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State of Iowa

1974

# IOWA DEPARTMENTAL RULES

JULY

1974

SUPPLEMENT

Containing

The permanent rules of general application promulgated by  
the state departments from January 8, 1974 to July 5, 1974



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## NOTICE

The statutes provide that the Code Editor may publish cumulative, semiannual supplements to the Iowa Departmental Rules. Inquiry should be made each six months of the Superintendent of Printing for distribution of these supplements.

## PREFACE

1973

This volume is published in compliance with section 14.6(5) of the Code. The rules of the various boards and departments are arranged in alphabetical order, using the names of the departments in general use.

Not all of the rules promulgated by the state departments have been included. The Act specifies "permanent" rules of "general application." Where rules have been omitted by the editor there is a notation indicating where such rules may be obtained.

THE EDITORS

July 1974

### PUBLICATION OF DEPARTMENTAL RULES

Section 14.6 of the Code, subsection 5 as amended by 65 G.A., chapter 122, §2, requires the Code editor to:

"Prepare the manuscript copy, and cause to be printed by the state superintendent of printing in each year in which a Code is published, a volume which shall contain the permanent rules and regulations of general application, promulgated by each state board, commission, bureau, division or department, other than a court, having statewide jurisdiction and authority to make such rules. The Code editor may omit from said volume all rules and regulations applying to professional and regulatory examining and licensing provisions and any rules and regulations of limited application and temporary rules. The Code editor may make reference in the volume as to where said omitted rules and regulations may be procured.

"This volume shall be known as the Iowa Departmental Rules and any rule printed therein may be cited as . . . . I.D.R. . . . giving the year of publication and the page where the particular rule, by number, may be found.

"The volume of rules and regulations published by the Code editor shall be sold and distributed by the superintendent of printing in the same manner as Codes and session laws.

"The Code editor may provide cumulative, semiannual supplements for insertion in the latest published volume."

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# IOWA

# DEPARTMENTAL RULES

# JULY 1974

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## AGRICULTURE DEPARTMENT

Tentative Reorganization of 1973 IDR  
Changing Chapter Numbers

6/21/74  
Chapter Numbers—  
1973 IDR

*Administration (1-4)*

Chapters 1 - 4 Reserved None

*Agricultural Products (5-14)*

Chapter 5	Agricultural Seeds	Chapter	8
Chapter 6	Commercial Feeds	Chapter	11
Chapter 7	Reserved		None
Chapter 8	Fertilizers	Chapter	9A
Chapter 9	Reserved		None
Chapter 10	Pesticides	Chapter	9
Chapters 11 - 14	Reserved		None

*Animal Industry (15-24)*

Chapter 15	Branding	Chapter	18
Chapter 16	Livestock Diseases	Chapter	1
Chapter 17	Livestock Importation	Chapter	3
Chapter 18	Livestock Movement	Chapter	2
Chapters 19 - 24	Reserved		None

*Dairy Trade Practices (25)*

Chapter 25 Dairy Trade Practices Chapter 16

*Entomology (26-29)*

Chapter 26	Entomologist	Chapter	12
Chapters 27 - 29	Reserved		

*Food (30-54)*

Chapter 30	Dairy	Chapter	7
Chapter 31	Bulk Tanks for Milk	Chapter	10
Chapter 32	Reserved		None
Chapter 33	Food	Chapter	4
Chapter 34	Food Standards	Chapter	5
Chapter 35	Production and Sale of Eggs	Chapter	6
Chapter 36	Reserved		None
Chapter 37	Food Establishments—Hotels	Chapter	15
Chapters 38 - 42	Reserved		None
Chapter 43	Meat and Poultry	Chapter	17
Chapters 44 - 45	Reserved		None
Chapter 46	Vending Machines	Chapter	15A
Chapters 47 - 54	Reserved		None

*Weights and Measures (55-60)*

Chapter 55	Weights and Measures	Chapter	14
Chapters 56 - 60	Reserved		None

## AGRICULTURE DEPARTMENT

Pursuant to the authority of section 191A.2 of the Code the following new rules relating to food and beverage vending machines are adopted and a new chapter created.

[Filed March 13, 1974]

### CHAPTER 15A FOOD AND BEVERAGE VENDING MACHINES

**15A.1(191A) Nonperishable snacks.** The secretary of agriculture prescribes and defines as "nonperishable snacks": Ball gum, peanuts, candy bars, cheese, peanut butter

and creamed snacks, cookies, cakes, and panned candies. Panned candies are candies which have a fine hard coating on the outside and a soft candy filling on the inside and are easily dispensed in a ball gum type machine.

