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PREFACE

The Iowa Administrative Bulletin is published in pamphlet form biweekly pursuant to Chapter 17A, Code of Iowa as amended by Sixty-seventh General Assembly, H.F. 2099, section 3, and supersedes Part I of the Iowa Administrative Code Supplement.

The Bulletin contains Notices of Intended Action on rules, Filed and Filed Emergency rules by state agencies [continue to refer to General Information for drafting style and form], all proclamations and executive orders of the Governor which are general and permanent in nature, and other "materials deemed fitting and proper by the Administrative Rules Review Committee."

The Bulletin may also contain economic impact statements to proposed rules and filed emergency rules, objections filed by Administrative Rules Review Committee, Governor or the Attorney General, any delay by the Committee of the effective date of filed rules, and agenda for monthly committee meetings.

PLEASE NOTE: *Italics* indicate new material added to existing rules; ~~strike through letters~~ indicate deleted material.

The ARC number which appears before each agency heading is assigned by the Administrative Rules Coordinator for identification purposes and should always be used when referring to this item in correspondence and other communications.

The Iowa Administrative Code Supplement is also published every other week in loose-leaf form, pursuant to section 17A.6 of the Code as amended by 67 GA, H.F. 2099 and S.F. 244. It contains replacement pages for the Iowa Administrative Code. These replacement pages incorporate amendments to existing rules, new rules or emergency or temporary rules which have been filed with the administrative rules co-ordinator and published in the Bulletin.

WAYNE A. FAUPEL, CODE EDITOR
PHYLLIS BARRY, DEPUTY CODE EDITOR
LAVERNE SWANSON, ADMINISTRATIVE CODE ASSISTANT

SUBSCRIPTION INFORMATION

Iowa Administrative Bulletin

The Iowa Administrative Bulletin is sold as a separate publication and may be purchased by subscription or single copy. All subscriptions will expire on June 30 of each year. Subscriptions must be paid in advance and are prorated quarterly as follows:

First quarter	July 1, 1979, to June 30, 1980	\$52.00 plus \$1.56 tax
Second quarter	October 1, 1979, to June 30, 1980	\$39.00 plus \$1.17 tax
Third quarter	January 1, 1980, to June 30, 1980	\$26.00 plus \$0.78 tax
Fourth quarter	April 1, 1980, to June 30, 1980	\$13.00 plus \$0.39 tax

Single copies may be purchased for \$2.00 plus \$0.06 tax. Back issues may be purchased if the issues are available.

Iowa Administrative Code

The Iowa Administrative Code and Supplements are sold in complete sets and subscription basis only. All subscriptions for the Supplement (replacement pages) must be for the complete year and will expire on June 30 of each year.

Prices for the Iowa Administrative Code and its Supplements are as follows:

Iowa Administrative Code - \$434.00 plus \$13.02 tax
(Price includes Volumes I through XI, five supplement binders and a one-year subscription to the Code Supplement and the Iowa Administrative Bulletin.)

Iowa Administrative Code Supplement & Bulletin - \$120.00 plus \$3.60 tax
(Subscription expires June 30, 1980.)

All checks should be made payable to the Iowa State Printing Division. Send all inquiries and subscription orders to:

Iowa State Printing Division
Grimes State Office Building
Des Moines, IA 50319
Phone: (515) 281-6298

ARC 0750**ARTS COUNCIL[100]
NOTICE OF INTENDED ACTION**

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)"b" of Code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of sections 304A.4 and 304A.6, The Code, the Arts Council gives notice of intended action to amend chapter 2, "Policies and Procedures," Iowa Administrative Code.

The arts council gives grants for impact organizations, which are major arts organizations defined as one that has, or may have a substantial impact on a given community. Grant recipients are divided into two categories: Division I and Division II recipients.

The present rules do not stipulate that Division I recipients are also defined as organizations that demonstrate an organizational structure that defines authority and responsibility sufficient to guarantee continued quality service to the community. The present rules do not define the amount of grant awards to impact organizations, or indicate that a questionnaire will be used in addition to a standard application form to gather data related to the separation of recipients into Division I or II.

Any interested person may make written suggestions or comments on these proposed rules prior to January 3, 1980. Such written materials should be directed to the Director, Iowa Arts Council, State Capitol Building, Des Moines, Iowa 50319. Persons who want to convey their views orally should contact the Director, Iowa Arts Council at (515) 281-4451, or in the council offices on the fifth floor of the Brown Engineering Building, 508 10th Street, Des Moines. Also, there will be a public hearing on Thursday, January 3, 1980, at 1:30 p.m. in the conference room on the fifth floor of the Brown Engineering Building. Persons may present their views at this public hearing either orally or in writing. Persons who wish to make oral presentations at the public hearing should contact the director of the council at least one day prior to the date of the public hearing.

The following amendments are proposed.

Subrule 2.1(5)"f", second and third unnumbered paragraphs, are amended to read as follows:

The grants will be matched by funds from the organization's general operating budget. Grant recipients will be divided into two categories: Division I - recipients who will be defined as magnet organizations that provide services of professional quality, *demonstrate an organizational structure that defines authority and responsibility sufficient to guarantee continued quality service to the community*, demonstrate program development over the past five years, and show a broad *sense base* of public support; division II - recipients who will be defined as emerging organizations that provide services of high artistic quality, and *demonstrate an organizational structure that defines authority and responsibility sufficient to guarantee continued quality service to the community. Impact grants are defined as major grants (over \$500).*

Grants are awarded at the April business meeting of the council and notification of an award will be made by

the director within ninety days of the April meeting. A quorum of ten members is required for the council, and a simple majority of those present will determine action. To apply, the applicant must use the organization application form and the application must be in the council office by March 31. *The applicant will also be required to complete and return a questionnaire designed to gather data pertinent to the separation of recipients into division I or II.* This deadline date is governed by section 622.105 of the Code.

This rule is intended to implement section 304A.6, The Code.

ARC 0734**AUDITOR OF STATE[130]
NOTICE OF INTENDED ACTION**

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)"b" of Code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of chapter 11 and section 17A.5(1) of the Code, the Auditor of State hereby submits rules which are to be chapter 11 under the General Division of the Auditor of State, a new chapter entitled "Certification of Accounting Systems".

These rules implement the Acts of the 1979 regular session of the Sixty-eighth General Assembly, chapter 22. These rules allow for the certification of the adequacy of the accounting system of a grantee or contractor.

Interested persons may submit written data, views or arguments or make oral presentations on the intended action at a public hearing at the Office of the Auditor of State, Room III, in the State Capitol at 10:00 a.m., January 4, 1980.

**CHAPTER 11
CERTIFICATION OF ACCOUNTING SYSTEMS**

130—11.1(17A,7A) Application. The governor or any state agency, prior to awarding a grant or purchase of services contract to a private agency who is to be awarded grants exceeding one hundred fifty thousand dollars in the aggregate during the fiscal year, shall obtain from the auditor of state, a certification stating that the grantee or contractor has an accounting system adequate to effect compliance with the terms and conditions of the grant or contract.

130—11.2(17A,7A) Requests to auditor.

11.2(1) All requests for certification of the accounting system shall be made in writing to the auditor of state on form P.S.1, provided by the auditor, or facsimile.

11.2(2) Request for certification of the accounting system may originate from either the grantee, contractor or the awarding agency.

130—11.3(17A,7A) Investigation.

11.3(1) The investigation shall be conducted by the auditor of state or under the supervision of the auditor of

AUDITOR OF STATE[130] (cont'd)

state in accordance with section 9641 of the AICPA statements of auditing standards, issued January 1973.

11.3(2) Wherever the grantee or contractor has retained a CPA, the auditor shall rely to the fullest extent possible on the work of the certified public accountant.

130—11.4(17A,7A) Approval.

11.4(1) The auditor of state will make the final determination whether or not an accounting system shall be approved.

11.4(2) The auditor of state shall advise the requesting agency of approval or disapproval within thirty days from the filing of the request.

130—11.5(17A,7A) Appeals.

11.5(1) The grantee or contractor may appeal the decision of the auditor of state to the auditor within ten days of the auditor's notification. The appeal will be reviewed with the grantor and grantee within ten days.

11.5(2) The auditor shall certify the adequacy of the accounting system after the grantee or contractor has corrected the specific deficiencies noted in the disapproval.

11.5(3) The auditor shall not impose any unreasonable record keeping requirements on the grantee or contractor, nor require additional personnel for improved internal controls whenever the costs would exceed the benefits derived from such controls.

ITEM 1. Subrule 1.15(3) is amended as follows:

1.15(3) Commission review. The commission shall within ~~sixty~~ *one hundred and twenty* days of the date it receives the recommended decision of the hearing officer review the decision at a commission meeting. The commission shall consider all timely filed appeals, exceptions and briefs at the time it reviews the recommended decision. The commission may adopt, modify or reject the hearing officer's recommended decision or it may remand the case to the hearing officer for the taking of such additional evidence and the making of such further recommended findings of fact, conclusions of law, decision, and order as the commission deems necessary. Upon completing its review of the hearing officer's recommended decision the commission shall cause to have issued the appropriate order.

ITEM 2. Subrule 1.15(4) is amended as follows:

1.15(4) Final order. If the commission fails to issue an order within ~~sixty~~ *one hundred and twenty* days from the date the administrative hearing officer submits his or her recommendations, the recommended findings and order shall become final.

* See ARC 0735 herein.

ARC 0731

ENGINEERING EXAMINERS[390]

NOTICE OF INTENDED ACTION

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)*b" of Code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the Code of Iowa, chapter 17A and section 114.6, the Iowa State Board of Engineering Examiners intends to rescind and amend existing rules and adopt substitute rules describing its policies and procedures.

Notice is hereby given that on January 4, 1980, the Iowa State Board of Engineering Examiners will hold a regular board at which time persons interested in commenting on these amendments may present their views. Persons desirous of making an oral presentation at the aforementioned board meeting shall request opportunity from Bonita Fagerstrom, Secretary, Iowa State Board of Engineering Examiners, 6th Floor Lucas Building, Des Moines, Iowa 50319, phone number 515/281-5602, no later than January 2, 1980. Persons desiring to submit their views in writing should mail or deliver their submissions to Bonita Fagerstrom, Secretary, Iowa State Board of Engineering Examiners, 6th Floor Lucas Building, Des Moines, Iowa 50319, with delivery no later than January 2, 1980.

This rule is intended to implement section 114.14 of the Code of Iowa, 1979.

Subrule 1.2(2) is amended as follows:

1.2(2) Substitution of experience for education.

Engineering and land surveying applicants may substitute practical experience for educational

ARC 0736

CIVIL RIGHTS COMMISSION[240]

NOTICE OF INTENDED ACTION

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)*b" of Code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The Iowa Civil Rights Commission proposes to amend chapter 1 of the rules of the commission pursuant to its rulemaking authority under section 601A.5(10), The Code, to amend the rules of practice set out below.

Simultaneously with this Notice of Intended Action the commission has filed identical emergency rules,* which become effective immediately and expire on May 30, 1980. However, because the commission is desirous of public comment, the emergency rules as set out in items 1 and 2 below are hereby placed under notice pursuant to section 17A.4(1), The Code.

The commission will hold a public hearing on the proposed rules at 10:00 a.m., on January 4, 1980, in the Second Floor Conference Room of the Colony Building, 507 - 10th Street, Des Moines, Iowa. Any interested person may make an oral presentation at that time.

Any interested person may also submit written comments on the proposed rules to the Iowa Civil Rights Commission, 8th Floor, Colony Building, 507 - 10th Street, Des Moines, Iowa 50319.

ENGINEERING EXAMINERS[390] (cont'd)

requirements. The board generally will require the minimum number of years set forth below before an applicant will be permitted to take either the Fundamentals or the Professional Examination. Further, the requirement of the Fundamental Examination will not be waived solely as a consequence of an applicant's level of education.

EXPERIENCE REQUIREMENTS FOR ENGINEERING APPLICANTS

Education Level	1 Minimum additional years experience prior to taking Fundamentals Examination	2* Minimum additional years experience prior to taking Professional Examination
No Post-High School Education	8	4
College or Junior College (Mathematics or Physical Sciences)		
1 year	7	4
2 years	6	4
3 years	5	4
4 years BS Degree	3	4
4 year BS Degree plus MS Degree in Engineering**	0	4
All Engineering Technology Programs and Architecture		
1 year	7	4
2 years	5½	4
3 years	4	4
4 year degree, Non-ECPD, Nonaccredited Technology	2½	4
4 year degree, ECPD, accredited Technology	2	4
4 year degree, Architecture	2	4
4 year degree, Technology or Architecture plus MS Degree in Engineering**	0	4
Engineering Program, (Non-ECPD) (Nonaccredited)		
1 year	7	4
2 years	5	4
3 years	3	4
4 years BS Degree	1	4
4 years BS Degree plus degree in Engineering**	0	4
Engineering Program, (ECPD) (Accredited)		
1 year	6	4
2 years	4	4
3 years	2	4
4 year BS Degree	0	4

*NOTE: Column 1 indicates the year of practical experience required for the Fundamental Examination in addition to the completion of the stated educational level. In order to determine the total years of practical experience required before taking the Professional Examination, column 2 must be added to column 1.

**The MS Degree in engineering must be from an institution in the United States of America with an accredited BS Degree in the same curriculum, and the MS Degree candidate must be required to fulfill the requirements for the BS Degree in the same area of specialization.

ARC 0737

HEALTH DEPARTMENT[470]

NOTICE OF INTENDED ACTION

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)"b" of Code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of section 135D.16 of the Code, the State Department of Health proposes to rescind the rules relating to mobile home parks found in chapter 71 IAC and adopt the following rules in lieu thereof.

Any interested person, governmental agency or association may submit written comments to Kenneth Choquette, Director, Health Engineering Section, Iowa State Department of Health, Lucas State Office Building, Des Moines, Iowa 50319, not later than 4:30 p.m., January 31, 1980.

CHAPTER 71
RULES GOVERNING LICENSING
OF MOBILE HOME PARKS

470—71.1(135D) Authority. Under the provision of section 135D.16, Code of Iowa, 1979, the following rules and regulations governing the licensing and regulation of mobile home parks have been promulgated.

470—71.2(135D) Definitions.

71.2(1) "Department" is the state department of health which is the legally designated authority providing for licensing, inspection, and regulation of mobile home parks.

71.2(2) "Delegated authority" means local or district board of health, their designated representative, or other qualified officer that has entered into an agreement with the department to implement the inspection and enforcement provisions of chapter 135D, Code of Iowa, and the applicable Iowa administrative code.

71.2(3) "Mobile home park" shall mean any site, lot, field, or tract of land upon which two or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of such mobile home park.

The term "mobile home park" shall not be construed to include mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.

A mobile home park must be classified as to whether it is a residential mobile home park or a recreational mobile home park or both. Sections 135D.14 and 135D.15 of the Code shall apply only to recreational mobile home parks. The mobile home park residential landlord tenant Act shall apply only to residential mobile home parks.

71.2(4) "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons, but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa.

HEALTH DEPARTMENT[470] (cont'd)

71.2(5) "Recreational vehicle park" is a plot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

71.2(6) "Recreational vehicle" means a vehicular-type unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: Travel trailer, camping trailer, truck camper, and motor home.

71.2(7) "Mobile home space" is a plot of ground within a mobile home park designated for the accommodation of one mobile home.

71.2(8) "Independent mobile home space" is a mobile home space which has individual water and sewer connections.

71.2(9) "Dependent mobile home space" is a mobile home space which does not have both individual sewer connection and water connections but may have either an individual sewer connection or water connection.

71.2(10) "Community building" is a building housing toilet and bathing facilities for men and women.

71.2(11) "New installations" are those which are proposed for construction after the effective date of these rules and regulations.

71.2(12) "Public water supply system" means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least sixty days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the supplier of water and used primarily in connection with such system, and (2) any collection (including wells) of pretreatment storage facilities not under such control which are used primarily in connection with such system.

71.2(13) "Nonpublic water supply" means a water system that has less than fifteen service connections or serves less than twenty-five people, or one that has more than fifteen service connections or serves more than twenty-five people for less than sixty days a year.

71.2(14) "Public sewerage system" means the entire sewage system including collection, treatment, and ultimate disposal which services 1,500 or more gallons per day or serves eight or more mobile home spaces.

71.2(15) "Engineering plans" shall mean plans certified by an engineer registered in accordance with the requirements of Chapter 114, Code of Iowa, Professional Engineers and Land Surveyors.

71.2(16) "Flood plain" means any area of a community or locality which the federal insurance administration has delineated as falling, wholly, or partly within the flood hazard boundaries and zones as shown through their scientific and engineering report for the community and on accompanying flood insurance rate maps and flood boundary and floodway maps and any revisions thereto, or any other areas determined by responsible state or federal agencies to be subject to periodic flooding, whichever is more strict.

470—71.3(135D) License.

71.3(1) The application for the initial license required for each park established within the state shall be made, in triplicate, on the form "Application for a Permit to Construct, Reconstruct, or Remodel and First Annual License for a Mobile Home or Recreational

Park". The application for license form, with appropriate annual license fee, shall be submitted to the delegated authority when applicable, who will forward to the department. The required forms may be obtained from the department.

There shall be included, with each application for the initial license submitted, proper fees, an application for a permit to construct a mobile home park, and engineering plans and specifications for the proposed park, as specified in rule 470—71.4(135D).

