PUBLIC SAFETY DEPARTMENT[661]

Rules transferred from agency number 680 to 661 to conform with the reorganization numbering scheme in general

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CHAPTER 1
THE DEPARTMENT
[Prior to 4/20/88, see Public Safety Department, 680—Ch 1]

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

661—1.1(17A) Establishment of the department of public safety. The state department of public safety was created by an Act of the General Assembly (Acts of the Forty-eighth General Assembly, chapter 120, 1939) through the consolidation of several departments and divisions to assist coordination among the law enforcement agencies at all levels of government within Iowa.

The department of public safety is primarily a law enforcement agency with the responsibility to enforce state laws and also has other administrative duties.

661—1.2(17A) Organization. The department of public safety is administered by a commissioner who is appointed by and serves at the pleasure of the governor. Bureaus which provide planning and staff support, administer governor's traffic safety programs, conduct staff inspections and investigate complaints against officers of the department report directly to the commissioner. The rest of the department is divided into the following eight divisions: administrative services, state patrol, capitol security, communications, fire marshal, criminal investigation, state medical examiner, and narcotics enforcement.

1.2(1) The administrative services division, through its bureaus, provides primary support services to all line elements in the general field of business administration, data processing, collections, and office management.

1.2(2) The division of state patrol is a law enforcement agency that primarily regulates the orderly flow of traffic on the state's highways, and responds to local law enforcement agencies' requests for emergency assistance. Peace officer members of this division have a duty to detect and apprehend criminals and enforce all state laws. Iowa Code section 321.2 imposes motor vehicle law enforcement duties upon this division and the commissioner may and does assign to this division other law enforcement responsibilities.

This division also assigns officers to the promotion of motor vehicle and other safety education, and will provide emergency transportation of substances needed by doctors, veterinarians, or hospitals, and support security for special events. Any citizen requesting such services may contact division or district headquarters, the addresses for which are listed in this chapter.

This division is also responsible for the highway emergency long-distance phone (HELP). Anyone calling 1-800-525-5555 from anywhere in Iowa will be connected with someone at the district headquarters in Des Moines who will try to provide immediate assistance.

1.2(3) The division of capitol security is a law enforcement agency which performs police and security work, regulates the orderly flow of traffic, and preserves the peace in and around the seat of state government and at Terrace Hill.

1.2(4) The communications division provides total police communications to the public safety sector including the department of public safety, police departments, sheriffs' offices, and other local state and federal criminal justice agencies.

1.2(5) The fire marshal division is responsible for the promotion and enforcement of fire safety, fire protection, elimination of fire hazards, and the enforcement of laws, rules and regulations concerned with fire prevention, such as the storage, transportation, handling, and use of inflammable liquids, combustibles, explosives, and liquid petroleum gas, and inspection of electric wiring, heating, and adequate fire exits for public buildings.

This division is also responsible for investigation into the cause, origin and circumstances of fires and the enforcement of all laws relating to the suppression of arson and apprehension of those persons suspected of arson. These functions are performed through the bureau of fire prevention and the bureau of arson and explosives.

1.2(6) The division of criminal investigation is a law enforcement unit that conducts criminal investigations, enforces Iowa's beer and liquor laws under Iowa Code chapter 123, pari-mutuel laws under

Iowa Code chapter 99D, and lottery laws under Iowa Code chapter 99E, maintains the state's central repository for all criminal history records, and operates the state criminalistics laboratory.

1.2(7) The division of state medical examiner provides assistance, consultation and training to county medical examiners and law enforcement officials, keeps records concerning deaths or crimes requiring investigation by this division. The state medical examiner receives reports of deaths in Iowa affecting the public interest and may require autopsies.

1.2(8) The division of narcotics enforcement has statewide primary responsibility for providing investigative law enforcement relating to narcotics and other controlled substances. Assistance is provided to county and city agencies by providing related intelligence information, special purpose investigative moneys and investigative assistance and training.

661—1.3(17A) Offices.

1.3(1) Principal office. The principal office for the department is that of the commissioner in the State Public Safety Headquarters Building in the Capitol Complex in Des Moines. Its mailing address is the Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319.

1.3(2) Division offices. The principal offices of the divisions of the department are also located in the State Public Safety Headquarters Building.

1.3(3) Addresses of district headquarters, fire marshals, radio stations and other offices located outside the principal headquarters may be obtained at the Department of Public Safety's principal office in the State Public Safety Headquarters Building.

[Editorial change: IAC Supplement 2/11/09]

661—1.4(17A) Methods by which and location where the public may obtain information or make submissions or requests.

1.4(1) Persons wishing to obtain information from or report information to the department may contact any of the offices in 1.3(17A).

1.4(2) Those wishing to make submissions to the department may do so by delivering or forwarding to the administrative services division of the department, the principal offices of the affected division or, if the subject matter is relevant to a specific geographical location, the nearest office as listed in 1.3(17A).

1.4(3) Those making requests of the department may submit such request to the administrative services division or the principal office of the division that would provide the information or as may otherwise be provided in these rules.

1.4(4) Communication of information regarding conflicts with the department, declaratory rulings or rules or initiation of rule making by the department shall be directed to the administrative services division as provided in 661—Chapter 10.

1.4(5) Accident reports filed as required by Iowa Code section 321.266 and which are retained by the department are available to any party to an accident, the party's insurance company or its agent, or the party's attorney on written request and the payment of a $4 fee for each copy, paid to the department of public safety. Such request shall be made to the state patrol district headquarters in the district in which the accident occurred.

1.4(6) Reports by the Iowa state patrol division concerning motor vehicle accidents regarding observations, measurements, and examinations of physical evidence including photographs may be made available to any party to the accident or the party's legal representative or insurance company if the investigation of the accident is complete and the release of the information will not interfere with appropriate criminal proceedings or future investigations.

1.4(7) Records of the department subject to inspection under the Iowa public records Act, Iowa Code chapter 22, which are not privileged under Iowa Code section 622.11, or are not required or permitted to be held in confidence by Iowa Code chapter 692, or other applicable provisions of law, may be examined in the offices of the department in accordance with the provisions of the Iowa public records Act and these rules.

This rule is intended to implement Iowa Code chapters 17A and 80 and section 321.271.

661—1.5 Rescinded, effective March 6, 1986.

661—1.6(17A) Legal advice. The attorney general of the state provides legal advice to the commissioner and employees of the department.

661—1.7(17A) Surety companies. When the Iowa Code requires the commissioner to approve a corporate surety company, approval by the insurance division of the Iowa department of commerce shall be required, and if that approval has been acquired and is continuing, the commissioner's approval will be extended.

661—1.8(17A) Construction of rules. All of the rules of the commissioner and the department are promulgated to describe the department and its procedure, to elaborate on or define some statutory language and to regulate some activities. Each of the sections of chapter 4 of the Iowa Code are hereby adopted by reference so as to apply when construing these rules. When the words "statutes" or "general assembly" appear in chapter 4, it is intended the words "rules" and "commissioner" are to be inserted in lieu thereof. Each of the sections of chapter 4 are adopted by reference at least so far as is applicable and not inconsistent with the intent of these rules or repugnant to the context of these rules.

These rules are intended to implement Iowa Code section 17A.3.

[Filed June 30, 1975]
[Filed 6/7/79, Notice 5/2/79—published 6/27/79, effective 8/2/79]
[Filed 12/16/83, Notice 9/14/83—published 1/4/84, effective 2/9/84]
[Filed 1/10/86, Notice 11/20/85—published 1/29/86, effective 3/6/86]
[Filed 4/1/88, Notice 9/23/87—published 4/20/88, effective 5/25/88]
[Editorial change: IAC Supplement 2/11/09]

CHAPTER 2
BAIL ENFORCEMENT, PRIVATE INVESTIGATION AND PRIVATE SECURITY BUSINESSES

[Prior to 4/20/88, see Public Safety Department [680] Ch 2]
Rescinded IAB 11/23/05, effective 1/1/06

CHAPTER 3
SHERIFF'S UNIFORMS

[Appeared as rules 2.200 to 2.209 prior to 6/27/79]
[Ch 3 as appeared prior to 6/27/79 rescinded with the exception of rule 3.13 renumbered at 7.1 to 7.5]
[Prior to 4/20/88, see Public Safety Department, [680] Ch 3]

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/25/31

661—3.1(17A,331) General provisions. These rules are adopted to designate the color and design of the standard uniform and accessories for Iowa sheriffs and deputy sheriffs.

3.1(1) The specifications of the uniforms and accessories, such as fabric and style, are made available to the department of administrative services.

3.1(2) Persons wanting to enter bids on the sheriff's uniforms and accessories should contact the department of administrative services.

[**ARC 0019D**, IAB 1/21/26, effective 2/25/26]

661—3.2(17A,331) Uniform. The uniform generally consists of:

1. Sage green trousers with a one-inch strip of material the same color as the shirt down the outside seam of each pant leg.
2. Long-sleeved or short-sleeved shirts with two breast pockets, pleated, with three-pointed flags and shoulder ornaments made of the same material and color as the trousers.
3. The winter and summer hats are sage green with a swivel strap and three-inch brims. The winter hat has a gold metallic acorn cord. The summer hat has a metal eyelet for a badge. The winter fur hat is sage green with sage green fur trim. A baseball style cap can be sage green or match the shirt.
4. Sage green ties that are three and one-half inches at the widest point.
5. Black, round-toed shoes or boots.
6. A sage green light duty jacket or a forest green raincoat that is reversible to international orange or safety yellow.
7. Accessories consisting of shoulder and blazer emblems, badges, name bar, tie accessories, and rank insignia.

[**ARC 0019D**, IAB 1/21/26, effective 2/25/26]

These rules are intended to implement Iowa Code section 331.657.

[Filed 6/30/75]
[Filed 6/7/79, Notice 5/2/79—published 6/27/79, effective 8/2/79]
[Filed 4/1/88, Notice 9/23/87—published 4/20/88, effective 5/25/88]
[Filed ARC 0019D (Notice ARC 9722C, IAB 11/26/25), IAB 1/21/26, effective 2/25/26]

CHAPTER 4
WEAPONS

[Appeared as rules 2.300 to 2.305 prior to 6/27/79]
[Rules 4.1, 4.2, 4.4 and 4.7 as appeared prior to 6/27/79 rescinded, 4.3 renumbered as 11.1 to 11.7, 4.5 renumbered as 12.1 to 12.11, 4.6 renumbered as 13.1 to 13.16]
[Prior to 4/20/88, see Public Safety Department, 680—Ch 4]

DIVISION I
WEAPONS PERMITS

Rescinded IAB 5/9/07, effective 7/1/07; see 661—Chapter 91.

DIVISION II
DISPOSITION OF SEIZED AND FORFEITED WEAPONS AND AMMUNITION

Rescinded IAB 5/9/07, effective 7/1/07; see 661—Chapter 95.

CHAPTER 5
FIRE MARSHAL ADMINISTRATION

[Ch 5 as appeared in July 1974 IDR Supplement, rescinded June 30, 1975]
[Prior to 4/20/88, Public Safety Department[680] Ch 5]
Rescinded IAB 11/18/09, effective 1/1/10

CHAPTER 6
VEHICLE IMPOUNDMENT

[Ch 6 as appeared before 6/27/79 rescinded]
[Prior to 4/20/88, see Public Safety Department[680] Ch 6]
Rescinded **ARC 0452D**, IAB 7/22/26, effective 8/26/26

CHAPTER 7
IGNITION INTERLOCK DEVICES

[Ch 7 as appeared prior to 6/27/79 rescinded]
[Rules 7.1 to 7.5 appeared as rule 3.13 prior to 6/27/79]
[Prior to 4/20/88, see Public Safety Department[680] Ch 7]
Rescinded IAB 7/1/09, effective 10/1/09

CHAPTER 8
CRIMINAL JUSTICE INFORMATION
[Prior to 4/20/88, see Public Safety Department[680] Ch 8]

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

661—8.1 to **8.100** Reserved.

DIVISION I
IOWA ON-LINE WARRANTS AND ARTICLES SYSTEM

[Prior to 8/16/95, see 661—8.1 to 8.101]

661—8.101(80,692) Iowa on-line warrants and articles (IOWA) criminal justice information system. The Iowa on-line warrants and articles (IOWA) criminal justice information system is administered by the division of administrative services, field services bureau. The IOWA system, created pursuant to Iowa Code paragraph 80.9(2)*"d"* and Iowa Code section 692.14, provides criminal justice agency access to traffic record and criminal justice databases through a dedicated telecommunications network. To be eligible for access to the IOWA system, an agency must be a criminal justice agency at the federal, state, or local level within Iowa, or an agency providing services to criminal justice agencies in Iowa.

661—8.102(80,692) Information available through the IOWA system. The IOWA system provides access to databases from various state agencies within Iowa, from the Federal Bureau of Investigation's National Crime Information Center (NCIC), and from the motor vehicle departments of other states nationally through the National Law Enforcement Telecommunications System (NLETS). Information on an international basis is also provided by NCIC and NLETS through interfaces to Canadian Police Information Centre and to INTERPOL. The NLETS system also provides administrative message traffic between Iowa criminal justice agencies and criminal justice agencies throughout the United States.

The IOWA system allows criminal justice agencies to:

1. Access nationwide computerized banks of information such as wanted, missing, and unidentified persons; stolen vehicles; stolen articles; stolen boats; stolen guns and stolen securities.
2. Access driver license and motor vehicle information in-state as well as out-of-state.
3. Exchange criminal history information on a national basis.
4. Communicate by use of administrative messages with other criminal justice agencies worldwide.

661—8.103(80) Human immunodeficiency virus-related information. An agency may enter human immunodeficiency virus-related (HIV) information into a wanted or missing person file of the IOWA system and the National Crime Information Center operated by the Federal Bureau of Investigation. HIV information shall be kept confidential and may be communicated only in accordance with this rule.

8.103(1) HIV information on an individual entered into the IOWA system or the National Crime Information Center operated by the Federal Bureau of Investigation shall be made available to terminal operators for the purpose of informing individuals who are authorized access pursuant to this rule.

8.103(2) HIV information may be communicated to:

a. Employees and supervisors of employees of a law enforcement agency who have, or are expected to have, direct physical control of an individual reported to be HIV positive.

b. Employees and supervisors of employees subject to the jurisdictional supervision of the Iowa department of corrections who have, or are expected to have, direct physical supervision of an individual reported to be HIV positive.

c. Employees and supervisors of employees of secure facilities for juveniles subject to the jurisdiction of the Iowa department of human services who have, or are expected to have, direct physical supervision of an individual reported to be HIV positive.

d. Employees and supervisors of employees of city and county jails who have, or are expected to have, direct physical supervision of an individual reported to be HIV positive.

8.103(3) HIV information shall not be transmitted over any law enforcement radio broadcasting system, cellular telephone system, radio telephone system, or any other radio-based communications system. This provision shall not apply to the transmission of HIV information in data form to or from mobile digital terminals or mobile digital computers authorized access to the IOWA system and operated by a law enforcement officer or certified IOWA system operator in the performance of official duties.

8.103(4) Individuals who receive HIV information pursuant to this rule shall use the information solely for the purpose of the protection of those individuals having or expected to have direct contact with individuals reported to be HIV positive, and for the prevention of the spread of the HIV virus. Information shall be provided only to individuals and their supervisors who have direct physical contact with persons reported to have the HIV virus. Except as provided in subrule 8.103(2), information obtained pursuant to this rule shall not be communicated to any person not employed by the agency employing the person providing it or used outside the agency for any purpose.

8.103(5) Individuals who are authorized to receive HIV information pursuant to this rule shall receive training developed and established by the commissioner of public safety, in cooperation with the department of corrections and the department of public health, regarding the confidentiality standards applicable to HIV information received from the IOWA system or the National Crime Information Center.

661—8.104(80,692) IOWA system security. IOWA system terminal access shall be available to criminal justice agencies as defined by Iowa Code section 692.1(7). Prior to being permitted terminal access to the IOWA system, a criminal justice agency shall meet the following criteria:

8.104(1) All terminals shall be located within the facilities or vehicles of authorized agencies where appropriate physical security can be maintained.

8.104(2) The immediate terminal areas shall be restricted to prevent access by unauthorized individuals.

8.104(3) All persons accessing NCIC and the criminal history files shall have been authorized to operate the terminal by the criminal justice agency administrator, been approved by the department of public safety, received the required training and achieved proficiency certification by the department of public safety.

Agencies shall complete a background investigation on all applicants for positions with access to NCIC and criminal history files. Agencies shall notify the department of public safety of the completion of the required background investigation. The background investigation shall be done to ensure the following:

a. That the applicant is 18 years of age or older at the time of appointment to the position.

b. That the applicant is not addicted to drugs or alcohol.

c. That the applicant is of good moral character and has not been convicted of a serious crime.

d. Agencies shall submit two fingerprint cards on all applicants to the Iowa division of criminal investigation. One card will be used to check for any Iowa criminal history and the second card will be forwarded to the FBI for a national search of criminal history records.

8.104(4) Where IOWA system terminals are not operated on a 24-hour-per-day basis, the terminals shall be physically secured when unattended.

8.104(5) The criminal justice agency administrator shall be directly responsible for ensuring that information received from the IOWA system is restricted for the official use of agency personnel, other criminal justice agencies, or other agencies authorized, in writing, by the department of public safety.

8.104(6) Any agency desiring direct access to IOWA system files shall make application to the department. Before authorization is granted, the administrator of the applying agency shall enter into a written agreement with the department of public safety agreeing to abide by all rules, policies and procedures promulgated by the department for system operation, security and discipline. The agreement shall reserve to the department the right to terminate furnishing criminal history or other file information to the applicant agency if abuses are discovered concerning either the security or dissemination requirements of this data.

8.104(7) Any agency which has had its authorization to IOWA system files terminated by the department may appeal the termination to the commissioner of public safety, in accordance with 661—Chapter 10.

661—8.105(80,692) Subpoenas and court orders. Any agency or individual in possession of criminal history data received from the department that is served with a subpoena, court order, request for production or other legal process demanding the production of criminal history data, shall notify the department in writing so that the department has an opportunity to make a timely resistance.

661—8.106 to **8.300** Reserved.

These rules are intended to implement Iowa Code sections 80.9 and 692.14.

DIVISION II
CRIMINAL INTELLIGENCE INFORMATION

Rescinded IAB 11/8/06, effective 1/1/07; see 661—Chapter 81

DIVISION III
IOWA SEX OFFENDER REGISTRY

Rescinded IAB 2/16/05, effective 4/1/05; see 661—Ch 83

[Filed June 30, 1975]
[Filed 6/7/79, Notice 5/2/79—published 6/27/79, effective 8/2/79]
[Filed 1/10/86, Notice 11/20/85—published 1/29/86, effective 3/6/86]
[Filed 4/1/88, Notice 9/23/87—published 4/20/88, effective 5/25/88]
[Filed emergency 9/27/94—published 10/26/94, effective 10/1/94]
[Filed emergency 6/29/95—published 7/19/95, effective 7/1/95]
[Filed 7/26/95, Notice 3/1/95—published 8/16/95, effective 10/1/95]
[Filed 10/30/97, Notice 7/2/97—published 11/19/97, effective 1/1/98]
[Filed emergency 6/26/98—published 7/15/98, effective 7/1/98]
[Filed emergency 6/30/99—published 7/28/99, effective 7/1/99]
[Filed emergency 6/29/00—published 7/26/00, effective 7/1/00]
[Filed 2/22/01, Notice 7/26/00—published 3/21/01, effective 5/1/01]
[Filed emergency 4/30/01—published 5/30/01, effective 5/1/01]
[Filed emergency 6/5/02—published 6/26/02, effective 7/1/02]
[Filed emergency 4/24/03—published 5/14/03, effective 5/1/03]
[Filed emergency 7/13/04—published 8/4/04, effective 7/15/04]
[Filed 1/26/05, Notice 9/29/04—published 2/16/05, effective 4/1/05]
[Filed 10/19/06, Notice 9/13/06—published 11/8/06, effective 1/1/07]

CHAPTER 9
COMPLAINT AGAINST AN EMPLOYEE

[Ch 9 as appeared prior to 6/27/79 is published as follows: Rule 9.1 rescinded and 9.100 to 9.105 renumbered as 15.1 to 15.6]

[Prior to 4/20/88, see Public Safety Department[680] Ch 9]

Rescinded IAB 11/8/06, effective 1/1/07

CHAPTER 10
PRACTICE AND PROCEDURE BEFORE THE DEPARTMENT OF PUBLIC SAFETY

[Ch 10 as appeared in 1973 IDR, transferred to Transportation Department]

[Prior to 4/20/88, see Public Safety Department, 680—Ch 10]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 11
IDENTIFICATION SECTION OF THE DIVISION OF CRIMINAL INVESTIGATION

[Rules 11.1 to 11.7 appeared as 4.3 prior to 6/27/79]

[Prior to 4/20/88, see Public Safety Department[680] Ch 11]

Rescinded IAB 7/14/10, effective 9/1/10

CHAPTER 12
CRIMINALISTICS LABORATORY

[Rules 12.1 to 12.11 appeared as 4.5 prior to 6/27/79]

[Prior to 4/20/88, see Public Safety Department[680] Ch 12]

Rescinded IAB 11/22/06, effective 1/1/07. See 661—Chapter 150.

CHAPTER 13
SPECIAL RAILWAY AGENTS

[Rules 13.1 to 13.16 appeared as 4.6 prior to 6/27/79]
[Prior to 4/20/88, see Public Safety Department[680] Ch 13]

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

661—13.1(17A,80) Appointment of railway special agents. The administrative services division processes applications for appointment as railway special agents from persons who are regularly employed by a railroad so those persons may protect railroad property.

661—13.2(17A,80) Standards. All applicants shall meet minimum standards to qualify as law enforcement officers as established in the Iowa law enforcement academy rules.

661—13.3(17A,80) Training requirements. All applicants shall meet all training requirements of the Iowa law enforcement academy.

661—13.4(17A,80) Letter of request. The chief special agent of the railroad company shall submit a letter of request for the appointment of a railroad employee as railway special agent. This letter and all other correspondence is to be sent to this division, Attention: Railway special agent license. The letter shall state the applicant's full name (first, middle and last) and address and should state to whom the application should be mailed.

661—13.5(17A,80) Application form. Each railway special agent applicant shall complete an application form that is not reproduced in these rules but is available and may be obtained from this division. This form should be typewritten or clearly printed in ink and all questions must be answered, if applicable.

661—13.6(17A,80) Photographs. Each application shall have the required 3″ × 3″ photograph, as required, and two additional photographs measuring 1½″ by 1½″ suitable for the identification card.

661—13.7(17A,80) Vision classification. Each applicant's vision classification for each eye with and without glasses shall be indicated.

661—13.8(17A,80) Surety bond. It is required that the requesting railroad company submit a surety bond in the amount of $5,000 for the person to be appointed. Such surety bond in the amount stated shall be issued by a bonding or surety company licensed through the Iowa insurance commission to do business in the state of Iowa. The surety bond shall name the railway special agent and the bond shall state that the bonded person is a duly appointed railway special agent. Surety bonds shall be issued for each person and shall remain in effect until 30 days after the company providing the bond gives notice to the department that the bond will be terminated.

661—13.9(17A,80) Background investigation. All railroad employers who are seeking to have an applicant appointed as a railway special agent shall conduct a complete background investigation of each applicant. The results of this background investigation shall be submitted with the application in typewritten report form. This background investigation shall contain, but not be limited to, the following.

13.9(1) Written comments from former employers in reference to honesty, integrity, character, personality and working performance of the applicant.

13.9(2) Written comments by personnel with any state, municipal or county law enforcement agency about the applicant and the applicant's prior employment and residences.

13.9(3) A check with all creditors for payment record and obligations.

13.9(4) A check with the clerk of court in the applicant's county of residence for any court action, civil or criminal.

13.9(5) A check with the county recorder's office where applicant resides to determine any property listed in the applicant's name and liens which may be on file.

13.9(6) A check with the credit bureau where the applicant resides or has been employed for the applicant's credit rating.

13.9(7) Certified copies of any educational records that are available (high school and college transcripts) and DD201 military form, if any.

661—13.10(17A,80) Weapons permit. If the applicant needs a weapons permit, the application shall show that the requirements outlined in Chapter 4, "Weapons," have been fulfilled.

661—13.11(17A,80) Renewal of permit. Each railroad employer of a railway special agent will file with this division Form WP1 or WP2 to renew the weapons permit.

661—13.12(17A,80) Weapons training. It is required that each railway special agent receive continuous weapon training and demonstrate necessary proficiency in the use of weapons.

661—13.13(17A,80) Review of application. Upon receipt of all material necessary for the appointment of a railway special agent, the division will process the application. All material will be reviewed and maintained in administrative services division headquarters' files. The division will conduct further investigation of the applicant which may include a check of drivers' license and motor vehicle files, criminal history data records and verification of the fact that income tax returns have been filed with the Iowa department of revenue.

661—13.14(17A,80) Identification card. After the application is approved, the railroad company will be issued an identification card for the applicant. This card should have affixed one fingerprint and the signature of the applicant. It shall then be returned to the administrative services division for authentication signatures.

661—13.15(17A,80) Notification. The railroad company shall notify the administrative services division, within five working days, when any of the following take place:

13.15(1) The railway special agent appointed by the department is terminated from employment.

13.15(2) The railway special agent has been hospitalized for a long-term illness or is undergoing psychiatric evaluation or treatment.

13.15(3) The discharge of any firearm by any railway special agent other than during target practice or hunting. This report shall include the circumstances, the number of shots fired, the type of weapon, the reason for firing and all information concerning any injury to a person or property.

661—13.16(17A,80) Notice of termination of employment. A notice of termination of employment shall include the railway special agent's identification card and weapon permit.

These rules are intended to implement Iowa Code section 80.7.

[Filed 6/30/75]

[Filed 6/7/79, Notice 5/2/79—published 6/27/79, effective 8/2/79]

[Filed 4/1/88, Notice 9/23/87—published 4/20/88, effective 5/25/88]

CHAPTER 14
PAYMENT OF SMALL CLAIMS
[Prior to 4/20/88, see Public Safety Department[680] Ch 14]
Rescinded IAB 5/23/07, effective 7/1/07; see 661—Chapter 41

CHAPTER 15
LAW ENFORCEMENT ADMINISTRATOR'S TELECOMMUNICATIONS
ADVISORY COMMITTEE (LEATAC)
[Rules 15.1 to 15.6 appeared as 9.100 to 9.105 prior to 6/27/79]
[Prior to 4/20/88, see Public Safety Department[680] Ch 15]
Rescinded **ARC 9962C**, IAB 1/7/26, effective 2/11/26

CHAPTER 16
STATE BUILDING CODE—FACTORY-BUILT STRUCTURES
[Transferred from O.P.P., ch 5, See IAB 7/6/83]
[Prior to 4/20/88, see Public Safety Department[680] Ch 16]
Transferred to 481—Chapter 321, IAC Supplement 11/26/25

CHAPTER 17
CRIME VICTIM REPARATION
[Prior to 4/20/88, see Public Safety Department[680] Ch 17]
Program transferred to the Department of Justice—Attorney General[61] Ch 9, IAB 9/20/89. See 1989 Iowa Acts, House File 700.

CHAPTER 18
PARKING FOR PERSONS WITH DISABILITIES

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

661—18.1(321L) Scope. These rules shall apply to all public and private parking facilities, temporary or permanent, used by the general public.

661—18.2(321L) Location. Parking spaces designated for persons with disabilities and accessible passenger loading zones that serve a particular building shall be located on the shortest possible accessible circulation route to an accessible entrance of the building. In separate parking structures or lots that do not serve a particular building, parking spaces for persons with disabilities shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility. When parking spaces for persons with disabilities are required for buildings with more than one accessible entrance, the spaces shall be distributed so that each accessible entrance shall have at least one parking space for persons with disabilities located on the shortest accessible route to that entrance.

Exception:

If the required number of spaces is less than the number of accessible entrances, the spaces shall be distributed so that as many entrances as possible are served by at least one parking space for persons with disabilities located on the shortest accessible route to those entrances.

661—18.3(321L) Dimensions.

18.3(1) Single space. Parking spaces for persons with disabilities shall be at least 96 inches wide and shall have an adjacent access aisle 60 inches wide minimum (see Figure 1). Parking vehicle overhangs shall not reduce the clear width of an accessible circulation route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions.

18.3(2) Multiple spaces. Two accessible parking spaces may share a common access aisle (see Figure 1).

18.3(3) The requirements of subrules 18.3(1) and 18.3(2) do not apply to parallel on-street parking spaces.

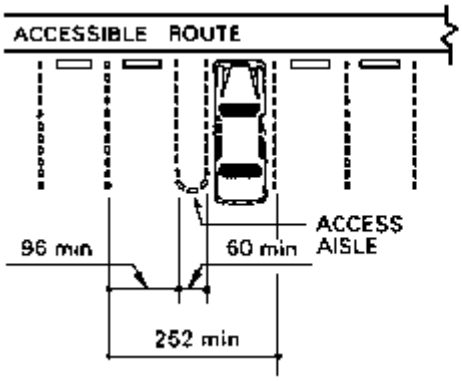

Figure 1
Dimensions of Parking Spaces

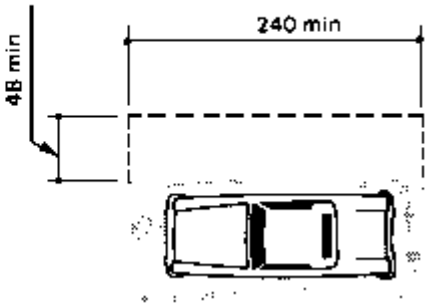

Figure 2
Access Aisle at Passenger Loading Zones

18.3(4) Van-accessible spaces. The first parking space for persons with disabilities provided in a parking lot or parking structure, and every eighth parking space for persons with disabilities provided thereafter, shall be a van-accessible space. A "van-accessible" space shall be 96 inches wide with an adjacent access aisle at least 96 inches wide (see Figure 3). Two adjacent van-accessible spaces may share a common access aisle.

Exception:

Entities providing parking spaces for persons with disabilities are not required to provide van-accessible spaces if all of the parking spaces for persons with disabilities provided in a parking lot or

structure are "universally accessible." A "universally accessible" space is at least 132 inches wide with an adjacent 60-inch wide access aisle. Two adjacent universally accessible spaces may share a common access aisle (see Figure 4).

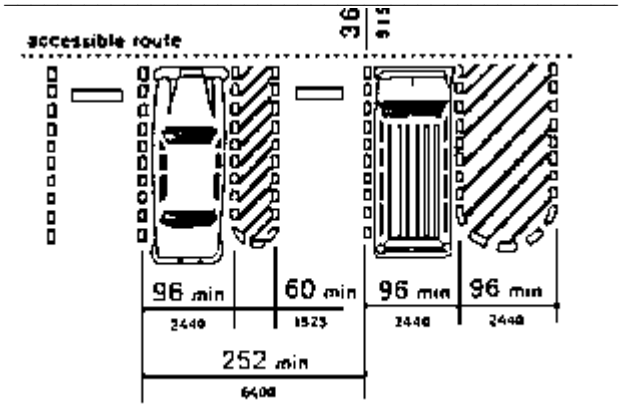

Figure 3
Van-Accessible Space at End of Row

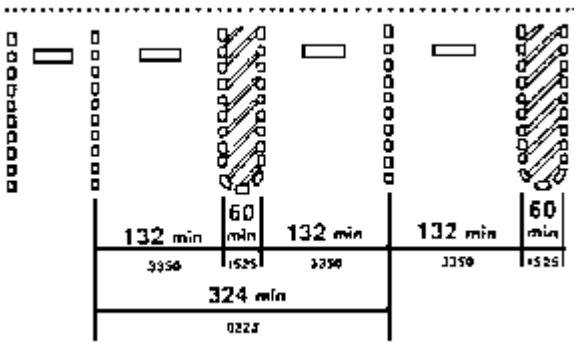

Figure 4
"Universal" Accessible Parking Spaces

661—18.4(321L) Access aisles and loading zones.

18.4(1) Passenger loading zones shall provide an access aisle at least 48 inches wide and 20 feet long adjacent and parallel to the vehicle pull-up space (see Figure 2). Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions.

NOTE: Projects which are required to comply with the Uniform Federal Accessibility Standards shall provide a width of 60 inches for the access aisle.

18.4(2) A minimum vertical clearance of 108 inches shall be provided at accessible passenger loading zones and along vehicle access routes to such areas from site entrances.

NOTE: Uniform Federal Accessibility Standard requires 114 inches of vertical clearance.

18.4(3) If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with Iowa Code section 216C.9 shall be provided.

661—18.5(321L) Designation. Each parking space for persons with disabilities shall be designated as reserved for persons with disabilities by a sign meeting the following requirements established in Iowa Code section 321L.6:

18.5(1) Each persons with disabilities parking sign shall have the international symbol of accessibility in white on a blue background.

18.5(2) Each persons with disabilities parking sign shall be affixed vertically to another object so that it is readily visible to the driver of a vehicle approaching the parking space for persons with disabilities. Signs shall be mounted so that the bottom of the sign is no less than five feet nor more than seven feet from the surface level of the parking space.

Exception 1:

Signs in use prior to February 1, 2001, which are readily visible to the driver of a vehicle approaching the parking space may continue to be used until replaced.

Exception 2:

Signs marking parking spaces for persons with disabilities which are affixed to other approved parking signs and devices are not required to meet the minimum or maximum height requirements of this rule, provided that the signs are clearly visible to the drivers of vehicles approaching the spaces which they mark.

NOTE: The pavement in a persons with disabilities parking space may be marked with the international symbol of accessibility, but such marking does not meet the requirements of this subrule.

18.5(3) Each persons with disabilities parking sign may include language stating the amount of the fine for improperly using the persons with disabilities parking space. If a persons with disabilities parking sign includes language stating the amount of the fine, it shall reflect the current specified amount of the fine.

661—18.6(321L) Numbers of parking spaces for persons with disabilities required in off-street parking facilities.

18.6(1) At least 2 percent of the total parking spaces in any off-street nonresidential parking facility available to the public shall be designated as spaces for persons with disabilities, rounded to the nearest whole number of parking spaces for persons with disabilities. There shall be at least one parking space for persons with disabilities in any off-street nonresidential parking facility available to the public which has a total of ten or more parking spaces.

18.6(2) All off-street parking facilities on which construction is completed on or after July 1, 1991, which provide parking to the general public and which provide ten or more parking spaces, shall designate parking spaces for persons with disabilities in accordance with the following table:

Total Parking Spaces In Lot	Required Minimum Number of Parking Spaces for Persons with Disabilities
10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	*
1,001 and over	**

*2 percent of total

**20 spaces plus 1 for each 100 over 1,000

NOTE: Projects which are required to comply with the Uniform Federal Accessibility Standards shall provide a minimum of one parking space for persons with disabilities.

661—18.7(321L) Persons with disabilities parking at residential facilities. All public and private buildings and facilities, temporary and permanent, which are residences and which provide ten or more tenant parking spaces, excluding extended health care facilities, shall designate at least one parking space

for persons with disabilities as needed for each individual dwelling unit in which a person with a disability resides. Residential buildings and facilities which provide public visitor parking of ten or more spaces shall designate parking spaces for persons with disabilities in the visitors' parking area in accordance with the table contained in rule 661—18.6(321L).

661—18.8(321L) On-street parking. Provisions for parking spaces for persons with disabilities in on-street parking areas within city business districts shall be as required by Iowa Code section 321L.5.

These rules are intended to implement Iowa Code chapter 321L.

[Filed 6/22/90, Notice 1/10/90—published 7/11/90, effective 8/15/90]
[Filed emergency 7/20/90—published 8/8/90, effective 8/15/90]
[Filed 12/28/95, Notice 8/2/95—published 1/17/96, effective 3/1/96]
[Filed 11/22/00, Notice 5/17/00—published 12/13/00, effective 2/1/01]

CHAPTER 19
MISSING PERSON INFORMATION CLEARINGHOUSE

[Prior to 4/20/88, see Public Safety Department[680] Ch 19]
Rescinded IAB 11/22/06, effective 1/1/07

CHAPTER 20
GOVERNOR'S TRAFFIC SAFETY BUREAU
[Prior to 4/20/88, see Planning and Programming[630] Ch 12]

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/25/31

661—20.1(23USC402,ExecOrd23) Authority. 23 U.S.C. Section 402 requires each state to have a highway safety program sponsored by the U.S. Secretary of Transportation under the responsibility of the governor.

20.1(1) The governor designated the commissioner of the department of public safety as the governor's highway safety representative for Iowa and established the department of public safety as the state highway safety agency.

20.1(2) The governor's traffic safety bureau administers the state highway safety program in accordance with the provisions of 23 U.S.C.

[**ARC 0020D**, IAB 1/21/26, effective 2/25/26]

661—20.2(23USC402,ExecOrd23) Purpose. The purpose of the highway safety program is to provide a coordinated federal, state and local effort to reduce traffic-related deaths, injuries, and property damage crashes.

[**ARC 0020D**, IAB 1/21/26, effective 2/25/26]

661—20.3(23USC402,ExecOrd23) Responsibilities.

20.3(1) The governor's traffic safety bureau develops and prepares the state's highway safety plan based on evaluation of highway crashes and traffic safety problems within the state.

20.3(2) The governor's traffic safety bureau encourages and assists local units of government in improving their traffic safety programs.

20.3(3) The governor's traffic safety bureau serves as a reviewing authority for federal and state traffic safety programs.

20.3(4) The governor's traffic safety bureau monitors safety program activity and expenditures of funds by state and local agencies as authorized by 23 U.S.C. Section 402.

20.3(5) The governor's traffic safety bureau coordinates the state highway safety plan with other state agencies.

20.3(6) Application for funding.

a. Proposals for funding highway safety programs may be submitted during set application time periods by any city, county, or state agency or nonprofit organization or any other eligible organization or individual.

b. Applications for funding in the next federal fiscal year, beginning October 1, must be received on or before March 1 to be considered. The bureau chief of the governor's traffic safety bureau may amend the deadline dates in order to implement projects and special activities as deemed appropriate.

c. Initial proposals should include project title, statement of the highway safety problem to be addressed supported by crash data, what is being proposed to solve the problem, how it will be evaluated, a proposed budget, and a letter of intent accepting responsibility for the proposed project from the responsible authority of the organization making application.

d. Only requests containing the listed elements will be considered for funding.

e. Assistance in developing and submitting proposals for highway safety funding may be obtained by contacting the governor's traffic safety bureau, Iowa department of public safety, by email at gtsbinfo@dps.state.ia.us.

[**ARC 0020D**, IAB 1/21/26, effective 2/25/26]

661—20.4(23USC402,ExecOrd23) Funding criteria.

20.4(1) Allocation of federally appropriated funds administered by the governor's traffic safety bureau pursuant to 23 U.S.C. Section 402 are based on: (1) federally mandated projects; and (2) high-fatality and personal-injury crash causations and locations.

NOTE: The governor's traffic safety bureau refers to current federal authorization to dictate how funds are distributed.

20.4(2) At least 40 percent of all federal funds apportioned to the state of Iowa pursuant to 23 U.S.C. Section 402 for any fiscal year will be expended by political subdivisions of the state to carry out local highway safety programs authorized by the governor's representative for highway safety.

[**ARC 0020D**, IAB 1/21/26, effective 2/25/26]

661—20.5(23USC402,ExecOrd23) Program requirements.

20.5(1) All approved programs funded by the governor's traffic safety bureau are administered in compliance with the current version of the Iowa Governor's Traffic Safety Bureau Policies and Procedures Manual located on the department of public safety's website at dps.iowa.gov/gtsb-publications-surveys-reports. Copies may also be obtained by emailing gtsbinfo@dps.state.ia.us.

20.5(2) Highway safety contract procedures and reporting forms and their explanations are contained in the current version of the Iowa Governor's Traffic Safety Bureau Policies and Procedures Manual.

[**ARC 0020D**, IAB 1/21/26, effective 2/25/26]

These rules are intended to implement Executive Order 23 and 23 U.S.C. Section 402.

[Filed 7/15/75]

[Filed 5/27/77, Notice 9/8/76—published 6/15/77, effective 7/20/77]

[Filed 7/29/80, Notice 3/19/80—published 8/20/80, effective 9/24/80]

[Filed 2/13/81, Notice 10/29/80—published 3/4/81, effective 4/8/81]

[Filed 4/1/88, Notice 9/23/87—published 4/20/88, effective 5/25/88]

[Filed emergency 2/11/94—published 3/2/94, effective 3/1/94]

[Filed 4/29/94, Notice 10/13/93—published 5/25/94, effective 7/1/94]

[Filed emergency 1/27/95—published 2/15/95, effective 2/1/95]

[Editorial change: IAC Supplement 6/17/09]

[Filed ARC 5253C (Notice ARC 5084C, IAB 7/15/20), IAB 11/4/20, effective 12/9/20]

[Filed ARC 0020D (Notice ARC 9728C, IAB 11/26/25), IAB 1/21/26, effective 2/25/26]

CHAPTER 21
STATE MEDICAL EXAMINER

[Prior to 4/20/88, see Medical Examiner, State[566] Ch 1]
Rescinded IAB 7/28/99, effective 7/1/99; see 641—Ch 126.
[Editorial change: IAC Supplement 7/26/23]

CHAPTER 22
REGULATIONS APPLICABLE TO CARRIERS

[Prior to 6/3/87, Transportation Department[820]—(07,F) Ch 8]
[Prior to 7/26/23, see Transportation Department[761] Ch 520]

Chapter rescission date pursuant to Iowa Code section 17A.7: 10/22/30

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

22.1(1) *Regulations.*

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

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

c. *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.

22.1(2) *Carriers subject to regulations.*

a. Operators of commercial vehicles, as defined in Iowa Code section 321.1, are subject to the Federal Motor Carrier Safety Regulations adopted in this rule unless exempted under Iowa Code section 321.449.

b. Operators of vehicles transporting hazardous materials in commerce are subject to the Federal Hazardous Materials Regulations adopted in this rule unless exempted under Iowa Code section 321.450.

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

22.1(3) *Declaration of knowledge of regulations.* Operators of commercial vehicles who are subject to the regulations adopted in this rule shall at the time of application for authority to operate in Iowa or upon receipt of their Iowa registration declare knowledge of the Federal Motor Carrier Safety Regulations and Federal Hazardous Materials Regulations adopted in this rule.

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

[**ARC 9571C**, IAB 9/17/25, effective 10/22/25; **ARC 0292D**, IAB 5/13/26, effective 6/17/26]

661—22.2(321) Definitions. The following definitions apply to the regulations adopted in rule 661—22.1(321):

"Any requirements which impose any restrictions upon a person" as used in Iowa Code section 321.449(6) means the requirements in 49 CFR Parts 391 and 395.

"Driver age qualifications" as used in Iowa Code section 321.449(3) means the age qualifications in 49 CFR 391.11(b)(1).

"Driver qualifications" as used in Iowa Code section 321.449(2) means the driver qualifications in 49 CFR Part 391.

"Farm customer" as used in Iowa Code section 321.450(3) means a retail consumer residing on a farm or in a rural area or city with a population of 3,000 or less.

"Hours of service" as used in Iowa Code section 321.449(2) means the hours of service requirements in 49 CFR Part 395.

"Recordkeeping requirements" as used in Iowa Code section 321.449(2) means the recordkeeping requirements in 49 CFR Part 395.

"Rules adopted under this section concerning physical and medical qualifications" as used in Iowa Code sections 321.449(5) and 321.450(2) means the regulations in 49 CFR 391.11(b)(4) and 49 CFR Part 391, Subpart E.

"Rules adopted under this section for a driver of a commercial vehicle" as used in Iowa Code section 321.449(4) means the regulations in 49 CFR Parts 391 and 395.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.
[**ARC 9571C**, IAB 9/17/25, effective 10/22/25]

661—22.3(321) Motor carrier safety regulations exemptions.

22.3(1) The following intrastate vehicle operations are exempt from the motor carrier safety regulations concerning inspection in 49 CFR 396.17 as adopted in rule 661—22.1(321):

a. Implements of husbandry including nurse tanks as defined in Iowa Code section 321.1.

b. Special mobile equipment (SME) as defined in Iowa Code section 321.1.

c. Unregistered farm trailers as defined in rule 761—400.1(321) pursuant to Iowa Code section 321.123.

d. Motor vehicles registered for a gross weight of five tons or less when used by retail dealers or their employees to deliver hazardous materials, fertilizers, petroleum products and pesticides to farm customers.

22.3(2) Reserved.

This rule is intended to implement Iowa Code sections 321.1, 321.123, 321.449 and 321.450.
[**ARC 9571C**, IAB 9/17/25, effective 10/22/25]

661—22.4(321) Hazardous materials exemptions. These exemptions apply to the regulations adopted in rule 661—22.1(321):

22.4(1) Pursuant to Iowa Code section 321.450(3), "retail dealers of fertilizers, petroleum products, and pesticides and their employees while delivering fertilizers, petroleum products, and pesticides to farm customers within a one-hundred-mile radius of their retail place of business" are exempt from 49 CFR 177.804; and, pursuant to Iowa Code section 321.449(4), they are exempt from 49 CFR Parts 391 and 395. However, pursuant to Iowa Code section 321.449, the retail dealers and their employees under the specified conditions are subject to the regulations in 49 CFR Parts 390, 392, 393, 396 and 397.

22.4(2) Reserved.

This rule is intended to implement Iowa Code section 321.450.
[**ARC 9571C**, IAB 9/17/25, effective 10/22/25]

661—22.5(321) Safety fitness.

22.5(1) *New motor carrier safety audits.* Peace officers in the commercial motor vehicle unit of the department of public safety will perform safety audits of new motor carriers and have the authority to enter a motor carrier's place of business for the purpose of performing these audits. These audits are performed in compliance with 49 CFR Part 385 and are completed within 18 months from the day the motor carrier commences business.

22.5(2) *Motor carrier compliance reviews.* Peace officers in the commercial motor vehicle unit of the department of public safety will perform compliance reviews of motor carriers and shall have the authority to enter a motor carrier's place of business for the purpose of performing these compliance reviews. These compliance reviews are performed in compliance with 49 CFR Part 385.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.
[**ARC 9571C**, IAB 9/17/25, effective 10/22/25]

661—22.6(321) Out-of-service order. A person will not operate a commercial vehicle or transport hazardous material in violation of an out-of-service order issued by an Iowa peace officer. An out-of-service order for noncompliance is issued when either the vehicle operator is not qualified to operate the vehicle or the vehicle is unsafe to be operated until required repairs are made. The out-of-service order is consistent with the North American Uniform Out-of-Service Criteria.

This rule is intended to implement Iowa Code sections 321.3, 321.208A, 321.449, and 321.450.
[**ARC 9571C**, IAB 9/17/25, effective 10/22/25]

661—22.7(321) Driver's statement. A "driver" as used in Iowa Code sections 321.449(5) and 321.450(2) will carry at all times a notarized statement of employment. The statement includes the following:

1. The driver's name, address and social security number;
2. The name, address and telephone number of the driver's pre-July 29, 1996, employer;

3. A statement, signed by the pre-July 29, 1996, employer or the employer's authorized representative, that the driver was employed to operate a commercial vehicle only in Iowa; and

4. A statement showing the driver's physical or medical condition existed prior to July 29, 1996.

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

[**ARC 9571C**, IAB 9/17/25, effective 10/22/25]

661—22.8(321) Planting and harvesting period. In accordance with the provisions of 49 CFR 395.1(k), the planting and harvesting period pertaining to agricultural operations is January 1 through December 31.

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

[**ARC 9571C**, IAB 9/17/25, effective 10/22/25]

661—22.9(325A) Marking of motor vehicles. "Motor vehicle" is defined in Iowa Code chapter 325A. Before any motor vehicle is placed in service, the motor vehicle will be clearly marked with letters and figures large enough to be easily read at a distance of 50 feet and in a color in contrast to the background. These markings will be painted on each side of the motor vehicle or may consist of a removable device that meets identification and legibility requirements and is securely placed on each side of the motor vehicle.

22.9(1) Motor carriers operating intrastate only will display the:

a. Name of motor carrier under whose authority the motor vehicle is being operated.

b. U.S. DOT number followed by the letters "IA" if the motor carrier has been issued a number by the Federal Motor Carrier Safety Administration.

22.9(2) Motor carriers operating both interstate and intrastate will display markings in accordance with 49 CFR 390.21.

This rule is intended to implement Iowa Code section 325A.8.

[**ARC 9571C**, IAB 9/17/25, effective 10/22/25]

661—22.10(325A) Bills of lading or freight receipts.

22.10(1) *Requirements.* Every motor carrier operating under a motor carrier permit, except for those motor carriers transporting unprocessed agricultural and horticultural products and livestock, will issue a bill of lading or receipt on the date freight is received for shipment. The bill of lading or receipt shows the following:

a. Name of motor carrier.

b. Date and place received.

c. Name of consignor.

d. Name of consignee.

e. Destination.

f. Description of shipment.

g. Signature of motor carrier or agent issuing the bill of lading or receipt.

h. Freight described in apparent good order unless an exception is noted.