**15A.2(191A) Perishable food.** Perishable food is defined in section 191A.1(7) of the Code and includes foods such as potato chips, other deep fat fried snacks, soups, juices, soft drinks dispensed in cups, and all other food for human consumption.

[Effective March 13, 1974]

## AGRICULTURE DEPARTMENT

(continued)

Pursuant to the authority of section 191A.10 of the Code the following new rules relating to food and beverage vending machines are adopted.

[Filed January 9, 1974]

**15A.3(191A) Location.** The machine location shall be such as to minimize the potential for contamination of the food, shall be well lighted, easily cleanable, and shall be kept clean. Conveniently located handwashing facilities shall be available for use by employees servicing or loading bulk food machines.

**15A.4(191A) Construction.** The exterior construction of the vending machine shall be such as to facilitate cleaning and to minimize the entrance into said machine of insects and rodents, and the exterior of the machine shall be kept clean. Electrical, water and sewage connections to machines vending potentially hazardous food or food in bulk shall be such as to protect against unintentional or accidental interruption of service to the machine.

**15A.5(191A) Water.** Water used in vending machines shall be from an approved

source meeting requirements as defined in the U.S. Public Health Service Drinking Water Standards, 1962. Vending machines shall be so installed and operated as to prevent the production of toxic substances in the water.

**15A.6(191A) Waste.** All wastes shall be properly disposed of, and, pending disposition, shall be kept in suitable containers so as to prevent creating a nuisance.

**15A.7(191A) Delivery.** Food, food-contact surfaces of containers, equipment and supplies, shall be protected from contamination while in transit to machine location. Potentially hazardous food, while in transit and in storage on location shall be maintained at safe temperatures. Safe temperatures shall mean 45°F. or less for cold foods and 140°F. or higher for hot foods.

**15A.8(191A) Personnel.** Employees shall maintain a high degree of personal cleanliness and shall conform to hygienic practices while engaged in handling food, or food-contact surfaces of utensils or equipment.

[Effective January 9, 1974]

## CAMPAIGN FINANCE DISCLOSURE COMMISSION

Pursuant to the authority of Chapter 138, section 21, 1973 Session, 65th General Assembly, the following rules are adopted.

[Filed July 3, 1974]

### CHAPTER 1 COMPLAINT PROCEDURE

**1.1(65GA, ch138) Filing.** A complaint to be filed under the Iowa campaign disclosure law must be filed within 1 year after the alleged offense takes place.

**1.2(65GA, ch138) Forms.** The verified complaint and affidavit filed herewith shall be filed in triplicate on forms provided by the commission. The affidavit and all other supporting papers filed in connection with a complaint shall be kept confidential, but the complaint itself shall be public information.

**1.3(65GA, ch138) Continuances.** Any person served notice of hearing may, at or before the time set for hearing, show good cause to the commission for a continuance to a date certain.

**1.4(65GA, ch138) Issuance of subpoenas.** The commission shall, on application of any interested party to the action, issue subpoenas or subpoenas duces tecum to require and compel the attendance at such hearing of any person who has material facts concerning the allegations of the complaint and to compel the production of any records or other documents which are material to the complaint and which are required to be kept by chapter 138, 65th G.A. Any person desiring to issue a subpoena or subpoena duces tecum shall request same from the commission or any member thereof who may sign said subpoena or subpoena duces tecum after being advised of the materiality of the person or documents to be produced. The service of the subpoena shall be made in accordance with the Iowa rules of civil procedure.

**1.5(65GA, ch138) Hearing officer.** The hearing shall commence at the time and place specified in the notice of hearing issued by the commission, but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without notice other than apprising the parties thereto at such hearing by the hearing officer. Said hearing shall be conducted by a hearing officer who shall be the chairman or vice chairman of the commission or a commissioner designated by the chairman or vice chairman to be hearing officer for that specific complaint.

**1.6(65GA, ch138) Power of hearing officer.** The hearing officer shall have power to rule on the relevancy of any inquiry at the hearing and in all respects shall have powers of judicial magistrates in equitable matters as it pertains to the receipt of evidence. The hearing officer, however, shall restrict all testimony as to its relevancy and materiality to the complaint at issue.

