

CHAPTER 11
IOWA CONSUMER CREDIT CODE RULE-MAKING PROCEDURES

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

61—11.1(537) Rules in harmony with other uniform consumer credit code jurisdictions. The consumer credit code administrator shall advise and consult with consumer credit code administrators in other jurisdictions that enact the uniform consumer credit code and shall take into consideration the rules of administrators in other jurisdictions that enact the uniform consumer credit code.

61—11.2(537,17A) Procedure for adoption of rules. Subject to the power of the attorney general to adopt and amend rules, the consumer credit code administrator shall conduct rule making in accordance with the terms of the Iowa administrative procedure Act, Iowa Code sections 17A.4 to 17A.8. These procedures do not apply to rules of an emergency nature adopted under section 17A.5(2)“b” except to the extent that these procedures are required by law for rule making under these sections.

61—11.3(17A) Notice. Notice of intended action shall be given pursuant to the Iowa administrative procedure Act. A notice of intended action may designate a person within the agency to receive submissions and to respond to inquiries concerning the proposed rules.

61—11.4(17A) Written submissions. Interested persons may submit data, views or arguments in writing as provided in the notice.

61—11.5(17A) Hearing. As part of the notice of intended action, the consumer credit code administrator may schedule a hearing.

11.5(1) Conduct of public hearings. When required to do so, or in the attorney general’s discretion, the consumer credit code administrator shall conduct a public hearing. The hearing shall be conducted by and be under the control of a presiding officer who shall be the consumer credit code administrator or a person designated by the administrator. The presiding officer shall have authority to take any action necessary for the orderly conduct of the hearing including continuing the hearing to a later time or date without notice other than by announcement at the hearing.

11.5(2) Record of hearing. A record may be made of the hearing proceedings by mechanical or other means.

61—11.6(17A) Statement of reasons. If requested to do so by an interested person either prior to adoption or within 30 days thereafter, the consumer credit code administrator shall issue a concise statement of the principal reasons for and against the adopted rule. Requests for a concise statement of reasons must be in writing addressed to the administrator of the Iowa consumer credit code and will be considered made on the date received. The request should indicate whether the statement is sought for all or part of the rule in question. The concise statement will be issued within a reasonable time from the date of the request. Where a request is received prior to adoption of the rule, the attorney general may either delay adoption until the statement is prepared or adopt the rules prior to issuance of the statement as deemed appropriate taking into account relevant factors including the need for the rule, the date the request was filed, the time required to prepare the statement, and the extent to which the statement would assist in deciding whether to adopt the rule.

61—11.7(17A) Copies of proposed consumer credit code rules. A trade or occupational association, which has registered its name and address with the administrator of the Iowa consumer credit code, may receive, by mail, copies of proposed consumer credit code rules. Registration of the association’s name and address with the consumer credit code administrator is accomplished by written notification to: The Administrator of the Iowa Consumer Credit Code, Consumer Protection Division, Department of Justice, Hoover State Office Building, Des Moines, Iowa 50319. In the written notification, the association must designate the type of proposed rules and the number of copies of each consumer credit code rule it wishes

to receive. If the association wishes to receive copies of all proposed consumer credit code rules, it may make a blanket written request at the time of registration or at any time prior to the adoption of the rules. The association will be charged a fee to cover the actual cost of providing each copy of the proposed rule.

This rule does not prevent an association which has registered with the consumer credit code administrator in accordance with this rule from changing its designation of types of proposed consumer credit code rules or number of copies of proposed rules which the association desires to receive. If an association makes such changed designation, it must do so by written notification to: The Administrator of the Iowa Consumer Credit Code, Consumer Protection Division, Department of Justice, Hoover State Office Building, Des Moines, Iowa 50319.

This rule is intended to implement Iowa Code section 17A.4(1)“d.”

61—11.8(17A) Small business regulatory impact.

11.8(1) *Registration.* Small businesses as defined in Iowa Code section 17A.4A, and organizations representing at least 25 such small businesses may register with the consumer credit code administrator to receive notice of proposed consumer credit code rules that may have an impact on small business and to seek qualification to request a regulatory flexibility analysis under section 17A.4A. The request for registration shall be provided in writing to: The Administrator of the Iowa Consumer Credit Code, Consumer Protection Division, Department of Justice, Hoover State Office Building, Des Moines, Iowa 50319. Entities may alternatively register with the deputy attorney general for administration if registration is desired for all departmental rules.