22.10(2) *Retention.* There will be one copy of the bill of lading or receipt for the consignor, one for the consignee and one to be kept by the motor carrier. The copy may be either paper or electronic except that a bill of lading or receipt of freight consisting of hazardous materials must be a paper copy as required in accordance with 49 CFR Part 172. The motor carrier will carry a copy of the bill of lading or receipt with the cargo and shall show the total of all charges made for the movement of freight. The motor carrier will keep the bill of lading or receipt for a period of not less than one year. At any reasonable time, the bill of lading or receipt is subject to inspection by the department's representatives and any peace officer.

This rule is intended to implement Iowa Code section 325A.10.

[**ARC 9571C**, IAB 9/17/25, effective 10/22/25]

[Filed emergency 7/18/85—published 8/14/85, effective 7/19/85]
[Filed emergency 11/20/86—published 12/17/86, effective 11/21/86]
[Filed 2/6/87, Notice 12/17/86—published 2/25/87, effective 4/1/87]
[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]
[Filed emergency 5/29/87—published 6/17/87, effective 6/1/87]
[Filed emergency 7/22/87—published 8/12/87, effective 7/22/87]

[Filed 10/23/87, Notices 6/17/87, 8/12/87—published 11/18/87, effective 1/1/88]
[Filed emergency 3/30/88—published 4/20/88, effective 4/1/88]
[Filed 6/22/88, Notice 4/20/88—published 7/13/88, effective 8/17/88]
[Filed emergency 9/21/89—published 10/18/89, effective 9/21/89]
[Filed 11/30/89, Notice 10/18/89—published 12/27/89, effective 1/31/90]
[Filed 6/7/90, Notice 3/21/90—published 6/27/90, effective 8/1/90]
[Filed emergency 8/8/90—published 9/5/90, effective 8/10/90]
[Filed emergency 10/24/90—published 11/14/90, effective 10/24/90]
[Filed 11/7/90, Notice 9/5/90—published 11/28/90, effective 1/2/91]
[Filed 5/9/91, Notices 11/14/90, 2/20/91—published 5/29/91, effective 7/3/91]
[Filed 7/3/91, Notice 5/15/91—published 7/24/91, effective 8/28/91]
[Filed 8/26/92, Notice 7/22/92—published 9/16/92, effective 10/21/92][1]
[Filed 6/2/93, Notice 4/28/93—published 6/23/93, effective 7/28/93]
[Filed emergency 7/13/93—published 8/4/93, effective 7/13/93]
[Filed 9/8/94, Notice 8/3/94—published 9/28/94, effective 11/2/94]
[Filed 8/17/95, Notice 7/5/95—published 9/13/95, effective 10/18/95]
[Filed 5/1/96, Notice 3/27/96—published 5/22/96, effective 6/26/96]
[Filed 1/16/97, Notice 12/4/96—published 2/12/97, effective 3/19/97]
[Filed 5/22/97, Notice 4/9/97—published 6/18/97, effective 7/23/97]
[Filed 4/9/98, Notice 2/25/98—published 5/6/98, effective 6/10/98]
[Filed 2/10/99, Notice 12/30/98—published 3/10/99, effective 4/14/99]
[Filed 6/16/00, Notice 4/19/00—published 7/12/00, effective 8/16/00]
[Filed 4/11/01, Notice 3/7/01—published 5/2/01, effective 6/6/01]
[Filed 3/13/02, Notice 2/6/02—published 4/3/02, effective 5/8/02]
[Filed 3/26/03, Notice 2/5/03—published 4/16/03, effective 5/21/03]
[Filed 9/24/03, Notice 8/20/03—published 10/15/03, effective 11/19/03]
[Filed 3/10/04, Notice 2/4/04—published 3/31/04, effective 5/5/04]
[Filed 3/9/05, Notice 2/2/05—published 3/30/05, effective 5/4/05]
[Filed 12/13/05, Notice 10/26/05—published 1/4/06, effective 2/8/06]
[Filed 2/21/07, Notice 1/17/07—published 3/14/07, effective 4/18/07]
[Filed 5/14/08, Notice 4/9/08—published 6/4/08, effective 7/9/08]
[Filed ARC 7750B (Notice ARC 7601B, IAB 3/11/09), IAB 5/6/09, effective 6/10/09]
[Filed ARC 8720B (Notice ARC 8555B, IAB 3/10/10), IAB 5/5/10, effective 6/9/10]
[Filed ARC 9493B (Notice ARC 9417B, IAB 3/9/11), IAB 5/4/11, effective 6/8/11]
[Filed ARC 0034C (Notice ARC 9973B, IAB 1/11/12), IAB 3/7/12, effective 4/11/12]
[Filed ARC 0660C (Notice ARC 0591C, IAB 2/6/13), IAB 4/3/13, effective 5/8/13]
[Filed ARC 2019C (Notice ARC 1922C, IAB 4/1/15), IAB 6/10/15, effective 7/15/15]
[Filed ARC 2525C (Notice ARC 2401C, IAB 2/17/16), IAB 5/11/16, effective 6/15/16]
[Filed ARC 2986C (Notice ARC 2878C, IAB 1/4/17), IAB 3/15/17, effective 4/19/17]
[Filed Emergency ARC 3483C, IAB 12/6/17, effective 12/18/17]
[Filed ARC 3609C (Notice ARC 3482C, IAB 12/6/17), IAB 1/31/18, effective 3/7/18]
[Filed ARC 3840C (Notice ARC 3700C, IAB 3/28/18), IAB 6/6/18, effective 7/11/18]
[Filed ARC 4401C (Notice ARC 4256C, IAB 1/30/19), IAB 4/10/19, effective 5/15/19]
[Filed ARC 5018C (Notice ARC 4895C, IAB 2/12/20), IAB 4/8/20, effective 5/13/20]
[Filed ARC 5547C (Notice ARC 5411C, IAB 2/10/21), IAB 4/7/21, effective 5/12/21]
[Filed ARC 6307C (Notice ARC 6207C, IAB 2/23/22), IAB 5/4/22, effective 6/8/22]
[Filed ARC 6970C (Notice ARC 6822C, IAB 1/11/23), IAB 4/5/23, effective 5/10/23]
[Editorial change: IAC Supplement 7/26/23]
[Filed ARC 8008C (Notice ARC 7723C, IAB 3/20/24), IAB 5/15/24, effective 6/19/24]
[Filed ARC 9571C (Notice ARC 9386C, IAB 7/9/25), IAB 9/17/25, effective 10/22/25]

[Filed ARC 0292D (Notice ARC 0122D, IAB 3/18/26), IAB 5/13/26, effective 6/17/26]

[1] Effective date of 520.1(1)*"a"* and *"b";* rescission of 520.1(2)*"b";* and 520.3 delayed until adjournment of the 1993 Regular Session of the General Assembly by the Administrative Rules Review Committee at its meeting held October 14, 1992; delay lifted by the Committee November 10, 1992.

CHAPTER 23
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]
[Prior to 8/7/24, see Transportation Department[761] Ch 452]

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/11/31

661—23.1(321) Alternative reflective device. If a person operating a vehicle drawn by a horse or mule objects for religious reasons to using a reflective device that complies with the standards of the American Society of Agricultural Engineers, the vehicle may be identified by an alternative reflective device that is in compliance with the following:

23.1(1) The alternative reflective device will consist of one-inch-wide strips applied to the rear of the vehicle. The combined length of the strips will be at least 72 inches, and the strips, when applied, will approximate the outline of the vehicle.

23.1(2) The reflective material may be black, gray, silver or white in color but must reflect white when illuminated by other vehicles' headlamps.

23.1(3) The reflective material will be visible from a distance of not less than 500 feet from the rear of the vehicle when illuminated by other vehicles' headlamps.

23.1(4) The reflective material will be kept free of dirt and debris.

This rule is intended to implement Iowa Code section 321.383(2).

[**ARC 9963C**, IAB 1/7/26, effective 2/11/26]

[Filed 2/22/72; transferred to Department of Transportation 7/1/75]
[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]
[Filed 3/9/00, Notice 1/26/00—published 4/5/00, effective 5/10/00]
[Editorial change: IAC Supplement 2/24/21]
[Editorial change: IAC Supplement 8/7/24]
[Filed ARC 9963C (Notice ARC 9635C, IAB 10/29/25), IAB 1/7/26, effective 2/11/26]

CHAPTER 24
SAFETY REQUIREMENTS FOR MOVEMENT OF IMPLEMENTS OF HUSBANDRY ON ROADWAYS

[Prior to 8/7/24, see rule 761—450.6(321)]

Chapter rescission date pursuant to Iowa Code section 17A.7: 10/22/30

661—24.1(321) Safety rules for the movement of implements of husbandry on a roadway. The following standards are minimum safety requirements for the movement of implements of husbandry on a roadway.

24.1(1) *Towing standard.* No power unit operated by a retail seller or manufacturer shall tow more than one implement of husbandry, except those implements of husbandry that are not self-propelled and are capable of being towed in tandem, from the manufacturer to the retail seller, from the retail seller to the farm purchaser, or from the manufacturer to the farm purchaser.

24.1(2) *Equipment standards.*

a. *Braking.* Braking equipment of the towing unit or self-propelled implement of husbandry is adequate under Iowa Code section 321.430 when the vehicle is traveling 20 miles per hour and the braking device does either of the following:

(1) Stops the vehicle or vehicles within 30 feet if the gross weight is less than 5,000 pounds.

(2) Stops the vehicle or vehicles within 50 feet if the gross weight is 5,000 pounds or more.

b. *Rearview mirror.* The rearview mirror equipment standard in Iowa Code section 321.437 may be met by the use and installation of a temporary rearview mirror.

c. *Lighting.* The requirement in Iowa Code section 321.387 applies to the towing or towed vehicle, the rearmost implement of husbandry being towed in tandem, or a self-propelled implement of husbandry. The rear taillight equipment standard may be met by the use and installation of a temporary rear taillight. If an implement of husbandry is being towed by a vehicle that is equipped with brake lights, the requirements of Iowa Code section 321.404 also apply to the towed unit.

d. *Turn signal.* The requirements of Iowa Code section 321.317 apply to the towing or towed vehicle, the rearmost implement of husbandry being towed in tandem, or a self-propelled implement of husbandry. The turn-signal device equipment standard may be met by the use and installation of a temporary turn-signal device.

e. *Tires.* The requirements of Iowa Code section 321.440 apply for pneumatic tires on the towing or towed vehicle, the rearmost implement of husbandry being towed in tandem, or a self-propelled implement of husbandry.

f. *Warning devices.* The requirements of Iowa Code section 321.383 apply to reflective devices on the self-propelled or towed implement of husbandry.

g. *Drawbar and safety chain.* The requirements of Iowa Code section 321.462 apply when one vehicle is being towed by another vehicle.

This rule is intended to implement Iowa Code section 321.383.

[**ARC 9572C**, IAB 9/17/25, effective 10/22/25]

[Filed ARC 9572C (Notice ARC 9384C, IAB 7/9/25), IAB 9/17/25, effective 10/22/25]

CHAPTER 25
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
Rescinded IAB 2/11/09, effective 4/1/09

CHAPTERS 26 and 27
Reserved

CHAPTER 28
MARIJUANA ERADICATION PROCEDURES

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/25/31

661—28.1(80) Reports of marijuana. Persons wishing to report marijuana growing in Iowa, whether cultivated or uncultivated, may contact any local law enforcement agency within the state of Iowa or the Division of Narcotics Enforcement by telephone through the toll-free Marijuana Hotline at 1.800.532.0052.
[**ARC 0021D**, IAB 1/21/26, effective 2/25/26]

661—28.2(80) Cultivated marijuana. Upon receipt of information pertaining to marijuana cultivation or harvesting, the department of public safety, division of narcotics enforcement, may coordinate with the department of agriculture and land stewardship to investigate.
[**ARC 0021D**, IAB 1/21/26, effective 2/25/26]

661—28.3(80) Uncultivated marijuana. Upon receipt of information pertaining to wild uncultivated marijuana, the department of public safety, division of narcotics enforcement, will notify the county sheriff or chief of police of the report. After the sheriff has been notified, the department of public safety, division of narcotics enforcement, will notify, by regular mail, the owner of the land where uncultivated marijuana has been reported and will request that the landowner voluntarily remove the marijuana. Notification to a landowner of information regarding uncultivated marijuana growing on the landowner's property, as provided in this rule, is intended to obtain voluntary cooperation in the eradication of marijuana. The county sheriff and the local police chief, if any, will be sent copies of the notice, also by regular mail.
[**ARC 0021D**, IAB 1/21/26, effective 2/25/26]

661—28.4(80) Scope and limitation. Nothing in this chapter shall be construed to be a restriction or limitation upon the nature or scope of the authority of any member of the department of public safety or of any other public officer as otherwise provided by law.
[**ARC 0021D**, IAB 1/21/26, effective 2/25/26]

These rules are intended to implement Iowa Code section 80.5.

[Filed 10/15/91, Notice 7/10/91—published 11/13/91, effective 1/1/92]
[Editorial change: IAC Supplement 6/17/09]
[Filed ARC 0021D (Notice ARC 9723C, IAB 11/26/25), IAB 1/21/26, effective 2/25/26]

CHAPTER 29
HUMAN TRAFFICKING PREVENTION TRAINING—LODGING PROVIDERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/25/31

661—29.1(80) Definitions. The definitions in Iowa Code section 80.45A(1) are adopted and incorporated herein.
[**ARC 0022D**, IAB 1/21/26, effective 2/25/26]

661—29.2(80) Establishment of training program. The department of public safety's human trafficking prevention training program certifies a lodging provider's voluntary completion of human trafficking prevention training. The program is established pursuant to Iowa Code section 80.45A.
[**ARC 0022D**, IAB 1/21/26, effective 2/25/26]

661—29.3(80) Human trafficking prevention training program content. In order to receive approval by the commissioner, human trafficking prevention training will include, at a minimum, all of the requirements set forth in Iowa Code section 80.45A(3).
[**ARC 0022D**, IAB 1/21/26, effective 2/25/26]

661—29.4(80) Training providers.

29.4(1) *Training.* A list of certified training providers is maintained on the office to combat human trafficking website.

29.4(2) *Approval process for organizations.* Organizations cannot issue human trafficking prevention training certifications to lodging providers for purposes of this rule prior to receiving approval by the commissioner. To receive approval to conduct a training program, a training provider can apply through the office to combat human trafficking website and provide sufficient information to establish that the training program meets the requirements of rule 661—29.3(80).
[**ARC 0022D**, IAB 1/21/26, effective 2/25/26]

661—29.5(80) Certification for lodging providers and their employees. All current, certified lodging providers are listed on the office to combat human trafficking website.

29.5(1) *Application.* Any lodging provider seeking certification of completed human trafficking prevention training can submit a completed application form to the office to combat human trafficking website. The online application form will not be considered complete unless all required information is submitted, including verification of employee training certificates, and will not be processed until it is complete.

NOTE: The website for human trafficking prevention training and certification for employees, lodging providers, and training providers is www.stophtiowa.org.

29.5(2) *Fee.* There is no fee for lodging providers to request or renew a trafficking prevention training certification. Approved organizational training providers under subrule 29.4(2) may charge fees for training programs; however, lodging providers are under no obligation to utilize such training providers.

29.5(3) *Maintenance of records.* In order to maintain certification, lodging providers must maintain up-to-date human trafficking prevention training certification records on all current employees at all times. The office to combat human trafficking is entitled to review the human trafficking prevention training records for each employee and complete employee lists upon request.

29.5(4) *Revocation.* The commissioner has authorized the office to combat human trafficking to revoke a lodging provider's certification at any time. If all employees of a certified lodging provider fail to renew their trainings every three years, the office to combat human trafficking will remove the lodging provider from the approved list of providers and revoke the lodging provider's certification. Failure to maintain records of individual employee certifications may result in the revocation of a lodging provider's certification.

29.5(5) *Certification expiration.* All human trafficking prevention training certificates issued by the office to combat human trafficking bear an expiration date. All employees of a certified lodging provider

must complete approved human trafficking prevention training every three years for the lodging provider to maintain a valid certification and to receive public funds.

29.5(6) *Grace periods.* Lodging providers are responsible for ensuring lodging certifications are current and valid and that new employees successfully complete human trafficking prevention training. Employees have a grace period of 30 days from when their previous training certificate expires to complete a new, approved training. Certificates expire three years from the date on which they were issued.

a. Lodging providers. The application needs to be filed no later than 30 days after beginning operation in this state or the date on which an existing training certification expires.

b. Employees of lodging providers. The application needs to be filed no later than 30 days after the date of hire or the date on which an existing training certification expires.

[**ARC 0022D**, IAB 1/21/26, effective 2/25/26]

These rules are intended to implement Iowa Code section 80.45A.

[Filed ARC 5973C (Notice ARC 5780C, IAB 7/14/21), IAB 10/20/21, effective 11/24/21]

[Filed ARC 0022D (Notice ARC 9721C, IAB 11/26/25), IAB 1/21/26, effective 2/25/26]

CHAPTERS 30 to 34
Reserved

CHAPTER 35
COMPLAINTS AGAINST EMPLOYEES
[Prior to 11/8/06, see 661—Ch 9]
Rescinded **ARC 0023D**, IAB 1/21/26, effective 2/25/26

CHAPTERS 36 to 40
Reserved

CHAPTER 41
PAYMENT OF SMALL CLAIMS TO EMPLOYEES
[Prior to 5/23/07, see 661—Ch 14]

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/12/31

661—41.1(17A,80) Authorization to reimburse. The department is authorized to expend up to $150 per item, or any other amount authorized by a collective bargaining agreement to which an individual employee is subject, as reimbursement for replacement or repair of personal items pursuant to Iowa Code section 80.18. The following requirements apply for filing such claims with the department:

41.1(1) An employee making a claim for reimbursement will provide the employee's immediate supervisor with a detailed written account of the circumstances under which the loss occurred; a description of the nature and ownership of the item destroyed or damaged; and any available information, including the names and other identifiers of any witness, that can be used to verify the loss.

41.1(2) An employee filing a claim for reimbursement pursuant to this rule will also provide the employee's immediate supervisor with vendors' estimates of replacement costs and with estimates of repair costs of damaged items.

41.1(3) Reimbursement shall be based on a determination of the most economical and adequate compensation for the loss, taking into account the extent of the damage, the feasibility of repair and the cost of replacement.

This rule is intended to implement Iowa Code section 80.18.

[**ARC 0413D**, IAB 7/8/26, effective 8/12/26]

[Filed 5/3/07, Notice 3/28/07—published 5/23/07, effective 7/1/07]

[Filed ARC 0413D (Notice ARC 0226D, IAB 4/29/26), IAB 7/8/26, effective 8/12/26]

CHAPTERS 42 to 50
Reserved

CHAPTER 51
FLAMMABLE AND COMBUSTIBLE LIQUIDS
[Prior to 11/27/02, see rules 661—5.250(101) to 661—5.450(101)]
Rescinded IAB 12/14/11, effective 2/1/12

CHAPTER 52
Reserved

CHAPTER 53
FIRE SERVICE TRAINING BUREAU

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

661—53.1(80) Fire service training bureau. There is established within the state fire marshal division a fire service training bureau, with responsibility for instructing the general public and fire protection personnel throughout the state, providing service to public and private fire departments in the state, conducting research in the methods of maintaining and improving fire and other emergency services education consistent with the needs of Iowa communities, and performing any other functions assigned to the bureau by the state fire marshal in consultation with the state fire service and emergency response council.

[**ARC 4641C**, IAB 8/28/19, effective 10/2/19]

661—53.2(80) Programs, services, and fees.

53.2(1) *Courses and registration fees.* Current course offerings and associated registration and other related course fees of the fire service training bureau are available in electronic format via the fire service training bureau web page, and hard copy upon request. Current course registration fees and any other fees related to participation in courses shall be listed in electronic format via the fire service training bureau web page, and hard copy upon request, and shall be effective until superseded by publication of a later edition of the web page and document. Prospective students should inquire of the fire service training bureau as to the date of most recent publication of any courses, services, and fees prior to submitting registration and other fees for a course.

53.2(2) *Conferences and fees.* Upcoming conferences offered by the fire service training bureau are listed in electronic format via the fire service training bureau web page, and hard copy upon request. Conference registration fees and any other fees related to attendance at conferences shall be listed in electronic format via the fire service training bureau web page, and hard copy upon request, and shall be effective until superseded by publication of a later edition of the web page and document. Prospective students should inquire of the fire service training bureau as to the date of most recent publication of any conferences and associated fees prior to submitting registration fees or any other fees related to attendance at a conference.

53.2(3) *Publications and materials; fees.* All publications and materials currently offered for sale by the fire service training bureau are listed in electronic format via the fire service training bureau web page, and hard copy upon request. Current prices of publications shall be listed in electronic format via the fire service training bureau web page, and hard copy upon request, and shall be effective until superseded by publication of a later edition of the web page and document. Persons wishing to purchase publications or materials should inquire of the fire service training bureau as to the date of most recent publication and associated fees prior to submitting payment for publications or materials.

53.2(4) *Other services and tuition fees.* Services other than courses, conferences, and firefighter certification offered by the fire service training bureau are listed in electronic format via the fire service training bureau web page, and hard copy upon request. Current fees for these services shall be listed in electronic format via the fire service training bureau web page, and hard copy upon request, and shall be effective until superseded by publication of a later edition of the web page and document. Prospective clients for these services should inquire of the fire service training bureau as to the date of most recent publication of services and fees prior to submitting a request for or payment for any service.

[**ARC 4641C**, IAB 8/28/19, effective 10/2/19; **ARC 5603C**, IAB 5/5/21, effective 6/9/21]

These rules are intended to implement Iowa Code section 80.5.

[Filed emergency 6/22/00—published 7/12/00, effective 7/1/00]
[Filed ARC 4641C (Notice ARC 4522C, IAB 7/3/19), IAB 8/28/19, effective 10/2/19]
[Filed ARC 5603C (Notice ARC 5501C, IAB 3/10/21), IAB 5/5/21, effective 6/9/21]

CHAPTER 54
FIRE FIGHTER CERTIFICATION
Rescinded IAB 9/29/04, effective 12/1/04

CHAPTER 55
FIRE FIGHTER TRAINING AND EQUIPMENT FUNDS
Rescinded IAB 1/5/05, effective 3/1/05

CHAPTERS 56 to 58
Reserved

CHAPTER 59
VOLUNTEER EMERGENCY SERVICES PROVIDER DEATH BENEFITS
Rescinded IAB 1/5/05, effective 3/1/05

CHAPTER 60
Reserved

CHAPTER 61
FIRE SAFE CIGARETTE CERTIFICATION PROGRAM
Transferred to 481—Chapter 261, IAC Supplement 11/26/25

CHAPTERS 62 to 79
Reserved

CHAPTER 80
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
[Prior to 2/11/09, see 661—Ch 25]
Rescinded **ARC 0697D**, IAB 10/28/26, effective 12/2/26

CHAPTER 81
CRIMINAL INTELLIGENCE INFORMATION
[Prior to 11/8/06, see 661—8.201(692) to 8.207(692)]

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/26/31

661—81.1(692) Definitions. The following definitions apply to this chapter.

"Commissioner" means the commissioner of the department of public safety or the commissioner's designee.

"Criminal intelligence file" means information stored in a criminal intelligence system that is compiled in an effort to anticipate, prevent, or monitor possible criminal activity on:

1. An individual who, based upon reasonable grounds, is believed to be involved in the actual or attempted planning, organization, financing, promotion, or commission of criminal acts or is believed to be involved in criminal activities with known or suspected criminal offenders.

2. A group, organization or business that, based on reasonable grounds, is believed to be involved in the actual or attempted planning, organization, financing, promotion, or commission of criminal acts, or of being illegally operated, controlled, financed, promoted, or infiltrated by known or suspected criminal offenders.

3. An incident in which sufficient articulable facts give a trained law enforcement or criminal investigative agency officer, investigator, or employee a basis to believe that a definable criminal activity or enterprise is, has been, or may be committed.

"Criminal intelligence file" does not include surveillance data as defined in Iowa Code section 692.1.

"Criminal intelligence system" means the arrangements, equipment, facilities, and procedures used for the receipt, storage, interagency exchange or dissemination, and analysis of criminal intelligence information.

"Need to know" is established if criminal intelligence information will assist a recipient in anticipating, investigating, monitoring, or preventing possible criminal activity or if criminal intelligence information is pertinent to protecting a person or property from a threat of imminent serious harm.

"Noncriminal identifying information" means information about the characteristics and associations of an identifiable person suspected of being involved in criminal activity.

"Reasonable grounds" means information that establishes sufficient articulable facts that give a trained law enforcement or criminal investigative agency officer, investigator, or employee a reasonable basis to believe that a definable criminal activity or enterprise is, has been, or may be committed.

"Right to know" is established when a recipient of criminal intelligence information is legally permitted to receive intelligence data or an intelligence assessment.

"Surveillance data" means the same as defined in Iowa Code section 692.1(16). Noncriminal identifying information does not constitute surveillance data.

"Threat of imminent serious harm" means a credible impending threat to the safety of a person or property. A threat of imminent serious harm justifies the dissemination of intelligence data or an intelligence assessment for the purpose of protecting a person or property from the threat.

[**ARC 0453D**, IAB 7/22/26, effective 8/26/26]

661—81.2(692) Iowa law enforcement intelligence network (LEIN) information system.

81.2(1) *LEIN information system.* The Iowa law enforcement intelligence network (LEIN) information system is the statewide interjurisdictional intelligence system maintained and operated by the intelligence division of the department of public safety, for the regular interagency exchange of criminal intelligence files. Criminal intelligence files contained in the LEIN information system may be disseminated or redisseminated by the intelligence division of the department of public safety, consistent with Iowa Code chapter 692.

81.2(2) *Direct computer access.* The commissioner may authorize a peace officer, criminal justice agency, or state or federal regulatory agency to access the LEIN information system directly via a remote computer terminal, provided that the authorized individual or agency follows approved procedures

regarding receipt, maintenance, dissemination, submission and security of information, and related training. Authorization may be provided in writing or electronically.

81.2(3) *Termination of authorization for direct computer access.* The commissioner may, at any time for good cause, terminate authorization for direct, remote computer access to the LEIN information system that has been previously approved. An individual or agency whose authorization to directly access the LEIN information system via remote computer has been terminated may appeal the termination in accordance with procedures for contested cases established in 661—Chapter 10.

81.2(4) *Reinstatement of authorization for direct computer access.* Any user whose authorization for direct, remote computer access to the LEIN information system has been terminated may apply for the authorization for access to be reinstated, provided that the problem that led to the termination has been corrected.

81.2(5) *Applications for direct computer access.* To apply for direct, remote computer access to the LEIN information system or to obtain further information about the LEIN information system, a person may contact the Intelligence Division, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319, or by email at intinfo@dps.state.ia.us.

81.2(6) *Entry of information—restrictions.* Information about the political, religious, racial, or social views, associations, activities or sexual orientation of any individual shall not be entered into the LEIN information system unless such information constitutes noncriminal identifying information or is relevant to an investigation of criminal conduct or activity involving an identifiable individual.

81.2(7) *Entry of information—conformance with applicable law.* No information that is deemed unreliable because it has been obtained in violation of any applicable federal, state, or local law or ordinance, or these rules, may be entered into the LEIN information system.

81.2(8) *Dissemination.* Intelligence data from the LEIN information system may be disseminated only to peace officers, criminal justice agencies, or state or federal regulatory agencies. Intelligence data from the LEIN information system may be disseminated only when there is a right to know and a need to know in the performance of a law enforcement activity. Intelligence data from the LEIN information system shall not be disseminated to any user whose authorization to access the LEIN information system has been terminated and has not been reinstated.

EXCEPTION: Intelligence assessments may be disseminated to any agency or organization for an official purpose or to a person in order to protect a person or property from the threat of imminent serious harm as defined in rule 661—81.1(692).

81.2(9) *Redissemination of intelligence data and intelligence assessment.* An agency, organization, or person receiving intelligence data or an intelligence assessment from the department pursuant to Iowa Code chapter 692 may redisseminate the intelligence data or intelligence assessment only if authorized by the agency or peace officer who originally provided the data or assessment and if the data or assessment is for an official purpose in connection with the prescribed duties of the recipient. If the agency, organization, or person receiving the information is not a peace officer, criminal or juvenile justice agency, or state or federal regulatory agency, redissemination is allowed only if such redissemination is for an official purpose and if the information is redisseminated in order to protect a person or property from the threat of imminent serious harm. The department may also place restrictions on the redissemination by the agency, organization, or person receiving the intelligence data or intelligence assessment. Any agency, organization, or person who redisseminates intelligence data or an intelligence assessment pursuant to Iowa Code chapter 692 must maintain a list of the agencies, organizations, and persons receiving the intelligence data or intelligence assessment and the purpose of the redissemination. Intelligence data and intelligence assessments must be maintained separately from and should not be included in any form in any investigative or prosecutorial files. An agency, organization, or person who redisseminates information without proper authorization may be prohibited from receiving further intelligence assessments.

[**ARC 0453D**, IAB 7/22/26, effective 8/26/26]

661—81.3(692) Criminal intelligence file security. The intelligence division of the department of public safety adopts administrative, technical, and physical safeguards, including audit trails, to ensure against unauthorized access and against intentional or unintentional damage to the LEIN information system. These safeguards include but are not limited to the following:

81.3(1) Records indicating who has been given the information, the reason for release of information, and the date of any dissemination shall be maintained until the information has been purged.

81.3(2) Criminal intelligence files shall be labeled to indicate security level and identities of submitting agencies and submitting individual.

81.3(3) Where appropriate, effective and technologically advanced computer software and hardware designs shall be implemented to prevent unauthorized access.

81.3(4) Any access to criminal intelligence files and computing facilities in which the files are stored shall be restricted to authorized personnel.

81.3(5) Criminal intelligence files shall be stored in such a manner that the files cannot be modified, destroyed, accessed, purged, or overlaid in any fashion by unauthorized personnel.

81.3(6) Computer systems on which criminal intelligence files are stored shall be programmed to detect, reject, and record any unauthorized attempt to access, modify, or destroy criminal intelligence files or to otherwise penetrate the security safeguards on such a system.

81.3(7) Access to any information required to gain authorized access to criminal intelligence files, including access codes and passwords, shall be restricted only to personnel authorized to access these files. The intelligence division shall ensure that criminal intelligence files remain confidential when specific agreements are entered into with individuals or organizations that provide computer or programming support to the agency.

81.3(8) Procedures shall be adopted to protect criminal intelligence files from unauthorized access, theft, sabotage, fire, flood, wind, and natural or other disasters.

81.3(9) Procedures shall be adopted establishing the right of the intelligence division to screen and reject for employment any personnel who would, if hired, have access to criminal intelligence files.

81.3(10) Procedures shall be established allowing the removal or transfer, based on good cause, of any existing employees from positions in which they have access to criminal intelligence files.

81.3(11) Any compromise, or suspected compromise, of information that would allow unauthorized access into criminal intelligence files shall be reported without delay and, in any event, by the end of the next business day, to a supervisor within the intelligence division of the department of public safety.

81.3(12) Any compromise, or suspected compromise, of information contained in criminal intelligence files shall be reported without delay and, in any event, by the end of the next business day, to a supervisor within the intelligence division.

[**ARC 0453D**, IAB 7/22/26, effective 8/26/26]

661—81.4(692) Review of criminal intelligence files—purging.

81.4(1) The intelligence division regularly reviews the information in criminal intelligence files for reclassification or purging. Decisions to retain, reclassify, or purge criminal intelligence files shall:

a. Ensure that the information is current, accurate and relevant to the needs of the agency.

b. Safeguard individual privacy interests protected by federal and state laws.

c. Ensure that security classifications remain appropriate.

81.4(2) Information that is misleading, unreliable, or no longer useful shall be purged or reclassified, when necessary, without delay. Any person or agency to which the criminal intelligence file was disseminated shall be notified of the reclassification or purge.

81.4(3) All information is reviewed within a five-year period of its submission to ensure compliance with subrule 81.4(1).

81.4(4) All information retained after a review shall reflect the name of the reviewer, date of review, and an explanation of the decision to retain.

81.4(5) Information that is not retained in a criminal intelligence file after a review shall be deleted from the LEIN information system.

[**ARC 0453D**, IAB 7/22/26, effective 8/26/26]

661—81.5(692) Subpoenas and court orders. Any agency or individual shall notify the department in writing without delay and, in any event, by the end of the next business day of the receipt of any subpoena, court order, request for production, or other legal process demanding the production of a criminal intelligence file, so that the department has an opportunity to make a timely resistance.

[**ARC 0453D**, IAB 7/22/26, effective 8/26/26]

These rules are intended to implement Iowa Code chapter 692.

[Filed 10/19/06, Notice 9/13/06—published 11/8/06, effective 1/1/07]

[Editorial change: IAC Supplement 6/17/09]

[Filed ARC 0453D (Notice ARC 0294D, IAB 5/13/26), IAB 7/22/26, effective 8/26/26]

CHAPTER 82
CRIMINAL HISTORY AND FINGERPRINT RECORDS

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

661—82.1(690,692) Records and identification section. The records and identification section of the division of criminal investigation of the department of public safety maintains information necessary to identify persons with criminal histories. The section collects, files and disseminates criminal history data to authorized criminal justice agencies and to the public upon request and updates criminal history data on a continuing basis.

[**ARC 8936B**, IAB 7/14/10, effective 9/1/10]

661—82.2(690,692) Definitions. The following definitions apply to rules 661—82.1(690,692) through 661—82.301(232):

"Authorized agency" means a division or office of the state of Iowa designated to report, receive, or disseminate information under Iowa state law, administrative rule or Public Law 103-209.

"Criminal identification records" means either of the following records, the forms for which are provided by the department to law enforcement agencies:

1. Department of public safety arrest fingerprint cards.
2. State of Iowa final disposition reports.

"Department" means the Iowa department of public safety.

"Division" means the division of criminal investigation of the department of public safety.

"Employee" means a person who provides services and is compensated for those services.

"Fee" means any cost associated with conducting a state or national criminal history record check.

"Felony" and *"misdemeanor"* shall have the same meanings and classifications as described in Iowa Code sections 701.7 and 701.8.

"Fitness determination" means an analysis of criminal history information to determine whether or not the criminal history information disqualifies an individual from holding a particular position or license either as an employee or a volunteer.

"National record check" means a criminal history record check from the FBI that is fingerprint-based and is transmitted through the state central repository.

"Non-criminal justice agency" means an agency that is authorized by law to receive criminal history data from the department; that is not a "criminal or juvenile justice agency" as defined in Iowa Code section 692.1, subsection 7; and that is not an institution which trains law enforcement officers for certification under Iowa Code chapter 80B.

"Qualified entity" means a business or organization, whether public, private, for-profit, not-for-profit or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies persons or entities to provide care or care placement services, treatment, education, training, instruction, supervision or recreation to children, the elderly or individuals with disabilities.

"Taking of fingerprints" means obtaining a fully rolled set of inked fingerprint or electronically scanned fingerprint impressions of suitable quality for fingerprint classification and identification.

"Volunteer" means a person who provides services without compensation.

"Working day" means any day except any of the following:

1. Saturday.
2. Sunday.
3. State holiday.
4. Federal holiday during which the administrative office of the submitting agency is closed.
5. Any day during which the administrative office of the submitting agency is closed or relocated due to weather or road conditions or any condition related to a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6.

[**ARC 8936B**, IAB 7/14/10, effective 9/1/10]

661—82.3(690,692) Tracking criminal history data. For audit purposes only, the division of criminal investigation shall establish an internal procedure for tracking criminal history data expunged from the files of the division.
[**ARC 8936B**, IAB 7/14/10, effective 9/1/10]

661—82.4 to **82.100** Reserved.

DIVISION I
CRIMINAL HISTORY DATA

661—82.101(690,692) Release of information. Criminal history data maintained by the records and identification section are public records and are released to criminal justice agencies and the public as authorized by statute. Only the department of public safety may release criminal history information maintained by the department to non-criminal justice agencies or persons.
[**ARC 8936B**, IAB 7/14/10, effective 9/1/10]

661—82.102(690,692) Right of review. Any person who has a criminal history record on file with the division of criminal investigation has the right to examine and obtain a copy of the record. This right may be exercised by an attorney acting on behalf of a person with a criminal history record only with written authorization and fingerprint identification of the person with the criminal history record. Providing a copy of a criminal history record pursuant to this rule is subject to the fee provided in rule 661—82.109(692).
[**ARC 8936B**, IAB 7/14/10, effective 9/1/10]

661—82.103(690,692) Review of record. An individual or an individual's attorney, acting with written authorization from the individual, may obtain a copy of the individual's criminal history record during normal business hours at the headquarters of the division or by submitting a request on a form provided by the department of public safety. A copy of this request form may be obtained by writing to Division of Criminal Investigation, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319; by telephoning the records and identification section at (515)725-6066; or by sending a request by electronic mail to cchinfo@dps.state.ia.us. The request form may also be downloaded from the division's Web site. The completed request form must be notarized, if submitted by mail; be accompanied by a set of the fingerprints of the individual whose criminal history record is being requested; and include submission of the fee established in rule 661—82.109(692). After the record check has been completed, the fingerprints submitted for verification shall be returned, upon request, or destroyed.

NOTE: The Web site of the division of criminal investigation is www.dps.state.ia.us/dci.
[**ARC 8936B**, IAB 7/14/10, effective 9/1/10]

661—82.104(17A,690,692) Inaccuracies in criminal history record. If an individual believes inaccuracies exist in the individual's criminal history record, notice may be filed with the division outlining the alleged inaccuracies and should be accompanied by any available supporting data. In all instances where a notice is so filed, the division shall contact the appropriate arresting agencies, courts of record or institutions to verify accuracy of the criminal history record. Any necessary changes shall be made to the individual's criminal history record. Any agency that previously received a copy of the inaccurate record shall be so notified with a corrected copy. A final report shall be made to the individual who filed a notice of correction within 20 days of said filing. If, after notice is filed and the division makes its final report, the individual is still of the opinion that inaccuracies exist within the record, an appeal of the final decision of the division to the Polk County district court may be made.
[**ARC 8936B**, IAB 7/14/10, effective 9/1/10]

661—82.105(17A,690,692) Arresting agency portion of final disposition form. The sheriff of each county and the chief of police of each city shall complete the arresting agency portion of the final disposition forms with the arrest information for all persons whose fingerprints are taken in accordance

with these rules or Iowa Code section 690.2, and thereafter forward the form to the appropriate county attorney or, at the discretion of the county attorney, to the clerk of district court, or if the case remains in juvenile court, to the juvenile court officer who received the referral.
[**ARC 8936B**, IAB 7/14/10, effective 9/1/10]

661—82.106(690,692) Final disposition form. When a preliminary information or citation is dismissed without new charges being filed or when a case is ignored by a grand jury, the county attorney or juvenile court officer who received the referral shall complete a final disposition form and submit it to the division of criminal investigation within 30 days. When an indictment is returned or a county attorney's information is filed, the final disposition form shall be forwarded by the county attorney to the clerk of the court having jurisdiction. The clerk of court shall forward a copy to the division of criminal investigation within 30 days after judgment. If a juvenile is processed through juvenile court, the juvenile court officer shall forward the disposition form to the division of criminal investigation.
[**ARC 8936B**, IAB 7/14/10, effective 9/1/10]

661—82.107(692) Release of information to the public.

82.107(1) The department may release criminal history information to any person or public or private agency upon request by any method approved by the department. Requesters may not receive information regarding arrests older than 18 months that do not have dispositions or deferred judgments when the department has received official notice of successful completion of probation, unless a waiver has been provided to the requester from the person who is the subject of the criminal history information and the waiver is presented to the department at the time the request for the information is made.

82.107(2) Each record released to a non-criminal justice agency shall prominently display the statement: "AN ARREST WITHOUT DISPOSITION IS NOT AN INDICATION OF GUILT."
[**ARC 8936B**, IAB 7/14/10, effective 9/1/10]

661—82.108(692) Scope of record checks for non-criminal justice agencies and individuals. Record checks made for non-criminal justice agencies and individuals pursuant to these rules are based upon name, including maiden name and aliases, if any, and birth date. This information may not be sufficient to effect a precise identification of a subject. A record check based solely upon name and birth date may refer to multiple subjects or may not result in positive identification of the subject of the request. The records of the department are based upon reports from other agencies. The department, therefore, cannot warrant the completeness or accuracy of the information provided. Agencies and individuals that receive criminal history information are therefore advised to verify all information received from the department to the extent possible (e.g., by contacting the reported arresting agency or court).
[**ARC 8936B**, IAB 7/14/10, effective 9/1/10]

661—82.109(692) Fees. All individuals, their attorneys, and other non-criminal justice agencies requesting criminal history information shall be assessed a fee. The department may accept cash, money orders, checks, or credit cards. Other arrangements may be made, such as a prepaid account. The fee for receipt of criminal history information from the department shall be not more than $15 for each name for which information is requested. The fee shall be prominently posted at the headquarters of the division of criminal investigation. Each alias or maiden name submitted shall be considered a separate name for purposes of computing this fee. The employer must pay the cost of the criminal history fee of a potential employee, if the employer requires receipt of criminal history information as a condition of employment.
[**ARC 8936B**, IAB 7/14/10, effective 9/1/10]

661—82.110(17A,22,692) Requests for criminal history data.

82.110(1) *Requests for criminal history data.*

a. Persons or agencies requesting criminal history data should direct requests in writing using forms or methods approved by the commissioner of public safety. Forms to use in requesting criminal history information may be requested by mail to the Division of Criminal Investigation, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319;

by electronic mail to cchinfo@dps.state.ia.us; by telephone at (515)725-6066, or from the Web site of the division.

NOTE: The Web site of the division of criminal investigation is www.dps.state.ia.us/dci.

b. The commissioner may authorize additional methods of requesting criminal history information. These other methods may include fax transmission or computer access. Authorization by the commissioner of public safety shall be based on the ability to securely, efficiently and accurately receive and disseminate criminal history information.

82.110(2) *Public complaints.* Public complaints concerning the operation of criminal history or intelligence data systems should be directed in writing to the commissioner of public safety. Complaints should specify clearly the date, time and place of the alleged violation and any action requested of the commissioner.

82.110(3) *Required approvals.* Any agreement, arrangement or system for the transmission and exchange of criminal history data required to be approved by the commissioner shall be submitted in writing at least 30 days before its proposed effective date.

[**ARC 8936B**, IAB 7/14/10, effective 9/1/10]

661—82.111(690) Administrative sanctions.

82.111(1) The commissioner of public safety may deny or restrict access to criminal history data maintained by the records and identification section of the division of criminal investigation to any agency that fails to comply with the requirements of Iowa Code chapters 690 and 692 for submission of fingerprints and disposition reports to the department of public safety. The commissioner shall notify the affected agency in writing prior to denying or restricting access and shall provide details of the requirements and the nature of the failure to comply.

82.111(2) Any agency that has received notification from the commissioner that the agency's access to criminal history data is to be denied or restricted may protest this action. Protests must be filed with the administrative services division within 30 days of the date of the notification from the commissioner in accordance with rule 661—10.101(17A).

[**ARC 8936B**, IAB 7/14/10, effective 9/1/10]

661—82.112(692) Criminal history record checks for qualified entities or authorized agencies.

82.112(1) The department of public safety may process requests for national criminal history record checks for a qualified entity or authorized agency.

82.112(2) All qualified entities or authorized agencies requesting criminal history record checks shall be required to pay any applicable state and federal fees associated with noncriminal justice record checks. The qualified entity or authorized agency is responsible for such fees whether the qualified entity requests or receives the information directly or through an agency authorized to make fitness determinations as provided in subrule 82.112(3).

82.112(3) Any public entity which has been duly authorized by statute or administrative rule to conduct fitness determinations of volunteers or employees of a qualified entity may receive state criminal history record checks in order to do so. Any public entity which has been duly authorized by statute to conduct fitness examinations of volunteers or employees, including national criminal history checks, may receive national criminal history record checks in order to conduct such examinations.

82.112(4) A school district considering an applicant for a teaching position is a qualified entity pursuant to Iowa Code section 279.13. A school district may submit a request for a national criminal history record check of an applicant for employment as a teacher. The request shall be submitted on a form designated by the division of criminal investigation and shall be accompanied by completed fingerprint cards for the applicant and the applicable fee. Prior to submitting the request, the district may contact the division of criminal investigation by telephone at (515)725-6066 or by electronic mail at cchinfo@dps.state.ia.us to obtain instructions on the submission or may consult the Web site of the division for such information.

NOTE: The Web site of the division of criminal investigation is www.dps.state.ia.us/dci.

[**ARC 8936B**, IAB 7/14/10, effective 9/1/10]

661—82.113 to **82.200** Reserved.

DIVISION II
FINGERPRINT RECORDS

661—82.201(17A,690,692) Fingerprint files and crime reports. The department maintains all fingerprint files.
[**ARC 8936B**, IAB 7/14/10, effective 9/1/10]

661—82.202(690) Taking of fingerprints. The taking of fingerprints shall be in compliance with Iowa Code sections 232.148(2), 690.2 and 690.4. Fingerprints taken pursuant to these sections shall be submitted to the records and identification section of the division of criminal investigation within two working days, and the department shall submit the fingerprints to the Federal Bureau of Investigation.
[**ARC 8936B**, IAB 7/14/10, effective 9/1/10]

661—82.203 to **82.300** Reserved.

DIVISION III
JUVENILE RECORDS

661—82.301(232) Juvenile fingerprints and criminal histories.

82.301(1) *Authority to fingerprint.* A law enforcement agency shall fingerprint and photograph any juvenile who has been taken into custody and charged with the commission of an offense which would be a serious misdemeanor, aggravated misdemeanor or felony if committed by an adult. Fingerprints of juveniles taken pursuant to this subrule shall be submitted to the division of criminal investigation.

82.301(2) *Fingerprints of juveniles waived to adult court.* If jurisdiction over a juvenile suspect has been transferred from juvenile court to adult court, then fingerprints of that suspect taken pursuant to Iowa Code section 232.148 and transmitted to the division of criminal investigation shall be handled by the division in the same manner as fingerprints of adult suspects are handled, and the fingerprints are subject to the same provisions of law and these rules which govern fingerprints of adult criminal suspects.

82.301(3) *Fingerprints entered into automated fingerprint identification system (AFIS).* Fingerprints of juveniles shall be entered into the AFIS maintained by the department of public safety.

82.301(4) *Juvenile criminal histories.*

a. A fingerprint card received for a juvenile suspect shall be used to establish a criminal history record for the suspect.

b. Criminal histories of juveniles over whom jurisdiction has been transferred from juvenile court to adult court shall be handled in the same manner as criminal histories of adults.

c. Criminal histories of juveniles who remain under the jurisdiction of the juvenile court shall be maintained only if the juvenile is adjudicated delinquent based upon an offense which would be a serious or aggravated misdemeanor or felony if committed by an adult. The criminal history record established in response to the division's receiving a fingerprint card shall be expunged if the delinquency petition is dismissed. Juvenile court judges shall order that a juvenile be fingerprinted and the prints submitted to the division of criminal investigation if the juvenile has been adjudicated delinquent for an offense which would be a serious or aggravated misdemeanor or felony if committed by an adult.

d. Criminal history data of juveniles over whom jurisdiction has not been transferred from juvenile court to adult court shall be expunged when the subject reaches the age of 21 unless the subject has been convicted of a serious or aggravated misdemeanor or a felony when the subject was between the ages of 18 and 21 or unless the retention of the records is necessary for the purpose of administering Iowa Code chapter 692A. If the subject has been convicted of a serious or aggravated misdemeanor or a felony when the subject was between the ages of 18 and 21, the criminal history record shall be maintained in the same manner as adult criminal history data.
[**ARC 8936B**, IAB 7/14/10, effective 9/1/10]

These rules are intended to implement Iowa Code chapters 690, 692, and 692B.

[Filed ARC 8936B (Notice ARC 8769B, IAB 5/19/10), IAB 7/14/10, effective 9/1/10]

CHAPTER 83
IOWA SEX OFFENDER REGISTRY
[Prior to 2/16/05, see 661—8.301 to 8.305]

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

661—83.1(692A) Sex offender registry established. The Iowa sex offender registry, as authorized by Iowa Code chapter 692A, is hereby established in the division of criminal investigation.

661—83.2(692A) Definitions. The following definitions apply to rules 661—83.1(692A) to 661—83.5(692A).