Every hearing held by the commission shall provide for reasonable opportunity for all persons to be present. The commission, or

hearing officer presiding at the hearing, shall have the power to administer oaths and affirmations, issue subpoenas, rule upon offers of proof and receive relevant, oral or documentary evidence, take or cause depositions to be taken, regulate the course of the hearing and conduct of the parties, hold informal conferences for the settlement or simplification of the issues by consent of the party or parties and dispose of procedural motions.

**1.7(65GA, ch138) Representation by counsel.** All persons interested in the proceedings of a complaint shall have the right to be represented by counsel and the rules of evidence in such proceedings shall be those applying to equitable actions, but subject to the hearing officer's power to rule on relevancy, materiality and form of the question.

**1.8(65GA, ch138) Employment of shorthand reporter.** In connection with the hearings, the commission may employ a person qualified to administer oaths and to act as shorthand reporter or stenographer to take down all testimony, mark exhibits and to finalize the complete typewritten record. The commission may use a mechanical recording device. A party may request a stenographer at its cost by agreeing to file an original copy of the transcript with the commission.

**1.9(65GA, ch138) Findings of fact and proposed orders.** Upon completion of the receipt of testimony and documents, the hearing officer shall make the complete record available to the commission together with the hearing officer's finding of fact and proposed orders. The commission shall review the record and the proposed findings of fact and order and shall, by majority vote, affirm, modify or reverse the findings of fact and proposed order of the hearing officer. The final decision shall be made within 10 days of the date that the hearing officer files the record, proposed findings and order with the commission.

**1.10(65GA, ch138) Waiver of hearing.** Any person entitled to be present at the hearing so scheduled by the commission may file a waiver of an opportunity for hearing or to participate in the hearing together with a written statement regarding his position on the matters of fact and law involved in such hearing. Such statement shall be made a part of the record and shall be considered in light of the lack of opportunity for cross-examination in determining the weight to be attached to the matters of fact asserted therein.

**1.11(65GA, ch138) Failure to file or appear.** If any person entitled to a hearing fails to file a waiver of the hearing and fails to appear, he shall be deemed to have waived his opportunity for the hearing or to participate in the hearing unless he shows good cause for such failure.

**1.12(65GA, ch138) Closed hearings.** Either party entitled to participate in the hearings may, at any time prior to the start of the hearing, request that the hearings be closed to the public. Upon request, timely made, the commission or hearing officer shall close the hearing to the public.

**1.13(65GA, ch138) Conditions for cancellation of hearing.** If the complainant fails to

appear or requests a dismissal prior to hearing, then the commission shall forthwith cancel said hearing and dismiss said complaint.

**1.14(65GA, ch138) Burden of proof.** At any hearing scheduled by the commission on verified complaint, the complainant shall have the burden of proving, by a preponderance of evidence, that the facts alleged therein constitute a violation of the financial disclosure law.

These rules are intended to implement Chapter 138, 1973 Session, 65th General Assembly.

[Effective July 3, 1974]

## CAMPAIGN FINANCE DISCLOSURE COMMISSION

(continued)

Pursuant to the authority of Chapter 138, 1973 Session, 65th General Assembly, the following rules are adopted.

[Filed July 3, 1974]

### CHAPTER 2

#### IOWA ELECTION CAMPAIGN FUND

**2.1(65GA, ch138)** For the purpose of implementing chapter 138, section 19, 65th GA, the director of revenue shall, wherever feasible, interpret the marking of a tax return so as to give effect to the taxpayer's intent, as follows:

**2.1(1)** In a case of a single taxpayer who marks the columns designated for "spouse" said marking shall have the effect of making a \$1.00 contribution to the party so designated if only one party is designated.

**2.1(2)** A single taxpayer marking the box "spouse" and then marking either "republican" or "democrat" under the box for "yourself" shall be deemed to have contributed \$1.00 to the party so marked for himself.

**2.1(3)** In a case of a single taxpayer marking the box for both parties, this shall have the effect of making no contribution.

**2.1(4)** Taxpayers filing a joint return who mark four boxes shall be deemed to have indicated their intention to contribute \$1.00 to each political party.

**2.1(5)** Taxpayers filing a joint return who mark either "republican" or "democrat" under one column and both "republican" and "democrat" under the other

column shall be deemed to have contributed \$1.00 to the party designated in the column where only one party is designated.

**2.1(6)** The words "mark," "marks," and "marking" shall mean any X, check, circle, line, filling in of the square, or any other reasonable indication of the intention of the taxpayer.

**2.2(65GA, ch138)** The director of revenue shall submit a report to the commission and each state party chairman on the last day of each month beginning in May of 1974 and each month thereafter on the amount of money remitted to the Iowa election campaign fund that month and the total amount year-to-date with an estimate of the total amount to be received during that taxable year.

