

COMMERCE, DEPARTMENT OF[181]

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NOTE: For the rules of divisions under this Department “umbrella,” see Alcoholic Beverages Division[185],
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CHAPTER 1
ORGANIZATION AND OPERATION

181—1.1(546,17A) Purpose. This chapter describes the organization and operation of the department of commerce (the “department”).
[ARC 2650C, IAB 8/3/16, effective 9/7/16]

181—1.2(546,17A) Scope of rules. The rules for the department of commerce are promulgated under Iowa Code chapters 17A and 546 and shall apply to all matters before the department. No rule shall, in any way, relieve a person affected by or subject to these rules, or any person affected by or subject to the rules promulgated by the various divisions of the department from any duty under the laws of this state.

181—1.3(546,17A) Waiver. Rescinded ARC 2650C, IAB 8/3/16, effective 9/7/16.

181—1.4(546,17A) Duties of the department. The commerce department administers and coordinates the various regulatory, service, and licensing functions of the state relating to the conducting of business or commerce in the state. The department consists of the following divisions: banking, credit union, utilities, insurance, and alcoholic beverages.

1.4(1) Banking division. The banking division regulates and supervises state banks, regulated loan companies, industrial loan companies, mortgage bankers, mortgage brokers, real estate closing agents, debt management companies, money services companies, and delayed deposit service businesses and performs other duties assigned to it by law. In addition, as provided in Iowa Code section 546.10, the division administers and coordinates the activities of the following professional licensing boards: the engineering and land surveying examining board, the Iowa accountancy examining board, the real estate commission, the architectural examining board, the landscape architectural examining board, the real estate appraiser examining board, and the interior design examining board.

1.4(2) Credit union division. The credit union division regulates and supervises the operation of credit unions within the state; the credit union review board performs duties assigned to it by Iowa Code chapter 533.

1.4(3) Utilities division. The utilities division regulates and supervises certain public utilities which operate within the state, and enforces or administers the laws promulgated under Iowa Code chapters 476, 476A, 476B, 476C, 477A, 477C, 478, 479, 479A and 479B. The division performs other duties assigned to it by law.

1.4(4) Insurance division. The insurance division regulates and supervises the conduct of the business of insurance within the state, and enforces the laws promulgated under Title XX, and Iowa Code chapters 502, 503, 505 to 523D, and 523I. The division performs other duties assigned to it by law.

1.4(5) Alcoholic beverages division. The alcoholic beverages division supervises and regulates all matters relating to alcoholic beverages within the state, and enforces the laws promulgated under Iowa Code chapter 123.

[ARC 2650C, IAB 8/3/16, effective 9/7/16]

181—1.5(546,17A) Definitions.

“*Administrator of alcoholic beverages*” means the chief executive officer of the alcoholic beverages division of the department of commerce.

“*Administrator of professional licensing and regulation*” means the superintendent of banking.

“*Commissioner of insurance*” means the chief executive officer of the insurance division of the department of commerce.

“*Department*” means the department of commerce.

“*Director*” means the director of the department of commerce.

“*Person*” means an individual, corporation, partnership, association, professional corporation, licensee or permittee.

“*Superintendent of banking*” means the chief administrative officer of the banking division of the department of commerce.

“*Superintendent of credit unions*” means the chief administrative officer of the credit union division of the department of commerce.

“*Utilities board*” means the board composed of three persons, who are appointed by the governor subject to confirmation by the senate, and who serve as the policymaking body for the utilities division. The chairperson of the utilities board shall be the administrator of the utilities division.
[ARC 2650C, IAB 8/3/16, effective 9/7/16]

181—1.6(546,17A) Central offices and communications. Correspondence and communications with the department of commerce shall be addressed or directed to the department’s director. The director is the division head appointed by the governor to fulfill the responsibilities and duties of the director in addition to the individual’s responsibilities and duties as the head of a division. The department’s Web site is <http://commerce.iowa.gov/>.