71.3(2) The application for the annual license required for each subsequent year of operation shall be made, in triplicate, on the form "Application for a Renewal of License to Operate a Mobile Home Park". The application forms, with the appropriate annual license fee, shall be submitted to the delegated authority when applicable, who will forward to the department.

Each application for renewal of license to operate a mobile home park throughout the year shall be submitted to the department on or before January 1 of each year. Each application for renewal of license to operate a park during the period of May 1 to October 1 shall be submitted to the department on or before April 1 of each year.

71.3(3) Each application for a license, or application for renewal of license, relating to a mobile home park located within a municipality shall contain the signature of a member of the local board of health or delegated authority and city clerk which certifies the park complies with municipal ordinances, codes, and other local requirements, applicable thereto and not in conflict with the statute and these rules and regulations, before being submitted to the department. A member of the county board of health or delegated authority must sign the application if the park is located in any area outside a municipality.

470—71.4(135D) Construction permit.

71.4(1) The application for the construction permit required before constructing, remodeling, or making alterations to the facilities in a park shall be made, in triplicate, to the department on the form "Application for a Permit to Construct, Reconstruct, or Remodel and First Annual License for a Mobile Home or Recreational Park".

Engineering plans and specifications for proposed new construction of, or alterations to, the water supply system, sewerage system, community building facilities, refuse disposal, drainage, swimming pools, and lighting in the park are required, and shall be attached to the application for a permit. The required forms may be obtained from the department. Any permit which has been issued shall become invalid if construction is not initiated within one year and completed within two years after construction is initiated. If a permit becomes invalid, the permit shall be renewed before further work is initiated. Notification of construction shall be made to the department or delegated authority when initiated. Notification of completion of construction shall be made to the department or delegated authority within thirty days after completion.

If changes are proposed in the engineering plans and specifications after a permit has been issued, a supplemental permit shall be obtained before such work is initiated. Except for collection and distribution systems, all engineering plans and specifications for public water supplies and public sewerage systems will be reviewed by the Iowa department of environmental quality. Public collection and distribution system plans

HEALTH DEPARTMENT[470] (cont'd)

will be reviewed by the department. Engineering plans and specifications for nonpublic sewage collection, treatment/disposal systems will be reviewed by the department.

71.4(2) Each application for a construction permit relating to a park located within a municipality shall contain the signature of a member of the local board of health or delegated authority and city clerk which certifies that the design and location concerning construction, reconstruction, or alterations is in compliance with existing municipal ordinances, codes, or other local requirements, applicable thereto and not in conflict with the state statute and these rules and regulations, before being submitted to the delegated authority and the department. A member of the county board of health or delegated authority must sign the application if the park is located in any area outside a municipality.

71.4(3) Where the mobile home park inspection program is delegated to local board of health, no new or reconstructed water or sewer systems shall be covered or so constructed so as to prevent in any way a thorough inspection by the health authority if construction surveys are provided.

470—71.5(135D) Park site.

71.5(1) Residential mobile home parks shall be well drained and not located in a flood plain.

71.5(2) Adequate lighting shall be provided for all streets, walkways, buildings, and other facilities subject to nighttime use. Illumination shall be provided in accordance with local requirements. Where no local requirements exist, it is recommended that an average illumination level of at least 0.6 foot-candle and a minimum illumination level of 0.1 foot-candle be maintained on all streets. Potentially hazardous locations such as street intersections and steps or ramps should be individually illuminated with a minimum level of 0.3 foot-candle.

71.5(3) Roadways within the park shall be at least twenty-four feet wide without parking, and so posted, twenty-six feet wide with parking on one side, and so posted, thirty-two feet wide with parking on both sides, and allow unimpeded ingress-egress for vehicular traffic, especially emergency vehicles. Roadways will be maintained in a safe, passable condition at all times.

71.5(4) The number of mobile homes permitted in the park shall not exceed the number of spaces which can be serviced by the sanitary facilities in the park, and for which a license was issued.

71.5(5) Engineering plans and specifications for the construction, reconstruction, or remodeling of mobile home park swimming pools, wading pools, or bathhouses used in connection with such pools shall be submitted to the department as specified in subrule 71.4(1). The design, construction, operation, and maintenance of such facilities shall be based on the published "Policies Governing Design, Construction, Maintenance, and Operation of Swimming Pools" issued by the department.

470—71.6(135D) Toilet and washing facilities.

71.6(1) All plumbing fixtures and systems hereafter installed shall conform to local ordinances, or the state plumbing code when no local ordinance is in effect, and to these rules and regulations.

71.6(2) Minimum sanitary facilities shall be provided for primitive areas serving dependent recreational vehicles as outlined in Table I.

TABLE I
Minimum facilities for primitive areas

No. of Parking Spaces	Toilets	
	Men	Women
1 - 15	1	1
16 - 30	1	2
31 - 45	2	2
46 - 60	2	3
61 - 100	4	4

For parking areas having more than one hundred recreational vehicle spaces, there shall be provided: One additional toilet for each sex per each additional fifty recreational vehicles.

Note: Urinals may be substituted for not more than one third of the water closet fixtures for men.

71.6(3) If a community building is provided, the following minimum facilities as outlined in Table II shall apply to the dependent spaces provided.

TABLE II
WATER CLOSET, URINAL, LAVATORY, AND BATHING
FIXTURE REQUIREMENT SCHEDULE
FOR COMMUNITY BUILDINGS

Number of Spaces	Men			Women		
	Water Closet	Bathtub or Lavatory Shower	Water Closet	Bathtub or Lavatory Shower		
1 - 15	1	1	1	1		
16 - 30	2	2	2	2		
31 - 45	3	3	3	3		
46 - 60	4	4	4	4		
61 - 75	5	5	5	5		
76 - 90	6	6	6	6		
91 - 105	7	7	7	7		
106 - 120	8	8	8	8		
121 - 135	9	9	9	9		
136 - 150	10	10	10	10		
151 - 165	11	11	11	11		
166 - 180	12	12	12	12		
181 - 195	13	13	13	13		
196 - 210	14	14	14	14		
211 - 225	15	15	15	15		

For parking areas having more than two hundred twenty-five recreational vehicle spaces, there shall be provided: One additional water closet, lavatory, bathtub or shower for each sex for each additional fifty spaces.

71.6(4) Each community building shall be conveniently located, well constructed with washable interior walls, have adequate ventilation, all openings to toilet rooms effectively screened, and floors of concrete or other impervious material sloped to drain. Such buildings must meet the requirements of chapters 103A and 104A, Code of Iowa, which includes accessibility to physically handicapped and new energy requirements.

A general illumination level of at least 10 foot-candles shall be maintained, and an illumination of 20 foot-candles shall be available for cleaning and inspection in each community building.

Each room housing toilet or laundry facilities shall be provided at least one window or vent to the outside atmosphere. Window area at a ratio of ten percent of the floor area, with forty-five percent of the total window area openable, or mechanical ventilation capable of making at least two air changes per hour shall be provided.

All openings to community buildings shall be effectively protected against the entrance of insects and rodents. All doors, windows, and other openings shall be

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protected with tight-fitting screens not less than 16-mesh to the inch which shall be free of breaks. All screen doors shall open outward and shall be equipped with mechanical closing devices.

71.6(5) Where toilet and washing facilities are provided, each toilet room shall contain at least one water closet and one lavatory. Separate facilities for males and females shall be provided and shall be plainly marked by appropriate signs and separated by a sound-resistant wall if located in the same building. Separate water closet, lavatory, and bathing facilities shall be provided for males and females in accordance with Table II.

Each water closet shall be in a separate compartment, with all partitions constructed of washable materials, and all partition supports extending to the floor shall be constructed of impervious materials.

Compartments shall be provided for bath or shower facilities. The floor of such compartment shall be waterproof and elevated above the floor of the shower stall, or a curbing provided, separating the shower and dressing compartments. Mats, grids, and walkways made of wood, cloth, or other absorbent materials are prohibited for use in bath sections of community buildings.

A continuous supply of hot and cold running water under at least twenty pounds pressure P.S.I. shall be available in community buildings.

Laundry facilities provided shall be separated by full partitions or walls from the toilet rooms.

71.6(6) The interior of each community building, including all fixtures and equipment therein, shall be properly installed and maintained in good repair and in a sanitary condition at all times. All plumbing fixtures shall be clean and maintained in a sanitary manner. All waste paper and similar material shall be placed in suitable, covered containers and shall not be allowed to accumulate on the floor. All floors shall be swept and scrubbed at intervals sufficient to maintain a clean and sanitary condition. There shall be no insect and rodent harborages.

Such buildings shall have heating facilities and shall maintain a temperature of at least 68°F. in cold weather. All combustion-fired appliances using either a solid, gaseous, or liquid fuel shall be vented to the outside.

The use of common drinking cups, soaps, and common towels in the community building is prohibited.

470—71.7(135D) Water supply.

71.7(1) An adequate, continuous supply of safe potable water under at least twenty pounds pressure P.S.I. shall be provided for each mobile home park. Where a public water supply is available abutting the property, such water shall be used. In mobile home parks where such connections are not available, such systems shall be designed, constructed, and maintained in accordance with the criteria established by the department and the Iowa department of environmental quality. Engineering plans and specifications for new construction or reconstruction or alternations shall be submitted as specified in subrule 71.4(1). Design and operation of public water supply systems shall be consistent with the water supply standards of the Iowa department of environmental quality. All other water systems are to conform with standards of the department as outlined in the department's water well guidelines for nonpublic systems.

71.7(2) Minimum distance between nonpublic wells and sources of pollution shall be maintained as outlined in Table III.

TABLE III

SOURCES OF CONTAMINATION	MINIMUM LATERAL DISTANCE
Solid waste disposal site	1,000 feet
Lagoons or waste treatment facilities	1,000 feet
Cesspools (receiving raw sewage) (not approvable)	150 feet
Preparation or storage area for spray materials, commercial fertilizers or chemicals that may result in ground water pollution	150 feet
Drainage or improperly abandoned wells	100 feet
Soil absorption field, pit privy, or similar disposal unit	100 feet
Confined feeding operations	1,000 feet
Septic tank, concrete vault privy sewer of tightly joined tile or equivalent material, sewer-connected foundation drain, or sewers under pressure	50 feet
Ditches, streams or lakes	25 feet
Sewer of cast iron with leaded or mechanical joints, independent clear water drains, or cisterns	10 feet
Pumphouse floor drain draining to ground surface	5 feet

Note: For public water supplies, Iowa department of environmental quality guidelines shall be complied with.

71.7(3) The water system distribution mains and laterals shall be of brass, copper, cast iron, open hearth iron, wrought iron, steel, or plastic meeting the following criteria: The plastic pipe and fittings for the park water main and laterals will conform to the following minimum requirements: Polyethylene (PE) ASTM E2239; Polyvinyl Chloride (PVC) ASTM D2241; Acrylonitrile-Butadiene-Styrene (ABS) ASTM D2282-69A; have a pressure rating of at least one hundred twenty-five pounds per square inch; marked to indicate the approval by the National Sanitation Foundation Testing Laboratory (NSF) and installed in accordance with the manufacturer's instructions.

In new installations, the water supply lines shall be separated horizontally from sanitary sewers by at least ten feet of undisturbed or compacted earth, except as specified below. When water and sewer lines cross, the water line shall be at least twelve inches above the top of the sewer line throughout a distance of ten feet horizontally, and no joints shall be made in the water line within this distance of ten feet.

In new installations, water and sewer lines may be laid in the same trench providing the bottom of the water line is laid at all points at least twelve inches above the top of the sewer line at its highest point; the water line is laid on a solid shelf excavated at one side of the common trench or on a solidly tamped backfill; the joints in the water line are kept at a minimum; the sewer is constructed of cast iron with leaded or mechanical joints or approved plastic, and shown to be watertight by test. In cases where cast iron or plastic is not suitable sewer material, other durable and corrosion-resistant material may be used provided it meets state plumbing code requirements.

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TABLE IV
Size of Water Pipe

PIPE SIZE (INCHES)	MOBILE HOMES SERVED
1	2 - 5
1 1/4	6 - 10
1 1/2	11 - 14
2	15 - 50
2 1/2	51 - 100
3	101 - 150
4	151 - 300

Fire protection requirements shall be as required by the authority having specific jurisdiction for such protection.

In new installations, the minimum size water pipe from the park mains to all mobile home spaces shall be three-fourths inch, and the space water risers shall be separated from the sewer risers by not less than five feet. Each mobile home space water riser shall terminate above ground and at least four inches above established grade. Disturbed soil shall be compacted and grade shall be sloped away from water risers, shall be provided with a control valve, shall be capped or otherwise protected when not in use, and shall be provided with a watertight connection for attachment to the mobile home water line, and shall be protected against freezing if the park is operated throughout the year. In new installations, control valves of the stop and waste type including freezeless hydrants are prohibited. In new installations, a curb stop and valve box shall be installed preceding each individual space water outlet.

Sanitary precautions shall be taken in laying all water pipes. They shall be laid where they will not come in contact with sewage during the laying process. Water systems shall be disinfected and a satisfactory laboratory analysis be obtained prior to initial use or after any repairs are made to the system.

The water supply system shall be so installed as to prevent backflow of contaminated water from appliances, fixtures, drains, and sewers; and shall not be connected with nonpotable or questionable supplies.

71.7(4) The potable water supply derived from each system shall be of satisfactory quality as determined by a sanitary survey. Field surveillance, including water quality monitoring will be conducted as established by the Iowa department of environmental quality and the department or delegated authority.

A water supply containing more than 45 mg/l of nitrate shall be conspicuously placarded and posted throughout the park stating the water shall not be used for infant feeding even when boiled, and the park owner or operator shall notify in writing all guardians and parents not to use the water for this purpose.

Disinfection and treatment equipment, if used, shall be approved by the department and delegated authority, and shall be installed and operated properly.

470—71.8(135D) Sewage disposal.

71.8(1) Disposal of sewage and other water-carried wastes shall be into a public sewer system where a public sewer system is available abutting the property. In mobile home parks where such connections are not available, disposal shall be into a system designed, constructed, and maintained in accordance with the criteria established by the department and the Iowa department of environmental quality. Engineering plans and specifications for new construction, reconstruction, or alterations shall be submitted as specified in subrule 71.4(1).

71.8(2) The connection between the mobile home drain and park sewer shall be made with a leak-proof connector of durable, corrosion-resistant material attached at the inlet and outlet end with a water and gas-tight joint.

It shall be the responsibility of the park owner or operator to personally supervise the installation of the sewer connector and to assure compliance with these rules. Each sewer outlet shall be tightly capped when not in use. There shall be no discharge of sewage or any other type of waste water from any mobile home or building onto the ground surface, nor shall sewage odors be allowed to escape from any sewer connection or outlet.

71.8(3) In new installations, each space sewer lateral shall be connected to the park sewer main through the use of an approved "Y" fitting, shall connect below the frost line, and extend vertically to not less than three nor more than six inches above established grade, and individual risers shall not be less than three inches in diameter.

In new installations, sewer mains, laterals, the sewer risers, long-sweep quarter bend, and one connecting length of lateral at each space shall be constructed of cast iron with leaded, threaded, or screwed joints, or galvanized steel with screwed or threaded drainage fittings. Plastic pipe and fittings marked to show conformance with ASTM designations D2661 (ABS), or ASTM D2665 (PVC), and installed according to the manufacturer's specifications may be used. Plastic pipe marked to show conformance with ASTM 3033, 3034, and SDR 35 or heavier may be used for park sewer mains and laterals when installed in accordance with ASTM D2321, entitled Underground Installation of Flexible Thermoplastic Sewer Pipe.

71.8(4) The minimum size and slope of new sewer installations, exclusive of laterals serving individual mobile home spaces, shall be determined in accordance with Table V.

TABLE V
Minimum Size and Slope of Sewer

Sewer Diameter (Inches)	Mobile Homes Connected (Number)	Slope per 100 Feet (Inches)
4	2 - 15	15'
6	16 - 60	8
8	61 - 100	5

470—71.9(135D) Refuse disposal.

71.9(1) The storage, collection, and disposal of refuse (which includes garbage, rubbish, trash, and all solid waste) from each park shall be the responsibility of the park owner or operator and shall be accomplished in a manner to avoid creation of health hazards such as rodent harborage, insect breeding areas, and air pollution. The park premises shall be kept free of debris, litter, plant overgrowth, and noxious weeds at all times.

71.9(2) All refuse shall be stored in flytight, watertight, and rodent-proof containers having tight-fitting lids, and shall not be allowed to be placed or to accumulate on the ground. Each container and lid shall be maintained in a leak-proof, fly-tight, rodent-proof, and sanitary condition and in good repair at all times. A plastic bag is not sufficient as a container, but may be used as a liner in a durable container. Park owners or operators will assure that sufficient containers to supply adequate storage space for all refuse produced between collection shall be provided. Each container shall be placed on a holder or rack elevated at least twelve inches above the ground level or upon impervious slab at ground level, each of which shall be maintained in a sanitary

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condition at all times. Child-safe dumpster type garbage containers may be utilized.

Owner or operator will assure that refuse is collected from the containers at least once a week and more often if necessary, and shall assure that it is transported to an approved disposal site in a covered vehicle. Incineration may be utilized providing it conforms with the requirements of the rules relating to air pollution control promulgated by the department of environmental quality.

470—71.10(135D) Supervision.

