equivalent out-of-state license that is valid or has expired within the past year.

h. The applicant is applying for a Class M driver's license or a motorcycle endorsement and has an equivalent out-of-state Class M driver's license or motorcycle endorsement that is valid or has expired within the past year.

i. The applicant has a valid, equivalent driver's license issued by a foreign jurisdiction with which Iowa has a nonbinding reciprocity agreement.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.1, 321.174, 321.178, 321.178A, 321.180 through 321.180B, 321.186, 321.189, 321.193, 321.196 and 321.198.

[**ARC 9578C**, IAB 10/1/25, effective 11/5/25]

761—604.13(307,321) Failure to pass examination.

604.13(1) An applicant who fails to pass a required examination or reexamination will not be licensed.

a. If the applicant does not have a valid Iowa license, the department will deny the applicant a license.

b. If the applicant has a valid Iowa license, the department will suspend the license for incapability. However, if the applicant's license is valid for less than 30 days, the department will deny further licensing. The department will serve a notice of suspension or denial.

c. More information regarding denials and suspensions for incapability can be found in rule 761—615.4(321).

d. An applicant may contest a denial or suspension in accordance with rule 761—615.38(321).

604.13(2) Limitations on the hearing and appeal process.

a. After a suspension or denial for failure to pass a required knowledge or driving test, a person who contests the suspension or denial has exhausted the person's administrative remedies after three unsuccessful attempts to pass the required test.

b. After the three unsuccessful attempts, no further testing will be allowed until six months have elapsed from the date of the last test failure and then only if the applicant demonstrates a significant change or improvement in those physical or mental factors that resulted in the original decision. A request for further testing must be submitted in writing to the motor vehicle division at the address in subrule 604.3(1).

c. Notwithstanding paragraphs 604.13(2)*"a"* and *"b,"* no testing will occur if the department determines that it is unsafe to allow testing.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.177, 321.180A and 321.210.

[**ARC 9578C**, IAB 10/1/25, effective 11/5/25]

761—604.14(307,321) Reinstatement. A person whose license has been suspended or denied for failure to pass a required examination or reexamination is to meet the vision standards for licensing and pass the required examination(s) before an Iowa license will be issued.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.177 and 321.186.

[**ARC 9578C**, IAB 10/1/25, effective 11/5/25]

761—604.15(307,321) Special reexaminations.

604.15(1) As provided in Iowa Code section 321.186, the department may require a special reexamination of any licensee. The reexamination may consist of one or more of the following:

a. Medical report.
b. Vision report.
c. Vision screening.
d. Cognitive screening.
e. Knowledge test.
f. Driving test.

604.15(2) The department may require a special reexamination when a licensee has been involved in a fatal motor vehicle accident and the investigating officer's report of the accident indicates the licensee contributed to the accident.

604.15(3) The department may require a special reexamination when a licensee has been involved in two accidents within a three-year period and the investigating officer's report of each accident lists one of the following "Driver/Vehicle Related Contributing Circumstances" for the licensee:

a. Ran traffic signal.
b. Ran stop sign.
c. Passing, interfered with other vehicle.
d. Left of center, not passing.
e. Failure to yield right-of-way at uncontrolled intersection.
f. Failure to yield right-of-way from stop sign.
g. Failure to yield right-of-way from yield sign.
h. Failure to yield right-of-way making left turn.
i. Failure to yield right-of-way to pedestrian.
j. Failure to have control.

604.15(4) The department may require a special reexamination when a licensee has been involved in an accident and the investigating officer's report lists a driver condition for the licensee of "fatigue or asleep."

604.15(5) The department may require a special reexamination when a licensee who is 65 years of age or older has been involved in an accident and information in the investigating officer's or the person's own report of the accident indicates the need for reexamination. A circumstance that may indicate a need for reexamination includes but is not limited to any one of the following:

a. The licensee made a left turn that resulted in the accident.

b. The licensee failed to yield the right-of-way at a stop sign.

c. The licensee failed to yield the right-of-way at a yield sign.

d. The licensee failed to yield the right-of-way at an uncontrolled intersection.

e. The licensee failed to yield the right-of-way at a traffic control signal.

f. The licensee's vision may be a contributing factor to an accident.

g. The licensee has a physical disability-related license restriction other than "corrective lenses" and the accident involved one of the circumstances listed in paragraphs 604.15(5)*"a"* through *"f."*

h. The investigating officer's report lists a driver condition for the licensee of "loss of consciousness."

i. The investigating officer's report lists a driver condition for the licensee of "illness which resulted in the accident."

604.15(6) The department may require a special reexamination when the department receives an accident report or a recommendation by a peace officer, a court or a properly documented citizen's request. A factor that may indicate a need for reexamination includes but is not limited to any one of the following:

a. Loss of consciousness.

b. Confusion, disorientation or dementia.

c. Inability to maintain a vehicle in the proper lane.

d. Repeatedly ignoring traffic control devices.

e. Inability to interact safely with other vehicles.

f. Inability to maintain consistent speed when no reaction to other vehicles or pedestrians is required.

g. Illness that resulted in an accident.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.177, 321.186 and 321.210.

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[1] Effective date of 604.11(2) and 604.13(2)*"b"* delayed until adjournment of the 1988 Session of the General Assembly pursuant to Iowa Code section 17A.8(9) by the Administrative Rules Review Committee at its June 1987 meeting.

CHAPTER 605
LICENSE ISSUANCE

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/19/30

761—605.1(307,321) Information.

605.1(1) *Scope.* This chapter 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.

605.1(2) *Information and location.* Applications, forms and information concerning driver's licenses are available at any driver's license service center. Assistance is also available by mail from Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; by telephone at 515.244.8725; by facsimile at 515.237.1837; or on the department's website at www.iowadot.gov/mvd/driverslicense/Fees-and-license-type#54672687-non-commercial-drivers-license.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.174.

[**ARC 9623C**, IAB 10/15/25, effective 11/19/25]

761—605.2(307,321) Definitions. The definitions in Iowa Code section 321.1 and the following definitions apply to this chapter.

"Interstate or freeway driving" means fully and partially controlled access roads with a speed limit of 65 miles per hour or more for the purposes of this chapter.

"License" means "driver's license" as defined in Iowa Code section 321.1(20A) unless the context otherwise requires.

"Medical report" means a report from a qualified medical professional attesting to a person's physical or mental capability to operate a motor vehicle safely. The report should be submitted on Form 430031. In lieu of Form 430031, a report signed by a qualified medical professional on the qualified medical professional's letterhead may be accepted if it contains all the information specified on Form 430031.

"Nearby" in Iowa Code section 321.176(2) means a distance of not more than two miles.

"Qualified medical professional" means a person licensed as a physician under Iowa Code chapter 148, a person licensed as an advanced registered nurse practitioner under Iowa Code chapter 152 and licensed with the board of nursing or a person licensed as a physician assistant under Iowa Code chapter 148C, when practicing within the scope of the person's professional licensure.

"Temporarily present in this state" means a person who has temporary lawful status as defined in 6 CFR Section 37.3 effective January 1, 2024.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.1 and 321.176.

[**ARC 9623C**, IAB 10/15/25, effective 11/19/25]

761—605.3(252J,307,321) Persons not to be licensed.

605.3(1) The department will not knowingly issue a license to any person who:

a. Is ineligible for licensing.

b. Is unable to operate a motor vehicle safely because of a physical or mental disability until that person submits a medical report or vision report stating that the person is physically and mentally capable of operating a vehicle safely and passes the applicable examinations if required under 761—Chapter 604 or 607.

c. Has been specifically adjudged incompetent pursuant to Iowa Code chapter 229 on or after January 1, 1976, including anyone admitted to a mental health facility prior to that date and not released until after, until the department receives specific adjudication that the person is competent. A medical report stating that the person is physically qualified to operate a motor vehicle safely is also required.

d. Suffers from syncope of any cause, any type of periodic or episodic loss of consciousness, or any paroxysmal disturbances of consciousness, including but not limited to epilepsy, until that person has not had an episode of loss of consciousness or loss of voluntary control for six months and then only upon receipt of a medical report favorable toward licensing.

(1) If a medical report indicates a pattern of only syncope, the department may license without a six-month episode-free period after favorable recommendation by the medical advisory board.

(2) If a medical report indicates a pattern of such episodes only when the person is asleep or is sequestered for sleep, the department may license without a six-month episode-free period.

(3) If an episode occurs when medications are withdrawn by a qualified medical professional, but the person is episode-free when placed back on medications, the department may license without a six-month episode-free period with a favorable recommendation from a neurologist.

(4) If a medical report indicates the person experienced a single nonrecurring episode, the cause has been identified, the qualified medical professional is not treating the person for the episode or a contributing health condition and the qualified medical professional believes the episode is unlikely to recur, the department may license without the six-month episode-free period with a favorable recommendation from a qualified medical professional. As used in this subparagraph, a "single nonrecurring episode" means an incident that is not caused by a health condition and there is no history of prior episodes or a health condition that may cause such an episode.

e. Must wear bioptic telescopic lenses to meet the visual acuity standard required for a license.

f. Is the named person on a certificate of noncompliance that has been received from child support services, until the department receives a withdrawal of the certificate of noncompliance or unless an application has been filed pursuant to Iowa Code section 252J.9.

605.3(2) When a medical report is required, a license will be issued only if the report indicates that the person is qualified to operate a motor vehicle safely. The department may submit the report to the medical advisory board for an additional opinion.

605.3(3) When the department receives evidence that an Iowa licensed driver has been adjudged incompetent or is not physically or mentally qualified to operate a motor vehicle safely, the department will suspend the license for incapability, as explained in rule 761—615.14(321), or deny further licensing, as explained in rule 761—615.4(321).

This rule is intended to implement Iowa Code sections 252J.8, 252J.9, 307.12(1)*"j,"* 321.13, 321.177, 321.186, 321.193, 321.210 and 321.212.

[**ARC 9623C**, IAB 10/15/25, effective 11/19/25]

761—605.4(142C,321) Contents of license. In addition to the information specified in Iowa Code section 321.189(2), the following information will be shown on a driver's license.

605.4(1) *Name.* The licensee's full legal name will be listed as established according to 761—subrules 601.5(1) and 601.5(5) and will conform to the requirements of 761—subrule 601.1(2).

605.4(2) *Current residential address.* The licensee's current residential address will be listed as established according to the requirements of 761—subrule 601.1(6) and 761—subrule 601.5(3).

605.4(3) *Physical description.* The physical description of the licensee on the face of the driver's license will include the following as established according to the requirements of 761—subrule 601.1(5):

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 feet and inches.

605.4(4) *Date of birth.* The licensee's date of birth will be listed as established according to 761—subrules 601.5(1) and 601.5(6).

605.4(5) *Sex.* The licensee's sex will be identical to the sex listed on the identity document submitted under rule 761—601.5(321).

605.4(6) *REAL ID markings.*

a. A driver's license that is issued as a REAL ID driver's license as defined in rule 761—601.7(321) will include a security marking as required by 6 CFR Section 37.17(n) effective January 1, 2024.

b. A driver's license that is not issued as a REAL ID driver's license as defined in rule 761—601.7(321) is to include the following statement on the face of the card: "not for REAL ID act purposes" as required by 6 CFR Section 37.71 effective January 1, 2024, and any subsequent guidance issued by the U.S. Department of Homeland Security.

c. A driver's license issued to a foreign national who is temporarily present in this state will include the following statement on the face of the license: "limited term."

605.4(7) *Voluntary markings.* Upon the request of the licensee, the department will indicate on the driver's license any of the following:

a. That the licensee has 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 hard of hearing 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 in accordance with Iowa Code section 35.1. A licensee who requests a veteran designation may provide Form 432035, properly completed by the licensee and a designee of the Iowa department of veterans affairs, or the licensee's 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 that 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.

f. That the licensee has autism spectrum disorder.

This rule is intended to implement Iowa Code section 4.1A as enacted by 2025 Iowa Acts, Senate File 418; Iowa Code sections 142C.3 and 321.189; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

[**ARC 9623C**, IAB 10/15/25, effective 11/19/25]

761—605.5(321) License class. The driver's license class will 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.

[**ARC 9623C**, IAB 10/15/25, effective 11/19/25]

761—605.6(321) Endorsements. The endorsements will be coded on the face of the driver's license and explained in text on the back of the driver's license.

605.6(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

605.6(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

605.6(3) *For a Class D driver's license (chauffeur).* The following endorsement may be added to a Class D driver's license using this number code:

3—Passenger vehicle less than 16-passenger design

605.6(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 321.1(8), 321.180 and 321.189.

[**ARC 9623C**, IAB 10/15/25, effective 11/19/25]

761—605.7(321) Restrictions. Restrictions will 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.

605.7(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 two-wheel vehicle

W—Restricted commercial driver's license (CDL)

Y—Intermediate license

605.7(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

605.7(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

605.7(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—Medical variance

X—No cargo in CMV tank vehicle

605.7(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

5—Motorized bicycle license

6—Minor's restricted work license

7—Special minor's restricted license

605.7(6) *Additional information.*

a. Recall of current licensees. Based on information disclosed by the applicant to the department, or the department's knowledge of a licensee's physical or mental condition, the department may issue a restriction requiring a person to complete additional examination(s) or submit additional information at a specified time to retain a valid license. The department may require a medical report to be submitted. The department will send Form 430511 as a reminder to submit the requested information or appear for examination.

b. Loss of consciousness or voluntary control.

(1) If a person is licensed pursuant to subparagraph 605.3(1)*"d"*(1), *"d"*(2) or *"d"*(3), the department will issue the first driver's license following an episode of loss of consciousness or voluntary control with a restriction stating that a medical report is required in 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 will issue a duplicate driver's license with a restriction requiring a medical report in two years or at renewal if the license expires in less than two years. At each renewal accompanied by a favorable medical report, the department will issue a two-year driver's license with the same restriction.

(3) The department may remove the medical report requirement and issue a full-term driver's license. Consideration for removal of the requirement may include but is not limited to the following criteria:

1. Recommendation by a qualified medical professional.

2. The latest medical information on file with the department indicates that either of the following are true:

- 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.
- The person has not had an episode of loss of consciousness or voluntary control during the ten-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 will 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 321.177, 321.178, 321.180 through 321.180B, 321.186, 321.188, 321.189, 321.193, 321.194, 321.215, 321J.4 and 321J.20.

[**ARC 9623C**, IAB 10/15/25, effective 11/19/25]

761—605.8(321) Credential term for a foreign national temporarily present in this state. A driver's license or nonoperator's identification card issued to a person who is a foreign national who is temporarily present in this state shall be issued only for the length of time the person is authorized to be present in the United States as verified by the department, not to exceed two years, pursuant to 6 CFR Section 37.21 effective January 1, 2024. However, if the person's lawful status has no expiration date, the driver's license will 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) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

[**ARC 9623C**, IAB 10/15/25, effective 11/19/25]

761—605.9(307,321) Fees for driver's licenses. Fees for driver's licenses are specified in Iowa Code section 321.191 and this chapter. A license fee may be paid by cash, check, credit card, debit card, money order or an escrow account if approved by the department.

605.9(1) If the payment is by check, the check shall be for the exact amount of the fee and payable to: Treasurer, State of Iowa. An exception may be made when a traveler's check is presented.

605.9(2) One payment method may be used to pay fees for several persons, such as members of a family or employees of a business firm. One payment method may pay all fees involved, such as the license fee and the reinstatement fee.

605.9(3) An applicant who is on federal active duty or state active duty, a veteran with a permanent service-connected disability rating of 100 percent or a veteran who was issued an honorable discharge or general discharge under honorable conditions is eligible for a waiver of the fees for a driver's license as provided in Iowa Code section 321.191. An eligible applicant may qualify for more than one fee waiver.

a. An applicant may provide proof of eligibility for the fee waiver to the department in one of the following ways as applicable to the applicant's active duty, veteran or disability status:

(1) An active duty service member is to present an unexpired Armed Forces of the United States Geneva Conventions identification card, also known as a common access card (CAC), issued by the U.S. Department of Defense under 32 CFR Part 161. A federal or state military member who is a reservist may instead present an unexpired Uniformed Services identification card (USID) issued by the U.S. Department of Defense under 32 CFR Part 161 indicating a reserve affiliation.

(2) An applicant with a permanent service-connected disability rating of 100 percent is to present proof that the applicant is the subject of a certification of disability of 100 percent from the U.S. Department of Veterans Affairs.

(3) An applicant who has been discharged from military service is to present certification of release or discharge from active duty, DD Form 214, indicating that the applicant received an honorable discharge or a general discharge under honorable conditions.

b. An applicant who qualifies for the fee waiver under subparagraph 605.9(3)*"a"*(2) or 761—subparagraph 604.10(3)*"a"*(3) or both subparagraphs is to submit proof of eligibility only once unless the proof is invalid or not accepted by the department.

c. An applicant who qualifies for the fee waiver under subparagraph 605.9(3)*"a"*(2) or *"a"*(3) or both subparagraphs, who has presented proof of eligibility to the department during a previous license issuance transaction and who is otherwise eligible under subrule 605.15(6) or 605.15(7) to renew the applicant's driver's license electronically will be waived from the applicable fees during the electronic renewal. An applicant who qualifies under subparagraph 605.9(3)*"a"*(1) will not receive the applicable fee waivers if the applicant chooses to renew the driver's license electronically under subrule 605.15(6) or 605.15(7).

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.191.

[**ARC 9623C**, IAB 10/15/25, effective 11/19/25]

761—605.10(307,321) Duplicate license.

605.10(1) *Lost, stolen or destroyed license.* Prior to replacing a valid license that is lost, stolen or destroyed, the department will verify the licensee's full legal name, date of birth and social security number and collect 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 will not issue the replacement license if the licensee's identity is questionable, cannot be determined or otherwise does not match the identity of record.

605.10(2) *Voluntary replacement.* The department will 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.

c. Replacement to change the name on a license.

d. Replacement to change the date of birth on a license.

e. Issuance of a license without the words "under 21" to a licensee who is 21 years of age or older.

f. 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.")

g. Issuance of a noncommercial driver's license to an eligible person who has been disqualified from operating a commercial motor vehicle.

h. 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 effective January 1, 2024 (a REAL ID driver's license).

i. Replacement to add a veteran designation to the license.

605.10(3) *Replacement upon attaining the age of 21.* A licensee, upon attaining the age of 21, who is otherwise eligible for a driver's license is eligible to electronically apply for a replacement driver's license under this rule for the unexpired months of the license, regardless of whether the most recent issuance occurred electronically.

a. Except for the requirements in subparagraphs 605.15(6)*"a"*(1) and *"a"*(2), the licensee must meet the eligibility requirements listed in paragraph 605.15(6)*"a"* or 605.15(7)*"a"* to replace the license electronically in addition to the following criteria:

(1) The licensee must be at least 21 years old.

(2) The licensee must currently hold a driver's license marked "under 21" as provided in Iowa Code section 321.189.

b. Notwithstanding any other provision of this chapter to the contrary, the department may accept an electronic replacement application if the licensee seeks replacement of a special instruction permit or a license with a single "J" restriction accompanied by a "9" restriction.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.13, 321.189, 321.195 and 321.208; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

[**ARC 9623C**, IAB 10/15/25, effective 11/19/25]

761—605.11(307,321) Address changes.

605.11(1) A licensee's duty to notify the department of a change in the licensee's mailing address pursuant to Iowa Code section 321.182 shall occur by one of the following methods:

a. Submitting the address change to the address listed in subrule 605.1(2) using Form 430012 or a written and signed statement listing the licensee's full name, date of birth, driver's license number and new mailing address.

b. Completing the address change on the department's website at www.iowadot.gov/mvd/driverslicense/changes-or-corrections.

c. Appearing in person to change the mailing address at any driver's license service center.

605.11(2) Parents or legal guardians may provide written notice of a mailing address change on behalf of the person's minor children.

605.11(3) The department may use U.S. Postal Service address information to update the department's address records.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.182 and 321.184.

[**ARC 9623C**, IAB 10/15/25, effective 11/19/25]

761—605.12(307,321) License extension.

605.12(1) *Six-month extension.* An Iowa resident may apply for a six-month extension of a noncommercial license if the licensee meets all of the following criteria:

a. Has a valid license.

b. Is eligible for further licensing.

c. Is temporarily absent from Iowa or is temporarily incapacitated at the time for renewal.

605.12(2) *Procedure.* Acceptable methods to apply for an extension by an eligible licensee include submitting Form 430027 to the department or to a driver's license service center or applying by letter to the address in subrule 605.1(2).

a. A six-month extension will be added to the expiration date of 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 will allow only two six-month extensions.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.196.

[**ARC 9623C**, IAB 10/15/25, effective 11/19/25]

761—605.13(307,321) Military extension.

605.13(1) *Application.* A person who qualifies for a military extension of a valid license under Iowa Code section 321.198 and who wishes to have a record of the person's military service extension recorded in the department's computerized issuance system shall apply to the department by presenting the person's unexpired CAC or by submitting Form 430081 signed by the person's commanding officer to verify the military service and accompanied by a copy of the person's CAC or current active duty orders to the address in subrule 605.1(2). Upon approval, the department will update the department's electronic records with the person's military exception status and issue the person a letter explaining the provisions of Iowa Code section 321.198 regarding military extensions.

605.13(2) *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. In accordance with Iowa Code section 321.198(1)*"b,"* the applicant is to pay all applicable fees to renew the license. The applicant may also be waived from the applicable knowledge or driving skills examination in accordance with the provisions of 761—paragraphs 604.21(2)*"c"* and 604.31(2)*"e"* and 761—subrules 607.27(5) and 607.28(6).

605.13(3) *Reinstatement after sanction.* A person with a military extension whose license has been canceled, suspended or revoked shall comply with the requirements of rule 761—615.24(321,321A,321J) to reinstate the license.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.198.

[**ARC 9623C**, IAB 10/15/25, effective 11/19/25]

761—605.14(321) Fee adjustment for upgrading license. The fee to upgrade a driver's license will 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.

605.14(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.

605.14(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
Special minor's restricted 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 9623C**, IAB 10/15/25, effective 11/19/25]

761—605.15(307,321) License renewal.

605.15(1) A licensee who wishes to renew a driver's license is to apply to the department and, if required, pass the appropriate examination.

605.15(2) A valid noncommercial license may be renewed within 180 days before the expiration date. The department for good cause may renew a noncommercial license earlier, except the department will not renew a REAL ID driver's license issued under rule 761—601.7(321) earlier than 180 days before the expiration date if such a renewal would result in noncompliance under 6 CFR Section 37.5(a) effective January 1, 2024.

605.15(3) If the licensee's current residential address, name or date of birth has changed since the previous license was issued, the licensee shall:

a. Notify the department to establish the current residential address.

b. Comply with the requirements of 761—subrule 601.5(5) to establish a name change.

c. Comply with the requirements of 761—subrule 601.5(6) to establish a change of date of birth.

605.15(4) A licensee who has not previously been issued a license that may be accepted for federal identification purposes under 6 CFR Part 37 effective January 1, 2024 (a REAL ID driver's license), and wishes to obtain a REAL ID driver's license upon renewal must comply with the requirements of rule 761—601.5(321) to obtain a REAL ID driver's license upon renewal.

605.15(5) A licensee who is a foreign national who is temporarily present in this state must provide documentation of lawful status as required by 761—subrule 601.5(4) at each renewal.

605.15(6) An applicant who meets the eligibility criteria may apply for electronic renewal of a noncommercial driver's license.

a. Eligibility criteria include the following:

(1) The applicant is 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) through 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.

(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

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" or "Y" restriction.

c. The department may deny electronic renewal and require the applicant to apply in person 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 paragraph 605.15(6)*"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, implemented in 6 CFR Part 37 effective January 1, 2024 (a REAL ID driver's license), cannot request a REAL ID driver's license by electronic renewal.

605.15(7) Subject to the requirements in paragraphs 605.15(6)*"c"* and *"d,"* an applicant who meets the following eligibility criteria may apply for electronic renewal of a commercial driver's license:

a. The applicant is otherwise eligible to renew a commercial driver's license and meets the same eligibility requirements for renewing a noncommercial driver's license listed in paragraph 605.15(6)*"a"* to renew the license electronically, except that numbered paragraph 605.15(6)*"a"*(9)"3" does not apply if the applicant is adding or removing the "K" restriction from the license at the time of renewal.

b. The applicant is not subject to any of the following restrictions or endorsements:

H—Hazardous material

X—Hazardous material and tank

c. The applicant does not also hold a valid commercial learner's permit under Iowa Code section 321.180(2) as documented by restriction "3" on the commercial driver's license.

d. An applicant self-certifying to non-excepted interstate driving has a valid medical certificate on file with the department as required under rule 761—607.50(321).

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.186, 321.188 and 321.196; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

[**ARC 9623C**, IAB 10/15/25, effective 11/19/25]

761—605.16(307,321) Graduated driver's license upgrades. An applicant subject to the graduated driver's license requirements under Iowa Code section 321.180B who is otherwise eligible for a driver's license may electronically apply to upgrade the applicant's driver's license.

605.16(1) Except for the requirements in subparagraphs 605.15(6)*"a"*(1) and *"a"*(2), an eligible applicant must meet both the requirements listed in paragraph 605.15(6)*"a"* and the following criteria:

a. The applicant was issued an intermediate license under Iowa Code section 321.180B(2) or a special minor's restricted license under Iowa Code section 321.194 in person.

b. The applicant is otherwise eligible to upgrade a license class privilege under Iowa Code section 321.180B or 321.194.

605.16(2) The requirements in paragraphs 605.15(6)*"c"* and *"d"* also apply to a license issued under this rule.

605.16(3) If an applicant upgrades electronically under this rule to a driver's license with an eight-year expiration date, the applicant is ineligible to electronically renew the applicant's full driver's license at the next renewal period.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.180B and 321.194.

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CHAPTER 606
Reserved

CHAPTER 607
COMMERCIAL DRIVER LICENSING

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/5/30

761—607.1(321) Scope. This chapter applies to licensing persons for the operation of commercial motor vehicles. Unless otherwise stated, the provisions of this chapter are in addition to other motor vehicle licensing rules in Iowa Code chapter 321.

This rule is intended to implement Iowa Code section 321.188.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.2(321) Information.

607.2(1) *Information and location.* Applications, forms and information about the commercial driver's license (CDL) are available at any driver's license service center. Assistance is also available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Boulevard, Ankeny, Iowa; by telephone at 515.244.8725; by facsimile at 515.239.1837; or on the department's website at www.iowadot.gov/mvd/cdl/CDL-homepage.

607.2(2) *Manual.* Copies of the study manual for the commercial driver's license tests are available upon request at any driver's license service center and on the department's website.

This rule is intended to implement Iowa Code section 321.188.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.3(321) Definitions. The definitions in Iowa Code section 321.1 apply to this chapter of rules. In addition, the following definitions are adopted:

"Air brake system" means a system that uses air as a medium for transmitting pressure or force from the driver's control to the service brake. "Air brake system" shall include any braking system operating fully or partially on the air brake principle.

"Air over hydraulic brakes" means any braking system operating partially on the air brake and partially on the hydraulic brake principle.

"Automatic transmission" means any transmission other than a manual transmission.

"CDLIS" means "commercial driver's license information system" as defined in Iowa Code section 321.1.

"Commercial driver's license downgrade" or *"CDL downgrade"* means the same as defined in 49 CFR Section 383.5 (October 1, 2024).

"Commercial motor vehicle" or *"CMV"* as defined in Iowa Code section 321.1 does not include a motor vehicle designed as off-road equipment rather than as a motor truck, such as a forklift, motor grader, scraper, tractor, trencher or similar industrial-type equipment. "Commercial motor vehicle" also does not include self-propelled implements of husbandry described in Iowa Code section 321.1(32).

"Controlled substance" as used in Iowa Code section 321.208 means a substance defined in Iowa Code section 124.101.

"Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. Section 5103 and is required to be placarded under 49 CFR Part 172, Subpart F, or any quantity of a material listed as a select agent or toxin in 42 CFR Part 73.

"Manual transmission" means a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated either by hand or by foot. All other transmissions, whether semi-automatic or automatic, will be considered automatic.

"Medical examiner" means a person who is licensed, certified or registered, in accordance with applicable state laws and regulations, to perform physical examinations. The term includes but is not limited to doctors of medicine, doctors of osteopathy, physician assistants, advanced registered nurse practitioners, and doctors of chiropractic.

"Medical examiner's certificate" means a certificate completed and signed by a medical examiner under the provisions of 49 CFR Section 391.43 and includes medical examiner's certificate information

provided electronically by the Federal Motor Carrier Safety Administration pursuant to 49 CFR Section 383.71 and 49 CFR Section 383.73.

"Medical variance" means a driver has received one of the following from the Federal Motor Carrier Safety Administration that allows the driver to be issued a medical certificate:

1. An exemption letter permitting operation of a commercial motor vehicle pursuant to 49 CFR Part 381, Subpart C; 49 CFR Section 391.62; or 49 CFR Section 391.64.
2. A skill performance evaluation certificate permitting operation of a commercial motor vehicle pursuant to 49 CFR Section 391.49.

"National drug and alcohol clearinghouse" means the database maintained by the Federal Motor Carrier Safety Administration as defined in 49 CFR Section 382.107 (October 1, 2024).

"Passenger vehicle" means either of the following:

1. A motor vehicle designed to transport 16 or more persons including the operator.
2. A motor vehicle of a size and design to transport 16 or more persons including the operator that has been redesigned or modified to transport fewer than 16 persons with disabilities. The size of a redesigned or modified vehicle shall be any such vehicle with a gross vehicle weight rating of 10,001 or more pounds.

"School bus" means a commercial motor vehicle used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events unless otherwise provided in Iowa Code section 321.1(69). "School bus" does not include a bus used as a common carrier.

"Self-certification" means a written certification of which category of type of driving an applicant for a commercial driver's license engages in or intends to engage in, from the following categories:

1. Non-excepted interstate. The person certifies that the person operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 CFR Part 391 effective October 1, 2024, and is required to obtain a medical examiner's certificate by 49 CFR Section 391.45 effective October 1, 2024.
2. Excepted interstate. The person certifies that the person operates or expects to operate in interstate commerce but engages exclusively in transportation or operations excepted under 49 CFR Section 390.3(f), 391.2, 391.68 or 398.3 effective October 1, 2024, from all or parts of the qualification requirements of 49 CFR Part 391 effective October 1, 2024, and is therefore not required to obtain a medical examiner's certificate by 49 CFR Section 391.45 effective October 1, 2024.
3. Non-excepted intrastate. The person certifies that the person operates only in intrastate commerce and is subject to state driver qualification requirements.
4. Excepted intrastate. The person certifies that the person operates only in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements as set forth in Iowa Code section 321.449.

"State," as used in this chapter and in "another state" in Iowa Code section 321.174(2), "former state of residence" in Iowa Code section 321.188(5), or "any state" in Iowa Code section 321.208(1), means one of the United States or the District of Columbia unless the context means the state of Iowa.

This rule is intended to implement Iowa Code sections 321.1, 321.174, 321.188, 321.191, 321.193, 321.207 and 321.208.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.4(22,321) Records. The department will maintain the operating record of a person issued a commercial driver's license or a commercial learner's permit or a person who has been disqualified from operating a commercial motor vehicle as provided in the department's "Record Management Manual" adopted in 761—Chapter 4.

This rule is intended to implement Iowa Code sections 22.11, 321.12, 321.188 and 321.199.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.5(321) Adoption of federal regulations.

607.5(1) *Code of Federal Regulations.* The department's administration of commercial driver's licenses shall be in compliance with the state procedures set forth in 49 CFR Section 383.73, and this

chapter shall be construed to that effect. The department adopts the following portions of the Code of Federal Regulations, which are referenced throughout this chapter of rules:

a. 49 CFR Section 391.11 as adopted in 661—Chapter 22.

b. 49 CFR Section 392.5 as adopted in 661—Chapter 22.

c. 49 CFR Part 380, Subpart F (October 1, 2024).

d. The following portions of 49 CFR Part 383 (October 1, 2024):

(1) Section 383.51, Disqualification of drivers.

(2) Subpart E—Testing and Licensing Procedures.

(3) Subpart F—Vehicle Groups and Endorsements.

(4) Subpart G—Required Knowledge and Skills.

(5) Subpart H—Tests.

e. 49 CFR Part 384, Subpart B (October 1, 2024).

607.5(2) *Copies of regulations.* Copies of the federal regulations may be reviewed at the state law library or through the Internet at www.fmcsa.dot.gov.

This rule is intended to implement Iowa Code sections 321.187, 321.188, 321.207, 321.208 and 321.208A.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.6(321) Application. An applicant for a commercial driver's license shall comply with the requirements of Iowa Code sections 321.180(2)*"e,"* 321.182 and 321.188 and 761—Chapter 601, and provide the proofs of citizenship or lawful permanent residence and state of domicile required by 49 CFR Section 383.71. If the applicant is domiciled in a foreign jurisdiction and applying for a nondomiciled commercial driver's license, the applicant must provide a document required by 49 CFR Section 383.71(f).

This rule is intended to implement Iowa Code sections 321.180, 321.182 and 321.188.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.7(321) Commercial driver's license (CDL).

607.7(1) *Classes.* The department may issue a commercial driver's license only as a Class A, B or C driver's license. The license class identifies the types of vehicles that may be operated. A commercial driver's license may have endorsements that authorize additional vehicle operations or restrictions that limit vehicle operations.

607.7(2) *Validity.*

a. A Class A commercial driver's license allows a person to operate a combination of commercial motor vehicles as specified in Iowa Code sections 321.1(11) and 321.189(1)*"a"*(1). With the required endorsements and subject to the applicable restrictions, a Class A commercial driver's license is valid to operate any vehicle. Before the department administers the skills test for a Class A commercial driver's license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

b. A Class B commercial driver's license allows a person to operate a commercial motor vehicle as specified in Iowa Code sections 321.1(11) and 321.189(1)*"a"*(2). With the required endorsements and subject to the applicable restrictions, a Class B commercial driver's license is valid to operate any vehicle except a truck-tractor semitrailer combination or a vehicle requiring a Class A commercial driver's license. Before the department administers the skills test for a Class B commercial driver's license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

c. A Class C commercial driver's license allows a person to operate a commercial motor vehicle as specified in Iowa Code sections 321.1(11) and 321.189(1)*"a"*(3) if the vehicle is designed to transport 16 or more passengers, including the driver, or is used in the transportation of hazardous materials as defined in 49 CFR Section 383.5 effective October 1, 2024. With the required endorsements and subject to the applicable restrictions, a Class C commercial driver's license is valid to operate any vehicle except a vehicle requiring a Class A or Class B commercial driver's license. Before the department administers the skills test for a Class C commercial driver's license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements as provided in Iowa Code section 321.188

for the applicable endorsement sought (P/Passenger or S/School Bus endorsements). Before the department administers the knowledge test for a Class C commercial driver's license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements provided in Iowa Code section 321.188 for the applicable endorsement sought (H/Hazardous materials endorsement).

d. A commercial driver's license is valid for operating a motorcycle as a commercial motor vehicle only if the license has a motorcycle endorsement and a hazardous material endorsement. A commercial driver's license is valid for operating a motorcycle as a noncommercial motor vehicle only if the license has a motorcycle endorsement.

e. A commercial driver's license valid for eight years will be issued to a qualified applicant who is at least 18 years of age but not yet 78 years of age. However, the expiration date of the license issued shall not exceed the licensee's 80th birthday.

f. A commercial driver's license valid for two years will be issued to a qualified applicant 78 years of age or older. A two-year license may also be issued, at the discretion of the department, to an applicant whose license is restricted due to vision or other physical disabilities.

g. A commercial driver's license is valid for 60 days after the expiration date.

h. A person with a commercial driver's license valid for the vehicle operated is not required to obtain a Class D driver's license to operate the vehicle as a chauffeur.