"Aggravated offense" means a conviction for any of the following offenses:

1. Sexual abuse in the first degree in violation of Iowa Code section 709.2.
2. Sexual abuse in the second degree in violation of Iowa Code section 709.3.
3. Sexual abuse in the third degree in violation of Iowa Code section 709.4(1)*"a."*
4. Lascivious acts with a child in violation of Iowa Code section 709.8(1)*"a"* or *"b."*
5. Assault with intent to commit sexual abuse in violation of Iowa Code section 709.11.
6. Burglary in the first degree in violation of Iowa Code section 713.3(1)*"d."*
7. Kidnapping, if sexual abuse as defined in Iowa Code section 709.1 is committed during the commission of the offense.
8. Murder in violation of Iowa Code section 707.2 or 707.3, if sexual abuse as defined in Iowa Code section 709.1 is committed during the offense.
9. Continuous sexual abuse of a child in violation of Iowa Code section 709.23.
10. Any conviction for an offense specified in the laws of another jurisdiction or any conviction for an offense prosecuted in a federal, military, or foreign court that is comparable to an offense listed in paragraphs "1" through "9" shall be considered an aggravated offense for purposes of registering under this chapter.

"Aggravated offense against a minor" means a conviction for any of the following offenses, if such offense was committed against a minor or otherwise involves a minor:

1. Sexual abuse in the first degree in violation of Iowa Code section 709.2.
2. Sexual abuse in the second degree in violation of Iowa Code section 709.3.
3. Sexual abuse in the third degree in violation of Iowa Code section 709.4, except for a violation of Iowa Code section 709.4(1)*"b"*(3)(d).
4. Continuous sexual abuse of a child in violation of Iowa Code section 709.23.
5. Any offense specified in the laws of another jurisdiction or prosecuted in a federal, military, or foreign court that is comparable to an offense listed in paragraphs "1" through "4" shall be considered an aggravated offense against a minor if such an offense was committed against a minor or otherwise involves a minor.

"Appearance" means to appear in person at a sheriff's office.

"Business day" means every day except Saturday, Sunday, or any paid holiday for county employees in the applicable county.

"Change" means to add, begin, or terminate.

"Child care facility" means the same as defined in Iowa Code section 237A.1.

"Convicted" means found guilty of, pleads guilty to, or is sentenced or adjudicated delinquent for an act which is an indictable offense in this state or in another jurisdiction including in a federal, military, tribal, or foreign court, including but not limited to a juvenile who has been adjudicated delinquent but whose juvenile court records have been sealed under Iowa Code section 232.150, and a person who has received a deferred sentence or a deferred judgment or has been acquitted by reason of insanity. "Convicted" includes the conviction of a juvenile prosecuted as an adult. "Convicted" also includes a conviction for an attempt or conspiracy to commit an offense. "Convicted" does not mean a plea, sentence, adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.

"Criminal or juvenile justice agency" means an agency or department of any level of government or an entity wholly owned, financed, or controlled by one or more such agencies or departments which performs

as its principal function the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal or juvenile offenders.

"Department" means the department of public safety.

"Employee" means an offender who is self-employed, employed by another, and includes a person working under contract or acting or serving as a volunteer, regardless of whether the self-employment, employment by another, or volunteerism is performed for compensation.

"Employment" means acting as an employee.

"Foreign court" means a court of a foreign nation that is recognized by the United States Department of State that enforces the right to a fair trial during the period in which a conviction occurred.

"Habitually lives" means living in a place with some regularity, and with reference to where the sex offender actually lives, which could be some place other than a mailing address or primary address but would entail a place where the sex offender lives on an intermittent basis.

"Incarcerated" means to be imprisoned by placing a person in a jail, prison, penitentiary, juvenile facility, or other correctional institution or facility or a place or condition of confinement or forcible restraint regardless of the nature of the institution in which the person serves a sentence for a conviction.

"Internet identifier" means an electronic mail address, instant message address or identifier, or any other designation or moniker used for self-identification during Internet communication or posting, including all designations used for the purpose of routing or self-identification in Internet communications or postings.

"Jurisdiction" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands, or a federally recognized Indian tribe.

"Loiter" means remaining in a place or circulating around a place under circumstances that would warrant a reasonable person to believe that the purpose or effect of the behavior is to enable a sex offender to become familiar with a location where a potential victim may be found, or to satisfy an unlawful sexual desire, or to locate, lure, or harass a potential victim.

"Military offense" means a sex offense specified by the U.S. Secretary of Defense under 10 U.S.C. Section 951.

"Minor" means a person under 18 years of age.

"Principal residence" for a sex offender means:

1. The residence of the offender, if the offender has only one residence in this state.
2. The residence at which the offender resides, sleeps, or habitually lives for more days per year than another residence in this state, if the offender has more than one residence in this state.
3. The place of employment or attendance as a student, or both, if the sex offender does not have a residence in this state.

"Professional licensing information" means the name or other description, number, if applicable, and issuing authority or agency of any license, certification, or registration required by law to engage in a profession or occupation held by a sex offender who is required at the time of the initial requirement to register under this chapter, or any such license, certification, or registration that was issued to an offender within the five-year period prior to conviction for a sex offense that requires registration under this chapter, or any such license, certification, or registration that is issued to an offender at any time during the duration of the registration requirement.

"Public library" means any library that receives financial support from a city or county pursuant to Iowa Code section 256.69.

"Registrant" means a person who is currently registered with the Iowa sex offender registry.

"Relevant information" means the following information with respect to a sex offender:

1. Criminal history, including warrants, articles, status of parole, probation, or supervised release, date of arrest, date of conviction, and registration status.
2. Date of birth.
3. Passport and immigration documents.
4. Government-issued driver's license or identification card.
5. DNA sample.

6. Educational institutions attended as a student, including the name and address of such institutions.
7. Employment information, including name and address of employer.
8. Fingerprints.
9. Internet identifiers.
10. Names, nicknames, aliases, or ethnic or tribal names, and, if applicable, the real names of an offender protected under 18 U.S.C. Section 3521.
11. Palm prints.
12. Photographs.
13. Physical description, including scars, marks, or tattoos.
14. Professional licensing information.
15. Residence.
16. Social security number.
17. Telephone numbers, including any landline or wireless numbers.
18. Temporary lodging information, including dates when residing in temporary lodging.
19. Statutory citation and text of offense committed that requires registration under this chapter.
20. Vehicle information for a vehicle owned or operated by an offender, including license plate number, registration number, or other identifying number, vehicle description, and the permanent or frequent locations where the vehicle is parked, docked, or otherwise kept.
21. The name, gender, and date of birth of each person residing in the residence.

Exception:

"Relevant information" does not include relevant information in paragraphs "1" and "19," when a sex offender is required to provide relevant information pursuant to this chapter.

"Residence" means each dwelling or other place where a sex offender resides, sleeps, or habitually lives, or will reside, sleep, or habitually live, including a shelter or group home. If a sex offender does not reside, sleep, or habitually live in a fixed place, "residence" means a description of the locations where the offender is stationed regularly, including any mobile or transitory living quarters. "Residence" shall be construed to refer to the places where a sex offender resides, sleeps, habitually lives, or is stationed with regularity, regardless of whether the offender declares or characterizes such place as the residence of the offender.

"Sex act" means the same as the term is defined in Iowa Code section 702.17.

"Sex offender" means a person who is required to be registered under Iowa Code chapter 692A.

"Sex offense" means an indictable offense for which a conviction has been entered that is enumerated in Iowa Code section 692A.102 and means any comparable offense for which a conviction has been entered under prior law, or any comparable offense for which a conviction has been entered in a federal, military, or foreign court, or another jurisdiction.

"Sex offense against a minor" means an offense for which a conviction has been entered for a sex offense classified as a tier I, tier II, or tier III offense under this chapter if such offense was committed against a minor or otherwise involves a minor.

"Sexually violent offense" means an offense for which a conviction has been entered for any of the following indictable offenses:

1. Sexual abuse as defined under Iowa Code section 709.1.
2. Assault with intent to commit sexual abuse in violation of Iowa Code section 709.11.
3. Sexual misconduct with offenders and juveniles in violation of Iowa Code section 709.16.
4. Any of the following offenses, if the offense involves sexual abuse or assault with intent to commit sexual abuse: murder, attempted murder, kidnapping, burglary, or manslaughter.
5. A criminal offense committed in another jurisdiction, including a conviction in a federal, military, or foreign court, which would constitute an indictable offense under paragraphs "1" through "4" if committed in this state.

"Sexually violent predator" means a sex offender who has been convicted of an offense which would qualify the offender as a sexually violent predator under the federal Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. Sections 14071(a)(3)(B), (C), (D), and (E).

"SORNA" means the Sex Offender Registration and Notification Act, which is Title I of the federal Adam Walsh Child Protection and Safety Act of 2006.

"Student" means a sex offender who enrolls in or otherwise receives instruction at an educational institution, including a public or private elementary school, secondary school, trade or professional school, or institution of higher education. "Student" does not mean a sex offender who enrolls in or attends an educational institution as a correspondence student, distance-learning student, or any other form of learning that occurs without the person's physical presence on the real property of an educational institution.

"Superintendent" means the superintendent or superintendent's designee of a public school or the authorities in charge of a nonpublic school.

"Tier I offender" means a registrant who has been convicted of one or more of the offenses enumerated in Iowa Code section 692A.102(1)*"a."*

"Tier II offender" means a registrant who has been convicted of one or more of the offenses identified in Iowa Code section 692A.102(1)*"b"* and is not a "tier I offender."

"Tier III offender" means a registrant who has been convicted of one or more of the offenses enumerated in Iowa Code section 692A.102(1)*"c"* and is not a "tier I offender" or a "tier II offender."

"Vehicle" means a vehicle owned or operated by an offender, including but not limited to a vehicle for personal or work-related use, and including a watercraft or aircraft, that is subject to registration requirements under Iowa Code chapter 321, 328, or 462A.

[**ARC 7974B**, IAB 7/29/09, effective 7/1/09; **ARC 5715C**, IAB 6/16/21, effective 7/21/21]

661—83.3(692A) Forms and procedures. The following forms and procedures are prescribed for use with the Iowa sex offender registry. Supplies of these forms may be obtained by contacting the Iowa sex offender registry at the division of criminal investigation.

83.3(1) *Notification.* Form DCI-144, Notification of Registration Requirement, which notifies offenders of their duty to register with the Iowa sex offender registry, shall be provided, in printed form or electronically, to persons identified as being required to register. Failure to provide offenders with Form DCI-144 does not relieve offenders of their duty to register with the Iowa sex offender registry.

83.3(2) *Registration.*

a. Form DCI-145 or Form DCI-144R, Sex Offender Registration, shall be completed, as required by Iowa Code section 692A.104, on behalf of each offender and submitted, in printed or electronic form, to the sheriff of each county in which the offender will be residing, employed, or attending classes and to the division of criminal investigation, in order to satisfy the registration requirements of the Iowa sex offender registry. This form shall also be completed on behalf of each offender and submitted to the sheriff of any county in which the offender will be a student, be employed, or be engaged in a vocation on a full-time or part-time basis, in order to satisfy the registration requirements.

b. Form DCI-145, or information stored by the division of criminal investigation, shall be used to report changes of residence, telephone number, name of registrant, or change in status as a student, employee, or practicing a vocation at an institution of higher education. A completed copy of Form DCI-145 shall be submitted by the registrant to the sheriff of any county of residence each time the registrant's relevant information changes. A completed copy of Form DCI-145 shall be submitted by the registrant to the sheriff of the county in which the registrant is a student, an employee, or practicing a vocation on a full-time or part-time basis at an institution of higher education within five days of the registrant's becoming a student, an employee, or engaged in a vocation at the institution of higher education. The original of each completed Form DCI-145 shall be forwarded to the division of criminal investigation by the registering agency within three days of receiving the completed form.

(1) If any place of residence of a registrant changes from one county to another, the registrant shall submit copies, in printed or electronic form, of completed Form DCI-145 reporting the change of residence to the sheriff of the prior county of residence and the sheriff of the new county of residence. The sheriff of the new county of residence shall be responsible for transmitting a copy of completed Form DCI-145 to the Iowa sex offender registry.

(2) When the department receives notification that a registrant has changed residence to a location outside of Iowa, the department shall notify the registering state agency in the registrant's new state of residence of the registrant's name, new address, and telephone number. Upon notification of the appropriate

out-of-state agency, the department shall remove the registrant from the active registry, unless the registrant continues to maintain a residence or place of employment in Iowa or attends school in Iowa. The registrant shall not be required to submit periodic verifications of address while not on the active registry. The department shall maintain the registrant's file in the event the registrant establishes a residence in Iowa or becomes a student, an employee, or practices a vocation at an institution of higher education in Iowa in the future. The department may also maintain the file for any other purpose.

c. Upon any submission of Form DCI-145, the form shall be accompanied by current photographs and fingerprints of the offender.

d. A list of all registrants within a county may be provided by the division of criminal investigation to the county sheriff.

83.3(3) *Periodic verification.* A registrant shall appear personally in the office of the sheriff of the county or counties of principal residence periodically as required by Iowa Code section 692A.108 to verify relevant information. A tier I offender shall appear annually, or more frequently if required by the sheriff; a tier II offender shall appear every six months, or more frequently if required by the sheriff; and a tier III offender shall appear every three months, or more frequently if required by the sheriff. Form DCI-146R, Periodic Verification Notification Form, shall be mailed by the division of criminal investigation to each registrant at the last address known to the registry at least 30 days prior to each required appearance. The registrant shall appear between the first and last day of the verification month. Form DCI-146R shall clearly state that it is to be returned to the division of criminal investigation if the addressee no longer resides at the address indicated and that Iowa law prohibits its being forwarded.

a. Each registrant shall report to the sheriff of the county of principal residence of the registrant. The sheriff shall take a current photograph of the registrant and shall submit the photograph to the registry.

b. The sheriff of any county of residence of a registrant may, at any time, instruct the registrant to report to the sheriff's office for the purpose of the taking of a current photograph. Such instructions shall be mailed to the registrant at the registrant's current address of registration. The registrant shall report to the sheriff's office within ten days of receiving such instructions. The sheriff shall submit the current photograph of the registrant to the registry.

83.3(4) *Updating relevant information not requiring personal appearance.* Any change in any item of relevant information other than changes of address, places of attendance as a student, or places of employment shall be communicated to the sheriff of the county of the registrant's principal residence in person, by telephone, or electronically, within five days of the change occurring. Any such change shall not be deemed to be completed until the registrant has received acknowledgment from the office receiving the change in printed or electronic form.

83.3(5) *Application for determination.* Form DCI-148, Application for Determination, shall be completed by a person to initiate a request that the department review whether one or more offenses of which the person has been convicted require registration with the Iowa sex offender registry, whether the time period during which the person is required to register has expired, whether the person is exempt from the placement of information on the sex offender registry website, and the tier placement of the offender. A person who submits a completed copy of Form DCI-148 for review shall provide with it copies of any sentencing or adjudicatory orders related to each offense for which a determination of whether registration is required is being requested. The completed application (Form DCI-148) shall specify the exact grounds for the application and shall include a statement of any additional facts or law which the person intends to present to the department in support of the application. Failure to submit any of the required information shall constitute grounds for denial of the application. If the application sets forth an issue of fact which cannot be evaluated based upon the record of convictions, sentencing and adjudicatory orders, relevant statutory provisions, and other records provided, and is material to the determination, the commissioner may refer the matter to an administrative law judge or presiding officer for a contested case hearing.

NOTE: Filing an application for determination does not excuse a person from having to comply with any of the applicable provisions of Iowa Code chapter 692A during the period prior to the issuance of the decision of determination.

83.3(6) *Decision of determination.*

a. Form DCI-149, Decision of Determination, shall be used by the division of criminal investigation to notify a person who has submitted an application for determination (Form DCI-148) of the results of that review. A completed Form DCI-149 shall be mailed to any person who has filed a completed Form DCI-148 within 90 days of the receipt by the division of criminal investigation of the completed Form DCI-148 and all required supporting documents. A decision of determination shall be signed by the commissioner and shall constitute final agency action for the purposes of Iowa Code chapter 17A.

b. If an administrative law judge or presiding officer has been assigned to hold a hearing regarding an application for determination, the administrative law judge or presiding officer shall prepare a proposed decision of determination. The proposed decision of determination shall be reviewed by the commissioner who may uphold or modify the proposed decision of determination and shall then sign a final decision of determination. The final decision of determination shall constitute final agency action for the purposes of Iowa Code chapter 17A.

83.3(7) *Request for information.* Requests for information about whether a specific individual is registered shall be made to a county sheriff or local police department and may be made in person, by telephone, or in writing.

83.3(8) *Confidential records.* Completed forms filled out pursuant to rules 661—83.1(692A) through 661—83.5(692A) are confidential records that shall not be released to the public.

83.3(9) *Fees.* Each registrant shall pay a fee of $25 to the sheriff of the county in which the registrant maintains a principal residence upon establishment of the principal residence and annually thereafter. If the registrant maintains more than one principal residence simultaneously, the fee shall be paid only to the sheriff of the county in which the registrant first registered on or after July 1, 2009, and continues to register.

[**ARC 7974B**, IAB 7/29/09, effective 7/1/09; **ARC 5715C**, IAB 6/16/21, effective 7/21/21]

661—83.4(692A) Availability of records.

83.4(1) *Release of information to criminal or juvenile justice agencies.* The department may, without restriction, release information regarding any registrant to any criminal or juvenile justice agency, an agency of the state of Iowa, any sex offender registry of another state, or the federal government.

83.4(2) *Sex offender registry website.* The department shall place information regarding each registrant on the registry website (www.iowasexoffender.gov), except that information regarding any registrant for whom the sole basis of registration is a conviction or convictions for a violation or violations of Iowa Code section 709.4(1)*"b"*(3)(d), and whose offense was committed when the offender was under 20 years of age, shall not be placed on the website. Information regarding a registrant placed on the sex offender registry website may include any relevant information allowed under Iowa Code section 692A.121.

83.4(3) *Release of information by a criminal or juvenile justice agency.* A criminal or juvenile justice agency may provide relevant information from the sex offender registry to the following:

a. A criminal or juvenile justice agency, an agency of the state, any sex offender registry of another state, or the federal government.

b. The general public, including public and private agencies, organizations, public places, child care facilities, religious and youth organizations, neighbors, neighborhood associations, community meetings, and employers. Registry information may be distributed to the public through printed materials, visual or audio press releases, radio communications, or a criminal or juvenile justice agency's website.

c. The administrative office of a school district in which the person required to register resides and any private school near the person's residence.

83.4(4) *List of registrants in county.* Any county sheriff shall provide access to the list of all registrants within the county in which the sheriff has jurisdiction to any person who requests such a list; however, records of persons protected under 18 U.S.C. Section 3521 shall not be disclosed.

83.4(5) *Release of information in response to individual request.* A sheriff or police department that receives a request for information about whether a specific individual is registered or not shall inquire of the division of criminal investigation via the Iowa on-line warrants and articles (IOWA) system or the sex offender registry application (SORA) as to whether the person about whom information was requested is registered with the Iowa sex offender registry. If the division of criminal investigation notifies the sheriff or

police department that the person about whom inquiry is made is not on the registry, the sheriff or police department shall so notify the person who submitted the request. If the division of criminal investigation notifies the sheriff or police department that the person about whom inquiry was made is a registrant with the Iowa sex offender registry, the sheriff or police department shall notify the person making the inquiry that the person about whom the inquiry was made is a registrant and may provide the requester with the relevant information allowed under Iowa Code section 692A.121 regarding the registrant.

83.4(6) *Submission of information to the National Sex Offender Registry.* The division shall submit sex offender registry data as required to the National Sex Offender Registry of the Federal Bureau of Investigation.

83.4(7) *Single contact repository.* The division shall perform a search of the sex offender registry for information about an individual, based on a request submitted through the single contact repository established pursuant to Iowa Code section 135C.33. The information provided from the registry shall be limited to whether the identified person is registered.

83.4(8) *No identification of victims.* Any release of information regarding any registrant, other than to criminal or juvenile justice agencies, shall not identify any victim of the registrant.

[**ARC 5715C**, IAB 6/16/21, effective 7/21/21]

661—83.5(692A) Expungement of records.

83.5(1) *Expungement upon reversal of conviction.* Upon receipt of a certified copy of a court order reversing a conviction which forms the basis for a registrant's being required to register, the division of criminal investigation shall expunge the registration, provided that the registrant has been convicted of no other offense requiring registration.

83.5(2) *Expungement upon expiration of registration period.* The division of criminal investigation shall expunge a registrant's registration upon expiration of the period during which the registrant is required to register, provided that the registrant has not subsequently been convicted of an offense that would require registration.

These rules are intended to implement Iowa Code chapter 692A.

[Filed 1/26/05, Notice 9/29/04—published 2/16/05, effective 4/1/05]
[Filed emergency 6/28/05—published 7/20/05, effective 7/1/05]
[Filed 11/3/05, Notice 7/20/05—published 11/23/05, effective 1/1/06]
[Filed Emergency ARC 7974B, IAB 7/29/09, effective 7/1/09]
[Filed ARC 5715C (Notice ARC 5586C, IAB 4/21/21), IAB 6/16/21, effective 7/21/21]

CHAPTERS 84 to 86
Reserved

CHAPTER 87
WIRELESS COMMUNICATIONS SERVICE PROVIDER DATABASE

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/26/31

661—87.1(34A) Wireless communications service provider database established. The wireless communications service provider database is established in the department of public safety pursuant to and to effectuate Iowa Code section 34A.16.
[**ARC 0454D**, IAB 7/22/26, effective 8/26/26]

661—87.2(34A) Administration of database. The database is administered by the division of intelligence within the department. The information in the database shall only be available to law enforcement agencies and public safety answering points (PSAPs) and only as authorized in Iowa Code section 34A.16 and these rules.
[**ARC 0454D**, IAB 7/22/26, effective 8/26/26]

661—87.3(34A) Confidentiality. All information and records in the wireless communications service provider database maintained by the department and all inquiries and results of inquiries to the service providers are confidential records pursuant to Iowa Code section 22.7(5) and chapter 692 and any other applicable federal or state laws or rules.
[**ARC 0454D**, IAB 7/22/26, effective 8/26/26]

661—87.4(34A) Database requirements.

87.4(1) The information provided by a wireless communications service provider includes:

a. Company name of the provider;

b. Physical address;

c. Mailing address;

d. Name of the point of contact for the provider;

e. Phone number and alternate phone number for the point of contact, which will be answered 24 hours a day, seven days a week, by a person or persons who can promptly provide the location information of the cell phone or other wireless communications device upon the request of the department or other law enforcement agency or PSAP;

f. Fax number; and

g. Email address.

87.4(2) Each wireless communications service provider shall immediately provide the department with any updates or changes to the information required in subrule 87.4(1). On or before June 15 of each year, each wireless communications service provider shall confirm to the department the provider's information for the database.

87.4(3) The information required in subrule 87.4(1) may be submitted to the department by at least one of the following:

a. Email: intinfo@dps.state.ia.us.

b. Fax: 515.725.6320, Attn: Division of Intelligence, Subject: Wireless Communications Provider contact information.

c. U.S. mail: Iowa Department of Public Safety, Division of Intelligence, Oran Pape Building, 215 East 7th Street, Des Moines, Iowa 50319-0049.
[**ARC 0454D**, IAB 7/22/26, effective 8/26/26]

661—87.5(34A) Procedures to request provider information. Upon a determination by a law enforcement agency or PSAP that emergency location information for a subscriber's cell phone or other wireless communications device is required, the law enforcement agency or PSAP may contact the interoperability communications bureau to request the contact information for the wireless communications systems provider.
[**ARC 0454D**, IAB 7/22/26, effective 8/26/26]

These rules are intended to implement Iowa Code section 34A.16.

[Filed ARC 2335C (Notice ARC 2170C, IAB 9/30/15), IAB 1/6/16, effective 2/10/16]
[Filed ARC 0454D (Notice ARC 0295D, IAB 5/13/26), IAB 7/22/26, effective 8/26/26]

CHAPTER 88
NOTIFICATION OF LAW ENFORCEMENT AGENCY BY HOSPITAL PRIOR TO DISCHARGE OF A PERSON WITH SERIOUS MENTAL IMPAIRMENT

Rescinded **ARC 0024D**, IAB 1/21/26, effective 2/25/26

CHAPTER 89
MISSING PERSONS
[Prior to 11/22/06, see 661—Ch 19]

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

661—89.1 to **89.99** Reserved.

DIVISION I
MISSING PERSON INFORMATION CLEARINGHOUSE

661—89.100(694) Missing person information clearinghouse. The missing person information clearinghouse is established in the division of criminal investigation. The clearinghouse provides a program for compiling, coordinating, and disseminating information, in order to locate missing persons through public awareness and cooperation, and to educate law enforcement officers and the general public about the issues related to missing persons.

661—89.101(694) Administration of missing person information clearinghouse. The division of criminal investigation administers the missing person information clearinghouse, and all questions, comments, or requests for, or submission of, information should be directed to the clearinghouse at the division of criminal investigation. Inquiries by mail should be addressed to: Missing Person Information Clearinghouse, Division of Criminal Investigation, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319. Inquiries by electronic mail should be addressed to mpicinfo@dps.state.ia.us.
[Editorial change: IAC Supplement 6/17/09]

661—89.102(694) Definitions. The following definitions apply to rules 661—89.100(694) through 661—89.107(694).

"Approved" means having met the criteria set forth by the department of public safety.

"Clearinghouse" means the missing person information clearinghouse in the division of criminal investigation, Iowa department of public safety.

"Commissioner" means the commissioner of the Iowa department of public safety or the commissioner's authorized designee.

"Department" means the Iowa department of public safety.

"Missing person" means an individual having temporary or permanent residence in Iowa, or who is believed to be in Iowa, whose location has not been determined, who has been reported as missing to a law enforcement agency, and who:

1. Is physically or mentally disabled.
2. Is missing under circumstances indicating that the missing person may be in danger.
3. Is missing under circumstances indicating that the missing person's disappearance was not voluntary.
4. Is under the age of 21.

"Missing person report" means a report filed by a law enforcement agency or a private individual with the clearinghouse on a missing person report form.

"Missing person report form" means a form designated by the department of public safety for use by private citizens and law enforcement agencies to report missing person information to the missing person information clearinghouse. Law enforcement agencies may use forms other than the form designated by the department of public safety to submit missing person information to the clearinghouse, provided that all of the information requested on the designated form is provided.

"Prevention and education materials" means those materials that are designed to aid in the prevention of child abduction and to address risks of the exploitation of missing children and that are used in conjunction with a prevention and education program.

"Prevention and education programs" means those programs which have as their primary purpose the prevention of child abduction and of the exploitation of missing children.

"Programs and materials registry" or *"registry"* means a list of prevention and education materials and programs approved by the department.

661—89.103(694) Program information.

89.103(1) A toll-free telephone line (1-800-346-5507) is available 24 hours a day, seven days a week, to collect and disseminate information concerning missing persons in Iowa.

89.103(2) Current information on Iowa missing persons, including photographs when available, is available on the website of the clearinghouse.

89.103(3) After filing a complaint of a missing person with a law enforcement agency, the person filing the complaint may submit information to the clearinghouse on a missing person report form, which may be obtained from the clearinghouse or any law enforcement agency.

89.103(4) After a missing person complaint has been filed with a law enforcement agency, any person may submit information on a missing person report form to the clearinghouse.

661—89.104(694) Prevention and education programs and materials.

89.104(1) The clearinghouse shall maintain a registry of approved prevention and education programs and materials regarding missing and runaway children.

89.104(2) Any person or group wishing to submit prevention and education programs and materials for approval and inclusion in the registry may contact the clearinghouse in order to request information on submitting prevention and education programs and materials for approval.

89.104(3) The clearinghouse shall consider prevention and education programs and materials submitted for approval only upon receipt by the clearinghouse of all specified materials. The person or group submitting prevention and education programs or materials to the clearinghouse shall be notified of approval or rejection of the programs or materials on the registry. No prevention and education programs or materials shall be represented as having been approved by the clearinghouse or the department unless they have been approved and placed on the registry.

89.104(4) The following criteria shall govern approval of education and prevention materials and programs by the department:

a. A prevention or education program must contain all elements deemed necessary to adequately cover the subject matter.

b. Prevention and education programs and materials shall not contain any elements determined to be offensive or pornographic or which sensationalize the problem of missing persons.

c. Prevention and education programs and materials shall meet standards established by the department.

d. Prevention and education programs and materials which have been approved by the National Center for Missing and Exploited Children are deemed to be approved by the department.

89.104(5) Modifications to approved programs or materials shall be submitted to the clearinghouse for review and approval and shall not be represented as approved by the clearinghouse until such approval has been received.

89.104(6) Prevention or education programs or materials may be rejected for inclusion in the registry of approved prevention and education programs and materials if it is determined that materials utilized or content of the program is other than that which was submitted to the clearinghouse for approval, or if it is determined, based on current knowledge, that information provided in prevention and education programs and materials that have been approved previously is outdated or misleading.

89.104(7) Prevention or education programs or materials for which approval has been withdrawn by the clearinghouse shall be removed from the registry. The person or group that submitted the withdrawn program or material for consideration and approval shall be notified, if practicable.

89.104(8) If prevention or education programs or materials submitted to the clearinghouse are rejected for inclusion in the registry, or if the programs or materials previously approved are removed from the registry, the person or group that submitted the programs or materials to the clearinghouse may appeal the rejection or removal to the commissioner within 30 days of the date on which the clearinghouse

notified the person or group of the rejection or withdrawal. A proceeding arising from this rule shall be a contested case and shall be subject to rules 661—10.301(17A) through 661—10.332(17A).

89.104(9) Any individual or group may contact the clearinghouse regarding prevention and education programs and materials to ascertain if a specific program or material is on the registry.

89.104(10) Any individual may file a complaint with the clearinghouse regarding prevention and education programs and materials on the registry. Complaints shall be directed to the clearinghouse in writing.

661—89.105(694) Release of information. Prevention and education materials and program information filed with the clearinghouse for review are open records. Information received by the department that pertains to a missing person, other than criminal investigative data, shall be open records unless deemed confidential pursuant to Iowa Code chapter 22, 692 or 694, or other provision of law.

661—89.106(694) Dissemination.

89.106(1) The clearinghouse shall distribute missing person information that contains the names, photographs, descriptions, and information related to the events surrounding the disappearance of missing persons through publication on the Missing Person Information Clearinghouse website. The law enforcement agency or person to contact if a missing person is located and the names of all located missing persons will be included in the information shown on the website.

NOTE: The website of the missing person information clearinghouse is www.iowaonline.state.ia.us/mpic.

89.106(2) Each week the clearinghouse shall produce, update, and publish public service announcements on the clearinghouse website. A media outlet may request to receive the weekly public service announcement by electronic mail by subscribing to the electronic mail notification service available through the department website.

661—89.107(694) Training. The department shall develop training programs for law enforcement personnel and the general public.

89.107(1) Training for local law enforcement personnel shall include missing person reporting and legal procedures, tracking of missing persons, unidentified bodies, and criteria and procedures for AMBER alerts.

89.107(2) Training for the general public shall include information to assist in the prevention of child exploitation and kidnapping.

These rules are intended to implement Iowa Code section 694.10.

661—89.108 to **89.199** Reserved.

DIVISION II
AMBER ALERT PROGRAM

661—89.200(694) AMBER alert program. The AMBER alert program is a cooperative effort of the department of public safety, the department of transportation, the lottery authority, the Iowa association of broadcasters, the Iowa state association of sheriffs and deputies, local law enforcement agencies, and the national weather service.

661—89.201(694) Criteria. An AMBER alert shall be issued by Iowa state patrol communications upon receipt of a request from a law enforcement agency, provided that the following criteria for issuance of an AMBER alert are met:

1. Law enforcement has confirmed that a person has been abducted, and an entry has been made into the Iowa On-line Articles and Warrants (I.O.W.A.) System identifying the person as missing.
2. The person who has been abducted is under the age of 18.

3. Law enforcement believes the circumstances surrounding the abduction indicate that the child is in danger of serious bodily injury or death.

4. There is enough descriptive information about the child, abductor, or suspect's vehicle to believe that an immediate broadcast alert will help.

The criteria should be interpreted broadly so as to protect the safety of the abducted child and to maintain the integrity of the AMBER alert program and criteria.

661—89.202(694) Activation procedures.

89.202(1) An Iowa AMBER alert shall be issued by Iowa state patrol communications upon receipt of a request from a participating law enforcement agency, provided that the criteria established in rule 661—89.201(694) are met.

89.202(2) In order to initiate an Iowa AMBER alert, a law enforcement agency shall submit by facsimile transmission a completed copy of the "State of Iowa AMBER Alert Notification Plan Facsimile Transmission Packet" to the Des Moines station of Iowa state patrol communications. If transmission to the Des Moines station is not feasible, transmission may be made to the Cedar Rapids station of Iowa state patrol communications.

89.202(3) Upon receipt by Iowa state patrol communications of a completed facsimile transmission packet and if the AMBER alert criteria established in rule 661—89.201(694) are met, an AMBER alert shall be transmitted via the Emergency Alert System (EAS) to Iowa broadcasters.

89.202(4) After initiation of an AMBER alert, additional information may be submitted by the participating law enforcement agency by facsimile transmission, electronic mail, or telephone.

89.202(5) After initiation of an AMBER alert, available information shall be posted on the Iowa AMBER alert website.

NOTE: The website of the Iowa AMBER alert program is at www.iowaamberalert.org.

89.202(6) The communications officer of the Iowa state patrol may direct the issuance of an Iowa AMBER alert, upon receiving a request to do so from another state in which an AMBER alert has been issued, provided that there is evidence that the abductor may be traveling with the abducted child to or through Iowa.

89.202(7) An Iowa AMBER alert shall terminate if the child who was abducted is located or if five hours have elapsed since the initiation of the alert. An alert may be renewed.

89.202(8) If an Iowa AMBER alert is requested and if the circumstances indicate that a person is missing, the information shall be transmitted promptly to the Iowa missing person information clearinghouse.

661—89.203(694) Alternative alert if criteria are not satisfied. If an AMBER alert has been requested and the criteria established in rule 661—89.201(694) are not satisfied, the department may issue a missing person alert or a missing child alert.

These rules are intended to implement Iowa Code chapter 694.

661—89.204 to **89.299** Reserved

DIVISION III
BLUE ALERT PROGRAM

661—89.300(80H) Blue alert program. This chapter implements the Iowa blue alert program as a cooperative effort between the department and local law enforcement agencies to aid in the search for a suspect of a crime involving the death or serious injury of a peace officer in the line of duty or a peace officer who is missing while in the line of duty under circumstances warranting concern for the peace officer's safety.

[**ARC 5591C**, IAB 4/21/21, effective 5/26/21]

661—89.301(80H) Definitions. The definitions in Iowa Code section 80H.1 are adopted and incorporated herein. In addition:

"In the line of duty" or *"on duty"* means the peace officer is working within the scope of a peace officer, or there is evidence the death or serious injury of the peace officer or the fact the peace officer is missing is related to the peace officer's actions within the scope of a law enforcement officer.

"Serious injury" means any of the following:

1. Disabling mental illness;
2. Bodily injury which does any of the following:

- Creates a substantial risk of death;
- Causes serious permanent disfigurement; or
- Causes protracted loss or impairment of the function of any bodily member or organ.

[**ARC 5591C**, IAB 4/21/21, effective 5/26/21]

661—89.302(80H) Criteria for alert for officer injury or death. A blue alert shall be issued by Iowa state patrol communications upon receipt of a request from a law enforcement agency, provided that the following criteria for issuance of a blue alert are met:

1. A peace officer has suffered death or serious injury in the line of duty;
2. A law enforcement agency believes that the suspect has not been apprehended;
3. A law enforcement agency believes that the suspect may be a serious threat to the public;
4. Sufficient descriptive information is available to disseminate to the public that could assist in locating the suspect.

[**ARC 5591C**, IAB 4/21/21, effective 5/26/21]

661—89.303(80H) Criteria for alert for missing officer. A blue alert shall be issued by department communications upon receipt of a request from a law enforcement agency, provided that the following criteria for issuance of a blue alert are met:

1. A peace officer is missing while in the line of duty under circumstances warranting concern for the peace officer's safety;
2. Sufficient descriptive information is available to disseminate to the public that could assist in locating the missing peace officer.

[**ARC 5591C**, IAB 4/21/21, effective 5/26/21]

661—89.304(80H) Alternative alert if criteria are not satisfied. If a blue alert has been requested and the criteria established in rules 661—89.302(80H) and 661—89.303(80H) are not satisfied, the department may broadcast identifying information of the suspect, issue a missing person alert, or both.

[**ARC 5591C**, IAB 4/21/21, effective 5/26/21]

661—89.305(80H) Activation procedures.

89.305(1) An Iowa blue alert shall be issued by department communications upon receipt of a request from a participating law enforcement agency, provided the criteria established in rules 661—89.302(80H) and 661—89.303(80H) are met.

89.305(2) In order to initiate an Iowa blue alert, a law enforcement agency shall submit by facsimile transmission a completed copy of the "State of Iowa Blue Alert Notification Plan Facsimile Transmission Packet" to the Des Moines station of department communications. If transmission to the Des Moines station is not feasible, transmission may be made to the Cedar Rapids department communications.

89.305(3) Upon establishment of the blue alert criteria established in Iowa Code section 80H.3 and rules 661—89.302(80H) and 661—89.303(80H), the department shall transmit a blue alert through the emergency alert system to Iowa broadcasters.

89.305(4) Upon the transmission of a blue alert, the department shall post the alert on its website, accessible by the public.

NOTE: The website of the department is dps.iowa.gov.

89.305(5) After an initial blue alert transmission, additional information may be submitted by the participating law enforcement agency by facsimile transmission, electronic mail, or telephonic means.

89.305(6) The bureau chief of the department communications bureau may direct the transmission of an Iowa blue alert upon request from another state, provided that there is evidence the suspect may be present in Iowa.

89.305(7) The blue alert transmission may be directed to a specific geographic location within the state if the department communications bureau determines that the nature of the event makes it probable that the suspect or peace officer did not leave a certain geographic location of the state.

[**ARC 5591C**, IAB 4/21/21, effective 5/26/21]

661—89.306(80H) Information made public. The department communications bureau shall not release any information about the identity of a peace officer in a case involving the death or serious injury of the peace officer who is the subject of a blue alert.

If a blue alert is issued because a peace officer is missing while on duty, the department communications bureau shall defer to the investigating law enforcement agency about the nature and limits of the officer information to be made public.

[**ARC 5591C**, IAB 4/21/21, effective 5/26/21]

661—89.307(80H) Termination procedures.

89.307(1) A blue alert shall terminate if any of the following occur:

a. The suspect or peace officer is located;

b. The department determines that the blue alert is no longer an effective tool for locating the suspect or peace officer;

c. Five hours have elapsed since the transmission of the blue alert unless otherwise renewed.

89.307(2) Law enforcement agencies shall notify the department immediately upon taking a suspect into custody or upon locating the missing peace officer.

[**ARC 5591C**, IAB 4/21/21, effective 5/26/21]

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

[Filed emergency 6/28/85—published 7/17/85, effective 7/1/85]
[Filed 1/10/86, Notice 7/17/85—published 1/29/86, effective 3/6/86]
[Filed 4/1/88, Notice 9/23/87—published 4/20/88, effective 5/25/88]
[Filed 4/13/90, Notice 12/13/89—published 5/2/90, effective 6/10/90]
[Filed 11/2/06, Notice 9/27/06—published 11/22/06, effective 1/1/07]
[Editorial change: IAC Supplement 6/17/09]
[Filed ARC 5591C (Notice ARC 5440C, IAB 2/24/21), IAB 4/21/21, effective 5/26/21]

CHAPTER 90
Reserved

CHAPTER 91
WEAPONS AND IOWA PROFESSIONAL PERMITS TO CARRY WEAPONS
[Prior to 5/9/07, see rules 661—4.1(724) to 661—4.12(17A,724)]

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

661—91.1(724) Definitions. The following definitions apply to rules in this chapter:

"Addicted to the use of alcohol" means physiological or psychological dependence on the continued use of alcohol, or a maladaptive pattern of alcohol use leading to significant occupational, educational, familial, social, legal, or health-related problems.

Alcohol addiction does not mean nonpathological alcohol use, such as social drinking or occasional or periodic intoxication not accompanied by disruption in social and family relationships, vocational or financial difficulties, or legal problems. Alcohol addiction also does not mean alcohol dependence with sustained full remission, as evidenced by a period of at least 12 months without instances or indicators of alcohol dependence or alcohol abuse. One or more instances of alcohol intoxication alone shall not constitute alcohol addiction, unless accompanied by alcohol dependence or a maladaptive pattern of alcohol use leading to significant occupational, educational, familial, social, legal, or health-related problems.

Any of the following shall create a presumption that a person is addicted to the use of alcohol:

1. Affirmation by the person that the person is addicted to the use of alcohol and has not achieved sustained full remission;
2. Treatment for alcohol dependence, abuse, or addiction within the last 12 months, not including follow-up treatment or attendance at support groups during a period of sustained full remission;
3. A diagnosis of alcohol dependence or alcohol abuse from a properly licensed medical or psychological professional in the past 12 months;
4. Two or more arrests, at least one of which resulted in a conviction, for unlawful use or possession of alcohol or other criminal act committed while under the influence of alcohol in the past 12 months;
5. Three or more arrests, at least one of which resulted in a conviction, for unlawful use or possession of alcohol or other criminal act committed while under the influence of alcohol in the past five years if the most recent arrest occurred in the past 12 months;
6. Disciplinary action taken by any employer or organization for prohibited use or possession of alcohol in the past 12 months;
7. Failure to successfully complete alcohol rehabilitation or treatment in the past 12 months;
8. One or more instances of founded child or dependent adult abuse related to alcohol use in the past five years;
9. A test of the person's breath, blood, urine, or other bodily fluid which indicates that the person has engaged in unlawful acts involving alcohol, provided that the test was administered within the past 12 months; or
10. Documented reports or information from at least two credible sources that evidence a pattern of conduct indicating that the person is currently addicted to the use of alcohol as defined herein.

"Adjudicated as a mental defective" means a determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease:

1. Is a danger to the person's self or to others; or
2. Lacks the mental capacity to contract or manage the person's own affairs.

The term shall include:

- A finding of insanity by a court in a criminal case; and
- Those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility.

"Annual" means once per calendar year.

"Applicant" means a person who is applying for a permit to carry weapons.

"Approved educator professional permit training" means any training that has satisfied the requirements to provide educational-setting training in Iowa for the purpose of obtaining an Iowa educator professional permit and has been approved by the commissioner.

"Approved training organization" means any firearm training organization that has satisfied the requirements to certify handgun safety training instructors eligible to offer handgun safety training in Iowa for the purpose of obtaining an Iowa permit to carry weapons and has been approved by the commissioner.

"Background check" means an inquiry through the IOWA system to NICS, the IOWA and the National Crime Information Center (NCIC) systems person files and the driver's license file of the applicant as well as other available sources of information to be used to determine eligibility.

"Commissioner" means the commissioner of the Iowa department of public safety or, as applicable, the commissioner's designee.

"Committed to a mental institution" means a formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes a commitment to a mental institution involuntarily either as an inpatient or outpatient. The term includes commitment for mental defectiveness or mental illness. It also includes commitments for other reasons, such as for drug or alcohol abuse. The term does not include admission to a mental institution for observation or a voluntary admission to a mental institution.

"Crime punishable by imprisonment for a term exceeding one year" means any federal or state offense for which the maximum penalty, whether or not imposed, is capital punishment or imprisonment in excess of one year. The term shall not include any federal or state offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices or any state offense classified by the laws of the state as a misdemeanor and punishable by a term of imprisonment of two years or less. What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction unless such pardon, expunction, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms, or unless the person is prohibited by the law of the jurisdiction in which the proceedings were held from receiving or possessing any firearms.

"Educator professional permit" means a permit issued to a school employee pursuant to Iowa Code section 724.6(1)*"a"*(3) as enacted by 2024 Iowa Acts, House File 2586, and as amended by 2024 Iowa Acts, House File 2652, to allow for the concealed carry of a firearm. The permit holder's employer maintains the final authority to determine whether the permit holder may carry a firearm on the employer's grounds. Such a permit is only valid while the permit holder is engaged in the employment stated on the permit.

"Felony" means any crime punishable by imprisonment for a term exceeding one year as defined in this rule or any crime involving a firearm or explosive that is punishable by imprisonment for a term exceeding one year and is classified as a misdemeanor under the laws of this state.

"Firearm training documentation for professional permit" means a photocopy of a certificate of completion or any similar document indicating completion of any firearm training program course; an affidavit from the instructor, school, organization or group that conducted or taught a firearm training program; a copy of or the display of an honorable discharge or general discharge under honorable conditions or Form DD-214 for personnel released or retired from active duty with the armed forces of the United States; or possession of a certificate of completion of basic training with a service record of successful completion of small arms training and qualification for active duty personnel in the armed forces of the United States.

"Firearm training program" means any National Rifle Association handgun safety training course; any handgun safety training course available to the general public utilizing instructors certified by the National Rifle Association, an organization approved by the Iowa department of public safety pursuant to Iowa Code section 724.9A or the Iowa law enforcement academy or another state's department of public safety, state police department, or similar certifying body; any handgun safety training course offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement or

security enforcement agency approved by the Iowa department of public safety; or completion of small arms training while serving with the armed forces of the United States. Any person or entity seeking approval by the Iowa department of public safety for a handgun safety training course offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement or security enforcement agency, other than those certified by the National Rifle Association, the Iowa department of public safety, or the Iowa law enforcement academy or courses conducted by instructors certified by the National Rifle Association or the Iowa law enforcement academy, shall submit a detailed description of the course content to the commissioner for review. Any handgun safety training course submitted for review shall be reviewed by the commissioner.

"Identification documentation for an Iowa resident" means any of the following:

1. A driver's license or nonoperator identification card that contains a photograph of the person and that has been issued by the Iowa department of transportation; or

2. A motor vehicle license or nonoperator identification card that contains a photograph of the person and that has been issued by a state other than Iowa and at least one current document indicating Iowa residency, including a residential lease agreement, utility bill, voter registration, tuition receipt for a college or university in Iowa, or other documentation that is acceptable to the officer issuing the permit and that indicates the intent of the person's presence in Iowa is something other than merely transitory in nature; or

3. A document which contains the name, place of residence, date of birth and photograph of the holder issued by or under the authority of the United States, a state or a political subdivision of a state and which is of a type intended or commonly accepted for the purpose of identification of individuals and at least one current document indicating Iowa residency, including a residential lease agreement, utility bill, voter registration, tuition receipt for a college or university in Iowa, or other documentation that is acceptable to the officer issuing the permit and that indicates the intent of the person's presence in Iowa is something other than merely transitory in nature; or

4. A motor vehicle license or nonoperator identification card that contains a photograph of the person and that has been issued by a state other than Iowa and a document indicating that the person is a member of the United States armed forces on active duty and whose permanent duty station is located in Iowa; or

5. A driver's license or nonoperator identification card that contains a photograph of the person and that has been issued by the Iowa department of transportation and an immigration document containing the alien registration number (ARN) of a permanent resident alien or nonimmigrant alien and documentation indicating that the person has resided in the state for at least 90 consecutive days prior to the person's making application. A nonimmigrant alien shall also be required to display a valid hunting license issued in any state, meet the requirements of an exception pursuant to 18 U.S.C. § 922(y)(2), or display a waiver granted by the United States Attorney General.

"Identification documentation for a nonresident" means a motor vehicle license or nonoperator identification card which has been issued by a state other than Iowa and which contains a photograph of the person to whom it was issued.

"Initial familiarization firearm and course of fire training" means a training course of fire with a handgun, which is intended to familiarize, exercise, and improve a person's judgment, reaction, and firearms proficiency under stress when various conditions are present. A variety of scenarios and exercises may be utilized during familiarization course exercises.

"IOWA system" means the Iowa on-line warrants and articles criminal justice information system operated by the Iowa department of public safety for use by law enforcement and criminal justice agencies in the exchange of criminal history and other criminal justice information.

"Misdemeanor crime of domestic violence" means an offense that:

1. Is a misdemeanor under federal or state law; and

2. Has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

"New application" means an application for an Iowa professional permit to carry weapons or an educator professional permit that is filed when the applicant does not currently hold an Iowa permit to carry weapons or an educator professional permit or when the applicant does not file the application at least 30 days prior to the expiration of a currently held Iowa permit to carry weapons.

"NICS" means the National Instant Criminal Background Check System established by the United States Attorney General pursuant to United States Code 18 U.S.C. § 922(t).

"Professional permit to carry weapons" means a permit to carry weapons issued to a person whose employment in a private investigation business or private security business licensed under Iowa Code chapter 80A, or whose employment as a peace officer, correctional officer with the Iowa department of corrections, private security officer, bank messenger or other person transporting property of a value requiring security, or whose employment in police work reasonably justifies that person's going armed. Property of value includes large quantities of cash transported in an armored car, negotiable instruments, gems, other high-value items transported by couriers, and other high-value property that may be vulnerable. Such a permit is valid only while the permitted person is engaged in the employment stated on the permit and while the person is traveling to and from that employment. A professional permit to carry weapons does not include an educator professional permit.