71.10(1) The owner or authorized agent shall be personally liable and responsible for supervision of the park, maintenance of park sanitation, and insect and rodent control. Application of pesticides and rodenticides shall comply with current regulations and guidelines of the Iowa department of agriculture. It shall be the duty of the owner or operator to take prompt action to enforce these regulations or, if necessary, to eject any person from the park who willfully or maliciously creates an unsanitary condition or does not adhere strictly to these regulations. Adequate equipment for maintaining the park in a strictly sanitary manner at all times shall be provided and maintained by the owner or agent.

71.10(2) Each mobile-home park shall be provided with management personnel living in or reasonably near the park who will be available at all reasonable times for conducting any park business. Such management personnel shall be identified by the park owner in writing to the department and shall be designated by the owner or his operator for taking such actions as may be necessary to comply with state and local requirements and also arranging for emergency repairs or services.

71.10(3) Every person, firm, or corporation holding a license or permit shall give notice in writing to this department within seven days after having sold, transferred, or otherwise disposed of their interest in or control of any mobile home park. Such notice shall include the name and address of the person, firm or corporation succeeding to ownership or control of said park.

470—71.11(135D) Electrical and gas service in mobile home parks.

71.11(1) All electrical wiring in the mobile home park shall be installed and maintained in accordance with the National Electrical Code or applicable local codes if more stringent. Such wiring shall include all electrical connections from the mobile home to the connection box provided by the park owner or operator. It shall be the responsibility of the park owner or operator to assure installation and maintenance of all electrical connections and exposed cables in compliance with all pertinent codes.

71.11(2) All gas outlet risers, regulators, meters, valves, or other exposed equipment shall be protected by proper location or other means from mechanical damage by vehicles or other causes.

71.11(3) When gas is used, a properly installed system of gas lines and appurtenances which provides gas service adequate for safe operation of appliances and equipment shall be provided. The park owner or agent shall assure installation and maintenance of all gas connections, exposed lines, and appurtenances are in compliance with pertinent codes.

470—71.12(135D) Miscellaneous regulations and requirements.

71.12(1) Each mobile home space shall be clearly marked and numbered, abut a driveway, and have clear, unobstructed access to a public highway, street, or alley. The mobile home, including tipouts, elevated decks, carports, porches or patios with roofs or similar structures shall be at least five feet from the boundaries of the park, ten feet from private, public, or park street or alley and ten feet from any building except accessory sheds and garages may abut the owner's home. Such structures must be at least ten feet from any doorway and ten feet from any neighboring mobile home. A space of at least fifteen feet from the sides of mobile homes, and a space of at least ten feet between ends of mobile homes shall be maintained. Park owners will be responsible for attaining compliance with this regulation.

71.12(2) A removable inspection panel shall be provided within the mobile home skirting to allow easy access for service and inspection of utilities and sanitary piping connections. Under no circumstances shall any hazardous items be stored under a mobile home; and if utilized for storage of any nonhazardous materials, the area will be maintained in such a manner to preclude insect or rodent harborage. Combustible materials shall not be placed around the mobile home as insulating material.

71.12(3) Only supervised fires for the purpose of cooking food or for recreational purposes are permitted within the park.

71.12(4) A permanent register of all tenants of the premises shall be maintained and open to the inspection of the health officer or representative of the department at any reasonable time.

71.12(5) The issuance of permit or license by the department does not relieve the applicant from securing all applicable permits in municipalities or counties having such codes. Park owners shall comply with other applicable municipal or county ordinances not in conflict with state statute and these rules and regulations.

71.12(6) The mobile home park license shall be posted in the park office or in a conspicuous location.

71.12(7) Variances to these rules may be granted in existing parks by the department. Requests for variances shall be submitted to the local board of health for review, comment, and approval. All decisions regarding this topic shall be issued in writing by the department to the delegated authority or local board of health for delivery to the requester. If more than fifty-one percent of the existing spaces within any mobile home park are redesigned, reconstructed, or remodeled, then the entire park will be brought into compliance with these rules.

These rules are intended to implement section 135D.16 of the Code.

ARC 0745

INSURANCE DEPARTMENT[510]
NOTICE OF INTENDED ACTION

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)"b" of Code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The Insurance Department of Iowa, pursuant to the authority of sections 505.8, 507B.12, 17A.3 and 17A.4, The Code, proposes to amend chapter 15 of the department rules relating to unfair trade practices.

Consideration will be given to written data, views, or arguments thereto which are received by the Commissioner of Insurance, Lucas State Office Building, Des Moines, Iowa 50319, on or before January 14, 1980. The public may also request a public hearing as provided in section 17A.4(1), The Code.

The following rule changes are proposed.

ITEM 1. Rules 510—15.80(507B) to 510—15.82(507B) are amended by striking them in their entirety and inserting in lieu thereof the following:

PHYSICAL OR MENTAL IMPAIRMENT -
UNFAIR DISCRIMINATION

510—15.80(507B) Authority. This regulation is promulgated pursuant to the authority granted by section 507B.12 of the Code.

510—15.81(507B) Purpose. The purpose of this regulation is to identify specific acts or practices which are prohibited by section 507B.4(7)"a" and "b" of the Code.

510—15.82(507B) Unfairly discriminatory acts or practices. The following are hereby identified as acts or practices which constitute unfair discrimination between individuals of the same class: Refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available to an individual, or charging an individual a different rate for the same coverage solely because of a physical or mental impairment, except where the refusal, limitation or rate differential is based on sound actuarial principles or is related to actual or reasonably anticipated experience.

ITEM 2. Strike rule **510—15.83(507B)** in its entirety and reserve for future use.

These rules implement section 507B.4(7), The Code.

ARC 0742

MENTAL HEALTH
AUTHORITY[567]

NOTICE OF INTENDED ACTION

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)"b" of Code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of section 225B.1 of the 1977 Code, the Iowa Mental Health Authority proposes the following amendments to existing rules relating to guidelines for grants-in-aid appearing in 567—2.1(225B) to 2.8(225B) of the Iowa Administrative Code.

Any interested persons may submit their views in writing to Carolyn G. Brewer, Iowa Mental Health Authority, University of Iowa, Oakdale Campus, Oakdale, Iowa 52319, no later than January 2, 1980.

ITEM 1. Amend subrule 2.1(1) to read as follows:

2.1(1) Eligibility. Agency grants are available to three categories of applicants. Any accredited center of Iowa is eligible to receive funds through the agency grant program. Any formal affiliate of a center, *as defined above*, is eligible for agency grant funds. An affiliate must submit applications through the center. Other mental health organizations are, also, eligible for agency grant funds. ~~First consideration, however, will be given to proposals submitted by the centers and their affiliates.~~

ITEM 2. Amend subrule 2.1(2) to read as follows:

2.1(2) Award limit financial administration. An award limit of ~~\$10,000~~ \$20,000 shall be set for each applicant, regardless of the number of proposals, to insure available funding for several relevant projects each fiscal year. Should a center and its affiliate submit proposals, the funding requests shall be subject to the ~~\$10,000~~ \$20,000 limit. Funds may be awarded to cover costs of new staff salaries and fringe benefits, travel, training, materials, other costs; and existing staff salaries and fringe benefits that are directly related to the project. Funds will not be awarded for the construction, improvement, or purchase of buildings or the purchase of equipment or real estate. Income derived from the grant projects will not be used to reduce the agency grant award. Awards are made for the fiscal year, however, the funds are distributed in total prior to the beginning of the fiscal year. Grant funds not expended at the end of the fiscal year shall be returned to the agency. Applicants receiving awards are subject to the audit policies of the state of Iowa and the federal government.

ITEM 3. Amend rule 2.2(225B) to read as follows:

567—2.2(225B) Funding priorities. For review purposes, grant proposals are separated into ~~seven~~ eight categories, according to the type of project. The categories are: Uncovered counties, *community support system*, program evaluation, prevention, education, consultation, management services, and clinical services. This listing also represents the funding priorities of the committee and the agency. It is possible that a project would fall into more than one category. For example, education activities could be conducted in an uncovered county. In this case, the project would be considered in the highest priority category. Funding decisions, however,

MENTAL HEALTH AUTHORITY[567] (cont'd)

are not based on priorities alone. The unique program needs of the individual centers are also seriously considered, as is the quality of the ~~proposal~~ proposals. The committee and the agency are particularly interested in funding projects which involve close co-ordination and collaboration with the agency or involve two or more centers in a joint project; or offer the possibility of future utilization at the other centers in the state.

ITEM 4. Amend rule 2.3(225B) to read as follows:

567—2.3(225B) Project types. The following information elaborates project type categories:

2.3(1) Uncovered counties: Projects in this category would involve both educative and consultative activities in an uncovered county and direct clinical services begun with "start-up" funds for such a county. ~~Grants for "start up" funds in the amount of \$5,000 are available to centers to begin service delivery in previously uncovered counties. These grants will continue to be awarded with the submission of a request from the board(s) of supervisors of the respective county(ies) at the time the request is made. These grants are subject to regular project review procedures.~~

2.3(2) Community support system: *The National Institute of Mental Health's Community Support Program (CSP) defines a community support system as a "network of caring and responsible people committed to assisting a vulnerable population to meet their needs and develop their potentials without being unnecessarily isolated or excluded from the community." CSP guidelines specify that however a particular state or community arranges its services, an adequate system for the severely mentally disabled must fix responsibility and provide staff and resources to perform the following functions:*

- a. Identification of the target population, whether in hospitals or in the community, and outreach to offer appropriate services to those willing to participate.
- b. Assistance in applying for entitlements.
- c. Crisis stabilization services in the least restrictive setting possible, with hospitalization available when other options are insufficient.
- d. Psychosocial rehabilitation services, including but not limited to: Goal-oriented rehabilitation evaluation; training in community living skills, in the natural setting wherever possible; opportunities to improve employability; appropriate living arrangements in an atmosphere that encourages improvements in functioning; opportunities to develop social skills, interests, and leisure time activities to provide a sense of participation and worth.
- e. Supportive services of indefinite duration, including supportive living and working arrangements, and other such services for as long as they are needed.
- f. Medical and mental health care.
- g. Backup support to families, friends, and community members.
- h. Involvement of concerned community members in planning and offering housing or working opportunities.
- i. Protection of client rights, both in hospitals and in the community.
- j. Case management, to ensure continuous availability of appropriate forms of assistance.

Assuming that all of the above opportunities and services are available within a given planning area, the following conditions are considered prerequisites for constituting a system:

1. The comprehensive need of the population at risk must be assessed.

2. There must be legislative, administrative, and financial arrangements to guarantee that appropriate forms of assistance are available to meet these needs.

3. There must be a core services agency within the community that is committed to helping severely mentally disabled people improve their lives.

4. There must be a single person (or team) at the client level responsible for remaining in touch with the client on a continuing basis, regardless of how many agencies get involved.

2.3(3) Program evaluation. Program evaluation is a type of applied research in which program process and outcome characteristics are related explicitly to a set of values, such as program goals, objectives, and costs. Program evaluation is intended to improve services by increasing the quality and availability of information used for management decision making, for shaping services, and by making services more responsive to the needs of clients and catchment area residents. Ideally it should be co-ordinated with other ameliorative efforts such as continuing education, management supervision, and careful fiscal management, and designed to contribute to program planning and other aspects of management. Such projects might address some of the following topics:

- a. The cost of center operation by units or major types of direct and indirect services.
- b. The numbers and rates of catchment area residents using center services, by service elements and client characteristics (e.g., age, sex, etc.).
- c. Awareness of services by the population and community caregivers.
- d. Acceptability of services to community residents.
- e. Accessibility of service; temporal, geographic, financial and psychosocial.
- f. Impact of the indirect service of consultation and education in attaining program goals.
- g. Effectiveness in reducing inappropriate institutionalizations.
- h. The impact of center services on mental health and related problems.
- i. The development of peer review, utilization review or medical audit procedures for the evaluation of the quality and effectiveness of services.

2.3(4) Prevention. Projects in this category often involve consultation/education activities. To be considered ~~preventative~~ preventive in nature, however, such activities are usually directed toward individuals who are at risk for the development of mental health problems or at the alleviation of factors precipitating mental health problems. The "clients" of prevention projects generally, have not entered the mental health delivery system at the time of the intervention.

2.3(5) Education. A project in this category has at least two major functions. First, its goal is to increase the visibility, identifiability, and accessibility of the center for all residents of the catchment area. A center cannot serve as an effective community resource if large segments of the population are unaware of its purposes, its functions, its location, or its relevance to community needs. A second major goal of an educational project is to promote mental health and to prevent emotional disturbance through the distribution and dissemination of relevant mental health knowledge.

2.3(6) Consultation. A project in this category involves the provision of mental health assistance, by qualified personnel, to a wide variety of community

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agents and caregivers, including, but not limited to, schools, courts, police, clergy, and health care personnel such as physicians and public health nurses. In case consultation this may take the form of collaboration with community agents, enabling them to deal effectively with certain of their clients.

2.3(6)(7) Management services. A project in this category places emphasis on the organization's ability to improve operating functions within the center and among affiliates. The utilization of management firms, university departments providing management engineering techniques and state or national associations are appropriate. Demonstration of the ability to apply the results of such work in other centers via the agency is strongly encouraged.

2.3(7)(8) Clinical services. A project in this category would expand the center's existing services. The expansion could entail increased staff time, the addition of professional disciplines to the staff, the addition of treatment modalities or the addition of service elements.

ITEM 5. Amend rule 2.5(225B) to read as follows:

567—2.5(225B) Grant proposal. Applicants wishing to submit a grant proposal shall submit the proposal through the center executive director to the agency. Those wishing to submit rough drafts of proposals prior to the deadline *date* for submission of final proposals for review and comment may do so. Final proposals postmarked after the deadline date will be considered ineligible. Final proposals should include the following components. Subrules 2.5(6) to 2.5(8) can be incorporated in a work plan.

2.5(1) Project title.

2.5(2) Project abstract or summary.

2.5(3) The names and addresses of cosponsoring agencies.

2.5(4) Background information establishing the need for the project.

2.5(5) The objectives of the project with a discussion of their relationship to the need for the project. Objectives are a statement of hoped for results; they are not activities. They should be measurable.

2.5(6) The plan of actual activities, methods or procedures intended to achieve the objectives of the project.

2.5(7) The identification of the personnel responsible for accomplishing the activities.

2.5(8) The timetable for accomplishing the activities.

~~**2.5(9)** The plans for evaluation of the activities.~~

~~**2.5(10)(9)** The budget breakdown of the costs of the project.~~

~~**2.5(11)(10)** Letters of endorsement from cosponsoring agencies or agencies favorable to the project.~~

~~**2.5(12)(11)** The tentative plans for continuation of the project.~~

~~**2.5(13)(12)** The following signed assurances:~~

a. The center does not discriminate in the admission of clients for services, employment of personnel, or in any other respect, on the basis of race, color, sex, religion, national origin, ancestry, age, creed or disability.

b. The center holds all information and records, including lists of client names and addresses, confidential. Such information and records will be limited to purposes directly related to the administration of the grant project. Such information may not be released without the consent of the individual to whom the information applies, or his/her legal representative.

c. Authority for the administration of center policies and programs has been delegated to a full-time executive director.

d. A physician has assumed medical and legal responsibility for all medical services.

e. The professional staff of the center meet state licensure requirements appropriate for their discipline.

~~**2.5(13)** The plans for evaluation of the effectiveness of the project.~~

ITEM 6. Amend rule 2.6(225B) to read as follows:

567—2.6(225B) Proposal review. Grant proposals will be reviewed and evaluated by three members of the agency staff, including the grant consultant. ~~The committee may elect to form a subcommittee for review and evaluation of the proposals. If a formal subcommittee is not formed, two or three interested members of the committee will be asked to review and evaluate the proposals. A subcommittee of the committee will also review and evaluate the proposals.~~ The agency staff and the committee ~~representatives~~ subcommittee will compare individual proposal evaluations, with the goal of developing recommendations for funding. These recommendations will be presented to the committee at the spring meeting. The committee will make the awards at the spring meeting, which will be announced to the applicants shortly thereafter.

ITEM 7. Amend rule 2.7(225B) to read as follows:

567—2.7(225B) Project review. Funded grants will be reviewed midway through the ~~projects~~ funding cycle and at ~~their~~ its termination by the agency staff. This review will consist of an on-site visit at the midway point and the completion of a review document by the center at the ~~project~~ termination.

ITEM 8. Strike all of the existing rule 2.8(225B) and insert in lieu thereof the following:

567—2.8(225B) Two-year projects. Applicants may apply for funding for two-year projects. Such applications are subject to the requirements set forth in these guidelines. In addition, letters of intent for two-year projects should discuss both project years, and grant proposals should incorporate subrules 2.5(6) to 2.5(9) for year 02.

Reapplication must be made for the second year of funding. Year 01 funds not expended by the end of the fiscal year shall be applied to the year 02 award, if such is made. Reapplication materials should be submitted through the center executive director to the agency by the deadline date. These materials should include a summary of the progress of the project noting significant changes in goals, objectives, activities, personnel; and the work plan and budget for year 02. Reapplication will be subject to the proposal review procedure.

These rules are intended to implement chapter 17A and sections 225B.1 and 225B.4.