607.7(3) *Age.* The minimum age to obtain a commercial driver's license is set out in 49 CFR Part 391, Subpart B, effective October 1, 2024, except that, for a person operating solely intrastate, the driver age qualifications are set out in Iowa Code section 321.449(3).

607.7(4) *License extension.*

a. As provided in 49 CFR Section 383.153, a person may apply for a 60-day extension of a commercial driver's license if the person:

(1) Has a valid license,

(2) Is eligible for further licensing, and

(3) Is temporarily absent from Iowa or is temporarily incapacitated at the time for renewal.

b. License extensions can be requested following the procedure in 761—subrule 605.15(2).

c. A 60-day extension will be added to the expiration date on the license. When the person appears to renew the license, the expiration date of the renewed license will be computed from the expiration date of the original license, notwithstanding the extension.

d. Only one 60-day extension is allowed.

This rule is intended to implement Iowa Code sections 321.1(8), 321.177, 321.182, 321.188, 321.189, 321.196, and 321.449.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.8(321) Endorsements. All endorsements except the hazardous material endorsement continue to be valid without retesting or additional fees when renewing or upgrading a license. The endorsements that authorize additional commercial motor vehicle operations with a commercial driver's license are:

607.8(1) *Hazardous material.* A hazardous material endorsement (H) is required to transport hazardous materials. The hazardous material endorsement is only valid when the applicant or holder of the endorsement complies with the Transportation Security Administration's security threat assessment standards specified in 49 CFR Sections 383.71(b)(8) and 383.141 effective October 1, 2024. Before the department administers the knowledge test for a hazardous material endorsement to an applicant for the first time, the applicant shall comply with the entry-level driver training requirements as provided in Iowa Code section 321.188. To obtain or retain the hazardous material endorsement, the applicant or holder must pass a knowledge test as required under 49 CFR Section 383.121 and pay the endorsement fee. Retesting and fee payment are also required when an applicant transfers a commercial driver's license from another state unless, as provided in 49 CFR Section 383.73, the transfer applicant provides evidence of passing the knowledge test as required under 49 CFR Section 383.121 within the preceding 24 months. Pursuant to 49 CFR Section 173.5 effective October 1, 2024, a farmer or a person working for a farmer is not subject to the hazardous material endorsement while operating either a pickup or a special truck within 150 air miles of the farmer's farm to transport supplies to or from the farm.

607.8(2) *Passenger vehicle.* A passenger vehicle endorsement (P) is required to operate a passenger vehicle as defined in rule 761—607.3(321). Before the department administers the skills test for a passenger vehicle endorsement to an applicant for the first time, the applicant shall comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

607.8(3) *Tank vehicle.* A tank vehicle endorsement (N) is required to operate a tank vehicle as defined in Iowa Code section 321.1. A vehicle transporting a tank, regardless of the tank's capacity, that does not otherwise meet the definition of a commercial motor vehicle in Iowa Code section 321.1 is not a tank vehicle.

607.8(4) *Double/triple trailer.* A double/triple trailer endorsement (T) is required to operate a commercial motor vehicle with two or more towed trailers when the combination of vehicles meets the criteria for a Class A commercial motor vehicle. Operation of a triple trailer combination vehicle is not permitted in Iowa.

607.8(5) *Hazardous material and tank.* A combined endorsement (X) authorizes both hazardous material and tank vehicle operations.

607.8(6) *School bus.* A school bus endorsement (S) is required to operate a school bus as defined in rule 761—607.3(321). An applicant for a school bus endorsement must also qualify for a passenger vehicle endorsement. Before the department administers the skills test for a school bus endorsement to an applicant for the first time, the applicant shall comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

607.8(7) *Exceptions for towing operations.*

a. A driver who tows a vehicle in an emergency "first move" from the site of a vehicle malfunction or accident on a highway to the nearest appropriate repair facility is not required to have the endorsement(s) applicable to the towed vehicle. In any subsequent move, a driver who tows a vehicle from one repair or disposal facility to another is required to have the endorsement(s) applicable to the towed vehicle with one exception: A tow truck driver is not required to have a passenger endorsement to tow a passenger vehicle.

b. The double/triple trailer endorsement is not required to operate a commercial motor vehicle with two or more towed vehicles that are not trailers.

This rule is intended to implement Iowa Code sections 321.1, 321.176A, 321.188 and 321.189.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.9(321) Restrictions. The restrictions that may limit commercial motor vehicle operation with a commercial driver's license are listed in 761—subrule 605.8(3) and are explained below:

607.9(1) *Air brake.* The air brake restriction (L, no air brake equipped CMV) applies to a licensee who either fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes and prohibits the operation of a commercial motor vehicle equipped with an air brake system until the licensee passes the required air brake tests and pays the fee for upgrading the license. Retesting and fee payment are not required when the license is renewed.

607.9(2) *Full air brake.* The full air brake restriction (Z, no full air brake equipped CMV) applies to a licensee who performs the skills test in a vehicle equipped with air over hydraulic brakes and prohibits the operation of a commercial motor vehicle equipped with any braking system operating fully on the air brake principle until the licensee passes the required air brake tests and pays the fee for upgrading the license. Retesting and fee payment are not required when the license is renewed.

607.9(3) *Manual transmission.* The manual transmission restriction (E, no manual transmission equipped CMV) applies to a licensee who performs the skills test in a vehicle equipped with automatic transmission and prohibits the operation of a commercial motor vehicle equipped with a manual transmission until the licensee passes the required tests and pays the fee for upgrading the license. Retesting and fee payment are not required when the license is renewed.

607.9(4) *Tractor-trailer.* The tractor-trailer restriction (O, no tractor trailer CMV) applies to a licensee who performs the skills test in a combination vehicle for a Class A commercial driver's license with the power unit and towed unit connected with a pintle hook or aftermarket fifth wheel connection and prohibits operation of a tractor-trailer combination connected by a fifth wheel that requires a Class A commercial

driver's license until the licensee passes the required tests and pays the fee for upgrading the license. Retesting and fee payment are not required when the license is renewed.

607.9(5) *Class A passenger vehicle.* The Class A passenger vehicle restriction (M, no Class A passenger vehicle) applies to a licensee who applies for a passenger endorsement and performs the skills test in a passenger vehicle that requires a Class B commercial driver's license and prohibits operation of a passenger vehicle that requires a Class A commercial driver's license.

607.9(6) *Class A and B passenger vehicle.* The Class A and B passenger vehicle restriction (N, no Class A and B passenger vehicle) applies to a licensee who applies for a passenger endorsement and performs the skills test in a passenger vehicle that requires a Class C commercial driver's license and prohibits operation of a passenger vehicle that requires a Class A or Class B commercial driver's license.

607.9(7) *Intrastate only.* The intrastate only restriction (K, intrastate only) applies to a licensee who self-certifies to non-excepted intrastate or excepted intrastate driving and prohibits the operation of a commercial motor vehicle in interstate commerce.

607.9(8) *Medical variance.* The medical variance restriction (V, medical variance) applies to a licensee when the department is notified pursuant to 49 CFR Section 383.73(o)(3) that the driver has been issued a medical variance and indicates there is information about a medical variance on the CDLIS driver record.

This rule is intended to implement Iowa Code sections 321.189 and 321.191.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.10(321) Commercial learner's permit.

607.10(1) *Validity.*

a. A commercial learner's permit allows the permit holder to operate a commercial motor vehicle when accompanied as required by Iowa Code section 321.180(2)*"d."*

b. A commercial learner's permit is valid for one year without retaking the general and endorsement knowledge tests required by Iowa Code section 321.188.

c. A commercial learner's permit is invalid after the expiration date of the underlying commercial or noncommercial driver's license issued to the permit holder or the expiration date of the permit, whichever occurs first.

d. The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver's license. The issuance of a commercial learner's permit is also a precondition to the upgrade of a commercial driver's license if the upgrade requires a skills test. If the permit holder is subject to the requirement to complete entry-level driver training as provided in Iowa Code section 321.188, the commercial learner's permit will be necessary to complete the on-road segment of the entry-level driver training as well as the required skills tests for a commercial driver's license. The holder of a commercial learner's permit is not eligible to take a required driving skills test for the first 14 days after the permit holder is issued the permit. The 14-day period includes the day the commercial learner's permit was issued.

EXAMPLE: The commercial learner's permit is issued on September 1. The earliest date the permit holder would be eligible to take the skills test is September 15.

e. A commercial learner's permit is not valid for the operation of a vehicle transporting hazardous materials.

607.10(2) *Requirements.*

a. An applicant for a commercial learner's permit must hold a valid Class A, B, or C commercial driver's license, a Class D, endorsement 3 noncommercial driver's license or a Class C noncommercial driver's license issued in this state that is not an instruction permit, a special instruction permit, a motorized bicycle license or a temporary restricted license; must be at least 18 years of age; and must meet the requirements to obtain a valid commercial driver's license, including the requirements set forth in Iowa Code section 321.188. However, the applicant does not have to complete the driving skills tests required for a commercial driver's license to obtain a commercial learner's permit.

b. The applicant must successfully pass a general knowledge test that meets the federal standards contained in 49 CFR Part 383, Subparts F, G and H, for the commercial motor vehicle the applicant operates or expects to operate, including any endorsement for which the applicant applies.

607.10(3) *Endorsements.* A commercial learner's permit may include the following endorsements. All other endorsements are prohibited on a commercial learner's permit.

a. An applicant for a passenger endorsement (P) must take and pass the passenger endorsement knowledge test. A commercial learner's permit holder with a passenger endorsement is prohibited from operating a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2)*"d."*

b. An applicant for a school bus endorsement (S) must take and pass the school bus endorsement knowledge test. A commercial learner's permit holder with a school bus endorsement is prohibited from operating a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2)*"d."*

c. An applicant for a tank vehicle endorsement (N) must take and pass the tank vehicle endorsement knowledge test. A commercial learner's permit holder with a tank vehicle endorsement may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials and that has not been purged of any residue.

607.10(4) *Restrictions.* A commercial learner's permit may include the air brake (L), medical variance (V), Class A passenger vehicle (M), Class A and B passenger vehicle (N) and intrastate only (K) restrictions described in rule 761—607.9(321). In addition, a commercial learner's permit may include the following restrictions that are specific to the commercial learner's permit:

a. Passenger. The passenger restriction (P, no passengers in CMV bus) applies to a permit holder who has a commercial learner's permit with a passenger or school bus endorsement and prohibits the operation of a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2)*"d."*

b. Cargo. The cargo restriction (X, no cargo in CMV tank vehicle) applies to a permit holder who has a commercial learner's permit with a tank vehicle endorsement and prohibits the operation of any tank vehicle containing cargo or any tank vehicle that previously contained hazardous materials and that has not been purged of any residue.

This rule is intended to implement Iowa Code sections 321.180, 321.186 and 321.188.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.11(321) Examination and vision screening. In addition to the knowledge and skills tests required under this chapter, an applicant for a commercial driver's license or commercial learner's permit is subject to the examination requirements, and must comply with the vision screening and vision standards, in 761—Chapter 604.

This rule is intended to implement Iowa Code sections 321.186 and 321.186A.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.12(321) Knowledge tests.

607.12(1) *General knowledge test.* The general knowledge test for a commercial driver's license is a written test of topics such as vehicle inspection, operation, safety and control in accordance with 49 CFR Section 383.111.

607.12(2) *Additional tests.* In addition to the general knowledge test for a commercial driver's license, an additional knowledge test is required for each of the following:

a. Class A license for combination vehicle operation under 49 CFR Section 383.111.

b. Hazardous material endorsement under 49 CFR Section 383.121. The knowledge test for a hazardous material endorsement shall not be administered orally or in a language other than English.

c. Passenger vehicle endorsement under 49 CFR Section 383.117.

d. Tank vehicle endorsement under 49 CFR Section 383.119.

e. Double/triple trailer endorsement under 49 CFR Section 383.115.

f. School bus endorsement under 49 CFR Section 383.123. The applicant must also qualify for a passenger vehicle endorsement.

g. Removal of the air brake restriction under 49 CFR Section 383.111.

607.12(3) *Test methods.* All knowledge tests will be administered in compliance with 49 CFR Section 383.133(b). All tests other than the hazardous material endorsement test may be administered in written form or verbally in an automated format and can be administered in a foreign language, provided no interpreter is used in administering the test.

607.12(4) *Waiver.* A waiver of any knowledge test is permitted only as provided in Iowa Code section 321.188(5) and this chapter.

607.12(5) *Military waiver.* The department may waive the requirement that an applicant pass a required knowledge test for an applicant who is a current or former military service member as defined in 49 CFR Section 383.5 effective October 1, 2024. An applicant for a waiver of the knowledge test under this subrule shall certify and provide evidence, as required by the department, that the following apply:

a. The applicant is regularly employed or was regularly employed within the past year in a military position specifically designated in 49 CFR Section 383.77.

b. The applicant is or was operating a vehicle representative of the commercial motor vehicle the applicant operates or expects to operate immediately preceding honorable separation from military service as evidenced by the applicant's certificate of release or discharge from active duty, commonly referred to as a DD Form 214.

c. The applicant has not had more than one driver's license, other than a military license.

d. The applicant has not had any driver's license suspended, revoked, or canceled.

e. The applicant has not been convicted of an offense committed while operating any type of motor vehicle that is listed as a disqualifying offense in 49 CFR Section 383.51(b).

f. The applicant has not had more than one conviction for an offense committed while operating any type of motor vehicle that is listed as a serious traffic violation in 49 CFR Section 383.51(c).

g. The applicant has not had a conviction for violation of a military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident, and has no record of an accident in which the applicant was at fault.

607.12(6) *Requirement.* An applicant must pass the applicable knowledge test(s) before taking the skills test. Passing scores for a knowledge test shall meet the standards contained in 49 CFR Section 383.135(a).

This rule is intended to implement Iowa Code sections 321.186 and 321.188.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.13(321,321M) Skills test.

607.13(1) *Content.* The skills test for a commercial driver's license is a three-part test as required in 49 CFR Part 383, Subparts E, G and H.

607.13(2) *Test methods.* All skills tests will be administered in compliance with 49 CFR Section 383.133(c). Interpreters are prohibited during the administration of skills tests. However, American Sign Language interpreters are allowed to interpret during the instruction portion preceding administration of the skills test. Applicants must be able to understand and respond to verbal commands and instructions in English by a skills test examiner. Neither the applicant nor the examiner may communicate in a language other than English during the skills test.

607.13(3) *Order.* The skills test must be administered and successfully completed in the following order: pre-trip inspection, basic vehicle control skills, on-road skills. If an applicant fails one segment of the skills test, the applicant cannot continue to the next segment of the test, and scores for the passed segments of the test are only valid during initial issuance of the commercial learner's permit.

607.13(4) *Vehicle.* The applicant shall provide a representative vehicle for the skills test. "Representative vehicle" means a commercial motor vehicle that meets the statutory description for the class of license applied for.

a. To obtain a passenger vehicle endorsement applicable to a specific vehicle class, the applicant must take the skills test in a passenger vehicle satisfying the requirements of that class as required in 49 CFR Section 383.117.

b. To obtain a school bus endorsement, the applicant must qualify for a passenger vehicle endorsement and take the skills test in a school bus in the same vehicle class as the applicant will drive as required in 49 CFR Section 383.123.

c. To obtain a tank endorsement, the applicant must take the skills test in a representative vehicle for the class of license applied for, but the representative vehicle is not required to be a tank vehicle.

d. To remove an air brake or full air brake restriction, the applicant must take the skills test in a vehicle equipped with an air brake system and as required in 49 CFR Section 383.113.

e. To remove a manual transmission restriction, the applicant must take the on-road segment of the skills test in a vehicle equipped with a manual transmission.

607.13(5) *Skills test scoring.* Passing scores for a skills test shall meet the standards contained in 49 CFR Section 383.135(b).

607.13(6) *Military waiver.* The department may waive the requirement that an applicant pass a required skills test for an applicant who is on active duty in the military service or who has separated from such service in the past year, provided the applicant meets the requirements of Iowa Code section 321.188(6).

607.13(7) *Locations.* The skills test for a commercial driver's license will be given only at approved locations where adequate testing facilities are available as specified by the department pursuant to 49 CFR Section 383.131(b)(1). An applicant may contact any driver's license service center for the location of the nearest skills testing center.

607.13(8) *Fees.* Fees authorized pursuant to Iowa Code sections 321.187A and 321M.6A may be collected by the department or a county treasurer location offering commercial driver's license skills tests.

a. Except as provided in paragraph 607.13(8)*"c,"* the fee for an applicant to schedule the pre-trip vehicle inspection segment of the skills test with the department is $25. No fees are due to the department for scheduling the basic vehicle control skills or on-road skills segment of the test.

b. Except as provided in paragraph 607.13(8)*"c,"* the fee to schedule the pre-trip vehicle inspection segment of the skills test with a county treasurer is $25. The fee for a county treasurer to administer the basic vehicle control skills segment is $25, and the fee to administer the on-road skills segment of the test is $25. However, if the applicant fails one segment of the driving skills test, no fee shall be due for a subsequent segment of the test.

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

(1) The department will not charge the pre-trip inspection scheduling fee under paragraph 607.13(8)*"a."*

(2) A county treasurer may charge only the pre-trip inspection fee under paragraph 607.13(8)*"b."*

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

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

e. Except as provided in paragraph 607.13(8)*"g,"* new fees will apply if an applicant schedules a new skills test appointment.

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

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

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

This rule is intended to implement Iowa Code sections 321.186, 321.187A, 321.188 and 321M.6A.
[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.14(321) Third-party testing.

607.14(1) *Purpose and definitions.* The knowledge tests required by rule 761—607.12(321) and the skills test required by rule 761—607.13(321) may be administered by third-party testers and third-party test examiners approved and certified by the department. For the purpose of administering third-party testing and this rule, the following definitions are adopted:

"College or university" means an Iowa postsecondary school established under Iowa Code chapter 261B.

"Community college" means an Iowa community college established under Iowa Code chapter 260C.

"Government agency" means the same as defined in Iowa Code section 553.3.

"Iowa business" means a corporation, association, partnership, company, firm, or other aggregation of individuals that has a principal place of business in this state and that is authorized to conduct business in this state.

"Knowledge test" means the knowledge tests required by rule 761—607.12(321).

"Motor carrier" means the same as defined in 49 CFR Section 390.5 effective October 1, 2024.

"Nonprofit" means a corporation or association that satisfies the requirements under Iowa Code chapter 498 or 504.

"Permanent commercial driver training facility" means a facility dedicated to a program of commercial driving instruction that is offered to employees or potential employees of the motor carrier as incident to the motor carrier's commercial operations, that requires at least 40 hours of instruction, and that includes fixed and permanent structures and facilities for the off-road portions of commercial driving instruction, including classroom, pretrip inspection, and basic vehicle control skills. A permanent commercial driver training facility must include a fixed and paved or otherwise hard-surfaced area for basic vehicle control skills testing that is permanently marked and capable of inspection and measurement by the department.

"Principal place of business" means a building actually occupied where the public and the department may contact the owner or operator during regular business hours. The principal place of business must be located in this state.

"Public transit system" means the same as defined in Iowa Code section 324A.1.

"Regional transit system" means the same as defined in Iowa Code section 324A.1.

"Regular business hours" means to be consistently open to the public on a weekly basis at hours reported to the motor vehicle division.

"Skills test" means the skills test required by rule 761—607.13(321).

"Subsidiary" means a company that is partly or wholly owned by a motor carrier that holds a controlling interest in the subsidiary company.

"Third-party tester" means the same as defined in Iowa Code section 321.187.

"Third-party test examiner" means the same as defined in Iowa Code section 321.187.

607.14(2) *Certification of third-party testers.*

a. The department may certify any of the following entities as a third-party tester to administer knowledge and skills tests:

(1) A college or university.
(2) A community college.
(3) A government agency.
(4) An Iowa business.
(5) A nonprofit.
(6) A public transit system or regional transit system.

b. An entity seeking certification as a third-party tester shall contact the motor vehicle division and schedule a review of the proposed testing program, including the proposed testing courses and facilities, and provide information sufficient to identify all proposed third-party test examiners, and any other information necessary to demonstrate compliance with 49 CFR Parts 383 and 384 as amended to October 1, 2024, applicable to knowledge and skills testing.

c. No entity will be certified to conduct third-party testing unless and until the entity enters an agreement with the department that meets the requirements of 49 CFR Section 383.75 and demonstrates, to the satisfaction of the department, sufficient ability and facilities to conduct knowledge and skills tests in a manner that consistently meets the requirements of 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge and skills testing.

d. The department will issue a certified third-party tester a certificate of authority that identifies the classes and types of vehicles for which knowledge and skills tests may be administered. The certificate is valid for the duration of the agreement executed pursuant to paragraph 607.14(2)*"c,"* unless revoked by the department for engaging in fraudulent activities related to conducting knowledge and skills tests or failing to comply with the requirements, qualifications, and standards of this chapter, the agreement, or 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge and skills testing.

e. The department will revoke a certificate of authority originally issued after July 1, 2023, to a third-party tester if the third-party tester fails to administer a minimum of 50 percent of all knowledge and skills tests given in a calendar year to Iowa applicants. However, the department will not revoke a certificate of authority of a third-party tester who administers a minimum of 10 percent of all knowledge and skills tests given in a calendar year to Iowa applicants if the remainder of the tests are given to current or prospective employees of the third-party tester. For the purpose of this paragraph, an "Iowa applicant" is defined as an individual who holds a valid commercial learner's permit, commercial driver's license, noncommercial driver's license, or nonoperator identification card issued by the department or who otherwise qualifies as a resident of this state under Iowa Code section 321.1A(1).

607.14(3) *Certification of third-party test examiners.*

a. A certified third-party tester shall not employ or otherwise use as a third-party test examiner a person who has not been approved and certified by the department to administer knowledge or skills tests. Each certified third-party tester shall submit for approval the names of all proposed third-party test examiners to the department. The department will not approve as a third-party test examiner a person who does not meet the requirements, qualifications, and standards of 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge and skills testing, including but not limited to all required training and examination, who has been barred from conducting commercial driver's license testing in another state, or who has not passed a nationwide criminal background check. The criteria for passing the nationwide criminal background check means no felony convictions within the last ten years and no convictions involving fraudulent activities.

b. The department will issue a certificate of authority for each person certified as a third-party test examiner that identifies the certified third-party tester for which the person will administer knowledge or skills tests and the classes and types of vehicles for which the person may administer knowledge or skills tests. The certificate is valid for a period of four years from the date of issuance of the certificate.

c. The department will revoke the certificate of authority for a third-party test examiner to administer skills tests if the person holding the certificate does not administer skills tests to at least ten different applicants, each of whom has successfully passed all three segments of the skills test, per calendar year; does not successfully complete the refresher training required by 49 CFR Section 384.228 every four years; is involved in fraudulent activities related to conducting knowledge or skills tests as determined by the department; or otherwise fails to comply with and meet the requirements, qualifications and standards of this chapter or 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge and skills testing. Notwithstanding anything in this paragraph to the contrary, as provided in 49 CFR Section 383.75, if the person does not administer skills tests to at least ten different applicants per calendar year, the certificate will not be revoked for that reason if the person provides proof of completion of the examiner refresher training in 49 CFR Section 384.228 to the department and successfully completes one skills test under the observation of a department examiner or attends and passes with a score of 80 percent or better a certified commercial examiner training test and successfully completes one skills test under the observation of a department examiner.

d. The department will revoke the certificate of authority for a third-party test examiner to administer knowledge tests if the person holding the certificate does not successfully complete the refresher training required by 49 CFR Section 384.228 every four years, is involved in fraudulent activities related to

conducting knowledge or skills tests or otherwise fails to comply with and meet the requirements, qualifications and standards of this chapter or 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge testing.

e. A third-party test examiner certified by the department to administer skills tests who is also a skills instructor shall not administer a skills test to an applicant who received skills training from that third-party test examiner.

f. A third-party test examiner may only administer CDL tests for the examiner's primary employer, unless authorized by the department to administer CDL tests for another county or third-party tester.

607.14(4) *Bond.* As a condition of certification in accordance with 49 CFR Section 383.75, a third-party tester that is not a government agency as defined in Iowa Code section 553.3 must maintain a bond in the amount of $50,000 to pay for the retesting of drivers in the event that the third-party tester or one or more of its third-party test examiners are involved in fraudulent activities related to conducting tests of CDL applicants.

607.14(5) *Training and refresher training for third-party test examiners.* All training and refresher training required under this rule shall be provided by the department, in form and content that meet the recommendations of the American Association of Motor Vehicle Administrators' International Third-Party Examiner/Tester Certification Program.

This rule is intended to implement Iowa Code section 321.187.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.15(321) Test results.

607.15(1) *Period of validity.* Passing knowledge and skills test results remain valid for a period of one year.

607.15(2) *Retesting.* Subject to rule 761—607.13(321), an applicant will be required to repeat only the knowledge test(s) or part(s) of the skills test that the applicant failed, unless the department requires the applicant to retake the test as part of an audit. An applicant who fails a test is not permitted to repeat that test the same day. An applicant may be required to repeat a test if the department determines the test was improperly administered.

607.15(3) *Skills test results from other states.* As required by 49 CFR Section 383.79, the department will accept the valid results of a skills test administered to an applicant who is domiciled in the state of Iowa and that was administered by another state, in accordance with 49 CFR Part 383, Subparts F, G and H, in fulfillment of the applicant's testing requirements under 49 CFR Section 383.71 and the state's test administration requirements under 49 CFR Section 383.73 provided the results are transmitted directly from the testing state to the department as required by 49 CFR Section 383.79.

607.15(4) *Knowledge and skills test results from certified third-party testers.* A third-party tester shall transmit the results of tests administered by the third-party tester through secure electronic means determined by the department. The department may retest any person who has passed a knowledge or skills test administered by a certified third-party tester if the department believes the knowledge or skills test was administered fraudulently or improperly, and as needed to meet the third-party test examiner oversight requirements of 49 CFR Parts 383 and 384 applicable to knowledge and skills testing.

607.15(5) *Downgrade or cancellation when retesting is required.*

a. When retesting is required under subrule 607.15(2) or 607.15(4), the department will notify the person to retake the applicable knowledge or skills test, which may include an immediate retest if part of an audit.

b. If the person fails to contact the department within 30 days after receipt of the notice, fails to appear for a scheduled retest, or fails the knowledge or skills test, the department will, in accordance with the authority in 49 CFR Section 383.5 and Iowa Code section 321.201, take one of the following actions:

(1) Downgrade the person's commercial driver's license or commercial learner's permit if the person held valid noncommercial driving privileges prior to obtaining the license or permit.

(2) Cancel the person's commercial driver's license or commercial learner's permit pursuant to 761—subrule 615.7(3) if the applicant did not hold valid noncommercial driving privileges prior to obtaining the license or permit.

c. All applicable retesting and licensure requirements apply to a person seeking to regain the person's commercial driver's license or commercial learner's permit after a downgrade or cancellation.

This rule is intended to implement Iowa Code sections 321.180, 321.186, 321.187, 321.188 and 321.201.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.16(321) Knowledge and skills testing of nondomiciled military personnel.

607.16(1) *Role of state of duty station.* The department may accept an application for a commercial driver's license or commercial learner's permit, including an application for waiver of the knowledge test as provided in subrule 607.12(5), if the applicant is an active duty military service member stationed, but not domiciled, in Iowa, and the department has an agreement to accept such applications with the applicant's state of domicile as provided in 49 CFR Section 383.79.

a. The applicant shall certify and provide evidence that the following apply:

(1) The applicant is regularly employed or was regularly employed within the past year in a military position requiring operation of a commercial motor vehicle.

(2) The applicant has a valid driver's license from the applicant's state of domicile.

(3) The applicant has a valid active duty military identification card.

(4) The applicant has a current copy of either the applicant's military leave and earnings statement or the applicant's orders.

b. If the applicant meets the requirements of paragraph 607.16(1)*"a"* and the department has an agreement with the applicant's state of domicile as provided in this subrule, the department may do either of the following:

(1) Administer the knowledge and skills tests to the applicant as appropriate in accordance with 49 CFR Part 383, Subparts F, G, and H, if the state of domicile requires those tests; or

(2) Waive the knowledge and skills tests in accordance with 49 CFR Section 383.77 and this chapter if the state of domicile also permits waiver of the knowledge and skills test.

c. The department may destroy the applicant's driver's license on behalf of the state of domicile unless the state of domicile requires the driver's license to be surrendered to the state of domicile's driver's licensing agency.

607.16(2) *Electronic transmission of application and test results.* The department will transmit to the state of domicile the applicant's application, any supporting documents and the results of any skills or knowledge tests administered as provided under this rule.

607.16(3) *Role of state of domicile.* If the department has an agreement with the applicant's state of duty station, upon completion of the applicant's application pursuant to 49 CFR Section 383.71 and any testing administered by the applicant's state of duty station pursuant to 49 CFR Sections 383.71 and 383.73, the department may do all of the following:

a. Accept the completed application, any supporting documents, and the results of the knowledge and skills tests administered by the applicant's state of duty station.

b. Issue the applicant a CLP or CDL.

This rule is intended to implement Iowa Code sections 321.180, 321.186, 321.187, and 321.188.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.17(321) Commercial driver's license renewal. The department will administer commercial driver's license renewals as required by 49 CFR Section 383.73.

607.17(1) *Licensee requirements.* Unless eligible for electronic renewal pursuant to subrule 761—605.25(8), to renew a commercial driver's license, the licensee shall apply at a driver's license service center and complete the following requirements:

a. Provide a written self-certification of type of driving as required by rule 761—607.23(321) and, if required, provide a current medical examiner's certificate unless the person's medical examiner's certificate is provided to the department electronically by the Federal Motor Carrier Safety Administration.

b. If the licensee currently holds and wants to retain a hazardous material endorsement, pass the test required in 49 CFR Section 383.121 and comply with the Transportation Security Administration security threat assessment standards specified in 49 CFR Section 383.71(b)(8) and 49 CFR Section 383.141

effective October 1, 2024, for such endorsement. A lawful permanent resident of the United States must also provide the licensee's U.S. Citizenship and Immigration Services alien registration number.

c. Provide proof of citizenship or lawful permanent residency and state of domicile as required by rule 761—607.6(321) and 49 CFR Section 383.73(d)(7) unless proof of citizenship or lawful permanent residency was previously provided and the department has a notation on the licensee's record confirming that the required proof of legal citizenship or legal presence check was made and the date on which it was made.

d. If the licensee is domiciled in a foreign jurisdiction and renewing a non-domiciled commercial driver's license, provide a document required by 49 CFR Section 383.71(f) at each renewal.

607.17(2) *Early renewal.* A valid commercial driver's license may be renewed 90 days before the expiration date. If this is impractical, the department for good cause may renew a license earlier, not to exceed 364 days prior to the expiration date. The department may allow renewal earlier than 364 days prior to the expiration date for active military personnel being deployed due to actual or potential military conflict.

This rule is intended to implement Iowa Code sections 321.186, 321.188 and 321.196.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.18(321) Transfers from another state. Upon initial application for an Iowa license, an Iowa resident who has a valid commercial driver's license from a former state of residence is not required to retest except as specified in Iowa Code section 321.188(5) but is required to pay the applicable endorsement and restriction removal fees.

This rule is intended to implement Iowa Code sections 321.188 and 321.191.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.19(17A,321) Disqualification.

607.19(1) *Date.* A disqualifying act, action or offense under Iowa Code section 321.208, that occurred before July 1, 1990, shall not be grounds for disqualification from operating a commercial motor vehicle.

607.19(2) *Notice.* A 30-day advance notice of disqualification shall be served by the department in accordance with rule 761—615.37(321). Pursuant to Iowa Code section 321.208(12), a peace officer on behalf of the department may serve the notice of disqualification immediately.

607.19(3) *Hearing and appeal process.* A person who has received a notice of disqualification may contest the disqualification in accordance with rule 761—615.38(17A,321).

607.19(4) *Reduction of lifetime disqualification.*

a. As permitted by 49 CFR Section 383.51, a person subject to lifetime disqualification of the person's commercial driving privileges may apply to the department for reinstatement. The approval is subject to the discretion of the department and subject to the following requirements:

(1) The request may not be made prior to ten years from the effective date of the lifetime disqualification.

(2) The person must submit the request in a manner prescribed by the department.

(3) If the driving record contains alcohol-related or drug-related offenses that resulted in the lifetime disqualification, the person must have completed an alcohol or drug evaluation and have completed any recommended treatment that meets or exceeds the minimum standards approved by the Iowa department of health and human services. Evidence of a completed evaluation and treatment must be on file with the department or submitted with the application for reinstatement.

(4) Within the ten years preceding the request, the person must not have any of the following moving violation convictions:

1. A drug or alcohol offense.
2. Leaving the scene of an accident.
3. A felony involving the use of any motor vehicle.
4. Any moving violation while operating a commercial motor vehicle.

(5) The department may request, and the person shall provide, any additional information or documentation necessary to determine the person's eligibility for reinstatement or general fitness for licensure.

b. If the department finds the person is eligible for reinstatement under this subrule, the person shall do all of the following prior to reinstatement:

(1) Pay all outstanding reinstatement fees.

(2) Meet all outstanding reinstatement requirements.

(3) Pass the required knowledge, vision, and skills tests as specified in Iowa Code section 321.188.

(4) Complete any other courses or requirements as required by the director.

c. As provided in 49 CFR Section 383.51(a)(6), a person who has been disqualified for life for offenses committed under 49 CFR Section 383.51(b)(9) and (10), and a person who has previously had the person's commercial driving privileges reinstated pursuant to this subrule but is convicted of a new disqualifying offense, is not eligible to apply for reinstatement.

d. If the department determines the person is not eligible for reinstatement as provided in this subrule, the department will send notice by first-class mail to the person's mailing address as shown on departmental records that the lifetime disqualification remains in effect.

607.19(5) *Fraud related to testing and issuance.*

a. As required by 49 CFR Section 383.73(k) and Iowa Code section 321.201(2)*"b,"* the department will disqualify the commercial driver's license or commercial learner's permit of a person convicted or suspected of fraud related to the testing for or issuance of a commercial driver's license or commercial learner's permit.

b. Upon receipt of a person's conviction of fraud related to the issuance of the commercial driver's license or commercial learner's permit, the department will disqualify the person's commercial driver's license or commercial learner's permit for one year.

c. Upon receipt of credible evidence that a person is suspected of committing fraud relating to the issuance of a commercial driver's license or a commercial learner's permit, the department will notify the person of the requirement to retake the applicable knowledge or skills test. Within 30 days of receiving notice from the department, the person is required to contact the department to retake the knowledge or skills test. If the person fails to contact the department within 30 days after the notice, or the person fails the knowledge or skills test, or does not take the test, the department will disqualify the person's commercial driver's license or commercial learner's permit.

d. Once a person's commercial driver's license or commercial learner's permit has been disqualified, a new application for license will be required following the usual procedures as provided in Iowa Code section 321.188 and this chapter.

This rule is intended to implement Iowa Code chapter 17A and section 321.208.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.20(321) Sanctions. When a person's motor vehicle license is denied, canceled, suspended, revoked or barred, the person is also disqualified from operating a commercial motor vehicle.

This rule is intended to implement Iowa Code section 321.208.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.21(321) Reinstatement. To reinstate a commercial driver's license after completion of a period of disqualification, a person must appear at a driver's license service center, meet the vision standards for licensing, pass the applicable knowledge test(s) and the skills test, and pay the required reinstatement fee and the fees for a new license.

This rule is intended to implement Iowa Code sections 321.191 and 321.208.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.22(321) Restricted commercial driver's license.