"Qualification course of fire" means a specifically designated course of fire with the firearm the person will carry in the person's capacity as an educator professional permit holder that measures and documents the firearms proficiency level of the person. A pre-established qualifying score determines the proficiency that impacts the educator professional permit holder's authorization to carry the firearm in the course of the person's duties as an educator professional permit holder. The qualification course of fire standards are the standards adopted by the Iowa law enforcement academy for certified law enforcement in-service handgun qualification.

"Qualifying on a firing range for professional permits to carry weapons" means successful completion of a course of live fire on a firing range under the supervision of an instructor certified by the National Rifle Association, the Iowa law enforcement academy, or another state's department of public safety, state police department, or similar certifying body.

"Qualifying on a firing range for educator professional permits" means successful completion of an approved initial familiarization firearm and course of fire training and subsequent quarterly requirements of live fire on a firing range.

"Quarterly" means a period of three calendar months ending on March 31, June 30, September 30, or December 31.

"Renewal application" means an application for an Iowa professional permit to carry weapons filed at least 30 days prior to the expiration of a currently held permit.

"State employee" means a person whose need to go armed arises out of employment by the state of Iowa. "State employee" includes a railroad special agent as described in Iowa Code chapter 80.

"Unlawful user of or addicted to any controlled substance" means a person who uses a controlled substance and has lost the power of self-control with reference to the use of the controlled substance or any person who is a current user of a controlled substance in a manner other than as prescribed by a licensed physician. Such use is not limited to the use of drugs on a particular day, or within a matter of days or weeks before, but rather that the unlawful use has occurred recently enough to indicate that the individual is actively engaged in such conduct. A person may be an unlawful current user of a controlled substance even though the substance is not being used at the precise time the person applies for an Iowa permit to carry weapons or seeks to acquire a firearm or receives or possesses a firearm. An inference of current use may be drawn from evidence of a recent use or possession of a controlled substance or a pattern of use or possession that reasonably covers the present time, e.g., a conviction for use or possession of a controlled substance within the past year; multiple arrests for such offenses within the past five years if the most recent arrest occurred within the past year; or persons found through a drug test to use a controlled substance unlawfully, provided that the test was administered within the past year. For a current or former member of the armed forces, an inference of current use may be drawn from recent disciplinary or other administrative action based on confirmed drug use, e.g., court-martial conviction, nonjudicial punishment, or an administrative discharge based on drug use or drug rehabilitation failure.

[**ARC 9238B**, IAB 11/17/10, effective 1/1/11; **ARC 5974C**, IAB 10/20/21, effective 11/24/21; **ARC 8226C**, IAB 9/18/24, effective 10/23/24]

661—91.2(724) Forms. The following forms, the use of which is required by provisions of this chapter, are provided by the commissioner to Iowa sheriffs:

1. Form WP1. Professional Permit to Carry Weapons.
2. Form WP2. Nonprofessional Permit to Carry Weapons.
3. Form WP3. Application for Annual Permit to Acquire Pistols or Revolvers.
4. Form WP4. Annual Permit to Acquire Pistols or Revolvers.
5. Form WP5. Application for Permit to Carry Weapons.
6. Form WP6. Revocation/Cancellation of Permit to Carry/Permit to Acquire Weapons.
7. Form WP7. Certified Peace Officer Permit to Carry Weapons.
8. Form WP8. Reserve Peace Officer Permit to Carry Weapons.
9. Form WP9. Authorization for Wallet-Size Permit to Carry Weapons, to be generated by the issuing officer including the type of permit, and, at a minimum, the individual identifiers of name and date of birth. A professional permit to carry weapons shall state the nature of employment requiring the holder to go armed.
10. Form WP10. Authorization for Wallet-Size Annual Permit to Acquire Pistols or Revolvers, to be generated by the issuing officer including the type of permit, and, at a minimum, the individual identifiers of name and date of birth, the residence of the permittee, and the effective date of the permit.
11. Form WP11. Nonprofessional Permit to Carry Weapons (issued to an Iowa resident who is serving on active duty in any branch of the United States military and whose permanent duty station is located in a state other than Iowa).
12. Form WP12. Educator Professional Permit.
13. Form WP13. Application for Educator Professional Permit.
14. Form WP14. Notification of Completion of Required Quarterly Training Recruitments for Educator Professional Permit.
15. Form WP15. Application for Approval of Educator Professional Permit Curriculum.
16. Form WP16. Handgun Marksmanship Training Drills.

[**ARC 9238B**, IAB 11/17/10, effective 1/1/11; **ARC 8226C**, IAB 9/18/24, effective 10/23/24]

661—91.3(724) Federal and state prohibitions—permit to carry weapons.

91.3(1) United States Code 18 U.S.C. § 922(g) prohibits the possession of any firearm by any person:

a. Who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year; or

b. Who is a fugitive from justice; or

c. Who is an unlawful user of or addicted to any controlled substance; or

d. Who has been adjudicated as a mental defective or who has been committed to a mental institution; or

e. Who, being an alien, is illegally or unlawfully in the United States. Persons lawfully admitted to the United States as immigrant or nonimmigrant aliens must have resided in Iowa for at least 90 continuous days before becoming eligible for an Iowa permit to carry weapons. Additionally, nonimmigrant aliens must display a current valid hunting license issued in any state, meet the requirements of an exception pursuant to 18 U.S.C. § 922(y)(2), or display a waiver granted by the United States Attorney General; or

f. Who has been discharged from the armed forces under dishonorable conditions; or

g. Who, having been a citizen of the United States, has renounced the person's citizenship; or

h. Who is subject to a court order that:

(1) Was issued after a hearing for which such person received actual notice and at which such person had an opportunity to participate;

(2) Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person or from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(3) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

i. Who has been convicted in any court of a misdemeanor crime of domestic violence.

91.3(2) United States Code 18 U.S.C. § 922(n) prohibits the receiving of any firearm by any person:

a. Who is under indictment for a crime punishable by imprisonment for a term exceeding one year.

b. Reserved.

91.3(3) Iowa Code chapter 724 as amended by 2010 Iowa Acts, Senate File 2379, prohibits the issuance of an Iowa professional permit to carry weapons to any person:

a. Who is less than 18 years of age for a private security officer licensed by the Iowa department of public safety, or otherwise who is less than 21 years of age; or

b. Who is addicted to the use of alcohol; or

c. For whom probable cause exists to believe, based upon documented specific actions of the person, where at least one of the actions occurred within two years immediately preceding the date of the permit application, that the person is likely to use a weapon unlawfully or in such other manner as would endanger the person's self or others; or

d. Who has been convicted of a felony in a state or federal court, or who has been adjudicated delinquent on the basis of conduct that would constitute a felony if committed by an adult; or

e. Who is subject to a court order that:

(1) Was issued after a hearing for which such person received actual notice and at which such person had an opportunity to participate;

(2) Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person or from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(3) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

f. Who has been convicted in any court of a misdemeanor crime of domestic violence; or

g. Who has, within the previous three years, been convicted of any serious or aggravated misdemeanor defined in Iowa Code chapter 708 not involving the use of a firearm or explosive.

[**ARC 9238B**, IAB 11/17/10, effective 1/1/11 (Editorial change: IAC Supplement 3/9/11)]

661—91.4(724) Application procedures for an Iowa professional permit to carry weapons.

91.4(1) A nonresident of Iowa or a state employee who is required by employment to go armed may apply to the commissioner for a professional permit to carry weapons. The applicant shall comply with all of the following:

a. Submit a fully and accurately completed and signed application for permit to carry weapons.

b. Submit firearm training documentation for a professional permit. For a new application, training may have occurred at any time prior to the submission of the application. For a renewal application, training must have occurred within the 12-month period prior to the expiration date displayed on the applicant's current permit.

c. Submit the required fee:

(1) $50 for a new application, or

(2) $25 for a renewal application.

d. Display identification documentation as defined in rule 661—91.1(724) or provide a photocopy thereof.

91.4(2) The commissioner will return an incomplete application to the applicant.

[**ARC 9238B**, IAB 11/17/10, effective 1/1/11; **ARC 8226C**, IAB 9/18/24, effective 10/23/24]

661—91.5(724) Issuance or denial of application for permit to carry weapons.

91.5(1) Upon receipt of a completed application for a permit to carry weapons, a professional permit to carry weapons, or an educator professional permit, the commissioner shall conduct a background check to determine that issuance of a permit to the applicant is not prohibited pursuant to rule 661—91.3(724).

91.5(2) Within 30 days, the commissioner shall approve or deny an application submitted pursuant to subrule 91.4(1). The commissioner's failure to act within 30 days of receipt of a complete application shall result in an application's being deemed to have been approved.

91.5(3) A permit issued pursuant to this chapter may be delivered, at the discretion of the applicant, to the applicant by U.S. mail or may be picked up personally by the applicant or a person designated by the applicant.

91.5(4) In the event an application is denied pursuant to this chapter, the commissioner shall issue a written statement of the reasons for the denial.

91.5(5) The commissioner may conduct a background check annually on a person issued a permit to carry weapons pursuant to this chapter but such check shall not include a NICS inquiry.

[**ARC 9238B**, IAB 11/17/10, effective 1/1/11; **ARC 8226C**, IAB 9/18/24, effective 10/23/24]

661—91.6(724) Suspension or revocation of permit to carry weapons.

91.6(1) When the commissioner finds that a person who has been issued a permit to carry weapons has been arrested for a disqualifying offense or is the subject of proceedings that could lead to the person's ineligibility for such permit, the commissioner may immediately suspend the permit.

91.6(2) A permit holder shall be notified immediately of such suspension by personal service or certified mail. The suspension shall become effective upon the permit holder's receipt of such notice. If notified by personal service, the permit shall be surrendered to the person serving such notice for return to the commissioner. If notified by certified mail, the permit holder will be instructed to return the permit to the commissioner.

91.6(3) If the arrest or proceeding does not result in a disqualifying conviction or finding against the permit holder, the commissioner shall immediately reinstate the permit upon proof of the matter's final disposition and shall return the permit to the permit holder.

91.6(4) If the arrest or proceeding results in a disqualifying conviction or finding against the permit holder, the commissioner shall revoke the permit.

[**ARC 9238B**, IAB 11/17/10, effective 1/1/11]

661—91.7(724) Appeals.

91.7(1) If the commissioner denies, suspends or revokes a professional permit to carry weapons or an educator professional permit for any reason other than the federal disqualifiers in subrule 91.3(1) or 91.3(2) or the reasons in paragraph 91.3(3)*"e"* or *"f,"* the applicant or permit holder may file an appeal with an administrative law judge by filing a copy of the denial, suspension, or revocation notice with a written statement that clearly states the applicant's reasons rebutting the denial, suspension, or revocation.

91.7(2) If the commissioner denies, suspends or revokes a professional permit to carry weapons solely for one or more of the federal disqualifiers in subrule 91.3(1) or 91.3(2) or the reasons in paragraph 91.3(3)*"e"* or *"f,"* the applicant or permit holder may pursue relief of the NICS determination pursuant to Public Law 103-159.

91.7(3) The outcome of proceedings conducted pursuant to subrule 91.7(2) shall be binding on the commissioner.

[**ARC 9238B**, IAB 11/17/10, effective 1/1/11; **ARC 8226C**, IAB 9/18/24, effective 10/23/24]

661—91.8(724) Reports and remittance to the state.

91.8(1) Each sheriff shall remit to the commissioner, by the seventh working day of the month that follows the month in which one or more permits to carry a weapon were issued, information about such permits, including the permit holder's name, date of birth, NICS transaction number, type of permit issued and the portion of the fee to be remitted to the department as required by the Iowa Code. The reporting of issued permits to carry a weapon shall be in a format designated for that purpose.

91.8(2) Fees for each reporting period shall be remitted by the sheriff and shall be in the form of a check made payable to Iowa Department of Public Safety.
[**ARC 9238B**, IAB 11/17/10, effective 1/1/11]

661—91.9(724) Offensive weapons as collector's items—method of classification. An offensive weapon, other than a machine gun, shall be classified by the commissioner as a collector's item when the firearm is so defined as a curio or relic in 27 CFR 478.11 as published April 1, 2010, in the Code of Federal Regulations.
[**ARC 9238B**, IAB 11/17/10, effective 1/1/11]

661—91.10(724) Application for approved training organization for permits to carry weapons.

91.10(1) Firearm training organizations seeking approval by the Iowa department of public safety to certify individuals as handgun safety training instructors eligible to offer handgun safety training shall meet the criteria outlined in this rule, such as the years of training experience of the organization's primary point of contact or owner, and shall maintain student records, an active website URL, and the ability of the organization's instructors and primary point of contact or owner to legally possess and carry firearms. A firearm training organization seeking approval shall submit the following:

a. A certificate of existence from the Iowa secretary of state issued within 60 days of application or, if a non-Iowa corporation, a certificate of authority to do business in Iowa.

b. The course syllabi or lesson plans and the goals or objectives for instructor certification courses, which shall show that instructor candidates who successfully complete the courses possess knowledge, competence, and demonstrated proficiency in the area of handgun safety instruction and operation.

c. The course syllabi or lesson plans and the goals or objectives for general student courses, which shall demonstrate that students will receive the basic requirements for a permit to carry a weapon as established by the Iowa department of public safety. The courses shall include:

(1) Instruction in current Iowa laws related to use of deadly force, reasonable force, defense of home, and defense of property;

(2) Instruction in basic handgun safety, safe handling, safe storage, and safe cleaning; and

(3) Instruction in handgun nomenclature and the operation of pistols and revolvers.

d. A copy of the certificate to be issued by the organization to instructors who complete the program.

e. A copy of the résumé and firearm-related training credentials of the individual serving as the organization's primary point of contact or owner, which shall demonstrate a minimum of five years of cumulative experience as a firearm instructor. This experience shall include firearm instructor duties related to military service or firearm instructor certification by the National Rifle Association or by an organization approved by the Iowa department of public safety pursuant to Iowa Code section 724.9A as enacted by 2021 Iowa Acts, House File 756, section 20, or by the Iowa law enforcement academy or another state's department of public safety, state police department, or similar certifying body.

f. A written description of how the organization will maintain instructor records.

g. A written description of how the organization will maintain proficiency of instruction, including staying abreast of statutory changes that may affect what is being taught, and will ensure the instructional practices and integrity of instructors.

h. The URL of a website containing a list of certified instructors or an electronic application that allows users to search and validate instructor credentials.

i. An application processing fee of $500 (the certification of approval is valid for five years).

91.10(2) A firearm training organization seeking to renew its certification of approval must submit:

a. Current lesson plans or course syllabi and course goals or objectives.

b. A certificate of existence from the Iowa secretary of state issued within 60 days of application or, if a non-Iowa corporation, a certificate of authority to do business in Iowa.

c. A copy of the updated credentials of the organization's primary point of contact or owner (submit all documentation demonstrating qualification to provide oversight of firearm training instructors). These credentials must include a minimum of five years of verifiable firearm instructor experience.

d. An application processing fee of $500 (the certification of approval is valid for five years).

91.10(3) The Iowa department of public safety may deny, suspend, or revoke the certification of approval of a firearm training organization if the department has reason to believe that the organization or its primary point of contact or owner has:

a. Become ineligible to possess a firearm under Iowa Code chapter 724 or federal law;

b. Knowingly and willfully provided false information to the department;

c. Provided instruction contrary to the established and approved curriculum; or

d. Failed to meet any portion of the instructor certification guidelines as originally approved.

91.10(4) An applicant for certification as a firearm training organization or a certified firearm permit-to-carry instructor has the same appeal rights as set forth in rule 661—91.7(724).

[**ARC 5974C**, IAB 10/20/21, effective 11/24/21; **ARC 8226C**, IAB 9/18/24, effective 10/23/24]

661—91.11(724) Application procedures for an Iowa educator professional permit.

91.11(1) A person who is an employee of a school district, a private school, or an institution of higher education as defined in Iowa Code section 722.11 may apply to the commissioner for an educator professional permit. The applicant shall comply with all of the following:

a. Submit a fully and accurately completed and signed application for an educator professional permit to carry weapons, including documentation of a firearm safety training course provided in Iowa Code section 724.9(1), or proof of current permit to carry.

b. Submit firearm training documentation from the initial live familiarization firearm and course of fire training. For a new application, training must have occurred within the 12-month period prior to the application.

c. Submit documentation of the training required by Iowa Code section 724.6(1)*"a"*(3) as enacted by 2024 Iowa Acts, House File 2586, and as amended by 2024 Iowa Acts, House File 2652.

d. Submit the required fee of $50 per application.

e. Display identification documentation as defined in rule 661—91.1(724) or provide a photocopy thereof.

f. Authorize communication between the employing school district and the department for purposes of carrying out this chapter. Any correspondence between the school and the department shall not be considered public record.

91.11(2) The commissioner will return an incomplete application to the applicant.

[**ARC 8226C**, IAB 9/18/24, effective 10/23/24]

661—91.12(724) Suspension or revocation of an educator professional permit.

91.12(1) When the commissioner finds that a person who has been issued an educator professional permit has been arrested for a disqualifying offense or is the subject of proceedings that could lead to the person's ineligibility for such permit, the commissioner may immediately suspend the permit.

a. If the arrest or proceeding does not result in a disqualifying conviction or finding against the permit holder, the commissioner shall immediately reinstate the educator professional permit upon proof of the matter's final disposition and shall return the permit to the permit holder.

b. If the arrest or proceeding results in a disqualifying conviction or finding against the permit holder, the commissioner shall revoke the permit.

91.12(2) When the commissioner discovers that a person has failed to provide the required annual and quarterly training records in a timely manner, the commissioner will suspend the educator professional permit and may, at the commissioner's discretion, provide the person 30 days to provide the required training documentation. If training documentation is not received after the thirtieth day, the commissioner shall revoke the educator professional permit.

a. If the suspension was for failing to provide training records, and training records indicating training was completed in accordance with Iowa Code section 724.6 as enacted by 2024 Iowa Acts, House File 2586, and as amended by 2024 Iowa Acts, House File 2652, are subsequently provided to the Iowa department of public safety within 30 days after the educator professional permit holder was notified of the suspension, the commissioner will immediately reinstate the educator professional permit and return the permit to the permit holder.

b. If the educator professional permit holder fails to complete the training required under these rules or fails to provide training documentation to the Iowa department of public safety, the commissioner will revoke the permit.

91.12(3) An educator professional permit holder will be notified immediately of such suspension by personal service or certified mail. The suspension becomes effective upon the educator permit holder's receipt of such notice. If notified by personal service, the educator professional permit will be surrendered to the person serving such notice for return to the commissioner. If notified by certified mail, the educator professional permit holder will be instructed to return the permit to the commissioner.

91.12(4) Notification of an educator professional permit suspension or revocation will be provided to the superintendent of the school in which the educator professional permit holder is employed.

[**ARC 8226C**, IAB 9/18/24, effective 10/23/24]

661—91.13(724) Approval of required training for educator professional permit. Persons or organizations may provide one or more of the trainings required for an educator professional permit. Persons or organizations seeking approval by the Iowa department of public safety to provide training required by Iowa Code section 279.84(2), 279.84(3), or 724.6(1)*"a"*(3) as enacted by 2024 Iowa Acts, House File 2586, and as amended by 2024 Iowa Acts, House File 2652, will submit the following on department of public safety Form WP15:

91.13(1) The course syllabi or lesson plans and the goals or objectives for student courses as outlined, which demonstrate that students will receive the basic requirements for the required course.

91.13(2) Identification of the person providing the training and sufficient information to determine that the person is competent to provide the training.

[**ARC 8226C**, IAB 9/18/24, effective 10/23/24]

661—91.14(724) Educator professional permit training requirements.

91.14(1) To receive an educator professional permit, the applicant must submit proof of successful completion of the following training courses:

a. One-time, in-person legal training as described in rule 661—91.15(724).

b. In-person emergency medical training as described in rule 661—91.16(724).

c. In-person communication training as described in rule 661—91.17(724).

d. In-person live scenario training as described in rule 661—91.18(724).

e. Initial live familiarization firearm and course of fire training as described in rule 661—91.19(724).

91.14(2) To maintain an educator professional permit, the permit holder must submit proof of successful completion of the following annual training courses:

a. Annual in-person emergency medical training as described in rule 661—91.16(724).

b. Annual in-person communication training as described in rule 661—91.17(724).

c. Annual in-person live scenario training as described in rule 661—91.18(724).

91.14(3) To maintain an educator professional permit, in addition to the above requirements, the permit holder must submit proof of successful completion of quarterly live firearm training, including successful completion of the prescribed qualification course.

91.14(4) All trainings shall be submitted to the Iowa department of public safety program services bureau via email at wpinfo@dps.state.ia.us.

[**ARC 8226C**, IAB 9/18/24, effective 10/23/24]

661—91.15(724) Curriculum for one-time legal training for an educator professional permit. The one-time, in-person legal training for an educator professional permit shall be at minimum three hours and shall include all of the following information:

1. Parameters and limitations of the educator professional permit, including areas of potential liability, and requirements to maintain the permit.
2. State and federal law regarding legal principles of use of force and use of force generally, including modern principles of continuum of force.
3. State and federal laws regarding qualified immunity.
4. State law regarding the Iowa municipal tort claims Act.

5. Workers' compensation law with regard to school critical incidents.

[**ARC 8226C**, IAB 9/18/24, effective 10/23/24]

661—91.16(724) Curriculum for annual emergency medical training for an educator professional permit.

91.16(1) Annual live, in-person emergency medical training for an educator professional permit shall be at minimum three hours and will include all of the following information and practical experience:

a. Cardiopulmonary resuscitation (CPR) and cardiac arrest management, including the use of an automated external defibrillator (AED).

b. Basic knowledge of first aid and trauma care, including casualty assessment, hemorrhage control, and assessment and initial treating of penetrating chest and abdominal wounds.

c. Basic knowledge and skills necessary to stop/slow life-threatening blood loss.

91.16(2) A current certification for CPR and first aid shall satisfy two hours of the required training.

[**ARC 8226C**, IAB 9/18/24, effective 10/23/24]

661—91.17(724) Curriculum for annual communication training for an educator professional permit. The annual in-person communication training for an educator professional permit shall be at minimum two hours and shall include all of the following information:

1. De-escalation techniques, crisis intervention techniques, and the applicability and limitations of those techniques.

2. Communication capabilities and coordination, including principles of proper communication to first responders, such as communication of location, condition(s), actions, and needs.

3. Reporting of potential school threats, including to the governor's school safety bureau of the department of public safety and the Safe+Sound app.

[**ARC 8226C**, IAB 9/18/24, effective 10/23/24]

661—91.18(724) Curriculum for annual live scenario training for an educator professional permit. The annual in-person live scenario training for an educator professional permit shall be at minimum 12 hours and will include all of the following information and practical experience:

1. Psychology of critical incidents.

2. Tactics of responding to critical incidents in schools.

3. Weapon retention.

4. Scenario-based or simulated training exercises, including both close-quarters and hallway scenarios.

[**ARC 8226C**, IAB 9/18/24, effective 10/23/24]

661—91.19(724) Curriculum for firearms training for an educator professional permit. In-person firearms training for an educator professional permit shall consist of an initial live familiarization firearm and course of fire training for new educator professional permit applicants and quarterly continued training after the completion of the initial training.

91.19(1) Educator professional permit holders shall meet the minimum level of proficiency as established by Iowa department of public safety rules in the use of any weapon used in the capacity as an educator professional permit holder.

91.19(2) Initial live familiarization firearms and course of fire training, not including the qualification course of fire, will be at minimum 20 hours and will include all of the following:

a. Weapon safety, including but not limited to:

(1) Treating all firearms as if they are loaded,

(2) Pointing the muzzle in a safe direction at all times,

(3) Keeping fingers outside the trigger guard until the person's aim is on target and the person has decided to fire, and

(4) Being sure of the target and what is beyond.

b. Principals of good marksmanship, including but not limited to:

(1) Sight picture,

(2) Trigger squeeze,

(3) Proper stance,
(4) Drawing of the weapon,
(5) Grip of the weapon,
(6) Breathing,
(7) Follow-through, and
(8) Recovery.

c. Dry drills, including but not limited to:
(1) Administrative load,
(2) Combat load,
(3) Tactical load,
(4) Temporary stoppage drill,
(5) Double feed drill, and
(6) Holstering and reholstering.

d. Handgun marksmanship training, including but not limited to the drills prescribed by the Iowa department of public safety on Form WP16.

91.19(3) The qualification course of fire will be completed at the end of the initial live familiarization course and at each subsequent quarterly firearms training. This course must be completed utilizing the firearm that will be used in the person's capacity as an educator professional permit holder. The qualification course consists of the standards adopted by the Iowa law enforcement academy for the certified officer in-service handgun qualification course.

91.19(4) If a person fails to successfully satisfy the qualification course of fire after the second attempt, the person must retake the initial familiarization firearm and course of fire training and attempt the qualification course of fire again. If the person fails to successfully satisfy the qualification course of fire after the remedial training, the person must wait until the following quarter and may attempt again as if the person is a first-time applicant.

[**ARC 8226C**, IAB 9/18/24, effective 10/23/24]

These rules are intended to implement Iowa Code chapter 724 as amended by 2021 Iowa Acts, House File 756.

[Filed 4/13/07, Notice 9/27/06—published 5/9/07, effective 7/1/07]
[Filed ARC 9238B (Notice ARC 9085B, IAB 9/22/10), IAB 11/17/10, effective 1/1/11]
[Editorial change: IAC Supplement 3/9/11]
[Filed ARC 5974C (Notice ARC 5735C, IAB 6/30/21), IAB 10/20/21, effective 11/24/21]
[Filed ARC 8226C (Notice ARC 8141C, IAB 7/24/24), IAB 9/18/24, effective 10/23/24]

CHAPTER 92
Reserved

CHAPTER 93
IDENTIFICATION CARDS FOR FORMER PEACE OFFICERS OF THE IOWA DEPARTMENT OF PUBLIC SAFETY

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

661—93.1(18USC926C) General provisions. It is the policy of the Iowa department of public safety to provide any qualified former peace officer member of the department with a permanent card that identifies the holder as a qualified former law enforcement officer upon separation from employment as a peace officer with the department. These rules provide a procedure for a qualified former member of the department to apply for a new or duplicate former peace officer identification (ID) card after the person is no longer employed by the department as a peace officer, to complete required annual firearms qualification under auspices of the department and receive a card certifying that such required annual firearms qualification has been completed, and to appeal decisions of the department not to issue a former peace officer identification card or an annual firearms qualification card.
[**ARC 0218C**, IAB 7/25/12, effective 9/1/12]

661—93.2(18USC926C) Definitions. The following definitions apply to rules in this chapter:

"Commissioner" means the commissioner of the Iowa department of public safety.

"Department" means the Iowa department of public safety.

"Duplicate" means a former peace officer identification card issued to replace a lost or destroyed original identification card.

"Former peace officer identification (ID) card" means a photographic identification card issued by the department to a qualified former law enforcement officer with the department.

"Qualified former law enforcement officer" means a person who:

1. Retired or separated in good standing from service with the department as a law enforcement officer; and
2. Was not officially found by a qualified medical professional employed by the department to be unqualified for reasons relating to mental health; and
3. Did not enter into an agreement with the department in which the officer acknowledged that the officer was not qualified for reasons relating to mental health; and
4. Before such retirement or separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and had statutory powers of arrest; and
5. Met one of the following two requirements:

- Before such retirement or separation, was regularly employed as a law enforcement officer for an aggregate of 10 years or more; or
- Retired from service with the department, after completing any applicable probationary period of such service, due to an accidental disability, as determined by the board of directors of the Iowa department of public safety peace officers' retirement, accident, and disability system, pursuant to Iowa Code section 97A.6 and rule 661—401.1(97A).

[**ARC 0218C**, IAB 7/25/12, effective 9/1/12]

661—93.3(18USC926C) Application for former peace officer ID card.

93.3(1) A qualified former law enforcement officer of the department of public safety may apply for a former peace officer identification card prior to retirement or any time after such retirement becomes effective.

93.3(2) Application shall be made on a form available from the office of the commissioner.

93.3(3) The completed application form may be submitted to the Iowa Department of Public Safety, Office of the Commissioner, 215 East 7th Street, Des Moines, Iowa 50319.

93.3(4) Upon receipt of a completed application, the department shall verify that the applicant met the requirements for issuance of a former peace officer identification card at the time of separation from employment with the department.

93.3(5) If the applicant met all of the requirements for a qualified former law enforcement officer at the time of separation from employment as a peace officer with the department, the application shall be approved, unless the commissioner is aware of information that would disqualify the applicant which arose from conduct or circumstances which occurred after the time of separation. Issuance of a former peace officer identification card by the department implies no warranty of the continuing eligibility of the former peace officer to carry a concealed weapon pursuant to 18 U.S.C. §926C.

93.3(6) If the applicant did not meet all of the requirements for a qualified former law enforcement officer at the time of separation from employment as a peace officer with the department or if the commissioner is aware of information that would disqualify the applicant based on conduct or circumstances which occurred after separation from the department, then the application shall be denied and the applicant shall be notified of the denial.

93.3(7) The commissioner shall notify an approved applicant and shall provide instructions for completion of the issuance process. Such instructions may include a requirement for the applicant to be present at a time and location designated by the department to be photographed for the identification card.

93.3(8) Issuance of an initial former peace officer identification card shall be at no charge to the qualified former law enforcement officer.

93.3(9) If a qualified former peace officer of the department loses an identification card, or if a card is damaged, a replacement may be issued. The former officer shall notify the office of the commissioner of the loss or damage and may apply for a replacement card.

[**ARC 0218C**, IAB 7/25/12, effective 9/1/12; **ARC 4801C**, IAB 12/4/19, effective 1/8/20]

661—93.4(18USC926C) Annual firearms qualification—certification card.

93.4(1) Qualified former law enforcement officers with the department of public safety may participate in annual firearms qualification offered by the department and, upon successful completion of the annual firearms qualification, receive proof thereof from the department. A card certifying successful completion of the annual qualification and specifying the date of the qualification shall be issued by the firearms instructor conducting the qualification on behalf of the department to each qualified former law enforcement officer who has successfully completed the qualification. A card certifying successful completion of the qualification shall be issued by department personnel only to a qualified former law enforcement officer with the department who successfully completes the annual firearms qualification under the auspices of the department. Participation in annual firearms qualification offered by the department is restricted to qualified former law enforcement officers with the department who are residents of the state of Iowa at the time of the qualification.

NOTE: Any qualified former law enforcement officer with the department may participate in annual firearms qualification offered by a certified firearms instructor other than under the auspices of the department. A card to certify proof of successful completion of annual firearms qualification may be issued only by the firearms instructor who conducts the qualification.

93.4(2) Annual firearms qualification shall be offered periodically and at various locations in the state to qualified retired and former officers of the department who reside in Iowa. All qualified former law enforcement officers with the department who have provided a current active email address to the department shall be notified by email when firearms qualification or firearms familiarization training is being offered to current peace officer members of the department of public safety. While the department will make a good-faith effort to notify all qualified and former peace officer members of the department who reside in Iowa of the availability of such training, it is the responsibility of each qualified former peace officer member of the department to inquire about such training if the qualified former peace officer wishes to use the qualification or training to obtain the annual certification of firearms qualification required under 18 U.S.C. §926C.

93.4(3) A qualified former law enforcement officer with the department who resides in Iowa shall be offered the opportunity to participate in annual firearms qualification at no cost to the qualified former officer, except that any former officer of the department who participates in annual firearms qualification offered under the auspices of the department shall supply any firearm, ammunition, or equipment required to be used in the qualification.

93.4(4) A qualified former law enforcement officer with the department residing in Iowa who plans to participate in firearms qualification or firearms familiarization training offered by the department should inquire via email to the department prior to the qualification or training as to what information and material the qualified former peace officer is required to provide at the training, and the department will provide notification of this information via return email. An application form for an annual firearms qualification shall be provided electronically to the qualified former peace officer member as an attachment to the email. The qualified former peace officer member shall complete the application form and submit it to the instructor prior to the start of the qualification or training.

93.4(5) An instructor supervising annual qualification or training on behalf of the department shall refuse to admit a former law enforcement officer with the department to the qualification session or training if the former law enforcement officer with the department is not a resident of the state of Iowa at the time of qualification or the instructor knows that the former law enforcement officer with the department does not meet the requirements for possession of a firearm under state or federal law or is otherwise unable to meet the requirements to be a qualified former law enforcement officer under the provisions of 18 U.S.C. §926C. An instructor may refuse to admit any qualified former law enforcement officer with the department to an annual firearms qualification if, in the judgment of the instructor, participation in the session by the qualified former law enforcement officer would be unsafe.

93.4(6) If the qualified former law enforcement officer with the department satisfies the requirements for annual firearms qualification, the instructor shall complete and issue to the qualified former law enforcement officer an annual firearms qualification certification card on a form provided by the department. If the former law enforcement officer with the department fails to attain a qualifying score, the instructor shall so notify the former law enforcement officer with the department.

[**ARC 0218C**, IAB 7/25/12, effective 9/1/12]

661—93.5(17A) Appeals. Any action taken by the department that adversely affects the applicant may be appealed through the process delineated in 661—Chapter 10.

[**ARC 0218C**, IAB 7/25/12, effective 9/1/12]

These rules are intended to implement 18 U.S.C. §926C.

[Filed ARC 0218C (Notice ARC 9988B, IAB 2/8/12), IAB 7/25/12, effective 9/1/12]

[Filed ARC 4801C (Notice ARC 4549C, IAB 7/17/19), IAB 12/4/19, effective 1/8/20]

CHAPTER 94
Reserved

CHAPTER 95
DISPOSITION OF SEIZED AND FORFEITED WEAPONS AND AMMUNITION
[Prior to 5/9/07, see rules 661—4.51(809A) to 661—4.59(809A)]

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/2/31

661—95.1(809,809A) Definitions. The following definitions apply to the rules in this chapter:

"Ammunition reference file" means the physical collection of ammunition received, collected and maintained by the division of criminal investigation criminalistics laboratory for testing and evaluation purposes.

"Firearms inventory" means a listing of firearms received, collected, maintained, and disposed of by the division of criminal investigation criminalistics laboratory and of transactions regarding firearms completed by the laboratory. Firearms in the temporary custody of the laboratory for evidentiary examination are not included in the firearms inventory.

"Firearms reference file" means the physical collection of firearms received, collected and maintained by the division of criminal investigation criminalistics laboratory for comparison and identification purposes.

[**ARC 0698D**, IAB 10/28/26, effective 12/2/26]

661—95.2(809,809A) Ammunition and firearms. The division of criminal investigation criminalistics laboratory shall examine and evaluate all firearms and ammunition submitted to the laboratory pursuant to Iowa Code section 809A.17. All firearms submitted to the laboratory shall be evaluated and disposed of as provided in Iowa Code sections 809.21 and 809A.17 and these rules. Any ammunition submitted to the laboratory may be entered into the laboratory's ammunition reference file and may be utilized by the laboratory for testing and evaluation purposes.

[**ARC 0698D**, IAB 10/28/26, effective 12/2/26]

661—95.3(809,809A) Firearms inventory. There is established a continuous firearms inventory in the division of criminal investigation criminalistics laboratory. All firearms transactions covered by any of the provisions noted herein, other than receipts and returns of weapons for evidentiary examination, shall be recorded as and made a part of the continuous firearms inventory. Each individual entry in the inventory shall be maintained for a period of no less than 20 years. Inventory entries that refer to firearms retained in the firearms reference file shall be maintained permanently.

[**ARC 0698D**, IAB 10/28/26, effective 12/2/26]

661—95.4(809,809A) Deposit of firearms in the firearms reference file. There is established a division of criminal investigation criminalistics laboratory firearms reference file. Firearms submitted to the laboratory, other than firearms submitted solely for evidentiary examination, shall be evaluated as to their possible worth for testing and evaluation purposes. Any firearms deemed useful for such purposes shall be deposited in the firearms reference file.

[**ARC 0698D**, IAB 10/28/26, effective 12/2/26]

661—95.5(809,809A) Disposition of firearms (interstate). Any firearm in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17 that is not entered into the firearms reference file pursuant to the provisions of rule 661—95.4(809,809A) and that the commissioner of public safety deems appropriate for distribution to other crime laboratories may be offered to them.

[**ARC 0698D**, IAB 10/28/26, effective 12/2/26]

661—95.6(809A) Transfer of rifles and shotguns to the department of natural resources. Any rifle or shotgun in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17 that is not entered in the firearms reference file pursuant to rule 661—95.4(809,809A) or distributed to another crime laboratory pursuant to rule 661—95.5(809,809A)

may be transferred to the department of natural resources for disposition pursuant to the rules of that department.
[**ARC 0698D**, IAB 10/28/26, effective 12/2/26]

661—95.7(809,809A) Disposition of firearms (intrastate). Any firearm not entered in the firearms reference file pursuant to rule 661—95.4(809,809A) and still in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17, subsequent to the procedures set out in rules 661—95.5(809,809A) and 661—95.6(809A), shall be evaluated for usefulness to Iowa law enforcement agencies. Any firearm that is deemed suitable for law enforcement purposes may be distributed to an Iowa law enforcement agency that has made a request for such firearm. This distribution shall be made in accordance with the reasonable needs of the requesting agency as determined by the commissioner of public safety. Any firearm received by a law enforcement agency pursuant to this rule is for the internal use of the receiving agency and cannot be resold or otherwise distributed outside of the receiving agency, other than to be returned to the division of criminal investigation criminalistics laboratory.
[**ARC 0698D**, IAB 10/28/26, effective 12/2/26]

661—95.8(809,809A) Final disposition and destruction of firearms. All firearms in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17 that are not disposed of by the procedures provided in rules 661—95.2(809,809A) through 661—95.7(809,809A) shall be destroyed and documented as such. Destruction shall be accomplished by grinding and chopping at a scrap metal facility or meltdown at a suitable foundry operation. All destruction shall be supervised and conducted by the staff of the division of criminal investigation criminalistics laboratory.
[**ARC 0698D**, IAB 10/28/26, effective 12/2/26]

661—95.9(809,809A) Disposition of explosives. Any law enforcement agency in possession of forfeited explosives shall contact the arson and explosives bureau of the fire marshal division for instructions and shall follow the instructions received from the fire marshal division for the disposition of the forfeited explosives.
[**ARC 0698D**, IAB 10/28/26, effective 12/2/26]

661—95.10(809,809A) Disposition of weapons other than firearms and explosives. Any law enforcement agency in the possession of a forfeited weapon other than a firearm, ammunition, or explosives may contact the division of criminal investigation criminalistics laboratory for instructions regarding the disposition of the forfeited weapons.
[**ARC 0698D**, IAB 10/28/26, effective 12/2/26]

These rules are intended to implement Iowa Code sections 809.21 and 809A.17.

[Filed 4/13/07, Notice 9/27/06—published 5/9/07, effective 7/1/07]
[Filed ARC 0219C (Notice ARC 0098C, IAB 4/18/12), IAB 7/25/12, effective 9/1/12]
[Filed ARC 0698D (Notice ARC 0533D, IAB 9/2/26), IAB 10/28/26, effective 12/2/26]

CHAPTERS 96 to 120
Reserved

CHAPTER 121
BAIL ENFORCEMENT, PRIVATE INVESTIGATION, AND PRIVATE SECURITY BUSINESSES

[Prior to 4/20/88, see Public Safety Department [680] Ch 2]
[Prior to 11/23/05, see 661—Ch 2]

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

661—121.1(80A) Licensing. The administrative services division shall administer the bail enforcement, private investigation and private security statute. Any questions, comments, information, requests for information, or application for a license or an identification card should be directed to the Program Services Bureau, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319, or, with the exception of applications, by electronic mail via the Internet to piinfo@dps.state.ia.us.
[Editorial change: IAC Supplement 6/17/09]

661—121.2(80A) Definitions. As used in this chapter unless the context otherwise requires:

"Aggravated misdemeanor" means an offense so defined in the Iowa Code or an offense committed in another jurisdiction with a penalty of imprisonment for two years or more.

"Applicant" means any person applying to the commissioner for a license or a permanent identification card.

"Background investigation" means the actions taken by the department to verify that the applicant for a license or employee identification card meets the requirements. Such actions include, but are not limited to, inquiries to the Iowa on-line warrants and articles (IOWA) criminal justice information system for outstanding arrest warrants, active protection orders, sex offender registry records and Iowa criminal history records. A background investigation shall also include the submission of fingerprints of the applicant to the FBI for a nationwide criminal history record check.

"Bail enforcement agent" means a person engaged in the bail enforcement business, including licensees and persons engaged in the bail enforcement business whose principal place of business is in a state other than Iowa.

"Bail enforcement business" means the business of taking or attempting to take into custody the principal on a bail bond issued or a deposit filed in relation to a criminal proceeding to ensure the presence of the defendant at trial, but does not include such actions that are undertaken by a peace officer or law enforcement officer in the course of the officer's official duties.

"Chief law enforcement officer" means the county sheriff, or the sheriff's designee, in the county where the defendant is located, or the chief of police, or the chief's designee, when the defendant is located within the city limits of a city or town which has a police force.

"Commissioner" means the commissioner of the department of public safety or the commissioner's authorized designee.

"Conviction resulting from domestic abuse" means a conviction at any level in any jurisdiction if the conviction has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. Applicable convictions may include, but are not limited to, crimes of assault, domestic assault, domestic abuse assault, battery, disorderly conduct and other crimes meeting this definition.

"Defendant" means the principal on a bail bond issued or deposit filed in relation to a criminal proceeding in order to ensure the presence of the defendant at trial.

"Department" means the department of public safety.

"Duplicate license" means a license that is issued to substitute for a license that has been lost or destroyed, except that a "duplicate license" shall not mean a "replacement license" as defined herein.

"Felony" means an offense defined as a felony by the jurisdiction in which the offense was committed.

"Licensee" means a person licensed under this chapter.

"Moral turpitude" is an act of baseness, vileness, or depravity or conduct which is contrary to justice, honesty, or good morals. Examples of moral turpitude may include, but are not limited to, the following:

1. Any act or pattern of conduct involving dishonesty, fraud, or deception;
2. Any act of conducting a bail enforcement, private investigative or private security business in violation of Iowa Code chapter 80A, whether in Iowa or another jurisdiction, or a determination from another jurisdiction that the individual or entity has violated the bail enforcement, private investigative, or private security laws, rules, or regulations of that jurisdiction;
3. Any act or pattern of conduct of harassment or stalking;
4. Any criminal act of sexual misconduct;
5. Any illegal act of selling, delivery, possession with intent to deliver, or manufacturing drugs;
6. Conviction resulting from domestic abuse.

"Peace officer" means any such individual as designated by Iowa Code section 801.4, subsection 11.

"Person" means an individual, partnership, corporation, or other business entity.

"Private investigation business" means the business of making, for hire or reward, an investigation for the purpose of obtaining information on any of the following matters:

1. Crimes or wrongs which are committed or threatened.
2. The habits, conduct, movements, whereabouts, associations, transactions, reputation, or character of a person.
3. The credibility of witnesses or other persons.
4. The location or recovery of lost or stolen property.
5. The cause or origin of or responsibility for fires, accidents, or injuries to property.
6. The truth or falsity of a statement or representation.
7. The detection of deception.
8. The securing of evidence to be used before authorized investigating committees, boards of award or arbitration, or in the trial of civil or criminal cases.
9. The locating of owners or heirs of unclaimed funds.

"Private investigative agency" means a person engaged in a private investigation business.

"Private school security officer" means the same as described in Iowa Code section 279.84 as enacted by 2024 Iowa Acts, House File 2586, and as amended by 2024 Iowa Acts, House File 2652.

"Private security agency" means a person engaged in a private security business.

"Private security business" means a business of furnishing, for hire or reward, guards, watch personnel, armored car personnel, patrol personnel, or other persons to protect persons or property, to prevent the unlawful taking of goods and merchandise, or to prevent the misappropriation or concealment of goods, merchandise, money, securities, or other valuable documents or papers, and includes an individual who for hire patrols, watches, or guards a residential, industrial, or business property or district.

"Proof of financial responsibility" means proof of the ability of a licensee to respond in damages for liability on account of accidents or wrongdoings occurring subsequent to the effective date of the proof, arising out of ownership and operation of a bail enforcement business, private security business or a private investigation business.

"Replacement license" means a license that is issued to substitute for a license that has been lost or destroyed as a result of damage from flooding, storms or other conditions which form a basis for issuance of a disaster emergency proclamation by the governor pursuant to Iowa Code section 29C.6.

"Reserve peace officer" means a volunteer, nonregular, sworn member of a law enforcement agency who serves under the direction of regular peace officers with or without compensation, has regular police powers while functioning as a law enforcement agency's representative, and participates on a regular basis in the law enforcement agency's activities including crime prevention and control, preservation of the peace, and enforcement of law.

"Uniform" means a manner of dress which is of a particular style and distinctive appearance as distinguished from ordinary clothing customarily used and worn by the general public and which clearly identifies the person as an employee of a licensed agency.

[**ARC 8226C**, IAB 9/18/24, effective 10/23/24]

661—121.3(80A) Persons exempt. This chapter does not apply to the following:

121.3(1) An officer or employee of the United States, or a state, or a political subdivision of the United States or of a state while the officer or employee is engaged in the performance of official duties or an employee of a contractor or subcontractor with a federal agency while performing duties pursuant to a contract with the federal agency.

121.3(2) A peace officer engaged in the private security business or the private investigation business with the knowledge and consent of the chief executive officer of the peace officer's law enforcement agency.

121.3(3) A person employed full- or part-time exclusively by one employer in connection with the affairs of the employer.

121.3(4) An attorney licensed to practice in Iowa, while performing duties as an attorney.

121.3(5) A person engaged exclusively in the business of obtaining and furnishing information regarding the financial rating or standing and credit of persons.

121.3(6) A person exclusively employed in making investigations and adjustments for insurance companies. This exemption does not apply to persons who contract with a third party, such as an attorney or a broker, to conduct investigations on behalf of insurance companies. However, this exemption does apply to independent contractors who contract directly with insurance companies and exclusively conduct insurance investigative work.

121.3(7) A person who is the legal owner of personal property which has been sold under a security agreement, or a conditional sales agreement, or a secured party under the terms of a security interest while the person is performing acts relating to the repossession of the property.

121.3(8) A person engaged in the process of verifying the credentials of physicians and allied health professionals applying for hospital staff privileges.

121.3(9) A person engaged in the business of retrieval and dissemination of public record information.

121.3(10) A person engaged in the business of process service in either a criminal or civil action, where the determination of the whereabouts of the person is only incidental to the service of process.

121.3(11) The business of repossession or recovery of property, including debt collection, where the determination of the whereabouts of the person is only incidental to the repossession or collection.

121.3(12) A person engaged in the business of genealogical research.

121.3(13) A person who sells, installs, maintains, repairs or monitors burglar alarm systems at protected premises or premises to be protected.

121.3(14) Iowa Code sections 80A.2, 80A.4(1)*"b,"* and 80A.4(3) address the ability of peace officers to operate as private investigators and private security guards. The department interprets these three references, when read in concert, to mean the following:

a. An individual peace officer may conduct private investigation business or private security business with permission of the officer's chief executive, without securing either a state license or identification card.

b. Two or more peace officers may form a partnership to conduct private investigation business or private security business without securing either a state license or identification card. The partnership, association, or business may employ other peace officers to conduct investigation or security functions; however, the chief executive of each partner, association member, owner, or employee must give permission to engage in the business.

c. A partnership owned and operated by peace officers may not employ nonpeace officers to perform investigation or security functions.

d. An agency licensed by the department may not have any peace officers involved in the ownership or management of the agency.

e. An agency licensed by the department may not employ a peace officer to do investigative or security functions.

f. No corporation in the private security or private investigation business is exempt from the license or identification card requirement or limitations on the employment of peace officers.

121.3(15) A person engaged in the business of transporting prisoners under a contract with the Iowa department of corrections or a county sheriff, a similar agency from another state, or the federal government.

121.3(16) A person engaged exclusively in the business of providing courier service and who does not wear the uniform or use a marked motor vehicle of a licensed private security agency.

661—121.4(80A) Licenses. Each person who engages in the operation of a bail enforcement, private investigation, or private security business in this state shall be licensed prior to such activity. Each business requires a separate license. For a license to be valid, the business shall have at least one current valid licensee who is a director, officer, partner or person who is involved in the business in Iowa.

121.4(1) *Application for licenses—generally.* Anyone who wishes to be considered for a bail enforcement, private investigative or private security license should contact the program services bureau as indicated in rule 661—121.1(80A) and request application information.