ARC 0744**MERIT EMPLOYMENT
DEPARTMENT[570]****NOTICE OF INTENDED ACTION**

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)"b" of Code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Iowa Merit Employment Department, pursuant to the authority of section 19A.9 of the Code proposes to amend chapter 4 of their rules appearing in Iowa Administrative Code relating to pay increase eligibility.

Interested persons may submit their view in writing to W. L. Keating, Director, Iowa Merit Employment Department, Grimes States Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319 no later than January 2, 1980.

Subrule 4.5(2), paragraph "b", is amended as follows:

b. Pay increase eligibility—permanent, full or part-time, classified employees shall be eligible for and may be given consideration by the appointing authority for a one step increase at the beginning of the pay period following the satisfactory completion of the prescribed minimum periods of service set forth below. The minimum periods of service shall be exclusive of time spent on educational leave (except as required by the appointing authority) or, leave without pay which exceeds thirty calendar days; and periods during which service job performance was determined to be less than satisfactory as reflected by official performance rating(s). Periods of minimum satisfactory job performance are: review must accompany the request for an increase to be approved, except where contract provisions provide for automatic step increases.

ARC 0746**MERIT EMPLOYMENT
DEPARTMENT[570]****NOTICE OF INTENDED ACTION**

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)"b" of Code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Iowa Merit Employment Department, pursuant to the authority of section 19A.9 of the Code, has heretofore amended chapter 4 [4.7(19A)] of these rules appearing in the IAC relating to extraordinary duty pay by an emergency filing designated as ARC 0696* which rule was effective October 26, 1979.

The department desires to solicit public comment on this rule as filed and thus hereby placed the subject matter of this rule under notice.

Interested persons may submit their views in writing to W. L. Keating, Director, Iowa Merit Employment Department, Grimes State Office Building, East Fourteenth Street and Grand Avenue, Des Moines, Iowa 50319 no later than January 4, 1980.

ARC 0747**REVENUE, DEPARTMENT OF[730]****NOTICE OF INTENDED ACTION**

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)"b" of Code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of section 17A.3(1)"b" of the Code, the Iowa Department of Revenue hereby gives Notice of Intended Action to amend rules relating to forms developed by the Department of Revenue and used by taxpayers.

Any interested persons may submit their views in writing on these proposed rules on or before January 11, 1980, to the Property Tax Administrator, Property Tax Division, Iowa Department of Revenue, Hoover State Office Building, Des Moines, Iowa 50319. Requests for a public hearing must be received by January 4, 1980.

Persons who want to orally convey their views should contact the Administrator, Property Tax Division at 515/281-5731 or at the Division offices on the fourth floor of the Hoover State Office Building.

Here follows the substance of the intended action.

Pursuant to the authority of section 17A.3(1)"b" of the Code, the following rule pertaining to forms developed by the department of revenue and used by taxpayers is hereby amended.

ITEM 1. Subrule 8.1(7) is amended by adding the following new form:

57122 Application for Industrial Property Tax Exemption. 2 pages.

This amendment is intended to implement Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 103.

* See IAB, 11/14/79.

ARC 0748
REVENUE, DEPARTMENT OF [730]
NOTICE OF INTENDED ACTION

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)"b" of Code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of sections 421.14 and 422.68, subsection (1) of the Code, the Iowa Department of Revenue hereby gives Notice of Intended Action to amend rules relating to sales and use tax. Any interested persons may make written suggestions or comments on these proposed rules prior to January 11, 1980. Such written materials should be directed to the Director, Excise Tax Division, Iowa Department of Revenue, Hoover State Office Building, Des Moines, Iowa 50319.

Persons who want to orally convey their views should contact the Director, Excise Tax Division at 515/281-5476. Requests for a public hearing must be received by January 4, 1980.

Here follows the substance of the intended action.

Pursuant to the authority of sections 421.14 and 422.68(1) of the Code, the Department of Revenue hereby amends the following sales and use tax rules:

ITEM 1. Amend rule **730—12.1(422)** by adding the following new paragraph and examples after line 11:

Effective January 1, 1980, if it is expected that the total annual tax liability of a retailer will not exceed one hundred twenty dollars for a calendar year, the retailer may request, and the director may grant, permission to file and remit sales tax on a calendar year basis. The returns and tax will be due and payable no later than January 31 following each calendar year in which the retailer carried on business.

Following are nonexclusive examples the department could reasonably expect to be within the guidelines for annual reporting:

a. A person selling tangible personal property or taxable services where a major portion of the business is the selling of tangible personal property or taxable services exempt from the imposition of tax; such as a wholesaler whose sales are primarily for resale, or a contractor whose business is primarily new construction.

b. A person whose business is primarily seasonal, or a person engaged in part-time selling of tangible personal property,

c. A person whose sales are of a nontaxable service and who may, on occasion, sell tangible personal property incidental to the service.

ITEM 2. Amend rule **730—12.9(422)** by adding the following new paragraph:

When a person is in a position where he or she feels that the tax, penalty, or interest paid or to be paid will be found not to be due at some later date, then in order to prevent the statute of limitations from running a claim for refund or credit must be filed with the department within the statutory period provided for in section 422.73(1) of the Code. The claim must be filed requesting that it be held in abeyance pending the outcome of any action which will have a direct affect on the tax, penalty or interest involved. Nonexclusive examples of such action would be: Court decisions, departmental orders and rulings, and commerce commission decisions.

EXAMPLE: X, an Iowa sales tax permit holder, is audited by the department for the period July 1, 1972 - June 30, 1977. A \$10,000 tax, penalty and interest liability is assessed on materials the department determines are not used in processing. X does not agree with the department's position, but still pays the full liability even though X is aware of pending litigation involving the materials taxed in the audit.

Y is audited for the same period involving identical materials used to those taxed in the audit of X. However, Y, rather than paying the assessment, takes the department through litigation and wins. The final litigation is not completed until September 30, 1983.

X, on October 1, 1983, upon finding out about the decision of Y's case, files a claim for refund relating to its audit completed in June, 1977. The claim will be totally denied as beyond the five-year statute of limitations. However, if X had filed a claim along with payment of its audit in June, 1977, and requested that the claim be held in abeyance pending Y's litigation, then X would have received a full refund of the audit liability if the decision in Y's case was also applicable to X.

EXAMPLE: X, a utility company, filed a request for a rate increase with the commerce commission on June 30, 1967. The rate increase became effective January 1, 1968. However, a final decision of whether X was allowed this rate increase is not made until September 30, 1974. The rate increase was disallowed. X then had to refund to its customers all disallowed, but collected, rate increases plus sales tax. X files a claim for refund of the involved sales tax on December 30, 1974. Only the tax for the years 1970-1974 will be refunded. The tax for the years 1968 and 1969 will be denied as being beyond the five-year statute set forth in Code section 422.73(1). However, if X had filed a claim covering the rate increase any time before January 31, 1973, requesting it be held in abeyance pending the outcome of the commerce commission ruling, then X would have been allowed a full refund of all the sales tax that is refunded from the effective date of the rate increase, January 1, 1968, through September 30, 1974.

EXAMPLE: X is audited by the department for the period July 1, 1973 - June 30, 1978, and assessed July 31, 1978. X pays the assessment on December 31, 1978. No protest was filed and no claim for refund or credit was filed requesting it be held in abeyance. On January 31, 1980, X files a claim for refund relating to the entire audit. The claim is based on a recent court decision which makes the tax liability paid by X now refundable. However, only the tax paid from January 1, 1975, through June 30, 1978, will be allowed as this is the only portion within the five-year statute of limitations set forth in section 422.73(1). If the claim had been filed on or before December 31, 1979, then the entire audit period July 1, 1973 - June 30, 1978, could have been considered for refund as the claim would have been filed within one year of payment.

This rule is intended to implement section 422.73(1) of the Code.

ITEM 3. Amend rule **730—12.10(422)** by adding the following:

3. Computations for tax periods beginning after December 31, 1979. The filing of the tax return within the period prescribed by law and the payment of the tax required to be shown thereon are simultaneous acts and if either condition is not met, a penalty shall be assessed, unless it is shown that such failure was due to reasonable

REVENUE, DEPARTMENT OF [730] (cont'd)

cause. Section 422.58(1) of the 1979 Code of Iowa provides a penalty for failure to file a permit holder's monthly tax deposit or a return or, if a permit holder fails to remit at least ninety percent of the tax due with the filing of the return or pay less than ninety percent of any tax required to be shown on the return, excepting the period between the completion of an examination of the books and records of a taxpayer and the giving of notice to the taxpayer that a tax or additional tax is due. Only the penalty for a failure to file a return will be added when both a failure to file either a deposit or a return and a failure to remit at least ninety percent of the tax due or to pay less than ninety percent of the tax required to be shown on the return occurs. The penalty for failure to pay at least ninety percent of the tax due is five percent of the tax due. Penalty is computed on the amount required to be shown as tax with the filing of the deposit or return. For purposes of computing the penalty in case of failure to file or to pay at least ninety percent of the amount of tax required to be shown on the return, the tax shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may legally be claimed on the return. If a return is determined to be delinquent, then the penalty shall continue to be assessed on any additional amounts of tax determined to be due. The percent of penalty applied to additional amounts of tax determined to be due shall be the percentage which had accumulated when the initial penalty was assessed and paid on the delinquent return.

All payments shall be first applied to the penalty and then to the interest, and the balance, if any, to the amount of tax percent per month, counting each fraction of a month as an entire month, computed from the date the return or deposit was required to be filed.

ITEM 4. Amend rule 730—13.7(422) by adding the four new paragraphs as follows:

In addition to the requirements set forth above, the director may impose a waiting period not to exceed ninety days to restore a permit or issue a new permit after a revocation.

Each of the following situations will be considered one offense, for the purpose of determining the waiting period to reinstate a revoked permit or issue a new permit after a revocation unless otherwise noted.

- Failure to post a bond as required.
- Failure to file a quarterly return or monthly deposit timely.
- Failure to pay tax time (including unhonored checks, failure to pay, and late payments).
- Failure to file a quarterly return or a monthly deposit and pay tax shown on the return or deposit timely (counts as two offenses).

The hearing officer or director of revenue may order a waiting period after the revocation not to exceed:

- Five days for one through five offenses.
- Seven days for six through seven offenses.
- Ten days for eight through nine offenses.
- Thirty days for ten offenses or more.

The hearing officer or director of revenue may order a waiting period not to exceed:

- Forty-five days if the second revocation occurs within twenty-four months of the first revocation.

Sixty days if the second revocation occurs within eighteen months of the first revocation.

Ninety days if the second revocation occurs within twelve months of the first revocation.

Ninety days if the second revocation occurs within thirty-six months of the second revocation.

This rule is intended to implement section 422.58(2) of the Iowa Code.

ITEM 5. Amend subrule 16.27(5) by deleting it in its entirety and inserting in lieu thereof the following:

16.27(5) For periods prior to July 1, 1979, the gross receipts from swimming pools, golf courses, zoos, skating rinks and other playground and athletic activities shall be taxable. Such gross receipts are taxable regardless whether such activities are operated by governmental or private entities. *Des Moines Park Board Department v. Briggs*, Equity No. CE2-1063, Polk County District Court, November 1, 1976. For periods on or after July 1, 1979, such gross receipts are exempt if the activities are rendered, furnished or performed by a county or a city. Activities operated by private entities may be subject to the tax. See rule 18.39(422).

This rule is intended to implement sections 422.43 and 422.45 of the Code.

ITEM 6. Amend rule 730—16.31(422) by deleting it in its entirety and inserting in lieu thereof the following:

730—16.31(422) Admissions to state, county, district and local fairs. For periods prior to July 1, 1979, the gross receipts from admissions or the sale of tickets required for admission to state, district, county and local fairs shall be subject to tax. For periods on or after July 1, 1979, the gross receipts from admissions to a fair operated by a county or a city are exempt from the tax. Admissions or the sale of tickets required for admission to a fair not operated by a county or a city are subject to the tax. See rule 18.39(422).

This rule is intended to implement sections 422.43 and 422.45 of the Code.

ITEM 7. Amend rule 730—16.39(422) by inserting before the "." in line 3, "except when sponsored by elementary and secondary educational institutions as set forth in section 422.43 of the Code".

This rule is intended to implement section 422.43 of the Code.

ITEM 8. Amend rule 730—17.3(422,423) by deleting in lines 17 and 18, the sentence "Forms for this purpose are available to both suppliers and consumers upon request to the department."

This rule is intended to implement sections 422.42(3) and 423.1 of the Code.

ITEM 9. Amend rule 17.9(422,423) by adding the following as subrule 17.9(5) and renumbering 17.9(5) to 17.9(6):

17.9(5) Fuel consumed in implements of husbandry is exempt from tax. An implement of husbandry is defined as something necessary to the carrying on of the business of agriculture production without which the work cannot be done. *Reese v. State*, 181 Tex Crim. App. 488, 50S.W.2d 286.

The following is a noninclusive list of implements of husbandry:

- Tractors.
- Combines.

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Motor trucks used exclusively for delivery and applying fertilizer.

Irrigation equipment.

Implements used to handle feed, grain, and hay.

Milk coolers.

Milking machines.

Implements to provide water for livestock.

Implements to remove animal waste.

Grain dryers.

See rule 17.3(422,423) regarding electricity used as a fuel.

This rule is intended to implement sections 422.42, 422.43, and 423.1 of the Code.

ITEM 10. Amend rule 17.14(422,423) by adding the following sentence after the word tax in line 3:

For the purpose of this rule for periods on or after January 1, 1980, free newspapers or shoppers' guides or both are considered to be retail sales for the purpose of the processing exemption.

This rule is intended to implement sections 422.42(3) and 423.1(1) of the Code.

ITEM 11. Amend subrule 17.14(1) by adding the following new unnumbered paragraph at the end as follows:

For the purposes of this rule, the terms "chemical", "solvent", "sorbent", and "reagent" do not include catalyst. A catalyst is a substance which promotes or initiates a chemical reaction which is not consumed in the reaction it promotes or initiates.

This rule is intended to implement section 422.42(3) and 423.1(1) of the Code.

ITEM 12. Amend chapter 18 of the rules by deleting rule 730—18.7(422,423) and inserting in lieu thereof the following new rule:

730—18.7(422,423) Containers, including packing cases, shipping cases, wrapping material, and similar items. The gross receipts from the sale of containers, labels, cartons, pallets, packing cases, wrapping paper, twine, bags, bottles, shipping cases, and other similar articles and recepticals sold to retailers or manufacturers which are purchased for the purpose of packaging or facilitating the transportation of tangible personal property which is sold either at retail or for resale shall be exempt from the tax.

For the purpose of this rule producers, wholesalers and jobbers are considered retailers or manufacturers.

18.7(1) Sales to other than retailers or manufacturers.

a. Containers and all other specified items delivered with tangible personal property which are sold to a final buyer or ultimate consumer shall be exempt from the tax when no separate charge is made for the container. This group includes such items as boxes, cartons, pallets, paper bags, bottles, shipping cases, wrapping paper and twine. If a separate charge is made for the container, the sale of the container is subject to the tax. The sale of wrapping paper, paper bags and like items are subject to the tax when sold at retail.

b. Packing paper, lining paper, paper used to line boxes and crates, and similar items shall be exempt from the tax if delivered with tangible personal property ultimately sold at retail when no separate charge is made for the paper.

18.7(2) Labels, tags and nameplates. Sales of labels, tags, and nameplates attached to products for the benefit of the vender such as shipping tags, price tags and

instructions to cashiers are subject to the tax, unless such items are sold to manufacturers and retailers for packaging or facilitating the transportation of tangible personal property ultimately sold at retail. Labels, tags or nameplates attached to products for the benefit of the final consumer which describe contents, or which relate to the product and are affixed to the product, are exempt from tax.

18.7(3) Pallets. Periods prior to July 1, 1979. When pallets are used solely or primarily to facilitate loading, unloading, handling, transportation, or storage of products, the pallets will not be considered to be a container and thus are taxable at the time of purchase by the user. The tax will also apply even if the pallet is used in a distribution or exchange program where one pallet is subject to exchange with a like pallet or one of equal value.

Pallets which qualify as a container shall be exempt from the tax. In order for a pallet to qualify as a container, the pallet must circumscribe and contain the object packaged and the pallet must restrain the object's movement in more than one plane of direction. Custom Beverage Packers, Inc. vs. Kosydar, 1973, 33 Ohio St. 2d 68 294 N.E.2d 672. Pallets which are glued, banded, sealed, scraped or affixed to the products will be considered prima-facie evidence that the pallet is a container. Pallets which are specially designed as a container to protect extremely fragile goods thereby preserving them in a saleable condition and directly used in manufacturing are considered to be a container and shall be exempt from the tax.

Periods on or after July 1, 1979. Pallets purchased by manufacturers or retailers which are purchased for the purpose of packaging or facilitating the transportation of tangible personal property ultimately sold at retail shall be exempt from the tax.

This rule is intended to implement sections 422.42(3), 422.45(19) and 423.1(1) of the Code.

ITEM 13. Amend rule 18.24(422,423) by deleting the word "rules" in line 4 and inserting in lieu thereof the word "rules".

ITEM 14. Amend chapter 18 of the rules by deleting rule 730—18.32(422,423) in its entirety and inserting in lieu thereof the following:

730—18.32(422,423) Sale, transfer or exchange of tangible personal property or taxable enumerated services between affiliated corporations.