607.22(1) *Scope.* This rule pertains to the issuance of restricted commercial driver's licenses to employees of the following designated farm-related service industries: agrichemical businesses, custom harvesters, farm retail outlets and suppliers and livestock feeders as permitted by 49 CFR Section 383.3(f).

A restricted commercial driver's license shall meet all requirements of a regular commercial driver's license, as set out in Iowa Code chapter 321 and this chapter, except as specified in this rule.

607.22(2) *Validity.*

a. A restricted commercial driver's license allows the licensee to drive a commercial motor vehicle for agricultural input purposes. The license is valid to:

(1) Operate Class B and Class C commercial motor vehicles, including tank vehicles and vehicles equipped with air brakes, except passenger vehicles.

(2) Transport the hazardous materials listed in paragraph 607.22(2)*"b."*

(3) Operate only during the current, validated seasonal period.

(4) Operate between the employer's place of business and the farm currently being served, not to exceed 150 miles.

b. A restricted commercial driver's license is not valid for transporting hazardous materials requiring placarding, except as follows:

(1) Liquid fertilizers such as anhydrous ammonia may be transported in vehicles or implements of husbandry with total capacities of 3,000 gallons or less.

(2) Solid fertilizers such as ammonium nitrate may be transported, provided they are not mixed with any organic substance.

(3) A hazardous material endorsement is not needed to transport the products listed in the preceding subparagraphs.

c. When not driving for agricultural input purposes, the license is valid for operating a noncommercial motor vehicle that may be legally operated under the noncommercial license held by the licensee.

607.22(3) *Requirements.*

a. The applicant must have two years of previous driving experience. This means that the applicant held a license that permits unaccompanied driving for at least two years, including an intermediate license issued pursuant to Iowa Code section 321.180B. This does not include a motorized bicycle license, a special minor's restricted license or a minor's restricted work license.

b. The applicant must have a good driving record for the most recent two-year period as defined in subrule 607.22(4).

c. An applicant who currently holds an unrestricted commercial driver's license is not eligible for issuance of a restricted commercial driver's license.

607.22(4) *Good driving record.* A "good driving record" means a driving record showing:

a. No multiple licenses.

b. No driver's license suspensions, revocations, disqualifications, denials, bars, or cancellations of any kind.

c. No convictions in any type of motor vehicle for:

(1) Driving under the influence of alcohol or drugs.

(2) Leaving the scene of an accident.

(3) Committing any felony involving a motor vehicle.

(4) Speeding 15 miles per hour or more over the posted speed limit.

(5) Reckless driving, drag racing, or eluding or attempting to elude a law enforcement officer.

(6) Improper or erratic lane changes.

(7) Following too closely.

(8) A moving violation that contributed to a motor vehicle accident.

(9) A violation deemed serious under rule 761—615.17(321).

d. No record of contributive accidents as defined in rule 761—615.1(321).

607.22(5) *Issuance.*

a. The knowledge and skills tests described in rules 761—607.12(321) and 761—607.13(321) are waived.

b. A restricted commercial driver's license will be coded with restriction "W" on the face of the driver's license, with the restriction explained in text on the back of the driver's license. In addition, the license will be issued with a restriction stating the license's period of validity.

c. The expiration date for a restricted commercial driver's license that is converted from another Iowa license will carry the same expiration date as the previous license.

d. A restricted commercial driver's license may be renewed for the period of time specified in Iowa Code section 321.196. The licensee's good driving record will be confirmed at the time of renewal.

e. A licensee may have up to three individual periods of validity for a restricted commercial driver's license, provided the cumulative period of validity for all individual periods does not exceed 210 days in any calendar year. An individual period of validity may be 70, 105, or 210 consecutive days, at the election of the licensee. A licensee may add 35 days to an individual period of validity by applying for an extension, subject to the 210-day cumulative maximum period of validity. A request for extension must be made no later than the date of expiration of the individual period of validity for which an extension is requested; a request for extension made after that date will be treated as a request for a new individual period of validity. An extension will be calculated from the date of expiration of the individual period of validity for which an extension is requested. Any period of validity authorized previously by another state's license will be considered a part of the 210-day cumulative maximum period of validity.

f. A restricted commercial driver's license must be validated for commercial motor vehicle operation for each individual period of validity. This means the department will confirm the person's good driving record at each application for an individual period of validity. Upon confirmation, the department will issue a replacement license with a restriction validating the license for that individual period of validity, provided the person is otherwise eligible for the license.

g. The requirements of this subrule must be met for each individual period of validity within a calendar year.

This rule is intended to implement Iowa Code section 321.176B.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.23(321) Self-certification of type of driving and submission of medical examiner's certificate.

607.23(1) *Applicants for a commercial learner's permit, a restricted commercial driver's license, or a duplicate, new, transferred, renewed or upgraded CDL.*

a. A person shall provide to the department a self-certification of type of driving if the person is applying for:

(1) A commercial learner's permit.

(2) An initial commercial driver's license.

(3) A transfer of a commercial driver's license from a prior state of domicile to the state of Iowa.

(4) Renewal of a commercial driver's license.

(5) A license upgrade for a commercial driver's license or an endorsement authorizing the operation of a commercial motor vehicle not covered by the current commercial driver's license.

(6) A restricted commercial driver's license.

(7) A duplicate of any of the credentials listed in subparagraphs 607.23(1)*"a"*(1) through *"a"*(6).

b. The self-certification shall be on a form or in a format, which may be electronic, as determined by the department.

607.23(2) *Submission of medical examiner's certificate by persons certifying to non-excepted interstate driving.* Every person who self-certifies to non-excepted interstate driving must give the department a copy of the person's current medical examiner's certificate, unless the person's medical examiner's certificate is provided to the department electronically by the Federal Motor Carrier Safety Administration. The department will not issue, transfer, renew, or upgrade a license until the department receives a medical examiner's certificate that complies with the requirements of this subrule, or unless the person changes the person's self-certification of type of driving to a type other than non-excepted interstate driving. When the department receives a current medical examiner's certificate, the department will post information required by 49 CFR Section 383.73 and a medical certification status of "certified" on the person's CDLIS driver's record. A person who self-certifies to a type of driving other than non-excepted interstate will not have a medical certification status on the CDLIS driver's record.

607.23(3) *Maintaining certified status.* To maintain a medical certification status of "certified," a person who self-certifies to non-excepted interstate driving must give the department a copy of each

subsequently issued medical examiner's certificate valid for the person unless the person's medical examiner's certificate is provided to the department electronically by the Federal Motor Carrier Safety Administration.

607.23(4) *CDL downgrade.* If the medical examiner's certificate or medical variance for a person self-certifying to non-excepted interstate driving expires or if the Federal Motor Carrier Safety Administration notifies the department that the person's medical variance was removed or rescinded, the department will post a medical certification status of "not certified" to the person's CDLIS driver's record and will initiate a downgrade of the person's commercial driver's license or commercial learner's permit. The medical examiner's certificate of a person who fails to maintain a medical certification status of "certified" as required by subrule 607.23(3) is deemed expired on the date of expiration of the last medical examiner's certificate filed for the person as shown by the person's CDLIS driver's record. The downgrade will be initiated and completed as follows:

a. The department will provide the person written notice that the person's medical certification status is "not certified" and that the commercial motor vehicle privileges will be removed from the person's commercial driver's license or commercial learner's permit 60 days after the date the medical examiner's certificate or medical variance expired or the medical variance was removed or rescinded unless the department receives a current medical certificate or medical variance or the person self-certifies to a type of driving other than non-excepted interstate.

b. If the department receives a current medical examiner's certificate or medical variance before the end of the 60-day period, the department will post a medical certification status of "certified" on the person's CDLIS driver's record and will terminate the downgrade of the person's commercial driver's license or commercial learner's permit.

c. If the person self-certifies to a type of driving other than non-excepted interstate before the end of the 60-day period, the department will not remove the commercial motor vehicle privileges from the person's commercial driver's license or commercial learner's permit, and the person will have no medical certification status on the person's CDLIS driver's record.

d. If the requirements in either paragraph 607.23(4)*"b"* or *"c"* are not met before the end of the 60-day period, the department will remove the commercial motor vehicle privileges from the person's commercial driver's license or commercial learner's permit and will leave the person's medical certification status as "not certified" on the person's CDLIS driver's record.

607.23(5) *Establishment or reestablishment of "certified" status.* A person who has no medical certification status or whose medical certification status has been posted as "not certified" on the person's CDLIS driver's record may have the person's status established or reestablished as "certified" if the department receives a current medical examiner's certificate or medical variance. A person who has failed to self-certify to a type of driving or has self-certified to a type of driving other than non-excepted interstate must also make a self-certification of type of driving to non-excepted interstate driving. The department will then post a medical certification status of "certified" on the person's CDLIS driver's record.

607.23(6) *Reestablishment of the CDL privilege.* A person whose commercial motor vehicle privileges have been removed from the person's commercial driver's license or commercial learner's permit under the provisions of paragraph 607.23(4)*"d"* may have the person's commercial motor vehicle privileges reestablished if either of the following occurs:

a. The department receives the person's current medical examiner's certificate or medical variance. A person who has failed to self-certify to a type of driving must also make an initial self-certification of type of driving to non-excepted interstate driving. The department will then post a medical certification status of "certified" on the person's CDLIS driver's record and reestablish the commercial motor vehicle privileges, provided that the person otherwise remains eligible for a commercial driver's license or commercial learner's permit.

b. The person self-certifies to a type of driving other than non-excepted interstate. The department will then reestablish the commercial motor vehicle privileges, provided that the person otherwise remains eligible for a commercial driver's license or commercial learner's permit; the person will have no medical certification status on the driver's CDLIS driver's record.

607.23(7) *Change of type of driving.* A person may change the person's self-certification of type of driving at any time. As required by subrule 607.23(2), the department must receive a copy of the person's current medical examiner's certificate prepared by a medical examiner for a person certifying to non-excepted interstate driving.

607.23(8) *Recordkeeping.* The department will comply with the medical recordkeeping requirements set forth in 49 CFR Section 383.73.

607.23(9) *Medical examiner's certificate conflict.* As required by 49 CFR Sections 383.71 and 383.73, in the event of a conflict between the medical certification information provided electronically by the Federal Motor Carrier Safety Administration and a paper copy of the medical examiner's certificate, the medical certification information provided electronically by the Federal Motor Carrier Safety Administration shall supersede.

This rule is intended to implement Iowa Code sections 321.182, 321.188 and 321.207.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.24(321) National drug and alcohol clearinghouse.

607.24(1) *Applicability.* This rule applies to:

a. An applicant for or holder of a commercial learner's permit,

b. An applicant for or holder of a commercial driver's license,

c. An applicant seeking to transfer a commercial driver's license from a prior state of domicile to the state of Iowa,

d. An applicant seeking renewal of a commercial driver's license,

e. An applicant seeking to upgrade a commercial driver's license or add an endorsement authorizing the operation of a commercial motor vehicle not covered by the current commercial driver's license, or

f. An applicant for or holder of a restricted commercial driver's license.

607.24(2) *Issuance procedures.* Prior to issuing the license or permit, the department will request information from the national drug and alcohol clearinghouse to determine if the person is prohibited from operating a commercial motor vehicle pursuant to 49 CFR Section 382.501(a). The department will not issue, renew, transfer, or upgrade the license or permit if the person is prohibited from operating a commercial motor vehicle pursuant to 49 CFR Section 382.501(a). However, this subrule is not in effect prior to the date established by the Federal Motor Carrier Safety Administration in 49 CFR Section 383.73 for state driver's license agency compliance with national drug and alcohol clearinghouse requirements.

607.24(3) *CDL downgrade.* Upon receiving notification that pursuant to 49 CFR Section 382.501(a) the person is prohibited from operating a commercial motor vehicle, the department will downgrade the license or permit and record the downgrade on the CDLIS driver record within 60 days of the department's receipt of such notification. However, this subrule is not in effect prior to the date established by the Federal Motor Carrier Safety Administration in 49 CFR Section 383.73 for state driver's license agency compliance with national drug and alcohol clearinghouse requirements. The downgrade will be initiated and completed as follows:

a. The department will give the person written notice that the person is prohibited from operating a commercial motor vehicle due to notification the department received from the national drug and alcohol clearinghouse that the person has engaged in conduct prohibited by 49 CFR Section 382.501(a) and that upon receipt of the notification, the department initiated a downgrade of the person's CLP or CDL.

b. If the department receives notification that the person is no longer prohibited from operating a commercial motor vehicle before the downgrade is completed, the department will terminate the downgrade process without removing the CLP or CDL privilege from the driver's license, transmit the information to the person's CDLIS driver record, and send written notice to the person.

c. If, after the downgrade is completed, the department receives notification from the national drug and alcohol clearinghouse that a driver is no longer prohibited from operating a commercial motor vehicle, the department will record the end of the downgrade on the person's CDLIS driver record, reinstate the CLP or CDL privilege to the driver's license, and send written notice to the person.

d. If, after the downgrade is completed, the department receives notification from the national drug and alcohol clearinghouse that the person was erroneously identified as prohibited from operating a commercial motor vehicle, the department will reinstate the CLP or CDL privilege to the driver's license

as expeditiously as possible and remove from the CDLIS driver record and driving record any reference related to the person's erroneous prohibited status.

607.24(4) *Limitation on hearing and appeal.* An informal settlement, hearing, or appeal to contest the downgrade is limited to a determination of whether the facts required by Iowa Code sections 321.188 and 321.207 and this rule are true. The merits of the information conveyed by the national drug and alcohol clearinghouse to the department shall not be considered.

This rule is intended to implement Iowa Code sections 321.188 and 321.207.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

761—607.25(321) Determination of gross vehicle weight rating.

607.25(1) *Actual weight prohibited.* In determining whether the vehicle is a representative vehicle for the skills test and the group of commercial driver's license for which the applicant is applying, the vehicle's gross weight rating or gross combination weight rating must be used, not the vehicle's actual gross weight or gross combination weight. For purposes of this rule, "gross weight rating" and "gross combination weight rating" mean the same as defined in 49 CFR Section 383.5 effective October 1, 2024.

607.25(2) *Vehicle without legible manufacturer's certification label.* To complete a skills test using a vehicle that has no legible manufacturer's certification label, whether a power unit or towed vehicle, the applicant must provide documentation of the vehicle's gross vehicle weight rating, such as a manufacturer's certificate of origin, a title, or the vehicle identification number information for the vehicle. In the absence of such documentation, the vehicle may not be used, either alone or in combination.

This rule is intended to implement Iowa Code section 321.1.

[**ARC 9579C**, IAB 10/1/25, effective 11/5/25]

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CHAPTERS 608 and 609
Reserved

CHAPTER 610
RELEASE OF COMPUTERIZED DRIVER'S LICENSE
AND NONOPERATOR'S IDENTIFICATION CARD RECORDS
[Appeared as Ch 14, Department of Public Safety, July 1974 IDR Supplement.]
[Prior to 6/3/87, Transportation Department[820]—(07,C) Ch 15]
Rescinded **ARC 6060C**, IAB 12/1/21, effective 1/5/22

CHAPTER 611
DRIVER'S PRIVACY PROTECTION—DRIVER'S LICENSE
AND NONOPERATOR'S IDENTIFICATION CARD
Rescinded **ARC 6060C**, IAB 12/1/21, effective 1/5/22

CHAPTERS 612 to 614
Reserved

CHAPTER 615
SANCTIONS

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

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/21/30

761—615.1(321) Definitions. The following definitions apply to this chapter:

"Accident free" as used in Iowa Code section 321.180B means the driver has not been involved in a contributive accident.

"Appropriate school authority" means the superintendent of a public school or the superintendent's designee; the chief administrator of an accredited nonpublic school, an alternative school, or an adult education program or designee; or the primary instructor of a student who receives competent private instruction or independent private instruction.

"Contributive accident" or *"contributed to an accident"* means the driver was involved in an accident for which there is evidence in departmental records that the driver performed an act that resulted in or contributed to the accident or failed to perform an act which would have avoided or contributed to the avoidance of the accident.

"Deny" or *"denial"* means a rejection of an application for a license or a refusal to issue, renew or reinstate a license.

"Involvement in a motor vehicle accident" as used in Iowa Code section 321.180B means involvement in a contributive accident.

"License" means "driver's license" as defined in Iowa Code section 321.1(20A) unless the context otherwise requires.

"Moving violation," unless otherwise provided in this chapter, means any violation of motor vehicle laws except:

1. Violations of equipment standards to be maintained for motor vehicles.
2. Parking violations as defined in Iowa Code section 321.210.
3. Child restraint and safety belt and harness violations under Iowa Code sections 321.445 and 321.446.
4. Violations of registration, weight and dimension laws.
5. Operating with an expired license.
6. Failure to appear.
7. Disturbing the peace with a motor vehicle.
8. Violations of Iowa Code section 321.20B for failure to provide proof of financial liability coverage.

"Sanction" means a license denial, cancellation, suspension, revocation, bar or disqualification.

This rule is intended to implement Iowa Code sections 321.1, 321.178, 321.180A, 321.189, 321.194, 321.210, 321.215, 321.445, 321.446 and 321.555.

[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.2(321,321A,321J) Scope. This chapter of rules applies to any license. However:

615.2(1) Additional rules addressing denial, cancellation or disqualification of a commercial driver's license are found in 761—Chapter 607, "Commercial Driver Licensing."

615.2(2) Rules implementing Iowa Code chapter 321J are found in 761—Chapter 620, "OWI and Implied Consent."

615.2(3) Rules implementing Iowa Code chapter 321A are found in 761—Chapter 640, "Financial Responsibility."

This rule is intended to implement Iowa Code chapters 321, 321A and 321J.

[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.3(307) Information and address. Applications, forms and information concerning license sanctions are available at any driver's license service center or at www.iowadot.gov. Assistance is also available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204,

Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; or by telephone at 515.244.9124.

This rule is intended to implement Iowa Code section 307.12(1)*"j."*

[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.4(321) Habitual offender.

615.4(1) A person is determined to be a habitual offender under Iowa Code section 321.555(1) in accordance with the following point system:

a. Points are assigned to convictions as follows:

Conviction	Points
Perjury or the making of a false affidavit or statement under oath to the department of public safety	2 points
Driving while under suspension, revocation or denial (except Iowa Code chapter 321J)	2 points
Driving while under Iowa Code chapter 321J revocation or denial	3 points
Driving while barred	4 points
Operating a motor vehicle in violation of Iowa Code section 321J.2	4 points
An offense punishable as a felony under the motor vehicle laws of Iowa or any felony in the commission of which a motor vehicle is used	5 points
Failure to stop and leave information or to render aid as required by Iowa Code sections 321.261 and 321.263	5 points
Eluding or attempting to elude a pursuing law enforcement vehicle in violation of Iowa Code section 321.279	5 points
Serious injury by a vehicle in violation of Iowa Code section 707.6A(4)	5 points
Manslaughter resulting from the operation of a motor vehicle	6 points

b. Based on the points accumulated, the person is to be barred from operating a motor vehicle on the highways of this state as follows:

Points	Length of bar
6 – 7	2 years
8 – 9	3 years
10 – 12	4 years
13 – 15	5 years
16+	6 years

615.4(2) A person declared to be a habitual offender under Iowa Code section 321.555(2) is to be barred from operating a motor vehicle on the highways of this state for one year.

615.4(3) A revocation under Iowa Code section 321.560 will begin on the date the previous revocation expires.

This rule is intended to implement Iowa Code sections 321.555, 321.556 and 321.560.

[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.5(321) Suspension of a habitually reckless or negligent driver.

615.5(1) The department may suspend a person's license for at least 60 days if the person is a habitually reckless or negligent driver of a motor vehicle. "Habitually reckless or negligent driver" means

a person who has accumulated a combination of three or more contributive accidents and convictions for moving violations or three or more contributive accidents within a 12-month period.

615.5(2) In this rule, speeding violations specified in Iowa Code section 321.210(2)*"d"* are not included.

This rule is intended to implement Iowa Code section 321.210.

[**ARC 9135C**, IAB 4/16/25, effective 5/21/25; **ARC 0215D**, IAB 4/15/26, effective 5/20/26]

761—615.6(321) Suspension of a habitual violator.

615.6(1) The department may suspend a person's license when the person is a habitual violator of the traffic laws. "Habitual violator" means that the person has been convicted of three or more moving violations committed within a 12-month period.

615.6(2) The minimum suspension periods are as follows unless reduced by a driver's license hearing officer based on mitigating circumstances:

3 convictions in 12 months	90 days
4 convictions in 12 months	120 days
5 convictions in 12 months	150 days
6 convictions in 12 months	180 days
7 or more convictions in 12 months	1 year

615.6(3) In this rule, speeding violations specified in Iowa Code section 321.210(2)*"d"* are not included.

This rule is intended to implement Iowa Code section 321.210.

[**ARC 9135C**, IAB 4/16/25, effective 5/21/25; **ARC 0215D**, IAB 4/15/26, effective 5/20/26]

761—615.7(321) Suspension or denial for incapability. A person who is physically or mentally incapable of safely operating a motor vehicle is subject to license suspension or denial by the department.

615.7(1) Suspension or denial for incapability may be based on one or more of the following:

a. Receipt of a medical report or vision report stating that the person is not physically or mentally capable of safely operating a motor vehicle.

b. Failure of the person to appear for a required reexamination or failure to submit requested information within the specified time.

c. Ineligibility for licensing under Iowa Code sections 321.177(4) through 321.177(7).

615.7(2) A suspension or denial under this rule will remain in effect until the department receives satisfactory evidence that the licensee has been restored to capability.

615.7(3) A person whose license has been suspended or denied for incapability may be eligible for a special noncommercial instruction permit under rule 761—602.21(321).

615.7(4) A person who has a valid Iowa license that would otherwise be suspended for incapability shall, in lieu of a suspension, be denied further licensing if there is less than 30 days' validity on the license.

a. The denial will take effect when the license is no longer valid.

b. The license shall be surrendered to the department. The department shall issue a temporary driving permit that allows the person to drive until the effective date of the denial.

615.7(5) If a person who is denied licensing for incapability does not have a valid Iowa license, the department may refuse orally to issue a license, effective immediately, or may deny licensing in writing, effective on the date the denial notice is served.

This rule is intended to implement Iowa Code sections 321.177, 321.210, 321.212 and 321.216.

[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.8(321) Suspension for unlawful use of a license. The department may suspend a person's license upon receipt of a conviction or written law enforcement report that the person has permitted unlawful or fraudulent use of the license. The suspension period will be at least 30 but no more than 60 days.

This rule is intended to implement Iowa Code sections 321.210, 321.212 and 321.216.

[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.9(321) Suspension or revocation for out-of-state offense. The department may suspend or revoke a person's license when the department is notified by another state that the person committed an offense in that state that, if committed in Iowa, would be grounds for suspension or revocation. The notice may indicate either a conviction or a final administrative decision. The period of the suspension or revocation is to be the same as if the offense had occurred in Iowa.

This rule is intended to implement Iowa Code sections 321.205 and 321.210.

[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.10(321) Suspension for a serious violation.

615.10(1) The department may suspend a person's license when the person has committed a serious violation of the motor vehicle laws.

615.10(2) "Serious violation" means that:

a. The person's conviction for a moving violation was accompanied by a written report from the arresting officer, the prosecuting attorney or the court indicating that the violation was unusually serious. The suspension period will be at least 60 days.

b. The person was convicted of a moving violation that contributed to a fatal motor vehicle accident. The suspension period will be at least 120 days.

c. The person was convicted for speeding 25 miles per hour (mph) or more above the legal limit. The minimum suspension period is as follows unless reduced by the department based on mitigating circumstances:

25 mph over the legal limit	60 days
26 mph over the legal limit	65 days
27 mph over the legal limit	70 days
28 mph over the legal limit	75 days
29 mph over the legal limit	80 days
30 mph over the legal limit	90 days
31 mph over the legal limit	100 days
32 mph over the legal limit	110 days
33 mph over the legal limit	120 days
34 mph over the legal limit	130 days
35 mph over the legal limit	140 days
36 mph over the legal limit	150 days
37 mph over the legal limit	160 days
38 mph over the legal limit	170 days
39 mph over the legal limit	180 days
40 mph over the legal limit	190 days
41 mph over the legal limit	210 days
42 mph over the legal limit	230 days
43 mph over the legal limit	250 days
44 mph over the legal limit	270 days
45 mph over the legal limit	290 days
46 mph over the legal limit	310 days
47 mph over the legal limit	330 days
48 mph over the legal limit	350 days
49 mph or more over the legal limit	one year

d. The person was convicted of violating Iowa Code section 321.372(3) or a similar ordinance of any political subdivision. The suspension period will be:

(1) 30 days for a first conviction.

(2) 90 days for a second conviction.

(3) 180 days for a third or subsequent conviction.

e. The person was convicted of violating Iowa Code section 321.323A or a similar ordinance of any political subdivision. The suspension period is established in Iowa Code section 321.323A(4)*"c."*

This rule is intended to implement Iowa Code sections 321.210, 321.323A, 321.372 and 321.491.

[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.11(321) Suspension under the nonresident violator compact. The department may suspend a person's license when a report is received from another state under the nonresident violator compact that an Iowa licensee has failed to comply with the terms of a traffic citation. The suspension will continue until the department receives evidence of compliance with the terms of the citation, at which point the department shall issue a notice terminating the suspension.

This rule is intended to implement Iowa Code sections 321.210 and 321.513.

[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.12(17A,321) Suspension for a charge of vehicular homicide; hearing and appeal process.

615.12(1) The department shall suspend a person's license when the department receives notice from the clerk of the district court that an indictment or trial information has been filed charging the person with homicide by vehicle under Iowa Code section 707.6A(1) or 707.6A(2). The suspension takes effect ten days after the department's suspension notice is issued.

615.12(2) In a contested case hearing, the sole issue is whether there is a possibility of a judgment being rendered against the person for homicide by vehicle under Iowa Code section 707.6A(1) or 707.6A(2). A suspension under this subrule will be upheld if there is evidence in department records that the indictment or trial information was found or approved by a grand jury, magistrate, or judge.

This rule is intended to implement Iowa Code chapter 17A and section 321.210D.

[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.13(307,321) Suspension of a special minor's restricted license and minor's restricted work license.

615.13(1) *Suspension of a special minor's restricted license.*

a. Suspensions issued under Iowa Code section 321.194(7) may be concurrent. Each suspension requires a separate three-month waiting period pursuant to Iowa Code section 321.194(7)*"b."*

b. A written report submitted to the department by a peace officer, parent, guardian, custodian, or appropriate school authority will constitute evidence that the licensee violated the restrictions of the license.

c. A suspension issued under this subrule terminates when the person attains the age of 18.

615.13(2) *Suspension of a minor's restricted work license.* The department may suspend a minor's restricted license for at least 30 days upon receiving notice of the licensee's conviction for one moving violation or evidence that the licensee has violated the license restrictions.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"*321.178 and 321.194.

[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.14(321) Suspension for nonpayment of fine, penalty, surcharge or court costs.

615.14(1) A suspension issued by the department under Iowa Code section 321.210A shall continue until the department receives notice from a clerk of the district court that all appropriate payments have been made, the person has entered into an executed installment agreement under Iowa Code section 321.210B, or the notice to suspend was submitted in error. Upon receipt of such notice, the department shall terminate the suspension.

615.14(2) An informal settlement, hearing or appeal to contest the suspension is limited to a determination of whether the facts required by Iowa Code section 321.210A and this subrule are true. The merits of the conviction will not be considered.

This rule is intended to implement Iowa Code sections 321.210A and 321.210B.
[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.15(232,299,307,321) Suspensions for juveniles.

615.15(1) *Suspension for juveniles adjudicated delinquent for certain offenses.*

a. Pursuant to Iowa Code section 321.213A, the department will suspend the license of a person for one year upon receipt of an adjudication and dispositional order from the clerk of the juvenile court.

b. The department may issue to a person suspended under this subrule a temporary restricted license in accordance with rule 761—615.28(321) if issuance is permitted under Iowa Code section 321.215 and the person is otherwise eligible for the license. To obtain a temporary restricted license that is valid for educational or employment purposes, the applicant must meet the requirements for issuance of a special minor's restricted license under Iowa Code section 321.194 and rule 761—602.26(321).

615.15(2) *Suspension for juvenile's failure to attend school.*

a. The department shall suspend the driver's license of a person of compulsory age upon receipt of notification from the appropriate school authority that the person is in violation of Iowa Code section 299.1B.

b. The suspension will continue until the person reaches the age of 18 or the department receives notification from the appropriate school authority that the person is no longer in violation of Iowa Code section 299.1B.

c. The department may issue to the person a minor's restricted work license pursuant to Iowa Code section 321.178 and rule 761—602.25(321) if the person is eligible for the license.

This rule is intended to implement Iowa Code sections 232.52(2), 321.178, 321.213B, 299.1B, 307.12(1)*"j,"*321.213, 321.213A and 321.215.
[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.16(252J) Suspension upon receipt of a certificate of noncompliance.

615.16(1) *From child support services.*

a. The department shall suspend a person's Iowa-issued driver's license upon receipt of a certificate of noncompliance from the child support services.

b. The suspension shall continue until receipt of a withdrawal of the certificate of noncompliance from the child support services.

c. The filing of an application pursuant to Iowa Code section 252J.9 stays the suspension pending the outcome of the district court hearing.

615.16(2) Reserved.

This rule is intended to implement Iowa Code sections 252J.1, 252J.8 and 252J.9.
[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.17(307,321) Suspension for violation of a license restriction. The department may suspend a person's license when the department receives satisfactory evidence of a violation of a restriction imposed on the license. The suspension period is at least 30 days for the first violation and at least 90 days for subsequent violations.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.193.
[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.18(307,321,707) Mandatory revocation.

615.18(1) A revocation issued by the department pursuant to Iowa Code section 321.209 shall be at least one year except as provided in Iowa Code section 321.212.

615.18(2) For purposes of issuing a revocation under Iowa Code section 321.209(2), "felony" includes a conviction that meets at least one of the following criteria:

a. The record provides specific factual findings by the court that a motor vehicle was used in the commission of the offense,

b. The record is accompanied by information from the prosecuting attorney indicating that a motor vehicle was used in the commission of the crime, or

c. The record indicates that the elements of the offense actually required the use of a motor vehicle.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"*321.209, 321.212, 321.261 and 707.6A.
[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.19(307,321J) Extension of suspension or revocation period under Iowa Code chapter 321J. The department is to extend the period of license suspension or revocation for an additional like period when the person is convicted of operating a motor vehicle while the person's license is suspended or revoked under Iowa Code chapter 321J.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321J.21.
[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.20(321) Effective date of sanction. Unless otherwise specified by statute or rule, a suspension, revocation, disqualification or bar shall begin 30 days after the department's notice of such action is served. However, a cancellation issued by the department under Iowa Code section 321.184, 321.185, 321.189, 321.191 or 321.201 will take effect ten days after the department's notice of cancellation is served.

This rule is intended to implement Iowa Code sections 321.208, 321.209, 321.210 and 321.556.
[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.21(321,321J,331) Service of notice.

615.21(1) The department shall send a notice of a sanction by first-class mail to the person's mailing address as shown on departmental records.

615.21(2) In lieu of service by mail, the notice may be delivered by a peace officer, a departmental employee, or any person over 18 years of age.

a. The person serving the notice shall prepare a certificate of personal service certifying delivery, specifying the name of the receiver, the address and the date, or certifying nondelivery.

b. The department will pay fees for personal service of notice by a sheriff as specified in Iowa Code section 331.655. The department may also contract for personal service of notice when the department determines that it is in the best interests of the state.

615.21(3) The sanction shall become effective on the date specified in the notice.

615.21(4) The department may prepare an affidavit of mailing verifying the fact that a notice was mailed by first-class mail. To verify the mailing of a notice, the department may use its records in conjunction with U.S. Postal Service records available to the department. The department's affidavit of mailing may be attested to and certified in accordance with Iowa Code section 622.1.

This rule is intended to implement Iowa Code sections 321.16, 321.211, 321.211A, 321.556, 321J.9, 321J.12 and 331.655.
[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.22(17A,321,321J) Hearing and appeal process.

615.22(1) *Applicability.* This rule applies to:

a. License denials, cancellations and suspensions under Iowa Code sections 321.177 through 321.215 and 321A.4 through 321A.11 except suspensions under Iowa Code sections 321.213A and 321.213B.

b. License suspensions and revocations under Iowa Code sections 321.218 and 321J.21.

c. License revocations under Iowa Code sections 321.193 and 321.205.

d. Disqualifications from operating a commercial motor vehicle under Iowa Code section 321.208.

e. License bars under Iowa Code section 321.556.

615.22(2) *Submission of request.*

a. A person subject to a sanction listed in subrule 615.22(1) may contest the action by following the provisions of 761—Chapter 13 as supplemented by this rule.

b. A person may request an informal settlement, a contested case hearing, or an appeal of a presiding officer's decision by submitting a request in writing to the motor vehicle division at the address in rule 761—615.3(17A).

c. The request is to include the person's name, date of birth, driver's license or permit number, mailing address and telephone number and the name, address and telephone number of the person's attorney, if any.

d. A request for an informal settlement or a request for a contested case hearing will be deemed timely submitted if it is delivered to the motor vehicle division or postmarked within the time period specified in the department's notice of the sanction.

(1) Unless a longer time period is specified in the notice or another time period is specified by statute or rule, the time period will be 20 days after the notice is served.

(2) However, a request to appeal a sanction under rule 761—615.7(321) or a denial of a license may be submitted at any time.

615.22(3) *Informal settlement or hearing.*

a. The person may request an informal settlement. Following an unsuccessful informal settlement procedure, or instead of that procedure, the person may request a contested case hearing.

b. Notwithstanding paragraph 615.22(3)*"a,"* a request received from a person who has participated in a driver improvement interview on the same matter shall be deemed a request for a contested case hearing.

615.22(4) *Appeal.* A request to appeal a presiding officer's decision shall be submitted in accordance with 761—subrule 13.5(3).

615.22(5) *Stay of sanction.*

a. Upon receipt of a properly submitted, timely request under this rule, the department will review its records to determine whether the sanction may be stayed pending the outcome of the settlement, hearing or appeal unless prohibited by statute or rule or unless otherwise requested by the requester/appellant.

(1) If the stay is granted, the department will send a notice indicating the effective date of the stay. The notice allows the person to drive while the sanction is stayed if the license is valid and no other sanction is in effect.

(2) A person whose stay authorizes driving privileges shall carry the notice of stay at all times while driving.

b. Of the sanctions listed in subrule 615.22(1), the department shall not stay the following, and the person's driving privileges do not continue:

(1) A suspension for incapability.

(2) A denial.

(3) A disqualification from operating a commercial motor vehicle.

(4) A suspension under Iowa Code section 321.180B.

(5) A suspension or revocation under Iowa Code section 321.218 or 321J.21.

This rule is intended to implement Iowa Code chapter 17A and sections 321.177 through 321.215, 321.218, 321.556, 321A.4 through 321A.11 and 321J.21.

[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.23(307,321,321A) Surrender of license. A person whose Iowa license has been sanctioned shall surrender the license to the designated representative of the department on or before the effective date of the sanction.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.201, 321.208, 321.210D, 321.212, 321.216, 321.556 and 321A.31.

[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.24(321,321A,321J) License reinstatement or reissue. The department may reinstate the license when the sanction has ended if the person is otherwise eligible for issuance of the license and the person has:

615.24(1) Filed proof of financial responsibility under Iowa Code chapter 321A, when required, for all vehicles to be operated. Only the motor vehicles covered under the proof of financial responsibility filed by the applicant may be operated.

615.24(2) Paid the civil penalty when required by Iowa Code section 321J.17.