121.4(2) *Jurisdiction.* Any private investigative, private security, or bail enforcement business shall be licensed in Iowa if it is conducting business in Iowa. The department will consider the following factors when determining jurisdiction:

a. Whether the private investigative, private security, or bail enforcement business has an office or place of business in Iowa, is organized in Iowa, or conducts business in Iowa.

b. Whether services are provided to a client who resides in Iowa, is organized in Iowa, has an office or place of business in Iowa, provided that some of the services are conducted in Iowa.

c. Types of activities that are viewed as demonstrating jurisdiction in Iowa include, but are not limited to, the following:

(1) A private investigation business conducts an investigation that occurs entirely or partially in Iowa.

(2) A private investigation business investigates a criminal, civil, or administrative case that originates or is filed in Iowa.

(3) A private security business conducts security at any location in Iowa.

(4) A bail enforcement business takes into custody, or attempts to take into custody, a defendant in an Iowa criminal case.

(5) A business provides bodyguard service to a person who resides in or regularly does business in Iowa.

(6) A business provides armored car service to a client who resides in or does business in Iowa, if part of the services are conducted in Iowa.

d. Types of activities that are not, by themselves, viewed as demonstrating jurisdiction in Iowa include, but are not limited to, the following:

(1) A non-Iowa-based private investigation business works on a criminal, civil, or administrative case that originates and is filed in another state, but that contains some investigative elements in Iowa.

(2) A non-Iowa-based business provides bodyguard service to a client who does not reside in Iowa and only occasionally does business in Iowa.

(3) A bail enforcement business takes into custody, or attempts to take into custody, a defendant in a criminal case filed in another state.

e. The fact that a business uses the Internet to retrieve public record information from Iowa databases does not, absent other factors, establish jurisdiction in Iowa.

121.4(3) *Forms.* An applicant for a license or identification card shall execute forms provided by the department. These forms must be submitted to the commissioner and will not be processed unless complete. The forms used in the administration of this chapter are as follows:

a. Application for Bail Enforcement Agency License, Private Investigative Agency License and/or Private Security Agency License, Form #PD1.

b. Identification Card Application for: Private Investigator/Private Security Guard/Bail Enforcement Agent, Form #PD2.

c. Application for License Renewal, Form #PD3.

d. FBI Fingerprint Card, Form #FD–258.

e. Limited Liability Company, Form #PD5.

f. License Surety Bond, Form #PD6.

g. Corporate Information, Form #PD7.

h. Identification Card, Form #PD8.

121.4(4) *Application requirements.* An applicant for a license as a bail enforcement agency, private investigative agency or private security agency must submit the following to complete the application process:

a. A completed Application for Bail Enforcement Agency License, Private Investigative Agency License and/or Private Security Agency License (Form #PD1) for each individual.

With respect to an applicant who is a corporation, Form #PD1 must be completed by each officer or director who is actively involved in the licensed business in Iowa.

With respect to an applicant who is a partnership or association, Form #PD1 must be completed by each partner or association member.

b. Two completed Fingerprint Cards (Form #FD–258) and the associated processing fees for each individual identified in paragraph *"a"* of this subrule.

c. A completed surety bond form (Form #PD6) issued by a surety company authorized to do business in this state.

d. If the applicant is a corporation, a completed Corporate Information form (Form #PD7).

e. Two 1″ × 1″ color photographs of the head and shoulders of each individual identified in paragraph *"a"* of this subrule, taken not more than one year prior to application.

f. A fee of $100 for each agency license requested, plus $10 for each application form for an employee identification card (Form #PD2) requested pursuant to this subrule.

g. Proof of financial responsibility.

h. Pictures, photocopies or physical descriptions of all uniforms, hats, badges, and insignia to be used by the private security agency.

121.4(5) *Abandonment of applications.* If an applicant for an agency license fails to complete the application within six months after it has been filed, the application shall be deemed abandoned. Any application submitted subsequent to the abandonment of a former application shall be treated as a new application, and must be filed in accordance with subrule 121.4(4).

121.4(6) *Proof of financial responsibility.* Proof of financial responsibility shall be given by filing a certificate of insurance from a licensed insurance company demonstrating coverage for general liability, completed operations and personal injury. Personal injury insurance shall include coverage for the following groups of offenses:

a. False arrest, detention, or imprisonment, or malicious prosecution.

b. Libel, slander, defamation or violation of rights of privacy.

c. Wrongful entry or eviction or other invasion of rights of private occupancy.

The certificate shall provide that the insurance shall not be modified or canceled unless 30 days' prior notice is given to the department. Licensees shall have no more than 30 days following any specified expiration dates to comply with insurance requirements. The license shall be automatically revoked if the licensee has not complied with the certificate of insurance requirement within the 30 days.

Exception:

Current licensees who have provided proof of financial responsibility by filing an irrevocable letter of credit as of May 1, 2003, shall be allowed to continue using that means of providing proof of financial responsibility as long as their license remains continuously valid or until such proof is replaced by liability insurance. Licensees who provide proof of financial responsibility pursuant to this exception shall continue to meet the applicable requirements established in subrule 121.4(5) prior to May 1, 2003.

121.4(7) *Mandatory examinee.* Rescinded IAB 5/25/05, effective 5/1/05.

121.4(8) *Application for examination.* Rescinded IAB 5/25/05, effective 5/1/05.

121.4(9) *Time and place of examination.* Rescinded IAB 5/25/05, effective 5/1/05.

121.4(10) *Reexaminations.* Rescinded IAB 5/25/05, effective 5/1/05.

661—121.5(80A) License requirements. In order to be considered for a license, the applicant must undergo a background investigation by the department and must meet the following standards:

121.5(1) Be at least 18 years old;

121.5(2) Not be a peace officer (except a reserve peace officer);

121.5(3) Never have been convicted of a felony or aggravated misdemeanor;

121.5(4) Not be an abuser of alcohol or a controlled substance;

121.5(5) Not have a history of repeated acts of violence;

121.5(6) Be of good moral character. Consideration of whether an applicant is of good moral character includes but is not limited to:

a. Any of the applicant's references indicating the applicant is not of good moral character;

b. The sheriff of the county of residence or business or the police chief of the city of residence or business so indicating in writing;

c. The applicant's failing to discharge just obligations;

d. The applicant's writing a check on an account with knowledge that there are insufficient funds to cover it;

e. The applicant's failing to pay employees wages legally due the employees;

f. The applicant's knowingly obstructing justice or interfering in the lawful duties of a peace officer or with any official investigation;

g. Unless rendered confidential by law, the applicant's failing to report:

(1) A serious crime, or

(2) The location of any stolen property;

h. The applicant's committing an act which involves moral turpitude, whether or not a criminal conviction occurred.

i. The applicant's being subject to any court order that restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, and includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child, or explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury;

j. The applicant's being a registered sex offender in any jurisdiction;

k. The applicant's being the subject of any arrest warrant, mittimus or other court order for detention in any jurisdiction.

121.5(7) Not been convicted of any crime defined in Iowa Code section 708.3, 708.4, 708.5, 708.6, 708.8, or 708.9, or a like offense in another jurisdiction;

121.5(8) Not been convicted by any court of illegally using, carrying, or possessing a dangerous weapon;

121.5(9) Not have a history of mental illness or instability.

661—121.6(80A) Identification cards. Each person employed by and engaged in the business of a licensed bail enforcement, private investigative or private security agency must obtain an employee identification card from the department and must meet the standards established in rule 661—121.5(80A). However, applicants for employee identification cards are not required to comply with surety bond or proof of financial responsibility requirements as those requirements have already been met by the licensed agency. For purposes of this rule, an employee who is required to obtain an identification card from the department is an agent or employee of a licensed agency who is engaged in the activities of the business which render it subject to the regulation of Iowa Code chapter 80A. Employees who are engaged exclusively in the unregulated activities of a licensed agency are considered exempt from this standard. Such exempt activities include clerical work, dispatching, building maintenance, vehicle maintenance, payroll and other financial processing, selling and taking tickets, parking cars and other activities that do not provide direct security services and that are generally conducted away from a contracted job site.

121.6(1) To obtain an employee identification card, the licensed agency shall submit:

a. A completed Identification Card Application for: Private Investigator/Private Security Guard/Bail Enforcement Agent, Form #PD2;

b. Two 1″ × 1″ color photographs of the head and shoulders of the applicant; and

c. Two completed fingerprint cards (Form #FD–258), with the associated processing fees.

121.6(2) Reserved.

661—121.7(80A) License and background investigation fees.

121.7(1) A fee of $100 shall accompany each application for a bail enforcement, private investigative or private security license. If the application is approved, the money shall be applied to the license fee, but if the application is disapproved, the deposited application fee shall be refunded to the applicant. Application fees shall not be refunded for abandoned applications described in subrule 121.4(5) or for canceled, suspended or revoked licenses.

121.7(2) A nonrefundable fee to cover the cost of processing fingerprint cards through the FBI must be submitted with each new or renewal application and with each application subsequent to a license cancellation or revocation. If fingerprints are rejected as unreadable the first time they are submitted, they may be resubmitted once for no additional fee. If fingerprints are submitted twice and both submissions are rejected as unreadable, subsequent submissions shall require additional processing fees, which shall be included with the submissions. Information regarding fees may be obtained by contacting the department as provided in rule 661—121.1(80A).

661—121.8(80A) Display of license. Immediately upon receipt of the license issued by the department, the licensee named therein shall cause such license to be posted and at all times displayed in a conspicuous place in the licensee's principal place of business within the state, so that all persons visiting such place may readily see it. If there is more than one place of business, then there shall be a photocopy of the original license posted in every such place of business. The licensee shall notify the commissioner of each location where a copy of the license is posted. If the licensee has no office in the state of Iowa, the licensee shall post the license at the principal place of business and notify the commissioner of the address where such license is posted. Such license shall at all reasonable times be subject to inspection by the commissioner. It shall be unlawful for any person holding such license to post such license or to permit such license to be posted upon premises other than those authorized therein. Every license, and each copy thereof, shall be surrendered to the department within seven days after written notice to the holder that such license has been revoked. Failure to comply with any of the provisions of this rule is sufficient cause for revocation of the license.

661—121.9(80A) Duplicate license. The commissioner shall issue a duplicate license upon the payment of $5 and upon receiving a written statement that the original license has been lost, destroyed, stolen or otherwise rendered useless, and that if the original license is recovered, the original or the duplicate will be returned immediately to the department.

661—121.10(80A) License renewal. Each applicant for a license renewal must execute Form #PD3 provided by the department. This renewal form and two completed FBI Fingerprint Cards (Form #FD–258) shall be submitted to the commissioner not less than 30 days prior to expiration of the applicant's current license and shall not be processed unless complete. In order for the application to be complete, the applicant must satisfy the requirements of rules 661—121.4(80A), 661—121.5(80A), and 661—121.7(80A) and, for renewals of private investigation licenses, 661—121.22(80A).

In the event the department has not processed a complete renewal application prior to the lapse of the license, the renewal shall be deemed temporarily granted until the department issues a new license or denies the renewal.

In no event will a renewal license be granted if the application for renewal is received by the department after the expiration date of the existing license.

If the former licensee wishes to continue the bail enforcement, private investigative or private security business, all of the requirements for an initial application must be met.

661—121.11(80A) Employee identification cards.

121.11(1) The employee identification card issued by the commissioner shall include the employee's name and color photograph, agency name and number, type of business, date of issuance and identification card number.

The identification card shall be evidence that the holder is duly authorized to work for the licensed agency. The holder shall have this card in the holder's possession at all times when acting within the

scope of employment. Failure to do so may result in suspension or revocation of the identification card or the agency license. This identification card shall remain the department's property. When any person to whom a card is issued terminates the person's position for any reason, the card must be surrendered to the commissioner within seven days. In the event of loss, destruction, or theft of this card, the licensee shall within five days of such discovery send to the commissioner a written report that describes the circumstances surrounding the loss, destruction, or theft. If the agency license has been terminated or revoked, the agency must return the license and all identification cards to the commissioner within seven days. The penalty for any knowing or willful misconduct in the use of the identification card may be revocation of the identification card or the agency license or both, depending on the nature and degree of the misconduct.

The fee for each application form (Form #PD2) for an original, temporary, or replacement employee identification card is $10. The fee is refundable for blank, unused forms returned to the department.

A nonrefundable fee to cover the cost of processing fingerprint cards through the FBI shall be submitted with each new application for an employee identification card. If fingerprints are rejected as unreadable the first time they are submitted, they may be resubmitted once for no additional fee. If fingerprints are submitted twice and both submissions are rejected as unreadable, subsequent submissions shall require additional processing fees, which shall be included with the submissions.

121.11(2) Temporary identification cards. The Identification Card Application for: Private Investigator/Private Security Guard/Bail Enforcement Agent, Form #PD2, shall contain a temporary identification card that shall be valid for 14 calendar days from the date of issuance. This temporary identification card shall be issued to new employees of a licensee so that the requirement that employees have in their possession a valid identification card may be met while the application for a permanent identification card is being processed. The application for an employee identification card must be received by the department in sufficient time to allow four business days for processing. Any application for an employee identification card received by the department without the specified minimum time for processing or after the temporary identification card has expired will be returned to the licensed agency. A new Form #PD2 must then be resubmitted under the requirements of rule 661—121.6(80A).

121.11(3) Replacement of identification cards. The commissioner shall issue a duplicate employee identification card upon the submission of a complete new application (Form #PD2), with associated fees as required in rule 661—121.6(80A) and upon receipt of a written statement that the original employee identification card has been lost, destroyed, stolen or otherwise rendered useless. If the original employee identification card is recovered, it shall be returned immediately to the department.

121.11(4) Display of identification cards. When an employee of a licensed agency is acting within the scope of employment and is requested to produce identification, the employee shall promptly display the employee identification card and allow the requester to reasonably examine the identification card and write down any information contained thereon. Failure to comply may result in revocation of the identification card or license. The employee may refuse to comply with the request to produce identification if, and only if, displaying the employee identification card would put the employee or another person in danger, or would jeopardize an assignment or investigation.

661—121.12(80A) Badges, uniforms, insignia, patches and hats. No badges, uniforms, insignia, patches, or hats will be approved for private investigative or bail enforcement agents. No holder of a license or identification card while performing the duties of a private security guard shall wear any uniform, or wear, display, or likewise use any badge, insignia, patch, shield, or the like, without prior written approval of the commissioner. Any person wearing an approved uniform shall carry a valid identification card issued by the department.

The commissioner will not approve any item subject to this rule if in the commissioner's opinion it would cause a person to confuse the operation of the licensed business with that of a law enforcement agency. The commissioner may consider the appearance of the badge, uniform, insignia, patch or hat of the requesting agency, as well as the appearance of badges, uniforms, insignias, patches or hats of law enforcement agencies in or near the area in which the requesting agency performs services. The commissioner may also consider any other information when making a decision regarding the approval of any item subject to this rule.

Badges, insignia and patches will be approved only for private security as a part of an approved uniform. No badge, insignia, patch or hat will be approved which contains the word or words "police," "officer," "policeman," or "enforcement," or the Great Seal of the State of Iowa. The words "security" and "officer" may be used when they appear as the single term "security officer."

661—121.13(80A) Advertisement, cards, letterhead and the like. No holder of a license or identification card shall use, display, cause to be printed or distributed in any fraudulent, false, or misleading manner, cards, letterheads, circulars, brochures, or any other advertising material or advertisement in which any name or indicia of the license status of the licensee is set forth in any manner other than the name under which the licensee is duly licensed.

Such holder of a license or identification card shall not publish or cause to be published any advertisement, letterhead, circular or statement or phrase of any sort which suggests that the holder is a peace officer.

Any violation of this rule may result in suspension or revocation of the identification card or the license, and possible referral for criminal prosecution.

661—121.14(80A) Misleading statements. No holder of a license or identification card may make any statement which indicates or tends to indicate the individual is a peace officer.

661—121.15(80A) Reports. Any private investigative agency licensee who provides services to any client in this state shall make and offer to the client a typed or legibly written ink report containing the findings and complete details of the investigation, a copy of which shall be retained by the licensee for three years and made available to the commissioner for examination at any reasonable time upon a complaint from the client for whom the report was prepared. In the event a client does not desire a written report, the licensee will note the time and date on the file copy of the report that the client stated no desire for a written report or refused the offer. A private security agency need not submit a written report unless the client so requests one.

Descriptive reports, chronological reports, and cover letters to the client shall be personally signed by the licensee or the licensee's designee. The licensee's file copy will reflect the names of all participating employees and a description of the work performed by each one.

661—121.16(80A) Denial, cancellation, suspension, or revocation of a license or identification card.

121.16(1) *Actions by the commissioner.* The commissioner may deny, suspend, cancel or revoke a license or identification card(s) for any of the following reasons:

a. Failure to comply with all of the provisions of Iowa Code chapter 80A and Iowa Administrative Code, 661—Chapter 121.

b. Receipt by the department of a certificate of noncompliance from the child support recovery unit of the Iowa department of human services, as provided for in Iowa Code chapter 252J.

c. Receipt by the department of written notice that the licensed agency is no longer conducting business and is abandoning the remaining term of the license.

121.16(2) *Voluntary suspension.* The commissioner may allow an agency to place its license in voluntary suspension and may reinstate the license when all requirements are met. The license shall expire at the time of renewal unless all requirements are met.

121.16(3) *Surrender of license and identification card(s).* Every license, and each copy thereof, and all employee identification cards shall be surrendered to the department within seven days after written notice to the holder that such license has been canceled, abandoned, suspended or revoked.

121.16(4) *Surrender of identification card(s).* An employee identification card shall be surrendered to the department within seven days after written notice to the licensee that such employee identification card has been canceled or revoked.

121.16(5) *Temporary denial or suspension.* An agency license or employee identification card shall be temporarily denied or suspended until the outcome of any pending action is known if the result of that action would disqualify the applicant, licensee or employee.

661—121.17(80A) Licensee's duty regarding employees. The licensee shall be held responsible for ascertaining that all the licensee's employees meet the requirements of the bail enforcement, private investigation and private security statute and rules.

The licensee shall report to the commissioner any violations of the statute and rules, and inconsistencies thereof, and take immediate steps to be in compliance with such statute and rules.

The licensee is responsible for ensuring that each employee who is required to obtain an identification card from the department has a valid temporary or permanent identification card in the employee's possession prior to the employee's commencing work.

Failure to meet these requirements may result in suspension or revocation of the license or identification card(s).

661—121.18(80A) Campus weapon requirements. In addition to the requirements of the statutes, nothing in rule 661—4.3(17A,724) shall preclude the sheriff from requiring additional firearm training. However, if the sheriff so requires additional training, the sheriff shall make such training reasonably available to the applicant.

661—121.19(80A) Professional permit to carry weapons. Each person seeking a professional permit to carry weapons must meet the requirements of the Iowa Code and Iowa Administrative Code, 661—Chapter 4.

661—121.20(80A) Appeals. Any action of the department that the applicant or employee considers adverse may be appealed through the process delineated in Iowa Administrative Code, 661—Chapter 10.

661—121.21(252J) Child support collection procedures. The following procedures shall apply to actions taken by the department on a certificate of noncompliance received from the Iowa department of human services pursuant to Iowa Code chapter 252J:

121.21(1) The notice required by Iowa Code section 252J.8 shall be served upon the applicant, identification card holder, or licensee by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305. Alternatively, the licensee, identification card holder, or applicant may accept service personally or through authorized counsel.

121.21(2) The effective date of revocation or suspension of a license or identification card, or denial of the issuance or renewal of a license or identification card, as specified in the notice required by Iowa Code section 252J.8, shall be 60 days following service upon the licensee, identification card holder, or applicant.

121.21(3) Licensees, identification card holders, and applicants for licenses or identification cards shall keep the department informed of all court actions and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J and shall provide the department with copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

121.21(4) All departmental fees for applications, license or identification card renewal or reinstatement must be paid by the licensee, identification card holder, or applicant before a license will be issued, renewed, or reinstated after the department has denied the issuance or renewal of a license or identification card, or has suspended or revoked a license or identification card pursuant to Iowa Code chapter 252J.

121.21(5) In the event a licensee, identification card holder, or applicant files a timely district court action following service of a department notice pursuant to Iowa Code sections 252J.8 and 252J.9, the department shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the department to proceed. For the purpose of determining the effective date of revocation or suspension or denial of the issuance or renewal of a license or identification card, the department shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

661—121.22(80A) Continuing education requirements. The continuing education rules that follow rest upon the premise that the increasing complexity of the private investigation business makes it essential that private investigators who have been granted licenses to practice continue their education; the public interest requires that private investigators keep themselves continually up to date on developments affecting their practice; and formal programs of continuing education provide private investigators the opportunity to continually update themselves on the expanding body of knowledge required to practice the private investigation profession. Compliance with the continuing education requirements of the department shall be as follows:

Each person who is the holder of a license to operate a private investigative agency is required to comply with the continuing education requirements as a condition precedent to renewal of the person's license.

Each person who is the holder of an identification card to operate as a private investigator is required to comply with the continuing education requirements as a condition precedent to renewal of the employer's agency license.

121.22(1) *Cost of continuing education.* All costs of complying with the continuing education requirements of the department are the responsibility of the licensee who seeks to operate a private investigative agency in this state.

121.22(2) *Basic requirement.* A licensee seeking to renew the licensee's private investigative agency license shall, during the two-year period preceding the agency license expiration date, complete a minimum of 12 hours of acceptable continuing education. Employees of licensees shall, during the two-year period preceding the agency license expiration date, complete a minimum of 12 hours of acceptable continuing education. An employee who has worked for a licensed agency for less than 90 days at the time of the agency license expiration date shall be exempt from the continuing education requirement of this chapter, provided that during the preceding two years the employee has not been employed as a private investigator for a licensed agency or agencies in this state for a combined total of more than 180 days.

a. Applicants who are residents of another state, who are licensed to operate a private investigation agency in their state of residency, and who are actively engaged in the practice in their state of residence, shall not be required to meet the basic continuing education requirement if their state of residence requires similar continuing education to maintain their private investigative agency license.

b. The commissioner shall have the authority to make exceptions for reasons of individual hardship including health (certified by a medical doctor), military service, foreign residency, or other good cause.

c. Applicants for new licenses who have held a private investigative agency license in Iowa within the past two years shall complete a minimum of 12 hours of acceptable continuing education during the two-year period preceding the date of application.

121.22(3) *Measurement standards.* The following standards will be used to measure the hours of credit to be given for acceptable continuing education programs completed by individual licensees:

a. Credit will be given for whole hours only, with a minimum of 50 minutes constituting one hour. For example, 100 minutes of continuous instruction would count for two hours; however, more than 50 minutes but less than 100 minutes of continuous instruction would count for only one hour.

b. Only class hours or the equivalent, and not student hours devoted to preparation, may be counted.

c. Service as lecturer or discussion leader of continuing education programs may be counted to the extent that it contributes to the applicant's professional competence.

121.22(4) *Programs which qualify.* The overriding consideration in determining whether a specific program qualifies as acceptable continuing education is that it be a formal program of learning which contributes directly to the professional competence of an individual licensed to practice in this state. It will be left to the individual license holder to determine the course of study to be pursued. Thus, each licensee may study subjects related to the licensee's particular practice.

a. Continuing education programs will qualify only if:

(1) An outline of the program is prepared in advance and preserved.

(2) The program is at least one hour (50-minute period) in length.

(3) The program is conducted by a qualified instructor, discussion leader, or lecturer. A qualified instructor, discussion leader, or lecturer is anyone whose background, training, education or experience makes it appropriate for that person to lead a discussion on the subject matter of the particular program.

(4) A record of attendance is maintained.

b. The following programs are deemed to qualify provided all other requirements of this rule are met:

(1) Professional development programs of recognized national and state private investigation organizations.

(2) Technical sessions at meetings of recognized national private investigation organizations and their chapters.

(3) University or college courses.

1. Each semester hour credit shall equal 10 hours toward the requirement.
2. Each quarter hour credit shall equal 6 hours toward the requirement.
3. Each classroom hour of noncredit courses will equal 1 qualifying hour.

(4) Formal organized in-firm and interfirm educational programs.

(5) Programs in other recognized organizations (accounting, industrial, legal and others).

(6) Other organized educational programs on technical and other related subjects.

c. The following general subject matters are acceptable as long as they contribute to the professional competence of the individual investigator.

(1) Accounting and auditing.

(2) Management.

(3) Computer science.

(4) Communications arts.

(5) Law.

(6) Functional fields of the business, including but not limited to the following:

1. Accident investigation.
2. Background investigation.
3. Business taxes.
4. Criminal investigation.
5. Court testimony.
6. Employee theft.
7. Process service.
8. Personnel law.
9. Product liability.
10. Public records availability/access.
11. Report writing.
12. Substance abuse in the workplace.
13. Surveillance techniques.
14. Wage and hour law.
15. Workers' compensation law.

Areas other than those listed above may be acceptable if the licensee can demonstrate that they contribute to the licensee's professional competence. The responsibility for substantiating that a particular program is acceptable and meets the requirements rests solely upon the licensee.

d. Formal correspondence and formal individual study programs contributing directly to the professional competence of an individual which require registration and provide evidence of satisfactory completion will be considered for credit. The amount of credit to be allowed for correspondence and formal individual study programs is to be recommended by the program sponsor and shall not exceed 50 percent of the continuing education requirement.

e. Practical training, also known as field training or on-the-job training, qualifies if it meets the criteria of paragraphs *"a"* through *"c"* of this subrule, is accompanied by classroom training in the same topic area, and counts for no more time than the classroom training.

f. The right is specifically reserved to the commissioner to approve or disapprove credit for continuing education claimed under these rules.

121.22(5) *Controls and reporting.*

a. Applicants for license renewal must provide a signed statement, on forms provided by the department, setting forth the continuing education in which the licensee and the licensee's employees have participated in such manner and at such times as prescribed by the commissioner. This information may include:

(1) School, firm or organization conducting the course.

(2) Location of course.

(3) Title of course and description of content.

(4) Principal instructor.

(5) Dates attended.

(6) Hours claimed.

b. The commissioner may require sponsors of courses to furnish attendance lists or any other information the commissioner deems essential for administration of these continuing education rules.

c. The commissioner will verify on a test basis information submitted by licensees. If an application for license renewal is not approved, the applicant will be so notified and may be granted a period of time by the commissioner in which to correct the deficiencies noted.

d. Primary responsibility for documenting the requirements rests with the licensee and evidence to support fulfillment of those requirements must be retained for a period of three years subsequent to submission of the report claiming the credit. Satisfaction of the requirements, including retention of attendance records and written course outlines, may be accomplished as follows:

(1) For courses taken for scholastic credit in accredited universities and colleges or high school districts, evidence of satisfactory completion of the course will be sufficient. For noncredit courses taken, a statement of the hours of attendance, signed by the instructor, must be obtained by the permit holder.

(2) For correspondence and formal independent study courses, written evidence of completion must be obtained by the licensee.

(3) In all other instances, the licensee must maintain a record of the information listed in subrule 121.22(4) and a copy of the course outline prepared by the course sponsor.

121.22(6) *Compliance.*

a. *Renewals.* If a licensee fails to comply with continuing education requirements prior to the expiration of the license, the department may grant a temporary 30-day license. If the licensee does not complete the continuing education requirements within the 30-day period, the license renewal shall be denied. If the former licensee then wishes to continue the private investigation business, all of the requirements for an initial application must be met. This includes continuing education requirements if the new application is submitted within two years of the date on which the last license became invalid.

b. *New applications for previously licensed persons.* If an applicant for a private investigative agency license has been licensed in Iowa within the past two years, continuing education requirements must be met. Failure to comply shall result in the denial of the license until such time as the requirements are met.

c. *Employees.* If any employee of a licensee fails to comply with continuing education requirements, the employee's identification card shall be revoked and the licensee shall surrender the identification card to the department. An employee may reapply for an identification card as if it were an initial application when continuing education requirements have been met.

661—121.23(80A) Reciprocity.

121.23(1) *Eligibility.* A temporary permit to conduct business in Iowa may be issued to a private investigative or private security agency licensed in another state provided that the requirements and qualifications in the licensing state are similar to those in Iowa and that the licensing state allows similar privileges by reciprocity. A temporary permit may be issued for a period not to exceed 90 days and is not renewable. Employees of an agency granted a temporary permit must comply with Iowa employee requirements in rules 661—121.6(80A) and 661—121.11(80A).

121.23(2) *Requirements.* In order to be considered for a temporary permit, the applicant must undergo a background investigation by the department and shall submit the following:

a. Proof of a current valid bail enforcement, private investigative or private security license in another state. Such license shall be of the same license type as the temporary permit requested from Iowa.

b. A completed Application for Bail Enforcement Agency License, Private Investigative Agency License and/or Private Security Agency License (Form #PD1).

c. Two completed FBI Fingerprint Cards (Form #FD–258), with the associated processing fees.

d. Proof of surety bond issued by a surety company authorized to do business in this state.

e. Proof of insurance.

f. If the applicant is a corporation, articles of incorporation and an Iowa certificate of authority issued by the Iowa secretary of state.

g. Two 1″ × 1″ color photographs of the head and shoulders of the applicant, taken not more than one year prior to application.

h. A fee of $100 for each temporary permit requested.

i. An application, with associated fees, for an employee identification card (Form #PD2) for the temporary permit holder.

121.23(3) *Employee identification cards.* The temporary permit holder shall submit an application for an employee identification card for each employee as required in rule 661—121.6(80A).

661—121.24(80A) Replacement license. The commissioner shall issue a replacement license upon receiving a written statement that the original license has been lost, destroyed, stolen or otherwise rendered useless by damage from flooding, storms or other conditions which form a basis for issuance of a disaster emergency proclamation by the governor pursuant to Iowa Code section 29C.6. If the original license is recovered, the original or the replacement will be returned immediately to the department. No fee shall be charged for the issuance of a replacement license.

661—121.25(80A) Private school security officer training requirements. A private school security officer shall participate in annual live scenario training as described in rule 661—91.18(724) and shall participate in an initial familiarization firearm and course of fire training and subsequent quarterly live firearm training as described in rule 661—91.19(724).

[**ARC 8226C**, IAB 9/18/24, effective 10/23/24]

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

[Filed 6/30/75]

[Filed 6/7/79, Notice 5/2/79—published 6/27/79, effective 8/2/79]

[Filed 11/1/84, Public Hearing Notice 9/12/84—published 11/21/84, effective 1/1/85]

[Filed emergency 12/4/84—published 12/19/84, effective 1/1/85]

[Filed emergency 5/31/85—published 6/19/85, effective 5/31/85]

[Filed 1/10/86, Notice 11/20/85—published 1/29/86, effective 3/6/86]

[Filed 4/1/88, Notice 9/23/87—published 4/20/88, effective 5/25/88]

[Filed emergency 6/29/89—published 7/26/89, effective 7/1/89]

[Filed 10/13/89, Notice 7/26/89—published 11/1/89, effective 1/1/90]

[Filed 12/4/92, Notice 9/16/92—published 12/23/92, effective 2/1/93]

[Filed 11/3/95, Notice 6/7/95—published 11/22/95, effective 1/1/96]

[Filed 7/25/96, Notice 6/19/96—published 8/14/96, effective 10/1/96]

[Filed 3/7/97, Notice 10/9/96—published 3/26/97, effective 6/1/97]

[Filed emergency 6/23/98—published 7/15/98, effective 7/1/98]

[Filed 2/5/99, Notice 7/15/98—published 2/24/99, effective 4/1/99]

[Filed emergency 11/30/00—published 12/27/00, effective 12/1/00]

[Filed emergency 6/5/02—published 6/26/02, effective 7/1/02]

[Filed 2/28/03, Notice 8/21/02—published 3/19/03, effective 5/1/03]

[Filed emergency 4/29/05—published 5/25/05, effective 5/1/05]

[Filed 11/3/05, Notice 6/8/05—published 11/23/05, effective 1/1/06]

[Filed emergency 6/30/08—published 7/30/08, effective 7/1/08]

[Editorial change: IAC Supplement 6/17/09]

[Filed ARC 8226C (Notice ARC 8141C, IAB 7/24/24), IAB 9/18/24, effective 10/23/24]

CHAPTERS 122 to 140
Reserved

CHAPTER 141
CLOSED CIRCUIT SURVEILLANCE SYSTEMS
[Prior to 6/8/05, see 661—Ch 23]

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

661—141.1(99F) Definitions. The following definitions apply to rules in 661—Chapter 141:

"Administrator" means the administrator of the Iowa racing and gaming commission.

"Applicant" means any person applying for an occupational license or applying for a license to operate an excursion gambling boat, or the officers and members of the board of directors of a qualified sponsoring organization located in Iowa.

"Casino surveillance" means the observation of gambling activities in a gaming facility licensed by the commission. The purpose of a surveillance system is to safeguard the licensee's assets, to protect both the public and the licensee's employees, and to promote public confidence that licensed gambling activities are conducted honestly and free of criminal elements and activities. It is the responsibility of the licensee to ensure that casino surveillance is used to accomplish the stated purpose and is not used in an improper manner which would bring discredit to the industry.

"Closed network" or *"closed circuit"* means all digital recording equipment and all other associated surveillance equipment that shall be designed, configured, and maintained on a separate and exclusive network system located on the same premises as the casino, or on property adjacent to the casino which has been approved by the DCI for the location of surveillance equipment pursuant to subrule 141.10(1). This closed network system shall not be touched by, connected to, or partitioned from any other network, unless approval has been received from the assistant director for gaming operations of the DCI. Approval or disapproval of such a request by the assistant director is subject to review by the director of the DCI or the commissioner of public safety.

"Commission" means the Iowa racing and gaming commission.

"DCI" means the division of criminal investigation, Iowa department of public safety.

"Dedicated coverage" means camera coverage where the sole function is to view and record a specific area whenever activity is occurring in that area.

"Designated sports wagering area" means an area, as designated by a licensee and approved by the commission, in which sports wagering is conducted.

"Gambling activities" means participating in any form of on-site wagering as defined by Iowa Code chapter 99F and approved by the commission; the movement, storage, and handling of uncounted gambling revenues; the manual exchange of moneys for forms of wagering credit on the gaming floor; public entrance into and public egress from the gaming floor, except that egress through emergency exits that are actively alarmed is not included; and any other activities so defined by the commission.

"Gambling game" means any game of chance authorized by the commission.

"Gangplank" means the walkways that passengers use to embark and disembark from the excursion gambling boat.

"Land-based facility" means the licensee's operation where the soft count room is located, if other than on an excursion gambling boat.

"Licensee" means a qualified sponsoring organization conducting gambling games on an excursion gambling boat or in a racetrack enclosure licensed by the Iowa racing and gaming commission under Iowa Code section 99F.7.

"Operator" means an entity licensed by the Iowa racing and gaming commission to operate an excursion gambling boat or racetrack enclosure.

"Slot change booth" means a structure on the floor of a licensed gaming establishment which houses a coin-counting device that is utilized to redeem coins or tickets from patrons.

[**ARC 7720B**, IAB 4/22/09, effective 4/1/09; **ARC 4802C**, IAB 12/4/19, effective 1/8/20]

661—141.2(99F) Minimum standards. Rescinded IAB 4/22/09, effective 4/1/09.

661—141.3(99F) Surveillance departments—organizational structure. Rescinded IAB 4/22/09, effective 4/1/09.

661—141.4(99F) Closed circuit surveillance system.

141.4(1) Every licensee shall install, maintain and operate, on the same premises where the casino is located or, with the approval of the DCI, on a property adjacent to the casino, a closed circuit surveillance system according to specifications set forth in these rules and shall provide to the commission and the DCI access at all times to the system or its signal.

141.4(2) Any casino issued a license on or after July 1, 2004, will be required to install a recording system that is totally digital and that meets the requirements as outlined in this chapter.

141.4(3) All licensees shall have in place digital recording systems that meet the requirements of this chapter no later than January 1, 2011. Any system converted to digital prior to January 1, 2011, must meet the requirements of this chapter upon installation.

661—141.5(99F) Required equipment. The closed circuit surveillance system shall include, but shall not be limited to, the following equipment:

141.5(1) *Cameras.* The system shall include Pan Tilt Zoom cameras, commonly referred to as PTZ cameras, that are light-sensitive and capable of being placed behind a dome or one-way mirror which conceals the PTZ cameras from view. Each camera shall have the capability to distinguish a clear, unobstructed view of the table number of the gaming table or slot machine.

141.5(2) *Printers.*

a. *Video systems.* The printers for video systems shall be capable of adjustment and must possess the capability to generate instantaneously upon command a clear, still copy of the image depicted on a videotape recording with a minimum of 128 shades of gray.

b. *Digital systems.* The printers for digital systems shall be capable of printing a clear, still copy using a minimum of four colors at 600 × 600 dots per inch on photo-quality paper.

141.5(3) *Monitors.* Each screen must be at least 12 inches measured diagonally and all controls must be front-mounted. Solid state circuitry is required.

141.5(4) *Date and time generators.* Each system shall be capable of synchronized recording in military time, with both the time and date of the recorded events displayed without obstructing the recorded view.

141.5(5) *Universal power supply.* The system and its equipment must be directly and securely wired in a way to prevent tampering with the system. In the event of a loss in power to the surveillance system, an auxiliary or backup power source must be available and capable of providing immediate restoration of power to the elements of the surveillance system that enable surveillance personnel to observe the gaming activity remaining open for play and all areas monitored by dedicated coverage.

141.5(6) *Domes for cameras.* The domes shall be made of sufficient quality and size to accommodate PTZ cameras and shall be capable of accommodating clear, unobstructed views.

141.5(7) *Switchers.* The switchers shall be capable of both manual and automatic sequential switching for the entire surveillance system.

141.5(8) *Recorders.* Each camera required by these standards must possess the capability of having its view displayed on a video or computer monitor and recorded. The surveillance system must include enough monitors and recording capacity to simultaneously display and record multiple gaming, cage, drop, count room activities, and record the views of all dedicated coverage. Recording systems shall be capable of copying original images while maintaining the original native format, and storing images in a format that contains a method to verify the authenticity of the original recordings and copies. The licensee shall supply the medium for download and transfer of the information and a jewel case or sleeve for the medium.

141.5(9) *Digital systems.*

a. All images and audio shall be digitally recorded and stored on a system with backup and retrieval capabilities.

b. Recording systems shall be locked by the manufacturer to disable the erase and reformat functions and to prevent access to the system data files.

c. The system shall provide uninterrupted recording while the playback or copy function is used.

d. If the licensee chooses to use a network for the digital recording equipment, it must be a closed network with limited access located on the same premises as the casino or, with the approval of the DCI, on a property adjacent to the casino. Nothing in this paragraph shall be interpreted to prevent the commission from utilizing or transmitting for regulatory purposes images recorded by a video surveillance system.

e. The licensee shall provide the DCI and the commission representative with the necessary software and hardware to review a downloaded recording. Additionally, the licensee shall provide the DCI and the commission representative with printers meeting the requirements as outlined in 661—subrule 141.5(2).

f. The licensee shall be responsible for staffing the surveillance room with licensed staff trained in the use of digital equipment. Surveillance employees shall be capable of downloading or copying digital audio or images, or both, for evidentiary purposes.

[**ARC 7720B**, IAB 4/22/09, effective 4/1/09]

661—141.6(99F) Required surveillance. Every licensee or operator shall conduct and record, as required by either the commission or the DCI, surveillance that allows clear, unobstructed views of all on-site gambling activities in the following areas of the gaming floor, designated sports wagering area, and related areas, land-based facilities, and racetrack enclosures:

141.6(1) *Slot machines.* Every licensee who exposes slot machines for play shall install, maintain, and operate a casino surveillance system that possesses the capability to monitor and record the slot machine number.

141.6(2) *Table games.* The surveillance system must possess the capability to monitor and record all gaming or card table surfaces; table number, including table bank trays, with sufficient clarity to permit identification of all chips, cash, card values, and the outcome of the game; dice in craps games, with sufficient clarity to read the dice in their stopped position after each roll; and all roulette tables and wheels must be capable of being monitored and recorded on a split screen to permit views of both the table and the wheel on one monitor screen. Each table or card game shall have the capability of being monitored and recorded by no less than two cameras.

141.6(3) *Progressive table games.* Each progressive table game must be monitored by dedicated coverage that provides views of the table surface so that the card values and card suits can be identified and a view of the progressive meter jackpot amount.

141.6(4) *Casino cage, slot change booth, sports wagering counter, and self-service coin, token, sports wagering or ticket redemption center.* The surveillance system must possess the capability to monitor and record a general overview of activities occurring in each casino cage, slot change booth, sports wagering counter and self-service coin, token, sports wagering or ticket redemption center with sufficient clarity to identify patrons and employees at the counter area, cash drawers, vaults, safes, countertops, coin and currency counting machines, and chip and token storage, and to identify chip, token, and currency denominations. The casino cage, sports wagering counter, and slot change booth area in which fills, credits, sports wagering tickets, and jackpots are transacted must be monitored by dedicated coverage that provides views with sufficient clarity to identify the chip, token, and currency values and the amounts on the fill/credit slips.

141.6(5) *Count rooms.* The surveillance system must possess the capability to monitor and record all areas within the hard or soft count room, including walls, doors, scales, wrapping machines, coin sorters, currency counters, vaults, safes, and general work surfaces, whenever funds or persons are present. The counting surface in the soft count room must be made of a transparent material. Any area where uncounted coin or currency is stored must be monitored by dedicated coverage. In addition, the hard count and soft count process must be monitored by dedicated coverage.

141.6(6) *Movement of funds.* The surveillance system must possess the capability to monitor and record the movement of cash, gaming chips, tokens, drop boxes and drop buckets. All casino and designated sports wagering area entrance and exit doors, elevators, stairs, gangplanks, and loading and unloading areas shall also possess the capability to be monitored and recorded if they are utilized for the movement of uncounted moneys, tokens, or chips.

141.6(7) *Admissions entrance and exits.* The admissions entrance and exit areas of the excursion gambling boat and racetrack enclosures must be monitored by dedicated coverage with sufficient clarity to identify patrons and employees at the admissions entrance and exit areas.

141.6(8) *Overall views.* The surveillance system must possess the capability to monitor and record the casino pit area and general casino floor with sufficient clarity to permit identification of players, employees, patrons, and spectators.

141.6(9) *Digital systems.* All areas that require dedicated coverage and all images viewed on a surveillance operator's working monitor shall be recorded at a sufficient rate of images per second so that, when played back in real time, there is no motion loss detectable to the human eye.

[**ARC 7720B**, IAB 4/22/09, effective 4/1/09; **ARC 4802C**, IAB 12/4/19, effective 1/8/20]

661—141.7(99F) Equipment in DCI offices. Excursion gambling boat, racetrack enclosure or land-based offices assigned to the DCI shall be equipped with at least two video or computer monitors, each a minimum of 12 inches, with control capability of any source in the surveillance system. The following shall be additional mandatory equipment for said room or rooms:

1. A printer meeting the specifications of 661—subrule 141.5(2).
2. Two recorders.
3. Audio pickup of soft count room.
4. Time and date generators, if not in the master surveillance system.
5. Total override surveillance system capabilities.

661—141.8(99F) Camera lenses. All closed circuit cameras shall be equipped with lenses of sufficient quality to show clearly the value of gaming chips, tokens, and playing cards. These cameras shall be capable, at a minimum, of black and white recording and viewing, except those cameras covering exits and entrances of the casino area and gangplank areas, which shall be capable of recording in color.

661—141.9(99F) Lighting. Adequate lighting shall be present in all areas of the casino and count rooms to enable the video surveillance system to provide clear viewing and reproductions.

661—141.10(99F) Surveillance room. There shall be provided in each gambling facility or gambling structure a room specifically utilized to monitor and record gambling activities. This room shall have a trained surveillance person present at all times during casino operation hours. In addition, an excursion gambling boat, racetrack enclosure, or gambling structure may have satellite monitoring equipment. The following are requirements for the operation of equipment in the surveillance room and of satellite monitoring equipment:

141.10(1) *Surveillance equipment location.* All equipment that may be utilized to monitor or record views obtained by a casino surveillance system must remain in a room located on the same premises as the casino or, with the approval of the DCI, on property adjacent to the casino. The room must be used exclusively for casino surveillance security purposes. The satellite monitoring equipment must be capable of being disabled from the casino surveillance room when not in use. The entrance to the casino surveillance room must be locked or secured at all times.

141.10(2) *Override capability.* Casino surveillance equipment must have total override capability over any other satellite monitoring equipment in other casino offices, with the exception of the DCI rooms.

141.10(3) *Access.* DCI and commission employees shall at all times be provided immediate access to the casino surveillance room and satellite monitoring equipment. Also, all DCI and commission employees shall have access to all records and areas of such rooms.

141.10(4) *Surveillance logs.* Entries in the log shall be required when specific surveillance is requested by the DCI or the commission, or whenever any activity that appears unusual, irregular, illegal or in violation of commission rules is observed. Also, all communications received or sent from the surveillance room in regard to surveillance activities or casino operations shall be logged.

141.10(5) *Blueprints.* A copy of the configuration of the casino floor shall be posted and updated immediately upon any approved change. The location of any change and the location of surveillance cameras, gaming tables and slot machines by assigned numbers shall also be included. Copies of the blueprints shall be made available immediately to the DCI and commission.

141.10(6) *Storage and retrieval.* Surveillance personnel shall label and file all recordings. The date and time of the recording shall be recorded. Recordings of public admission entrances, public exits, and

casino cashier cages where check-cashing activities occur shall be retained for 21 days unless a longer period is required by the DCI, the commission, or court order. All other recordings shall be retained for at least 7 days after recording unless a longer period is required by the DCI, the commission, or court order. Original audio, video, and digital recordings shall be released to the DCI or commission upon demand.

141.10(7) *Malfunctions.* Each malfunction of surveillance equipment must be repaired within 24 hours of the malfunction. If, after 24 hours, activity in the affected area cannot be monitored, the game or machine shall be closed until such coverage can be provided. A record of all malfunctions shall be kept and reported to the DCI each day. In the event of a dedicated coverage malfunction, the licensee must immediately provide alternative camera coverage or other security measures that will protect the subject activity. If other security measures are taken, the licensee must immediately notify the DCI. The DCI, in its discretion, will determine whether the other security measures are adequate.

141.10(8) *Security.* Entry to the surveillance room and access to satellite monitoring equipment shall be limited to persons approved by the DCI or the commission. A log of personnel entering and exiting the surveillance room and accessing satellite monitoring equipment shall be maintained and submitted to the DCI or the commission upon request.

141.10(9) *Playback station.* Within the DCI room, there shall be an area that includes, but is not limited to, a monitor and a recorder with the capability of producing first-generation copies.

141.10(10) *Additional requirements.*

a. Audio and video or digital monitoring and recording shall be continuous in the detention areas when someone is being detained. These recordings must be retained for 30 days after the recorded event, unless directed otherwise by the administrator, DCI or court order.

b. The commission, its employees, and DCI agents shall, at all times, be provided immediate access to the surveillance room and all areas of the casino.

141.10(11) *Written plans and alterations.*

a. Every operator or applicant for licensing shall submit to the commission for approval by the administrator and to the DCI for approval a written casino surveillance system plan no later than 60 days prior to the start of gaming operations.

b. A written casino surveillance system plan must include a casino floor plan that shows the placement of the surveillance room and all casino surveillance equipment in relation to the locations required to be covered and a detailed description of the casino surveillance system and its equipment. In addition, the plan may include other information that evidences compliance with these rules by the licensee, operator or applicant.

c. The operator may change the location of the surveillance room, table games, slot machines, and other gaming devices. The surveillance system must also be adjusted, if necessary, to provide the coverage required by these rules. A DCI agent must approve the change in the surveillance system before the relocated surveillance room, table games, slot machines, or other gaming devices may be placed into operation.

Exception:

A commission representative may allow a gambling game to be placed in operation pending approval by a DCI agent.

[**ARC 7720B**, IAB 4/22/09, effective 4/1/09]

661—141.11(99F) Nongambling hours. Security surveillance will be required during nongambling hours as follows:

141.11(1) *Cleanup and removal time.* At any time that cleanup operations or money removal is being conducted in the casino area, the security surveillance room must be staffed with a minimum of one trained surveillance person.

141.11(2) *Locked-down mode.* Anytime the casino is closed and in a locked-down mode, sufficient surveillance coverage must be conducted to monitor and record the casino in general so that security integrity is maintained. During this period, the presence of a trained security surveillance person shall not be required.

661—141.12(99F) Waivers from requirements. Upon written request of an applicant, licensee, or operator, the director of the DCI may, for just cause, waive any requirement of this chapter, provided that the director finds that all of the following conditions exist:

1. The requirement requested to be waived is not imposed by statute or another provision of law, and the establishment of the requirement is entirely within the authority of the department of public safety.
2. Enforcing the requirement would impose an undue hardship on the applicant, licensee, or operator requesting the waiver.
3. Granting the waiver would not prejudice the substantial legal rights of any person.
4. Substantially equal protection of public health, safety, and welfare to that which would result from the enforcement of the requirement will be afforded through another means.