18.32(1) In general. The sale, transfer or exchange of tangible personal property or taxable services among affiliated corporations, included but not limited to a parent corporation to a subsidiary corporation, for a consideration is subject to tax. A bookkeeping entry for an "account payable" qualifies as consideration as well as the actual exchange of money or its equivalent. Transactions between affiliated corporations may not be subject to tax where it can be shown that the affiliated corporations are operating as a unit within the meaning of sections 422.42(1) and 423.1(8) of The Code.

18.32(2) Affiliated corporations acting as a unit. If an affiliated corporation acts as an agent for the other affiliated corporation in a transaction listed in 18.32(1) such corporation shall be considered as acting as a unit as set forth herein and such transactions may not be subject to tax.

This rule should not be equated with the unitary business concept used in corporation income tax law.

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This rule is intended to implement sections 422.42(1) and 423.1(8) of the Code.

ITEM 15. Amend subrule 18.36(1) by adding after the word "property" on line 5 the following: Cedar Valley Leasing, Inc. v. Iowa Department of Revenue, 274 N.W.2d 357 (Iowa 1979).

ITEM 16. Amend subrule 18.37(1) by deleting in line 2, "422.44(11)" and inserting in lieu thereof "422.45(11)".

ITEM 17. Amend chapter 18 by adding the following new rule:

730—18.38(422,423) Urban transit systems. A privately owned urban transit system which is not an instrumentality of federal, state or county government is subject to sales tax on fuel purchases which are within the urban transit systems charter.

Tax shall not apply to fuel purchases, made by a privately owned urban transit company, for use outside the urban transit system charter in which a fuel tax has been imposed and paid and no refund has been or will be allowed.

Whether an urban transit company will be considered an instrumentality of federal, state or county government for the purpose of receiving sales tax exemption on its fuel purchases, which are also exempted from fuel tax and used for public purposes, depends upon consideration of the following:

1. Whether it is created by government.
2. Whether it is wholly owned by government.
3. Whether it is operated for profit.
4. Whether it is primarily engaged in the performance of some essential governmental function.
5. Whether the payment of tax will impose an economic burden upon the corporation, or that payment of tax serves to materially impair the usefulness or efficiency of the corporation or the payment of tax materially restricts the corporation in the performance of its duties.

These above enumerated considerations are not all inclusive and the presence of some and absence of others does not necessarily establish the exemption. Unemployment compensation of North Carolina v. Wachovia Bank and Trust Company, (1939) 2 S.E.2d 592, 595, 215 No. Car. 491; 1976 O.A.G. 823, 827, 828.

This rule is intended to implement section 422.45(1) of the Iowa Code.

ITEM 18. Amend chapter 18 of the rules by adding the following new rule:

730—18.39(422) Sales or services rendered, furnished, or performed by a county or city.

The gross receipts from the sales, furnishing, or service of gas, electricity, water, heat, and communication service rendered, furnished, or performed by a county or city are subject to the tax. Any other sales or services rendered, furnished, or performed by a county or city are not subject to the tax. In situations where sales or services are performed by independent contractors such as, but not limited to, situation where the county or city enters into an agreement with a private individual or firm to operate swimming pools, golf courses, concession stands, boat docks, parking lots and garages, or any other county or city owned facility or activity the county or city should contact the department regarding its tax liability as each situation will have to be evaluated individually.

This rule is intended to implement sections 422.43 and 422.45 of the Code.

ITEM 19. Amend chapter 18 of the rules by adding the following new rule:

730—18.40(422,423) Renting of rooms. The gross receipts from the renting of any and all rooms, including but not limited to sleeping rooms, banquet rooms or conference rooms in any hotel, motel, inn, public lodging house, rooming or tourist court, or in any place where sleeping accommodations are furnished to transient guests, whether with or without meals are subject to the tax. However, the renting of all such rooms would be exempt from the tax if rented by the same person for a period of more than thirty-one consecutive days.

This rule is intended to implement section 422.43 of the Code.

ITEM 20. Amend chapter 18 of the rules by adding the following new rule:

730—18.41(422,423) Envelopes for advertising.

18.41(1) Envelopes which contain advertising are exempt from tax. Envelopes which are not primarily used for advertising are taxable. The primary use of the envelopes should control whether they will be taxable or exempt. Iowa Movers and Warehouseman's Assn. v. Briggs, 237 N.W. 2d 759 (Iowa 1976).

EXAMPLE 1. XYZ mails coupons and advertisements to persons giving discounts on a certain item which is sold at retail. The envelope used to package these materials is exempt from tax since it is primarily used to contain advertising materials.

EXAMPLE 2. XYZ mails a monthly billing statement to its charge account customers. In addition to the billing statement, XYZ Company encloses an advertisement in the envelope. The envelope has a dual purpose: (1) The collection of accounts receivable and (2) the distribution of advertising. However, the envelope is not primarily used for advertising but for billing the customer, therefore the exemption does not apply.

18.41(2) Because of the difficulty of administering this exemption purchasers of envelopes may petition to the department for permission to use a formula to represent to the seller the portion of taxable and exempt gross receipts from envelope purchases.

This rule is intended to implement section 422.45(9) of the Iowa Code.

ITEM 21. Amend rule 730—20.10(422,423), unnumbered paragraph 3, line 2, by adding after the word "he" the words "or she" and in line 3 delete the word "he".

ITEM 22. Amend rule 730—26.9(422) by deleting in lines 6 and 7 the words, "no matter what business arrangement exists between the owner of the shop and those who work therein" and inserting in lieu thereof the words "when operated under a common management".

Further amend rule 730—26.9(422) by adding the following paragraphs:

When an operator leases space and is an independent operator, the lessee shall notify the department and secure a sales tax permit whereby he or she will be responsible directly for the sales tax due. In order to be considered independent, the lessee must also be independent from the lessor for the purposes of withholding of income tax, unemployment compensation, and social security taxes.

The lessor who has leased a part of his or her premises shall report to the department the names and addresses of all lessees. If the lessor is accounting for the lessee's sales,

REVENUE, DEPARTMENT OF[730] (*cont'd*)

the lessor shall, after the name of each lessee, show the amount of net taxable sales made by the lessee on each report to the department, and which net taxable sales are included in the lessor's return. See 730—15.11(422,423).

This rule is intended to implement section 422.43 of the Iowa Code.

ITEM 23. Amend rule 730—26.18(422,423) by deleting in line 5 after 2d "211" and inserting in lieu thereof "111".

ITEM 24. Amend rule 730—26.25(422) by deleting the sentence: "For purposes of this rule only, the exemption for transportation services and 26.2(1) shall not apply." Insert in lieu thereof the following sentence: "Charges for house and building moving are not considered transportation charges, and are therefore, subject to the imposition of sales tax."

This rule is intended to implement section 422.43 of the Iowa Code.

ITEM 25. Amend rule 730—26.34(422) by adding the following new sentences to line 7 following the word "preparation."

"The following are not within the definition of painting: Automobile undercoating, the coating of railroad cars, storage tanks, or the plating of tangible personal property with metals such as but not limited to chromium, bronze, tin, galvanize, or platinum."

This rule is intended to implement section 422.43 of the Iowa Code.

ITEM 26. Amend chapter 26 of the rules by deleting rule 730—26.35(422) and inserting the following new rule:

730—26.35(422) Parking facilities. Persons engaged in the business of operating a parking facility for a fee are rendering, furnishing or performing a service, the gross receipts from which are subject to tax. For the purpose of this rule, a "parking facility" is any place that is built, installed or established for the purpose of parking a vehicle for a fixed interval. It is irrelevant whether the charge is by the hour, day, month or any other period of time.

This rule is intended to implement section 422.43 of Iowa Code.

ITEM 27. Amend subrule 26.42(2) by adding the following sentence after the period in line 3: "However, see rule 26.23(422) relating to fur storage."

ITEM 28. Amend subrule 26.42(8) by adding in line 4 after the period the following:

Storage fees relating to raw agricultural products placed in storage by the producer and later consigned to the federal government under a loan agreement are not exempt from tax. In order for the storage to be exempt from tax, the federal government must actually own the raw agricultural products during the period the goods are stored and make payment to the warehouse for the storage.

This rule is intended to implement sections 422.43 and 423.2 of the Code.

ITEM 29. Amend rule 730—26.44(422) by adding after the word "purpose" in line 2 the following: ", except for tests on humans,".

This rule is intended to implement sections 422.43 and 423.2 of the Code.

ITEM 30. Amend rule 730—29.3(423) by inserting the word "be" in line 6 after the word "to".

ITEM 31. Amend rule 730—30.11(423) unnumbered paragraph 2, line 2, by striking the word "his" and inserting in lieu thereof "an".

Amend rule 30.11(423) by adding new paragraphs as follows:

When a person is in a position where he or she feels the tax, penalty or interest paid or to be paid will be found not to be due at some later date, then to prevent the statute of limitations from running, a claim for refund should be filed with the department within the statutory period provided in section 422.73(1) of the Code. The claim must be filed requesting that it be held in abeyance pending the outcome of any action which will have a direct effect on the tax involved and a possible refund. Nonexclusive examples of such action would be court decisions, departmental rulings, and commerce commission decisions. See rule 12.9(422) for specific examples.

This rule is intended to implement sections 422.73(1) and 423.23 of the Code.

ITEM 32. Amend chapter 34 of the rules by adding the following new subrule to rule 730—34.5(423):

34.5(9) On or after July 1, 1979, vehicles which are transferred from a business which was a sole proprietorship or partnership to a corporation for the purpose of continuing the business if all of the stock of the corporation is owned by the sole proprietor and his or her spouse or by all the partners if the business was a partnership are exempt from tax. This exemption is also applicable if vehicles are transferred from a corporation to a sole proprietorship or partnership formed for the purpose of continuing the business when carried on by the same person or persons who were stockholders of the corporation. This exemption contains the following provisions:

a. If the business transferring the vehicle is a sole proprietorship or partnership, the vehicle must be transferred to a new corporation.

b. The new corporation must have been formed for the purpose of continuing the business of the sole proprietorship or partnership. The activities of the new corporation must, therefore, be the same as the sole proprietorship or the partnership.

c. The new corporation must be owned 100 percent by the sole proprietor, the sole proprietor's spouse or all the partners, in case of a partnership, which is transferring the vehicle.

d. The exemption is equally available when vehicles are transferred from a corporation to a sole proprietorship or to a partnership.

e. In such cases, the newly formed sole proprietorship or partnership must have been formed to continue the business of the corporation. Therefore, the activities of the new entity must be the same as the corporation.

f. The new sole proprietorship or partnership must have owned all the stock in the transferring corporation when the corporation existed.

This rule is intended to implement sections 422.45(5), 423.4(4), and 423.4(9) of the Code.

ARC 0741

**TRANSPORTATION,
DEPARTMENT OF [820]
NOTICE OF INTENDED ACTION**

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

On January 22, 1980, at their regular meeting at the Department of Transportation Complex, 800 Lincoln Way, Ames, Iowa, the transportation commission shall consider for adoption the following administrative rules as described herein. Such action shall be in accord with the Iowa administrative procedures Act, chapter 17A of the Code, and department of transportation rules 820—[01,B] chapter 1 "Administrative Rules".

Comments and requests to make an oral presentation shall be addressed to the Department of Transportation, in care of the Office of Administrative Services, 800 Lincoln Way, Ames, Iowa 50010.

Written comments or written requests to make an oral presentation at the above specified commission meeting concerning these proposed rules may be accepted if received by the department of transportation on or before January 8, 1980.

Any person or agency as described in section 17A.2, subsections 1 and 6 of the Code, may submit written comments or requests to make an oral presentation. Such comments and requests shall clearly state:

1. The name, address and phone number of person or agency authoring the comment or request.

2. The title and number of the proposed rule as given in this notice which is the subject of the comment or request. (Comments pertaining to a specific section of a proposed rule shall reference that section by subrule, paragraph, subparagraph, and line as appropriate.)

3. With regard to requests to make an oral presentation, the general content shall be indicated.

Proposed rulemaking actions:

07 MOTOR VEHICLE DIVISION

Pursuant to the authority of section 307.10 of the Code rules 820—[07,F] chapter 2 entitled "Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight" are hereby amended.

ITEM 1. Subrule 2.1(5) is amended to read as follows:

2.1(5) During the moving of a vehicle or object under permit, the applicant shall comply with the terms and conditions of the permit and take all reasonable precautions to protect and safeguard the lives and property of the traveling public and adjacent property owners, and shall hold permit issuing authorities harmless of any damages that may be sustained by the traveling public or adjacent property owners or resulting to the highway systems of the state on account of movements made hereunder. *Movement shall be made only when roads are clear of ice and snow and visibility is at least one-quarter mile.*

ITEM 2. Subrule 2.1(7) is amended to read as follows:

2.1(7) The permit and any supplements or additions thereto shall be void in case the weights or dimensions of the vehicle and load as operated exceed the weights or dimensions as provided in the permit and supplements or additions thereto *or if the axle weights are in excess of those*

maximum weights allowed based on the total gross weight of the vehicle and load. Provisions of the law as to the maximum weight and dimensions, chapter 321E shall then apply.

ITEM 3. Subrule 2.1(8) is amended to read as follows:

2.1(8) No vehicle, or combination of vehicles of ~~illegal dimension with or without load or vehicles with loads which exceed statutory size and weight limits~~ shall be moved on the highways without permit except as provided in section 321.453.

ITEM 4. Subrule 2.1(11) is amended to read as follows:

2.1(11) Movements by permit shall be permitted only during the hours from sunrise to sunset unless it is established by the issuing authority that the movement can be better accomplished at another period of time because of traffic-volume conditions. Except as provided in section 321.457, no movement by permit shall be permitted on ~~Sundays, holidays, after twelve o'clock noon on Saturdays, or~~ after twelve o'clock noon on days preceding holidays and holiday weekends which would include holidays falling on Monday, or during special events when abnormally high traffic volumes can be expected. Those legal holidays are: ~~New Year's Day, Memorial Day, Independence Day, Veterans Day, and Labor Day, Thanksgiving Day and Christmas Day.~~

ITEM 5. Subrule 2.1(12) is amended to read as follows:

2.1(12) The towing unit for mobile homes, or other towed loads; the weight of which towed load exceeds ~~four ten thousand five hundred~~ pounds, shall be a ~~one and one half ton or larger~~ truck or truck tractor with a gross vehicle weight (GVW) rating of at least 10,000 pounds having dual wheels. ~~The towing unit for towed loads exceeding ten feet in width shall have at least a one hundred twenty inch wheel base or shall have an empty gross weight of six thousand pounds or more.~~ Hitching requirements shall be consistent with those of the Iowa department of ~~public safety~~ transportation.

ITEM 6. Subrule 2.1(14) is amended to read as follows:

2.1(14) Financial responsibility. Proof of public liability insurance in the amounts of \$100,000 bodily injury each person, \$200,000 bodily injury each occurrence and ~~\$20,000~~ \$50,000 property damage ~~will~~ shall be required prior to the issuance of any permit. Such ~~proof shall~~ be made by the submission of a certificate of insurance to the permit issuing authority. *A carrier may act as a self-insurer if an "Application for Self Insurance" is filed and approved by the department. Such forms are available upon request from the office of operating authority.*

ITEM 7. Paragraph 2.1(15)"d" is amended to read as follows:

d. Single trip or annual permits may be issued for mobile homes *and factory built structures* to move on the interstate system provided the vehicle with load does not exceed 14 feet 0 inches in width, ~~13 feet 6 inches in~~ established height restrictions, 85 feet 0 inches in overall length and total gross weight of 73,280 pounds [18,000 pounds/axle according to the schedule set out in subrule 2.1(16)].

ITEM 8. Amend the unnumbered paragraphs following the table in subrule 2.1(16) as follows:

No single axle shall exceed 18,540 pounds.
No tandem axle shall exceed 34,000 pounds.
No triple axle shall exceed 42,000 pounds for gross weights of 75,000 pounds or less.

TRANSPORTATION, DEPARTMENT OF[820] (cont'd)

No triple axle shall exceed 48,000 pounds for gross weights exceeding 75,000 pounds.

For vehicles and loads weighing in excess of 90,000 pounds, no single axle shall exceed 18,540 pounds, no tandem axle shall exceed 36,000 pounds, and no triple axle shall exceed 54,000 pounds, and no four axle assembly shall exceed 72,000 pounds.

Permits granted for construction machinery being temporarily moved on streets, roads, or highways may have a gross weight of 36,000 pounds on any single axle equipped with a minimum size 26.5-inch by 25-inch flotation pneumatic tires and a maximum gross weight of 20,000 pounds on any single axle equipped with minimum size 18-inch by 25-inch flotation pneumatic tires, provided that the total gross weight of the vehicle or a combination of vehicles does not exceed a maximum of 126,000 pounds. *For tire sizes and weights allowed between the maximum and minimum indicated, the following formula shall apply: Axle weight = 20,000 pounds + (tire width - 18) × 1,882 pounds.*

A manufacturer of machinery or equipment manufactured or assembled in Iowa may be granted a permit for the movement of such machinery or equipment mounted on pneumatic tires with axle loads exceeding the maximum axle load prescribed in section 321.463 for distances not to exceed twenty-five miles at a speed not greater than twenty miles per hour. The movement of such machinery or equipment shall be over a specified route between the place of assembly or manufacture and a storage area, shipping point, proving ground, experimental area, weighing station, or another manufacturing plant.