1.6(1) Correspondence and communications with the banking division shall be addressed or directed to its central office located at 200 East Grand Avenue, Suite 300, Des Moines, Iowa 50309-1827, (515)281-4014. The division’s Web site is <http://www.idob.state.ia.us/>.

1.6(2) Correspondence and communications with the professional licensing and regulation bureau of the banking division shall be addressed or directed to its office located at 200 East Grand Avenue, Suite 300, Des Moines, Iowa 50309-1827, (515)725-9022. The bureau’s Web site is <https://plb.iowa.gov/>.

1.6(3) Correspondence and communications with the alcoholic beverages division shall be addressed or directed to its central office located at 1918 S.E. Hulsizer Road, Ankeny, Iowa 50021-3961, (515)281-7400. The division’s Web site is <https://abd.iowa.gov/>.

1.6(4) Correspondence and communications with the insurance division shall be addressed or directed to its central office located at 601 Locust Street, Fourth Floor, Des Moines, Iowa 50309-3738, (515)281-5705. The division’s Web site is <http://www.iid.iowa.gov/>.

1.6(5) Correspondence and communications with the utilities division shall be addressed or directed to its central office located at 1375 East Court Avenue, Des Moines, Iowa 50319-0069, (515)725-7300. The division’s Web site is <https://iub.iowa.gov/>.

1.6(6) Correspondence and communications with the credit union division shall be addressed or directed to its central office located at 200 East Grand Avenue, Suite 370, Des Moines, Iowa 50309-1827, (515)725-0505. The division’s Web site is <https://creditunions.iowa.gov/>.
[ARC 2650C, IAB 8/3/16, effective 9/7/16]

181—1.7(546,17A) Custodians of records, filings and requests for public information. Unless otherwise specified by the department or the rules of its various divisions, each division is the principal custodian of its own divisional orders, statements of law or policy issued by the respective divisions, legal documents and other public documents on file with the department or its respective divisions. This is true in particular for the Iowa fair information practices Act. The responsibility for complying with that Act shall be upon the individual divisions. Each division shall promulgate rules pursuant to Iowa Code chapter 17A governing the manner in which documents may be filed with the respective divisions. Each division shall promulgate rules pursuant to Iowa Code chapters 17A, 21, and 22 governing the manner in which interested persons may obtain public information regarding that division.
[ARC 2650C, IAB 8/3/16, effective 9/7/16]

181—1.8(546,17A) Division administrators’ responsibilities.

1.8(1) Rule making. Except to the extent that rule-making authority is vested in a policy-making commission, each division administrator has the authority to promulgate rules pursuant to Iowa Code chapter 17A to implement the duties of the division. Such rules are not subject to review by the department director. All applicable rules previously promulgated by the divisions shall remain in effect until amended by the divisions.

1.8(2) Decision making. Except to the extent that decision-making authority is vested in a licensing and regulation commission or other body, decisions of the division administrator with respect to duties assigned to the division under the law are final agency actions pursuant to chapter 17A. Decisions by either the commissions or division administrators are not subject to review by the department director.

1.8(3) *Supervision.* Each division administrator has the authority to hire, allocate, develop, and direct employees and other resources assigned to the division by law.

1.8(4) *Establish fees.* Except to the extent otherwise vested in a policy-making commission, each division administrator has the authority to establish fees assessed to the regulated industry. The fees so established are not reviewable by the department director.

1.8(5) *Expenditure authorization.* Each division administrator may authorize expenditures from accounts for that division or office within the department of commerce revolving fund established in Iowa Code section 546.12, or otherwise use funds as permitted by Iowa Code section 546.12.

[ARC 2650C, IAB 8/3/16, effective 9/7/16]

These rules are intended to implement Iowa Code sections 17A.3 and 546.2.

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CHAPTER 2
PETITIONS FOR RULE MAKING
Rescinded **ARC 2650C**, IAB 8/3/16, effective 9/7/16

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CHAPTER 3
DECLARATORY RULINGS
Rescinded **ARC 2650C**, IAB 8/3/16, effective 9/7/16