Each request for a waiver shall be reported to the agency rules administrator of the department of public safety, with an indication of the disposition of the request and a brief explanation of the reasons for granting or denying the waiver.

These rules are intended to implement Iowa Code section 99F.4.

[Filed 11/26/90, Notice 9/19/90—published 12/12/90, effective 1/16/91]
[Filed 10/30/97, Notice 7/16/97—published 11/19/97, effective 1/1/98]
[Filed emergency 6/30/04—published 7/21/04, effective 7/1/04]
[Filed 5/18/05, Notice 3/16/05—published 6/8/05, effective 8/1/05]
[Filed 1/22/08, Notice 10/10/07—published 2/13/08, effective 4/1/08[1]]
[Editorial change: IAC Supplement 7/2/08]
[Filed Emergency After Notice ARC 7720B (Notice ARC 7563B, IAB 2/11/09), IAB 4/22/09, effective 4/1/09]
[Filed ARC 4802C (Notice ARC 4650C, IAB 9/11/19), IAB 12/4/19, effective 1/8/20]

[1] April 1, 2008, effective date of ARC 6591B delayed 70 days by the Administrative Rules Review Committee at its meeting held March 7, 2008. At its meeting held June 9, 2008, the Committee delayed the effective date until the adjournment of the 2009 Session of the General Assembly.

CHAPTERS 142 to 149
Reserved

CHAPTER 150
DIVISION OF CRIMINAL INVESTIGATION CRIMINALISTICS LABORATORY
[Prior to 11/22/06, see 661—Ch 12]

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/25/31

661—150.1(691) Criminalistics laboratory. The state criminalistics laboratory created in Iowa Code section 691.1 is located, pursuant to that section, within the division of criminal investigation.

150.1(1) *Identification.* The state criminalistics laboratory will be known as the division of criminal investigation criminalistics laboratory. Unless the context clearly implies otherwise, the term "laboratory," when used in this chapter, means the division of criminal investigation criminalistics laboratory.

150.1(2) *Administration.* The laboratory will be headed by an administrator who reports to the director of the division of criminal investigation.

150.1(3) *Contact information.*

a. The address of the laboratory for receiving mail or shipped materials is Iowa DCI Criminalistics Laboratory, 2240 South Ankeny Boulevard, Ankeny, Iowa 50023.

b. The telephone number of the laboratory is 515.725.1500.

c. Information regarding the laboratory may be obtained from the department website.

NOTE: Currently, information about the laboratory may be found at www.dps.state.ia.us/DCI/Crime_Lab/index.shtml.

[**ARC 0025D**, IAB 1/21/26, effective 2/25/26]

661—150.2(691) Purpose and scope of work. The laboratory provides forensic science services to law enforcement agencies within the state of Iowa. The laboratory will, within its capabilities, conduct analyses and comparative studies on physical evidence to aid in any criminal investigation, when requested by a prosecuting attorney, a medical examiner, or a law enforcement agency.

150.2(1) *Resource or capability limitations.*

a. The laboratory administrator may refuse any request to conduct an analysis when, in the judgment of the administrator, the laboratory is unable to adequately conduct the requested analysis, either because of resource limitations or because the analysis is not within the professional capabilities of laboratory personnel.

b. The laboratory administrator may establish a policy excluding evidence of specific types or evidence arising from certain types of cases from being accepted by the laboratory if the administrator finds that such a policy is necessary either due to resource constraints, safety concerns, or the professional capabilities of laboratory personnel. Any policy adopted pursuant to this paragraph will be made available to all county attorneys, medical examiners, and law enforcement agencies within Iowa.

c. If analysis by the laboratory of specific evidence arising from a criminal investigation in Iowa has been excluded pursuant to either paragraph 150.2(1)*"a"* or *"b,"* the administrator may, at the administrator's discretion, assist the agency requesting the analysis in locating the services of another laboratory able to perform the requested analysis.

150.2(2) *Exclusion by law.* The laboratory will only perform analyses that have arisen from, or will aid in, criminal investigations or that are otherwise provided for by law.

[**ARC 0025D**, IAB 1/21/26, effective 2/25/26]

661—150.3(691) Laboratory capabilities. The laboratory is capable of performing any forensic scientific analysis for which a laboratory staff member has received appropriate training and for which the necessary equipment and materials are available to the staff member performing the analysis. Information regarding the current forensic science capabilities of the laboratory may be obtained in the Iowa Criminalistics Laboratory Quality Assurance Manual published by the laboratory.

[**ARC 0025D**, IAB 1/21/26, effective 2/25/26]

661—150.4(691) Evidence submission to the laboratory.

150.4(1) Evidence may be submitted to the laboratory by:

a. Any law enforcement agency in Iowa;

b. The Iowa department of corrections;

c. Any other criminal or juvenile justice agency, with the approval of the laboratory administrator; or

d. Any other state agency, with the approval of the laboratory administrator.

150.4(2) Evidence may be submitted to the laboratory via regular, certified, or registered mail or personal service. Any evidence to be submitted to the laboratory will be entered electronically into the laboratory information management system prior to submission. Each entry will include a description of each item to be submitted and an examination request for each item to be submitted.

NOTE: Access to the laboratory information management system is restricted to authorized users representing agencies authorized to submit evidence to the laboratory. Authorized users should contact the laboratory for instructions regarding access to the system.

150.4(3) Evidence submitted to the laboratory that is not personally delivered will be packaged in such a manner that laboratory personnel can determine that the package has not been opened while in transit. If the laboratory receives an unsealed or damaged package, the laboratory may refuse to process such evidence if the integrity of the evidence has been compromised.

[**ARC 0025D**, IAB 1/21/26, effective 2/25/26]

661—150.5(17A,691) Distribution of reports.

150.5(1) A copy of each completed report of analyses performed by the laboratory will be provided to the submitting officer and to the prosecuting attorney. The prosecuting attorney is responsible for providing copies of any laboratory report to the defendant or defendants as required by law.

150.5(2) Results of laboratory analyses will not be made available to any unauthorized person or organization.

[**ARC 0025D**, IAB 1/21/26, effective 2/25/26]

661—150.6(17A,691) Disposition of evidence.

150.6(1) Evidence will be returned to the submitting agency unless one of the following conditions applies:

a. Retention of the evidence would be beneficial for future laboratory analysis.

b. Returning the evidence presents a hazard to health or safety. Any required notice to the defendant of destruction of evidence pursuant to this paragraph is the responsibility of the prosecuting attorney.

150.6(2) Evidence will not be transferred or submitted to any person or agency other than the submitting agency without an applicable court order unless authorized by the submitting agency.

[**ARC 0025D**, IAB 1/21/26, effective 2/25/26]

These rules are intended to implement Iowa Code chapter 691.

[Filed 6/30/75]

[Filed 4/12/76, Notice 3/8/76—published 5/3/76, effective 6/7/76]

[Filed emergency 6/4/76—published 6/28/76, effective 6/4/76]

[Filed 2/28/78, Notice 1/11/78—published 3/22/78, effective 4/26/78]

[Filed emergency 1/25/79—published 2/21/79, effective 1/25/79]

[Filed 6/7/79, Notice 5/2/79—published 6/27/79, effective 8/2/79]

[Filed 4/1/88, Notice 9/23/87—published 4/20/88, effective 5/25/88]

[Filed 11/2/06, Notice 9/13/06—published 11/22/06, effective 1/1/07]

[Filed ARC 0219C (Notice ARC 0098C, IAB 4/18/12), IAB 7/25/12, effective 9/1/12]

[Filed ARC 0025D (Notice ARC 9724C, IAB 11/26/25), IAB 1/21/26, effective 2/25/26]

CHAPTERS 151 to 155
Reserved

CHAPTER 156
DNA DATABASE

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/12/31

661—156.1(81) Establishment of DNA database. There is established a DNA database within the division criminalistics laboratory. These rules govern the administration of the DNA database and the collection, submission, analysis, identification, storage, and disposition of DNA records gathered for the DNA database. These rules do not apply to the collection and handling of DNA samples gathered as evidence in the course of criminal investigations.
[**ARC 0414D**, IAB 7/8/26, effective 8/12/26]

661—156.2(81) Definitions. The following definitions apply to rules 661—156.1(81) through 661—156.9(81):

"Administrator" means the administrator of the division criminalistics laboratory.

"Commissioner" means the commissioner of public safety.

"Database" means the DNA database located in the division criminalistics laboratory.

"Department" means the department of public safety.

"Director" means the director of the division.

"Division" means the division of criminal investigation.

"DNA" means deoxyribonucleic acid.

"Expungement" means the removal of information from the database, effectively severing any ability to link a DNA profile and an individual.

"Laboratory" means the division criminalistics laboratory.
[**ARC 0414D**, IAB 7/8/26, effective 8/12/26]

661—156.3(81) Administration of DNA database. The database is under the direct supervision of a supervising criminalist employed by the laboratory and designated by the administrator.
[**ARC 0414D**, IAB 7/8/26, effective 8/12/26]

661—156.4(81) Collection of DNA samples. Samples of DNA will be collected from any person required to submit a sample pursuant to the provisions of Iowa Code chapter 81.

156.4(1) The sample will be collected by the agency to which custody or responsibility for supervision has been assigned by the court issuing the sentencing order.

156.4(2) Each DNA sample will be collected as soon as is practical after an agency assumes custody or supervision of the person required to submit the DNA sample and the DNA sample is submitted to the laboratory in accordance with rule 661—156.5(81).

156.4(3) Each DNA sample will be collected using a DNA collection kit provided by the laboratory, following the instructions provided for the kit by the laboratory.

EXCEPTION: A DNA sample may be collected without the use of a DNA collection kit provided by the laboratory. If a sample is collected without the use of a kit, the person submitting the sample will include a signed and dated statement describing the collection procedure.
[**ARC 0414D**, IAB 7/8/26, effective 8/12/26]

661—156.5(81) Submission of DNA samples.

156.5(1) All samples collected for inclusion in the database should be submitted to the following address:

Iowa DCI Criminalistics Laboratory
2240 South Ankeny Boulevard
Ankeny, Iowa 50023-9093

EXCEPTION: Each sample submitted in a package with a preprinted mailing address or with a mailing label with a preprinted address, when such package or label has been provided by the laboratory, will be mailed to the preprinted address. Any other sample will be mailed in accordance with instructions provided by the laboratory.

156.5(2) Each sample submitted will be accompanied by a completed DNA sample donor identification form included in the DNA collection kit provided by the laboratory. If the sample is submitted without the donor identification form, the sample will be accompanied by a statement signed and dated by the person submitting it, with at least the following information identifying the subject of the DNA sample: full name, date of birth, and a clear fingerprint. Additional identifying information, such as the social security number of the person providing the sample or identifying numbers assigned by state agencies, will be provided if available.
[**ARC 0414D**, IAB 7/8/26, effective 8/12/26]

661—156.6(81) Analysis of DNA samples. Samples of DNA submitted to the laboratory will be analyzed by laboratory personnel and the results of the analysis entered into the database in accordance with the provisions of the "Quality Assurance Standards for Convicted Offender DNA Databasing Laboratories" published by the DNA Advisory Board to the Federal Bureau of Investigation, July 1, 2025.

EXCEPTION: Analysis of DNA samples may be conducted by other laboratories under contract with the department with the approval of the administrator. Any other laboratory conducting analysis of DNA samples for inclusion in the database will comply with the requirements and procedures to which the laboratory is subject under this rule.
[**ARC 0414D**, IAB 7/8/26, effective 8/12/26]

661—156.7(81) Identification of DNA samples. Each sample of DNA submitted for inclusion in the database will be identified by a unique number that will reference the full name of the person whose sample is submitted, the person's date of birth, and a clear fingerprint taken from the person.
[**ARC 0414D**, IAB 7/8/26, effective 8/12/26]

661—156.8(81) Storage of DNA samples. Samples of DNA submitted for inclusion in the database will be stored at room temperature.
[**ARC 0414D**, IAB 7/8/26, effective 8/12/26]

661—156.9(81) Expungement of DNA samples.

156.9(1) A person whose DNA record has been included in the database may request expungement of the DNA record from the database based upon the reversal on appeal or dismissal of the case of the person's conviction, adjudication, or civil commitment that caused the submission of the DNA sample. The request shall be in writing and shall include a certified copy of the final court order reversing the conviction, adjudication, or civil commitment; a certified copy of the dismissal; and any other information necessary to ascertain the validity of the request. The request shall clearly state that it is a request to expunge a record from the DNA database and the specific basis for the request.

A request to expunge the DNA record shall be addressed as follows:

Administrator
Iowa DCI Criminalistics Laboratory
2240 S. Ankeny Boulevard
Ankeny, Iowa 50023-9093

156.9(2) Action on expungement request.

a. The laboratory, upon receipt of a written request that validates reversal on appeal of a person's conviction, adjudication, or commitment, and subsequent dismissal of the case, or upon receipt of a written request by a person who voluntarily submitted a DNA sample pursuant to Iowa Code section 81.3(3)*"b,"* shall expunge all of the DNA records and identifiable information of the person in the database. The person or the person's representative shall be notified upon completion of such action.

b. If the division determines that the person is otherwise obligated to submit a DNA sample, the DNA record shall not be expunged.

c. If the division denies an expungement request, the division shall notify the person requesting the expungement of the decision not to expunge the DNA record and the reason supporting the decision. A person whose request to expunge a DNA record from the database is denied may appeal that decision to the commissioner within 30 days of the date of the letter communicating the denial. Appeals shall be

treated as requests for contested case proceedings, and such proceedings shall be subject to the provisions of 7—Chapter 2504, except that such requests shall be addressed as follows:

Commissioner, Iowa Department of Public Safety
State Public Safety Headquarters Building
215 East 7th Street
Des Moines, Iowa 50319

156.9(3) A DNA record shall not be expunged pursuant to this rule if expungement or destruction of the DNA record would destroy evidence related to another person.

[**ARC 0414D**, IAB 7/8/26, effective 8/12/26]

These rules are intended to implement Iowa Code chapter 81.

[Filed emergency 6/30/05—published 7/20/05, effective 7/1/05]
[Filed 11/3/05, Notice 7/20/05—published 11/23/05, effective 1/1/06]
[Editorial change: IAC Supplement 6/17/09]
[Filed ARC 0219C (Notice ARC 0098C, IAB 4/18/12), IAB 7/25/12, effective 9/1/12]
[Filed ARC 0414D (Notice ARC 0225D, IAB 4/29/26), IAB 7/8/26, effective 8/12/26]

CHAPTER 157
DEVICES AND METHODS TO TEST BODY FLUIDS FOR ALCOHOL OR DRUGS

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

661—157.1(321J) Approval of devices and methods to test for alcohol or drug concentration. The commissioner, by these rules, approves the following devices and methods to take a specimen of a person's breath or urine for the purpose of determining the alcohol or drug concentration.

661—157.2(321J) Evidentiary breath testing.

157.2(1) A breath testing device is a device designed and constructed to measure a subject's breath alcohol concentration by utilizing a sample of the subject's breath.

157.2(2) A peace officer desiring to perform testing of a subject's breath for the purpose of determining the alcohol concentration shall employ, or cause to be used, a breath testing device of a type meeting the minimum performance requirements established in Highway Safety Programs; Model Specifications for Devices to Measure Breath Alcohol, Federal Register, Volume 58, No. 179 (September 17, 1993), pp. 48705-48708. All devices so used must be certified to be in proper working order at least once per calendar year according to procedures specified for that device. The interval between certifications shall not be more than 450 days.

157.2(3) The division of criminal investigation criminalistics laboratory shall maintain a list of devices approved by the commissioner of public safety for collection of breath samples for evidentiary purposes. The current list shall be available upon request to the Division of Criminal Investigation Criminalistics Laboratory at 2240 South Ankeny Boulevard, Ankeny, Iowa 50023, or on the website of the department of public safety.

157.2(4) The operator of an evidentiary breath testing device shall have been certified as competent in the operation of the breath testing device and shall proceed in accordance with the instructions included in an operating manual furnished by the division of criminal investigation criminalistics laboratory. An operating manual, with number and date, specific to a particular approved device and prepared by the division of criminal investigation criminalistics laboratory shall be available to operators using the device. The current version of the operating manual for each device currently approved for use in Iowa may be obtained by contacting the Division of Criminal Investigation Criminalistics Laboratory at 2240 South Ankeny Boulevard, Ankeny, Iowa 50023, or from the department's website.

157.2(5) All certifications of evidentiary breath testing devices shall be made by the division of criminal investigation criminalistics laboratory. All certifications of operators shall be made by the division of criminal investigation criminalistics laboratory or a designee. A designee shall be a person trained and certified by the division of criminal investigation criminalistics laboratory.

[**ARC 7529B**, IAB 1/28/09, effective 4/1/09; **ARC 0219C**, IAB 7/25/12, effective 9/1/12; **ARC 5407C**, IAB 1/27/21, effective 3/3/21]

661—157.3(321J) Urine collection. A peace officer who collects a sample of a subject's urine for the purpose of determining alcohol or drug concentration shall proceed as follows.

157.3(1) The collection shall be made in the presence of a peace officer or other reliable person under the supervision of a peace officer. The peace officer or other person in the presence of the subject shall be of the same gender as the subject.

157.3(2) As soon as practicable, the subject shall urinate into a urine alcohol kit-supplied bottle, cup or other suitable container which is clean, dry, and free from any visible contamination. Anticoagulant and antimicrobial substances in a blood or urine kit do not constitute visible contamination.

157.3(3) The peace officer shall collect a second urine void for alcohol testing in a suitable container which is clean, dry, and free from visible contamination. If a second void cannot be collected, the peace officer shall submit a sample from the first void and shall inform the Iowa division of criminal investigation criminalistics laboratory on the laboratory receipt form that the sample is from a first void. It is not necessary that the subject's bladder be completely emptied.

157.3(4) When collection of the sample for alcohol testing has been completed, the peace officer shall cause a portion of the collected sample to be transferred to a test tube containing 100 milligrams of sodium fluoride and anticoagulant.

157.3(5) A listing of test kits known to meet the requirements of subrules 157.3(2), 157.3(3) and 157.3(4) may be found on the criminalistics laboratory website. Any peace officer wishing to use a test kit which is not listed should inquire of the criminalistics laboratory as to whether the other test kit meets the requirements. Any provider of test kits may request the addition of a kit to the list by sending a sample kit to the administrator of the criminalistics laboratory with a cover letter requesting that the kit be added to the list of kits known to meet the requirements of this subrule.

NOTE: The current location of information about test kits on the laboratory website is: dps.iowa.gov/divisions/criminal-investigation/criminalistics-laboratory/toxicology.

157.3(6) If the peace officer requests additional toxicological testing, the remainder of the sample may be retained in a container and sent for analysis to the Iowa division of criminal investigation criminalistics laboratory.

157.3(7) The peace officer shall label the container showing the date and time the sample was collected and identifying the peace officer, the subject, and the person present during the collection of the sample if other than the peace officer.

661—157.4(321J) Submission of samples for alcohol and drug testing to the criminalistics laboratory. Any sample of urine or blood may be submitted to the division of criminal investigation criminalistics laboratory or other appropriate laboratory via ordinary mail, private courier, or personal delivery.

661—157.5(321J) Preliminary breath screening test.

157.5(1) A peace officer desiring to perform a preliminary screening test of a person's breath shall use a device approved by the division of criminal investigation criminalistics laboratory. Such devices are approved for accuracy and precision using a dry gas standard or breath simulating device. The division of criminal investigation criminalistics laboratory shall employ scientifically established tests or methods appropriate to a particular device in determining whether the device meets an acceptable standard for operation including accuracy, or the laboratory may, at its discretion, accept test results from another laboratory. The standards shall include the requirement that in all cases the device shall indicate the alcohol concentration on a numerical display. Devices shall be of a type that may be calibrated on a monthly basis by officers in the field.

The division of criminal investigation criminalistics laboratory shall maintain a list of devices approved by the commissioner for use as preliminary breath screening devices. The list of currently approved devices is available on the website of the department.

157.5(2) Any peace officer using an approved device shall follow the instructions furnished by the manufacturer for use of such a device. The calibration of each unit shall be checked at least once per month, and the device shall be calibrated, if necessary, using a dry gas standard. The officer or officer's department shall maintain a record of each calibration. This record shall include:

a. The identity of the person performing the calibration.

b. The date.

c. The value of standard used.

d. The unit type and identification number.

e. The expiration date of the standard used.

[**ARC 5407C**, IAB 1/27/21, effective 3/3/21]

661—157.6(123) Chemical test—alcohol concentration—public intoxication. All devices and methods approved in this chapter for the purpose of determining a person's alcohol concentration for evidential purposes under Iowa Code chapter 321J, and the devices otherwise approved in this chapter only for use in performing preliminary breath screening tests, are equally approved for testing to determine alcohol concentration in connection with arrests for public intoxication under Iowa Code section 123.46. The chemical test results shall be expressed in terms of alcohol concentration as defined in Iowa Code section 321J.1.

661—157.7(321J) Detection of drugs other than alcohol.

157.7(1) *Adoption of federal standards.* Initial test requirements based upon standards adopted by the federal Substance Abuse and Health Services Administration in "Mandatory Guidelines for Federal Workplace Drug Testing Programs," 82 FR 7920, and displayed in the following table are hereby adopted as standards for determining detectable levels of controlled substances in the division of criminal investigation criminalistics laboratory initial screening for controlled substances detected by the presence of the following: marijuana metabolites, cocaine metabolites, codeine/morphine, hydrocodone/hydromorphone, oxycodone/oxymorphone, 6-acetylmorphine, phencyclidine, amphetamine/methamphetamine, and MDMA/MDA. The following table shows the minimum levels of these substances which will result in a finding that a controlled substance is present at a detectable level:

Initial test analyte	Initial test cutoff1
Marijuana metabolites (THCA)2	50 ng/ml3
Cocaine metabolites (Benzoylecgonine)	150 ng/ml3
Codeine/Morphine	2000 ng/ml
Hydrocodone/Hydromorphone	300 ng/ml
Oxycodone/Oxymorphone	100 ng/ml
6-Acetylmorphine	10 ng/ml
Phencyclidine	25 ng/ml
Amphetamine/Methamphetamine	500 ng/ml
MDMA4/MDA5	500 ng/ml

1 For grouped analytes (i.e., two or more analytes that are in the same drug class and have the same initial test cutoff):

Immunoassay: The test must be calibrated with one analyte from the group identified as the target analyte. The cross-reactivity of the immunoassay to the other analyte(s) within the group must be 80 percent or greater; if not, separate immunoassays must be used for the analytes within the group.

Alternate technology: Either one analyte or all analytes from the group must be used for calibration, depending on the technology. At least one analyte within the group must have a concentration equal to or greater than the initial test cutoff or, alternatively, the sum of the analytes present (i.e., equal to or greater than the laboratory's validated limit of quantification) must be equal to or greater than the initial test cutoff.

2 An immunoassay must be calibrated with the target analyte, D-9-tetrahydrocannabinol-9-carboxylic acid (THCA).

3 *Alternate technology* (THCA and benzoylecgonine): The confirmatory test cutoff must be used for an alternate technology initial test that is specific for the target analyte (i.e., 15 ng/mL for THCA, 100 ng/mL for benzoylecgonine).

4 Methylenedioxymethamphetamine (MDMA).

5 Methylenedioxyamphetamine (MDA).

157.7(2) Reserved.

[**ARC 0219C**, IAB 7/25/12, effective 9/1/12; **ARC 5407C**, IAB 1/27/21, effective 3/3/21]

These rules are intended to implement Iowa Code section 123.46 and chapter 321J.

[Filed 4/2/07, Notice 9/13/06—published 4/25/07, effective 6/1/07]

[Filed emergency 12/21/07—published 1/16/08, effective 1/1/08]

[Filed ARC 7529B (Notice ARC 7020B, IAB 7/30/08), IAB 1/28/09, effective 4/1/09]

[Filed ARC 0219C (Notice ARC 0098C, IAB 4/18/12), IAB 7/25/12, effective 9/1/12]

[Filed ARC 5407C (Notice ARC 5295C, IAB 12/2/20), IAB 1/27/21, effective 3/3/21]

CHAPTER 158
IGNITION INTERLOCK DEVICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/8/31

661—158.1(321J) Scope and authority.

158.1(1) The rules in this chapter establish standards and requirements that apply to ignition interlock devices installed in motor vehicles pursuant to court orders or administrative orders issued by the DOT pursuant to Iowa Code chapter 321J.

158.1(2) Various sections of Iowa Code chapter 321J require drivers who have been convicted of violating or administratively adjudged to have violated certain provisions of Iowa Code chapter 321J to have ignition interlock devices "of a type approved by the commissioner of public safety" installed on their vehicles in order to continue to drive legally. The rules in this chapter provide the standards for such approval.

[**ARC 0118D**, IAB 3/4/26, effective 4/8/26]

661—158.2(321J) Definitions. The following definitions apply to rules in this chapter:

"Alcohol" means any member of the class of organic compounds known as alcohols and, specifically, ethyl alcohol.

"ASP" means an authorized service provider, which is a person or company meeting all qualifications outlined in this chapter and approved and trained by the manufacturer to service, install, monitor or calibrate IIDs approved pursuant to this chapter.

"BrAC" means breath alcohol concentration, which is the amount of alcohol determined by chemical analysis of the individual's breath measured in grams of alcohol per 210 liters of breath.

"Bypass," "bypassing" or *"tampering"* means the attempted or successful circumvention of the proper functioning of an IID, including but not limited to the push start of a vehicle equipped with an IID; disabling, disconnecting or altering an IID; or introduction of a breath sample into an IID other than a nonfiltered direct breath sample from the driver of the vehicle in order to defeat the intended purpose of the IID.

"Confirmatory test" means a breath alcohol test required in response to a bypass or a first failed test.

"DCI" means the Iowa division of criminal investigation.

"DOT" means Iowa department of transportation, office of driver services.

"Fail level" means a BrAC equal to or greater than 0.04 grams per 210 liters of breath, at which level the IID will prevent the vehicle from starting or will indicate a violation once the vehicle is running.

"First failed test" means providing a breath sample to an ignition interlock device with an alcohol concentration of 0.04 or more.

"IID" means ignition interlock device, which is an electronic device that is installed in a vehicle and that requires the completion of a breath sample test prior to starting the vehicle and at periodic intervals after the vehicle has been started. If the IID detects an alcohol concentration of 0.04 grams or greater per 210 liters of breath, the vehicle will be prevented from starting.

"Initial test" means a breath sample that is collected in an attempt to start a vehicle.

"Laboratory" means the division of criminal investigation criminalistics laboratory.

"Lessee" means a person who has entered into an agreement with a manufacturer or an ASP to lease an IID and whose driving privileges are contingent on the use of an IID.

"Lockout" means a condition in which the IID will not accept a breath test.

"Lockout override" means a method of unlocking a device to accept a breath sample.

"Manufacturer" means the person, company, or corporation that produced the IID.

"Random retest" means a breath sample that is collected in a nonscheduled, random manner after the vehicle has been started.

"Start or starting" means to manipulate a vehicle's inputs or systems or to activate a motor, thereby initiating the transition of a stationary vehicle into a motor-powered, driver-controlled motion.

"User" means a person operating a vehicle equipped with an IID.

"Violation" means a violation as described in Iowa Code section 321J.17A(4).

"Violation reset" means a required calibration check and recalibration in accordance with subrule 158.8(1) when the device has a recorded violation.

[**ARC 0118D**, IAB 3/4/26, effective 4/8/26]

661—158.3(321J) Approval. To be approved, an IID will meet or exceed performance standards contained in the Model Specifications for Breath Alcohol Ignition Interlock Devices as published in the Federal Register, May 8, 2013, Volume 78, No. 89 pages 26849-26867. Only a notarized statement from a laboratory capable of performing the tests specified will be accepted as proof of meeting or exceeding the standards.

158.3(1) In addition to the federal standards, the laboratory shall apply scientific tests or methods to a particular IID to determine whether it meets an acceptable standard for accuracy.

158.3(2) At the discretion of the laboratory administrator, the laboratory may accept test results from other public laboratories or authorities.

158.3(3) A list of IIDs approved by the commissioner of public safety shall be maintained by the laboratory. The list is available without cost by writing to the Iowa Department of Public Safety, Division of Criminal Investigation, Criminalistics Laboratory, 2240 South Ankeny Boulevard, Ankeny, Iowa 50023; by telephoning 515.725.1500; or by accessing the list on the laboratory's website.

NOTE: As of May 1, 2024, the website of the laboratory is breathalcohol.iowa.gov.

[**ARC 0118D**, IAB 3/4/26, effective 4/8/26]

661—158.4(321J) Revocation of approval.

158.4(1) The approval of an IID will remain valid until either voluntarily surrendered by the manufacturer or until the approval of the IID has been revoked by the commissioner of public safety for cause. Reasons for revocation include but are not limited to the following:

a. Evidence of repeated IID failures due to defects in design, materials, or workmanship during manufacture, installation, monitoring, or calibration of the IID such that the accuracy of the IID or the reliability of the IID as approved is not being met as determined by the laboratory.

b. A pattern of evidence that the mandatory operational features of the IID as described in rule 661—158.6(321J) are not functioning properly.

c. A pattern of evidence indicating that the IID may be easily tampered with or bypassed.

d. Any violation on the part of the manufacturer of the IID of any laws or regulations related to the installation, servicing, monitoring, and calibration of IIDs, or failure of a manufacturer to address repeated violations by an ASP.

e. Cancellation of the manufacturer's required liability insurance coverage.

f. Cessation of business operations by the manufacturer.

g. Failure to notify the laboratory in writing of any material modifications or alterations to the components or the design of the approved IID.

h. Failure of the manufacturer or an ASP to notify the DOT and the county attorney of the county of residence of the lessee within 30 days of the discovery of evidence of tampering with or attempting to bypass an IID.

i. Evidence that the manufacturer or ASP(s), or its owners, employees, or agents, has committed any act of theft or fraud, deception or material omission of fact related to the distribution, installation, or operation of any IID subject to this chapter.

j. Revocation of approval in another state for any of the reasons for revocation listed in paragraphs 158.4(1)*"a"* through *"i."*

158.4(2) A revocation shall be effective 30 days from the date of the letter sent to the manufacturer via certified mail, return receipt requested, unless otherwise specified by the commissioner. A copy of each notice of revocation shall be provided to the director of the DOT.

158.4(3) Upon voluntary surrender or revocation, all IIDs subject to surrender or revocation shall be removed and replaced by an approved IID within 60 days of the effective date of such surrender or revocation. The manufacturer or the ASP shall notify all affected lessees of the surrender or revocation and the requirement that a new IID shall be installed by an existing ASP within the time frame specified in this subrule.

158.4(4) A revocation of a previously approved IID may be appealed to the department of public safety by the filing of an appeal in accordance with the procedures specified in rule 661—10.101(17A) within ten days of the issuance of the notice of revocation.
[**ARC 0118D**, IAB 3/4/26, effective 4/8/26]

661—158.5(321J) Modifications to an approved IID. The manufacturer shall inform the laboratory in writing of any modifications that will affect the accuracy, reliability, ease of use, or general function of the approved IID. The notification shall include but not be limited to a listing of those modifications that were made, those components that were redesigned or replaced, and any additional alterations. Each of these changes should also include a narrative explaining how the modifications or alterations will affect the accuracy, reliability, ease of use, or general function of the IID. The laboratory reserves the right to test the IID to determine if the IID meets or exceeds the requirements established in this chapter.
[**ARC 0118D**, IAB 3/4/26, effective 4/8/26]

661—158.6(321J) Mandatory operational features. In addition to any requirements established elsewhere in this chapter, an approved IID shall comply with the following:

158.6(1) The IID will be designed and constructed to measure a person's BrAC by utilizing a sample of the person's breath delivered directly into the IID. A minimum volume of 1.5 liters of continuously delivered breath is required for acceptance but may be lowered to 1.2 liters of continuously delivered breath with a medical waiver provided to the department.

158.6(2) The IID will be designed and constructed so that the ignition system of the vehicle in which it is installed will not be started if the BrAC of the person submitting the initial test is 0.04 BrAC or more.

158.6(3) The IID will lock out if the IID has not been calibrated within 67 days subsequent to the last calibration. Calibration may be required more frequently at the discretion of the manufacturer or the ASP. The laboratory administrator may approve a device using fuel cell technology to be recalibrated within 187 days of the previous calibration provided that the device passes specific precision and functionality testing approved by the laboratory administrator and carried out by the laboratory or an independent laboratory acceptable to the laboratory administrator. A lockout override may be utilized to unlock a device for a period of three hours.

158.6(4) The IID will require a confirmatory test in response to a failed first test or bypass. Once the confirmatory test begins, the device will allow six minutes for the confirmatory test to be completed. Once a confirmatory test is in progress, either (1) failing to provide a detectable breath sample to the IID when prompted by the device or (2) providing a breath sample to the IID with an alcohol concentration or 0.04 or more will be recorded as a violation and, if in response to a bypass or random retest, cause the device to immediately notify peace officers as prescribed in this rule and disable the sample-free start.

158.6(5) The IID shall record every instance when the vehicle is started, the results of the breath sample test, how long the vehicle was operated, and any indications that the IID may have been tampered with or bypassed.

158.6(6) The IID shall require the operator to submit to a random retest within ten minutes of starting the vehicle. A minimum of two additional random retests will occur within 60 minutes of starting the vehicle, and a minimum of two random retests will occur within every 60 minutes thereafter. Once a random test begins, the device will allow six minutes for the random retest to be completed. Random retests may be achieved during operation of the vehicle.

158.6(7) The IID will permit a sample-free restart for a maximum period of two minutes unless the IID has initiated a random retest, in which case the operator will successfully perform a breath sample test before the vehicle may be restarted.

158.6(8) The IID will automatically and completely purge residual alcohol before allowing subsequent tests.

158.6(9) The IID will be installed in such a manner that it will not interfere with the normal operation of the vehicle after the vehicle has been started.

158.6(10) The IID will be equipped with a method of immediately notifying peace officers if the retest required by subrule 158.6(6) is not performed or if the result of a random retest exceeds the alcohol concentration of 0.04 BrAC. Examples of acceptable forms of notification are repeated honking of the

vehicle's horn and repeated flashing of the vehicle's headlights. Such notification may be disabled only by switching the engine off or by achievement of a retest at a level below 0.04 BrAC.

158.6(11) Each IID will be uniquely identified by a serial number. Along with any other information required by the DOT or by an originating court, all reports to the DOT or to an originating court concerning a particular IID will include the name, address, and driver's license number of the lessee and the unique serial number of the IID. The name, address, telephone number, and contact person of the manufacturer or the ASP furnishing the report will also be included as part of the report.

[**ARC 0118D**, IAB 3/4/26, effective 4/8/26]

661—158.7(321J) IID security.

158.7(1) The manufacturer and its ASPs will take all reasonable steps necessary to prevent tampering with or physical circumvention of the IID. These steps shall include the following:

a. ASPs will use special locks, seals, installation procedures, or design characteristics that prevent or record evidence of tampering or circumvention attempts.

b. The manufacturer or the ASP will affix a label to the IID indicating that attempts to tamper with or circumvent the IID may subject a person to criminal prosecution or administrative sanctions.

158.7(2) No owner or employee of a manufacturer or an ASP may authorize or assist with the disconnection of an IID or enable the use of any emergency bypass mechanism or any other bypass procedure that allows a person restricted to the use of a vehicle equipped with a functioning IID to start or operate a vehicle without providing all required breath samples. Authorizing or assisting with the disconnection of an IID may subject the owner or employee of a manufacturer or an ASP to criminal prosecution or administrative sanctions.

[**ARC 0118D**, IAB 3/4/26, effective 4/8/26]

661—158.8(321J) IID maintenance and reports.

158.8(1) An IID utilized in accordance with the provisions of this chapter will have the calibration checked and recalibrated at least once every 60 days or pursuant to a violation reset using either a wet bath simulator or dry gas standard. Calibration is to be completed by the manufacturer or the ASP. In lieu of calibration of an installed IID, an installed IID may be exchanged for another calibrated IID. The laboratory administrator may approve a device that employs fuel cell technology to be used for up to 180 days from the date of the previous calibration provided that the device passes specific precision and functionality testing approved by the laboratory administrator and carried out by the laboratory or an independent laboratory acceptable to the laboratory administrator. An IID will automatically enter a lockout condition if the IID has not been calibrated within seven days of a violation reset or after the deadlines established in this subrule.

158.8(2) The calibration record for the IID currently installed in a vehicle pursuant to Iowa Code section 321J.4 and this chapter and for any other IID installed in the same vehicle will be maintained by the manufacturer or the ASP. The record will include the following:

a. Name of the person performing the calibration;

b. Date;

c. Value and type of standard used;

d. Batch or lot number of standard;

e. Unit type and identification number of the IID; and

f. Description of the vehicle in which the IID is installed, including:

(1) Registration plate number and state;

(2) Make;

(3) Model;

(4) Vehicle identification number;

(5) Year; and

(6) Color.

158.8(3) The IID will be calibrated for accuracy according to the manufacturer's procedures. All data contained in the IID's memory will be downloaded, and the manufacturer or the ASP will make a hard copy or the electronic equivalent of a hard copy of client data and results of each examination.

158.8(4) All information obtained as a result of each inspection will be retained by the manufacturer or the ASP for five years from the date the IID is removed from the vehicle.

158.8(5) Any manufacturer or ASP who discovers evidence of tampering with or attempting to bypass an IID will, within 30 days of the discovery, notify the DOT and the county attorney of the county of residence of the lessee of that evidence.

158.8(6) The manufacturer or the ASP will provide, upon request, additional reports in a format acceptable to, and at no cost to, the DOT and the DCI.

158.8(7) The manufacturer or the ASP will notify the DOT within ten days if an IID is not calibrated within the time period specified in subrule 158.6(3).

[**ARC 0118D**, IAB 3/4/26, effective 4/8/26]

661—158.9(321J) Other provisions. In addition to any other applicable provisions of this chapter, each manufacturer of an approved IID, either on its own or through its ASPs, will comply with the following provisions:

158.9(1) Each manufacturer and ASP of IIDs approved for use in Iowa pursuant to this chapter will maintain general liability insurance coverage that is effective in Iowa and that has been issued by an insurance carrier authorized to operate in Iowa by the Iowa division of insurance in an amount of not less than $1 million per occurrence and $3 million in the aggregate. Each manufacturer and ASP will furnish the DCI with proof of this insurance coverage in the form of a certificate of insurance from the insurance company issuing the policy. All insurance policies required by this subrule will carry an endorsement requiring that the DCI be provided with written notice of cancellation of insurance coverage required by this subrule at least ten days prior to the effective date of cancellation.

158.9(2) Each manufacturer of IIDs approved for use in Iowa will maintain an email address and a telephone number that are available 24 hours a day, 365 days a year, for lessees or users to contact the manufacturer or the ASP if lessees or users have problems with the IID leased from the manufacturer or the ASP.

158.9(3) Each manufacturer of IIDs approved for use in Iowa will provide the lessee with instructions on how to properly use the IID, including recommending a 15-minute waiting period between the last drink of an alcoholic beverage and the time of breath sample delivery into the IID.

158.9(4) An IID utilized under these rules will be installed and removed by the manufacturer or the ASP in conformance with the prescribed procedures of the manufacturer.

158.9(5) The department of public safety reserves the right to inspect any IID, manufacturer, or ASP at any time at the department's discretion. All records of IIDs installed, results of calibrations, violations, data logs, and results of known alcohol standards will be made available for inspection upon request to any representatives of the department of public safety or DOT or any peace officer.

[**ARC 0118D**, IAB 3/4/26, effective 4/8/26]

These rules are intended to implement Iowa Code chapter 321J.

[Filed ARC 7887B (Notice ARC 7566B, IAB 2/11/09), IAB 7/1/09, effective 10/1/09]

[Filed ARC 0118D (Notice ARC 9658C, IAB 11/12/25), IAB 3/4/26, effective 4/8/26]

CHAPTER 159
STATEWIDE SOBRIETY AND DRUG MONITORING PROGRAM

Rescinded **ARC 0415D**, IAB 7/8/26, effective 8/12/26

CHAPTERS 160 to 173

Reserved

CHAPTER 174
RETAIL SALES OF PSEUDOEPHEDRINE

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/12/31

661—174.1(81GA,SF169) Electronic logbooks. A logbook of retail sales of products containing pseudoephedrine, as required in Iowa Code section 124.212A, may be recorded in any electronic format, provided that the retailer maintaining the logbook provides to any peace officer a printed copy of the information required to be maintained in the same manner as would be provided if the logbook were maintained on paper.

NOTE 1: Information required to be recorded in the logbook includes the legible signature of the purchaser and the printed name and address of the purchaser.

NOTE 2: This rule applies only to the content of the information provided to a peace officer from a logbook, not to the conditions or circumstances under which information from a logbook is provided to a peace officer.

[**ARC 0416D**, IAB 7/8/26, effective 8/12/26]

661—174.2(81GA,SF169) Reporting of civil penalties. Pursuant to Iowa Code section 126.23B, within 30 days of the assessment of a civil penalty upon a retailer or employee of a retailer of products containing pseudoephedrine for a violation of the provisions of Iowa Code section 124.212A or 126.23A, the city or county that has enforced the civil penalty will report the following information to the department:

1. Name and address of the retailer.
2. Name and birth date of the employee, if the civil penalty was assessed against an employee. If the assessment was against more than one employee, the name and birth date of each employee subject to the assessment will be reported.
3. Date of the violation.
4. Description of the violation.
5. Amount of the civil penalty assessed.

[**ARC 0416D**, IAB 7/8/26, effective 8/12/26]

These rules are intended to implement Iowa Code section 124.212B.

[Filed emergency 5/18/05—published 6/8/05, effective 5/21/05]
[Filed 11/3/05, Notice 6/8/05—published 11/23/05, effective 1/1/06]
[Filed ARC 0416D (Notice ARC 0227D, IAB 4/29/26), IAB 7/8/26, effective 8/12/26]

CHAPTERS 175 to 199
Reserved

CHAPTER 200
FIRE MARSHAL ADMINISTRATION
[Ch 5 as appeared in July 1974 IDR Supplement, rescinded June 30, 1975]
[Prior to 4/20/88, Public Safety Department [680] Ch 5]
[Prior to 11/18/09, see 661—Ch 5]
Rescinded **ARC 9472C**, IAB 8/6/25, effective 9/10/25

CHAPTER 201
FIRE CONTROL ADMINISTRATION
Transferred to 481—Chapter 280, IAC Supplement 11/26/25

CHAPTER 202
REQUIREMENTS FOR SPECIFIC OCCUPANCIES
Rescinded **ARC 9472C**, IAB 8/6/25, effective 9/10/25

CHAPTERS 203 and 204
Reserved

CHAPTER 205
FIRE SAFETY REQUIREMENTS FOR HOSPITALS AND
HEALTH CARE FACILITIES
[Prior to 4/2/03, see rules 661—5.550(100) to 661—5.603(100)]
[Prior to 6/22/05, see rules 661—5.900(100) to 661—5.950(135C)]
Rescinded **ARC 9472C**, IAB 8/6/25, effective 9/10/25

CHAPTERS 206 to 209
Reserved

CHAPTER 210
SMOKE ALARMS/DETECTORS
Rescinded **ARC 9472C**, IAB 8/6/25, effective 9/10/25

CHAPTER 211
CARBON MONOXIDE ALARMS
Rescinded **ARC 9472C**, IAB 8/6/25, effective 9/10/25

CHAPTERS 212 to 220
Reserved

CHAPTER 221
FLAMMABLE OR COMBUSTIBLE LIQUIDS
Transferred to 481—Chapter 282, IAC Supplement 7/9/25

CHAPTERS 222 and 223
Reserved

CHAPTER 224
ABOVEGROUND FLAMMABLE OR COMBUSTIBLE LIQUID STORAGE TANKS
Rescinded **ARC 9181C**, IAB 4/30/25, effective 6/4/25

CHAPTER 225
Reserved

CHAPTER 226
LIQUEFIED PETROLEUM GAS
[Prior to 5/23/07, see rules 661—51.100(101) to 661—51.102(101)]
Transferred to 481—Chapter 286, IAC Supplement 7/9/25

CHAPTER 227
Reserved

CHAPTER 228
LIQUEFIED NATURAL GAS
[Prior to 12/14/11, see 661—Ch 51]
Transferred to 481—Chapter 288, IAC Supplement 7/9/25

CHAPTERS 229 and 230
Reserved

CHAPTER 231
MANUFACTURING, STORAGE, HANDLING, USE OF EXPLOSIVE MATERIALS,
AND LICENSING FOR COMMERCIAL EXPLOSIVE CONTRACTORS AND BLASTERS
Transferred to 481—Chapter 268, IAC Supplement 7/9/25

CHAPTERS 232 to 234
Reserved

CHAPTER 235
LICENSING FOR COMMERCIAL EXPLOSIVE CONTRACTORS AND BLASTERS
[Prior to 11/18/09, see 661—Ch 5]
Rescinded **ARC 8912C**, IAB 2/19/25, effective 3/26/25

CHAPTERS 236 to 250
Reserved

CHAPTER 251
FIREFIGHTER TRAINING AND CERTIFICATION
[Prior to 9/29/04, see 661—Ch 54]

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/11/31

661—251.1(100B) Definitions. The following definitions apply to rules 661—251.1(100B) through 661—251.204(100B):

"Emergency incident" means any incident involving a fire or other hazardous situation to which personnel of a fire department respond.

"NFPA" means the National Fire Protection Association.

"Structural firefighting" means firefighting in a hazardous environment that requires the use of self-contained breathing apparatus.

[**ARC 9964C**, IAB 1/7/26, effective 2/11/26]

661—251.2 to **251.100** Reserved.

MINIMUM TRAINING STANDARDS

661—251.101(100B) Minimum training standard. Any member of a fire department will have completed the training requirements identified in the job performance requirements for the firefighter I classification in NFPA 1010 – 2024 edition, Standard on Professional Qualifications for Fire Fighters, based on the current edition adopted by the fire service training bureau, prior to the member's engaging in structural firefighting. Each fire department will identify its members who are or will be engaged in structural firefighting and ensure that any member engaged in structural firefighting has completed the training requirements specified in this rule prior to the member's engaging in structural firefighting.

NOTE: A firefighter is not required to be certified to meet this requirement. Training to meet this requirement may be provided by the fire service training bureau, a community college, a regional fire training facility, a local fire department, or any combination thereof.

EXCEPTION 1: A firefighter who received training that complied with the job performance requirements for the firefighter I classification contained in an earlier edition of NFPA 1001 is deemed to have met this requirement, provided that records documenting the training are maintained in accordance with rule 661—251.104(100B).

EXCEPTION 2: The chief or the training officer of any fire department may apply to the state fire marshal by June 1 of any year for an extension of the deadline to meet the training requirement for members of the department engaged in structural firefighting. Any such extension will be for one year and may be renewed annually upon application. An extension will be granted only if the department has requested training required under this rule, with training costs to be offset through funding from the firefighting training and equipment fund, pursuant to 661—Chapter 259, and funds to offset the cost of the training have not been available or have been inadequate to fully offset the cost of the training. The extension may be for all or some of the firefighters in the department. The application is to be in a form specified by the state fire marshal and will list by name each firefighter for whom an extension is requested. The extension, if granted, will list by name the firefighters to whom the extension applies and will apply only to those listed.

[**ARC 9964C**, IAB 1/7/26, effective 2/11/26]

661—251.102(100B) Other training. Any member of a fire department who serves in a capacity other than structural firefighting at an emergency incident will have received training based on the duties the member might perform at an emergency incident. Training to meet this requirement may be provided by the fire service training bureau, a community college, a regional fire training facility, or a local fire department, or any combination thereof.

[**ARC 9964C**, IAB 1/7/26, effective 2/11/26]

661—251.103(100B) Continuing training. Fire department members will participate in at least 24 hours of continuing training annually, which may include but is not limited to the following subject matter areas:

1. Personal protective equipment and respiratory protection.
2. Structural firefighting techniques, including standard operating policies and procedures or standard operating guidelines.
3. Ground ladders.
4. Hose and hose appliances.
5. Ventilation.
6. Forcible entry.
7. Search and rescue techniques.
8. Firefighter safety.
9. National Incident Management System or Incident Command System.
10. Emergency vehicle driver-operator.
11. Hazardous materials first responder—operations level.
12. Emergency medical service (EMS) training.
13. Additional training based on standard operating policies and procedures or standard operating guidelines.
14. Occupational Safety and Health Administration (OSHA)-related training, such as bloodborne pathogen protection.
15. Specialty training such as confined space entry, vehicle extrication, rescue techniques, wildland or agricultural firefighting techniques.
16. Emergency response to terrorism.
17. Any other training designed to meet local training needs.

NOTE: Training to meet this requirement may be provided by the fire service training bureau, a community college, a regional fire training facility, or a local fire department, or any combination thereof.