ITEM 9. Subrule 2.1(17) is amended to read as follows:

2.1(17) Applications for permits and escort authorization for movements on the primary highway system shall be made and permits and authorizations shall be issued on department of transportation Forms 563, 564, 566 442009, 442010 and 567 444010 which are set out in 2.6(321E). Any applications to ~~local~~ proper authorities for permit or escort authorization made upon Forms 563, 564, 566 442009, 442010 and 567 444010 shall be sufficient and accepted as properly made by local authorities.

Subject to the preceding, permit issuing authorities may adopt, amend or modify such forms provided that amended or modified forms adequately identify the applicant, the hauling vehicle and load, the manner and extent that the vehicle with load exceeds legal dimensions and weights specified in sections 321.452 to 321.466, the route and trip distance where applicable and authorization of issuing authority.

If a permit is lost or destroyed before it has expired, a duplicate permit may be issued, at the discretion of the issuing authority. The expiration date on the replacement permit shall be the same as on the original permit. A fee of two dollars shall be charged for a duplicate permit.

ITEM 10. The catchwords of rule [807,F]2.2(321E), and subrule 2.2(1) are amended to read as follows:

**820—[07,F]2.2(321E) Movements of loads exceed-
ing ~~12~~ 14 feet ~~5~~ inches in width.**

2.2(1) Permits for the movement of indivisible loads and single-trip permits for construction equipment being moved temporarily on highways and streets exceeding ~~12~~ 14 feet in width or mobile homes of widths including appurtenances exceeding ~~12~~ 14 feet 5 inches in width

shall be restricted to maximum trip distances in accordance with the schedules in 2.2(3), including adjustments for road widths of less than 24 feet and traffic volumes of less than 4,000 vehicles per day and adjustments for gravel roads. (For 24 foot, 22 foot, 20 foot, 18 foot paved roadways and gravel surfaces traveled by a: 4,000 or more vehicles per day; b: 3,000 or more vehicles per day; c: 2,000 or more vehicles per day; d: 1,000 or more vehicles per day; and e: under 1,000 vehicles per day.) at the discretion of the permit issuing authority if the move may be accomplished without causing inconvenience, undue safety hazards or damage to the general public. The following factors shall be considered: Road conditions; road width; traffic volume; weather conditions; and roadside obstructions, including bridges, signs and overhead obstructions.

ITEM 11. Rescind subrule 2.2(2) in its entirety.

ITEM 12. Rescind subrule 2.2(3) including its paragraphs and schedules.

ITEM 13. Subparagraph 2.3(1)"a"(4) is amended to read as follows:

(4) Weight (legal including all tolerances)—18,540 pounds (single axle), 34,000 pounds (tandem axle), 42,000 pounds (triple axle), and 73,280 pounds (total gross weight). [See schedule in 2.1(16).]

(Construction machinery may have a gross weight of 36,000 pounds on any single axle equipped with a minimum size 26.5-inch by 25-inch flotation pneumatic tires and a maximum gross weight of 20,000 pounds on any single axle equipped with minimum size 18-inch by 25-inch flotation pneumatic tires, provided that the total gross weight of the vehicle or a combination of vehicles does not exceed a maximum of 73,280 pounds. *For tire sizes and weights allowed between the maximum and minimum indicated, the following formula shall apply: Axle weight = 20,000 pounds + (tire width - 18) × 1,882 pounds.*)

ITEM 14. Subparagraph 2.3(1)"b"(4) is amended to read as follows:

(4) Weight (legal including all tolerances)—18,540 pounds (single axle), 34,000 pounds (tandem axle), 42,000 pounds (triple axle), and 73,280 pounds (total gross weight). [See schedule in 2.1(16).]

(Construction machinery may have a gross weight of 36,000 pounds on any single axle equipped with a minimum size 26.5-inch by 25-inch flotation pneumatic tires and a maximum gross weight of 20,000 pounds on any single axle equipped with minimum size 18-inch by 25-inch flotation pneumatic tires, provided that the total gross weight of the vehicle or a combination of vehicles does not exceed a maximum of 73,280 pounds. *For tire sizes and weights allowed between the maximum and minimum indicated, the following formula shall apply: Axle weight = 20,000 pounds + (tire width - 18) × 1,882 pounds.*)

ITEM 15. Subparagraph 2.3(1)"c"(4) is amended to read as follows:

(4) Weight (legal including all tolerances)—18,540 pounds (single axle), 34,000 pounds (tandem axle), 42,000 pounds (triple axle), and 73,280 pounds (total gross weight). [See schedule in 2.1(16).]

(Construction machinery may have a gross weight of 36,000 pounds on any single axle equipped with a minimum size 26.5-inch by 25-inch flotation pneumatic

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tires and a maximum gross weight of 20,000 pounds on any single axle equipped with minimum size 18-inch by 25-inch flotation pneumatic tires, provided that the total gross weight of the vehicle or a combination of vehicles does not exceed a maximum of 73,280 pounds. *For tire sizes and weights allowed between the maximum and minimum indicated, the following formula shall apply: Axle weight = 20,000 pounds + (tire width - 18) × 1,882 pounds.*

ITEM 16. Subparagraph 2.3(1)"d"(1) is amended to read as follows:

- (1) Width—~~(legal)~~ 10 feet 0 inches.

ITEM 17. Strike all of paragraph 2.3(1)"e" and insert in lieu thereof the following:

e. Vehicles with divisible loads of hay, straw or stover not to exceed the following dimensions and weights:

- (1) Width—12 feet 5 inches.
 (2) Length—(legal) in accordance with 321.457.
 (3) Height—13 feet 10 inches.
 (4) Weight—(legal including all tolerances) not to exceed 73,280 pounds or license class tonnage.

ITEM 18. Paragraph 2.3(1)"f" is amended to read as follows:

f. Annual permits ~~will~~ shall be issued only upon receipt of a fully completed application form by mail or when the applicant appears in person. *Annual permits shall expire on the last day of the month one year from date of issuance. A fee of ten dollars shall be payable prior to issuance of the permit.*

ITEM 19. The first two lines of subrule 2.3(2) are amended to read as follows:

2.3(2) Single-trip permits (issued for the movement of a single *indivisible* load that exceeds statutory size or weight from point of origin to point of ultimate destination) for:

ITEM 20. Subparagraphs 2.3(2)"a"(1), (2), (4) and (5) are amended to read as follows:

(1) Width—~~13~~ 14 feet 0 inches, except mobile homes including appurtenances not to exceed ~~12~~ 14 feet 5 inches in width.

(2) Length—80 feet 0 inches overall. No mobile home may be moved if the actual mobile home unit exceeds ~~68~~ 67 feet 6 inches in length *excluding any hitch or overhang, with overall length not to exceed 85 feet.* Front-end projection may, in the discretion of the issuing authority, exceed 15 feet.

(4) Weight—(legal including all tolerances)—18,540 pounds (single axle), 34,000 pounds (tandem axle), 42,000 pounds (triple axle), and 73,280 pounds (total gross weight). [See schedule in 2.1(16).] Construction machinery may have a gross weight of 36,000 pounds on any single axle equipped with a minimum size 26.5-inch by 25-inch flotation pneumatic tires and a maximum gross weight of 20,000 pounds on any single axle equipped with a minimum size 18-inch by 25-inch flotation pneumatic tires, provided that the total gross weight of the vehicle or a combination of vehicles does not exceed a maximum of 126,000 pounds. *For tire sizes and weights allowed between the maximum and minimum indicated, the following formula shall apply: Axle weight = 20,000 pounds + (tire width - 18) × 1,882 pounds.*

(5) Unlimited distance *over specified routes.*

ITEM 21. Subparagraphs 2.3(2)"b"(1), (3) and (4) are amended to read as follows:

(1) Width—~~13~~ 14 feet 0 inches.

(3) Height—limited only to limitations of underpasses, bridges, power lines and other established height restrictions. *The carrier shall be required to contact affected public utilities when the height of vehicle with load exceeds 16 feet 0 inches. At the discretion of the permit issuing authority, a written verification may be required from the affected utility.*

(4) Weight—(Including all tolerances)—18,540 pounds (single axle). Weights for groups of axles; [see 2.1(16)]—75,000 pounds (total gross weight). Construction machinery may have a gross weight of 36,000 pounds on any single axle equipped with a minimum size 26.5-inch by 25-inch flotation pneumatic tires and a maximum gross weight of 20,000 pounds on any single axle equipped with minimum size 18-inch by 25-inch flotation pneumatic tires, provided that the total gross weight of the vehicle or a combination of vehicles does not exceed a maximum of 126,000 pounds. *For tire sizes and weights allowed between the maximum and minimum indicated, the following formula shall apply: Axle weight = 20,000 pounds + (tire width - 18) × 1,882 pounds.*

ITEM 22. Subparagraphs 2.3(2)"c"(1), (3), and (4) are amended to read as follows:

(1) Width—~~13~~ 14 feet 0 inches.

(3) Height—limited only to limitations of underpasses, bridges, power lines and other established height restrictions. *The carrier shall be required to contact affected public utilities when the height of vehicle with load exceeds 16 feet 0 inches. At the discretion of the permit issuing authority, a written verification may be required from the affected utility.*

(4) Weight—(including all tolerances)—18,540 pounds (single axle). Weights for groups of axles; [See 2.1(16)]—90,000 pounds (total gross weight). Construction machinery may have a gross weight of 36,000 pounds on any single axle equipped with a minimum size 26.5-inch by 25-inch flotation pneumatic tires and a maximum gross weight of 20,000 pounds on any single axle equipped with minimum size 18-inch by 25-inch flotation pneumatic tires, provided that the total gross weight of the vehicle or a combination of vehicles does not exceed a maximum of 126,000 pounds. *For tire sizes and weights allowed between the maximum and minimum indicated, the following formula shall apply: Axle weight = 20,000 pounds + (tire width - 18) × 1,882 pounds.*

ITEM 23. Subparagraphs 2.3(2)"d"(1), (3), (4) and (5) are amended to read as follows:

(1) Width—~~exceeding 13~~ 14 feet 0 inches and up to 40 feet 0 inches overall width.

(3) Height—limited only to limitations of underpasses, bridges, power lines and other established height restrictions. *The carrier shall be required to contact affected public utilities when the height of vehicle with load exceeds 16 feet 0 inches. At the discretion of the permit issuing authority, a written verification may be required from the affected utility.*

(4) Weight—(including all tolerances)—18,540 pounds (single axle). Weights for groups of axles; [See 2.1(16)]—90,000 pounds (total gross weight). Construction machinery may have a gross weight of 36,000 pounds on any single axle equipped with a minimum size 26.5-inch by 25-inch flotation pneumatic tires and a maximum gross weight of 20,000 pounds on any single axle equipped with minimum size 18-inch by

TRANSPORTATION, DEPARTMENT OF[820] (cont'd)

25-inch flotation pneumatic tires, provided that the total gross weight of the vehicle or a combination of vehicles does not exceed a maximum of 126,000 pounds. *For tire sizes and weights allowed between the maximum and minimum indicated, the following formula shall apply: Axle weight = 20,000 pounds + (tire width - 18) × 1,882 pounds.*

(5) Distance limited to the schedule of total trip distances indicated in 2.2(321E). ~~[See 2.2(321E)]~~ **over specified routes, in all cases must be accompanied by an official escort approved by the issuing authority.**

ITEM 24. Subparagraph 2.3(2)"g"(5) is amended to read as follows:

(5) ~~The issuing authority at its discretion may require an additional escort either official or civilian approved. Or circumstances where the movement is essential to insure safety and protection of any person or property (e.g., pollution of natural resources, potential fire or explosion); where weather or transportation problems create an undue hardship for the citizens of the state of Iowa; where movement involves emergency type vehicles; or other circumstances at the discretion of the permit issuing authority.~~

ITEM 25. Subparagraph 2.3(2)"h"(1) is amended to read as follows:

(1) A fee of \$5.00 ~~will~~ shall be charged for each single-trip permit payable prior to the issuance of the permit. *A single trip permit shall be effective for five days.*

ITEM 26. Subparagraphs 2.3(2)"i"(3) and (4) are amended to read as follows:

(3) ~~By telephone—telegraph telephone—telegraph when load does not exceed 90,000 pounds total gross weight, width does not exceed 12 feet 5 inches, overall length does not exceed 80 feet, height does not exceed 14 feet 4 inches (provided the specific route will allow the height dimensions and weight of the load).~~ The permit section may be contacted directly by telephone except for the movement of mobile homes and buildings for which a permit must be submitted in person or by mail at the permit office. Upon approval of the permit application submitted, a telegram permit may then be issued provided that in cases where an escort is required for the move, ~~an approved~~ a civilian or official escort is indicated on the application. In all cases the permit fee must be received prior to the issuance of the permit.

(4) By the highway division resident maintenance engineer's office when *application is made in person. the vehicle and load does not exceed (without motor vehicle registration concurrence):*

75,000 pounds total gross weight.

Thirteen feet 0 inches in width and 18 feet 0 inches width of buildings.

Eighty feet 0 inches overall length.

Fourteen feet 4 inches in height (provided specific route will allow the height of the load).

An additional approval may be required by the office of operating authority.

ITEM 27. Rescind subparagraph 2.3(2)"i"(5) in its entirety.

ITEM 28. Paragraph 2.3(3)"d" is amended to read as follows:

d. Any vehicle or implement designed for use off the highway and operated on the highways at a speed of 25 miles per hour or less shall be equipped with a reflective device of a type approved by the ~~commissioner~~

~~department of public safety transportation~~ and must be visible from the rear. Such vehicles must also display an amber flashing light visible from the rear for any vehicle sold after December 31, 1971.

ITEM 29. Strike all of subrule 2.4(1) including its paragraphs and subparagraphs and insert in lieu thereof the following:

2.4(1) Civilian escort. Civilian escort shall be defined as any person who possesses a valid chauffeur's or operator's license and a proper escort vehicle, and who carries proof of public liability insurance in the amount of \$100,000/\$200,000/\$50,000.

ITEM 30. Subrule 2.4(2) is amended to read as follows:

2.4(2) General eEscorting requirements.

a. Shall use a vehicle of a general size approximating that of a normal passenger automobile or pickup with sufficient mobility so as to be able to avoid and assist in the event of an emergency and of such design so as to afford clear and unobstructed vision both front and rear. *In questionable cases the office of operating authority shall determine if a vehicle meets these conditions.*

b. All escort operators shall be age 18 or over and shall be in possession of a valid chauffeur's license or a valid operator's license.

c. Shall equip the escorting vehicle with an amber revolving light. Such light shall be at least 7 *seven* inches high, 7 *seven* inches in diameter with at least a 100-candlepower lamp and must provide 360° warning. *A light of smaller dimensions shall not be permitted unless a strobe light is used.* During the escorting of a permit load, the revolving light shall be mounted on top of the escort vehicle and shall be burning. Additional escort vehicle markings may be approved or required by the permit issuing authority.

d. ~~Two~~ *An 18-inch* red flags shall be mounted on *each* corner of the front bumper of the escort vehicle.

e. Shall maintain a distance of approximately 300 feet in front of the load and ~~where required~~ from the rear of the same *when traveling on a divided highway with controlled accesses*, except when traveling within the corporate limits of a city ~~or town~~ at which time the escort shall maintain a reasonable and proper distance consistent with existing traffic conditions.

f. A separate escort shall be provided for each load hauled under escort.

g. All traffic laws *and provisions of the oversize permit for the load* shall be obeyed.

h. The operator of the escort vehicle shall warn traffic by means of a red flag, *and where conditions warrant shall be able and prepared to leave the escort vehicle and stop traffic to warn of the approaching load at danger points such as bridges and corners where the loaded vehicle is going to encroach on more than one-half of the traveled roadway or make a turn.*

i. Shall immediately prior to an escort, find the escorting vehicles to be in safe operational condition, *and find the vehicle and load to be in compliance with the dimensions provided by the oversize permit issued.*

j. Escort fee *for state and local authorities* shall not exceed eighty dollars per ten-hour day or prorated fraction thereof per ~~man~~ person and car.

ITEM 31. Rescind subrule 2.4(3), including all paragraphs.

ITEM 32. Subrule 2.4(4) is amended to read as follows:
2.4(4) Except as otherwise specifically provided,

TRANSPORTATION, DEPARTMENT OF [820] (cont'd)

approved civilian and official escorts shall be required for movement under single trip permit as follows:

a. One approved civilian escort shall be required in the front or rear, at the discretion of the permit issuing authority, when: the vehicle with load exceeds:

(1) The roadway lane width and the total gross weight of the vehicle with load is 73,280 pounds or less and its width does not exceed 12 feet 6 inches and its length does not exceed 80 feet 0 inches and its height does not exceed 13 feet 6 inches. Vehicle with load exceeds roadway lane width (one-half traveled portion of the road).

(2) The roadway lane width and the total gross weight of the vehicle with load is more than 73,280 pounds but less than 75,000 pounds and its width does not exceed 12 feet 0 inches and the length does not exceed 80 feet 0 inches. Front-end projection of vehicle and load exceeds 25 feet 0 inches.

(3) 75,000 pounds but not more than 90,000 pounds total gross weight and its width does not exceed 12 feet 0 inches and its length does not exceed 80 feet 0 inches. (Escort may be waived at the discretion of the permit issuing authority.) Height of vehicle and load exceeds 14 feet 4 inches.