615.24(3) Complied with the specific instructions given in the department's notice terminating the sanction.

615.24(4) Successfully completed any required driver license examinations.

615.24(5) Paid the reinstatement fee under Iowa Code section 321.191 when required.

615.24(6) Paid the appropriate license fee or duplicate license fee under Iowa Code sections 321.191 and 321.195.

This rule is intended to implement Iowa Code sections 321.186, 321.191, 321.195, 321.208, 321.212, 321A.17 and 321J.17.

[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.25(321) Investigation of convictions based on fraud. A person requesting investigation of fraudulent use of a person's name or other fraudulent identification that resulted in a record of conviction for a scheduled violation under Iowa Code chapter 321 and listed in Iowa Code section 805.8A may submit a written application to the department using Form 420049. The department will review the application and determine whether investigation is warranted under Iowa Code section 321.200A.

This rule is intended to implement Iowa Code section 321.200A.

[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.26(321) Remedial driver improvement.

615.26(1) Pursuant to Iowa Code section 321.180B(3)*"a,"* remedial driver improvement action means any or all of the following as determined by the department: suspension, safety advisory letter, additional restriction(s), safety consultation, educational program, knowledge examination, or driving examination.

615.26(2) A suspension period under Iowa Code section 321.180B(3) shall be at least 30 days for the first violation, at least 60 days for the second violation, and at least 90 days for a third or subsequent violation. A person whose driving privilege has been suspended under this rule is not eligible for a temporary restricted license.

615.26(3) Any action under this rule terminates when a person attains the age of 18.

This rule is intended to implement Iowa Code section 321.180B.

[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.27(307,321) Driver improvement program.

615.27(1) *When required.*

a. In lieu of suspension, the department may require the following persons to attend and successfully complete, at the person's own expense, a driver improvement program approved by the department:

(1) A habitual violator.

(2) A person who is convicted for speeding at least 25 but not more than 29 miles per hour over the legal limit.

(3) A person whose license is subject to suspension under Iowa Code section 321.210C.

(4) A person who is convicted of a first offense violation of Iowa Code section 321.372(3) or a similar ordinance of any political subdivision.

b. However, a person is not eligible to attend a driver improvement program in lieu of suspension more than once within a two-year period.

615.27(2) *Scheduling.* The department shall forward the person's contact information to the approved driver improvement program provider nearest the person's last known address. The provider will schedule the person's attendance at the provider's next available program opening.

a. One request for rescheduling may be granted by the provider if the program begins within 30 days of the originally scheduled date and if space is available.

b. A request to attend a program in another state may be granted if the curriculum is approved by the department.

615.27(3) *Probation.* When a person is required to attend and successfully complete a driver improvement program, the person must immediately thereafter complete a one-year probationary driving period. The department may suspend the person's license upon receipt of one conviction for a moving violation committed by the person during the probationary period. The suspension period will be for the length of the original underlying suspension.

615.27(4) *Failure to attend.* The department shall suspend the license of a person who is required to attend a driver improvement program and who does not attend, or does not successfully complete, the program. The suspension period will be for the length of the original underlying suspension.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.210, 321.210C and 321.372.

[**ARC 9135C**, IAB 4/16/25, effective 5/21/25]

761—615.28(252J,307,321,321J) Temporary restricted license (work permit).

615.28(1) A person is not eligible for a temporary restricted license under Iowa Code section 321.215 if the person is subject to the following sanctions:

a. License denial or cancellation.

b. License suspension for incapability.

c. License suspension for noncompliance with the financial responsibility law.

d. Suspension or revocation of a special minor's restricted license or minor's restricted work license.

e. License revocation under Iowa Code section 321.209(1) through 321.209(4) or revocation for a second or subsequent conviction for drag racing.

f. License bar under Iowa Code section 321.560 unless the applicant is declared to be a habitual offender under Iowa Code section 321.555(1)*"c"* or 321.555(2).

g. License suspension under Iowa Code section 252J.8.

h. License suspension under Iowa Code section 321.180B(3).

615.28(2) Application for a temporary restricted license is to be made online at www.iowadot.gov/mvd/driverslicense/Suspensions-and-Revocations#TempRL or using Form 430100 and submitted to the motor vehicle division at the address in rule 761—615.3(17A).

615.28(3) The application is to be accompanied by supporting documentation signed by each entity able to attest to the applicant's eligibility for each requested purpose authorized under Iowa Code section 321.215(1)*"a"*(1) through 321.215(1)*"a"*(6). An applicant under Iowa Code section 321.215(1)*"a"*(5) must also submit a copy of the court order for community service. Acceptable statements will explain the need for the license and list specific places and times for the activity that can be verified by the department.

615.28(4) A temporary restricted license issued for employment may include permission for the licensee to transport dependent children or adults between the licensee's residence and a child or dependent adult care location, provided the care is essential for continuation of the licensee's employment and the application includes a signed statement from the care provider.

615.28(5) An applicant for a temporary restricted license is also required to do all of the following:

a. File proof of financial responsibility under Iowa Code chapter 321A, if required, for all motor vehicles to be operated under the temporary restricted license.

b. Pay the civil penalty when required by Iowa Code section 321J.17.

c. Pass the appropriate examination for the type of vehicle to be operated under the temporary restricted license.

d. Pay any applicable reinstatement and license fees.

615.28(6) The department will determine the restrictions to be imposed by the temporary restricted license based on the documents submitted. The licensee may apply at any time to the department in writing with a justification for any requested change in license restrictions.

615.28(7) An applicant who has been denied a temporary restricted license or who contests the license restrictions imposed by the department may contest the decision in accordance with rule 761—615.22(321).

This rule is intended to implement Iowa Code chapter 321A and sections 252J.8, 307.12(1)*"j,"* 321.177, 321.178, 321.184, 321.185, 321.186, 321.189, 321.191, 321.193, 321.194, 321.195, 321.201, 321.205, 321.209, 321.210, 321.210A, 321.212, 321.213A, 321.213B, 321.215, 321.218, 321.513, 321.560 and 321J.17.

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◊ Two or more ARCs

CHAPTERS 616 to 619
Reserved

CHAPTER 620
OWI AND IMPLIED CONSENT

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

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

761—620.1(321J) Definitions.

"Final compliance report" means a report as described in Iowa Code section 321J.17A(3).

"Medical doctor" for purposes of this chapter means a licensed physician under Iowa Code chapter 148 (doctor of medicine or osteopathy) or the equivalent licensed in another state.

"Violation" means a violation as described in Iowa Code section 321J.17A(4).

"Violation occurrence" means an occurrence as described in Iowa Code section 321J.17A(1). A "violation occurrence" as described in Iowa Code section 321J.17A(1)*"d"* does not include when the ignition interlock device is transferred to a different vehicle.

[**ARC 9267C**, IAB 5/14/25, effective 6/18/25]

761—620.2(307,321J) Information and location. Information relating to this chapter is available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Boulevard, Ankeny, Iowa; by telephone at 515.244.9124; by email at driver.services@iowadot.us; or by facsimile at 515.239.1837.

[**ARC 9267C**, IAB 5/14/25, effective 6/18/25]

761—620.3(307,321,321J) Issuance of temporary restricted license.

620.3(1) *Application.* An application for a temporary restricted license may be submitted, at any time before or during the revocation period, by completing Form 430400. The application form should be furnished by the arresting officer. It may also be obtained upon oral or written request to the motor vehicle division in person or by mail at the address in rule 761—620.2(307,321J) or online at www.iowadot.gov/mvd/driverslicense/suspensions-and-revocations.

620.3(2) *Additional requirements.* A person applying for a temporary restricted license will comply with all of the following requirements:

a. Submit proof of financial responsibility under Iowa Code chapter 321A for all motor vehicles owned or operated under the temporary restricted license.

b. Provide certification of installation of an approved ignition interlock device on each vehicle required pursuant to Iowa Code section 321J.20(2).

c. Pay the $200 civil penalty.

d. Pay the applicable reinstatement and license fees.

e. Pass the appropriate examination for the type of vehicle to be operated under the temporary restricted license.

620.3(3) *Medical certification and waiver.*

a. Upon certification from a medical doctor provided to the department on Form 430034, the minimum breath sampling size on an ignition interlock device may be lowered by the ignition interlock device provider to a level permissible under the National Highway Traffic Safety Administration's Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs) as published in the Federal Register, Vol. 78, May 8, 2013, pages 26849 – 26867.

b. Upon certification from a medical doctor provided to the department on Form 430034, the requirement to install an ignition interlock device as a condition of a temporary restricted license may be waived by the department if the applicant has a verifiable medical condition rendering the applicant incapable of providing a deep lung breath sample necessary for analysis by an ignition interlock device at either the standard level or lower level specified in the BAIIDs.

c. A temporary restricted license issued to a person with a medical wavier is subject to the restrictions identified in Iowa Code section 321J.20A(3) and must comply with rule 761—615.45(321).

620.3(4) *Restrictions.* Upon receipt and approval of an application, the department will determine the restrictions to be imposed by the temporary restricted license. The licensee is to 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 contest the decision at any time in accordance with rule 761—620.5(17A,307,321J).

[**ARC 9267C**, IAB 5/14/25, effective 6/18/25]

761—620.4(321J) Ignition interlock device provider reports.

620.4(1) *Access and approval.* An approved ignition interlock provider seeking to access department records to perform the electronic reporting outlined in this rule must apply to the department in a manner approved by the department and in compliance with 761—Chapter 301.

620.4(2) *Electronic reporting.*

a. An approved ignition interlock device provider shall electronically report a notice of violation occurrence and a final compliance report to the department in a manner approved by the department.

b. An approved ignition interlock provider shall retain all data, information and records associated with a notice of violation occurrence and final compliance report for a period of at least five years and make such data available to the department upon request.

620.4(3) *Notice of violation occurrence.* The notice of violation occurrence shall be generated and sent by the ignition interlock device provider to the department no earlier than the same day the occurrence meets the criteria under Iowa Code section 321J.17A(1) and no later than seven business days after the occurrence meets the criteria under Iowa Code section 321J.17A(1).

a. The notice of violation occurrence shall specify the applicable paragraph in Iowa Code section 321J.17A(1)*"a"* through *"d"* to which the occurrence corresponds.

b. For purposes of determining when the periods referenced in Iowa Code section 321J.17A(1)*"a"* and *"b"* begin and end, the following applies:

(1) The 30-day period described in Iowa Code section 321J.17A(1)*"a"* begins on the date the first violation occurs and ends 30 days after the date the first violation occurred. All violations that occur within that 30-day period count toward one occurrence. Any new violation occurring after the end date of the initial 30-day period counts toward an additional occurrence.

(2) The 24-hour period described in Iowa Code section 321J.17A(1)*"b"* begins when the first violation occurs and ends 24 hours after the time the first violation occurred. All violations that occur within that 24-hour period count toward one occurrence. Any new violation occurring after the end of the initial 24-hour period counts toward an additional occurrence.

c. Any violation will count toward an occurrence under both Iowa Code section 321J.17A(1)*"a"* and *"b."*

d. Failing to provide a detectable breath sample in Iowa Code section 321J.17A(4)*"a"*(1) means the failure occurred during a random retest.

e. An event described in Iowa Code section 321J.17A(4)*"b"* is not a violation if the immediate retest is successful and occurs within ten minutes of the first failed test.

f. Upon request, the ignition interlock device provider shall also provide the applicable underlying violation category under Iowa Code section 321J.17A(4)*"a"* and any other identifying information requested by the department for each occurrence.

g. Each notice of violation occurrence requires a separate 60-day time extension to the period of time a person is required to maintain an ignition interlock device pursuant to Iowa Code section 321J.17A(1).

h. Nothing in this subrule prevents a 60-day time extension from being added if the notice of violation occurrence is sent after the time required under this subrule due to the person's failure to have the ignition interlock device reset once it has entered lockout condition.

i. If a violation under Iowa Code section 321J.17A(4)*"a"* occurs solely due to the ignition interlock device suffering a manufacturer's defect, as determined by the ignition interlock device provider, the violation shall not be included in a notice of violation occurrence under this subrule.

620.4(4) *Final device download and compliance report.*

a. Upon receipt of notification from the department that the person's requirement to maintain installation of the ignition interlock device has ended, the ignition interlock device provider shall complete a final download of the ignition interlock device to determine if the person has had any violation occurrences prior to or on the end date reported by the department. If no violation occurrences are detected, the ignition interlock device provider shall generate and send to the department a final compliance report, in the form and manner prescribed by the department, no later than seven business days following the date of the final download of the ignition interlock device. The ignition interlock device provider may uninstall the ignition interlock device if the final download detects no violation occurrences prior to or on the end date reported by the department.

b. If, during the final download, a violation occurrence is detected that occurred on or prior to the date the person's requirement to maintain installation of an ignition interlock device ends as reported by the department, all of the following apply:

(1) The ignition interlock device provider shall report the violation occurrence to the department in the same manner as any other violation occurrence is reported.

(2) The time extension under Iowa Code section 321J.17A applies and the ignition interlock device cannot be uninstalled until all time extensions have ended.

[**ARC 9267C**, IAB 5/14/25, effective 6/18/25]

761—620.5(17A,307,321J) Hearings and appeals.

620.5(1) *Contested case hearing.*

a. A person may request a contested case hearing by submitting Form 432034 to the department or by submitting a written request to the motor vehicle division. The request is to include the person's name, date of birth, driver's license number, complete address and telephone number.

b. A request for a hearing to contest a revocation is to be submitted within ten days following receipt of the revocation notice. The request will be deemed timely submitted if it is delivered to the motor vehicle division or properly addressed and postmarked within this time period.

c. 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.

d. After a hearing, a written decision will be issued by the presiding officer.

620.5(2) *Appeal.* A decision by a presiding officer shall become the final decision of the department unless either party appeals the decision in accordance with this subrule.

a. An appeal is to 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. An appeal is to 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 to the motor vehicle division.

d. An appeal is deemed timely submitted if it is received by the motor vehicle division or properly addressed and postmarked within ten days after receipt of the presiding officer's decision.

e. The motor vehicle division will forward the appeal to the director of transportation or director's designee (director). The director 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.

620.5(3) *Final agency action.* The decision of the director is the final decision of the department and constitutes final agency action for purposes of judicial review. No further steps are necessary to exhaust administrative remedies.

620.5(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 620.5(2). A motion to vacate is to state all facts relied upon by the moving party that 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 are to be granted only for good cause shown. The burden of proof is on the moving party. Adverse parties are to respond to a motion to vacate within ten days.

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 620.5(2).

h. A decision granting a motion to vacate is subject to interlocutory appeal by the adverse party in accordance with subrule 620.5(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 is to proceed accordingly.

620.5(5) *Petition to reopen a hearing.*

a. A petition to reopen a hearing pursuant to Iowa Code section 17A.16 is to be submitted in writing to the motor vehicle division. 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. A timely appeal is delivered to the motor vehicle division or properly addressed and postmarked within 20 days after issuance of the decision denying the petition to reopen.

[**ARC 9267C**, IAB 5/14/25, effective 6/18/25]

761—620.6(321J) Reinstatement. The department may reinstate the driver's license when the revocation has ended if the person has satisfied the requirements under paragraphs 620.3(2)*"a"* and *"c"* through *"e"* and Iowa Code section 321J.17.

[**ARC 9267C**, IAB 5/14/25, effective 6/18/25]

761—620.7(307,321,321J) Issuance of temporary restricted license after revocation period has expired. The department may issue a temporary restricted license under Iowa Code section 321J.20(6) for six months from the end of the original revocation, unless a longer period of time is necessary to complete the requirements for driver's license reinstatement.

620.7(1) An applicant for a temporary restricted license under this rule must demonstrate to the satisfaction of the department one of the following:

a. 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. That substance use disorder evaluation and treatment have not been completed because of an inability to schedule them or because they are ongoing.

c. That due to surprise, excusable neglect, or unavoidable casualty, the applicant has been unable to meet the requirements under rule 761—620.3(307,321,321J) and needs additional time for completion.

620.7(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(307,321,321J) and Iowa Code section 321J.20.

[**ARC 9267C**, IAB 5/14/25, effective 6/18/25]

761—620.8(307,321J) Revocation for deferred judgment. The revocation period under Iowa Code section 321J.4(3) shall be 90 days.
[**ARC 9267C**, IAB 5/14/25, effective 6/18/25]

761—620.9(125,321J) Substance use disorder evaluation and treatment. When the department revokes a person's driver's license under Iowa Code chapter 321J, the department shall also order the person to submit to substance use disorder evaluation and, if recommended, substance use disorder treatment. A provider of substance use disorder evaluation and treatment shall be licensed by the Iowa department of health and human services pursuant to Iowa Code chapter 125.

620.9(1) *Reporting.*

a. When a person has satisfactorily completed substance use disorder evaluation and treatment, 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 125.84 and 125.86 and 42 CFR §2.13 effective April 16, 2024.

620.9(2) *Payment.* Payment of substance use disorder evaluation and treatment shall be in accordance with Iowa department of health and human services rules.
[**ARC 9267C**, IAB 5/14/25, effective 6/18/25]

761—620.10(321J) Drinking drivers course. When a person who has been ordered to enroll, attend, and satisfactorily complete a course for drinking drivers under Iowa Code chapter 321J 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.
[**ARC 9267C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code chapters 17A and 321J and sections 125.84, 125.86, 307.12(1)*"j,"* 321.193, 321.201, 321.215, 321.376 and 707.6A.

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CHAPTERS 621 to 624
Reserved

CHAPTER 625
DRIVER'S LICENSES FOR UNDERCOVER LAW ENFORCEMENT OFFICERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/19/30

761—625.1(321) Application.

625.1(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, or the designee of the head with supervisory authority over the applicant, of the law enforcement agency employing the applicant.

e. Be submitted to the Motor Vehicle Division, Iowa Department of Transportation, 6310 SE Convenience Boulevard, Ankeny, Iowa 50021.

625.1(2) All applications will be investigated by the department. An investigation will 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.

625.1(3) The department will determine if the undercover license is necessary.

625.1(4) The department may approve or deny the application based on the results of the investigation and the determination of necessity.

625.1(5) An applicant employed by a state or local law enforcement agency that is located in a state other than Iowa is not eligible for an undercover driver's license issued under this chapter.

[**ARC 9624C**, IAB 10/15/25, effective 11/19/25]

761—625.2(321) Issuance and cancellation.

625.2(1) To obtain an undercover license after the application is approved, the applicant is to appear at the Motor Vehicle Division offices, Iowa Department of Transportation, 6310 SE Convenience Boulevard, Ankeny, Iowa, with all applicable documents necessary for the issuance of an undercover license.

625.2(2) In accordance with the provisions in 6 CFR Section 37.11 effective as of January 1, 2024, the requirements under rule 761—601.5(321) are waived for the issuance of an undercover license.

625.2(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—625.1(321).

625.2(4) 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 motor vehicle division for cancellation.

[**ARC 9624C**, IAB 10/15/25, effective 11/19/25]

761—625.3(22,80G,321) Records.

625.3(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.

625.3(2) The open public records of the department will not contain any information or indicator that would distinguish any undercover license issued under this chapter from any other driver's license issued by the department.

625.3(3) An undercover license issued under this chapter will appear on the driver's license record system.

[**ARC 9624C**, IAB 10/15/25, effective 11/19/25]

These rules are intended to implement Iowa Code sections 22.7, 80G.3, 321.189, 321.189A and 321.196 and 6 CFR Section 37.11 effective as of January 1, 2025.

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CHAPTERS 626 to 629
Reserved

CHAPTER 630
NONOPERATOR'S IDENTIFICATION

[Prior to 6/3/87, see Transportation Department[820]—(07,C)Ch 12]

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/19/30

761—630.1(321) General information.

630.1(1) The department will issue a nonoperator's identification card only to an Iowa resident who does not have a driver's license. However, a card may be issued to a person holding a temporary permit under Iowa Code section 321.181.

630.1(2) Definitions.

"License" means "driver's license" as defined in Iowa Code section 321.1(20A) unless the context otherwise requires.

"Temporarily present in this state" means a person who has temporary lawful status as defined in 6 CFR Section 37.3 effective January 1, 2024.

630.1(3) Applications, forms and information concerning the nonoperator's identification card are available at any driver's license service center. Assistance is also available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; by telephone at 515.244.8725; by facsimile at 515.239.1837; or on the department's website at www.iowadot.gov/mvd/driverslicense/Fees-and-license-type#54672691-id-card-only.

[**ARC 9625C**, IAB 10/15/25, effective 11/19/25]

761—630.2(321) Application and issuance.

630.2(1) An applicant for a nonoperator's identification card is to complete and sign an application form at a driver's license service center. The signature shall be without qualification and contain only the applicant's usual signature without any other titles, characters or symbols.

630.2(2) The applicant is to present proof of identity, date of birth, social security number, Iowa residency, current residential address and lawful status as required by rule 761—601.5(321). If applicable, submission of a parent's, guardian's, or custodian's consent is also required in accordance with rule 761—601.6(321). The applicant or a current cardholder may provide the department with emergency contact information in accordance with rule 761—601.3(321).

630.2(3) The nonoperator's identification card will be coded for identification only as explained on the reverse side of the card. A card issued to a person who is a foreign national who is temporarily present in this state shall be issued only for the length of time the person is authorized to be present in the United States as verified by the department pursuant to 6 CFR Section 37.21, not to exceed two years. However, if the person's lawful status has no expiration date, the card shall be issued for a period of no longer than one year pursuant to 6 CFR Section 37.21(b)"1."

630.2(4) Upon the request of the cardholder, the department may indicate on the nonoperator's identification card any of the following:

a. That the cardholder has a medical condition.

b. That the cardholder is a donor under the uniform anatomical gift law.

c. That the cardholder has in effect a medical advance directive.

d. That the cardholder is hard of hearing or deaf.

e. That the cardholder is a veteran.

(1) To be eligible for a veteran designation, the cardholder must be an honorably discharged veteran of the armed forces of the United States, the national guard or reserve forces as described in Iowa Code section 35.1. A cardholder who requests a veteran designation may provide one of the following:

1. Form 432035, properly completed by the cardholder and a designee of the Iowa department of veterans affairs.

2. Certification of release or discharge from active duty, DD Form 214, to the department indicating that the cardholder was honorably discharged from active duty.

(2) A cardholder 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 cardholder 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 cardholder who was a member of the national guard or reserve forces and who has a discharge document other than a DD Form 214 must submit Form 432035, properly completed by the cardholder and a designee of the Iowa department of veterans affairs.

(3) 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.

f. That the cardholder has autism spectrum disorder.

630.2(5) No issuance fee is to be charged for a person whose license has been suspended for incapability pursuant to rule 761—615.14(321), who has been denied further licensing in lieu of a suspension for incapability pursuant to rule 761—615.4(321), or who voluntarily surrenders the person's license in lieu of suspension for incapability pursuant to rule 761—615.14(321).

630.2(6) An applicant who is a foreign national who is temporarily present in this state must provide documentation of lawful status as required by 761—subrule 601.5(4) at each renewal.

630.2(7) A person who seeks a nonoperator's identification card that is compliant with the REAL ID Act of 2005, 49 U.S.C. Section 30301 note, as implemented in 6 CFR Part 37 ("REAL ID nonoperator's identification card") effective January 1, 2024, must meet and comply with all lawful requirements for an Iowa nonoperator's identification card and must also meet and comply with all application and documentation requirements set forth at 6 CFR Part 37, including but not limited to documentation of identity, date of birth, social security number, address of principal residence and evidence of lawful status in the United States. Documents and information provided will be verified pursuant to 6 CFR Section 37.13. An applicant for a REAL ID nonoperator's identification card is subject to a mandatory facial image capture that meets the requirements of 6 CFR Section 37.11(a). A REAL ID nonoperator's identification card may not be issued, reissued or renewed except as permitted in 6 CFR Part 37 and may not be issued, reissued or renewed by any procedure, in any circumstance, to any person or for any term prohibited under 6 CFR Part 37. The information on the front of any REAL ID nonoperator's identification card must include all information and markings required by 6 CFR Section 37.17. Nothing in this subrule requires a person to obtain a REAL ID nonoperator's identification card.

630.2(8) A nonoperator's identification card issued to a foreign national who is temporarily present in this state shall include the following statement on the face of the card: "limited term."

630.2(9) A nonoperator's identification card that is not issued as a REAL ID nonoperator's identification card as described in subrule 630.2(7) is to include the following statement on the face of the card: "not for REAL ID Act purposes" as required by 6 CFR Section 37.71 and any subsequent guidance issued by the U.S. Department of Homeland Security.

630.2(10) The department may determine means or methods for electronic renewal of a nonoperator's identification card.

a. An applicant who meets the following criteria may apply for electronic renewal:

(1) The applicant is at least 18 years old.

(2) The applicant's photo was updated at the applicant's last issuance or renewal.

(3) The applicant's nonoperator's identification card 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 nonoperator's identification card is not marked "valid without photo."

(6) The applicant is not seeking to change any of the following as it appears on the applicant's nonoperator's identification card:

1. Name.
2. Date of birth.

b. An applicant who has not previously been issued a REAL ID nonoperator's identification card may not request a REAL ID nonoperator's identification card by electronic renewal.

630.2(11) An applicant for a nonoperator's identification card is to surrender all other driver's licenses and nonoperator's identification cards, other than a temporary permit held under Iowa Code section 321.181. This includes any driver's licenses or nonoperator's identification cards issued by a state other than Iowa or a foreign jurisdiction unless otherwise provided in a letter of understanding or other written memorialization of reciprocity or understanding. An applicant who renews a nonoperator's

identification card electronically pursuant to subrule 630.2(10) is to destroy the previous nonoperator's identification card upon receipt of a renewed nonoperator's identification card.
[**ARC 9625C**, IAB 10/15/25, effective 11/19/25]

761—630.3(321) Duplicate card.

630.3(1) *Lost, stolen or destroyed card.* To replace a nonoperator's identification card that is lost, stolen or destroyed, the cardholder shall provide the cardholder's full legal name, date of birth and social security number, all of which must be verified by the department, and pay the statutory replacement fee. A cardholder subject to 761—paragraph 601.5(2)*"b"* is to provide the applicant's U.S. Customs and Immigration Services number, which will be verified by the department. The department may investigate or require additional information as may be reasonably necessary to determine that the cardholder's identity matches the identity of record and will not issue the replacement card if the cardholder's identity is questionable, cannot be determined or otherwise does not match the identity of record. If the cardholder's current residential address, name or date of birth has changed since the previous card was issued, the cardholder is to comply with 761—subrule 605.11(2).

630.3(2) *Voluntary replacement.* To voluntarily replace a nonoperator's identification card, the cardholder is to surrender to the department the card to be replaced. The reasons a card may be voluntarily replaced and any additional supporting documentation required are the same as those listed in 761—paragraphs 605.11(2)*"a"* through *"j."*

630.3(3) *Replacement upon attaining the age of 21.*

a. A cardholder, upon attaining the age of 21, who is otherwise eligible for a nonoperator's identification card, is eligible to electronically apply for a replacement card under this rule for the unexpired months of the card, regardless of whether the most recent issuance occurred electronically.

b. Except for the requirements in 761—subparagraphs 605.25(7)*"a"*(1) and *"a"*(2), the cardholder must meet the eligibility requirements listed in 761—paragraph 605.25(7)*"a"* to replace the card electronically and must also meet the following criteria:

(1) The cardholder is at least 21 years old.

(2) The cardholder currently holds a nonoperator's identification card marked "under 21" as provided in Iowa Code section 321.190.

[**ARC 9625C**, IAB 10/15/25, effective 11/19/25]

These rules are intended to implement Iowa Code sections 321.13, 321.181, 321.189, 321.190, 321.195 and 321.216 through 321.216C; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

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CHAPTERS 631 to 633
Reserved

CHAPTER 634
DRIVER EDUCATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/21/30

761—634.1(321) Information and location. Applications, forms and information regarding this chapter are available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Boulevard, Ankeny, Iowa 50021; by telephone at 515.244.8725; by facsimile at 515.239.1837; or on the department's website at www.iowadot.gov/mvd/drivereducation.

[**ARC 9136C**, IAB 4/16/25, effective 5/21/25]

761—634.2(321) Definitions.

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

"Behind-the-wheel instruction" means the street or highway driving instruction component of an approved driver education course.

"Clear driving record" means the person currently and during the prior two-year period has not been identified as a candidate for suspension or revocation of a driver's license under the habitual offender or habitual violator provisions of rule 761—615.4(321) or rule 761—615.6(321); is not subject to a driver's license suspension, revocation, denial, cancellation, disqualification, or bar; has no record of a contributive motor vehicle accident that caused the death or serious injury of another person; and has no record of two or more contributive motor vehicle accidents in a two-year period.

"Course vendor" means a third-party vendor that makes available commercially an approved course.

"Driver education school" means any school district, area education agency, merged area school, or other agency or person planning to offer driver education.

"Instructor," for purposes of this chapter, means a person certified to provide behind-the-wheel instruction.

"Laboratory instruction" includes instruction received by a student while the student is in the driver education vehicle or adjacent to it as referred to in paragraphs 634.3(2)*"c"* and *"d"* and may also include range or simulation as referred to in paragraphs 634.3(2)*"h"* and *"i."*

"Serious injury" means the same as defined in Iowa Code section 702.18.

"Student" means the same as defined in Iowa Code section 321.178(1)*"d."*

"Teacher" means the same as defined in Iowa Code section 256.145(16).

"Teaching parent" means the same as defined in Iowa Code section 321.178A(2)*"c."*

[**ARC 9136C**, IAB 4/16/25, effective 5/21/25]

761—634.3(321) Driver education course standards and requirements.

634.3(1) *Course approval.* Any school district, area education agency, merged area school, or other entity planning to offer a driver education course must apply for and receive departmental approval, including approval of all teachers, instructors, and course curriculum. Approvals remain valid for a calendar year, expiring December 31, and must be renewed annually. The application for course renewal shall be submitted to the department within 60 days of the expiration date unless otherwise approved by the department.

634.3(2) *Course requirements.*

a. The instruction provided under Iowa Code section 321.178(1)*"a"* is to be performed in a dual-controlled motor vehicle and exclusive of observation time.

b. Except upon showing of good cause, laboratory instruction shall not conclude later than 45 days after classroom instruction has been completed. When the driver education course provider determines there is good cause, the laboratory instruction shall not conclude later than 90 days after classroom instruction has been completed. For the purpose of this paragraph, "good cause" means an unanticipated

event causing a delay in the student's ability to complete the laboratory instruction if the event is beyond the student's control.

c. Behind-the-wheel instruction shall be limited to a maximum of 30 minutes per student per session and a maximum of 60 minutes in a single day.

d. Two or more students shall be scheduled for all behind-the-wheel instruction to ensure that appropriate observation time is experienced.

e. Routine maintenance and operation of motor vehicles to maximize energy efficiency and safety will be included in classroom instruction.

f. Each school district will provide students who are absent from instruction an opportunity to make up a reasonable amount of time and coursework.

g. When driving simulators are used for part of the behind-the-wheel driving experience, four hours of simulator experience will be considered equal to one hour of behind-the-wheel driving in the car. However, in addition to simulator time, a minimum of three hours of on-street, behind-the-wheel driving must be completed.

h. When driving ranges are used in driver education courses, two hours of range experience will be considered equal to one hour of on-street, behind-the-wheel driving. However, in addition to range time, a minimum of three hours of on-street, behind-the-wheel driving must be completed.

i. Motor vehicles that are designed primarily for carrying nine or fewer occupants, excluding motorcycles and mopeds, are the only motor vehicles approved for use in driver education courses, and each shall be equipped with a dual control. Vehicles must bear a manufacturer's label pursuant to 49 CFR §567.4 effective as of October 1, 2023.

j. The driver education teacher or instructor is to verify at the beginning of each course that each student possesses a valid instruction permit or driver's license. Each student is responsible for possessing an instruction permit or driver's license throughout all laboratory instruction and is to report any suspension, revocation or cancellation of the instruction permit or driver's license to the driver education teacher or instructor prior to attending laboratory instruction.

634.3(3) *Experimental program.* The department may approve an experimental program based on student or school district need for improved instruction. The maximum duration of an experimental program is three years. Annual documentation of the effectiveness of instruction must be submitted to the department.

[**ARC 9136C**, IAB 4/16/25, effective 5/21/25]

761—634.4(321) Instructor qualifications, application, and certification.

634.4(1) *Behind-the-wheel instructor qualifications.* Behind-the-wheel instructors must:

a. Hold a valid driver's license that permits unaccompanied driving, other than a motorized bicycle license or a temporary restricted license.

b. Have a clear driving record for the previous two years.

634.4(2) *Behind-the-wheel instructor's certification requirements.* Except as otherwise provided in this chapter, the following requirements apply to a behind-the-wheel instructor:

a. An applicant for a behind-the-wheel instructor's certification will apply to the department using Form 431160.

(1) An initial behind-the-wheel instructor's certification is to be submitted annually within 60 days of the expiration date unless otherwise approved by the department. The instructor approval expires on December 31 but remains valid for an additional 30 days after the expiration date.

(2) To renew a behind-the-wheel instructor's certification, a person will do all of the following:

1. Apply to the department annually. Instructor approval is valid for a calendar year or the remainder of a calendar year. The instructor approval expires on December 31 but remains valid for an additional 30 days after the expiration date. An application for renewal of instructor approval shall be submitted within 60 days of the expiration date unless otherwise approved by the department.

2. Provide behind-the-wheel instruction for a minimum of 12 clock hours during each calendar year.

b. A behind-the-wheel instructor will complete at least one state-sponsored or state-approved behind-the-wheel instructor refresher course biennially. Approved courses may include electronic completion or

remote attendance options. The department may develop a special course for licensed teachers or peace officers who qualify to provide behind-the-wheel instruction under subrule 634.4(3) or 634.4(5).

c. Upon certification, but prior to providing behind-the-wheel instruction, the person will be:

(1) Authorized by the Iowa board of educational examiners to provide behind-the-wheel driving instruction unless exempt under Iowa Code section 321.178.

(2) Employed by a public or licensed commercial or private provider of the approved driver education course.

634.4(3) *Instructor's certification for licensed teachers.* A teacher licensed by the Iowa board of educational examiners as provided in 282—subrule 13.10(8) will be included as an approved instructor on an annual driver education course approval as referenced in subrules 634.3(1) and 634.6(1) and shall meet the requirements in paragraph 634.4(2)*"b"* to be certified by the department to provide behind-the-wheel instruction.

634.4(4) *Instructor application and certification for a teacher with an expired teacher's license.* A teacher who holds an expired initial, standard, exchange, or master educator license with an endorsement for driver education as provided in 282—subrule 13.10(8) shall meet the requirements in subrule 634.4(2) to be certified by the department to provide behind-the-wheel instruction.

634.4(5) *Instructor application and certification for active peace officers and retired peace officers.*

a. An applicant for behind-the-wheel instructor certification who is an active peace officer or a retired peace officer as referenced in Iowa Code section 321.178 shall:

(1) Be at least 25 years of age.

(2) Submit Form 431233 certifying the person's status as an active or retired peace officer.

(3) Meet all other requirements of subrule 634.4(2), except peace officers or retired peace officers who otherwise qualify under this subrule are not required to meet the requirement of subparagraph 634.4(2)*"c"* (1).

b. A retired peace officer is only required to submit Form 431233, required under paragraph 634.4(5)*"a,"* to the department once unless the form is invalid or not accepted by the department.