The request shall include the following information:

a. The name of the small business or organization requesting registration, its address and telephone number and an individual or individuals to contact regarding the request.

b. A certification that the small business meets the definition of small businesses under Iowa Code section 17A.4A or, in the case of an organization which is also seeking qualification to request a regulatory flexibility analysis, that it represents at least 25 entities meeting the definition of a small business under that section. An organization seeking to qualify to request a regulatory flexibility analysis shall provide the name, address and telephone number of at least 25 qualifying members.

c. A statement that the small business or organization seeks registration for the purpose of seeking notification of proposed consumer credit code rules that may have an impact on small business and a statement whether it also seeks qualification to request a regulatory flexibility analysis under Iowa Code section 17A.4A.

The consumer credit code administrator may request additional information to establish that the business or organization qualifies under Iowa Code section 17A.4A either at the time the entity files the request for registration or at the time it files a request for a regulatory flexibility analysis.

11.8(2) *Consideration of impact on small business.* The attorney general shall determine whether a proposed rule may have an impact on small business. If so, the notice of intended action shall so state and the attorney general shall consider the factors listed in Iowa Code section 17A.4A for reducing the impact of the proposed rule on small businesses.

11.8(3) *Requests for regulatory flexibility analysis.* The consumer credit code administrator will prepare a regulatory flexibility analysis if a written request is received by the consumer credit code administrator within 20 days after published notice of proposed rule adoption from the administrative rules review committee, the governor, a political subdivision, at least 25 persons who qualify as a small business under Iowa Code section 17A.4A, or an organization of small businesses, representing at least 25 persons, which is registered with the consumer credit code administrator under subrule 11.8(1). The request shall specify for which portions of a proposed rule the analysis is requested and shall provide any information, data or arguments available to the requester which would be relevant to the requested analysis.

11.8(4) *Regulatory flexibility analysis.* The analysis shall be prepared and a summary published in the Iowa administrative bulletin 20 days prior to adoption of the proposed consumer credit code rule. The summary shall provide notice of a time and place for oral presentation on the analysis and of any requirements for written submissions and shall state where persons may obtain a full text of the analysis at cost of reproduction. The consumer credit code administrator may without further notice revise the analysis in response to comments, or summarize the comments, and append these to the analysis.

The attorney general shall consider all methods suggested in the analysis and in submitted comments in determining whether to revise the proposed rule to reduce the impact on small business as provided in Iowa Code section 17A.4A.

61—11.9(17A) Petitions for adoption, amendment or repeal of a rule. Any interested person may petition the attorney general for the issuance, amendment or repeal of any consumer credit code rule.

61—11.10(17A) Form and content of petition.

11.10(1) Content. A petition for rule making shall contain:

a. A caption in the following form:

THE ADMINISTRATOR OF THE IOWA CONSUMER CREDIT CODE
THE IOWA DEPARTMENT OF JUSTICE
HOOVER STATE OFFICE BUILDING
DES MOINES, IOWA

IN RE: _____ (interested person's name))	IOWA CONSUMER CREDIT CODE
REQUEST FOR _____ (adoption,)	PETITION FOR RULE MAKING
amendment or repeal) OF RULE NUMBER)	Docket No. _____
_____ (if applicable))	(filled in by Administrator)

b. Statements in separate numbered paragraphs of the following:

1. Petitioner's name and address;
2. The text of any proposed rule or amendment identifying the section or sections of law involved or rule involved, or the rule sought to be repealed;
3. The reasons for seeking the requested action in detail, including any facts, views, data or arguments deemed relevant;
4. The nature of petitioner's interest in the subject matter;
5. The signature of the petitioner or petitioner's representative.

11.10(2) Petition filed. A petition for rule making shall be filed with The Administrator of the Iowa Consumer Credit Code, Consumer Protection Division, Department of Justice, Hoover State Office Building, Des Moines, Iowa 50319. The consumer credit code administrator may request the petitioner to submit additional facts, views or data and may require the petitioner to serve a copy of the petition upon persons or agencies known to be interested in the proposed rule making.

11.10(3) Action on petition. The attorney general shall within 60 days following the filing of the petition or the receipt of requested additional information either deny the petition in writing or initiate rule-making procedures as set forth in this chapter. The petition shall be denied and the petitioner so notified together with reasons for such denial, if, after careful consideration, it is determined that the petition does not disclose sufficient reasons to justify the commencement of rule-making proceedings, if the petition materially fails to comply with the requirements of these rules, if it is determined the petitioner is not an interested person, or if other good reason exists. The provisions of this subrule shall not prevent discretionary action by the attorney general on any matter disclosed in any petition.

11.10(4) Notice to the petitioner of the action by the administrator of the consumer credit code. Notice shall be by ordinary mail with certificate of service maintained in the file or by certified mail return receipt requested.

These rules are intended to implement Iowa Code chapters 13, 17A and 537.

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