(4) Vehicle with load exceeds Eighty 80 feet 0 inches in length but not more than 120 feet 0 inches in length, or the vehicle is one especially designed for the exclusive movement of grain bins with a length of more than 80 feet 0 inches but not more than 120 feet 0 inches and their widths do not exceed 8 feet 0 inches and their total gross weights do not exceed 73,280 pounds and their heights do not exceed 13 feet 6 inches.

b. An official escort operator shall include any peace officer, (sheriff, deputy sheriff, policeman, highway patrolman, state trooper, and uniformed motor vehicle division escort) on duty and may include any person who has passed a written test administered by the department. Such person shall be authorized by the permit issuing authority as an official escort. *Prior to issuance of this authorization, the applicant shall file with the office of operating authority proof of public liability insurance in the amounts of \$100,000/\$200,000/\$50,000. Such proof is to be made by the submission of a certificate of insurance. The office of operating authority shall charge a fee of \$5.00 for the issuance of an official escort authorization which shall be effective for a term of one year from the time of issuance. Official escort authorizations are renewable without written examination if renewed within thirty days after expiration. Proof of such authorization must be carried by the escort. in addition to the civilian escort authorization. One such official escort*

shall be provided in the front or rear, at the discretion of the permit issuing authority, when the vehicle with load exceeds:

(1) Twelve feet 5 inches in width.

(2) Eighty feet 0 inches in length and either its width exceeds 8 feet 0 inches or its height exceeds 13 feet 6 inches or its total gross weight exceeds 73,280 pounds.

(3) 75,000 pounds total gross weight and either its width exceeds 12 feet 0 inches or its length exceeds 80 feet 0 inches.

(4) 90,000 pounds total gross weight Sixteen feet 0 inches in height.

c. One official escort in the front and one civilian escort in the rear shall be required when the vehicle with load exceeds:

(1) 90,000 pounds in gross weight.

(2) Eighteen feet 0 inches in width.

d. Either one civilian escort in the rear, or a revolving amber light attached to the rear of the overhang and visible from 300 feet, shall be required at the discretion of the permit issuing authority, whenever the rear overhang of a load exceeds 20 feet 0 inches.

e. The permit issuing authority at its discretion may require additional escorts, either official or civilian, when deemed necessary.

ITEM 33. Rescind subrule 2.4(5) including its paragraphs.

ITEM 34. Strike all of rule [07,F]2.5(321E), including its subrules, paragraphs, and subparagraphs, and insert in lieu thereof the following:

820—[07,F]2.5(321E) Permit violations. All permit violations are to be reported to the office of operating authority by the arresting officer. If a permit holder is found to have committed five or more violations within a twelve month period, the issuing authority may, after notice and hearing, revoke the permit privileges of the permit holder.

ITEM 35. Strike all of rule [07,F]2.6(321E), including all the forms set out in this rule, and insert the following in lieu thereof:

820—[07,F]2.6(321E) Forms. Iowa department of transportation Forms 442009, 442010 and 444010 shall be used for the issuance of permits and escort authorization for movements of oversize-overweight vehicles and loads on the primary highway system of Iowa. Department of transportation Form 421009 shall be used for reporting permit violations on Iowa roads. An example of each form referenced in this rule follows:

TRANSPORTATION, DEPARTMENT OF [820] (cont'd)

Form 421009



PERMIT VIOLATION REPORT

Date of Violation _____ Time _____ Location _____

Name of Violator _____

Address _____

Name of Permit Holder _____

Address _____

Permit Type _____ Number _____ Summons No. _____

* Nature of Violation or Violations _____

** Remarks by arresting officer _____

Signed

T.W.O. Officer

*** Remarks by arrested Driver _____

Signed

Driver

**** Remarks by Magistrate _____

Signed

Magistrate

- * Arresting officer should note circumstances of violation.
- ** Arresting officer should indicate whether in his opinion, the violation was intentional or inadvertent.
- *** Arrested driver may sign his name at his option.
- **** Magistrate should indicate his decision and opinion concerning type and gravity of violation.

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REVERSE OF FORM 442009

GENERAL PROVISIONS

State of Iowa and Iowa Department of Transportation assume no responsibility for property of permit holder by issuance of this permit.

The permit holder shall comply with terms and conditions of the permit, take all reasonable precautions to protect and safeguard lives and property of traveling public and adjacent property owners, and shall hold the State of Iowa and Iowa Department of Transportation harmless of any damages that may be sustained on account of such move.

The permit holder shall hold the State and the Iowa Department of Transportation harmless for any damages that may result to primary highways by movement made hereunder and shall reimburse State or Iowa Department of Transportation for any expenditure which State or Iowa Department of Transportation may have to make on account of such move.

Nothing in the permit shall be construed as waiving any load limitations which have been or which might be established on any bridge or any road posted with embargo signs nor the wheel base maximum load limitations of Sect. 2.1 (16) of the rules and regulations for the issuance of permits.

No vehicle or combination of vehicles of illegal dimensions, with or without load, shall be moved on Iowa highways without permit.

Permit is valid only for the transporting of a single article per move exceeding statutory size or weight limits or both, and which cannot reasonably be divided, or reduced to statutory size and weight limits, etc., except in the transportation of property consisting of more than one article exceeding the statutory size limits when the statutory weight limits are not exceeded and the additional articles transported do not exceed statutory size in any way in which such limits would not be exceeded by the single article.

Permit shall be carried in the cab of the vehicle for which this permit is issued and shall be available for inspection at all times. Vehicles for which permit is issued shall be open to inspection by any peace officer or any authorized agent of any permit granting authority.

Movements by permit shall be permitted only during the hours from sunrise to sunset unless it is established by the issuing authority that the movement can be better accomplished at another period of time because of traffic volume conditions. Except as provided in Section 321.457 of the Code, no movement, by permit, shall be permitted on holidays, or after 12 o'clock Noon on days preceding holidays and holiday weekends which would include holidays falling on Monday, or special events when abnormally high traffic volumes can be expected. Those legal holidays are: Memorial Day, Independence Day and Labor Day.

The permit holder must maintain, consistent with the safety of the traveling public, that speed specified by this permit.

The permit holder must take steps necessary to avoid and reduce traffic congestion by maintaining proper traffic interval, temporarily relinquishing the travel way in order to provide a passing opportunity for following vehicles desiring to travel faster than the prescribed speed of the permit vehicle. This shall be done as soon as conveniently possible and as soon as a group of two or more vehicles have accumulated in back of permit vehicle.

The permit holder must notify the Director of the Office of Operating Authority, Iowa Department of Transportation, Des Moines, Iowa in writing of the fact of the occurrence of any reportable motor vehicle accident involving any permit vehicle.

Any vehicle and load exceeding 12'5" in width or exceeding 70' in length shall be limited to maximum trip distance of 50 miles.

Approved escort shall be provided for the movement of vehicles and loads which exceed the roadway lane width or 80 ft. in length when operated under annual permit.

TRANSPORTATION, DEPARTMENT OF[820] (cont'd)

Form 442009



ANNUAL OVERSIZE PERMIT

Refer inquiries to: Iowa Department of Transportation Regional Permit Center 5238 N.W. 2nd Avenue Des Moines, Iowa 50313 Phone 515/281-5827

Permit No. Date of Application Remit \$10 fee.

1. Applicant Name Address

2. Owner of Vehicle

3. Owner of Load

4. Equipment - check and complete one of the following: Truck/truck-tractor (Any properly-licensed trailer may be used.) Truck only (or self-propelled construction equipment) - no trailer to be pulled.

5. Will Special Mobile Equipment (SME) plates be used? Yes No

6. Indicate loads to be transported: Construction Equipment, Poles & Pipes, Mobile Homes, Construction Materials, Agricultural Equipment, Portable Buildings, Military, Hay, Straw or Stover (Maximum width - 12'5"), Other (be specific)

7. Overall dimensions of vehicle and load: Length Ft. In. Width Ft. In. Height Ft. In. Front End Projection Ft.

8. Is it possible to make vehicle or load legal? Yes No If no, explain

9. Is applicant covered by public liability insurance in the minimum amounts of 100/200/20? Yes No

10. Does vehicle meet the safety standards as prescribed in Sections 321.381 through 321.451 of the Iowa Code? Yes No

11. Axle spacing must be proper under permit. Maximum gross weight on any single axle 18,540 lbs. (includes tolerance). Maximum gross weight on any two axle assembly 34,000 lbs., on any 3 axle assembly 42,000 lbs. (for indivisible loads only). Maximum gross weight of vehicle and load 73,280 lbs. (includes tolerance).

12. I, the undersigned, do solemnly swear that I have read the entire permit, have truthfully and correctly completed all statements and dates called for herein and I agree to abide by all restrictions as described in Administrative Rules, Section 820-[07.F] Chapter 2 including all General Provisions set forth on the reverse side.

Signature of Applicant

DO NOT WRITE BELOW - FOR OFFICIAL USE ONLY

13. THIS IS YOUR AUTHORITY TO MOVE Overall dimensions: length, width, height, front end projection, Total gross weight shall not exceed registered weight of vehicle under permit unless hauling equipment displaying current special mobile equipment plates in which case the power unit may be registered for unladen weight of the transport without load. Speed shall not exceed 45 mph (interstate maximum 55 mph, minimum 40 mph). Permit expires at sunset, 19.

14. Movement shall be made in compliance with 1 through 13 above and with all General Provisions of this permit. This permit is voidable for falsification of the application or for any violation of a term, condition, provision, or limitations of the permit.

Overdimensional signs and flags must be displayed on all loads exceeding 8' in width or 65' in length. Movement only when visibility and roads are clear. Maximum dimensions allowable on interstate highway systems: Length/70 feet, Height/limited to clearances, Width/11 ft. 9 in., Weight/73,280 lbs., Speed Limit/Max. 55 - Min. 40 mph. Maximum width allowable for Hay, Straw or Stover is 12'5". This permit is not valid on county roads.

Other Restrictions: Director, Iowa Department of Transportation

By Permit Officer

Received from \$ Permit Fee Date Cash Check No. 19

TRANSPORTATION, DEPARTMENT OF [820] (cont'd)

REVERSE OF FORM 442010

GENERAL PROVISIONS

State of Iowa and Department of Transportation assume no responsibility for property of the permit holder by issuance of this permit.

The permit holder shall comply with terms and conditions of the permit, take all reasonable precautions to protect and safeguard lives and property of the traveling public and adjacent property owners, and shall hold the State of Iowa and Department of Transportation harmless of any damages that may be sustained on account of such move.

The permit holder shall hold the State and the Department of Transportation harmless for any damages that may result to primary highways by movement made hereunder and shall reimburse State or Department of Transportation for any expenditure which the State or Department of Transportation may have to make on account of such move.

Nothing in the permit shall be construed as waiving any load limitations which have been or which might be established on any bridge or any road with embargo signs nor the wheel base maximum load limitations of Section 2.1 (16) of the rules and regulations for the issuance of permits.

No vehicle or combination of vehicles of illegal dimensions, with or without load, shall be moved on Iowa highways without permit.

Permit is valid only for the transporting of a single article per move exceeding statutory size or weight limits or both, and which cannot reasonably be divided, or reduced to statutory size and weight limits, etc, except in the transportation of property consisting of more than one article exceeding the statutory size limits when the statutory weight limits are not exceeded and the additional articles transported do not exceed statutory size in any way in which such limits would not be exceeded by the single article.

Permit shall be carried in the cab of the vehicle for which the permit is issued and shall be available for inspection at all times. Vehicles for which permit is issued shall be open to inspection by any peace officer or any authorized agent of any permit granting authority.

Movements by permit shall be permitted only during the hours from sunrise to sunset unless it is established by the issuing authority that the movement can be better accomplished at another period of time because of traffic volume conditions. Except as provided in Section 321.457 of the Code, no movement, by permit, shall be permitted on holidays, or after 12 o'clock Noon on days preceding holidays and holiday weekends which would include holidays falling on Monday, or special events when abnormally high traffic volumes can be expected. Those legal holidays are: Memorial Day, Independence Day and Labor Day.

The permit holder must maintain, consistent with the safety of the traveling public, that speed specified by this permit.

The permit holder must take steps necessary to avoid and reduce traffic congestion by maintaining proper traffic interval, temporarily relinquishing the travel way in order to provide a passing opportunity for following vehicles desiring to travel faster than the prescribed speed of the permit vehicle. This shall be done as soon as conveniently possible and as soon as a group of two or more vehicles have accumulated in back of permit vehicle.

The permit holder must notify the Director of Office of Operating Authority, Iowa Department of Transportation, Des Moines, Iowa in writing of the fact of the occurrence of any reportable motor vehicle accident involving any permit vehicle.

TRANSPORTATION, DEPARTMENT OF [820] (cont'd)

Form 442010

Any questions or comments should be directed to: Iowa Department of Transportation Office of Operating Authority Permit Center 5238 N. W. 2nd Avenue Des Moines, Iowa 50313



Permit and Receipt No.

Date of Permit

Remit \$5 fee

Application and Permit and Receipt APPLICANT MUST FULLY COMPLETE THIS FORM

Name Address

1. Applicant
2. Owner of vehicle
3. Owner of load

4. Is this move for hire? Yes No Towing vehicle Towed vehicle

5. General Truck Semitrailer Truck-tractor Other
11. Object or load to be moved. General description

6. Make
11. Make

7. License No. & State
11. License No

8. License Class (tonnage)
11. Serial No.

9. Empty Weight
12. Overall dimensions of vehicle and load

10. Total Gross Weight
12. Length Width Height Front End Projection

13. Axle spacing 1st 2nd 3rd 4th 5th 6th

14. Escort: Name and Authorization Number (when required) No

15. Maximum gross weight of any 2 axle assembly lbs. Maximum gross weight of any 3 axle assembly lbs.

Maximum gross weight of any 4 axle assembly lbs.

16. From To 17 Total distance miles

Route

18. Is any loss or damages to private or public property likely to occur as a result of the move? Yes No If yes

estimated amount

19. Does vehicle meet the safety standards as prescribed in Section 321.381 through 321.451 of the Iowa Code? Yes No

20. Is it possible to make vehicle or load legal (width 8', height 13'6", length 55', weight 73,280 lbs) by adjusting manner or transport?

Yes No If no, explain

21. Does applicant have public liability insurance (100/200/20) on file with Office of Operating Authority, Des Moines, Iowa? Yes No If no, SUBMIT CERTIFICATE OF INSURANCE.

22. I do solemnly swear that I have read the entire permit and application and have fully completed all statements and provided all data called for herein truthfully and correctly and I agree to abide by all General Provisions set forth herein including those found on the reverse side hereof.

Signature of Applicant

NOTE - DO NOT WRITE BELOW FOR OFFICIAL USE ONLY

23. THIS IS YOUR AUTHORITY TO MOVE of length, width, height Front End Projection Total Gross Weight For miles. Speed shall not exceed MPH. Primary MPH. Interstate (40 MPH MIN.) Permit expires at sunset. 19 The vehicle, vehicle with load, shall be escorted by Civilian Approved Official Escort.

24. Movement shall be made in compliance with 1 through 23 above and with all General Provisions of this permit. This permit is void-able for falsification of the application or for any violation of a term, condition, provision or limitation of the permit.

PERMIT HOLDER MUST REPORT IN WRITING, ALL MOTOR VEHICLE ACCIDENTS INVOLVING A VEHICLE OPERATING UNDER THE PROVISIONS OF THIS PERMIT. OVERDIMENSIONAL SIGNS AND FLAGS MUST BE DISPLAYED ON LOADS EXCEEDING 8' IN WIDTH OR 65' IN LENGTH OR 14' IN HEIGHT. MOVEMENT ONLY WHEN VISIBILITY AND ROADS ARE CLEAR.

Director Iowa Department of Transportation

By Permit Officer

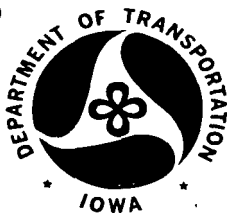
PERMIT CENTER APPROVAL, WHEN REQUIRED, RECEIVED FROM

RECEIVED FROM CASHIERS RECEIPT NO.

- DOLLARS FOR PERMIT DATE, 19
- DOLLARS FOR TELEPHONE CHARGE
- TOTAL DOLLARS CHARGE TO ACCOUNT

TRANSPORTATION, DEPARTMENT OF [820] (cont'd)

Form 444010



Department of Transportation

MOTOR VEHICLE DIVISION
 OFFICE OF OPERATING AUTHORITY
 REGIONAL PERMIT CENTER 5238 NW SECOND AVENUE DES MOINES, IOWA 50313

REF. NO.

Date

Dear Applicant:

This is to inform you that you have passed the Official Escort Test.

If you would like the subject matter of the questions you missed discussed with you, please call the Regional Permit Center in Des Moines at 515-281-5827.

Please complete the application form below, attach a copy of a certificate of insurance indicating your liability coverage, and a check or money order made payable to the Iowa Department of Transportation for \$5.00. Submit all of this in one envelope to the office listed above and your Official Escort Authorization will be forwarded to you. You are not considered an authorized official escort until the authorization card has been returned to you (unless your previous authorization has not expired).

If you have any questions, please give us a call.

OFFICE OF OPERATING AUTHORITY
 REGIONAL PERMIT CENTER

APPLICATION FOR OFFICIAL ESCORT IDENTIFICATION

Name _____

Address _____

City _____ State _____ Zip _____

Drivers License No. _____ Issued By _____ (State)

Date of Birth _____ Social Security No. _____

I understand the policies and procedures regarding escorting in the State of Iowa and agree to abide by those regulations.