634.4(6) *Instructor application and certification for persons other than licensed teachers, peace officers or retired peace officers.* A person who is not licensed by the Iowa board of educational examiners to provide classroom driver education as provided in 282—subrule 13.10(8), who does not hold an expired teacher's license as referenced in subrule 634.4(4), or who is not a peace officer or a retired peace officer as referenced in Iowa Code section 321.178 must satisfy all of the following to be certified by the department to provide behind-the-wheel instruction:

a. Be at least 25 years of age.

b. Meet the requirements in subrule 634.4(2).

c. Successfully complete a department-approved instructor preparation course within 12 months of application for behind-the-wheel instruction certification. The instructor preparation course will:

(1) Be a driver education teacher preparation program that is designed to observe, coach, and evaluate behind-the-wheel instructor candidates.

(2) Be approved by the Iowa board of educational examiners.

(3) Consist of 24 hours of classroom instruction in sessions not exceeding 4 hours that covers, at minimum, the psychology of the young driver, behind-the-wheel teaching techniques, and driving route selection.

(4) Consist of 12 hours of behind-the-wheel instruction in sessions not exceeding 4 hours in a dual-controlled vehicle with a licensed driver education instructor.

634.4(7) *Behind-the-wheel certification—reissuance.*

a. Completion of the behind-the-wheel instructor preparation course will be required to re-issue a behind-the-wheel instructor certification that has expired and is past the renewal date unless the applicant has:

(1) Held a valid behind-the-wheel certification within the two years immediately preceding the application.

(2) Provided a minimum of 12 clock hours of behind-the-wheel instruction within the two years immediately preceding the application.

(3) Completed at least one state-sponsored or state-approved behind-the-wheel instructor refresher course within the two calendar years immediately preceding the application unless otherwise exempt under this chapter.

(4) Completed a minimum of 12 clock hours shadowing a teacher licensed by the Iowa board of educational examiners as provided in 282—subrule 13.10(8) through a department-approved driver education program within 90 days immediately preceding the application.

b. Upon recertification but prior to providing behind-the-wheel instruction, the person will:

(1) Be authorized by the Iowa board of educational examiners to provide behind-the-wheel driving instruction unless otherwise exempt under this chapter.

(2) Be employed by a public or licensed commercial or private provider of the approved driver education course and work under the supervision of a person licensed by the Iowa board of educational examiners as provided in 282—subrule 13.10(8).

[**ARC 9136C**, IAB 4/16/25, effective 5/21/25]

761—634.5(321) Instructor disqualification, investigation, and cancellation.

634.5(1) *Disqualifications.* A person will be disqualified by the department from certification as a behind-the-wheel driving instructor for any of the reasons for which the chair of the Iowa board of educational examiners would deny an application for licensure, certification or authorization as provided in rule 282—11.35(256).

634.5(2) *Investigation.* The department may investigate an applicant for a behind-the-wheel instructor's certification or an instructor to determine if the applicant or instructor meets the requirements for certification. The investigation may include but is not limited to an inquiry into the applicant's or instructor's criminal history from the department of public safety.

634.5(3) *Cancellation.* The department shall cancel the behind-the-wheel instructor's certification of an individual who no longer qualifies under this chapter.

[**ARC 9136C**, IAB 4/16/25, effective 5/21/25]

761—634.6(321) Private and commercial driver education schools. The department licenses private and commercial driver education schools as follows:

634.6(1) *Course approval.* A driver education school will receive course approval, which includes approval of all teachers and instructors listed on the application, from the department prior to the beginning of the first class that is offered and annually thereafter. Behind-the-wheel instruction must be provided by a person who meets the instructor requirements in rule 761—634.4(321). Evidence of the approvals and certifications will be submitted to the department upon application for a license, upon renewal of a license, and upon reinstatement of a license following cancellation.

634.6(2) *Application and fees.* Application for license issuance or renewal is $25. The fee will be made to the department in a manner determined by the department.

634.6(3) *Issuance and renewal.* A license to teach driver education shall be issued for a calendar year or remainder of a calendar year. The license expires on December 31 but remains valid for an additional 30 days after the expiration date. The application for renewal will be submitted to the department within 60 days of the expiration date unless otherwise approved by the department.

634.6(4) *Cancellation.* A license to teach driver education shall be canceled if the course, teacher, or instructor is no longer approved or the person providing only behind-the-wheel instruction for driver education is no longer certified by the department and authorized by the Iowa board of educational examiners.

[**ARC 9136C**, IAB 4/16/25, effective 5/21/25]

761—634.7(321) Driver education—teaching parent. As an alternative to a driver education course offered by a course provider approved under rule 761—634.3(321), a teaching parent may instruct a student in an approved course of driver education.

634.7(1) *Instruction by a teaching parent.*

a. A teaching parent will instruct the student using an approved course.

b. The teaching parent will select the course to be used from the list of approved courses posted at www.iowadot.gov/mvd/driverseducation/Parent-taught/Step-2 and will purchase the course directly from the applicable course vendor.

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

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

(2) Provided to a person who is not a student as defined in rule 761—634.2(321).

(3) Offered under a course other than an approved course.

634.7(2) *Course completion—certificate of completion.*

a. Upon the student's completion of an approved course, the teaching parent will apply for a certificate of completion on behalf of the student pursuant to Iowa Code section 321.178A.

b. The department will deny issuance of a certificate of completion if:

(1) The course was not conducted by a person meeting the definition of a teaching parent.

(2) The application does not properly identify a student eligible to be instructed in driver education by the teaching parent.

(3) The application and evidence do not demonstrate the student's successful completion of an approved course.

(4) The application and evidence do not include all documentation, statements, certifications, and logs required by Iowa Code section 321.178A in adequate and proper form and content.

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

c. If the application is denied, the department will issue a letter of denial to the teaching parent explaining the reason for the denial.

d. If the application is approved, the department will issue a certificate of completion to the student. A certification of completion issued by the department under this subrule constitutes proof of successful completion of an Iowa-approved course in driver education but shall not be grounds for waiver of a driving test under 761—subrule 604.31(2).

634.7(3) *Course approval.*

a. For a course to become an approved course under Iowa Code section 321.178A, a vendor of a driver education curriculum will submit an application on a form provided by the department to the address in rule 761—634.1(321), along with a copy of all proposed curriculum materials.

b. To be designated as an approved course, the curriculum submitted must, at a minimum, meet the requirements of Iowa Code section 321.178A, be appropriate for teaching-parent-directed driver education and related street or highway instruction, and meet or exceed the required content set forth in the Appendix to this rule.

c. If the proposed curriculum does not meet the requirements for an approved course, the department will issue a letter of denial to the course vendor explaining the reason for denial.

d. If the proposed curriculum is approved, the department will issue a certificate of approval to the vendor designating the curriculum as an approved course and will list the approved course on the department's website. Course approval will be issued for one calendar year or for the remainder of a calendar year. The approval expires on December 31 and must be renewed annually by the submission of an application on a form provided by the department and all required materials as set forth in this subrule at least 60 days prior to the expiration date unless otherwise approved by the department.

[**ARC 9136C**, IAB 4/16/25, effective 5/21/25]

These rules are intended to implement Iowa Code sections 321.13, 321.178, 321.178A, 321.180B and 321.194.

Appendix to Rule 761—634.7(321)

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

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

iii. Vehicle balance.
iv. Vehicle maneuvers.
v. In-car progress assessment *(behind-the-wheel instruction)*.

d. Driver readiness – *classroom and behind-the-wheel instruction*
i. Driving practices.
ii. Fatigue.
iii. Aggressive driving.
iv. In-car progress assessment *(behind-the-wheel instruction)*.

e. Risk reduction – *classroom and behind-the-wheel instruction*
i. Risk factors.
ii. Space management.
iii. In-car progress assessment *(behind-the-wheel instruction)*.

f. Environmental factors – *classroom and behind-the-wheel instruction*
i. Environmental characteristics.
ii. Environmental risk factors.
iii. In-car progress assessment *(behind-the-wheel instruction)*.

g. Distractions – *classroom and behind-the-wheel instruction*
i. Distractions.
ii. Multi-task performances.
iii. In-car progress assessment *(behind-the-wheel instruction)*.

h. Alcohol and other drugs – *classroom instruction*
i. Introduction of alcohol and other drug problems.
ii. Nature of alcohol-related crash problems.
iii. Physiological effects of alcohol.
iv. Psychological effects of alcohol.
v. Other drug effects on the driving task.
vi. Zero-tolerance in the driving environment.

i. Vehicle movement and reference points – *behind-the-wheel instruction*
i. Vehicle movements and reference points (entering and exiting traffic and parking).
ii. In-car progress assessment *(behind-the-wheel instruction)*.

j. Adverse conditions – *classroom instruction*
i. Adverse weather and reduced visibility conditions.
ii. Traction loss.
iii. Emergencies.

k. Vehicle requirements – *classroom and behind-the-wheel instruction*
i. Vehicle malfunctions *(classroom instruction)*.
ii. Vehicle maintenance *(classroom instruction)*.
iii. Trip planning *(classroom instruction)*.
iv. Adverse conditions and vehicle requirements – off-street simulated practice *(behind-the-wheel instruction)*.
v. In-car progress assessments *(behind-the-wheel instruction)*.

l. Consumer responsibility – *classroom and behind-the-wheel instruction*
i. Vehicle use and ownership *(classroom instruction)*.

ii. Vehicle insurance *(classroom instruction)*.

iii. Environmental protection and litter prevention *(classroom instruction)*.

iv. Anatomical gift Act – organ donor *(classroom instruction)*.

m. Personal responsibility *(classroom and behind-the-wheel instruction)*.

i. Comprehensive classroom progress assessment (testing) *(classroom instruction)*.

ii. Driver licensing *(classroom instruction)*.

iii. In-car progress assessment *(behind-the-wheel instruction)*.

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CHAPTER 635
MOTORCYCLE RIDER EDUCATION (MRE)

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/21/30

761—635.1(307,321) Information and location. Applications, forms and information regarding this chapter are available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.244.8725; by facsimile at 515.239.1837; or by email at mre.dot@iowadot.us.
[**ARC 9137C**, IAB 4/16/25, effective 5/21/25]

761—635.2(307,321) Definitions.

"Approved course" means the motorcycle rider education course approved by the department.

"Instructor" means a person licensed by the department to instruct an approved course.

"MRE" means motorcycle rider education.

"Sponsor" means an entity that provides the approved course.
[**ARC 9137C**, IAB 4/16/25, effective 5/21/25]

761—635.3(307,321) Application, renewal and fees.

635.3(1) *Application and renewal.*

a. An applicant for a sponsor license must apply to the department in a manner determined by the department prior to the beginning of the first class offered in the approved course and annually thereafter.

b. An applicant for an instructor license must apply to the department in a manner determined by the department prior to the beginning of the first class of the approved course taught by the instructor and annually thereafter. However, an individual who meets the qualifications for a license except for paragraph 635.5(2)*"d"* or whose license is denied under subrule 635.6(2) may teach the approved course as provided in paragraph 635.6(2)*"b."*

c. A sponsor or instructor license is valid for a calendar year or remainder of a calendar year and expires on December 31 but remains valid for an additional 30 days after the expiration date.

d. Unless otherwise approved by the department, an application for license renewal is due to the department within 60 days of the expiration date.

635.3(2) *Fees.* The initial application and annual renewal fee are $25 for a private or a commercial sponsor. The fee is to be paid in a manner approved by the department.
[**ARC 9137C**, IAB 4/16/25, effective 5/21/25]

761—635.4(307,321) Approved course in MRE.

635.4(1) *Course requirements.*

a. Only an MRE course approved by the department using nationally recognized, research-based curriculum is to be taught by any sponsor providing MRE.

b. On-cycle instruction of the approved course must meet the following requirements:

(1) The student is at least 14 years of age; possesses a valid driver's license as defined in Iowa Code section 321.1; is able to touch the ground with the balls of both feet while sitting astride the training motorcycle; wears a U.S. DOT-approved helmet, an eye-protective device, and protective clothing including gloves, a long-sleeved shirt or jacket, long pants, and shoes or boots that cover the feet and ankles; and completes the motorcycle safety course waiver form, including the signature of a parent or legal guardian if the student is under the age of 18.

(2) The scheduled time for classroom or on-cycle instruction, or a combination of both, does not exceed eight hours in any one calendar day.

(3) The student-instructor ratio for classroom instruction does not exceed 36 to 1. The student-instructor ratio for on-cycle instruction does not exceed 6 to 1; however, no more than 12 students may receive on-cycle instruction at one time on a single full-size range.

(4) The driving range used for on-cycle instruction is paved, free of hazards to motorcycle travel, and has an unobstructed, paved runoff of at least 20 feet in all directions.

(5) The sponsor provides for each student engaged in on-cycle instruction one fully operational motorcycle manufactured for highway use that has not been modified, does not contain aftermarket equipment, and meets at least two of the following criteria:

1. Has an engine displacement of 500 cubic centimeters or less, or an electric motor of 30 kW or less.
2. Has a curb (wet) weight of 440 pounds or less.
3. Has a seat height of 30 inches or less.

635.4(2) *Certificate of completion.* Only persons successfully completing all elements of the approved course will be issued an Iowa certificate of completion for MRE by the sponsor to be submitted to the department by the methods provided in 761—subrule 602.2(1). The driving test for a Class M driver's license or a motorcycle endorsement may be waived under 761—subrule 604.31(2) within two years of the issuance of a certificate of completion.

[**ARC 9137C**, IAB 4/16/25, effective 5/21/25]

761—635.5(307,321) Instructor and sponsor qualifications.

635.5(1) *Instructor license.* To qualify for an instructor's license, an individual must:

a. Possess a valid Class M driver's license or a motorcycle endorsement or equivalent license or endorsement that is valid for a two-wheel motorcycle.

b. Successfully complete a nationally recognized, research-based instructor preparation course approved by the department.

c. Possess a current instructor certification from a nationally recognized motorcycle safety organization approved by the department.

d. Before a license is granted, teach one class of the approved course under the guidance of an experienced, licensed instructor approved by the department.

e. After the year in which a license is granted, teach at least one nationally recognized, research-based motorcycle rider preparation course approved by the department in Iowa or another state each calendar year.

f. After the year in which a license is granted, complete at least one state-sponsored or state-approved instructor update each calendar year. The update must be completed in Iowa every other year.

g. Have a clear driving record for the previous two years. A clear driving record means the individual has:

(1) Not been identified as a candidate for driver's license suspension under the habitual violator provisions of rule 761—615.13(321) or the serious violation provisions of rule 761—615.17(321).

(2) No driver's license suspensions, revocations, denials, cancellations, disqualifications or bars.

(3) Not committed an offense that would result in driver's license suspension, revocation, denial, cancellation, disqualification or bar.

(4) No record of a law enforcement investigative report indicating a contributive motor vehicle accident that caused the death or serious injury of another person.

(5) No record of two or more contributive motor vehicle accidents in a two-year period.

h. Comply with any department review and verification of the instructor's qualifications under this subrule.

635.5(2) *Sponsor license.* To qualify for a sponsor's license, an entity must:

a. Use only a course approved under rule 761—635.4(307,321).

b. Use only instructors licensed by the department to teach the approved course.

c. Maintain liability insurance in an amount of not less than $1 million, combined single limit, with an aggregate limit of not less than $2 million, and file a certificate of this insurance with the department verifying coverage for scheduled courses of instruction. The certificate shall name the department and its officers, agents, representatives and employees as additional insureds with respect to all work, deliveries or services performed for the department by the named insured, and specify that the department's motor vehicle division shall be given at least 30 days' prior notice of any material change in or cancellation of the insurance.

d. Provide written verification of self-insurance to the department if the sponsor is a state agency or public educational institution.

e. Maintain complete instructional accident report files and furnish this information to the department in a manner determined by the department.

f. Maintain a record of costs incurred in providing the approved course.

g. Allow the department or the department's designee to audit any class of the approved course, either announced or unannounced.

h. Involve a program administrator in an annual department-sponsored, in-service seminar.

i. Provide and maintain adequate instructional facilities and equipment to accommodate all components of the approved course, including but not limited to the lecture, audio-visual, and on-cycle components.

[**ARC 9137C**, IAB 4/16/25, effective 5/21/25]

761—635.6(307,321) Cancellation or denial.

635.6(1) *Cancellation.* The department shall cancel the license if the sponsor or instructor fails to comply with the applicable provisions of this chapter or Iowa Code section 321.179 or 321.180B(5) or if the course or instructors are no longer approved.

635.6(2) *Denial.* The department shall deny an initial or renewal application if the applicant does not meet the criteria for issuance of a license under this chapter. A denial for an instructor's failure to comply with the provisions of paragraph 635.5(1)*"c," "e"* or *"f"* will remain in effect until the instructor completes the following requirements, as applicable:

a. Presents an unexpired instructor certification from a nationally recognized motorcycle safety organization approved by the department.

b. Teaches one class of the approved course under the guidance of an experienced, licensed instructor approved by the department.

c. Completes at least one state-sponsored or state-approved instructor update.

[**ARC 9137C**, IAB 4/16/25, effective 5/21/25]

761—635.7(321) Use of MRE fund. The MRE fund may be used for the following purposes:

635.7(1) *Course development.* New or current sponsors may apply to the department for funds to establish delivery of the approved course at an unserved site. Current sponsors may apply for funds to expand delivery at an existing site.

a. Expenditures eligible for funding are limited to:

(1) Acquisition of necessary classroom furnishings and audio-visual systems if used exclusively to deliver the approved course.

(2) Required curriculum materials including necessary audio and visual components.

(3) Range development and maintenance excluding land acquisition, surfacing and resurfacing.

(4) Training motorcycles and motorcycle maintenance equipment if the equipment is to be used exclusively for the upkeep of the motorcycles.

(5) On-cycle safety equipment limited to helmets, eye-protective devices and gloves.

b. Application for funds shall be made in a manner determined by the department. Departmental approval will be based on the geographical area, the number of students to be served and the availability of moneys in the MRE fund. The number of students to be served is determined by range size, the number of courses to be offered, and the number of sponsors providing the course.

c. Payment to the sponsor for course development expenditures will be on a cost-reimbursement basis and made after claims under subrule 635.7(5) are paid.

635.7(2) *Instructor preparation.* The department will sponsor and accept applications for enrollment in initial instructor preparation courses.

a. An instructor preparation course is open to any individual who:

(1) Possesses a valid Class M driver's license or a motorcycle endorsement or equivalent license or endorsement that is valid for a two-wheel motorcycle.

(2) Submits verification from an approved sponsor of employment as an instructor of the approved course to be offered within the next 12 months.

b. Upon proof of successful completion of the instructor preparation course, an individual may be reimbursed for course tuition.

635.7(3) *Instructor updates.* The department will sponsor and fund instructor updates held in Iowa. Instructor updates are open to all state-licensed MRE instructors and instructor trainers.

635.7(4) *Instructor trainer preparation.*

a. An experienced, state-licensed MRE instructor may apply to the department for funding assistance on forms provided by the department if both the following occur:

(1) The instructor is accepted for enrollment in a nationally recognized instructor trainer preparation course approved by the department.

(2) The instructor agrees to be an instructor trainer in a department-sponsored instructor preparation course within 12 months following successful completion of the instructor trainer preparation course.

b. The department may approve the application if the department determines there is a need for additional instructor trainers.

c. If the department approves the application, then all the following apply:

(1) Funding assistance is limited to course tuition, travel, and subsistence (meals and lodging).

(2) Upon approval of the application, the department will pay for course tuition and travel to the training site.

(3) Upon receipt by the department of evidence of successful completion accompanied by documentation of subsistence expenses incurred, the department will reimburse the instructor for food and lodging based on the in-state reimbursement limits established for state employees by the department of administrative services.

(4) If the instructor fails to attend the training, the instructor must repay the department both the course tuition and the travel purchased.

(5) If the instructor fails to successfully complete the course, the instructor must repay the department one-half the course tuition and one-half the travel purchased. Meal and lodging expenses will not be reimbursed.

635.7(5) *Reimbursement of per pupil costs.* The department will reimburse a sponsor for each student who completes the approved course contingent upon the availability of moneys in the MRE fund.

a. Reimbursement will be paid twice each calendar year, once for training provided from January to June and once for training provided from July to December.

b. The reimbursement will be based on a per pupil rate determined semiannually by the department. The rate will be based on the amount of moneys available in the MRE fund, less the administrative and instructor training costs, and will be distributed to sponsors based on the total number of students who complete the approved course.

c. Claims for reimbursement shall be submitted in a manner determined by the department and include a summary of courses taught with site, date, and instructor information; a report for each class taught that provides the name, age, and driver's license number of each student; and any other information required by the department.

d. Failure to provide course, instructor and student information; failure to meet instructor certification and licensure requirements; failure to comply with applicable provisions of this chapter in providing the course; or failure to meet prescribed instructor-student ratios shall result in the forfeiture of reimbursement for those courses and students involved.

[**ARC 9137C**, IAB 4/16/25, effective 5/21/25]

These rules are intended to implement Iowa Code sections 307.12(1)*"j,"* 321.179 and 321.180B(5).

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CHAPTER 636
MOTORIZED BICYCLE RIDER EDUCATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/23/30

761—636.1(307,321) Information and location. Applications, forms and information regarding this chapter are available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.244.8725; or by facsimile at 515.239.1837.
[**ARC 9015C**, IAB 3/19/25, effective 4/23/25]

761—636.2(307,321) Definitions.

"Approved course" means the motorized bicycle rider education course approved by the department.

"Instructor" means a person approved by the department to instruct a motorized bicycle rider education course.

"Program approval" means department approval of an entity's motorized bicycle rider education course and instructors.

"Sponsor" means an entity that delivers the approved course.
[**ARC 9015C**, IAB 3/19/25, effective 4/23/25]

761—636.3(307,321) Application, renewal and fees.

636.3(1) *Application and renewal.*

a. Any sponsor must apply to the department for program approval in a manner determined by the department prior to the beginning of the first class offered in the approved course and annually thereafter. An instructor of an approved course must be listed on the application and approved by the department.

b. Program approval is valid for a calendar year or remainder of a calendar year and expires on December 31 but remains valid for an additional 30 days after the expiration date.

c. Unless otherwise approved by the department, an application for renewal is due to the department within 60 days of the expiration date.

636.3(2) *Fees.* The initial application and annual renewal fee are $25 for a private or a commercial sponsor. The fee is to be paid in a manner approved by the department.
[**ARC 9015C**, IAB 3/19/25, effective 4/23/25]

761—636.4(307,321) Course requirements.

636.4(1) *Classroom instruction.* The course approved by the department must include a minimum of six clock hours of classroom instruction that includes the instructional components contained in subrule 636.4(3).

636.4(2) *Driving instruction.* Motorized bicycle rider driving experiences in addition to classroom instruction are permissible but not required.

636.4(3) *Course content.* Every motorized bicycle rider education course must include the following instructional components:

a. Operator and motorized bicycle preparation.

(1) Knowledge of Iowa driving laws.
(2) Knowledge of vehicle registration requirements.
(3) Vehicle inspection.
(4) Protective clothing and devices.
(5) Risk assessment.
(6) Route selection.

b. Basic control skills.

(1) Starting procedures.
(2) Speed control.
(3) Turning.
(4) Stopping.

c. Safe driving practices.
(1) Use of lights and warning devices.
(2) Signaling.
(3) Maintaining directional control.
(4) Perception skills and observation.
(5) Use of mirrors.
(6) Recognition of hazards.
(7) Speed control.
(8) Lane positioning.
(9) Concerns and conflicts regarding intersections.
(10) Following distances.
(11) Lateral separation.
d. Complex situations.
(1) Limited visibility.
(2) Adverse weather.
(3) Critical situations.
(4) Malfunctions.
e. Motorized bicycle care.
(1) Inspection.
(2) Maintenance.

636.4(4) *Evaluation.* Each student shall be evaluated by the instructor to determine successful completion of the course.

[**ARC 9015C**, IAB 3/19/25, effective 4/23/25]

761—636.5(307,321) Instructor qualifications. To qualify as an instructor of an approved course, an individual must:

636.5(1) Possess a valid driver's license allowing unaccompanied driving other than a temporary restricted license and be able to operate a motorized bicycle.

636.5(2) Have a clear driving record for the previous two years. A clear driving record means the instructor has:

a. Not been identified as a candidate for driver's license suspension under the habitual violator provisions of rule 761—615.13(321) or the serious violation provisions of rule 761—615.17(321).

b. No driver's license suspensions, revocations, denials, cancellations, disqualifications or bars.

c. Not committed an offense that would result in driver's license suspension, revocation, denial, cancellation, disqualification or bar.

d. No record of a law enforcement investigative report indicating a contributive motor vehicle accident that caused the death or serious injury of another person.

e. No record of a law enforcement investigative report indicating two or more contributive motor vehicle accidents in a two-year period.

[**ARC 9015C**, IAB 3/19/25, effective 4/23/25]

761—636.6(307,321) Cancellation or denial.

636.6(1) *Cancellation.* The department shall cancel program approval if the sponsor or instructor fails to comply with the applicable provisions of this chapter or if the course or instructors are no longer approved. However, an approved program that meets the applicable provisions of this chapter except for an approved instructor may retain program approval if the department approves an alternate instructor.

636.6(2) *Denial.* The department shall deny an initial or renewal application if the applicant does not meet the criteria for approval under this chapter.

[**ARC 9015C**, IAB 3/19/25, effective 4/23/25]

These rules are intended to implement Iowa Code sections 307.12(1)*"j"* and 321.189.

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CHAPTERS 637 to 639
Reserved

CHAPTER 640
FINANCIAL RESPONSIBILITY

[Prior to 6/3/87, Transportation Department[820]—(07,C)Ch l4]

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

761—640.1(321A) General.

640.1(1) *Definitions.* The definitions contained in Iowa Code section 321A.1 are hereby adopted. In addition:

"License" means "driver's license" as defined in Iowa Code section 321.1(20A) unless the context otherwise requires.

"Security" means an amount of money sufficient in the determination of the department to satisfy any judgment or judgments for damages resulting from the accident as may be recovered against an operator or owner. Security is subject to the limitations and requirements of Iowa Code sections 321A.5 and 321A.9.

640.1(2) *Exceptions.* Except for accident reporting requirements, this chapter does not apply to the owners or operators of motor vehicles excepted by Iowa Code section 321A.33. To establish availability of an exception, a person required to show proof is to submit to the department a letter from the owner of the motor vehicle authorizing the person to use the motor vehicle.

640.1(3) *Submissions.* Except as otherwise provided in this chapter, required submissions are to be either mailed to the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; delivered in person to 6310 SE Convenience Blvd., Ankeny, Iowa; emailed to accident.support@iowadot.us; or sent by facsimile to 515.239.1837.

This rule is intended to implement Iowa Code sections 321A.1, 321A.2 and 321A.33.

[**ARC 8939C**, IAB 2/19/25, effective 3/26/25]

761—640.2(17A,321A) Hearing and appeal process. A person who is aggrieved by an action of the department implementing Iowa Code sections 321A.4 through 321A.11 may contest the action in accordance with rule 761—615.38(17A,321). The administrative law judge in a contested case hearing may subpoena witnesses and conduct any investigation deemed necessary to:

640.2(1) Determine if the person is properly identified with the accident.

640.2(2) Determine if there is any reasonable possibility that judgment could be rendered against the person.

640.2(3) Determine if the person is entitled to any exceptions provided by law.

640.2(4) Determine if the security required following an accident is reasonable and make adjustments deemed necessary or proper.

This rule is intended to implement Iowa Code chapter 17A and section 321A.2.

[**ARC 8939C**, IAB 2/19/25, effective 3/26/25]

761—640.3(321,321A) Accident reporting requirements. Accident reporting requirements are specified in Iowa Code section 321.266 and on Form 433002, "Iowa Accident Report Form," which is available from law enforcement officers, driver's license service centers, or the motor vehicle division at the address in subrule 640.1(3).

This rule is intended to implement Iowa Code sections 321.266, 321.269 and 321A.4.

[**ARC 8939C**, IAB 2/19/25, effective 3/26/25]

761—640.4(321A) Security required following accident. Following an accident, security is required pursuant to Iowa Code section 321A.5. For the purposes of determining the 60-day time frame under Iowa Code section 321A.5(1), a "report of a motor vehicle accident" includes a new or amended law enforcement officer accident report submitted to the department under Iowa Code section 321.266(3); a new or amended driver accident report, Form 433002, submitted to the department under Iowa Code section 321.266(2); any supplemental report submitted to the department under Iowa Code section 321.267; proof of transfer of ownership of a vehicle involved in the accident that occurred prior to the date of the accident; proof of identity of a driver incorrectly identified in an initial accident report; or proof of loss submitted by an insurance carrier authorized to transact insurance business in Iowa or its authorized

subrogation provider. Nothing in this rule is to be construed to extend the duration of a suspension issued under Iowa Code section 321A.5 beyond the period authorized in Iowa Code section 321A.7.

640.4(1) *Suspension.*

a. If the security requirements of Iowa Code section 321A.5 are not met, the department shall suspend all licenses of the driver and all registrations of the owner.

b. The suspension takes effect 30 days after a suspension notice is served pursuant to rule 761—615.37(321). The notice is to inform the person of the amount of security required. The duration of the suspension is provided in Iowa Code section 321A.7.

640.4(2) *Security—amounts and type.*

a. The amount of security required of the uninsured driver and owner is to be determined from reports of the drivers involved in the accident, reports of investigating officers, and supplemental information obtained from persons involved in the accident concerning amounts of damage and injury sustained. Form 431074, "Insurance Request Letter," may be mailed to parties to the accident for supplemental information. The security required may be reduced after the notice has been served if evidence of exact costs is submitted to the department. The amount of security shall not exceed the minimum limits of liability for death or injury specified in Iowa Code chapter 321A.

b. The security is to be deposited with the department at the address in subrule 640.1(3) in one of the following forms:

(1) Cash.

(2) Cashier's check, certified check, bank draft, or postal money order payable to: Treasurer, State of Iowa.

(3) Surety bond issued by a company authorized to transact insurance business in Iowa pursuant to Iowa Code section 321A.24.

640.4(3) *Security disposition.*

a. Security is held by the state treasurer and can be released only for payment of a judgment or as otherwise provided in Iowa Code section 321A.10; by a court, including by Form 431097, "Order for Release of Security"; or by Form 433010, "Assignment and Release."

b. The security can be refunded at any time as follows:

(1) When compliance as provided in subrule 640.4(5) is presented to the motor vehicle division at the address in subrule 640.1(3); or

(2) When, after one year has elapsed from the date of the accident, Form 433007, "Affidavit for Reinstatement or Refund of Security," is completed by the depositor; the form indicates that no action has been initiated or judgment rendered; and the form is submitted to the motor vehicle division. Upon receipt of the form, the motor vehicle division may confirm the facts contained therein with the district court of the county where the accident occurred or any other court of competent jurisdiction.

640.4(4) *Exceptions to requirement of security.* A person who qualifies for an exception under Iowa Code section 321A.6(3), 321A.6(4) or 321A.7(3) must submit proof to the department at the address in subrule 640.1(3) showing that the person qualifies for the applicable exception as follows:

a. General release from liability. A qualified person is to submit Form 431036, "General Release." The signature of the party giving the release is to be notarized or witnessed by a disinterested person. The release is to be accompanied by a power of attorney or subrogation authority if signed by a person other than the party sustaining damage or injury. If the party giving release is a minor, the release is to be signed by the parent or legal guardian of the minor. The department may accept an equivalent alternative form to prove a person's general release from liability.

b. Duly acknowledged written agreement release. A qualified person is to submit Form 181301, "Agreement." Complete information is to be provided on the form including the total amount of settlement agreed upon by the parties involved and a release of liability upon fulfillment of payments. The signatures of all parties to the agreement are to be notarized. The release is to be accompanied by a power of attorney or subrogation authority if signed by a person other than a party sustaining damage or injury. If the party giving release is a minor, the release is to be signed by the parent or legal guardian of the minor. This documentation demonstrates compliance only for a party who has agreed to make payment and whose

signature appears on the agreement release. The department may accept an equivalent alternative form to prove that a person has executed a duly acknowledged written agreement.

c. Court-certified confession of judgment. A qualified person is to submit a court-certified copy of a confession of judgment, including the total sum to be paid, the payment schedule agreed to by the parties, the signature of both parties, and proof of loss if the judgment is to be paid to a subrogation authority.

d. Accord and satisfaction. A qualified person is to submit documentation that one party to an accident or the party's insurance carrier has accepted liability for the accident and has compensated the other party to the accident for damages and injuries. This documentation does not demonstrate compliance for a third party.

e. Covenant not to sue. A qualified person is to submit documentation of a covenant not to sue that is given to a party to an accident as compliance by another party to the accident when a release would damage any claim against a third party.

f. Proof of no-fault or no reasonable possibility of judgment. A qualified person is to submit proof that the person is not at fault for the accident or that there is no reasonable possibility of judgment being rendered against a person in any of the following ways:

(1) The investigating officer's report of the accident indicates the other driver caused the accident.

(2) The other driver admits causing the accident.

(3) Witness statements indicate the other driver caused the accident.

(4) The other driver is convicted of a violation that caused the accident.

g. Adjudication of nonliability. A qualified person is to submit a certified copy of a final court judgment that is rendered in a civil damage action resulting from the accident and that relieves the person of any obligation to pay damages.

h. Bankruptcy. A qualified person is to submit a copy of the decree for bankruptcy showing that all possible claims against the person arising from the accident have been scheduled in the bankruptcy decree.

i. Owner exception under Iowa Code section 321A.6(3). A qualified vehicle owner is to submit documentation that the vehicle was being operated at the time of an accident without the owner's permission, express or implied. This exception does not apply to a person who was driving the vehicle at the time of the accident. Acceptable documentation includes the following:

(1) A police report indicating the vehicle was stolen.

(2) Proof of the driver's conviction of operating the vehicle without the owner's consent at the time of the accident.

(3) A sworn affidavit that the vehicle was being operated without permission at the time of the accident.

(4) A witness affidavit that the driver had been denied use of the vehicle.

j. Owner exception for vehicle sale. A qualified vehicle owner is to submit documentation that the vehicle owner had sold the vehicle involved in the accident and the title had been reassigned to the new owner but that departmental records did not yet show that the title had been transferred when the accident occurred. This exception does not apply to a person who was driving the vehicle at the time of the accident. Acceptable documentation includes the following:

(1) Form 431125, "Affidavit of Seller," completed by both the buyer and seller with signatures notarized or attested to by a member of the department unless the seller certifies under penalty of perjury that the buyer's signature could not be obtained and provides evidence to the satisfaction of the department that supports this certification.

(2) A sworn affidavit by the seller and witnesses to the sale, if any, that the vehicle had been sold, including a description of the vehicle, the date of the sale, the monetary consideration, facts concerning the assignment of title and delivery of possession, and the names of witnesses to the sale, if any.

k. Owner exception for vehicle transfer. A qualified vehicle owner is to submit certified copies of any court order by which ownership of a vehicle was awarded to another party prior to the date of the accident. This exception does not apply to a person who was driving the vehicle at the time of the accident.

This rule is intended to implement Iowa Code sections 321A.4 through 321A.11 and 321A.31.

[**ARC 8939C**, IAB 2/19/25, effective 3/26/25]

761—640.5(321A) Judgments. A suspension of license and registrations is required under Iowa Code section 321A.13 when the department receives from the clerk of court a certification of judgment that has remained unsatisfied for at least 60 days pursuant to Iowa Code section 321A.12. Form 431126, "Certification of Judgment," may be used by the clerk of court to report a certified judgment to the department.

640.5(1) *Suspension.* The suspension becomes effective on the date the suspension notice is served pursuant to rule 761—615.37(321). The notice is to inform the person that the privilege to operate and register motor vehicles in Iowa is suspended until the judgment is satisfied and proof of financial responsibility is shown. The duration of the suspension is provided in Iowa Code section 321A.14.