[**ARC 9964C**, IAB 1/7/26, effective 2/11/26]

661—251.104(100B) Recordkeeping. Each fire department will maintain training records for each individual member of the department who participates in emergency incidents. These training records will identify, for all training completed by the individual firefighter, the person or persons who provided the training, the dates during which the training was completed, the location or locations where the training was delivered, and a description of the content of the training.

[**ARC 9964C**, IAB 1/7/26, effective 2/11/26]

661—251.105 to **251.200** Reserved.

FIREFIGHTER CERTIFICATION

661—251.201(100B) Firefighter certification and accreditation program. There is established within the fire service training bureau of the state fire marshal division a firefighter certification program for the state of Iowa, known as the certification and accreditation program. The certification and accreditation program is accredited by the National Board on Fire Service Professional Qualifications (Pro Board) and the International Fire Service Accreditation Congress (IFSAC) to certify fire service personnel to accepted national standards. All certifications issued by the certification and accreditation program will be based upon nationally accepted standards.

NOTE 1: Participation in the certification and accreditation program is voluntary, and state law does not require certification to work or volunteer as a firefighter in Iowa. However, some fire departments within the state require certification for continued employment or promotion. Inquiries regarding such requirements should be directed to the hiring or employing department.

NOTE 2: Inquiries and requests regarding the certification and accreditation program should be directed to the fire service training bureau.

251.201(1) *Eligibility.* Any person seeking certification through the certification and accreditation program will be a current member of a fire, emergency, or rescue organization within the state of Iowa or enrolled in a fire science program within the Iowa college system and at least 18 years of age.

EXCEPTION: Persons not meeting the requirement of membership in a fire, emergency, or rescue organization may be granted exceptions to this requirement on an individual basis. Individuals seeking such exceptions will address these requests to the fire service training bureau.

251.201(2) *Registration.* Registration forms for each level of firefighter certification may be obtained from the fire service training bureau. In order to enter the certification and accreditation program, a candidate will submit a completed registration, accompanied by the required fee, to the fire service training bureau. The registration and fee will be submitted no less than two weeks prior to the date of any examination in which the candidate wishes to participate.

[**ARC 9964C**, IAB 1/7/26, effective 2/11/26]

661—251.202(100B) Certification standards. Standards for the certification and accreditation program are based upon nationally recognized standards established by the NFPA. Certification at each level in the Iowa fire service certification system results in national certification.

251.202(1) *Firefighter.*

a. Firefighter I. Certification as a firefighter I is based upon the requirements for firefighter I certification established in NFPA 1010 – 2024 edition, "Standard on Professional Qualification for Fire Fighters."

b. Firefighter II. Firefighter II. Certification as a firefighter II is based upon the requirements for firefighter II certification established in NFPA 1010 – 2024 edition, "Standard on Professional Qualifications for Fire Fighters."

251.202(2) *Driver/operator.*

a. Driver/operator (pumper). Certification as a driver/operator (pumper) is based upon the requirements for fire department vehicle driver/operator (pumper) certification established in NFPA 1010 – 2024 edition, "Standard on Professional Qualification for Fire Fighters."

b. Driver/operator (aerial). Certification as a driver/operator (aerial) is based upon the requirements for fire department vehicle driver/operator (aerial) certification established in NFPA 1010 – 2024 edition, "Standard on Professional Qualifications for Fire Fighters."

251.202(3) *Fire officer.*

a. Fire officer I. Certification as a fire officer I is based upon the requirements for fire officer I certification established in NFPA 1021 – 2020 edition, "Standard for Fire Officer Professional Qualifications."

b. Fire officer II. Certification as a fire officer II is based upon the requirements for fire officer II certification established in NFPA 1021 – 2020 edition, "Standard for Fire Officer Professional Qualifications."

251.202(4) *Fire inspector.* Certification as a fire inspector is based upon the requirements for certification as a fire inspector established in NFPA 1030 – 2024 edition, "Standard for Professional Qualifications for Fire Prevention Programs."

251.202(5) *Fire investigator.* Certification as a fire investigator is based upon the requirements for certification as a fire investigator established in NFPA 1033 – 2022 edition, "Standard for Professional Qualifications for Fire Investigator."

251.202(6) *Fire and emergency services instructor.*

a. Fire and emergency services instructor I. Certification as a fire and emergency services instructor I is based upon the requirements for certification as a fire and emergency services instructor I established in NFPA 1041 – 2019 edition, "Standard for Fire and Emergency Services Instructor Professional Qualifications."

b. Fire and emergency services instructor II. Certification as a fire and emergency services instructor II is based upon the requirements for certification as a fire and emergency services instructor II established in NFPA 1041 – 2019 edition, "Standard for Fire and Emergency Services Instructor Professional Qualifications."

251.202(7) *Live fire instructor.*

a. Live fire instructor. Certification as a live fire instructor is based upon the requirements for certification as a live fire instructor established in NFPA 1041 – 2019 edition "Standard for Fire and Emergency Services Instructor Professional Qualifications."

b. Live fire instructor in charge. Certification as a live fire instructor in charge is based upon the requirements for certification as a live fire instructor in charge established in NFPA 1041 – 2019 edition "Standard for Fire and Emergency Services Instructor Professional Qualifications."

251.202(8) *Responder to hazardous materials incidents.*

a. Responder to hazardous materials incidents at the awareness level. Certification as a responder to hazardous materials incidents (awareness) is based on the requirements established in NFPA 470 – 2022 edition, "Hazardous Materials/Weapons of Mass Destruction (WMD) Standard for Responders."

b. Responder to hazardous materials incidents at the operations level. Certification as a responder to hazardous materials incidents (operations) is based upon the requirements established in NFPA 470 – 2022 edition, "Hazardous Materials/Weapons of Mass Destruction (WMD) Standard for Responders."

[**ARC 9964C**, IAB 1/7/26, effective 2/11/26]

661—251.203(100B) Fees.

251.203(1) The fee for each certification is $50. These fees can be found on the fire service training bureau's website and also within the publication Certification Procedures Guide for each level of certification, published by the fire service training bureau. The information in each guide is effective upon publication until superseded by publication of a later edition. Prospective candidates who are considering application for a particular level of certification should contact the fire service training bureau for the latest date of publication of the Certification Procedures Guide.

251.203(2) Fees may be paid by personal credit card or check made payable to Iowa Department of Public Safety—Fire Service Training Bureau, credit card or check from a public agency or private organization, or money order. The check, credit card information, money order or draft will be submitted with the application.

[**ARC 9964C**, IAB 1/7/26, effective 2/11/26]

661—251.204(100B) Certification, denial, and revocation of certification.

251.204(1) *Certification.* Upon completion of the requirements for certification, the applicant's name will be entered into the Iowa certification database maintained by the fire service training bureau for the respective level of certification and into the certification databases maintained by the Pro Board and the IFSAC. Individuals who successfully complete the certification requirements will receive an individualized certificate awarding national certification from the fire service training bureau, which will bear numbered seals from the Pro Board and the IFSAC, and additional insignia from the fire service training bureau.

251.204(2) *Denial of certification.* Certification will be denied to any applicant who fails to meet all of the requirements for the type of certification, who knowingly submits false information to the fire service training bureau, or who engages in fraudulent activity during the certification process.

251.204(3) *Revocation.* The fire service training bureau may revoke the certification of any individual who is found to have knowingly provided false information to the fire service training bureau during the certification process or to have engaged in fraudulent activity during the certification process. In addition, certification may be revoked by the fire service training bureau if an individual was found to have engaged in and been convicted of a felony-level crime, including but not limited to murder, arson, sexual assault, physical assault, embezzlement, and crimes committed against a fire department or its respective association.

251.204(4) *Appeals.* Any person who is denied certification or whose certification is revoked may appeal the denial or revocation. An appeal of a denial or revocation of certification will be made to the commissioner of public safety within 30 days of the issuance of the denial or revocation using the contested case procedures specified in rules 661—10.301(17A) through 661—10.332(17A).

251.204(5) *Sex offender registry.* Pursuant to 2025 Iowa Acts, House File 793, a person who has committed any crime as an adult that resulted in the requirement that the person be listed on a sex offender registry will not be certified as a firefighter and will not serve as a noncertified or volunteer firefighter.

[**ARC 9964C**, IAB 1/7/26, effective 2/11/26]

These rules are intended to implement Iowa Code chapter 100B.

[Filed emergency 6/22/00—published 7/12/00, effective 7/1/00]

[Filed 3/2/01, Notice 7/12/00—published 3/21/01, effective 5/1/01]

[Filed 9/9/04, Notice 4/14/04—published 9/29/04, effective 12/1/04]
[Filed 5/18/05, Notice 7/7/04—published 6/8/05, effective 8/1/05]
[Filed 10/29/08, Notice 7/2/08—published 11/19/08, effective 1/1/09]
[Filed ARC 8302B (Notice ARC 8178B, IAB 9/23/09), IAB 11/18/09, effective 1/1/10]
[Filed ARC 9928B (Notice ARC 9766B, IAB 10/5/11), IAB 12/14/11, effective 2/1/12]
[Filed ARC 4641C (Notice ARC 4522C, IAB 7/3/19), IAB 8/28/19, effective 10/2/19]
[Filed ARC 5604C (Notice ARC 5502C, IAB 3/10/21), IAB 5/5/21, effective 6/9/21]
[Filed ARC 9964C (Notice ARC 9636C, IAB 10/29/25), IAB 1/7/26, effective 2/11/26]

CHAPTERS 252 to 258
Reserved

CHAPTER 259
FIRE FIGHTER TRAINING AND EQUIPMENT FUNDS
[Prior to 1/5/05, see 661—Ch 55]

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

661—259.1 to **259.100** Reserved.

DIVISION I
VOLUNTEER FIRE FIGHTER TRAINING AND EQUIPMENT FUND

661—259.101(17A,77GA,ch1222) Establishment of fund. There is established in the state fire marshal division the volunteer fire fighter training and equipment fund. The fund, to the extent of appropriations made available in each state fiscal year, shall provide support for the training and equipment needs of volunteer fire fighters. Funding is available to individual fire departments for equipment and to organizations or individuals delivering training to support courses available at no cost to volunteer fire fighters receiving the training or to their respective departments.

259.101(1) Advisory committee. The state fire marshal may establish a volunteer fire fighter training and equipment fund advisory committee of persons knowledgeable about the training and equipment needs of volunteer fire fighters and volunteer fire departments to advise on allocation of moneys from the volunteer fire fighter training and equipment fund, including the selection of recipients in competitive situations.

259.101(2) Reserved.

[**ARC 4641C**, IAB 8/28/19, effective 10/2/19]

661—259.102(17A,77GA,ch1222) Allocations.

259.102(1) *Administrative allocation.* Each year, the state fire marshal shall allocate a portion of the funds appropriated to the volunteer fire fighter training and equipment fund for administration of the fund, including personnel expenses. A portion of the administrative allocation shall be made available to the fire service training bureau to defray the cost of maintaining records of course attendance and completion by volunteer fire fighters and for related expenses.

259.102(2) *Allocation to fire service training bureau.* The state fire marshal may allocate a portion of the moneys appropriated to the volunteer fire fighter training and equipment fund in any year to the fire service training bureau for the purpose of delivering training courses offered by the fire service training bureau to volunteer fire fighters at no cost to the volunteer fire fighters or their respective fire departments.

259.102(3) *Allocation for equipment purchases.* The state fire marshal may allocate a portion of the moneys appropriated to the volunteer fire fighter training and equipment fund in any year to equipment purchases for volunteer fire departments. Awards of funding to volunteer fire departments for equipment purchases shall be on a competitive basis within guidelines published in an announcement of the availability of these funds.

259.102(4) *Allocation to community college consortium.* The state fire marshal may allocate a portion of the moneys appropriated to the volunteer fire fighter training and equipment fund in any year to a consortium of community colleges to deliver training to volunteer fire fighters at no cost to the fire fighters receiving this training or to their respective fire departments. These funds shall be administered in accordance with an agreement entered into between the department of public safety and community colleges pursuant to Iowa Code chapter 28E.

[**ARC 4641C**, IAB 8/28/19, effective 10/2/19]

661—259.103(17A,77GA,ch1222) Awards to private providers of training. Funds appropriated each year to the volunteer fire fighter training and equipment fund which remain after the allocations set forth in rule 661—259.102(17A,77GA,ch1222) have been implemented shall be awarded on a competitive basis

to private providers of training to provide training to volunteer fire fighters at no cost to the fire fighters receiving the training or to their respective fire departments.

259.103(1) *Funding requests.* Requests for funding of training courses instructed by private persons shall be submitted to the fire service training bureau. Requests for funding in any state fiscal year must be received on or before July 15 following the beginning of the fiscal year on July 1.

Exception:

If moneys which have been previously unexpended become available for additional training courses during the course of a fiscal year, notice shall be given to certified fire and emergency services instructors of the availability of these moneys. In this event, the deadline for receiving applications shall be as stated in the notice of availability.

259.103(2) *Instructor qualifications.* Any person instructing a training course paid for by the volunteer fire fighter training and equipment fund shall be certified as a fire and emergency services instructor by the fire service training bureau or another organization recognized by the National Board on Fire Service Professional Qualifications System or the International Fire Service Accreditation Congress.

Exception:

A person who has applied to the fire service training bureau for certification as a fire and emergency services instructor I and who is actively pursuing such certification may instruct a training course paid for by the volunteer fire fighter training and equipment fund, provided that the instruction is delivered under the direct supervision of a person who is currently certified as a fire and emergency services instructor I by the fire service training bureau or by another organization recognized by the National Board on Fire Service Professional Qualifications System or the International Fire Service Accreditation Congress.

259.103(3) *Course approval.* Each course paid for by the volunteer fire fighter training and equipment fund must have previously been approved by the fire service training bureau. Any person who is certified as a fire and emergency services instructor I or who is actively pursuing certification as a fire and emergency services instructor I should contact the fire service training bureau for information about the course approval process.

259.103(4) *Course availability.* Any course which is approved and funded from the volunteer fire fighter training and equipment fund must be available to any volunteer fire department in the state of Iowa.

259.103(5) *Notification.* Each person applying for moneys from the volunteer fire fighter training and equipment fund for delivery of training to volunteer fire fighters shall receive notification indicating whether the request has been approved or denied. Any approval of a request for funding is contingent upon the execution of a contract between the department of public safety and the provider of the proposed training course or courses setting out specific terms and conditions for the delivery of the proposed course or courses. Any person whose request for funding is denied may appeal that decision to the commissioner of public safety by filing a written notice of appeal within 14 calendar days of the date on which the notice indicating denial of the request is dated. Appeals of denials of funding shall be treated as contested cases and processed according to the procedures set out in rules 661—10.301(17A) through 661—10.332(17A).

[**ARC 4641C**, IAB 8/28/19, effective 10/2/19]

Rules 661—259.101(17A,77GA,ch1222) to 661—259.103(17A,77GA,ch1222) are intended to implement 1998 Iowa Acts, chapter 1222, section 19(8).

661—259.104(100B) Paul Ryan memorial fire fighter safety training fund. Funds collected from the sale of special fire fighter license plates and deposited to the Paul Ryan memorial fire fighter safety training fund shall be utilized by the fire service training bureau to defray the cost of training provided to any fire fighter currently employed by or serving as a volunteer with any fire department in Iowa. Application of these funds shall be limited to defraying the cost of training courses approved for reimbursement from the volunteer fire fighter training and equipment fund established in rule 661—259.101(17A,77GA,ch1222).

This rule is intended to implement Iowa Code section 100B.12.

[**ARC 4641C**, IAB 8/28/19, effective 10/2/19]

661—259.105(100B) Volunteer fire fighter preparedness fund. Funds appropriated to the volunteer fire fighter preparedness fund pursuant to Iowa Code section 100B.13 shall be utilized by the fire service training bureau to defray the cost of training provided to fire fighters currently serving as volunteers

with any fire department in Iowa. Application of these funds shall be limited to defraying the cost of training courses approved for reimbursement from the volunteer fire fighter training and equipment fund established in rule 661—259.101(17A,77GA,ch1222).

This rule is intended to implement Iowa Code section 100B.13.

[**ARC 4641C**, IAB 8/28/19, effective 10/2/19]

661—259.106 to **259.200** Reserved.

DIVISION II
FIRE FIGHTING EQUIPMENT REVOLVING LOAN FUND

661—259.201(80GA,ch177) Fire fighting equipment revolving loan fund. There is established in the fire service training bureau in the state fire marshal division the fire fighting equipment revolving loan fund.

[**ARC 4641C**, IAB 8/28/19, effective 10/2/19]

661—259.202(80GA,ch177) Purpose and scope. The fire fighting equipment revolving loan fund is established to assist local fire departments to complete purchase or repairs of equipment used in the performance of the departments' fire fighting duties, when the acquisition or repair of such equipment would be impractical in the absence of assistance from the fund. Each payment of funds from the fund to a local fire department shall be a loan awarded in compliance with rules 661—259.201(80GA,ch177) to 661—259.207(80GA, ch177), and shall be for the specific purpose established in a contract entered into between the department of public safety and either the local fire department receiving the funds; or the city, county, or township of which the fire department is a part; or another legal entity authorized to enter into legally binding commitments on behalf of the fire department.

661—259.203(80GA,ch177) Definitions. For purposes of rules 661—259.201(80GA,ch177) to 661—259.207(80GA,ch177), the following definitions apply:

"Default" or *"in default"* means that more than one payment on a loan is currently due.

"Local fire department" means a paid, volunteer, or combination fire protection service provided by a benefited fire district under Iowa Code chapter 357B or by a county, municipality or township, or a private corporate organization that has a valid contract to provide fire protection service for a benefited fire district, county, municipality, township or governmental agency. "Local fire department" does not include a military or private industrial fire department or service.

"NFPA" means the National Fire Protection Association.

"PASS" means personal alert safety system.

"SCBA" means self-contained breathing apparatus.

[**ARC 4641C**, IAB 8/28/19, effective 10/2/19]

661—259.204(80GA,ch177) Application process.

259.204(1) *Notice of availability of funds.* Whenever funds are available for loans through the fire fighting equipment revolving loan fund, the fire service training bureau shall publish notice of the availability of those funds in the Iowa Administrative Bulletin and shall notify fire service organizations, including, but not limited to, the Iowa Firemen's Association, the Iowa Fire Chiefs Association, and the Iowa Association of Professional Fire Chiefs, of the availability of those funds, the procedure for applying for loans through the program, the deadline for applying for funds, and the provisions of rules 661—259.201(80GA,ch177) to 661—259.207(80GA,ch177). All local fire departments in Iowa known to the fire service training bureau shall receive notice by mail or, when available, electronic mail. In addition, notice of availability of funds and the application procedure shall be published on the department's website.

259.204(2) *Application.* Application for a loan from the fire fighting equipment revolving loan fund shall be made on an application form provided by the fire service training bureau. A completed application shall be submitted to the fire service training bureau by the deadline specified in the notice of availability

of public funds and shall include any attached materials required in the instructions provided with the application form.

a. An application form shall be completed by the local fire department. The application shall include contact information, loan amount requested, purpose of the loan, statement of need, and current financial information, and any additional information specified on the application form or accompanying instructions, and shall be signed by an official authorized to enter into contracts on behalf of the local fire department.

b. In addition to the application, the following information will be required prior to loan approval:

(1) Documentation that the department requesting the loan meets the definition of a "local fire department."

(2) Financial statements showing income, expenses, assets, liabilities, and sources of income for the department requesting the loan for a three-year period prior to the loan request date.

(3) Verification that the match requirement will be met. A letter from the executive or chief financial officer of the agency funding the match requirement will normally be sufficient.

(4) A copy of the contract, bid specifications, or proposal for purchase of the equipment/apparatus to be purchased with the loan proceeds, or repair work order, if applicable.

259.204(3) *Loan application review.*

a. The state fire marshal and the chief of the fire service training bureau shall review each application for completeness and compliance with rules 661—259.201(80GA,ch177) to 661—259.207(80GA,ch177).

b. The state fire service and emergency response council, or a subcommittee of the council established for this purpose, shall serve as an advisory committee to the state fire marshal in the loan application review process, and shall recommend to the state fire marshal funding, partial funding, or denial of each application. Recommendations regarding loan applications shall be based upon availability of funds in relation to the total funds requested by eligible applicants, documentation of need for the proposed purchase or repair, and documentation of likely ability of the local fire department applying for a loan to repay the loan.

c. Decisions to award or not to award loans shall be made by the state fire marshal.

259.204(4) *Appeals.* If a local fire department's application is denied or partially funded by the state fire marshal, the department may appeal the decision of the state fire marshal to the commissioner of public safety using procedures for appeals set out in 661—Chapter 10.

[**ARC 4641C**, IAB 8/28/19, effective 10/2/19]

661—259.205(80GA,ch177) Allowable acquisitions. Loans from the fire fighting equipment revolving loan fund may be used to acquire the following equipment or repair services with the limitations indicated:

1. Fire fighting apparatus, including pumpers, tankers, ladder trucks, hazardous materials emergency response vehicles, or rescue vehicles. Any apparatus obtained with loan funds must comply with applicable NFPA standards, as identified by the state fire marshal. Loans in this category may be awarded in amounts between $25,000 and $150,000.

2. Personal protective equipment and communications equipment, including personal protective clothing (structural and wild land) that includes helmets, coats, boots, pants, eye protection, gloves, and protective hoods; SCBA with integrated PASS devices; and radio communications devices. Radio communications devices obtained with loan funds must be interoperable with equipment utilized by agencies with which the agency obtaining the equipment has mutual aid agreements, if such interoperable equipment is available. Equipment obtained must comply with applicable NFPA standards, as identified by the state fire marshal. Loans for purchase in this category are limited to amounts between $10,000 and $50,000.

3. Repairs made to apparatuses identified in paragraph "1." Loans in this category are limited to amounts between $10,000 and $50,000.

4. Purchase of accessory equipment, including fire suppression equipment such as hoses, ladders, small fireground tools, ventilation equipment, or vehicle extrication and rescue equipment. Equipment obtained with loan funds must comply with applicable NFPA standards, as identified by the state fire marshal. Loans in this category are limited to amounts between $10,000 and $50,000.

5. The state fire marshal, acting on the advice of the fire service and emergency response council, may establish priorities for funding through the revolving loan fund. If such priorities are established, they will be included in the notice of availability of funds and shall be utilized only if the total amount of funding requested exceeds the total of funds available to loan.
[**ARC 4641C**, IAB 8/28/19, effective 10/2/19]

661—259.206(80GA,ch177) Eligibility requirements and restrictions.

259.206(1) Any local fire department in the state of Iowa is eligible to apply for a loan.

259.206(2) Loan applicants shall be required to provide a 10 percent match.

259.206(3) All successful loan applicants shall comply fully with the fire incident reporting requirements of the state fire marshal division.

259.206(4) No loan shall be made to a local fire department serving a population in excess of 30,000 people which will result in excess of 50 percent of the total funds loaned at any given time being loaned to local fire departments serving populations in excess of 30,000 people, unless the state fire marshal finds that there are no eligible applications pending from local fire departments serving populations of 30,000 people or less.

259.206(5) Following approval, loan funds will be provided only after the local fire department receiving the loan submits documentation showing that the department has either acquired, contracted for, or issued a purchase order for the equipment. Disbursement of the loan shall be in the form of a warrant payable either to the local fire department and the vendor or vendors supplying the equipment or repair services, or solely to the vendor or vendors, or, with the approval of the state fire marshal, solely to the local fire department receiving the loan.

259.206(6) A local fire department is eligible for only one loan during any five-year period or for the duration of an existing loan from this program, whichever is longer.

259.206(7) A local fire department that has been in default on a loan is not eligible for additional loans through this program for a period of two years beyond the time specified in subrule 259.206(6). Any prior history of defaulting on a loan from the revolving loan fund will be taken into account in evaluating a department's ability to repay a loan, pursuant to subrule 259.204(3), paragraph *"b."*

259.206(8) A local fire department receiving a loan is subject to a financial audit and any operational or program audits necessary to verify compliance with any requirements or conditions of the loan.
[**ARC 4641C**, IAB 8/28/19, effective 10/2/19]

661—259.207(80GA,ch177) Loan origination fee and repayment schedule.

259.207(1) Each approved loan shall carry an origination fee of 1 percent of the loan amount, which shall be withheld by the fire service training bureau from the original payout of the loan.

259.207(2) A repayment schedule for each loan shall be established at the time the loan is awarded, with a minimum of two payments per year for the duration of the loan. Generally, loans of $50,000 or less shall be repaid within a five-year period, and loans of more than $50,000 shall be repaid within a ten-year period, although the state fire marshal may allow variations for good cause. There will be no penalty for early payment. Each payment shall be by warrant, check, or money order made payable to Fire Service Training Bureau, Iowa Department of Public Safety, and shall be clearly marked "Repayment of Loan from Fire Fighting Equipment Revolving Loan Fund."

259.207(3) During any period when a loan is in default, there shall be a penalty of 1.5 percent of the remaining unpaid principal of the loan per month added to the amount of the loan.
[**ARC 4641C**, IAB 8/28/19, effective 10/2/19]

These rules are intended to implement 2003 Iowa Acts, chapter 177, section 11.

661—259.208 to **259.300** Reserved.

DIVISION III
REGIONAL TRAINING FACILITY FUNDS

661—259.301(100B) Regional training center program.

259.301(1) There is established in the state fire marshal division the regional emergency response training center program. The program shall operate under the authority of the state fire marshal and shall operate within the fire service training bureau. Day-to-day administration of the program shall be under the supervision of the chief of the fire service training bureau.

259.301(2) The purposes of the regional emergency response training center program are:

a. To administer funds appropriated for the program as directed by the general assembly, under the direction of the state fire marshal, and in cooperation with the state fire service and emergency response council.

b. To develop training curricula in cooperation with regional emergency response training facilities.

c. To encourage cooperation among regional emergency response training facilities, between regional emergency response training facilities and the fire service training bureau, and among the fire service training bureau, regional emergency response training facilities, and other providers of training to emergency responders.

[**ARC 4641C**, IAB 8/28/19, effective 10/2/19]

661—259.302(100B) Definitions. The following definitions apply to rules 661—259.301(100B) through 661—259.305(100B):

"Allocated funds" means funds allocated by the general assembly for the construction of a particular regional emergency response training center.

"Bureau" means the fire service training bureau in the state fire marshal division of the department of public safety.

"Competitive funds" means funds which are appropriated or otherwise available to the regional emergency response training center program for construction of regional emergency response training facilities, but which are not designated by the general assembly for the use of a particular regional emergency response training center.

"Department" means the department of public safety.

"Division" means the state fire marshal division of the department of public safety.

"Lead agency" means one of the community colleges identified as lead agencies in Iowa Code section 100B.22(1).

"Partner agency" means one of the agencies identified as partners in Iowa Code section 100B.22(1).

"Regional emergency response training center" means one of the centers identified in Iowa Code section 100B.22(1).

"Training facility" includes, but is not limited to, the following:

1. Burn building.
2. Smokehouse.
3. Drill tower.
4. Skills building.
5. Training pads with specialized training props.
6. Maintenance facilities.

[**ARC 4641C**, IAB 8/28/19, effective 10/2/19]

661—259.303(100B) Availability of funds. Lead agencies of regional emergency response training facilities, acting in concert with their respective partner agencies, may apply for and receive funds appropriated or otherwise available for construction of regional emergency response training facilities.

661—259.304(100B) Application process.

259.304(1) *Applications for funds.*

a. Application for either allocated funds or competitive funds shall be submitted to the fire service training bureau on a form specified by the state fire marshal.

b. Each lead agency may submit a completed application for allocated funds.

c. Any lead agency may submit a completed application for competitive funds. An application for competitive funds shall be submitted separately from an application from the same lead agency for allocated funds.

d. Each completed application shall be signed by an official of the lead agency authorized to enter into contracts on behalf of the lead agency and shall be signed by an official of each partner of the lead agency, each of whom shall be a person authorized to enter into contracts on behalf of the partner agency.

e. Each application shall be accompanied by at least two letters of support from public or private agencies employing emergency responders and located in the area to be served by the regional emergency response training center.

f. Each application shall include signed assurances stating that the lead agency, the partner agency or agencies, if any, and the regional emergency response training center shall comply with all federal and state laws applicable to the administration of any funds awarded, the planning, design, and construction of the regional emergency response training center, and the operation of the center after construction is completed.

g. All information required on the application shall be completed, and all attachments required by the state fire marshal shall be submitted with the application. An application shall not be considered complete unless the application is in compliance with this paragraph.

h. The deadline for submission of each completed application for funding during a state fiscal year is September 15 of that fiscal year.

Exception:

If funds remain available for distribution through the regional emergency response training center program after all applications received by the September 15 deadline have been processed, the state fire marshal may conduct an additional application process during the same fiscal year. If such an additional application process is conducted, an announcement of the availability of funds, specifying the deadline for receipt of applications and other instructions for applying for funds, shall be provided to all regional emergency response training centers and shall be published in the Iowa Administrative Bulletin.

259.304(2) *Initial applications.* The initial application received from a lead agency on behalf of a regional emergency response training center shall include the following information:

a. Proposed location of the regional emergency response training center.

b. Justification for the proposed location. The justification shall include descriptions of each of the following and explanations of how each was taken into account in the selection of the location:

(1) The availability and proximity of quality classroom space with adequate audiovisual support.

(2) The availability and adequate supply from area emergency response service entities of equipment which supports training.

(3) A site where limited, safe open burning would not be challenged or prohibited due to environmental issues or community concerns.

(4) Proximity to a medical facility.

(5) The availability of water mains, roadway, drainage, electrical service, and reasonably flat terrain.

(6) Accessibility to area fire departments.

c. List of training facilities needed for the regional emergency response training center to provide training to fire fighters and other emergency responders. If any needed facility already exists and is owned by the lead agency or a partner agency, this fact shall be identified. Funds allocated through the regional emergency response training center program may not be used to duplicate an existing facility owned by a lead agency or any of its partners. However, funds may be used to replace a facility which is obsolete or out of repair, provided that the facility being replaced will not be used for the same purpose as a new facility constructed with these funds.

[**ARC 4641C**, IAB 8/28/19, effective 10/2/19]

661—259.305(100B) Processing of submitted applications.

259.305(1) All completed applications received shall be reviewed by the state fire service and emergency response council or by a subcommittee of the council appointed by the state fire marshal in consultation with the chair of the council. The council or subcommittee shall recommend funding, partial funding, or denial of each application to the state fire marshal.

259.305(2) After receiving the recommendations of the council or subcommittee, the state fire marshal shall make a determination as to whether funding will be awarded in whole or in part for each application or whether the application will be denied. Each applicant shall be notified promptly of the disposition of the applicant's application. If the application is denied or partial funding is awarded, the applicant shall be informed as to the reasons for the denial or partial funding. Applications for funding shall be evaluated based on the criteria for funding included in Iowa Code section 100B.22(3) and any applicable criteria for establishing priority for the funding established by the general assembly. Competitive funding may not be used for facilities the primary purpose of which is to provide advanced training.

259.305(3) Appeals.

a. An applicant who is denied funding or whose application is funded in part may appeal this decision to the state fire marshal. Such an appeal shall be treated as a contested case subject to the provisions of rules 661—10.301(17A) through 661—10.332(17A), except that the request for an appeal shall be filed with the State Fire Marshal Division, Department of Public Safety Building, 215 East 7th Street, Des Moines, Iowa 50319, and wherever "commissioner" or "commissioner of public safety" appears, "state fire marshal" shall be substituted.

b. Prior to appealing a decision, the applicant may submit a revised application to the state fire marshal. If an applicant intends to submit a revised application, the applicant shall so notify the state fire marshal within the time frame established for filing an appeal. Upon receipt of a revised application, the state fire marshal shall cause the revised application to be processed in accordance with subrules 259.305(1) and 259.305(2). If a revised application is denied or funded in part, the applicant may appeal in accordance with paragraph *"a"* of this subrule.

[**ARC 4641C**, IAB 8/28/19, effective 10/2/19]

These rules are intended to implement Iowa Code chapter 100B.

[Filed emergency 7/31/02 after Notice 5/29/02—published 8/21/02, effective 8/1/02]
[Filed emergency 12/4/03—published 12/24/03, effective 1/1/04]
[Filed 12/14/04, Notice 7/7/04—published 1/5/05, effective 3/1/05]
[Filed emergency 6/28/06—published 7/19/06, effective 7/1/06]
[Filed emergency 6/27/07—published 8/1/07, effective 7/1/07]
[Filed ARC 4641C (Notice ARC 4522C, IAB 7/3/19), IAB 8/28/19, effective 10/2/19]

CHAPTERS 260 to 264
Reserved

CHAPTER 265
CONSUMER FIREWORKS RETAIL SELLER LICENSING AND WHOLESALER REGISTRATION
Transferred to 481—Chapter 264, IAC Supplement 11/26/25

CHAPTERS 266 to 274
Reserved

CHAPTER 275
LICENSING OF FIRE PROTECTION SYSTEM CONTRACTORS
Transferred to 481—Chapter 265, IAC Supplement 11/26/25

CHAPTER 276
LICENSING OF FIRE PROTECTION SYSTEM TECHNICIANS
Transferred to 481—Chapter 266, IAC Supplement 11/26/25

CHAPTER 277
LICENSING OF ALARM SYSTEM CONTRACTORS AND TECHNICIANS
Transferred to 481—Chapter 267, IAC Supplement 11/26/25

CHAPTER 278
MILITARY SERVICE, VETERAN RECIPROCITY, AND SPOUSES OF ACTIVE DUTY SERVICE MEMBERS FOR FIRE EXTINGUISHING AND ALARM SYSTEMS CONTRACTORS AND INSTALLERS
Rescinded **ARC 7876C**, IAB 4/17/24, effective 5/22/24

CHAPTERS 279 to 290
Reserved

CHAPTER 291
VOLUNTEER EMERGENCY SERVICES PROVIDER DEATH BENEFITS
[Prior to 1/5/05, see 661—Ch 59]

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

661—291.1(100B) Volunteer emergency services provider death benefit program. There is established within the fire marshal division a volunteer emergency services provider death benefit program with responsibility for administering the payment of death benefits to beneficiaries of volunteer emergency services providers who die in the line of duty, as provided in Iowa Code section 100B.11.

Information about the program may be obtained by mail from the Volunteer Emergency Services Provider Death Benefit Program, Fire Marshal Division, Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319, by telephone at (515)725-6145, or by electronic mail at fminfo@dps.state.ia.us.

[Editorial change: IAC Supplement 6/17/09]

661—291.2(100B) Eligibility. The beneficiary of a volunteer emergency services provider who is killed in the line of duty is eligible for a lump-sum payment of $100,000 from the volunteer emergency services provider death benefit program, provided that application is made to the program in accordance with requirements established in this chapter and all eligibility criteria are satisfied.

291.2(1) *Application.* Application forms for the volunteer emergency services provider death benefit program may be obtained on request from the fire marshal division. The fire marshal may accept a legible copy of a completed application for the federal Public Safety Officers' Benefits Program as an application for payment of benefits from the volunteer emergency services provider death benefit program. Completed application forms shall be mailed or delivered to the Volunteer Emergency Services Provider Death Benefit Program, Fire Marshal Division, Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319. A completed application form shall be accompanied by a letter from the chief or other responsible supervisory official of the department in which the volunteer emergency services provider was serving at the time of the line-of-duty death, certifying that the death of the volunteer was the direct and proximate result of a traumatic personal injury incurred in the line of duty as a volunteer. Any evidence or proof available to the chief or responsible supervisory official to support the claim shall accompany the letter.

291.2(2) *Definitions.* The following definitions apply to the volunteer emergency services provider death benefit program.

"Beneficiary" means the surviving spouse of the volunteer emergency services provider who died in the line of duty. If there is no surviving spouse, and there is a surviving child or surviving children of the volunteer emergency services provider, then "beneficiary" means the surviving child of the member. If there is more than one surviving child, the children are cobeneficiaries who shall share equally in the lump-sum payment of the death benefit. If there is no surviving spouse or child of the volunteer emergency services provider, "beneficiary" means the surviving father or mother of the volunteer emergency services provider if either or both survives at the time of the line-of-duty death of the volunteer emergency services provider. If both the mother and father of the volunteer emergency services provider survive at the time of the line-of-duty death of the volunteer emergency services provider, then the father and mother are cobeneficiaries who shall share equally in the lump-sum payment. If there is no surviving spouse, child, or parent at the time of the line-of-duty death of the volunteer emergency services provider, then "beneficiary" means the estate of the deceased volunteer emergency services provider.

"Line-of-duty death" means the death of a volunteer emergency services provider which was the direct and proximate result of a traumatic personal injury incurred in the line of duty as a volunteer. The death is not a line-of-duty death if any of the following apply:

1. The death resulted from stress, strain, occupational illness, or a chronic, progressive, or congenital illness including, but not limited to, a disease of the heart, lungs, or respiratory system, unless a traumatic personal injury was a substantial contributing factor to the volunteer emergency services provider's death.

However, if the death was the direct and proximate result of a heart attack or stroke, the volunteer emergency services provider shall be presumed to have died as a result of a traumatic personal injury if the provider engaged in a nonroutine stressful or strenuous physical activity within the scope of the provider's duties and the death resulted while engaging in that activity, while still on duty after engaging in that activity, or not later than 24 hours after engaging in that activity, and the presumption is not overcome by competent medical evidence to the contrary. For purposes of this paragraph, "nonroutine stressful or strenuous physical activity" includes, but is not limited to, nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, emergency response, and training exercise activities. "Nonroutine stressful or strenuous physical activity" does not include activities of a clerical, administrative, or nonmanual nature.

2. The death was caused by the intentional misconduct of the volunteer emergency services provider or by such provider's intent to cause the provider's own death.

3. The volunteer emergency services provider was voluntarily intoxicated at the time of death.

4. The volunteer emergency services provider was performing the provider's duties in a grossly negligent manner at the time of death.

5. A beneficiary who would otherwise be entitled to a benefit under this chapter was, through the beneficiary's actions, a substantial contributing factor to the volunteer emergency services provider's death.

[Editorial change: IAC Supplement 6/17/09]

661—291.3(100B) Determination. After receiving an application for benefits from the volunteer emergency services provider death benefit program, the fire marshal shall make a determination as to whether or not the application meets the requirements for payment of benefits. The fire marshal may require the beneficiary or the chief or responsible supervisory official who has certified that the death is a line-of-duty death to submit any additional information that the fire marshal deems material to making the determination. If the determination is that the requirements for payment of benefits have been met, the fire marshal shall so notify the beneficiary or cobeneficiaries and shall request that the department of revenue issue a warrant payable to the beneficiary in the amount of the lump-sum payment provided or, if there are cobeneficiaries, that the department of revenue issue warrants in equal shares of the lump-sum amount payable to each of the cobeneficiaries.

291.3(1) *Denial and notification.* If the fire marshal determines that the eligibility criteria have not been met, the fire marshal shall notify in writing the beneficiary or cobeneficiaries and the chief or responsible supervisory official who certified that the death occurred in the line of duty of the determination and of the reason or reasons for the denial.

291.3(2) *Appeals.* If an application for payment from the volunteer emergency services provider program is denied, the beneficiary or any cobeneficiary may appeal that decision to the commissioner of public safety by filing an appeal in writing to the commissioner of public safety within 30 days of the date of the denial of the application by the fire marshal. Appeals shall be processed in accordance with contested case procedures specified in 661—Chapter 10.

These rules are intended to implement Iowa Code section 100B.11 as amended by 2004 Iowa Acts, chapter 1063.

[Filed emergency 6/22/00—published 7/12/00, effective 7/1/00]
[Filed 3/2/01, Notice 7/12/00—published 3/21/01, effective 5/1/01]
[Filed emergency 6/17/04—published 7/7/04, effective 7/1/04]
[Filed 12/14/04, Notice 7/7/04—published 1/5/05, effective 3/1/05]
[Editorial change: IAC Supplement 6/17/09]

CHAPTER 292
PUBLIC SAFETY SURVIVOR BENEFITS FUND
Rescinded **ARC 0026D**, IAB 1/21/26, effective 2/25/26

CHAPTERS 293 to 299
Reserved

CHAPTER 300
STATE BUILDING CODE—ADMINISTRATION
[Prior to 12/21/05, see rules 661—16.1(103A) to 661—16.500(103A)]
Transferred to 481—Chapter 300, IAC Supplement 11/26/25

CHAPTER 301
STATE BUILDING CODE
[Prior to 12/21/05, see rules 661—16.1(103A) to 661—16.500(103A)]
Transferred to 481—Chapter 301, IAC Supplement 11/26/25

CHAPTER 302
STATE BUILDING CODE—ACCESSIBILITY OF BUILDINGS AND
FACILITIES AVAILABLE TO THE PUBLIC
[Prior to 12/21/05, see rules 661—16.700(103A,104A) to 661—16.720(103A,104A)]
Rescinded **ARC 9474C**, IAB 8/6/25, effective 9/10/25

CHAPTER 303
STATE BUILDING CODE—REQUIREMENTS FOR
ENERGY CONSERVATION IN CONSTRUCTION
[Prior to 12/21/05, see rules 661—16.800(103A) to 661—16.802(103A)]
Rescinded **ARC 9474C**, IAB 8/6/25, effective 9/10/25

CHAPTERS 304 to 309
Reserved

CHAPTER 310
SUSTAINABLE DESIGN STANDARDS
Rescinded **ARC 9474C**, IAB 8/6/25, effective 9/10/25

CHAPTERS 311 to 314
Reserved

CHAPTER 315
WEATHER SAFE ROOMS
Rescinded **ARC 9474C**, IAB 8/6/25, effective 9/10/25

CHAPTERS 316 to 321
Reserved

CHAPTER 322
STATE BUILDING CODE—MANUFACTURED
HOUSING SUPPORT AND ANCHORAGE SYSTEMS
[Prior to 7/2/08, see rules 661—16.625(103A) and 661—16.626(103A)]
Transferred to 481—Chapter 322, IAC Supplement 11/26/25

CHAPTER 323
TEMPORARY EMERGENCY USE OF FACTORY-BUILT
STRUCTURES—COMMERCIAL USE
Transferred to 481—Chapter 323, IAC Supplement 11/26/25

CHAPTERS 324 to 349
Reserved

CHAPTER 350
STATE HISTORIC BUILDING CODE
Rescinded **ARC 9474C**, IAB 8/6/25, effective 9/10/25

CHAPTERS 351 to 371
Reserved

CHAPTER 372
MANUFACTURED OR MOBILE HOME RETAILERS,
MANUFACTURERS, AND DISTRIBUTORS
Transferred to 481—Chapter 324, IAC Supplement 11/26/25

CHAPTER 373
Reserved

CHAPTER 374
MANUFACTURED HOUSING INSTALLER CERTIFICATION
[Prior to 7/2/08, see rule 661—16.622(103A)]
Transferred to 481—Chapter 325, IAC Supplement 11/26/25

CHAPTERS 375 to 399
Reserved

CHAPTER 400
PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM—GOVERNANCE AND ADMINISTRATION
[Prior to 10/27/04, see 581—Ch 24]

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

661—400.1(97A) Establishment of system. The Iowa department of public safety peace officers' retirement, accident, and disability system is established by Iowa Code chapter 97A. The administrative rules governing the system are found in this chapter and in 661—Chapters 401, 402, and 403.
[**ARC 8935B**, IAB 7/14/10, effective 7/1/10]

661—400.2(97A) Definitions. The following definitions apply to 661—Chapters 400 through 403.

"Active member," "actively engaged member" or *"member in service"* means a currently employed peace officer of the Iowa department of public safety who is not reemployed pursuant to Iowa Code section 97A.3, subsection 3.

"Board" means the board of trustees of the system.

"Commissioner" means the commissioner of the Iowa department of public safety who also serves as the chairperson of the board of trustees.

"Department" means the Iowa department of public safety.

"Line-of-duty death" means the death of a member in service which was the direct and proximate result of a traumatic personal injury incurred in the line of duty. Line-of-duty death does not include the death of a member which resulted from stress, strain, occupational illness, or a chronic, progressive, or congenital illness, including, but not limited to, a disease of the heart, lungs, or respiratory system, unless a traumatic personal injury was a substantial contributing factor to the member's death. Line-of-duty death does not include the death of a member if the death results in eligibility for payment of a line-of-duty death benefit pursuant to Iowa Code section 100B.11 and 661—Chapter 291.

"Medical attention" means services provided by licensed medical personnel including, but not limited to, office, hospital, in-home nursing care, nursing home care, long-term care and prescriptions for medicine or equipment.

"Medical board" means a board of three physicians appointed by the board of trustees pursuant to Iowa Code section 97A.5, subsection 8.

"Peace officers' retirement system," also referred to as *"the system,"* means the Iowa department of public safety peace officers' retirement, accident, and disability system.

"Retired member" means a person formerly employed as a peace officer of the Iowa department of public safety who is currently receiving or has received pension benefits from the system.

"Secretary" means an employee of the administrative services division of the Iowa department of public safety designated by the division director to provide staff support to the board.

"System" means the Iowa department of public safety peace officers' retirement, accident, and disability system.
[**ARC 8935B**, IAB 7/14/10, effective 7/1/10]

661—400.3(97A) Governance. The system is governed by a board of trustees, appointed and elected as provided in Iowa Code section 97A.5, subsection 1. The board of trustees shall have five members, including the commissioner of public safety, who shall serve as chairperson of the board, the treasurer of state, an actively engaged member of the system, a retired member of the system, and a person appointed by the governor.

400.3(1) *Terms of office.* Terms of office of members of the board of trustees are as follows:

a. The commissioner of public safety shall serve a term that is concurrent with appointment as commissioner of public safety.

b. The treasurer of state shall serve a term that is concurrent with the term of treasurer of state.

c. The actively engaged member of the system shall serve a two-year term commencing on July 1 of an odd-numbered year and terminating on June 30 of the next odd-numbered year.

d. The retired member of the system shall serve a two-year term commencing on July 1 of an even-numbered year and terminating on June 30 of the next even-numbered year.

e. The member appointed by the governor shall serve a two-year term commencing on May 1 of the year of appointment and terminating on April 30 in the year of expiration.

400.3(2) *Election of board members.*

a. The actively engaged member shall be elected by secret ballot of the actively engaged members of the system. The retired member shall be elected by secret ballot of the retired members of the system. The actively engaged member shall be elected in odd-numbered years, and the retired member shall be elected in even-numbered years.

b. At least 90 days prior to the start of the term of office for the actively engaged member or the retired member, the secretary shall distribute by regular mail a write-in nomination ballot to each member of the system who is eligible to vote. The deadline for return of the ballots shall be established by the secretary at no less than 30 days nor more than 35 days after the date of distribution of the ballots and shall be printed on each ballot. In order to record a nomination, a member shall return the nomination ballot with a postmark or by personal delivery prior to the deadline specified on the ballot, filled in with the name of the member whom the member casting the ballot wishes to nominate.

c. The secretary shall contact each of the nominees who receive the three highest numbers of nominations to determine if each nominee is willing to serve if elected. For each nominee contacted who is unwilling to serve, the secretary shall contact the next nominee in descending order of nominations until three nominees willing to serve are identified.

d. The names of those three eligible members willing to serve if elected who receive the highest number of write-in nominations shall be placed on an election ballot.

e. The secretary shall distribute by regular mail election ballots to the members of the system who are eligible to vote. The deadline for return of the ballots shall be established by the secretary at no less than 30 days nor more than 35 days after the date of distribution of the ballots and shall be printed on each ballot. Any eligible member who receives a ballot and wishes to vote shall return the ballot to the secretary with a postmark or by personal delivery prior to the deadline printed on the ballot with a choice of one of the three candidates listed indicated. The candidate who receives the highest number of votes shall serve as the actively engaged member or the retired member of the system on the board of trustees.

f. In the event that two of the three candidates tie with the highest number of votes, a new election ballot with the names of the two candidates who tied shall be distributed by regular mail by the secretary to all members who are eligible to vote. The deadline for return of the ballots shall be established by the secretary at no less than 30 days nor more than 35 days after the date of distribution of the ballots and shall be printed on each ballot. Any eligible member who wishes to vote shall return the ballot to the secretary prior to the deadline with the member's preference indicated. The candidate who receives the highest number of votes shall serve as the actively engaged member or the retired member on the board of trustees.

g. In the event that all three candidates receive the same number of votes in the initial election balloting or that the two remaining candidates receive the same number of votes in an election held to break a tie between two candidates, the selection of the board member shall be determined by drawing of lots under the supervision of the commissioner of public safety, acting as chairperson of the board of trustees.

400.3(3) *Vacancies.* A vacancy in a position held by an elected member shall be filled in the same manner as the original election, and the newly elected member shall serve for the balance of the original term for the position filled.

661—400.4(97A) Meetings of board of trustees. The board of trustees shall meet at least quarterly, or upon the call of the chairperson. A quorum of the board shall consist of three members, and three concurring votes shall be necessary for a decision by the board. For purposes of a quorum or for voting, a member may participate in person, by audio conference or by videoconference.