Signature of Applicant

NOTICE — USURY

In accordance with the provisions of Acts of the First Session of the Sixty-eighth General Assembly, 1979, Senate File 158, the superintendent of banking has determined that the maximum lawful rate of interest provided for in section 535.2 of the Code of Iowa, as amended, shall be:

July 30, 1978 - September 30, 1978	10.25%
October 1, 1978 - December 31, 1978	10.50%
January 1, 1979 - March 31, 1979	10.75%
April 1, 1979 - April 30, 1979	11.00%
May 1, 1979 - May 31, 1979	11.00%
June 1, 1979 - June 30, 1979	11.25%
July 1, 1979 - July 31, 1979	11.25%
August 1, 1979 - August 31, 1979	11.00%
September 1, 1979 - September 30, 1979	11.00%
October 1, 1979 - October 31, 1979	11.00%
November 1, 1979 - November 30, 1979	11.25%
December 1, 1979 - December 31, 1979	12.25%

ARC 0735

CIVIL RIGHTS COMMISSION[240]

Pursuant to the authority of sections 601A.5(10), 17A.4(2) and 17A.5(2)"b", 1979 Code, the Civil Rights Commission amends certain rules as set forth below in items 1 and 2.

The amendments of the rules as set forth in items 1 and 2 below shall be effective immediately upon filing with the Administrative Rules Coordinator, and expire on May 30, 1980. Pursuant to section 17A.5(2)"b", the agency finds that the immediate amendments confers a benefit on and removes a restriction from the public by (1) allowing the commission more time to properly consider the hearing officer's recommended decision, (2) allowing the commission sufficient time to hear oral arguments, if they so consent, pursuant to section 17A.15(3), and (3) permits the commission sufficient time to put into proper legal form its final decision.

That the commission needs an immediate implementation of the amendment of the rules as set out in items 1 and 2 below, simultaneously with this emergency filing, the commission is filing a Notice of Intended Action* covering the identical rule amendments as filed emergency in items 1 and 2. This provides for full public participation and provides the public with adequate notice.

ITEM 1. Subrule 1.15(3) is amended as follows:

1.15(3) Commission review. The commission shall within ~~sixty~~ *one hundred and twenty* days of the date it receives the recommended decision of the hearing officer review the decision at a commission meeting. The commission shall consider all timely filed appeals, exceptions and briefs at the time it reviews the recommended decision. The commission may adopt, modify or reject the hearing officer's recommended decision or it may remand the case to the hearing officer for the taking of such additional evidence and the making of such further recommended findings of fact, conclusions of law, decision, and order as the commission deems necessary. Upon completing its review of the hearing officer's recommended decision the commission shall cause to have issued the appropriate order.

ITEM 2. Subrule 1.15(4) is amended as follows:

1.15(4) Final order. If the commission fails to issue an order within ~~sixty~~ *one hundred and twenty* days from the date the administrative hearing officer submits his or her recommendations, the recommended findings and order shall become final.

[Filed emergency 11/19/79, effective 11/19/79]

{Published 12/12/79}

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 12/12/79.

*See ARC 0736 herein.

ARC 0732

HEALTH DEPARTMENT[470]

Pursuant to sections 135.72 and 17A.4(2), The Code, the department amends the rules in 470 IAC Chapter 202, the Certificate of Need Program, to add procedures for an appeal mandated by a recent legislative enactment, 1979 Session, Sixty-eighth General Assembly, Chapter 42, section 3.

ITEM 1. Between rules 202.8(135) and 202.9(135) the following new rule is added and the rest of the rules renumbered accordingly:

470—202.9(135) Appeal to the commissioner.

202.9(1) Any dissatisfied party who is an affected person may appeal to the commissioner of health pursuant to section 135.70, The Code, within twenty days of the date of the council's written findings, or if a rehearing is sought pursuant to section 17A.16 The Code, within twenty days of any result which does not grant the relief desired. The commissioner shall review the decision under section 135.70.

202.9(2) The appeal provided by section 135.70 must be exhausted before administrative remedies are exhausted. Briefs may be submitted to the commissioner within ten days of the appeal.

[Filed emergency 11/14/79, effective 11/14/79]

The department finds that no public notice and participation is necessary as this amendment is required to conform the procedure to the change mandated by the 1979 Session, Sixty-eighth General Assembly, Chapter 42, section 3, and that an immediate effective date is allowed under section 17A.5(2)"b"(1).

[Published 12/12/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 12/12/79.

ARC 0738

LABOR, BUREAU OF[530]

Pursuant to the authority of sections 17A.3(1), 17A.4(2) and 17A.5(2)"b"(2) of the Code, rule 530—1.3(91) is amended by striking the rule and substituting the following in lieu thereof. This rule is being filed as an emergency rule because the public participation is unnecessary due to the insignificance of the rule and because the rule confers the benefit on the public by clarifying the location of the agency's office, and correctly states all services available to the public. This amendment merely changes the address of the agency, clarifies the divisions within the agency and corrects outdated references to the Code. This rule shall become effective upon filing with the Administrative Rules Coordinator.

530—1.3(91) Bureau of labor. The bureau is the office of the commissioner and consists of the commissioner and

LABOR, BUREAU OF[530] (cont'd)

those employees who discharge the duties and responsibilities imposed upon the commissioner by the laws of this state. The commissioner has general control, supervision and authority to enforce the following chapters of the Code of Iowa: Chapter 88, Iowa Occupational Safety and Health Act; Chapter 88A, Safety Inspection of Amusement Rides; Chapter 89, Boiler Inspections; Chapter 91A, Wage Payment Collection Law; Chapter 92, Child Labor; Chapter 95, License for Employment Agencies (administrative review and functions for the Employment Agency License Commission); Chapter 104, State Elevator Code; Section 327F.37, Sanitation and Shelter for Railway Employees. The bureau consists of eight divisions: Administration, IOSH Enforcement, IOSH Private Sector Consultative Services, IOSH Education and Public Sector Consultation Services, IOSH Research and Statistics, Boiler, Elevator and Amusement Park/Ride, and Wage Payment/Collection and Workplace Standards. Information may be obtained and submission or requests may be made by contacting the Iowa Bureau of Labor, 307 East Seventh Street, Des Moines, Iowa. 50319. The telephone number is (515) 281-3606.

[Filed emergency 11/20/79, effective 11/20/79]

[Published 12/12/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 12/12/79.

ARC 0739

LABOR, BUREAU OF[530]

Pursuant to the authority of sections 17A.3(1), 17A.4(2) and 17A.5(2)"b"(2) of the Code, rules 530—2.1(88), 530—2.2(88) and 530—2.4(88) are amended as follows. These rules are being filed as emergency rules because the public participation is unnecessary due to the insignificance of the rule and because the rule confers the benefit on the public by clarifying the duties of the agency and correctly stating the services available to the public. This amendment merely clarifies the Occupational Safety and Health Administration divisions within the agency. This rule shall become effective upon filing with the Administrative Rules Coordinator.

ITEM 1. Amend the title of chapter 2 by striking from the title the words "CONSULTATIVE SERVICES AND TRAINING" and inserting in lieu thereof the words "PRIVATE SECTOR CONSULTATIVE SERVICES, IOSH EDUCATION AND PUBLIC SECTOR CONSULTATIVE SERVICES".

ITEM 2. Amend 530—2.1(88) as follows:

530—2.1(88) Scope and application. This chapter describes the procedures, functions and personnel of ~~three~~ *four* IOSH divisions within the bureau: (1) IOSH Enforcement; (2) IOSH Research and Statistics; ~~and~~ (3) IOSH *Private Sector Consultative Services and Training*;

and (4) IOSH Education and Public Sector Consultative Services. Substantive rules for each of these divisions are located in chapters 3, 4, and 5; ~~chapter 4~~; and ~~chapter 6~~; *respectively*.

ITEM 3. Amend 530—2.2(88) as follows:

530—2.2(88) IOSH enforcement. This division is responsible for the administration and enforcement of the Iowa Occupational Safety and Health Act. It consists of an IOSH administrator, labor safety officers and *compliance safety and health officers field safety technicians*.

2.2(1) Personnel.

a. IOSH administrator (IA). The IA supervises and co-ordinates all activities in this division. All inquiries to this division should be directed to the IA.

b. Labor safety officers (LSO's). LSO's are responsible for the planning, development and administration of comprehensive ~~labor safety and health enforcement~~ programs. They also have direct supervision over the activities of the ~~field safety technicians compliance safety and health officers~~.

c. ~~Field safety technicians (FST's)~~. *FST's Compliance safety and health officers (CSHO's)*. CSHO's are responsible for inspecting places of employment for compliance with the Iowa Occupational Safety and Health Act.

2.2(2) Reserved.

ITEM 4. Amend 530—2.4(88) by striking the rule and inserting the following in lieu thereof:

530—2.4(88) IOSH private sector consultative services. This division is responsible for developing and directing an on-site consultative service program for employers in the private sector (nongovernmental employers). The division conducts consultations at workplaces to assist employers in the recognition and correction of workplace hazards and potential violations of the Iowa Occupational Safety and Health Act. The division consists of a director of consultative services, labor safety officers and safety and health consultants. The labor safety officers and safety and health consultants function as assistants to the director in performing workplace consultative visits. This division operates under the guidelines of 29 C.F.R. 1908. All inquiries to this division and requests for services shall be made to the director.

ITEM 5. Add a new rule 530—2.5(88).

530—2.5(88) IOSH education and public sector consultative services. This division is responsible for conducting on-site consultative visits for public sector employers to assist them in providing safe and healthful workplaces for their employees. The public sector consists of any governmental agency or political subdivision. It is also responsible for conducting educational programs for any interested group. The dissemination of OSHA publications and materials are handled by this division. The director is responsible for the effective execution of the on-site consultation services for the public sector and the education programs. All inquiries to this division should be made to the director.

[Filed emergency 11/20/79, effective 11/20/79]

[Published 12/12/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 12/12/79.

ARC 0740**LABOR, BUREAU OF[530]**

Pursuant to the authority of sections 17A.3(1), 17A.4(2), 17A.5(2)“b”(2) and 88.6 of the Code, rules appearing in 530 Chapter 3 IAC and 530 Chapter 4 IAC are amended. These amendments are being filed as emergency rules because public participation is unnecessary due to their insignificance. The rules confer a benefit upon the public by making present rules conform to present style of rule drafting and by changing titles of personnel to conform to present use. These amendments shall become effective immediately upon filing with the Administrative Rules Coordinator.

ITEM 1. Amend the following listed rules by striking the word “he” and inserting in lieu thereof the words “he/she”:

- 3.1(3), line 3,
- 3.2(88), line 9,
- 3.6(88), lines 6 and 13,
- 3.8(88), line 5,
- 4.8(88), line 8,
- 4.10(88), line 3.

ITEM 2. Amend the following listed rules by striking the word “his” and inserting in lieu thereof the words “his/her”:

- 3.1(3), lines 4 and 6,
- 3.2(88), lines 2 and 10,
- 3.4(88), line 20,
- 3.5(88), lines 2 and 21,
- 3.6(88), line 2,
- 3.9(2), line 3,
- 3.10(88), line 6.

ITEM 3. Amend the following listed rules by striking the word “him” and inserting in lieu thereof the words “him/her”:

- 3.4(88), line 19,
- 3.5(88), line 21,
- 3.6(88), line 6.

ITEM 4. Amend the following listed rules by adding after the words “labor commissioner” the words “or his/her designee”:

- 3.4(88), lines 8, 11 and 13,
- 3.10(88), lines 2, 7 and 9.

ITEM 5. Amend the following listed rules by striking the words “field safety technician” and inserting in lieu thereof the words “compliance safety and health officer”:

- 3.2(88), lines 1, 5, 6 and 8,
- 3.4(88), lines 12, 16, 18 and 22,
- 3.5(88), lines 20 and 23,
- 3.6(88), lines 3, 4, 5, 8 and 12,
- 3.7(88), lines 3 and 10,
- 3.8(88), lines 5 and 6,
- 3.11(4), line 1.

ITEM 6. Amend the following listed rules by striking the words “field safety technicians” and inserting in lieu thereof the words “compliance safety and health officers”:

- 3.3(88), line 3,
- 3.5(88), lines 2, 3, 9, 13 and 15,
- 3.6(88), lines 1, 10 and 16,
- 3.8(88), line 1.

ITEM 7. Amend 530—3.12(88) by striking the entire rule and substituting the following in lieu thereof:

530—3.12(88) IOSH—enforcement forms.

3.12(1) IOSH-2 Form: Citation and Notification of Penalty.

3.12(2) IOSH-2B Form: Notification of Failure to Correct.

3.12(3) IOSH-7 Form: Complaint.

3.12(4) IOSH-8 Form: Notice of Alleged Imminent Danger.

3.12(5) IOSH-9 Form: Abatement Notice.

(These forms are being omitted from this publication. For copies of the forms contact Bureau of Labor, 307 East Seventh Street, Des Moines, Iowa 50319).

[Filed emergency 11/20/79, effective 11/20/79]

[Published 12/12/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 12/12/79.

ARC 0743**PUBLIC SAFETY
DEPARTMENT[680]**

Pursuant to the authority of section 321B.4 of the Code, rules of the department of public safety appearing in the IAC relating to direct breath testing (Chapter 7) are hereby amended.

Amend subrule 7.2(3) as follows:

e. Breathalyzer model 1000 - Smith & Wesson Electronics, Co., Eatontown, New Jersey.

[Filed emergency 11/20/79, effective 12/12/79]

The department of public safety finds that notice and public participation are unnecessary since the amendment was a typographical error when the rule was originally filed and does not impose other restrictions or change in practice. Therefore, this rule is filed without notice pursuant to section 17A.4(2) of the Code.

The department of public safety finds that this rule confers a benefit to the public as it corrects the rule to comply with agency practice. Therefore, this rule shall be effective December 12, 1979, as provided in section 17A.5(2)"b"(2) of the Code.

[Published 12/12/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 12/12/79.

ARC 0749**REVENUE, DEPARTMENT OF[730]**

Pursuant to the authority of sections 421.14 and 424.10 of the Code, the Department of Revenue hereby repeals rules relating to the Iowa chain store tax.

ITEM 1. Rescind chapters 97, 98, 99, 100 and 101 of the department's rules relating to the Iowa chain store tax and reserve them for future use.

[Filed emergency 11/26/79, effective 11/26/79]

The above rules relating to the Iowa chain store tax are repealed pursuant to section 17A.4(2) and 17A.5(2)"b"(2), Code of Iowa, 1979, and become effective immediately upon filing. The department finds it is not necessary to have notice and public participation since the legislature repealed the law. Senate File 51 (See Acts of the Sixty-Eighth General Assembly, 1979 session, chapter 101) repealed the state chain store tax as of June 30, 1979. All chain store tax audit activity has been resolved by the Department of Revenue and no future activity is anticipated. Therefore, the chain store tax rules are repealed.

[Published 12/12/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 12/12/79.

In the Name and By the Authority of the State of Iowa

ADMINISTRATIVE RULES EXECUTIVE ORDER
NUMBER FOUR

- WHEREAS, the Board of Dental Examiners has adopted, filed and caused to be published on October 31, 1979 as ARC 0653 certain rules relating to advertising, professional notices and designation of specialty, and
- WHEREAS, the rules appear as Chapters 26, 27 and 28 of Title 320 of the Iowa Administrative Code and become effective December 5, 1979, and
- WHEREAS, Section 17A.4(6) of the Code grants to the Governor the power to rescind by Executive Order an adopted rule within thirty-five days of the publication of the rule, and,
- WHEREAS, Rule 320-27.3(4) prohibits any dentist from using any sign, projecting or otherwise, which appears to be principally attention-getting in nature of(sic) its design, intent or character, and
- WHEREAS, said rule is an unconstitutionally vague prohibition of free speech in that by definition and usage all signs are attention-getting and to be otherwise renders their purpose meaningless; it fails to provide adequate guidance as to signs which might be prohibited by the rule; it is unnecessary to the protection of the public in view of other rules and specific statutory provisions governing both truthful and untruthful or deceptive advertising.
- NOW THEREFORE, I, Robert D. Ray, Governor of the State of Iowa, do hereby rescind rule 27.3(4) by the Board of Dental Examiners and respectfully request the Code Editor of this State to cause the same to be published in the next publication of the Iowa Administrative Bulletin as required by Section 17A.4(6) of the Code and to delete the rule from the Iowa Administrative Code.

Page two

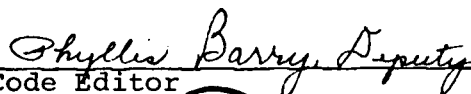
IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of Iowa to be affixed. Done at Des Moines this 23 day of November in the year of our Lord one thousand nine hundred seventy-nine.

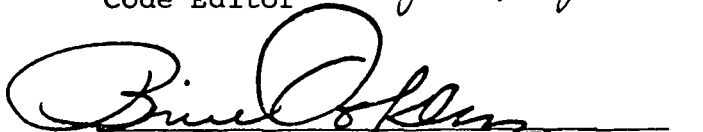

Governor

Attest:


Secretary of State

Receipt acknowledged this 3rd day of December, 1979.


Code Editor


Administrative Rules Coordinator

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