640.5(2) *Suspension—exceptions.* A person who qualifies for an exception under Iowa Code section 321A.13, 321A.14 or 321A.16 must submit proof to the department at the address in subrule 640.1(3) that the person qualifies for the applicable exception in one of the following ways:

a. Creditor's consent. To qualify for this exception, the judgment debtor must obtain written consent from the judgment creditor for issuance of the debtor's license and registrations while paying the judgment. If this consent is withdrawn, a new suspension is required in accordance with subrule 640.5(1).

b. Satisfaction of judgment. To qualify for this exception, the judgment debtor must submit a certificate of satisfaction or receipt for payment of the judgment from the clerk of court.

c. Bankruptcy. To qualify for this exception, the judgment debtor must submit a copy of the decree for bankruptcy that includes the judgment debt.

d. Court order for installment payments. To qualify for this exception, the judgment debtor must submit a court order authorizing payment of the judgment in installments. A new suspension, as provided in subrule 640.5(1), is required when the department receives notice of a default in the payments. The default suspension is to continue until the judgment is satisfied or a new court order authorizing payment of the judgment in installations is received.

e. Insurance coverage exception. To qualify for this exception, the judgment debtor who held effective liability insurance coverage at the time of the accident from which the judgment was rendered is to submit a copy of the insurance policy and a letter from the insurance carrier confirming that the insurance carrier was authorized to issue liability insurance, that the insurance carrier did provide coverage for the debtor in amounts required by the financial responsibility law, and the reason why the insurance carrier has not paid such judgment.

This rule is intended to implement Iowa Code sections 321A.12 through 321A.29 and 321A.31.

[**ARC 8939C**, IAB 2/19/25, effective 3/26/25]

761—640.6(321A) Proof of financial responsibility. Proof of financial responsibility is required pursuant to Iowa Code sections 321A.13, 321A.14, 321A.16 and 321A.17. A person's driver's license or nonresident operating privilege remains suspended or revoked until the person has filed proof of financial responsibility with the department. In addition, a person's motor vehicle registrations remain suspended until the person has filed with the department proof of financial responsibility for all motor vehicles registered to that person.

640.6(1) *Duration of proof of financial responsibility.* Proof of financial responsibility is required for two years starting on the effective date of the person's last suspension or revocation that qualifies under Iowa Code section 321A.17.

640.6(2) *Methods of giving proof of financial responsibility.*

a. Proof of financial responsibility may be shown by a liability insurance certificate pursuant to Iowa Code section 321A.19 on Form SR-22, "AAMVA Uniform Financial Responsibility Form," in paper or electronic format approved by the department. The form may include an owner's or operator's policy and effective date and is to identify the policyholder by name, address, driver's license number and birth date; the vehicles covered are to be identified by year, make, model and vehicle identification number. The form is to be certified in accordance with the Iowa financial responsibility law by an insurance carrier authorized to transact insurance business in Iowa or by an insurance carrier authorized by power of attorney. The policy is to be canceled only as provided in Iowa Code section 321A.22. Certification of coverage for an owner's policy authorizes the policyholder to have registrations for the described vehicles. Certification of coverage for an operator's policy does not authorize registrations.

b. Proof of financial responsibility may be given for a person who is an operator in the employ of the owner of the motor vehicle, or who is a member of the immediate family or household of the owner pursuant to Iowa Code section 321A.26, if the owner's insurance carrier certifies for the person required to show proof of financial responsibility. In addition to the requirements in paragraph 640.6(2)*"a,"* the proof of financial responsibility is to identify both the policyholder and the person for whom proof of financial responsibility is given. This certification does not authorize the person required to give proof of financial responsibility to register a motor vehicle.

c. Proof of financial responsibility may be given for a person who is an operator in the employ of an owner of a fleet of motor vehicles if the owner's insurance carrier certifies for the person required to show proof of financial responsibility. Form SR-23, "AAMVA Uniform Financial Responsibility Form," is required in paper or electronic format approved by the department. The form is to identify the policyholder's name and address, policy number, policy dates and effective date. This certification does not authorize the person required to give proof of financial responsibility to register a motor vehicle.

d. Proof of financial responsibility may be given for a person who is an operator in the employ of an owner who has qualified as a self-insurer pursuant to Iowa Code section 321A.34. A certificate of self-insurance may be issued by the department to a person in whose name more than 25 vehicles are registered and who submits a financial statement that is found to be satisfactory to the department. Form SR-1, "Application for Self-Insurance," is to be completed and submitted to the department with a list of all the owner's motor vehicles registered in Iowa identified by make, year, model and vehicle identification number. When the application is approved, the department shall issue Form SR-2, "Self-Insurance Certificate." Failure to pay a judgment pursuant to Iowa Code section 321A.34 or failure to submit an annual financial statement is reasonable grounds for cancellation of the certificate.

640.6(3) *Proof of financial responsibility restriction.* When a person has filed satisfactory proof of financial responsibility in accordance with subrule 640.6(2), and applies for and is otherwise eligible for a driver's license, the department will issue the driver's license with the restriction code as described in 761—subrule 605.8(1).

640.6(4) *Terminating the suspension upon filing of proof of financial responsibility.* When proof of financial responsibility is provided under subrule 640.6(2) and the person is otherwise eligible for licensing or registration, the department will issue a notice terminating the suspension to the person whose privileges were suspended under Iowa Code section 321A.13, 321A.14, 321A.16 or 321A.17 or rule 761—640.5(321A) or 761—640.6(321A). The person's operating and registration privileges are restricted to the motor vehicles covered under the proof of financial responsibility filed by the applicant, except that a person required to give proof of financial responsibility who holds proof of financial responsibility as an operator may operate a nonowned vehicle provided the owner of that vehicle has liability coverage required under Iowa Code chapter 321A.

640.6(5) *Cancellation of proof of financial responsibility.* A cancellation pursuant to Iowa Code section 321A.22 is to be certified by an authorized insurance carrier representative on Form SR-26, "AAMVA Uniform Financial Responsibility Form," in paper or electronic format approved by the department. The form is to include the name and driver's license number of the policy owner, number of the policy to be canceled and effective date of cancellation.

640.6(6) *Suspension when proof of financial responsibility is canceled.*

a. When a person's proof of financial responsibility is canceled, the person is to immediately refile proof of financial responsibility or surrender the license and registrations to the department.

b. If the person fails to refile proof of financial responsibility, a suspension notice is to be served in accordance with rule 761—615.37(321). The suspension takes effect the date the notice is served. The notice is to inform the person that the privilege to operate and register motor vehicles in Iowa is suspended until proof of financial responsibility is refiled.

640.6(7) *Terminating the proof of financial responsibility requirement.* A notice terminating the requirement to maintain proof of financial responsibility is to be issued to a person who has satisfied proof of financial responsibility requirements pursuant to Iowa Code section 321A.29. If the person's driver's license is still valid, the person may obtain a duplicate driver's license without the restriction under subrule 640.6(3).

640.6(8) *Electronic submission of proof of financial responsibility and cancellation of proof of financial responsibility.* An insurance carrier authorized to transact business in the state of Iowa is to electronically submit proof of financial responsibility and cancellation of proof of financial responsibility in a format approved by the department. No paper submissions of such proof will be accepted by the department from the insurance carrier.

This rule is intended to implement Iowa Code sections 321A.12 through 321A.29, 321A.31 and 321A.34.

[**ARC 8939C**, IAB 2/19/25, effective 3/26/25]

761—640.7(321,321A) Transfer of suspended registration. A person whose motor vehicle registration privileges have been suspended may make a bona fide sale pursuant to Iowa Code sections 321.493 and 321A.30. The department will release the suspended registration to permit the registration of the motor vehicle by the purchaser when presented with either the seller's sworn statement on Form 411107, "Notice of Sale of Vehicle and Delivery of Title," or confirmation from the county treasurer that the sale has been made and release of the registration is necessary to complete the transfer of title.

This rule is intended to implement Iowa Code sections 321.493 and 321A.30.

[**ARC 8939C**, IAB 2/19/25, effective 3/26/25]

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CHAPTER 641
FINANCIAL LIABILITY COVERAGE

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

761—641.1(321) Information and location. Information, assistance, and answers to questions relating to this chapter are available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.244.9124; by email at driver.services@iowadot.us; or by facsimile at 515.239.1837.
[**ARC 8940C**, IAB 2/19/25, effective 3/26/25]

761—641.2(321,321A) Definitions.

"Financial liability coverage" means the same as defined in Iowa Code section 321.1(24B).

"Fleet" means five or more motor vehicles covered under an insurance policy or one or more motor vehicles covered by a bond filed under Iowa Code section 321A.24, a security certificate issued under Iowa Code section 321A.25, or a self-insurance certificate issued under Iowa Code section 321A.34.

"Registration number" as used in Iowa Code sections 321.20B, 321A.24(1) and 321A.25(1) means vehicle identification number.
[**ARC 8940C**, IAB 2/19/25, effective 3/26/25]

761—641.3(321,321A) Content of financial liability coverage card.

641.3(1) A financial liability coverage card issued by an insurance company for a motor vehicle that is not insured as a part of a fleet is to contain the following information in addition to the requirements stated in Iowa Code section 321.20B(2)*"a"*:

a. Policy number.

b. Effective date of coverage.

c. Year and make of the insured motor vehicle.

d. The statement, "Coverage provided by this policy meets the minimum liability limits prescribed by law," or a statement that is substantially similar.

e. The statement, "This card must be carried in paper or electronic format in the insured motor vehicle at all times," or a statement that is substantially similar.

641.3(2) A financial liability coverage card issued by an insurance company to the owner of a fleet of vehicles is to contain the following information pursuant to Iowa Code section 321.20B(2)*"b"*:

a. Name of insured.

b. Policy number.

c. Effective and expiration dates of coverage.

d. Either the vehicle identification number or the words "all owned vehicles" or the word "fleet."

e. The statement, "Coverage provided by this policy meets the minimum liability limit prescribed by law," or a statement that is substantially similar.

f. The statement, "This card must be carried in paper or electronic format in the insured motor vehicle at all times," or a statement that is substantially similar.

g. An emergency telephone number of either the insurer or the insurance agency.
[**ARC 8940C**, IAB 2/19/25, effective 3/26/25]

761—641.4(321,321A) Responsibilities of insurer.

641.4(1) Each insurer issuing financial liability coverage in this state is to furnish a financial liability coverage card to the named insured for each motor vehicle insured for every new policy and every policy renewal issued.

641.4(2) The insurer is to file a true and correct sample copy of its financial liability coverage card with the department of insurance and financial services.
[**ARC 8940C**, IAB 2/19/25, effective 3/26/25]

761—641.5(321) Acquisition of additional or replacement motor vehicles. A financial liability coverage card that indicates coverage for a replacement or additionally acquired motor vehicle may be

used temporarily in a replacement motor vehicle for 30 days if ownership evidence as described in 761—subrule 400.19(3) is carried in the motor vehicle.
[**ARC 8940C**, IAB 2/19/25, effective 3/26/25]

761—641.6(321) New policies. On new policy applications, a binder of liability coverage issued by an insurance agent authorized to conduct insurance business in this state is acceptable proof of financial liability coverage for a period of 30 days from the date of issuance of the binder.
[**ARC 8940C**, IAB 2/19/25, effective 3/26/25]

These rules are intended to implement Iowa Code sections 321.1, 321.20B, 321A.24, 321A.25, and 321A.34.

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CHAPTERS 642 to 699
Reserved

AERONAUTICS

CHAPTER 700
AERONAUTICS PROGRAMS ADMINISTRATION

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

761—700.1(328,330,330A) Purpose. These rules establish the procedures for a governmental subdivision to apply for state or federal funds for the improvement of airports, air service, and air navigation facilities.
[**ARC 8941C**, IAB 2/19/25, effective 3/26/25]

761—700.2(328,330,330A) Definitions. The definitions in Iowa Code sections 328.1, 330.1, and 330A.2 apply to this chapter. In addition:

"FAA" means the Federal Aviation Administration.

"Sponsor" means the person or governmental subdivision that has the authority for improving, maintaining and operating an aviation facility.

"Vertical infrastructure" means the same as defined in Iowa Code section 8.57(5).
[**ARC 8941C**, IAB 2/19/25, effective 3/26/25]

761—700.3(328,330,330A) Information and forms. Program information, forms, and application and submission instructions are available on the department's website at www.iowadot.gov/aviation. Requests for such materials or assistance may also be made by calling the modal transportation bureau at 515.239.1048. The mailing address is: Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.
[**ARC 8941C**, IAB 2/19/25, effective 3/26/25]

761—700.4(330) Federal airport improvement program.

700.4(1) *Federal preapplications.* Federal preapplications are submitted to the department.

700.4(2) *Applicant eligibility.* A governmental subdivision owning a public airport that is listed in the FAA's National Plan of Integrated Airport Systems (NPIAS) is eligible to apply for federal funds. The NPIAS published report is available at the FAA website: www.faa.gov/airports. An airport that receives federal primary commercial service entitlement funds is not required to submit preapplications.

700.4(3) *Project eligibility.* Projects are to meet the FAA eligibility guidelines for federal airport improvement projects. Federal airport improvement program guidelines are available at the FAA website: www.faa.gov/airports.

700.4(4) *Preapplication.*

a. The department will distribute preapplication instructions and forms annually to each eligible applicant.

b. The completed preapplication for federal airport improvement funds are submitted to the department according to the method and time frame specified in the annual application instructions.

700.4(5) *Project prioritization.*

a. The department will review each completed preapplication for project eligibility and consistency with the state aviation system plan. The department will prioritize projects based on the goals and objectives in the state aviation system plan.

b. The commission is responsible for approving the prioritization of the preapplications.

c. The department will submit the preapplications with priorities identified to the FAA, and the FAA will contact the applicant directly concerning all subsequent action on the preapplication.
[**ARC 8941C**, IAB 2/19/25, effective 3/26/25]

761—700.5(328) State airport improvement program.

700.5(1) *Applicant eligibility.*

a. A governmental subdivision owning or establishing a public airport is eligible to apply to the department for state airport improvement funds.

b. Participation in air service development projects is limited to airports currently receiving scheduled airline or commuter air service options and are designated as commercial service airports in the Iowa aviation system plan. An airport that loses air service completely may remain eligible for participation in the two following and consecutive annual application cycles if 100 percent of the grant amounts are used according to conditions of the air service grant and solely toward efforts to reestablish air service for that affected airport.

700.5(2) *Eligible project activities.*

a. Statewide projects administered by the department include but are not limited to planning studies, aviation weather systems, airport markings, immediate safety enhancements, wildlife mitigations, windsocks, education, and outreach.

b. Airport projects may include but are not limited to runway, taxiway, and apron surfaces; lighting and navigational aids; obstruction removal; grading, drainage, and surfacing airfield surfaces and protection areas; signage, security access control and lighting; planning; and other airport enhancements. A project that involves airfield infrastructure is to comply with the airport master plan or airport layout plan as adopted by the governmental subdivision.

c. Air service development activities eligible for reimbursement include but are not limited to marketing, entry support, data collection, and items defined on the annual application.

700.5(3) *Funding.* The department establishes the maximum percentage of state share for eligible projects and may annually set a maximum dollar amount per award. Funding criteria are included in application instructions provided to airport sponsors.

700.5(4) *Application for funding.*

a. The department will make available the application instructions and forms to each public airport in Iowa. Applications are to be submitted to the department by the due date specified in the instructions.

b. Immediate safety enhancement project applications may be submitted at any time during the year to the department according to instructions that are part of the application form.

700.5(5) *Review and approval.* The department will review each completed application and evaluate the impact of the project on the aviation system considering the following factors: state system plan airport roles, goals and objectives; justification provided; ability to enhance aeronautical activity for the airport and system; local participation; and multijurisdictional support of the airport. The department will recommend projects to the commission for approval.

[**ARC 8941C**, IAB 2/19/25, effective 3/26/25]

761—700.6(328) Commercial service vertical infrastructure program.

700.6(1) *Purpose.* The purpose of the commercial service vertical infrastructure program is to provide funding for vertical infrastructure improvements at Iowa's commercial service airports.

700.6(2) *Applicant eligibility.* Airports currently receiving scheduled airline or commuter air service and designated as commercial service airports in the Iowa aviation system plan are eligible to apply to the department for funding. An airport that loses air service completely may remain eligible for participation in the two following and consecutive annual application cycles if the airport is actively seeking reestablishment of air service.

700.6(3) *Eligible project activities.* Facilities eligible for reimbursement include but are not limited to terminal building, hangar, fuel facility, and maintenance facility construction or renovation. Activities may include associated design, land acquisition, grading and foundation work.

700.6(4) *Funding.* Unless otherwise appropriated, funds are distributed to commercial service airports using a 50/40/10 formula. Fifty percent of funds are allocated equally between each airport, forty percent are allocated based on the percentage of enplaned passengers at each airport versus the total number of enplaned passengers in the state, and ten percent are allocated based on the percentage of the air cargo tonnage at each airport versus the total tonnage in the state.

700.6(5) *Application for funding.* The department will make available application instructions and forms to eligible airports. Applications are to be submitted to the department by the due date specified in the instructions.

700.6(6) *Review and approval.* The department will review each completed application for eligibility and recommend projects and funding levels to the commission for approval.

[**ARC 8941C**, IAB 2/19/25, effective 3/26/25]

761—700.7(328) General aviation vertical infrastructure program.

700.7(1) *Purpose.* The purpose of the general aviation vertical infrastructure program is to provide funding for vertical infrastructure improvements at Iowa's general aviation airports.

700.7(2) *Applicant eligibility.* A governmental subdivision owning or establishing a public airport is eligible to apply to the department for funding.

700.7(3) *Eligible project activities.* Facilities eligible for reimbursement include but are not limited to terminal building, hangar, fuel facility, and maintenance facility construction or renovation. Activities may include associated design, land acquisition, grading and foundation work.

700.7(4) *Funding.* The department establishes the maximum percentage of state share for eligible projects and may annually set a maximum dollar amount per award. Funding criteria are included in application instructions provided to airport sponsors.

700.7(5) *Application for funding.* The department will make available application instructions and forms to eligible airports. Applications are to be submitted to the department by the due date specified in the instructions.

700.7(6) *Review and approval.* The department will review each completed application and evaluate the impact of the project on the aviation system considering the following factors: state system plan airport roles, goals and objectives; justification provided; ability to enhance aeronautical activity for the airport and system; local participation; and multijurisdictional support of the airport. The department will recommend projects to the commission for approval.

[**ARC 8941C**, IAB 2/19/25, effective 3/26/25]

761—700.8(328,330,330A) Project administration. After a project has been approved by the commission, the department will offer the award in an agreement that specifies responsibilities of the sponsor. The agreement is to specify the amount of state funds, the contract period, and the responsibilities for project planning, development, payment process, and reporting. The department may inspect the project for compliance with the agreement and may audit all project costs incurred. Payments to the airport sponsor for eligible project costs are made on a cost reimbursement basis. Project-related engineering fees are an eligible expense and are reimbursed in compliance with the agreement.

[**ARC 8941C**, IAB 2/19/25, effective 3/26/25]

These rules are intended to implement Iowa Code section 8.57(5) and chapters 328, 330 and 330A.

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CHAPTERS 701 to 709
Reserved

CHAPTER 710
AIRPORT IMPROVEMENT PROGRAM
[Prior to 6/3/87, Transportation Department [820]—(04,B) Ch 1]
Rescinded **ARC 8941C**, IAB 2/19/25, effective 3/26/25

CHAPTERS 711 to 714
Reserved

CHAPTER 715
AIR SERVICE DEVELOPMENT PROGRAM
Rescinded **ARC 8941C**, IAB 2/19/25, effective 3/26/25

CHAPTER 716
COMMERCIAL SERVICE VERTICAL INFRASTRUCTURE PROGRAM
Rescinded **ARC 8941C**, IAB 2/19/25, effective 3/26/25

CHAPTER 717
GENERAL AVIATION VERTICAL INFRASTRUCTURE PROGRAM
Rescinded **ARC 8941C**, IAB 2/19/25, effective 3/26/25

CHAPTER 718
GENERAL AVIATION HANGAR REVOLVING LOAN FUND
Rescinded IAB 1/7/04, effective 2/11/04

CHAPTER 719
Reserved

CHAPTER 720
IOWA AIRPORT REGISTRATION

[Prior to 6/3/87, Transportation Department [820]—(04,C)Ch 1]

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

761—720.1(328) Scope and contact information.

720.1(1) This chapter establishes airport registration and airport closing requirements for airports open for use by the public.

720.1(2) Questions regarding this chapter may be directed to the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.239.1468; or through the department's website at www.iowadot.gov/aviation.

[**ARC 8942C**, IAB 2/19/25, effective 3/26/25]

761—720.2(328) Definitions. The definitions in Iowa Code section 328.1 apply to this chapter. In addition:

"Obstruction" means any structure, object of natural growth, or use of land that impedes the airspace required for the takeoff or landing of aircraft at an airport.

"Private use" means available for use by the owner or other persons authorized by the owner.

"Public use" means available for use by the public without prior approval from the owner or operator.

[**ARC 8942C**, IAB 2/19/25, effective 3/26/25]

761—720.3(328) Public-use airport. Airport registration requirements apply to public-use airports.

720.3(1) *Registration.* An airport is to apply to the department when seeking a public-use airport certificate of registration. If following an inspection, the airport meets minimum safety standards, the department will issue the airport a public-use airport certificate of registration.

720.3(2) *Registration renewal.* Each public-use airport certificate of registration renews automatically each year unless the certificate is revoked. When an airport is to be inspected by the department, the airport will be provided with an airport registration application and will need to apply for registration renewal.

720.3(3) *Airport inspection.* Each registered public-use airport is subject to inspection by the department at any reasonable time, but the airport will be inspected no less than every three years. If the inspection by the department reveals an unsafe condition or a failure to meet the minimum safety standards, the department will record that fact and notify the airport in writing with necessary corrective actions. Failure to implement corrective actions may result in airport registration revocation or denial. Federal Aviation Administration (FAA) inspection of an airport certified under 14 CFR Part 139 may be accepted in lieu of an inspection by the department.

720.3(4) *Posting.* The airport certificate of registration is to be posted in a prominent place available to the public at the airport. If there are no buildings at the airport, the certificate is to be displayed at the office of the airport manager or caretaker. If a certificate of registration is revoked by the department, it must be removed from public view and destroyed.

[**ARC 8942C**, IAB 2/19/25, effective 3/26/25]

761—720.4(328) Revocation or denial. The department may revoke or deny a certificate of registration pursuant to Iowa Code section 328.19.

[**ARC 8942C**, IAB 2/19/25, effective 3/26/25]

761—720.5(328) Corrective action plan. If an airport is not in compliance with minimum safety standards, the airport may submit a proposed corrective action plan that identifies a time period up to six years to bring the airport into compliance. The plan must be reasonable and attainable. The plan is subject to approval by the department, and if approved, the department may issue a certificate of registration that can be revoked at any time if an unsafe condition develops.

[**ARC 8942C**, IAB 2/19/25, effective 3/26/25]

761—720.6(328) Minimum safety standards. The minimum safety standards for a public-use airport are as follows:

720.6(1) *Runways.*

a. Width. The minimum usable runway width will be 50 feet.

b. Marking of paved runways. Marking of paved runways will be in accordance with FAA Circular 150/5340-1M (Standards for Airport Markings) as amended through May 10, 2019.

c. Marking of nonpaved runways. Marking of nonpaved runways will use high-visibility yellow airport marking cones no less than 36 inches in diameter and 24 inches tall.

(1) Runway edge marking cones are to be placed 200 feet apart outlining the length of the runway surface.

(2) Runway ends are to be marked using six marking cones placed perpendicular to the runway heading.

(3) Displaced thresholds are to be marked by adding three marking cones from each runway edge at the point of the threshold location along the length of the runway surface.

d. Surfaces. Runway surfaces will be free of foreign debris and surface deficiencies that could impede the ability of aircraft to land or take off.

e. Winter operations.

(1) During and following winter events, runways and other operational areas are to be cleared as quickly as practical.

(2) To the extent possible, snow pile height is to be minimized.

(3) Notices to Air Missions (NOTAMS) are to be issued with the FAA to alert aircraft operators when an airport is unusable or unsafe for aircraft operations. NOTAMS should identify the closure of an airport or affected runways and provide a reasonable estimate of when the airport will be cleared and reopened for public use.

(4) If an airport does not intend to conduct winter operations for a winter season, it will be noted in the FAA's Airport Master Record and Chart Supplement so pilots are aware snow removal and other winter operations will not occur.

f. Unusable and unsafe runways. When a runway has become temporarily unusable or unsafe for aircraft operations, the affected area will be marked by suitable flags, barriers or flares clearly showing the boundaries of the unsafe or unusable area.

(1) Affected runways are to be marked in accordance with guidelines in rule 761—720.7(328).

(2) NOTAMS are to be issued to close the airport or affected runways and provide a reasonable estimate of when the airport is to be reopened for public use.

g. Line of sight. Runway sight distance will provide an unobstructed line of sight from any point 5 feet above the runway surface to any point 5 feet above the runway surface for the entire length of the runway, or the sponsor shall note in the FAA's Airport Master Record and Chart Supplement, so pilots are aware of the line-of-sight obstruction.

720.6(2) *Approach zones.*

a. Approach surface. The approach zone of a runway extends from the runway end (or displaced threshold) and is longitudinally centered on the runway centerline for a horizontal distance of 1,000 feet. The width is 250 feet starting at the runway end and widens out to 450 feet at the farthest point from the runway.

b. Approach obstructions. Approaches are to remain free of obstructions above a glide path of a 20:1 ratio within the approach zone of each usable runway. If an obstruction exists in an approach zone that impedes the airspace required for the takeoff or landing of aircraft, the obstruction should be removed. If removal of the obstruction is not possible, the runway threshold is to be displaced. The runway length remaining between the displaced threshold and the departure end of the runway is the landing distance available.

c. Crops in approach zones. Crops are not considered an approach zone obstacle.

d. Consideration for vehicles and trains. When the approach zone to any runway crosses a road or railroad, the glide path on a 20:1 ratio shall pass at least 17 feet above an interstate highway, 15 feet above any other public roadway, 10 feet above a private road, and 23 feet above a railroad.

720.6(3) *Obstruction-free areas.*

a. General obstruction-free areas. The following areas of the airport will be free of obstructions with the exception of operational and frangible equipment that is essential for operation of the airport. For this subrule, obstructions include any object of natural growth, terrain, construction hazards, equipment, crops or grass taller than 8 inches, or other items that would provide a potential hazard to aircraft operations on the ground or in the air:

(1) Paved runways.

1. Within 125 feet of the centerline.
2. Within 200 feet of the runway end.

(2) Nonpaved runways.

1. Within 60 feet of the centerline.
2. Within 10 feet of runway edge markers along the entire length of the runway.

(3) Automated weather observing equipment.

1. Any airport property or easement located within a 100-foot radius.
2. Reserved.

b. Building obstruction-free areas. In no case may a building be constructed closer than 125 feet from a runway centerline of a paved runway or 50 feet from the edge of a nonpaved runway.

720.6(4) *Facilities.*

a. Wind indicator. The airport is to be equipped with an 18-inch diameter or larger windsock, blaze orange in color. If the airport is lighted for night operation, the windsock is to be lighted.

b. Fire extinguishers. At least one operational fire extinguisher capable of extinguishing all classes of fires is to be readily accessible to aircraft fueling or ramp areas.

c. Lighting. If an airport is published to have lighting for night operation:

(1) The system is to be operable.

(2) The airport is to be lighted from dusk to dawn or have an operable air-to-ground controller for the lighting system.

[**ARC 8942C**, IAB 2/19/25, effective 3/26/25]

761—720.7(328) Airport closing.

720.7(1) *Notice.* When an airport ceases operation for any reason, the sponsor must notify the department, destroy the certificate of registration and mark the landing area to clearly indicate that the airport is closed to air traffic.

720.7(2) *Marking.* All marking indicating a usable runway is to be obliterated. The sponsor will place at a central location a yellow X in accordance with FAA Advisory Circular 150/5340-1M (Standards for Airport Markings) as amended through May 10, 2019.

720.7(3) *Temporary closing.* When conditions, not related to a winter event, require the temporary closing of a runway, the runway is to be marked on both ends with a yellow X in accordance with FAA Advisory Circular 150/5340-1M (Standards for Airport Markings) as amended through May 10, 2019.

720.7(4) *Repayment of financial assistance.* Within 30 days of closing an airport (other than temporary closing), the sponsor is to request from the department a review of contractual obligations that require repayment of financial assistance. The department will provide a determination detailing grant obligations that must be repaid. Any repayment of grants is to be made to the department in no more than five equal annual installments, beginning one year from the airport's closure date. If an alternative future use of the airport facility is planned for a project that creates jobs and expands the economy, the sponsor may, within 30 days of the department's determination, request forgiveness of repayment. The request must include a plan detailing the alternative future use of the airport facility, an explanation of how the alternative future use creates jobs and expands the economy, a cost-benefit analysis from the sponsor, a commitment of private investment in the project equal to at least two times the amount of repayment due to the state, and a commitment from the sponsor, or associated political subdivision(s), to complete the alternative use project within five years. The department will review the request for forgiveness of repayment and approve or deny the request within 60 days of receipt.

[**ARC 8942C**, IAB 2/19/25, effective 3/26/25]

761—720.8(17A) Hearing and appeal process. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13.
[**ARC 8942C**, IAB 2/19/25, effective 3/26/25]

These rules are intended to implement Iowa Code chapter 17A and sections 328.1, 328.12, 328.19 and 328.35.

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CHAPTERS 721 to 749
Reserved

CHAPTER 750
AIRCRAFT REGISTRATION

[Prior to 6/3/87, Transportation Department [820]—(04,C)Ch 2]

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

761—750.1(328) General.

750.1(1) *Scope.* This chapter establishes the procedures for registration of civil aircraft pursuant to Iowa Code chapter 328.

750.1(2) *Contact.* Information, instructions, and forms are available from the modal transportation bureau or on the department's website at www.iowadot.gov/aviation. Application forms may also be obtained from aircraft dealers. The mailing address for aircraft registration is the Iowa Department of Transportation, Modal Transportation Bureau, Aircraft Registration, 800 Lincoln Way, Ames, Iowa 50010.

750.1(3) *Definitions.* The definitions in Iowa Code section 328.1 apply to this chapter. In addition, the following definition is established for the purpose of Iowa Code section 328.21(8):

"Specified minimum level of aviation services to the general public" means the use of aircraft that provide nonagricultural aviation services, including aircraft rental, flight training, or passenger and cargo air carrier operations.

This rule is intended to implement Iowa Code chapter 328.

[**ARC 8943C**, IAB 2/19/25, effective 3/26/25]

761—750.2(328) Registration. When an aircraft is registered in Iowa, the model year of the aircraft is used to determine the number of times the aircraft was previously registered, and a reduction of the registration fee is computed accordingly. "Model year," except where otherwise specified, means the year of original manufacture or the year certified by the manufacturer. For the purpose of registration, the model year advances one year each January 1.

This rule is intended to implement Iowa Code section 328.21.

[**ARC 8943C**, IAB 2/19/25, effective 3/26/25]

761—750.3(328) First registration procedure.

750.3(1) *Registration requirement.* A civil aircraft that has an FAA-assigned N number is subject to registration in Iowa unless it is exempt by statute.

750.3(2) *Application.*

a. The owner of an unregistered aircraft is to submit to the department an application for aircraft registration on a form prescribed by the department.

b. The application is to include the registration fee and the required use tax or evidence of tax exemption.

c. Following review of the application, the department may request additional information or documents from the owner.

d. Upon receipt of a completed application, registration fee, and use tax or evidence of tax exemption, the department will issue to the applicant an aircraft registration certificate for the aircraft.

This rule is intended to implement Iowa Code sections 328.20, 328.21, 328.26, 328.27, 328.44 and 328.45.

[**ARC 8943C**, IAB 2/19/25, effective 3/26/25]

761—750.4(328) Aircraft not airworthy. An aircraft that is not airworthy is not subject to registration fees if the owner submits with the registration application a written, signed explanation of the aircraft's condition and an estimate of the date when the aircraft will be airworthy. The department will mark the record of the aircraft until the owner notifies the department that the aircraft is airworthy or until the aircraft is no longer subject to registration in Iowa.

This rule is intended to implement Iowa Code section 328.21.

[**ARC 8943C**, IAB 2/19/25, effective 3/26/25]

761—750.5(328) Renewal notice. Thirty days before the end of the registration year, the department will send a renewal notice to the owner of each registered aircraft. The renewal notice will include the registration fee due for the upcoming registration year and the descriptive data recorded for the aircraft.

This rule is intended to implement Iowa Code sections 328.20, 328.21, 328.26, 328.27, 328.37 and 328.56A.

[**ARC 8943C**, IAB 2/19/25, effective 3/26/25]

761—750.6(328) Penalty on registration fees.

750.6(1) *Aircraft moved into Iowa.* The penalty on the registration fee accrues from the first day of the month following 30 days from the date the aircraft is moved into Iowa.

750.6(2) *When delinquency extends beyond the current year.* When the penalty on a delinquent registration fee extends beyond the current year, the penalty continues to accrue until paid. The penalty accrues only on the fee applicable at the time the delinquency accrued and is to apply to subsequent registration fees that have not been paid.

750.6(3) *Specific penalty date.* When a specific penalty date is provided by statute or rule, the penalty accrues from that date, even if the day is a Saturday, Sunday or holiday.

This rule is intended to implement Iowa Code sections 328.50 through 328.52.

[**ARC 8943C**, IAB 2/19/25, effective 3/26/25]

761—750.7(328) Application for special certificate. When applying to the department for a special certificate, the applicant is to submit reasonable proof of bona fide status as a manufacturer, transporter or dealer. Manufacturer or dealer applicants are to verify that no aircraft have been held in a dealer special certificate inventory for a period of more than three years.

This rule is intended to implement Iowa Code sections 328.28 and 328.29.

[**ARC 8943C**, IAB 2/19/25, effective 3/26/25]

761—750.8(328) Lien. The department has the authority to record a lien against the federal aircraft title and sue to collect unpaid fees and penalties.

This rule is intended to implement Iowa Code sections 328.47 through 328.49.

[**ARC 8943C**, IAB 2/19/25, effective 3/26/25]

761—750.9(17A) Hearing and appeal process. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13.

This rule is intended to implement Iowa Code chapter 17A.

[**ARC 8943C**, IAB 2/19/25, effective 3/26/25]

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CHAPTERS 751 to 799
Reserved

RAILROADS

CHAPTER 800
ITEMS OF GENERAL APPLICATION FOR RAILROADS

[Prior to 6/3/87, Transportation Department [820]—(10,A)Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/20/31

761—800.1(327C,327D,327F,327G) General.

800.1(1) *Definitions.*

"Crossing" means the point where the railroad tracks and highway meet at the same location.

"Railroad" means persons who own rail facilities or who are responsible for the rail facilities' operation and maintenance.

800.1(2) *Contact information.* Questions concerning this chapter may be directed to the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

800.1(3) *Federal citations.*

a. The department adopts the following portions of the Code of Federal Regulations, which are referenced throughout this chapter:

(1) 49 CFR Part 1152 (October 1, 2024).

(2) 49 CFR Part 1241 (October 1, 2024).

(3) 49 U.S.C. 20106 (August 3, 2007).

b. Copies of the federal code or regulations cited in this chapter are available from the state law library or online at www.govinfo.gov.

This rule is intended to implement Iowa Code sections 327C.38, 327C.41, 327C.42, 327D.201, 327F.31 and 327G.24.

[**ARC 0216D**, IAB 4/15/26, effective 5/20/26]

761—800.2(307,327C,327D) Accounts. All railroads operating in Iowa, except those whose accounts are regulated by the Surface Transportation Board, are to maintain accounts using the generally accepted accounting principles of the financial standards accounting board. The accrual method of accounting is to be used.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 327C.42, and 327D.201.

