

CHAPTER 1
ORGANIZATION AND OPERATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/24/29

181—1.1(546,17A) Purpose. This chapter describes the organization and operation of the department of insurance and financial services (department).

[ARC 7728C, IAB 3/20/24, effective 4/24/24]

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

[ARC 7728C, IAB 3/20/24, effective 4/24/24]

181—1.3(546,17A) Duties of the department. The department administers and coordinates the various regulatory, service, and licensing functions of the state relating to the conducting of business or commerce in the state. The department consists of the following divisions: banking, credit union, and insurance.

1.3(1) Banking division. The banking division regulates and supervises state banks, regulated loan companies, industrial loan companies, mortgage bankers, mortgage brokers, real estate closing agents, debt management companies, money services companies, and delayed deposit service businesses and performs other duties assigned to it by law.

1.3(2) Credit union division. The credit union division regulates and supervises the operation of credit unions within the state; the credit union review board performs duties assigned to it by Iowa Code chapter 533.

1.3(3) Insurance division. The insurance division regulates and supervises the conduct of the business of insurance within the state and enforces the laws promulgated under Title XIII of the Iowa Code and Iowa Code chapters 502, 502A, 505, 505A through 523A, 523C, 523D, and 523I. The division performs other duties assigned to it by law.

[ARC 7728C, IAB 3/20/24, effective 4/24/24]

181—1.4(546,17A) Definitions.

“Administrator” means the commissioner of insurance, the superintendent of banking, or the superintendent of credit unions.

“Commissioner of insurance” means the same as defined in Iowa Code section 505.2.

“Department” means the department of insurance and financial services.

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

“Superintendent of banking” means the same as defined in Iowa Code section 524.201.

“Superintendent of credit unions” means the same as defined in Iowa Code section 533.104.

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181—1.5(546,17A) Central offices and communications. Correspondence and communications with the department shall be addressed or directed to the department’s director. The department director is the commissioner of insurance. The department’s website is iowa.gov/difs.

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181—1.6(546,17A) Custodians of records, filings and requests for public information. Unless otherwise specified by the department or the rules of its various divisions, each division is the principal custodian of its own divisional orders, statements of law or policy issued by the respective divisions, legal documents and other public documents on file with the department or its respective divisions. This is true in particular for the Iowa fair information practices Act. The responsibility for complying with that Act

shall be upon the individual divisions. Each division shall promulgate rules pursuant to Iowa Code chapter 17A governing the manner in which documents may be filed with the respective divisions.

[ARC 7728C, IAB 3/20/24, effective 4/24/24]

181—1.7(546,17A) Division administrators' responsibilities.

1.7(1) Rulemaking. Each division administrator has the authority to promulgate rules pursuant to Iowa Code chapter 17A to implement the duties of the division. Such rules are not subject to review by the department director. All applicable rules previously promulgated by the divisions shall remain in effect until amended by the divisions.

1.7(2) Decision making. Decisions of the division administrator with respect to duties assigned to the division under the law are final agency actions pursuant to Iowa Code chapter 17A. Decisions by either the commissions or division administrators are not subject to review by the department director.

1.7(3) Supervision. Each division administrator has the authority to hire, allocate, develop, and direct employees and other resources assigned to the division by law.

1.7(4) Establish fees. Each division administrator has the authority to establish fees assessed to the regulated industry. The fees so established are not reviewable by the department director.

1.7(5) Expenditure authorization. Each division administrator may authorize expenditures from accounts for that division or office within the department of commerce revolving fund established in Iowa Code section 546.12, or otherwise use funds as permitted by Iowa Code section 546.12.

[ARC 7728C, IAB 3/20/24, effective 4/24/24]

181—1.8(17A) Petitions for rulemaking—uniform rules adopted. The department hereby adopts the Uniform Rules on Agency Procedure relating to petitions for rulemaking, which are published on the general assembly's website at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf, as rules 181—1.9(17A) to 181—1.12(17A) below, with amendments and exceptions specified therein.

[ARC 7728C, IAB 3/20/24, effective 4/24/24]

181—1.9(17A) Petition for rulemaking. Rule X.1 is adopted by reference with the following amendments: Any person or agency may file a petition for rulemaking with the respective division at the address disclosed on the department's website. A petition is deemed filed when it is received. The respective division must provide the petitioner with a file-stamped copy of the petition if the petitioner provides the respective division an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

[ARC 7728C, IAB 3/20/24, effective 4/24/24]

181—1.10(17A) Briefs. Rule X.2 is adopted by reference.

[ARC 7728C, IAB 3/20/24, effective 4/24/24]

181—1.11(17A) Inquiries. Rule X.3 is adopted by reference.

[ARC 7728C, IAB 3/20/24, effective 4/24/24]

181—1.12(17A) Agency consideration. Rule X.4 is adopted by reference.

[ARC 7728C, IAB 3/20/24, effective 4/24/24]

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

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