661—400.5(97A) Administrative support. The department provides administrative support to the system, through the administrative services division. The secretary shall be an employee of the department. Employees of the system shall be under the administrative supervision of the director of the administrative

services division. Additional administrative support may be provided by other employees of the department at the direction of the commissioner of public safety.

661—400.6(97A) Forms and information. Persons who wish to obtain forms or information about the peace officers' retirement, accident, and disability system shall address requests to:

Peace Officers' Retirement System
Iowa Department of Public Safety
State Public Safety Headquarters Building
215 East 7th Street
Des Moines, Iowa 50319
(515)725-6248
asdinfo@dps.state.ia.us

[Editorial change: IAC Supplement 6/17/09]

661—400.7(97A) Annual statements.

400.7(1) As soon as practical after the close of each fiscal year, a statement of account shall be furnished to each actively engaged member, which shall include the member's contribution for the year.

400.7(2) As soon as practical after the end of a calendar year, and in any event within any deadlines for this purpose established by the Internal Revenue Service or the Iowa department of revenue, a Form 1099, W2-P or an equivalent shall be prepared for and mailed to each person who received benefits during the year. The form shall detail the total pension paid during the year and shall comply with any applicable requirements established by the Internal Revenue Service and the Iowa department of revenue.

661—400.8(97A) Books of account. The following books of account shall be maintained by the secretary.

400.8(1) Self-balancing combination journal that records all receipts, disbursements and necessary adjustments.

400.8(2) Self-balancing ledger of control accounts.

400.8(3) Schedules at the close of the fiscal year which shall detail all control accounts except:

a. Pension reserve account.

b. Pension accumulation account.

661—400.9(97A) Investments. Investments of assets of the system shall be administered through the office of the treasurer of state. The board of trustees has the authority to direct the investment of funds, including, but not limited to, the execution of contracts with appropriately qualified individuals or firms to provide advice regarding investments.

661—400.10(97A) Medical board.

400.10(1) The medical board shall consist of three physicians, including at least one occupational medicine specialist, with the knowledge and experience to adequately evaluate the fitness for duty of a peace officer.

400.10(2) The board of trustees shall ratify the composition of the medical board and all subsequent changes to the composition of the medical board. The board of trustees may review the composition of the medical board at any time.

These rules are intended to implement Iowa Code chapter 97A.

[Filed 10/5/04, Notice 8/18/04—published 10/27/04, effective 12/1/04]
[Filed emergency 6/26/06—published 7/19/06, effective 7/1/06]
[Filed 9/20/06, Notice 7/19/06—published 10/11/06, effective 12/1/06]
[Editorial change: IAC Supplement 6/17/09]
[Filed Emergency After Notice ARC 8935B (Notice ARC 8767B, IAB 5/19/10), IAB 7/14/10, effective 7/1/10]

CHAPTER 401
PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM—ADMINISTRATIVE PROCEDURES
[Prior to 10/27/04, see 581—Ch 24]

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

661—401.1(97A) Applications. Applications for benefits under Iowa Code chapter 97A shall be filed with the secretary on forms provided by the secretary. Applications for service retirement shall be made not more than 90 days nor less than 30 days in advance of the date of retirement. Applications for service retirement, ordinary disability or accidental disability shall be reviewed by the secretary for completeness and then forwarded to the board of trustees.

401.1(1) *Manner of review for ordinary or accidental disability.* The secretary shall compile the following materials, if available and applicable, for the board's review of a claim:

a. The application;

b. Any materials provided by the applicant;

c. Any available medical information in the possession of the board or the state;

d. Any information available through any workers' compensation claims made by the applicant; and

e. Recommendations and reports from the medical board.

NOTE: This subrule does not impose a responsibility on the secretary to discover documents or evidence not in the secretary's possession. It is only intended to outline the types of evidence the secretary should provide to the board if available.

401.1(2) *Commissioner's application.* The commissioner may file an application for ordinary or accidental disability on behalf of a member in service. The secretary shall review such applications in the same manner as those filed by a member. The fact that the commissioner has filed an application on a member's behalf shall not prevent the commissioner or the board from denying the application. All applications for accidental disability benefits shall be deemed cross-filed by the commissioner for the purpose of considering disability benefits. Nothing in this rule prevents the board from denying any application.

[**ARC 8935B**, IAB 7/14/10, effective 7/1/10]

661—401.2(97A) Determination on initial review.

401.2(1) *Board approval.* The board may approve or deny the application as presented or may direct the applicant to provide further medical information.

401.2(2) *Denial and appeal.* A decision by the board to deny the application may be appealed by the applicant. Written notice of a denial shall be provided to the applicant by certified mail. The written notice shall disclose the applicant's right to appeal, the procedure for filing an appeal, and the deadline for filing an appeal. An appeal must be filed in writing with the secretary within 30 calendar days after the applicant receives written notice of the decision of the board. The board may extend the deadline for filing an appeal. At a minimum, an appeal shall include a short and concise statement of the basis for the appeal.

661—401.3(97A) Applications for reimbursement for medical attention. Member beneficiaries may make application for reimbursement of the costs of medical attention as defined in rule 661—400.2(97A). This rule provides for the requirements of making application for reimbursement, the process for review and disposition of the application, and payment of approved applications.

401.3(1) *Making application.*

a. An application for reimbursement must be filed on a form provided by the secretary within 12 months of the member beneficiary's receiving treatment or incurring a cost for medical attention.

b. In the event there is a dispute with an insurance company regarding covered expenses, to remain eligible for reimbursement, the member beneficiary must file a request for extension, on a form provided by the secretary, if resolution of the dispute is expected to exceed 12 months.

c. Expenses shall only be reimbursed if the member beneficiary is retired as a result of an injury, illness or exposure occurring while in the performance of duty and is receiving a benefit as provided in Iowa Code section 97A.6(6).

d. Expenses shall be reimbursed only if the member beneficiary received medical attention for a condition with direct correlation to the disabling condition, the costs of which were not covered by insurance.

e. The system shall not reimburse for insurance premiums.

401.3(2) *Processing the application.*

a. Upon receipt of the application and supporting documentation, the secretary shall review the application for timeliness, completeness and validity. This subrule does not impose a responsibility on the secretary to discover documents or evidence not included on the application form.

b. The secretary shall refer the written application to the board for review at the next regularly scheduled meeting.

c. The member beneficiary does not need to be in attendance at the board meeting. In order to comply with Title II of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), specific information pertaining to an application for reimbursement or the member beneficiary's disabling condition will not be discussed in open forum of the board meeting unless the member beneficiary is present and approves discussion in a public meeting.

d. The board may approve or deny all or part of a reimbursement application. The board may request additional information to support the application for reimbursement or to determine the correlation of the expense to the disabling condition. The member beneficiary shall provide the documents to the secretary within a reasonable time period. In no case shall the application remain valid for a period of more than 12 months.

e. If the board denies any part of a request for reimbursement, the member beneficiary may request judicial review in accordance with Iowa Code section 97A.6(13).

f. The system will make reimbursements only to the member beneficiary or to the surviving spouse in the event the member beneficiary is deceased.

401.3(3) *Other provisions.*

a. Reimbursements for claimed expenses shall be reduced by any amount already received by the member beneficiary from workers' compensation or from a third party as a result of subrogation proceedings entered into as a result of the disabling injury.

b. In the event the member beneficiary is restored to active service pursuant to Iowa Code section 97A.6(7)*"b,"*consideration of reimbursement for expenses pursuant to Iowa Code section 97A.14 shall not extend beyond the date of restoration to active service.

c. If the member beneficiary receiving a disability retirement pursuant to Iowa Code section 97A.6(6) becomes employed in a public safety occupation pursuant to Iowa Code section 97A.6(7)*"d,"* consideration of reimbursement for expenses pursuant to Iowa Code section 97A.14 shall not extend beyond the date of employment with the employing jurisdiction.

[**ARC 8935B**, IAB 7/14/10, effective 7/1/10]

661—401.4 to **401.100** Reserved.

661—401.101(17A) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.102(17A) Advice on possible rules before notice of proposed rule adoption. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.103(17A) Public rule-making docket. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.104(17A) Notice of proposed rule making. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.105(17A) Public participation. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.106(17A) Regulatory analysis. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.107(17A,25B) Fiscal impact statement. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.108(17A) Time and manner of rule adoption. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.109(17A) Variance between adopted rule and published notice of proposed rule adoption. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.110(17A) Concise statement of reasons. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.111(17A,97A) Agency rule-making record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.112(17A,97A) Petitions for rule making. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.113(17A,97A) Waivers of rules. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.114 to **401.200** Reserved.

661—401.201(17A) Petition for declaratory order. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.202(17A) Notice of petition. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.203(17A) Intervention. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.204(17A) Briefs. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.205(17A) Inquiries. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.206(17A) Service and filing of petitions and other papers. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.207(17A) Consideration. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.208(17A) Action on petition. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.209(17A) Refusal to issue order. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.210(17A) Contents of declaratory order—effective date. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.211(17A) Copies of orders. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.212(17A) Effect of a declaratory order. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.213 to **401.300** Reserved.

661—401.301(17A) Contested case proceeding. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.302(17A) Discovery. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.303(17A) Subpoenas in a contested case. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.304(17A) Motions. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.305(17A) Settlements. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.306(17A) Prehearing conference. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.307(17A) Continuances. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.308(17A) Withdrawals. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.309(17A) Hearing procedures. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.310(17A) Evidence. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.311(17A) Ex parte communication. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.312(17A) Decisions. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.313(17A) No factual dispute contested cases. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.314(17A) Applications for rehearing. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code chapters 17A and 97A.

[Filed 10/5/04, Notice 8/18/04—published 10/27/04, effective 12/1/04]

[Filed 9/20/06, Notice 7/19/06—published 10/11/06, effective 12/1/06]
[Editorial change: IAC Supplement 6/17/09]
[Filed Emergency After Notice ARC 8935B (Notice ARC 8767B, IAB 5/19/10), IAB 7/14/10, effective 7/1/10]
[Filed ARC 5975C (Notice ARC 5654C, IAB 6/2/21), IAB 10/20/21, effective 11/24/21]
[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 402
PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM—ELIGIBILITY, BENEFITS, AND PAYMENTS

[Prior to 10/27/04, see 581—Ch 24]

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

661—402.1 to **402.99** Reserved.

DIVISION I
ELIGIBILITY

661—402.100(97A) Age of qualification. The age of qualification for benefits under Iowa Code Supplement chapter 97A shall mean the age on the member's last birthday.

661—402.101(97A) Date of retirement. Date of retirement shall mean the first day on retirement and not the last day on duty.

661—402.102(97A) Application of Iowa Code Supplement section 97A.6, subsection 12. Iowa Code Supplement section 97A.6, subsection 12, applies to the deceased member's spouse and children only if the spouse was married to the deceased member at or before the time of retirement and the children are the natural children of the deceased member or were legally adopted at or before the time of retirement of the member. If there is no surviving spouse of a marriage solemnized prior to retirement of a deceased member, then "surviving spouse" means a surviving spouse of a marriage of two years or more solemnized subsequent to the retirement of the member.

661—402.103(97A) Date of death. In the event of the death of a member, the date of death will be considered to be the member's last day on the payroll for earned compensation or on pension, and the next day following will be the first day for the spouse's and children's benefits. The start of benefits shall not be delayed by the payout of any other compensation.

661—402.104(97A) Age of spouse. When the spouse of a deceased active member is to receive an annuity payment from the member's contributions, the age of the spouse at the spouse's nearest birthday shall govern. The computation shall be the spouse's birth date subtracted from the first date that spouse's benefits begin to accrue.

661—402.105 to **402.199** Reserved.

DIVISION II
BENEFITS AND PAYMENTS

661—402.200(97A) Computation of average final compensation. Computation of the average final compensation shall be made using the earnable compensation of the member during the three years of the member's service as a member of the department during which the member received the highest amount of compensation. Overtime compensation, if any, and periods without pay shall not be considered in this computation.

Exception:

If a member retires before attaining three years of service, the average final compensation shall be the total of the earnable compensation from the date the member was sworn into service divided by the number of months of service and multiplied by 12.

661—402.201(97A) Workers' compensation—effect on benefit payment. If workers' compensation benefits are payable because of a member's disability or death, the retirement or death benefit payable, other than a line-of-duty death benefit paid pursuant to 661—Chapter 403, from the system shall be reduced by the actuarial equivalent of the total workers' compensation.

402.201(1) Monthly peace officers' retirement system benefits shall be reduced by the monthly benefit received from workers' compensation.

402.201(2) Peace officers' retirement system benefits shall be reduced in the amount of permanent partial disability benefits paid by workers' compensation. Benefits will be withheld in the amount of permanent partial disability benefits.

[**ARC 8935B**, IAB 7/14/10, effective 7/1/10]

661—402.202(97A) Errors in payments. If an error in payments already made to a member or beneficiary is discovered, arrangements shall be made to correct the error, either through recovery of overpayments from the member or beneficiary or through additional compensation paid to the member or beneficiary to adjust for underpayments. Schedules referenced in this rule shall commence only after presentation to and approval by the board of trustees.

402.202(1) As soon as practical after being discovered, underpayments shall be corrected through a lump-sum payment to the member or beneficiary in an amount equal to the total amount of underpayments to date and an amount of interest such that the total lump-sum payment is actuarially equivalent to the total amount of underpayments. The member or beneficiary may request a method of repayment other than a lump-sum payment, in which case a repayment schedule may be mutually agreed upon between the board and the member or beneficiary.

402.202(2) Overpayments other than those which resulted from fraudulent acts on the part of the member or beneficiary receiving the payments shall be recovered from the member or beneficiary. The preferred method of recovery, if the member or beneficiary is continuing to receive payments from the system, shall be withholding monthly an amount equivalent to the monthly average of the amount of overpayments during the period in which the overpayments were made, until total repayments equal a sum actuarially equivalent to the total amount of overpayment. If the member or beneficiary is not receiving payments from the system, the board may seek repayment in a lump sum including the amount of overpayments and interest in an amount such that the total repayment is actuarially equivalent to the total amount of overpayments, although the member or beneficiary may request a repayment schedule be established and the board may agree to do so.

402.202(3) An overpayment which resulted in whole or in part from a fraudulent act or acts on the part of the member or beneficiary receiving the payments shall be repaid to the system in an amount which is actuarially equivalent to the amount of the overpayment plus a reasonable assessment of the administrative costs to the system and the department to recover the overpayment. The preferred method of repayment is a lump-sum payment collected as soon as practical after the overpayment and the fraudulent act are discovered, although the board shall accept a repayment schedule established by a court which orders restitution in relation to a conviction stemming from the fraudulent act or acts. The board may agree to an alternative payment schedule at the request of the member or beneficiary if there is no applicable order of restitution.

The board may find, on the basis of clear and convincing evidence, that an overpayment resulted from a fraudulent act or acts on the part of a member or beneficiary. A conviction based upon a fraudulent act or acts committed in relation to the receipt of benefits from the system shall be prima facie evidence of fraud for purposes of this subrule.

661—402.203(97A) Initial benefit for a child. Initial benefit for a child as specified in Iowa Code Supplement section 97A.6, subsection 8, 9 or 12, shall be 6 percent of the monthly earnable compensation payable to an active member having the rank of senior trooper of the Iowa state patrol. A senior trooper, for the purposes of Iowa Code Supplement chapter 97A, is a peace officer having at least ten years of active service with the Iowa state patrol.

661—402.204(97A) Computation for partial month. Computation of retirement benefits for a partial month shall be based on the actual number of days in the month, i.e., monthly benefits divided by the number of days in the month multiplied by the number of days due.

661—402.205(97A) One year of service. For the purpose of computing service, service for fewer than six months of a year is not creditable as service. Service of six months or more in any year shall be equivalent to one year of service; however, in no case shall a member receive more than one year of service credit for each 12-month period of service.

661—402.206(97A) Termination prior to retirement.

402.206(1) Members who terminate covered employment prior to age 55 other than by death or disability have certain rights to their accumulated contributions.

a. A member with fewer than four years of service is not entitled to benefits under the system. A member terminating employment with less than four years of service has the following options for the handling of the member's contributions to the system:

(1) The member may withdraw the member's contributions along with accumulated interest.

(2) The member may have all or a part of the member's qualifying contributions along with accumulated interest rolled forward to a qualified retirement plan and may withdraw the balance of the member's contributions.

(3) The member may leave the member's contributions in the system as long as the member continues to be a member of the system. A member ceases to be a member of the system should the member in any period of five consecutive years after last becoming a member be absent from service for more than four years. Should a member cease to be a member, the member's contributions shall be paid to the member as provided in this paragraph.

b. A member with four or more years of service is a "vested member" and is entitled to benefits under the system. The member's options under the system are as follows:

(1) Upon attaining retirement age, the member may receive a service retirement allowance of four twenty-seconds of the retirement allowance the member would receive at retirement if the member's employment had not been terminated, and an additional one twenty-second of such retirement allowance for each additional year of service not exceeding 22 years of service. Should the member have over 22 years of service, upon the member's retirement there shall be added 2¾ percent of the member's average final compensation for each year over 22 years for up to 10 additional years of service. The amount of the retirement allowance shall be calculated in the manner provided in this subparagraph using the average final compensation at the time of termination of the member's employment.

(2) The member may withdraw the member's contributions pursuant to Iowa Code section 97A.16, along with accumulated interest.

(3) The member may have all or a part of the member's qualifying contributions along with accumulated interest rolled forward to a qualified retirement plan and may withdraw the balance of the member's contributions.

402.206(2) The interest rate shall be the composite rate of return for the fiscal year as reflected in the investment performance analysis, provided by the investment consultants for the system, as specified in the report for the quarter ending June 30 of the fiscal year, adjusted by the administrative expense of the system for the fiscal year. The administrative expense rate shall be calculated by dividing the actual administrative expense for the fiscal year by the fund balance on June 30 of the fiscal year.

402.206(3) Interest shall be credited to the member's account annually as of June 30. The interest credited to the member shall be calculated by multiplying the annual interest rate by the member's average balance for the fiscal year, with interest credited for each full month of membership.

402.206(4) Members withdrawing contributions under this rule shall submit a written request to the secretary.

661—402.207(97A) Optional retirement benefits. Members of the system who retire under a service retirement may elect to receive one of the following optional retirement benefits and have the optional retirement benefit or a designated fraction of the benefit paid to the member's beneficiary:

1. Straight life annuity.
2. Straight life annuity with five years certain.
3. Straight life annuity with ten years certain.
4. Joint and 50 percent survivor annuity.
5. Joint and 75 percent survivor annuity.
6. Joint and 100 percent survivor annuity.
7. Single life annuity with a designated lump sum.

For the purposes of this rule, a "beneficiary" means a member's spouse, child, or dependent parent.

661—402.208(97A) Options not reversible once payments begin—exceptions.

402.208(1) The member may change or cancel the member's selected optional benefit until the first monthly benefit payment is made using the selected option. After the first monthly payment to the member or beneficiary, the option shall become permanent and not subject to cancellation or change.

402.208(2) If a member dies without designating a beneficiary prior to receipt in benefits of an amount equal to the total amount in the member's credit at the time of separation from service, the election is void.

402.208(3) If a member who has designated a beneficiary dies and the beneficiary subsequently dies prior to receipt in benefits of an amount equal to the total amount in the member's credit at the time of separation from service, the election remains valid.

661—402.209(97A) Method of calculating annual adjustments when optional retirement benefits are selected. Whenever an optional benefit as provided for in rule 661—402.207(97A) has been selected by a member, the annual adjustments provided for in Iowa Code Supplement section 97A.6, subsection 14, shall continue to be provided.

661—402.210(97A) Termination of benefits when optional retirement benefits are selected. Whenever an optional benefit as provided for in rule 661—402.207(97A) has been selected by a member, benefit payments shall terminate as follows, except as provided in rule 661—402.208(97A):

1. Straight life annuity. Upon the death of the retired member, all future retirement payments shall cease.
2. Straight life annuity with five years certain. Upon the death of the retired member, or five years from the member's original retirement date, whichever is later, all future retirement payments shall cease.
3. Straight life annuity with ten years certain. Upon the death of the retired member, or ten years from the member's original retirement date, whichever is later, all future retirement payments shall cease.
4. Joint and 50 percent survivor annuity. Upon the death of the retired member, the surviving beneficiary shall have the beneficiary's annual annuity established at 50 percent of the member's amount. Upon the death of both the member and the beneficiary, all future retirement payments shall cease.
5. Joint and 75 percent survivor annuity. Upon the death of the retired member, the surviving beneficiary shall have the beneficiary's annual annuity established at 75 percent of the member's amount. Upon the death of both the member and the beneficiary, all future retirement payments shall cease.
6. Joint and 100 percent survivor annuity. Upon the death of the retired member, the surviving beneficiary shall have the annual annuity continue at the member's amount. Upon the death of both the member and the beneficiary, all future retirement payments shall cease.
7. Single life annuity with a designated lump sum. Upon the death of the retired member, the beneficiary shall receive the single lump-sum payment, and all future retirement payments shall cease.

661—402.211(97A) Impact of optional benefit selections on child benefits. The selection of an optional retirement benefit by a member shall not change the benefit that a child of a deceased member would otherwise be eligible to receive.

661—402.212(97A) Method of calculating annual adjustment for members who retire on or after July 1, 2010. For members retiring on or after July 1, 2010, there shall be an adjustment occurring on July 1 for which the following applicable amount shall be added to the member's monthly allowance:

402.212(1) On the first July 1 following the retirement of a member, there shall be added to the monthly allowance the amount of $15. There shall be no other adjustment to the monthly allowance under the provisions of this rule until the adjustment provided in subrule 402.212(2) applies.

402.212(2) An additional $5 shall be added to the member's monthly allowance when the member's retirement date was at least five years, but less than ten years, prior to the effective date of the adjustment, the total adjustment to the member's monthly allowance then being $20. There shall be no other adjustment to the monthly allowance under the provisions of this rule until the adjustment provided in subrule 402.212(3) applies.

402.212(3) An additional $5 shall be added to the member's monthly allowance when the member's retirement date was at least 10 years, but less than 15 years, prior to the effective date of the adjustment, the total adjustment to the member's monthly allowance then being $25. There shall be no other adjustment to the monthly allowance under the provisions of this rule until the adjustment provided in subrule 402.212(4) applies.

402.212(4) An additional $5 shall be added to the member's monthly allowance when the member's retirement date was at least 15 years, but less than 20 years, prior to the effective date of the adjustment, the total adjustment to the member's monthly allowance then being $30. There shall be no other adjustment to the monthly allowance under the provisions of this rule until the adjustment provided in subrule 402.212(5) applies.

402.212(5) An additional $5 shall be added to the member's monthly allowance when the member's retirement date was at least 20 years prior to the effective date of the adjustment, the total adjustment to the member's monthly allowance then being $35.

[**ARC 8935B**, IAB 7/14/10, effective 7/1/10]

661—402.213(97A) Method of calculating annual adjustment for members who retired prior to July 1, 2010. For members having retired before July 1, 2010, there shall be an adjustment occurring on July 1 for which the following applicable amount shall be added to the member's monthly allowance:

402.213(1) For members having retired on or after July 2, 2009, but before July 1, 2010, there shall be added to the monthly pension allowance the amount of $15. There shall be no other adjustment to the monthly allowance under the provisions of this rule until the adjustment provided in subrule 402.212(2) applies.

402.213(2) For members having retired on or after July 2, 2008, but before July 2, 2009, no adjustment to the monthly allowance shall be made until the adjustment provided in subrule 402.212(2) applies.

402.213(3) For members having retired on or after July 2, 2007, but before July 2, 2008, no adjustment to the monthly allowance shall be made until the adjustment provided in subrule 402.212(5) applies.

402.213(4) For those members having retired on or before July 1, 2007, thus having received more than a total of $35 added to the monthly allowance, there shall be no additional adjustments made to monthly allowances. Adjustments having resulted in more than $35 added to the monthly allowance prior to July 1, 2010, shall not be considered overpayments, and the monthly allowances of members so affected shall not be reduced, nor shall members be required to repay any amount to the system.

NOTE: The following table summarizes the adjustments provided for in this rule.

Retirement Date	July 1 Monthly Allowance Adjustment	Adjustment Date
July 2, 2009 – June 30, 2010	$15.00	July 1, 2010
July 2, 2008 – July 1, 2009	$5.00	July 1, 2013
July 2, 2007 – July 1, 2008	$5.00	July 1, 2028
Retired before July 2, 2007	$0.00	Not applicable

[**ARC 8935B**, IAB 7/14/10, effective 7/1/10]

661—402.214(97A) Determination of survivor's pension. For the purposes of determining a survivor's pension, the adjustments to monthly allowance provided in rules 661—402.212(97A) and 661—402.213(97A) shall be reduced in the same manner as is provided for the member's optional

retirement benefit election made under rule 661—402.207(97A) or as provided in Iowa Code section 97A.6(12).

NOTE: Section 17 of 2010 Iowa Acts, House File 2518, reads as follows:

Sec. 17. PUBLIC SAFETY PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM—ADJUSTMENT OF PENSIONS PAYABLE. It is the intent of the general assembly that the applicable amount for each adjustment occurring on July 1 as provided in section 97A.6, subsection 14, paragraph "a", subparagraph (2), subparagraph division (a), shall be the exact dollar amount listed in each subparagraph subdivision of subparagraph division (a) for each July 1 in which that particular subparagraph subdivision applies and shall not be increased above the amount listed in that subparagraph subdivision for each year that the subparagraph subdivision applies. However, the applicable amount for each adjustment occurring on or after July 1, 2010, as provided by this section, shall not be less than the applicable amount for the adjustment for the previous July 1.

[**ARC 8935B**, IAB 7/14/10, effective 7/1/10]

661—402.215 to **402.299** Reserved.

DIVISION III
SERVICE PURCHASES

661—402.300(97A) Purchase of eligible service credit. Effective July 1, 2010, and no later than July 1, 2011, an active member may make application to the system to purchase up to the maximum amount of permissive service credit for eligible qualified service.

[**ARC 8935B**, IAB 7/14/10, effective 7/1/10]

661—402.301(97A) Determination of eligible service.

402.301(1) *Eligible qualified service.* "Eligible qualified service" means service as a member of a city fire retirement system or police retirement system operating under Iowa Code chapter 411 prior to January 1, 1992, for which service has not previously been credited. Eligible qualified service does not include service if the receipt of credit for such service would result in the member's receiving a retirement benefit under more than one retirement plan for the same period of service.

402.301(2) *Permissive service credit.*

a. Permissive service credit is credit that will be recognized by the system for purposes of calculating a member's benefit, for which the member did not previously receive service credit in the system, and for which the member voluntarily contributes to the system the amount required by the system, not in excess of the amount necessary to fund the benefit attributable to such service.

b. Permissive service credit shall be calculated in years at the rate of one year of service for six months or more of a year actually worked with no more than one year of service to be credited for all service in one calendar year.

c. An active member may make contributions to the system to purchase up to the maximum amount of permissive service credit for eligible qualified service as determined by the system, pursuant to Internal Revenue Code Section 415(n).

[**ARC 8935B**, IAB 7/14/10, effective 7/1/10]

661—402.302(97A) Determination of cost to member.

402.302(1) *Determination of service credit.* A member may determine the amount of permissive service credit, which shall be documented on a form provided by the secretary. Such documentation shall include the notarized certification by an official of the city or agency that employed the member and shall include periods of service and member retirement contributions to the former system during the indicated time of service. In the event member contribution information is not available from the employing city or agency, documentation may be provided in another form acceptable to the board. Acceptable documentation may include, but is not limited to, IRS form W-2, Social Security earnings statements, pay stubs or Iowa tax form 1040 or 1040A.

402.302(2) *Actuarial cost quote of permissive service credit.*

a. A member may submit certification of service credit to the secretary to obtain a cost quote of permissive service.

b. The secretary shall review and verify the submitted certification of service credit to ensure that the requirements of subrule 402.302(1) have been met.

c. When service credit has been verified, the secretary shall submit a request to the actuary contracted by the system to determine the cost to purchase permissive service credit.

d. A member may request cost quotes to purchase permissive service credit for a maximum of two time periods at no cost to the member.

e. If a member requests a third or subsequent cost quote, the member shall be required to pay for the cost of the quote.

f. A second or subsequent cost quote for the same period of permissive service credit shall replace all previous cost quotes for that time period.

g. If the requirements of subrule 402.302(1) cannot be verified, the request for a cost quote shall not be submitted to the actuary but rather shall be referred to the board for review at the next regularly scheduled meeting.

[**ARC 8935B**, IAB 7/14/10, effective 7/1/10]

661—402.303(97A) Application process.

402.303(1) *Actuarial cost quote of permissive service credit.* When made available to the secretary by the actuary, the cost quote shall be forwarded to the member promptly. Such delivery may be made through electronic mail, facsimile transmission, regular mail, or personal service. The cost quote of permissive service credit shall remain valid for six months from the date of the cost quote unless replaced by a subsequent cost quote for the same time period of permissive service credit.

402.303(2) *Submission of application to purchase permissive service credit.* The member may submit to the secretary an application to purchase years of permissive service credit in an amount no greater than the maximum certified years of permissive service credit at a rate quoted by the actuary less an amount equal to the member's contributions pursuant to Iowa Code chapter 411 for the period of eligible qualified service together with interest at a rate determined by the board. Full payment in the form of a check or money order payable to the Peace Officers' Retirement, Accident, and Disability System, or certification of intent to pay through a qualified plan, or a combination thereof, shall accompany the application to purchase permissive service credit. Contributions shall be made by the member within the six-month period the quote is valid.

402.303(3) *Acceptance of application to purchase permissive service credit.* If the application is accepted, the secretary shall deposit the full payment into the system's account and shall adjust the member's years of service and contributions to reflect the purchase of service. Prior to the receipt of full payment, the secretary shall make no adjustment to the member's years of service or contributions.

402.303(4) *Rejection of application to purchase permissive service credit.* If the application is rejected, the secretary shall refer the rejected application to the board for review at the next regularly scheduled meeting.

[**ARC 8935B**, IAB 7/14/10, effective 7/1/10]

661—402.304(97A) Service adjustment irrevocable. An adjustment of a member's years of service which has been completed pursuant to subrule 402.303(3) is irrevocable. However, this rule shall not be interpreted to limit the system's ability to refund service credit purchase amounts when required in order to meet the provisions of the Internal Revenue Code.

[**ARC 8935B**, IAB 7/14/10, effective 7/1/10]

661—402.305(97A) Board review.

402.305(1) *Review of rejection of certification of service credit.* The board shall review a rejected certification of service credit. If the board overrules the rejection, the secretary shall submit the certification of service credit to the actuary to determine the member's cost to purchase permissive service credit. If the board sustains the rejection, the member may appeal the action pursuant to 661—subrule 401.2(2).

402.305(2) *Review of rejection of application to purchase service credit.* The board shall review any application to purchase service credit which has been rejected. If the board overrules the action, the secretary shall process the application pursuant to subrule 402.303(3). If the board sustains the rejection, the secretary shall return the payment to the member. The member may appeal the action pursuant to 661—subrule 401.2(2).

[**ARC 8935B**, IAB 7/14/10, effective 7/1/10]

661—402.306(97A) Other provisions.

402.306(1) Within 60 days following the entry of an adjustment to a member's years of service based on a purchase of permissive service credit, the secretary shall report the purchase to the system under which the service credit was originally earned.

NOTE: This notification is intended to meet the requirement that a member not receive a retirement benefit under more than one retirement plan for the same period of service.

402.306(2) The average final compensation of the member shall not be affected by the purchase of permissive service credit.

[**ARC 8935B**, IAB 7/14/10, effective 7/1/10]

661—402.307(97A) Purchase of service credit for military service.

402.307(1) *Eligibility.* Effective July 1, 2010, an active member of the system who has been a member of the retirement system five or more years may purchase service credit for military service under this chapter.

NOTE: Determination of length of active membership will be made pursuant to Iowa Code section 97A.3.

402.307(2) *Service eligible for purchase.* An eligible member may elect to purchase up to five years of service for military service that is not already recognized by the system or required to be recognized by the system under Internal Revenue Code Section 414(u) or the federal Uniformed Services Employment and Reemployment Rights Act (USERRA).

a. Permissive service credit shall be calculated in years at the rate of one year of service for six months or more of a year actually worked with no more than one year of service to be credited for all service in one calendar year.

b. A member may elect to purchase service credit for all or part of the member's eligible service up to the five-year limitation and limitations of Internal Revenue Code Section 415(n).

c. For purposes of this rule, "military service" means active duty service in any of the following:

(1) The United States Army, Navy, Marine Corps, Air Force or Coast Guard;

(2) The United States Army Reserves, Naval Reserves, Marine Corps Reserves, Air Force Reserves or Coast Guard Reserves;

(3) The Army National Guard or Air National Guard;

(4) The Commissioned Corps of the Public Health Service; or

(5) Any other category of persons designated by the President in a time of war or emergency.

402.307(3) *Application.* A member seeking to purchase service credit under this rule shall file a written application with the system requesting an actuarial determination of the purchase cost of the requested service credit. Applications shall be on forms provided by the secretary. The member shall include with the application:

a. Periods of military service for which credit is requested.

b. Proof of applicable military service. Records that may be acceptable for this purpose include the member's DD Form 214, discharge papers or other records as determined by the system.

c. Any other documentation reasonably requested by the system.

402.307(4) *Determination of cost to member.* Upon receipt of the written application and supporting documentation, the secretary shall review and verify the submitted documents. The secretary shall submit the application and pertinent member information to the actuary contracted by the system to determine the cost to purchase the military service. The cost of actuarial determinations shall be borne by the member, payable upon receipt of the cost quote.

402.307(5) *Application process.*

a. Actuarial cost quote of military service credit. When made available to the secretary by the actuary, the cost quote shall be forwarded to the member promptly. Such delivery may be made through electronic mail, facsimile transmission, regular mail, or personal service. The cost quote for purchase of credit for military service shall remain valid for six months from the date of the cost quote unless replaced by a subsequent cost quote for the same time period of military service.

b. Submission of application to purchase military service credit. The member may submit to the secretary an application to purchase years of military credit in a cumulative amount no greater than five years. Full payment in the form of a check or money order payable to the Peace Officers' Retirement, Accident, and Disability System, or certification of intent to pay through a qualified plan, or a combination thereof, shall accompany the application to purchase military service credit.

c. Acceptance of application to purchase military service credit. If the application is accepted, the secretary shall deposit the full payment in the system's account and shall adjust the member's years of service and contributions to reflect the purchase of credit for military service. Prior to the receipt of full payment, the secretary shall make no adjustment to the member's years of service or contributions.

402.307(6) *Revocation.* A member may revoke a service purchase election and receive a refund without interest of the purchase cost paid, provided that the revocation request is in writing and is received by the system no later than 60 days following the date of the receipt of the payment of the purchase cost by the system and prior to the date of the commencement of benefits to the member under Iowa Code section 97A.6.

402.307(7) *Refund when required by Internal Revenue Code.* This rule shall not be construed to limit the system's ability to refund service credit purchase amounts when required in order to meet the provisions of the Internal Revenue Code.

402.307(8) *Rejection of application to purchase military service credit.* If the application is rejected, the secretary shall refer the rejected application to the board for review at the next regularly scheduled meeting.

402.307(9) *Board review.* The board shall review any rejected application for purchase of military service credit. If the board overrules the action, the secretary shall process the application. If the board sustains the rejection, the secretary shall return the payment to the member. The member may appeal the action pursuant to 661—subrule 401.2(2).

402.307(10) *Average final compensation.* The average final compensation of the member shall not be affected by the purchase of credit for military service.

[**ARC 8935B**, IAB 7/14/10, effective 7/1/10]

These rules are intended to implement Iowa Code chapter 97A as amended by 2010 Iowa Acts, House File 2518 and Senate File 2318.

[Filed 10/5/04, Notice 8/18/04—published 10/27/04, effective 12/1/04]

[Filed emergency 6/26/06—published 7/19/06, effective 7/1/06]

[Filed 9/20/06, Notice 7/19/06—published 10/11/06, effective 12/1/06]

[Filed Emergency After Notice ARC 8935B (Notice ARC 8767B, IAB 5/19/10), IAB 7/14/10, effective 7/1/10]

CHAPTER 403
PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM— LINE-OF-DUTY DEATH BENEFIT

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

661—403.1(97A) Member death benefit program. As provided in Iowa Code Supplement section 97A.6, subsection 16, the board will administer the payment of line-of-duty death benefits to beneficiaries of members who die in the line of duty.

Information about the program may be obtained by mail from the Secretary of the Board of Trustees, Iowa Department of Public Safety, Peace Officers' Retirement System, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319, by telephone at (515)725-6248, or by electronic mail to asdinfo@dps.state.ia.us.

[Editorial change: IAC Supplement 6/17/09]

661—403.2(97A) Application. Application forms for the line-of-duty death benefit program may be obtained on request from the secretary. The board may accept a legible copy of a completed application for the federal Public Safety Officer Benefits Program as an application for payment of benefits from the member death benefit program. Completed application forms shall be mailed or delivered to the Secretary of the Board of Trustees, Iowa Department of Public Safety, Peace Officers' Retirement System, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319.

661—403.3(97A) Determination. After receiving a completed application for benefits from the member death benefit program, the board shall make a determination as to whether or not the application meets the requirements for payment of benefits. Prior to making a determination, the board may require the beneficiary or responsible supervisory official who has certified that the death is a line-of-duty death to submit any additional information that the board deems material to making the determination. If the determination is that the requirements for payment of benefits have been met, the board shall so notify the beneficiary or cobeneficiaries and shall instruct the secretary to prepare documents to cause the department of administrative services to issue a warrant payable to the beneficiary in the amount of the lump-sum payment provided or, if there are cobeneficiaries, to issue warrants in equal shares of the lump-sum amount payable to each of the cobeneficiaries. Payments pursuant to this rule shall come from the system's funds.

403.3(1) *Denial and notification.* If the board determines that the eligibility criteria have not been met, the board shall notify in writing the beneficiary or cobeneficiaries and the responsible supervisory official who certified that the death occurred in the line of duty of the determination and of the reason or reasons for the denial.

403.3(2) *Appeals.* If an application for benefits is denied, the beneficiary or any cobeneficiary may appeal that decision to the board by filing an appeal in writing to the secretary within 30 days of the date of the denial of the application by the board. Appeals shall be processed in accordance with contested case procedures specified in 661—Chapter 401.

These rules are intended to implement Iowa Code Supplement section 97A.6A(16).

[Filed 10/5/04, Notice 8/18/04—published 10/27/04, effective 12/1/04]

[Editorial change: IAC Supplement 6/17/09]

CHAPTER 404
PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM—TEMPORARY INCAPACITY
Rescinded IAB 7/14/10, effective 7/1/10

CHAPTERS 405 to 499
Reserved

CHAPTER 500
ELECTRICIAN AND ELECTRICAL CONTRACTOR LICENSING PROGRAM—ORGANIZATION AND ADMINISTRATION
Transferred to 481—Chapter 400, IAC Supplement 7/9/25

CHAPTER 501
ELECTRICIAN AND ELECTRICAL CONTRACTOR LICENSING PROGRAM—ADMINISTRATIVE PROCEDURES
Rescinded **ARC 7878C**, IAB 4/17/24, effective 5/22/24

CHAPTER 502
ELECTRICIAN AND ELECTRICAL CONTRACTOR LICENSING PROGRAM—LICENSING REQUIREMENTS, PROCEDURES, AND FEES
Transferred to 481—Chapter 401, IAC Supplement 7/9/25

CHAPTER 503
ELECTRICIAN AND ELECTRICAL CONTRACTOR LICENSING PROGRAM—COMPLAINTS AND DISCIPLINE
Transferred to 481—Chapter 402, IAC Supplement 7/9/25

CHAPTER 504
STANDARDS FOR ELECTRICAL WORK
Rescinded **ARC 9033C**, IAB 3/19/25, effective 7/1/25

CHAPTER 505
ELECTRICIAN AND ELECTRICAL CONTRACTOR LICENSING PROGRAM—EDUCATION
Transferred to 481—Chapter 403, IAC Supplement 7/9/25

CHAPTER 506
MILITARY SERVICE AND VETERAN RECIPROCITY FOR ELECTRICIANS AND ELECTRICAL CONTRACTORS
Rescinded **ARC 7882C**, IAB 4/17/24, effective 5/22/24

CHAPTERS 507 to 549
Reserved

CHAPTER 550
ELECTRICAL INSPECTION PROGRAM
Transferred to 481—Chapter 404, IAC Supplement 7/9/25

CHAPTER 551
ELECTRICAL INSPECTION PROGRAM—DEFINITIONS
Rescinded **ARC 9033C**, IAB 3/19/25, effective 7/1/25

CHAPTER 552
ELECTRICAL INSPECTION PROGRAM—PERMITS AND INSPECTIONS
Rescinded **ARC 9033C**, IAB 3/19/25, effective 7/1/25

CHAPTER 553
CIVIL PENALTIES
Rescinded **ARC 9033C**, IAB 3/19/25, effective 7/1/25

CHAPTERS 554 to 558
Reserved

CHAPTER 559
ELECTRICAL INSPECTION PROGRAM—UTILITY NOTIFICATIONS
AND RESPONSIBILITIES OF UTILITIES
Rescinded **ARC 9033C**, IAB 3/19/25, effective 7/1/25

CHAPTERS 560 to 599
Reserved

CHAPTER 600
STATEWIDE INTEROPERABLE COMMUNICATIONS SYSTEM BOARD

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

661—600.1(80) Establishment of board. The Iowa statewide interoperable communications system board is established in Iowa Code section 80.28, under the joint purview of the department of public safety and the department of transportation. The board is charged to develop, implement, and oversee policy, operations, and fiscal components of communications interoperability efforts at the state and local levels, and to coordinate with similar efforts at the federal level, with the ultimate objective of developing and overseeing the operation of a statewide integrated public safety interoperable communications system.
[**ARC 9678B**, IAB 8/24/11, effective 10/1/11]

661—600.2(80) Definitions. The following definitions apply to the rules in this chapter:

"Board" means the statewide interoperable communications system board established in Iowa Code section 80.28.

"Interoperability" means the ability of public safety and public services personnel to communicate and to share data on an immediate basis, on demand, when needed, and when authorized.

"Legal counsel to the board" means the assistant attorney general assigned to provide legal advice and representation to the board.

"Quorum" means two-thirds or more of the current voting members of the board, as provided in Iowa Code section 17A.2, subsection 1. "Current voting members" does not include any board positions which are vacant.
[**ARC 9678B**, IAB 8/24/11, effective 10/1/11]

661—600.3(80) Statewide interoperability coordinator. The board may select and appoint a person who is not a member of the board as the statewide interoperability coordinator (or "SWIC") to coordinate work performed on behalf of the board and to complete tasks related to the mission of the board as assigned by the board or by the chairperson of the board with board approval.
[**ARC 9678B**, IAB 8/24/11, effective 10/1/11]

661—600.4(80) Board procedures. The board shall operate under the following procedures:

600.4(1) *Membership.* The board shall include 15 voting members and 4 ex officio, nonvoting members who are members of the Iowa general assembly, as provided in Iowa Code section 80.28.

600.4(2) *Meetings.*

a. The board shall meet at least once a quarter at a time and place determined by the board. Additional meetings may be called by:

(1) The chairperson,

(2) The vice chairperson, or

(3) By the statewide interoperability coordinator, at the request of five or more voting members of the board.

b. If a quorum is not present at a scheduled meeting of the board, the members of the board who are present may convene, may take testimony and public comment, and may engage in discussion of board business but shall not take any action other than to adjourn.

c. Notice of all meetings of the board shall be given in accordance with the provisions of Iowa Code section 21.4. In addition, notice of any scheduled board meeting and a tentative agenda of that meeting shall be posted on the Web site of the board prior to the scheduled time of the meeting.

d. All meetings of the board are public meetings and shall be conducted in accordance with Iowa Code section 21.3.

(1) A portion of any board meeting may be closed to the public for any of the reasons enumerated in Iowa Code section 21.5 and only subsequent to the procedures specified in Iowa Code section 21.5 to be followed by a public body in order to close a meeting to the public. If a board meeting has been closed to

the public, the board shall not adjourn while in closed session, but may do so only after the meeting has been reopened to the public.

(2) The chairperson or vice chairperson may extend invitations to subject matter experts or other parties to address items on the agenda of the board at meetings of the board.

(3) Members of the public shall be afforded an opportunity to address the board at each regular meeting during a period labeled "public comment period" on the agenda, subject to reasonable time limits established by the person presiding at the meeting.

(4) Remote telephonic access to a meeting of the board may be provided at the request of a board member or a member of the public.

e. Meetings of the board shall be conducted in accordance with Roberts Rules of Order, 10th edition.

600.4(3) *Officers.* Officers of the board shall be a chairperson and a vice chairperson.

a. Election of the chairperson and the vice chairperson shall take place at a regular meeting of the board.

b. The chairperson and the vice chairperson shall each be elected for a two-year term, commencing at the conclusion of the meeting at which the election takes place.

c. The chairperson and the vice chairperson shall each be a voting member of the board.

d. If the chairperson or the vice chairperson ceases to be a voting member of the board, or if the chairperson or the vice chairperson resigns from the position, the position shall become vacant. If the position of the chairperson becomes vacant, the vice chairperson shall become chairperson and shall serve the remainder of the two-year term to which the chairperson had been elected, and the position of vice chairperson shall become vacant. If the position of vice chairperson has become vacant, an election to fill the remainder of the two-year term shall be conducted at the next regular meeting of the board following the occurrence of the vacancy.

e. Election to the position of chairperson or vice chairperson shall require a majority of the voting members of the board who are present and voting at a meeting at which a quorum of the board is in attendance.

f. If the board fails to elect a chairperson or a vice chairperson at the board meeting when a term of office ends, the incumbent chairperson or vice chairperson shall continue to serve until a successor is elected.

[**ARC 9678B**, IAB 8/24/11, effective 10/1/11]

661—600.5(80) Administrative procedures. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—600.6(80) Committees.

600.6(1) *Standing committees.* A standing committee may be created or disbanded by majority vote of the voting members of the board present at any board meeting.

a. The chairperson of each standing committee shall be a voting member of the board.

b. Persons who are not voting members of the board may serve on a standing committee.

c. The chairperson of the board, with approval of the board, shall appoint members of the standing committee.

600.6(2) *Ad hoc committees.* The chairperson may establish ad hoc committees for specific purposes and terms and may appoint persons to those committees in an advisory capacity based upon their expertise in the subject matter.

[**ARC 9678B**, IAB 8/24/11, effective 10/1/11]

661—600.7(80) Board finances. Operational expenses of the board and of the statewide interoperability coordinator shall be paid from funds available to the department of public safety or the department of transportation, pursuant to an agreement between those agencies, except that expenses related to participation on the board by employees of state agencies shall be borne by their respective agencies.

[**ARC 9678B**, IAB 8/24/11, effective 10/1/11]

661—600.8(80) Contracts. The board may enter into contracts with other entities to carry out tasks in pursuit of the board's purpose. Any such contract shall be entered into subject to approval of the legal counsel to the board and shall comply with the rules of the department of administrative services and any other applicable state laws regarding purchases by state agencies.
[**ARC 9678B**, IAB 8/24/11, effective 10/1/11]

661—600.9(80) Competitive grants. If funds are available to the board to award grants on a competitive basis for projects to further the purposes of the board, the chairperson shall appoint an advisory committee to review grant applications. The chairperson of the advisory committee shall be a voting member of the board, although other members may be members of the board or other persons with expertise helpful in evaluating grant applications. The statewide interoperability coordinator shall, prior to the solicitation of applications for the grant funds and with the approval of the board, develop a grant application form and an evaluation methodology which shall be understandable and made available to any prospective applicant. The availability of grant funds shall be made known as widely as practicable prior to the deadline for accepting applications.
[**ARC 9678B**, IAB 8/24/11, effective 10/1/11]

661—600.10(80) Additional information. Additional descriptive and explanatory information about the board and its procedures and about interoperability issues may be found on the Web site of the board.

NOTE: The board Web site may be found at http://isicsb.iowa.gov/index.html.
[**ARC 9678B**, IAB 8/24/11, effective 10/1/11]

These rules are intended to implement Iowa Code section 80.29.

[Filed ARC 9678B (Notice ARC 9516B, IAB 5/18/11), IAB 8/24/11, effective 10/1/11]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTERS 601 to 2502
Reserved

CHAPTER 2503
DECLARATORY ORDERS

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

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.
[**ARC 0333D**, IAB 6/10/26, effective 6/30/26]

661—2503.8(17A) Refusal to issue order.

2503.8(1)

l. The petitioner requests the agency to determine whether a statute is unconstitutional on its face.

m. The petition relates to any criminal investigation.

[**ARC 0333D**, IAB 6/10/26, effective 6/30/26]

[Filed Emergency ARC 0333D, IAB 6/10/26, effective 6/30/26]