[**ARC 0216D**, IAB 4/15/26, effective 5/20/26]

761—800.3(327C,327D) Annual reports.

800.3(1) A railroad company submitting an annual report to the Surface Transportation Board under 49 CFR Part 1241 is to submit a copy of this report to the department on or before April 1 following the close of the calendar year. The "State Statistics" report includes: annual data on additions and deletions of mileage within the state; mileage operated within the state at the end of the year; railway operating revenues earned within the state; statistics on rail line operations within the state, including locomotive unit-miles, car-miles and ton-miles; revenue freight carried within the state by commodity class; and a freight density map showing gross ton-miles for the railroad company's system within the state.

800.3(2) A railroad company not required to submit an annual report to the Surface Transportation Board under 49 CFR Part 1241 is to submit an annual report to the department electronically on or before April 1 following the close of the calendar year.

This rule is intended to implement Iowa Code sections 327C.38, 327C.41, and 327D.201.

[**ARC 0216D**, IAB 4/15/26, effective 5/20/26]

761—800.4(307,327F) Train speed ordinances. An ordinance or resolution adopted by a political subdivision that relates to the speed of a train in an area within the jurisdiction of the political subdivision is subject to department approval according to the following procedure:

800.4(1) The political subdivision is to submit the ordinance/resolution to the department supported by information or reasons that justify its approval by the department.

800.4(2) The department will notify the affected railroads.

800.4(3) The political subdivision and the affected railroads will have 30 days in which to submit position papers to the department before the department issues an order approving or disapproving the ordinance/resolution.

800.4(4) The department will issue an order approving or disapproving the ordinance/resolution in accordance with the following:

a. The department may approve the proposed ordinance/resolution only if the proposal satisfies the requirements of 49 U.S.C. 20106.

b. Generally, the department does not consider highway-railroad grade crossings or rail lines located near schools, residences, or commercial activities to be local safety hazards that can be remedied by train speed restrictions.

c. In making its decision, the department may also consider the following factors:

(1) Traffic density and speed.
(2) Accident frequency.
(3) Causes of accidents.
(4) Obstructions to visibility.
(5) Traffic controls at crossings.
(6) Population density.
(7) Resulting burden on the rail transportation system.
(8) Resulting benefit to residents of the political subdivision.

800.4(5) The department will mail notice of its order approving or disapproving the ordinance/resolution by certified mail, return receipt requested, to the political subdivision and the affected railroads.

800.4(6) If the department issues an order approving the ordinance/resolution, it will go into effect 25 days after the notice is mailed unless the order is contested pursuant to subrule 800.4(7).

800.4(7) Within 20 days after the notice is mailed, the political subdivision or an affected railroad may submit to the department a written statement contesting the department's order approving or disapproving the ordinance/resolution.

a. If the order is contested, 761—Chapter 13 applies.

b. If an order approving an ordinance/resolution is contested, the order shall be stayed pending the outcome of the contested case.

800.4(8) A submission to the department under this rule will be deemed timely submitted if it is delivered or postmarked within the time period specified.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 307.26 and 327F.31 and 2001 Iowa Op. Att'y Gen. #01-5-2.

[**ARC 0216D**, IAB 4/15/26, effective 5/20/26]

761—800.5(327G) Removal of tracks from crossings.

800.5(1) 49 CFR Part 1152 contains the regulations governing the abandonment and discontinuance of railroad lines and rail transportation under 49 U.S.C. 10903 et seq. This part also contains the regulations and procedures for the acquisition or use of railroad rights-of-way proposed for abandonment for interim trail use and rail banking pursuant to 16 U.S.C. 1247(d).

800.5(2) A railroad corporation or its successor in interest having received authority to remove its tracks from a rail line pursuant to abandonment or interim trail use under 49 CFR Part 1152 is to, at the same time it removes its tracks from the railroad rights-of-way, remove its tracks from the crossings of highways, streets and alleys along the rail line and restore the surface of these crossings. A crossing is to be restored in a manner specified by the agency having jurisdiction over the highway, street or alley at the crossing.

800.5(3) If a railroad corporation or its successor in interest fails to remove its tracks from and restore the surface of a crossing as specified in subrule 800.5(2), then the agency having jurisdiction over the highway, street or alley at the crossing may, at the expense of the railroad corporation or its successor in interest, remove the tracks and restore the surface 120 days after the tracks adjacent to the crossing have been removed.

This rule is intended to implement Iowa Code section 327G.24.

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CHAPTER 801
RELATIONSHIP WITH IOWA RAILWAY FINANCE AUTHORITY

[Prior to 6/3/87, Transportation Department[820]—(10,C)Ch 2]

Rescinded IAB 7/1/09, effective 7/1/09

CHAPTER 802
NOTIFICATION OF RAILROAD ACCIDENTS OR INCIDENTS

[Prior to 6/3/87, Transportation Department [820]—(10,B)Ch 6]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

761—802.1(307,327C) Notification of railroad accidents or incidents.

802.1(1) *Accidents or incidents requiring notification.* Any accident or incident involving train movement that results in any of the following must be reported within 4 hours of the accident or incident to the department's traffic management center by telephone at 515.237.3300 (open year-round, 24 hours a day, including legal holidays):

a. Fatality.

b. Personal injury requiring hospitalization.

c. Derailment of ten or more rail cars and locomotives.

d. Derailment of any number of cars or locomotives when one or more are not upright.

e. Derailment or other incident involving a railroad passenger train.

f. Release or potential release of hazardous materials that presents a risk or potential risk to public safety, including injury, fatality, evacuation or shelter-in-place of persons.

g. Damage to public or private transportation infrastructure not owned by the involved railroad.

802.1(2) *Property damage only.* Any accident or incident involving train movement that results in property damage only must be reported within 24 hours of the accident or incident in the same manner as provided in subrule 802.1(1).

802.1(3) *Content of notice.* The notice of an accident or incident is to provide, at a minimum, the following information:

a. Name of the railroad involved.

b. Name and contact information of the individual calling to file the notice.

c. Date and time the accident or incident occurred.

d. Location of the accident or incident, described as accurately as possible, including the nearest city and the U.S. DOT crossing identification number or railroad milepost.

e. Description of the accident or incident.

f. Impact on motor vehicle travel, if known.

g. Number of injuries and fatalities.

h. Hazardous materials involved in the incident and actions taken in the event of a release.

i. Number of rail cars derailed.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 327C.37 and 327C.41.

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CHAPTERS 803 to 809
Reserved

CHAPTER 810
RAILROAD SAFETY STANDARDS

[Prior to 6/3/87, Transportation Department [820]—(10,B)Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/20/31

761—810.1(307,327C,327F) General.

810.1(1) *Federal citations.*

a. The department adopts the following portions of the Code of Federal Regulations concerning railroad track safety standards and heaters in vehicles.

(1) 49 CFR Part 213 (July 1, 2025).

(2) 49 CFR Section 393.77 (October 1, 2024).

b. Copies of the federal regulations are available from the state law library or online at www.govinfo.gov.

810.1(2) *Track inspection credentials.* Authorized department employees must be admitted to any railroad property to conduct safety inspections of the track and track structures and must present state identification cards upon request.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 307.26(5), 327C.4 and 327F.39.

[**ARC 0217D**, IAB 4/15/26, effective 5/20/26]

761—810.2(307,321,327F) Railroad safety standards.

810.2(1) *First aid and medical treatment for railroad employees.*

a. Railroad employees who are injured in the course of employment are to have reasonable and adequate access to first aid or medical treatment. A railroad or railroad employee shall not:

(1) Deny, delay or interfere with first aid or medical treatment for any railroad employee who is injured in the course of employment.

(2) Discipline or threaten to discipline any railroad employee for requesting first aid or medical treatment when the employee is injured in the course of employment.

b. All railroads operating in the state must make reasonable efforts to have emergency first-aid kits available at locations where railroad employees perform their employment duties.

c. Nothing in this rule is to be construed to force a railroad or railroad employee to perform first aid or medical care.

810.2(2) *Heating system and driver rest period.*

a. Heater. Pursuant to Iowa Code section 327F.39(4), a motor vehicle used to transport railroad workers shall comply with the safety standards established in 49 CFR Section 393.77.

b. Driver rest period. A railroad worker transportation company and railroad worker transportation company driver are to comply with the rest period conditions of Iowa Code sections 321.449A and 327F.39(5).

c. Report procedure.

(1) A person is to report an alleged violation of paragraph 810.2(2)*"a"* or *"b"* in writing to the responsible railroad company at its corporate headquarters.

(2) If within 30 days the railroad company does not respond or if the response is unsatisfactory, the person may report the alleged violation to the department at the following address: Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

(3) The report is to include the date, time, weather conditions and all facts pertinent to the alleged violation; the name and contact information of the driver employed by the railroad worker transportation company; or the railroad worker transportation company alleged to have had a driver violate the provisions of the Iowa Code (if applicable). The report is to also include a copy of the railroad's response or, if the railroad failed to respond, proof of the date the report was submitted to the railroad.

(4) The director of the modal transportation bureau or the director's designee may request additional information from the person submitting the report, the railroad worker transportation company or the railroad.

(5) The director of the modal transportation bureau or the director's designee, which may include peace officers within the commercial motor vehicle unit of the department of public safety, may investigate the alleged violation.

(6) The director of the modal transportation bureau or the director's designee will issue a decision within 60 days of receipt of the report or 60 days after receipt of the requested additional information. The decision may include any order as necessary to enforce Iowa Code section 327F.39 as set forth in Iowa Code section 327F.39(6).

(7) The department will notify the person and the railroad of the decision.

(8) The decision is final agency action.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 307.26, 321.449A, 327F.38 and 327F.39.

[**ARC 0217D**, IAB 4/15/26, effective 5/20/26]

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[Editorial change: IAC Supplement 7/26/23]
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[Filed ARC 0217D (Notice ARC 9873C, IAB 1/7/26), IAB 4/15/26, effective 5/20/26]

CHAPTER 811
HIGHWAY-RAILROAD GRADE CROSSING WARNING DEVICES

[Prior to 6/3/87, Transportation Department [820]—(10,B)Ch 2]

Rescinded **ARC 0151D**, IAB 3/18/26, effective 4/22/26

CHAPTER 812
CLASSIFICATIONS AND STANDARDS FOR HIGHWAY-RAILROAD GRADE CROSSINGS

[Substance formerly in (06,A)Ch 1]

[Prior to 6/3/87, Transportation Department [820]—(10,B)Ch 3]

Rescinded **ARC 0152D**, IAB 3/18/26, effective 4/22/26

CHAPTER 813
CLOSE-CLEARANCE WARNING SIGNS ALONG RAILROAD TRACKS

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/20/31

761—813.1(327F) General.

813.1(1) *Applicability.*

a. This chapter implements Iowa Code section 327F.13.

b. This chapter applies to railroad companies as well as industries, agricultural cooperatives or other entities that are owners of a railroad track, and this chapter applies to individuals who are owners of a railroad track.

813.1(2) *Contact information.* Information regarding this chapter is available from the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by telephone, 515.239.1140.

813.1(3) *Definitions.*

"Close clearance" means a permanent or temporary situation where an obstruction near a railroad track physically impedes a person who is lawfully riding the side of a train from clearing the obstruction.

"Obstruction" means a building, machinery (other than equipment designed for operation on a railroad track when actually located on a railroad track), tree, brush or other object.

"Owner" means the railroad company, industry, agricultural cooperative, other entity or individual that holds a fee simple title, easement, leasehold, contract to purchase, license or other legal or equitable interest or right in the railroad track and is in primary possession and control of the railroad track.

"Tangent track" means a track segment without any curves.

[**ARC 0218D**, IAB 4/15/26, effective 5/20/26]

761—813.2(327F) Close-clearance dimensions. Close clearance for a tangent track is a location along the railroad track where there is an obstruction that falls within the following dimensions: starting at the centerline of track at top of rail and extending 5 feet both sides horizontally and level therewith, thence upward vertically 15 inches, thence upward diagonally to a point 4 feet above top of rail and 8 feet laterally from centerline of track, thence vertically to a point 20 feet above top of rail, thence diagonally to a point 6 feet from centerline of track and 22 feet above top of rail, thence horizontally to centerline of track. Vertical clearance is to be 18 feet above top of rail at the entrance to and inside buildings. On curved track, clearances on each side of the track centerline are to be increased 1½ inches per degree of curvature (Figure 1).

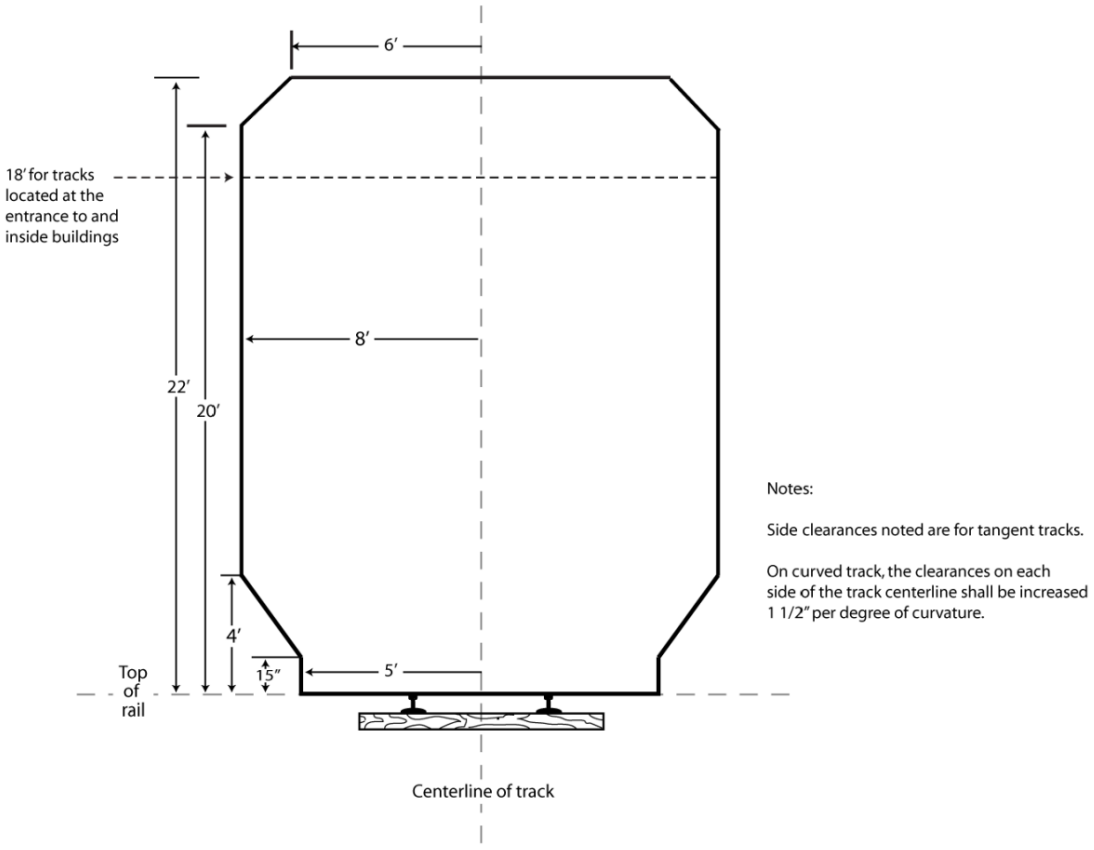

Figure 1

[**ARC 0218D**, IAB 4/15/26, effective 5/20/26]

761—813.3(327F) Signing standards.

813.3(1) A close-clearance warning sign or signs are necessary at all locations where there is close clearance. It is the responsibility of the owner to ensure that all close-clearance locations have warning signs in accordance with this chapter and Iowa Code section 327F.13.

813.3(2) If an obstruction creating a close-clearance situation is a temporary or nonpermanent obstruction, in lieu of signage, the owner may remove the obstruction or remove the track from service until the obstruction is removed.

813.3(3) A close-clearance warning sign is to comply with the following:

a. Include the words "no clearance." The letters must be black on a white reflective background and be a minimum of three inches high.

b. Be a vertical sign not less than 42 inches in height and 4 inches in width.

c. Be placed at least one foot off the ground or on the obstruction and within three feet of the close-clearance location or on the obstruction. Signs are to be located on both sides of the obstruction so as to be visible from both directions.

d. Not be within eight feet of the centerline of the tracks.

813.3(4) In the event that the placement of the close-clearance warning sign according to paragraph 813.3(3)*"c"* or *"d"* does not provide adequate notice for a person who is lawfully riding the side of a train to prepare for the close clearance (such as a curve or other sight obstruction), an additional sign reading "no clearance ahead" is to be placed in a location that provides adequate notice to the person who is lawfully riding the side of the train so that the person may prepare for the close clearance. Depending on the particular environment that makes an additional no clearance ahead sign necessary, a no clearance ahead sign may be needed on one or on both sides of the obstruction so as to be visible from both directions.

813.3(5) In the event that the physical environment prevents the placement of a warning sign in accordance with paragraph 813.3(3)*"c"* or *"d,"* the sign is to be placed in a highly visible location that is clearly indicative of the point of close clearance. An alternative size and shape of sign may be used if there is no location available where a standard size and shape sign may be used. Any alternative sign must clearly be identifiable as an indicator of the close-clearance situation.

813.3(6) In limited situations where multiple instances of insufficient clearance occur within a confined area or over a distance, and where posting of multiple warning signs could on its own be a safety hazard, or where multiple signs would create a confusing environment, making it difficult to discern the areas that lack clearance, a sign reading "no clearance ahead" may be posted in lieu of multiple signs.

813.3(7) A line or other marker is to be maintained at a distance of eight feet from the centerline of the track on all platforms, excluding passenger platforms, to indicate the space along the edge of such platform that is to be kept clear of merchandise, material or other articles that could create a temporary close-clearance situation.

[**ARC 0218D**, IAB 4/15/26, effective 5/20/26]

761—813.4(327F) Enforcement.

813.4(1) If the owner is provided written notice by an employee, a person working on or near the tracks or a railroad inspector that a location is in need of a close-clearance warning sign, the owner is to investigate and, if warranted, ensure the placement of a warning sign or signs within 30 calendar days of notification. If a close-clearance warning sign is not warranted, the owner is to inform the person who provided notice, in writing within 30 calendar days, that a sign is not warranted and explain why the location does not need a close-clearance warning sign.

813.4(2) If the owner fails to respond to a written notice by an employee or another person working on or near the tracks or if the employee or other person disagrees with the owner's determination that a warning sign is not warranted, the employee or other person may notify the department. The department will investigate and make a determination if the location warrants the placement of a close-clearance warning sign.

a. If the department determines a close-clearance warning sign is warranted, the department will notify the owner in writing. The owner shall have 14 calendar days from the date of the notification to install the proper warning sign. Failure to install the close-clearance warning sign is evidence that the owner is in violation of Iowa Code section 327F.13.

b. The owner, an employee or a person working on or near the tracks may contest the determination. If the determination is contested, 761—Chapter 13 applies.

[**ARC 0218D**, IAB 4/15/26, effective 5/20/26]

761—813.5(327F) Reimbursement.

813.5(1) The owner may request reimbursement from the department for up to $100 per sign for the cost and installation of the close clearance or no clearance ahead warning sign.

813.5(2) To be reimbursed, the owner is to complete Form 291303, "Close-Clearance Warning Sign Certification." The form is available on the department's website at www.iowadot.gov or from the modal transportation bureau.

813.5(3) The owner is to submit the form to the modal transportation bureau and certify that the warning sign complies with the obligations in rule 761—813.3(327F) and provide proof of purchase.

813.5(4) The department may inspect, at any time, the sign installation to confirm that the warning sign meets the minimum obligations.

[**ARC 0218D**, IAB 4/15/26, effective 5/20/26]

These rules are intended to implement Iowa Code section 327F.13.

[Filed ARC 8202B (Notice ARC 7885B, IAB 7/1/09), IAB 10/7/09, effective 11/11/09]
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CHAPTERS 814 to 819
Reserved

CHAPTER 820
HIGHWAY GRADE CROSSING SAFETY FUND

[Substance formerly (06,C)Ch 3]
[Prior to 6/3/87, Transportation Department [820]—(10,B)Ch 4]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

761—820.1(327G) General.

820.1(1) *Purpose.* This chapter establishes requirements for use of the safety fund to reimburse railroads for a portion of the maintenance costs associated with active warning devices.

820.1(2) *Definitions.*

"AAR signal unit" means the relative maintenance difficulty value assigned to component parts of an active warning device. Units and interpretations are designated by the 2025 Revision of the American Railway Engineering and Maintenance-of-Way Association (AREMA) Communications and Signals Manual, Volume 1, Section 1 (1.3.2) [Recommend Table of Signal and Interlocking Units and Interpretations]. The AREMA publication may be ordered from the website www.arema.org. A member of the public with questions about specific content in the AREMA may contact the department's modal transportation bureau.

"Active warning devices" means traffic control devices activated by the approach or presence of a train, such as flashing light signals, flashing light signals with cantilever assemblies, and flashing light signals with automatic gate arms, all of which actively warn motorists of a train.

"Maintenance costs of active warning devices" means costs incurred by a railroad associated with the repair or replacement of obsolete, worn out, damaged or missing component parts of an active warning device. Maintenance costs include repair or replacement of damaged, vandalized or stolen component parts only for that amount that exceeds the amount recovered from the liable party or the liable party's insurer.

"Safety fund" means the highway grade crossing safety fund established in Iowa Code section 327G.19 and administered by the department.

820.1(3) *Information and submissions.* For information or submissions on this chapter, contact Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or call 515.239.1108. Submissions may be electronically filed with the safety fund program manager.

[**ARC 0153D**, IAB 3/18/26, effective 4/22/26]

761—820.2(327G) Eligibility and reimbursement.

820.2(1) *Eligible costs of warning devices.* The safety fund provides moneys for the annual maintenance costs of active warning devices ordered or agreed to be installed on or after July 1, 1973, as stated in the individual order or agreement.

a. Orders or agreements that provide for revision of the maximum amount that can be expended from the safety fund by reason of amendment to Iowa Code section 327G.15 are binding. These orders and agreements were amended to read: The fund's participation for calendar years preceding 1977 will be equal to that of the railroad but limited to a maximum of $450 for any one year, for any one crossing; and for calendar year 1977 and subsequent years, the fund may participate in an amount of up to 75 percent of annual maintenance costs of active warning devices based upon a cost for each eligible AAR signal unit.

b. Orders or agreements issued on or after March 8, 1978, provide that the safety fund may be used to participate in an amount of up to 75 percent of the annual maintenance costs of active warning devices based upon a cost for each eligible AAR signal unit.

c. Participation in annual maintenance costs is on a reimbursement basis.

820.2(2) *Reimbursement.*

a. Reimbursement to a railroad for its active warning devices that are eligible for reimbursement under this rule equals the number of AAR signal units for that railroad's eligible active warning devices times the average annual maintenance cost per AAR signal unit times the percentage of participation.

(1) Each railroad is to tabulate the number of AAR signal units for each eligible warning device and furnish this tabulation to the department. The department will review the railroads' tabulations for conformance with AAR guidelines.

(2) Each year, the department will compute an average annual maintenance cost per AAR signal unit. This unit cost is to be used by all railroads for billing purposes.

(3) The percentage of participation will not exceed 75 percent.

b. Before April 15 of each year, each railroad is to submit one billing to the department covering maintenance costs for the preceding calendar year for all eligible warning devices. Prior to reimbursement, the department may audit the billings to determine conformity of the billings with the orders or agreements. Reimbursement to a railroad may be denied if the railroad fails to submit its billing before April 15.

c. If, in any year, the balance of the safety fund is inadequate to fully reimburse all railroads, the department will reimburse each railroad on a pro-rata basis.

d. If a warning device has been in operation for less than one calendar year, the maintenance costs will be prorated from the date the device was placed in operation to the end of that calendar year.

[**ARC 0153D**, IAB 3/18/26, effective 4/22/26]

These rules are intended to implement Iowa Code sections 327G.15 and 327G.19.

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CHAPTER 821
HIGHWAY-RAILROAD GRADE CROSSING SURFACE REPAIR FUND

[Substance formerly in (06,C)Ch 3]
[Prior to 6/3/87, Transportation Department [820]—(10,B)Ch 5]
Rescinded **ARC 0154D**, IAB 3/18/26, effective 4/22/26

CHAPTER 822
RAILROAD REVOLVING LOAN AND GRANT FUND PROGRAM

[Prior to 7/1/09, see 765—Ch 5]
Rescinded **ARC 0155D**, IAB 3/18/26, effective 4/22/26

CHAPTERS 823 to 829
Reserved

CHAPTER 830
RAIL ASSISTANCE PROGRAM

[Prior to 6/3/87, Transportation Department [820]—(10,C)Ch 1]
Rescinded IAB 4/11/07, effective 5/16/07

CHAPTER 831
RAILROAD REVOLVING LOAN FUND

Rescinded IAB 4/11/07, effective 5/16/07

CHAPTERS 832 to 839
Reserved

CHAPTER 840
RAIL RATE REGULATION

Rescinded IAB 5/5/99, effective 6/9/99

CHAPTERS 841 to 899
Reserved

PUBLIC TRANSIT

CHAPTER 900
CONTRACTS SET ASIDE FOR DISADVANTAGED BUSINESS ENTERPRISES

[Prior to 6/3/87, Transportation Department [820]—(09,A)Ch 1]
Rescinded IAB 9/28/94, effective 11/2/94

CHAPTERS 901 to 909
Reserved

CHAPTER 910
COORDINATION OF PUBLIC TRANSIT SERVICES

[Prior to 6/3/87, Transportation Department [820]—(09,A)Ch 2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/20/31

761—910.1(324A) Definitions. For purposes of this chapter, the following definitions apply in addition to the definitions in Iowa Code section 324A.1:

"Council" means the statewide transportation coordination advisory council formed in rule 761—910.3(324A).

"Emergency transportation" means transportation provided when life, health or safety is in danger, such as ambulance or law enforcement transportation.

"Incidental transportation" means the provision of transit rides when existing public transportation services cannot meet demand.

"Provider" means any recipient of direct or indirect, state, federal or local funds, including a public transit system, that provides or contracts for public transit services.

"Public school transportation" means passenger transportation provided by or for a legally organized Iowa public school district for school district purposes.

"Public transit service" means any publicly funded passenger transportation for the general public or for specific client groups not including exclusive public school transportation, emergency transportation or incidental transportation or transportation provided by the department of health and human services or department of corrections on the grounds of the following institutions:

State training school, Eldora;
Cherokee mental health institute;
Independence mental health institute;
Woodward resource center;
Civil commitment unit for sexual offenders, Cherokee;
Iowa veterans home, Marshalltown;
Iowa state penitentiary, Fort Madison;
Anamosa state penitentiary;
Iowa correctional institution for women, Mitchellville;
Mount Pleasant correctional facility;
Newton correctional facility;
Iowa medical and classification center, Coralville;
North central correctional facility, Rockwell City;
Fort Dodge correctional facility;
Clarinda correctional facility.

This rule is intended to implement Iowa Code section 324A.1.

[**ARC 0219D**, IAB 4/15/26, effective 5/20/26]

761—910.2(17A) Information and location. Forms or information about the coordination of public transit services are available from the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.233.7870 or on the department's website at iowadot.gov/modes-travel/transit.

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

[**ARC 0219D**, IAB 4/15/26, effective 5/20/26]

761—910.3(324A) Statewide transportation coordination advisory council.

910.3(1) *Purpose.* An advisory council will be formed by the department to assist with implementation of the compliance reviews required by statute. The council will assist in the review of information concerning the transportation operations of providers and advise the department as to whether the provider should be found to be in compliance with the transportation coordination mandate of Iowa Code chapter 324A.

910.3(2) *Advisory council.*

a. Membership. Membership in the council shall at minimum include one representative from the department of health and human services and one from the department. Other state, federal and private agencies funding local transportation services may also be granted membership.

b. Chairperson. The director of transportation or the director's representative shall serve as chairperson of the council.

c. Staff. Staff support for council activities will be provided by the department.

d. Meetings. Meetings will be held at least once each quarter and may be held more frequently if necessary to enable the council to expeditiously discharge its duties.

910.3(3) *Duties.* The council shall:

a. Review and make recommendations to the member agencies concerning guidelines and criteria for the review process operated by the council.

b. Provide the department with written recommendations for findings of compliance or noncompliance with the transportation coordination mandate of Iowa Code chapter 324A for individual providers based upon review of each provider's request for certification.

c. Upon request of a member agency, review all transportation components of funding applications or plans submitted by a recipient of the member agency.

d. Advise and make recommendations to the department concerning public transportation policy.

This rule is intended to implement Iowa Code sections 324A.4 and 324A.5.

[**ARC 0219D**, IAB 4/15/26, effective 5/20/26]

761—910.4(324A) Certification process.

910.4(1) *Requirement for certification.* All providers are required to request a certification of compliance with the transportation coordination mandate of Iowa Code chapter 324A by submitting the certification application form in the Appendix to this rule plus a copy of a certificate of insurance or documentation of self-insurance. Agencies that provide a mixture of public transit service and other service will request certification based on that part of their overall operation that is public transit service.

910.4(2) *Form distribution.*

a. Recipients of state or state-administered funds. Each state agency in its own funding application or contract process will require each recipient of funding to submit a request for certification of compliance.

b. Recipients of other funds. The department will contact local governments and federal agencies to determine whether they are funding any providers that are not funded through the state. The department will send to any providers identified in this way, or by other means, an explanation of the certification requirement and a copy of the certification request form in the Appendix.

910.4(3) *Submission of request forms.*

a. Recipients of state funds shall submit both the certification application and the certificate of insurance forms annually to the funding agency.

b. Recipients of funds from multiple sources may submit a single request form to all state funding sources if it covers all agency transportation functions.

c. Providers not receiving any funds from state agencies are to return their completed forms within 20 working days of receipt.

d. Agencies or organizations that receive a form from the department and believe that none of their services fit the definition of public transit services are to respond to the department within 20 working days of receipt, stating this belief and providing a brief description of any passenger transportation service they do provide and why it should not be considered public transit service.

910.4(4) *Incomplete or unreturned request forms.*

a. Forms submitted to a state funding agency as part of a funding application will be reviewed for completeness by that agency within ten working days.

b. Forms submitted directly to the department by its recipients or by providers not receiving state or state-administered funds will be reviewed for completeness by the department within ten working days.

c. The reviewing agency will inform the provider in writing of any information deficiencies and allow ten working days from receipt for submittal of missing information.

d. Each state agency will report to the council each case in which a provider has failed upon notification to supply the necessary information within the required time frame.

e. All completed request forms submitted to state funding agencies will be forwarded to the council staff within five working days after verifying completeness.

910.4(5) *Processing requests.*

a. The council staff will evaluate completed requests based on the compliance standards found in rule 761—910.5(324A) and make a recommendation for a finding of compliance or noncompliance to the council within 20 working days of receiving the completed request form.

b. Ten working days prior to the council's scheduled quarterly meeting, the council staff will distribute to each council member and to the respective providers a meeting agenda and copies of all compliance-finding recommendations completed since the previous agenda mailing.

c. At the council's quarterly meeting, the council will consider the compliance-finding recommendations of the staff and may accept the staff recommendations as the council's recommendations to the director of transportation, change the recommendations and provide a statement of reasons, or defer action pending further review.

d. Upon consideration of the council recommendations, the department will make a final finding of compliance or noncompliance and notify the provider and the state funding agency, if applicable, in writing of the department's decision within five working days after the council meeting.

This rule is intended to implement Iowa Code section 324A.4.

[**ARC 0219D**, IAB 4/15/26, effective 5/20/26]

761—910.5(324A) Standards for compliance. A provider shall be found compliant if the provider meets both of the following standards:

910.5(1) All vehicles used for the public transit services it provides or contracts for are insured for $1 million per accident for all hazards or the provider maintains a self-insurance fund adequate to provide equivalent protection.

910.5(2) The provider:

a. Purchases all services from a designated public transit system, or

b. Operates all services open to the public under contract with and under control of a designated transit system, or

c. Purchases all services from a private-for-profit operator of public transit services, or

d. Operates its own services, which:

(1) The designated public transit system is currently unable to provide, or

(2) When considered as a whole using fully allocated costs, prove to be more economical than the purchase of equivalent services from the designated public transit system.

e. Uses a combination of services in paragraphs 910.5(2)*"a," "b," "c,"* and *"d."*

This rule is intended to implement Iowa Code section 324A.4.

[**ARC 0219D**, IAB 4/15/26, effective 5/20/26]

761—910.6(324A) Noncompliance. A provider shall be found noncompliant if:

910.6(1) The provider has not submitted required data upon expiration of either the original submittal deadline or the additional ten-day grace period after written notification of deficiencies in an original submittal.

910.6(2) The provider's request for certification has been processed and the provider did not qualify for a finding of compliance.

This rule is intended to implement Iowa Code section 324A.4.

[**ARC 0219D**, IAB 4/15/26, effective 5/20/26]

761—910.7(324A) Noncompliant sanctions. A provider that is denied certification and continues the noncompliant activities for more than 30 days shall be subject to the penalties and sanctions specified in Iowa Code section 324A.5(2).

910.7(1) If the department of health and human services purchases services from the noncompliant provider, the department will notify the department of health and human services of the noncompliant finding.

910.7(2) If the noncompliant provider is a recipient of public funds from other than the department of health and human services, the department will notify the proper authority as required in Iowa Code section 324A.5.

This rule is intended to implement Iowa Code sections 324A.4 and 324A.5.

[**ARC 0219D**, IAB 4/15/26, effective 5/20/26]

761—910.8(324A) Revocation.

910.8(1) If certification is revoked, the department will send a written notice of revocation to the provider.

910.8(2) The affected public transit system, the provider and the department are to meet within ten days after the date of the revocation notice to determine an acceptable amendment of the transportation services. The amendments that are agreed upon shall become effective within 60 days. The contract between the provider and the affected public transit system shall be amended, if necessary, to agree with the service changes.

910.8(3) If the transportation services are not amended in a timely manner, the department will initiate actions as required in Iowa Code section 324A.5(2).

This rule is intended to implement Iowa Code section 324A.5.

[**ARC 0219D**, IAB 4/15/26, effective 5/20/26]

Appendix to rule 761—910.4(324A)

Date

FY

CERTIFICATION APPLICATION

State/Federal Administering Agency _____

I. GENERAL INFORMATION:

Agency Name:_____

Address:_____

_____

Contact Person:_____Phone:(_____)_____

Service Area (counties):_____

Types of Clients:_____

Types of Services:_____

_____

Does agency provide transportation services? Yes _____ No _____

Does agency use public funds for transportation? Yes _____ No _____

II. TRANSPORTATION ACTIVITIES:

Population groups served: Elderly _____ Youth Economically Deprived _____ Public _____

Persons with physical disabilities _____ Persons with mental disabilities _____ Other _____

Describe others:_____

_____

Services Accessed: Medical _____ Day Care _____ Shopping _____ Nutrition _____ Employment _____

Recreation _____ Education/training _____ Other social services_____

What percent of your transportation service (in terms of miles driven) is operated during the following time periods?

_____ % weekdays + _____ % evenings + _____ % weekends = 100%

Is any part of agency's transportation purchased from an urban or regional transit system?

Yes _____ No _____ If yes, please indicate system:

_____

III. AGENCY OPERATED VEHICLE FLEET:

Year/ Model	Seats/ Wheelchairs	Special Equipment*	% Used for Passengers	Average Monthly Ridership	Average Monthly Vehicle Miles	Owned/ Leased

* Two-way radio, wheelchair lift, ramp, etc.

