

701—2504.1(17A) Application.**2504.1(1)**

a. Submission. Any person may submit a petition to waive, in whole or in part, any discretionary rule filed outside of a contested case proceeding in the agency's jurisdiction by submitting the petition to the agency.

b. Definitions. The following terms apply to the interpretation and application of this chapter:

"Discretionary rule" or "discretionary provisions in a rule" means rules or provisions in rules resulting from a delegation by the legislature to the agency to create a binding rule to govern a given issue or area. The agency is not interpreting any statutory provision of the law promulgated by the legislature in a discretionary rule. Instead, a discretionary rule is authorized by the legislature when the legislature has delegated the creation of binding rules to the agency and the contents of such rules are at the discretion of the agency. A rule that contains both discretionary and interpretive provisions is deemed to be a discretionary rule to the extent of the discretionary provisions in the rule.

"Interpretive rules" or "interpretive provisions in a rule" means rules or provisions in rules that define the meaning of a statute or other provision of law or precedent where the agency does not possess the delegated authority to bind the courts to any extent with its definition.

2504.1(3) A petitioner seeking to have a rule waived is obligated to file the petition for waiver at the agency's address or agency's email. The petition for waiver is considered filed when received at either address. The agency will provide the petitioner with a file-stamped copy of the petition upon request. The agency can only accept petitions for waiver that are typewritten or legibly handwritten in ink. Petitioners are also obligated to submit the petition so that it substantially conforms with the following:

BEFORE THE [INSERT NAME OF AGENCY]	
Petition by [name of petitioner] for the waiver of [rule citation] related to [state subject matter].	PETITION FOR WAIVER

6. If applicable, a complete history of any prior contacts between the petitioner and the agency relating to the activity or license affected by the proposed waiver, including audits, notices of assessment, refund claims, appeals, a description of each affected license held by the requester, any notices of violation, contested case hearings, or investigative reports relating to the activity within the last five years.

11. A dated signature by the petitioner or, if applicable, petitioner's representative. Petitions submitted by a representative must have a valid IDR power of attorney form or representative certification form, as applicable in accordance with rule 701—2507.6(17A), on file with the agency.

[ARC 0437D, IAB 7/22/26, effective 6/30/26]