IV. FUNDING SOURCES USED FOR SUPPORT OF TRANSPORTATION: **Total $ _____**

Source	Federal	State	Local	Annual Total
1.				$
2.				$
3.				$
4.				$
5.				$
6.				$
Total	----------	----------	----------	$

V. PURCHASE OF SERVICE (Contracts and Vendor Agreements): **Total $ _____**

	Average Monthly Ridership	Average Monthly Vehicle Miles	Projected Annual Expenditures
Taxi			$
Intracity bus			$
Regional/Urban Transit System			$
Other - specify			$
Total	----------	----------	$

VI. OPERATION OF OWN TRANSPORTATION SERVICE: **Total $ _____**

STAFF	Number	% of Time	Projected Annual Expenditures
Administrative			$
Drivers			$
Maintenance			$
Professional			$
Escorts			$
Volunteers reimbursement		$ /mile	$
Other - specify			$
Subtotal	----------	----------	$

VEHICLE OPERATING COSTS	Projected Annual Expenditures
Fuel and oil	$
Maintenance and repair	$
Insurance	$
Licenses and fees	$
Staff mileage reimbursement $ /mile	$
Indirect cost or overhead	$
Other - specify	$
Subtotal	$

PURCHASE OR LEASE OF VEHICLES AND SPECIAL EQUIPMENT

Vehicle Type	No. to be Leased	No. to be Purchased	No. for Replacement	No. for Expansion	Special Equipment	Projected Annual Cost
						$
						$
						$
Subtotal	----------	----------	----------	----------	----------	$

Note: The total funding in Section IV should equal the total expenditures in Section V plus Section VI.

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CHAPTER 911
SCHOOL TRANSPORTATION SERVICES PROVIDED BY REGIONAL TRANSIT SYSTEMS

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/20/31

761—911.1(321) Purpose and information.

911.1(1) *Purpose.* This chapter establishes standards for school transportation services provided by Iowa's regional transit systems under contract with local schools.

911.1(2) *Information.* Information and forms may be obtained from the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.233.7870; or the department's website at www.iowadot.gov/transit.

[**ARC 0220D**, IAB 4/15/26, effective 5/20/26]

761—911.2(321,324A) Definitions. The definitions in Iowa Code sections 321.1 and 324A.1 apply to this chapter. In addition:

"Bus" means a motor vehicle, excluding a trailer, designed to carry ten or more persons.

"School bus" means a bus that complies with all federal motor vehicle safety standards applicable to a school bus.

"School transportation service" means transit service provided under contract to a public or nonpublic school or other group, including day care centers, to transport students to or from schools or school-sponsored activities.

"Student" means a person attending a public or nonpublic school, grades prekindergarten through high school, including a Head Start participant.

"Vehicle" means an automobile, multipurpose vehicle, bus or school bus, including as defined in this rule.

[**ARC 0220D**, IAB 4/15/26, effective 5/20/26]

761—911.3(321) Services to students as part of the general public. All services provided by regional transit systems must be open to the public. This chapter shall not be construed to restrict the use of these services by any individual fare-paying passenger, in either fixed route or demand response service.

[**ARC 0220D**, IAB 4/15/26, effective 5/20/26]

761—911.4(321) Contracts for nonexclusive school transportation. Regional transit systems may contract with schools, day care providers, after-school program providers or others to provide nonexclusive school transportation service that meets the requirements of this chapter. Exclusive service contracts are prohibited.

[**ARC 0220D**, IAB 4/15/26, effective 5/20/26]

761—911.5(321) Adoption of federal regulations.

911.5(1) *Code of Federal Regulations.* The department adopts the following portions of the October 1, 2024, Code of Federal Regulations, which are referenced throughout this chapter:

a. 49 CFR Part 38, Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles.

b. 49 CFR Part 571, Federal Motor Vehicle Safety Standards.

c. 49 CFR Part 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations.

911.5(2) *Obtaining copies of regulations.* Copies of these regulations are available from the state law library or online through the U.S. Government Publishing Office at www.ecfr.gov.

[**ARC 0220D**, IAB 4/15/26, effective 5/20/26]

761—911.6(321) Driver standards. The following standards apply to regional transit system drivers assigned to provide school transportation service.

911.6(1) *Federal Transit Administration (FTA) drug and alcohol testing.* Each driver is subject to the following testing for drug and alcohol usage as detailed by the FTA in 49 CFR Part 655, including:

a. Preemployment testing.
b. Reasonable suspicion testing.
c. Postaccident testing.
d. Random testing.
e. Return to duty testing.
f. Follow-up testing.

911.6(2) *Training.* Each driver must, before or within the first 6 months of assignment and at least every 24 months thereafter, complete a course of instruction approved by the department of education in accordance with Iowa Code section 321.376.

911.6(3) *Driving record check.* The regional transit system must review the driving record of each driver prior to assignment and on an annual basis.

911.6(4) *Criminal record check.* The regional transit system must conduct a criminal records review of each driver prior to assignment and on an annual basis. This review verifies that the driver has no history of child abuse or other criminal activity.

911.6(5) *Driver licensing.* Each driver must be licensed appropriately for the size and type of vehicle used as provided in Iowa Code section 321.189. A Class A, B or C commercial driver's license with passenger endorsement may be required. A driver may operate the vehicle for purposes of training if the driver has the appropriate commercial learner's permit as described in 761—Chapter 607, and the restrictions in rule 761—607.20(321) shall apply. If a commercial driver's license is not required, a Class D (chauffeur) license is required.

911.6(6) *Authorization to operate a school bus.* Each driver who transports students must have an authorization to operate a school bus issued by the department of education in accordance with Iowa Code section 321.376.

911.6(7) *Physical fitness.*

a. Each driver who transports students must undergo a physical examination by a certified medical examiner who is listed on the National Registry of Certified Medical Examiners in accordance with Iowa Code section 321.375(1)*"d"* and with rule 281—43.15(285) or 281—43.17(285). Annually, the driver must submit the signed medical examiner's certificate to the driver's employer.

b. Upon a commercial driver's license issuance or renewal, the driver shall self-certify as to the type of driving the driver does and, if required, provide a current medical examiner's certificate to the department unless the driver's medical examiner's certification is provided to the department electronically by the Federal Motor Carrier Safety Administration pursuant to 761—paragraph 607.37(1)*"a"* and 761—subrule 607.50(2).

[**ARC 0220D**, IAB 4/15/26, effective 5/20/26]

761—911.7(321) Vehicle standards. The following standards apply to regional transit system vehicles assigned to provide school transportation service.

911.7(1) *Vehicle construction.*

a. Each vehicle must be constructed in compliance with the federal motor vehicle safety standards for that type of vehicle as set forth in 49 CFR Part 571. The capacity rating of automobiles and multipurpose vehicles shall not be modified or altered in any way except by the original manufacturer.

b. Each bus in use must also comply with the following federal motor vehicle safety standards:

(1) Standard No. 217, Bus Emergency Exits and Window Retention and Release. Buses utilized for school transportation shall incorporate a rear emergency exit door in meeting this standard.

(2) Standard No. 220, School Bus Rollover Protection.

(3) Standard No. 221, School Bus Body Joint Strength.

(4) Standard No. 301, Fuel System Integrity.

911.7(2) *Passenger restraint/protection.* Each automobile, multipurpose vehicle or school bus must provide passenger restraint/protection devices as required for that type of vehicle in the federal motor vehicle safety standards. Each bus must meet the standards listed in either paragraphs 911.7(2)*"a"* through *"f"* or paragraph 911.7(2)*"g"*:

a. Standard No. 207, Seating Systems.

b. Standard No. 208, Occupant Crash Protection.

c. Standard No. 209, Seat Belt Assemblies.
d. Standard No. 210, Seat Belt Assembly Anchorages.
e. Standard No. 213, Child Restraint Systems.
f. Standard No. 225, Child Restraint Anchorage Systems.
g. Standard No. 222, School Bus Passenger Seating and Crash Protection.

911.7(3) *Accessibility for persons with disabilities.* Each vehicle used for students with disabilities must comply with all applicable provisions of 49 CFR Part 38.

911.7(4) *Signage.* A vehicle must not be signed as a school bus.

911.7(5) *Department of education inspection.* Every vehicle must be inspected twice annually by the department of education school bus inspectors and officers of the Iowa state patrol to determine if the vehicle meets all vehicle standards set forth in this chapter. The department of education will notify each regional transit system of the dates and locations of scheduled inspections. Inspections must be documented on a form prescribed jointly by the departments of transportation and education.

911.7(6) *Transfer to another public transit system.* When a public transit system purchases a used vehicle from another public transit system, the previous owner's department of education's bus inspections stickers must be removed. If the purchasing public transit system plans to use the vehicle for school transportation service, a new inspection must be performed on the vehicle.

[**ARC 0220D**, IAB 4/15/26, effective 5/20/26]

761—911.8(321) Maintenance. Regional transit system vehicles assigned to provide school transportation service must be maintained in a safe and operable condition. The following maintenance practices apply.

911.8(1) *FTA drug and alcohol testing of mechanics.* With the exception of mechanics providing vehicle maintenance services under contract to a regional transit system-recipient of funding from 49 U.S.C. 5311, all personnel providing maintenance services on regional transit system vehicles are subject to drug and alcohol testing as required by the FTA in 49 CFR Part 655.

911.8(2) *Daily pretrip vehicle inspections.* Drivers of these vehicles must perform daily pretrip vehicle inspections using a form prescribed by the department or a mobile application including the same information. Regional transit systems must retain daily pretrip vehicle inspection reports and documentation of follow-up maintenance for one year.

911.8(3) *Annual vehicle inspection.* Maintenance personnel must annually inspect each vehicle. Regional transit systems must retain annual vehicle inspection records for one year.

[**ARC 0220D**, IAB 4/15/26, effective 5/20/26]

761—911.9(321) Safety equipment. Regional transit system vehicles assigned to provide school transportation service must carry the following safety equipment.

911.9(1) *Communication equipment.* Each vehicle must be equipped with a two-way radio, cellular telephone, or mobile data terminal tablet capable of emergency communication between the vehicle and the regional transit system's base of operations.

911.9(2) *First-aid/body fluids cleanup kit(s).* Each vehicle must be equipped with a first-aid kit of sufficient size and content for the capacity of the vehicle and be equipped with a body fluid cleanup kit. These may be provided as separate kits or combined into one kit. The contents of the kit(s) must be contained in one or more moistureproof and dustproof container(s) stored in an accessible location within the driver's compartment and must be removable from the vehicle in an emergency.

911.9(3) *Fire extinguisher.* Each bus or school bus must be equipped with a minimum 5-pound capacity, dry chemical fire extinguisher. Each automobile and multipurpose vehicle must be equipped with an extinguisher of at least 2.5-pound capacity. Extinguishers must have a 2A-10BC rating. All fire extinguishers shall be inspected and maintained in accordance with the National Fire Protection Association requirements. The standards for portable extinguishers are available online from the National Fire Protection Association at www.nfpa.org.

911.9(4) *Seatbelt web cutter.* A seatbelt web cutter must be mounted or placed within reach of the driver.

911.9(5) *Roadside reflective triangles.* Each vehicle must be equipped with roadside reflective triangles for use in case of breakdown or emergency.

911.9(6) *Flashlight.* Each vehicle must be equipped with an operable flashlight, or each driver must be assigned an operable flashlight to be in the vehicle at all times of operation.

911.9(7) *Reflective vest.* Each vehicle must be equipped with a reflective vest, or each driver must be assigned a reflective vest that must be in the vehicle at all times of operation. Individual regional transit systems are to establish a policy for when the reflective vests must be worn.

[**ARC 0220D**, IAB 4/15/26, effective 5/20/26]

761—911.10(321) Operating policies. School transportation services provided by regional transit systems must be designed to maximize the safety of student riders and must, at a minimum, meet the following standards.

911.10(1) *Passenger loading/unloading.* Unless prohibited by law, students transported in vehicles other than school buses must be loaded and unloaded on the same side of the street as their residence or other origin or destination. Students may be released only to the custody of a designated school official, parent or guardian, employee of the department of health and human services, or law enforcement official, unless other arrangements are made in advance.

911.10(2) *Student passenger behavior and discipline policy.* Each contract for school transportation service must include a policy relating to the behavior of students while they ride in vehicles. The regional transit system or school must provide instruction to all drivers assigned to school transportation service relative to the content and application of the policy. If a student is removed from a vehicle for one or more policy violations, the student may be released only to the custody of a school official, parent or guardian, employee of the department of health and human services or a law enforcement officer. In all cases, the school must be notified immediately of any such disciplinary action, and a written report must be filed with the school describing the circumstances resulting in the removal.

911.10(3) *Standing prohibited.* Under no circumstances shall a student be permitted or required to stand while a vehicle is in motion. Every student must be provided an appropriate seat at all times.

911.10(4) *Stops at rail crossings.* Every driver must make a complete stop before driving across the tracks of any railroad crossing in accordance with Iowa Code section 321.343.

911.10(5) *Accident reporting.* If a driver is involved in a collision or other incident causing or having a potential to cause injuries to students, the regional transit system must immediately notify the school of the incident. The regional transit system must file all accident reports required by law. In addition, the regional transit system must complete a school bus accident report on a form prescribed by the department of education and submit it to the school or the department of education.

911.10(6) *Passenger instruction/evacuation drills.* Each school must provide students assigned to school transportation service with school bus passenger safety instruction and emergency evacuation drills at least twice each school year. These evacuation drills must involve a vehicle of the same type used to provide the school transportation service.

911.10(7) *Special training for drivers carrying students with disabilities.* Each school contracting for school transportation services for a student with one or more disabilities must provide the regional transit system with information on any special needs of the student and, if necessary, provide the assigned driver with appropriate information and training on how to appropriately respond to the needs of the student during transit and in the event of an emergency.

911.10(8) *Posttrip inspection.* After each trip that had students on board, the driver must perform a posttrip inspection of the interior of the vehicle. The posttrip inspection must include a walk-through to the back of the vehicle to ensure no sleeping or hiding children are left behind.

[**ARC 0220D**, IAB 4/15/26, effective 5/20/26]

These rules are intended to implement Iowa Code sections 321.1, 321.189, 321.343, 321.375 through 321.377 and 324A.1.

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CHAPTERS 912 to 919
Reserved

CHAPTER 920
STATE TRANSIT ASSISTANCE

[Prior to 6/3/87, Transportation Department [820]—(09,B)Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/20/31

761—920.1(324A) Statement of policy. State financial assistance to any public transit system is restricted to joint projects with the department that hold substantial promise of accomplishing the following goals:

920.1(1) Development, maintenance and improvement of transit services for the general public and for transportation disadvantaged persons.

920.1(2) Protection of the rights of private enterprise public transit providers, especially those providing intercity scheduled services on fixed routes.

920.1(3) Improvement of transit system effectiveness and efficiency.

[**ARC 0221D**, IAB 4/15/26, effective 5/20/26]

761—920.2(324A) General information. The department will post annually the required forms and instructions for applying for state transit assistance through an online portal furnished to the transit systems by the department and notify each public transit system in Iowa of the availability. Requests for assistance and questions about application preparation should be directed to: Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.233.7870. For more information, visit www.iowadot.gov/modes-travel/transit.

[**ARC 0221D**, IAB 4/15/26, effective 5/20/26]

761—920.3(324A) Definitions. The definitions in Iowa Code section 324A.1, except for the definition of "urban transit system," apply to this chapter. In addition:

"Formula assistance" means state transit assistance appropriations minus funds reserved for special projects.

"Operating deficit" means the funding gap remaining after subtracting the passenger revenues from the service's operating costs.

"Project" means a concerted set of actions that will develop, maintain, or improve one or more elements of the public transit system's service.

"Urban transit system" means a system designated by the department that meets the requirements of Iowa Code section 324A.1(8). To be designated as an urban transit system for the purposes of this chapter, the system must serve a city or urbanized area with a population of 20,000 or more. The system also must be managed by a board of local officials who have either been elected by the public or appointed by elected officials, and who are responsible for policy and oversight of transit services for one or more incorporated areas within Iowa.

[**ARC 0221D**, IAB 4/15/26, effective 5/20/26]

761—920.4(324A) Types of projects.

920.4(1) *Formula projects.* A formula project may involve operations assistance, capital assistance, planning or any combination of the three. These projects are developed with input from the appropriate planning agencies and shall ensure public participation and discussion.

920.4(2) *Special projects.*

a. Special projects are extraordinary, emergency or innovative in nature and may include but are not limited to the following purposes:

(1) Expanding the scope of planning, managerial, or technical expertise.

(2) Increasing the public's awareness and understanding of transit.

(3) Enhancing the capacity for administration consolidation and service coordination.

(4) Reducing impediments to intramodal or intermodal transfers.

(5) Increasing the cooperation and coordination between private and public sectors.

(6) Developing, demonstrating, or refining a technical, procedural, or mechanical innovation that may be utilized by other public transit systems in Iowa.

(7) Responding to an emergency situation that places an extraordinary and unforeseen strain on the resources of a public transit system.

b. Applications for training fellowships may be submitted to the department at any time.

c. Applications for special projects are due to the department by October 1 each year. The department may announce to the public transit systems the acceptance of special project applications at other times of the year if unobligated funds are available.

[**ARC 0221D**, IAB 4/15/26, effective 5/20/26]

761—920.5(324A) Standards for projects.

920.5(1) *Requirements for transit system.* A public transit system is eligible for project assistance if the system is in compliance with all the following criteria. The transit system:

a. Abides by all applicable state and federal laws and regulations.

b. Maintains primary documentation for all revenues and expenses for a period of at least three years after contract closeout.

c. Maintains the system's policies, routes, schedules, fare structure and budget in a manner that encourages public review, responsiveness to user concerns, energy conservation and fiscal solvency.

d. Received departmental approval of the system's plan or schedule for repayment of any loan administered by the department.

e. Accurately reports all services to be supported with project formula assistance and ensures that all services are open to the general public.

920.5(2) *Project conditions.* The department will obligate state transit assistance for joint projects that meet the following criteria:

a. Each project must be included in the current year of the locally adopted transportation improvement program.

b. Each project shall contain payment criteria, through the contract, which are mutually agreed upon by the department and the contracting officer of the transit system.

c. Each special project shall have a preestablished basis for determining success using a specified means of performance measurement and include a detailed budget of the resources available and the assistance necessary for implementation.

d. State assistance for a special project involving capital expense shall not exceed 85 percent of the project's total capital expense. State assistance for a special project involving operating support shall not exceed 80 percent of the project's total operating deficit in the first year and 50 percent of the project's total operating deficit in the second year.

920.5(3) *Items not eligible for assistance.*

a. Administrative, operations or capital expenses that are determined by the department to be inconsistent with department policies, public law, officially approved planning and programming documents or inconsistent with the purpose of improving the effectiveness and quality of transit services.

b. Development of managerial, administrative or operational systems that duplicate programs made available at no charge to the transit system by the department.

920.5(4) *Determination of system eligibility for formula assistance.*

a. Prior to the beginning of each fiscal year, each state-designated public transit system's formula percentage will be determined through the process shown in the appendix located at the end of this chapter.

(1) Transit system data used in determining formula percentage is based only on services that are open to the general public and is derived from the last fiscal year for which complete information is available.

(2) The process shown in the appendix establishes the percentage of available state transit assistance funds not reserved for special projects for which each transit system is eligible during the fiscal year.

b. The amount of each system's eligibility for formula assistance from this appropriation will be determined by multiplying the system's formula percentage by the amount of the appropriation not reserved for special projects.

c. If the dollar amount of state transit assistance is not known until the funds are actually deposited in the state transit assistance account, the amount of each system's eligibility for formula assistance from these funds will be determined as follows: At the beginning of each month, the system's formula

percentage will be multiplied by the amount of new funds not reserved for special projects that were deposited in the state transit assistance account during the previous month.

d. A transit system's eligibility for programmed project assistance may be reduced if it is subject to the sanctions outlined in Iowa Code section 324A.5 or 761—Chapter 910.

920.5(5) *Determination of amount reserved for special projects.* Each fiscal year, at least $300,000 will be reserved from state transit assistance appropriations for special projects. Any special project funds not obligated in the previous fiscal year and any funds made available through closeout of previously approved projects may also be reserved for special projects. Special project funds are distributed by the department on a discretionary basis in accordance with subrule 920.4(2).

[**ARC 0221D**, IAB 4/15/26, effective 5/20/26]

761—920.6(324A) Processing.

920.6(1) *Review and recommendation.* The department will review the proposed projects and, based on available funds and the project priorities established by the transit systems, prepare a set of funding recommendations.

920.6(2) *Approval and agreement.* Upon approval of the projects by the transportation commission, the department will prepare a contract and send it to each public transit system for execution.

920.6(3) *Advance payment allowed.* Each transit system with a signed contract may be paid formula assistance monthly starting on the execution date of the contract, one-twelfth (or 8.33 percent) of the total contract amount, in advance of project expenditures, if all of the following conditions are met:

a. The transit system included in its application for state transit assistance a request for advance allocations as set forth in Iowa Code section 324A.6.

b. The transit system is current on all reporting required by the department.

c. The transit system is current on all scheduled repayments under loan contracts from the department.

d. The application for advance allocation includes:

(1) The name of the transit system.

(2) A specific statement of the reasons why an advance allocation is required by the transit system.

(3) The signature of the contract officer of the transit system and the date of the signature.

e. The department will give consideration to the following items in determining the approval, disapproval or deferment of advance allocation applications:

(1) The justification submitted with the application pursuant to paragraph 920.6(3)*"d."*

(2) The department's previous experience with the transit system making application, including but not limited to the following:

1. Timeliness of contract and application materials as assessed by the department.

2. Fiscal management capability of the transit system as assessed by the department.

f. If the department defers or disapproves of the transit system's application for advanced allocation of formula assistance, the department will notify the transit system with reasons for that decision.

g. Any transit system that receives advance allocation payments shall deposit the funds in a separately identified interest-bearing account until such time as the funds are expended on costs incurred by the transit system. All income derived from interest-bearing accounts and investments shall be credited to the transit system and its transit accounts as a nonoperating or nontransportation revenue.

[**ARC 0221D**, IAB 4/15/26, effective 5/20/26]

761—920.7(324A) Reporting.

920.7(1) Transit systems receiving state transit assistance shall provide quarterly and end-of-the-year financial and statistical reports to the department in the manner and within the time limits described in the state transit assistance contract. These reports shall be made through an online portal furnished to the transit systems by the department.

920.7(2) Failure to file quarterly and end-of-the-year financial and statistical reports by any transit system with the department in the manner and within the time limits described in the state transit assistance contract shall be cause for withholding of state transit assistance payments. The department

will notify any transit system of such actions. Withheld state transit assistance payments, both advanced and reimbursement, will resume once the transit system's required reporting is current.
[**ARC 0221D**, IAB 4/15/26, effective 5/20/26]

761—920.8(324A) Contract closeout and audits. After the end-of-the-year financial and statistical reports are submitted or after the department has instituted any action(s) for failure to do so, the department will require an audit of the transit system's books, accounts, records and other material and information necessary to determine contract compliance. The advance allocations paid to the transit system will be taken into consideration and made part of the amount to be audited.
[**ARC 0221D**, IAB 4/15/26, effective 5/20/26]

These rules are intended to implement Iowa Code chapter 324A.

APPENDIX TO
761—920.5(324A)

LDI	Locally determined income. All transit system revenue dedicated for operations expense during a fiscal year, minus federal operating assistance from the U.S. Department of Transportation and minus all special project operating support and formula assistance funds received from the Iowa Department of Transportation.
OpExp	Operations expense. All eligible transit system expenses related to operating, maintaining, and administering transit operations.
Pass	Passenger. A person boarding a transit vehicle for the purpose of making a trip. A passenger is counted each time that person boards a vehicle for travel to a destination.
RevMi	Revenue miles. Total vehicle miles traveled by revenue vehicles of public transit systems while in revenue service. Excludes miles traveled to and from storage facilities and other deadhead travel.

Iowa State Transit Assistance Formula Percentage Allocation

Regional System Allocation

$$\frac{\text{Regional RevMi}}{\text{Sum of Regional and Urban RevMi}} = \text{Total Regional Systems Allocation} \times \left(.50 \times \left(\frac{\text{System LDI}}{\text{Total Regional LDI}} \right) + .25 \times \left(\frac{\text{System Pass to OpExp ratio}}{\text{Sum of Regional Pass to OpExp ratios}} \right) + .25 \times \left(\frac{\text{System RevMi to OpExp ratio}}{\text{Sum of Regional RevMi to OpExp ratios}} \right) \right) = \text{Individual Regional System Formula Allocation}$$

Urban System Allocation

$$\frac{\text{Urban RevMi}}{\text{Sum of Regional and Urban RevMi}} = \text{Total Urban Allocation} \times \left(.50 \times \left(\frac{\text{System LDI}}{\text{Total Urban LDI}} \right) + .25 \times \left(\frac{\text{System Pass to OpExp ratio}}{\text{Sum of Urban Pass to OpExp ratios}} \right) + .25 \times \left(\frac{\text{System RevMi to OpExp ratio}}{\text{Sum of Urban RevMi to OpExp ratios}} \right) \right) = \text{Individual Urban System Formula Allocation}$$

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CHAPTER 921
ADVANCED ALLOCATIONS OF STATE TRANSIT ASSISTANCE FUNDING

[Prior to 6/3/87, Transportation Department [820]—(09,B)Ch 2]

Rescinded **ARC 0156D**, IAB 3/18/26, effective 5/20/26

CHAPTER 922
FEDERAL TRANSIT ASSISTANCE

[Prior to 6/3/87, Transportation Department[820]—(09,B)Ch 3]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

761—922.1(324A) Projects for nonurbanized areas and private nonprofit transportation providers.

922.1(1) *General information.* As required by 49 U.S.C. Sections 5310, 5311 and 5339, the department has been designated by the governor to administer the following programs within Iowa, subject to review by the Federal Transit Administration (FTA):

a. The enhanced mobility of seniors and individuals with disabilities program, providing federal financial assistance for support of public transportation service to improve mobility for seniors and individuals with disabilities.

b. The rural areas formula grants program, providing federal financial assistance for support of public transportation in rural areas with populations of less than 50,000 as defined by the U.S. Census Bureau.

c. The grants for buses and bus facilities program, providing federal financial assistance for support of capital acquisitions for public transportation providers.

922.1(2) *State management plan.*

a. The federal transit assistance programs referenced in subrule 922.1(1) will be administered according to the "Iowa State Management Plan for Administration of Funding and Grants Under the Federal Transit Administration, Sections 5310, 5311, 5316, 5317 and 5339 Programs," dated May 2020, prepared by the department and approved by the FTA in conformance with FTA Circulars 9040.1H and 9070.1H.

b. Copies of the state management plan are available from the modal transportation bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; by telephone at 515.233.7870; or on the department's website at www.iowadot.gov/transit.

This rule is intended to implement Iowa Code chapter 324A and 49 U.S.C. Sections 5310, 5311 and 5339.

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CHAPTER 923
CAPITAL MATCH REVOLVING LOAN FUND

[Prior to 6/3/87, Transportation Department[820]—(09,B)Ch 4]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

761—923.1(71GA,ch265) General information.

923.1(1) *Scope of chapter.* The general assembly appropriated money from the petroleum overcharge fund to the department to be used as a revolving loan fund for transit capital purchases by public transit systems. The revolving loan fund enables public transit systems to obtain the matching funds needed to qualify for capital purchases under state-funded or federally funded programs. The fund provides interest-free loans to public transit systems to allow faster capital acquisitions. Loan recipients shall demonstrate the ability to repay the loan from budgeted funds or revenues.

923.1(2) *Information.* Requests for information and assistance with the preparation and submission of loan requests should be directed to the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by telephone at 515.233.7870. Information is also available on the department's website at iowadot.gov/modes-travel/transit.

923.1(3) *Definitions.*

"Project" means a concerted set of actions that will develop, maintain or improve one or more elements of the public transit system's service.

"Public transit system" means the same as defined in Iowa Code section 324A.1.

"Van pool" means the same as defined in Iowa Code section 325A.12.

[**ARC 0158D**, IAB 3/18/26, effective 4/22/26]

761—923.2(71GA,ch265) System eligibility. A public transit system is eligible to request a capital match revolving loan provided that the public transit system complies with all of the following criteria:

923.2(1) Abides by all applicable state and federal laws and regulations.

923.2(2) Maintains primary documentation for all revenues and expenses for a period of at least three years following contract closeout.

923.2(3) Maintains the system's policies, routes, schedules, fare structure and budget in a manner that encourages public review, responsiveness to user concerns, energy conservation and fiscal solvency.

[**ARC 0158D**, IAB 3/18/26, effective 4/22/26]

761—923.3(71GA,ch265) Project eligibility.

923.3(1) A project is eligible if it meets all of the following criteria:

a. The project is a transit-related capital purchase (e.g., new or replacement vehicles, facilities or both).

b. The project is an identifiable transit need and is included in the public transit system's adopted transportation improvement program.

c. The local funding needed for the project justifiably exceeds the public transit system's capital match funding capability.

923.3(2) A project to purchase vans for a van pool may be submitted by an individual or a group through the appropriate local public transit system. A van pool project is eligible for an interest-free loan from the revolving loan fund only after funds for all other projects have been allocated as of July 1 each year.

[**ARC 0158D**, IAB 3/18/26, effective 4/22/26]

761—923.4(71GA,ch265) Procedure.

923.4(1) *Funding request.* The public transit system shall submit a funding application for the proposed project to either the department or to the Federal Transit Administration, depending on the type of funding requested.

923.4(2) *Loan request.* The appropriate time for a public transit system to submit a request for a revolving fund loan to the department is with the annual grant application, but a request may be submitted at any time if a specific need arises. The request is to include but not be limited to:

a. A description and cost estimate of the proposed project.

b. An explanation of the benefits, including projected energy conservation benefits, to be gained from the project.

c. An explanation and justification of need for the loan.

d. A proposed schedule of when funds will be needed for the project.

e. A proposed loan repayment plan with schedule and source of funds.

923.4(3) *Criteria for selection.* The department will review each loan request and evaluate the project for funding. Based on the following criteria (in no particular order), preference is given to public transit capital projects that:

a. Foster coordination among transit services.

b. Enhance local or regional economic development.

c. Increase federal funding to the state.

d. Extend services to the transportation disadvantaged.

e. Promote energy conservation.

f. Use the loan as only a portion of the local matching funds required.

923.4(4) *Approval.* Based on available funds, the department will approve loans for projects meeting the criteria in rule 761—923.3(71GA,ch265).

923.4(5) *Agreement.* Upon approval, the department will prepare a loan contract and send it to the public transit system for execution.

923.4(6) *Default.* If a public transit system fails to make a loan payment as agreed in the contract, the department may, at its option, deduct the amount of any past due loan payment from state transit assistance payments allocated to that transit system.

[**ARC 0158D**, IAB 3/18/26, effective 4/22/26]

These rules are intended to implement 1985 Iowa Acts, chapter 265.

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CHAPTER 924
PUBLIC TRANSIT INFRASTRUCTURE GRANT PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

761—924.1(324A) Purpose. The purpose of the public transit infrastructure grant program is to provide funding for the improvement of the vertical infrastructure of Iowa's designated public transit systems.
[**ARC 0159D**, IAB 3/18/26, effective 4/22/26]

761—924.2(324A) Definitions. The definitions in Iowa Code sections 324A.1 and 8.57(3)*"c"* apply to this chapter.
[**ARC 0159D**, IAB 3/18/26, effective 4/22/26]

761—924.3(324A) Information and forms. Information, instructions and application forms are available from the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; by telephone at 515.233.7870; or from the department's website at iowadot.gov/modes-travel/transit.
[**ARC 0159D**, IAB 3/18/26, effective 4/22/26]

761—924.4(324A) Project eligibility. Projects may be considered for funding if:

924.4(1) The project is included in a locally approved transportation improvement program and in the statewide transportation improvement program.

924.4(2) A local match for the project is currently available.

924.4(3) The project is capable of being substantially completed within 18 months of project selection.
[**ARC 0159D**, IAB 3/18/26, effective 4/22/26]

761—924.5(324A) Eligible project activities. Activities eligible for reimbursement include but are not limited to:

924.5(1) Construction, expansion or renovation of facilities, including associated design, land acquisition, grading and foundation work, for administration of public transit operations; servicing, maintenance or storage of public transit vehicles; transit vehicle fueling; or passenger waiting.

924.5(2) Relocating an existing administrative or maintenance facility, if necessary, to correct violations of safety or design standards. Such a project may include any associated design, land acquisition, grading and foundation work.
[**ARC 0159D**, IAB 3/18/26, effective 4/22/26]

761—924.6(324A) Ineligible project activities. A transit facility may be incorporated into a larger project, such as an intermodal facility, a headquarters for the umbrella organization sponsoring the transit program or a public works facility. Any costs attributable to the nontransit elements of the larger project are not eligible under this program.
[**ARC 0159D**, IAB 3/18/26, effective 4/22/26]

761—924.7(324A) Funding.

924.7(1) Program funds may reimburse up to 80 percent of transit-related project costs. Assistance from the public transit infrastructure grant program, when combined with federal or other state resources, will not exceed 80 percent of the project's transit-related costs.

924.7(2) At least 20 percent of transit-related project costs must be provided from local sources by the sponsoring transit system in cash or value of real property.

924.7(3) No single public transit system may receive more than 40 percent of the funding available in one year.
[**ARC 0159D**, IAB 3/18/26, effective 4/22/26]

761—924.8(324A) Project applications.

924.8(1) Project applications shall be submitted to the department.

924.8(2) Each application shall contain:

a. General information, including the transit system name, contact person, mailing address, email address and telephone number.

b. A project data sheet, including:

(1) A brief description of the project, its purpose and anticipated benefits to the transit program.

(2) Cost information including total project cost and an itemized breakdown of project components (including transit vs. nontransit costs).

(3) The proposed implementation schedule.

(4) A statement of the applicant's ability to complete the project.

(5) A sketch of the project.

c. Documentation of project justification.

d. A resolution from the governing body of the sponsoring transit system endorsing the project and authorizing the necessary local funding match.

[**ARC 0159D**, IAB 3/18/26, effective 4/22/26]

761—924.9(324A) Review and approval. Department staff will review project applications and submit recommendations to the transportation commission. The transportation commission is responsible for approving the projects to be funded.

[**ARC 0159D**, IAB 3/18/26, effective 4/22/26]

761—924.10(324A) Project priorities. The transportation commission shall consider the following in project selection:

924.10(1) Benefits of project to the transit program in terms of:

a. Enhancement of the life of the transit vehicle fleet.

b. Enhancement to transit services.

c. Increased ridership.

924.10(2) Readiness to proceed.

924.10(3) Feasibility of timely completion of the proposed project.

924.10(4) Ability of the project to leverage other funds.

[**ARC 0159D**, IAB 3/18/26, effective 4/22/26]

761—924.11(324A) Project agreement, administration and ownership.

924.11(1) *Agreement.* After a project has been approved, the department will enter into an agreement with the transit system sponsoring the project.

924.11(2) *Payments.* Payments to the transit system sponsor for eligible project costs will be made on a cost reimbursement basis.

924.11(3) *Ownership.* The transit system must retain ownership of the new, renovated or repaired structure or facility for its useful life. If the structure or facility is transferred or sold before the useful life has expired, the transit system must repay the prorated state interest to the department. Useful life thresholds can be found in the department's transit manager's handbook, which is available on the department's website at iowadot.gov/modes-travel/transit.

[**ARC 0159D**, IAB 3/18/26, effective 4/22/26]

These rules are intended to implement Iowa Code sections 8.57, 324A.1 and 324A.6A.

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