**2.3(65GA, ch138)** Each state chairman of a political party as defined by section 43.2, Code of Iowa, 1973, as amended, may apply for its share of the Iowa election campaign fund on forms provided by the commission. The application may be made at any time up to midnight of the sixty-fifth day prior to the general election. Only one such application shall be submitted per year and the application submitted in each calendar year shall be deemed a continuing application for funds received by the Iowa election campaign fund subsequent to the date of election. The comptroller shall pay over to such political party any funds received by that office after certification by the state commissioner that the party has quali-

fied to have candidate names placed on the official general election ballot and every 30 days thereafter, except that the last payment shall be made 5 days before the state commissioner has certified the election returns of a general election. The comptroller shall, after making such last payment, commence to accumulate any additional funds received by that office from the department of revenue and shall hold them for distribution according to these rules for the next succeeding general election. Such accumulation of funds shall not be construed to include any funds not utilized by a political party which according to section 25 of chapter 138 revert to the general fund of the state.

**2.4(65GA, ch138)** The funds provided for by the Iowa election campaign fund shall not be used to pay indebtedness of either party incurred prior to the expenses for any general election.

**2.5(65GA, ch138)** The chairperson of each political party receiving funds from the political fund provided for herein shall provide invoices and canceled checks or cash receipts for all state moneys used in the campaign. All such funds shall be maintained in a separate account.

**2.6(65GA, ch138)** All state political funds shall be used only for legitimate campaign expenses, examples of which are as follows:

**2.6(1)** Radio, television and newspaper advertising for the party or candidate.

**2.6(2)** Leaflets, fliers, buttons and stickers.

**2.6(3)** Campaign staff salaries: Each staff person must be listed by name and the amount paid as salary and the amount paid as expense reimbursement.

**2.6(4)** Travel expenses, lodging and food for candidates and staff.

The above list should not be considered as exclusive and the fact that an expense may be listed under one of the items listed above does not per se entitle that expenditure to be listed as a legitimate campaign expense.

**2.7(65GA, ch138)** A nonlegitimate campaign expense shall be any expenditure from campaign funds which is in violation of law or which is not intended to promote the candidacy of a person or persons seeking public office.

**2.8(65GA, ch138)** The Iowa election campaign fund may not be used to purchase any item, the use of which or benefit derived therefrom, extends beyond the time within which those funds may be spent. Any leased item may not be paid with Iowa election campaign funds after the time limit for spending those funds has expired. Any item purchased or acquired by prepaid lease, the term of which extends beyond the time limits for spending Iowa election campaign funds, shall be considered to be unspent funds and shall revert to the general fund as provided for by law.

These rules are intended to implement Chapter 138, 1973 Session, 65th General Assembly.

[Effective July 3, 1974]

## COMPTROLLER

Pursuant to the authority of section 8.6(16) of the Code, rules appearing in 1973 IDR, pages 209, 210, filed February 16, 1966, amended February 9, 1971, and December 12, 1973, relating to auditing claims are deleted and the following rules relating to auditing claims are adopted in lieu thereof:

[Filed July 5, 1974]

### CHAPTER 1 AUDITING CLAIMS

All vouchers and claims required by law to be audited by the state comptroller should conform to the following rules.

#### 1.1(8) General provisions.

**1.1(1)** *Submission of claims and approval.* All claims shall be typewritten, or written in ink, and be itemized and certified by the claimant.

*Exception:* The claimant's certification is not needed when the original invoice is attached to the claim. The original invoice shall indicate in detail the items of service, expense, thing furnished, or contract upon which payment is sought.

Approval of the claim shall be certified thereon by the head of the department, or his deputy, or chairman of the board, or

commission or its executive officer, or by a person delegated by the department head to fulfill this responsibility. A list of authorized signatures shall be provided to the state comptroller's office. If a rubber stamp signature is used, the claim shall be signed or initialed by the employee authorized to use the rubber stamp.

All travel claims submitted shall be the actual expense incurred (not exceeding maximum limitations) by the claimant, and shall not include expenses paid for other individuals, or for the purchase of miscellaneous items which are not needed in the performance of official duties while traveling. All travel vouchers shall contain the social security number of the employee or other individual identification (with prior written approval by the state comptroller).

All claims shall show in the space provided, the Code reference for the appropriation or fund from which the claim is payable.

**1.1(2) *Property claims and real estate claims.*** Claims for personal property sold, the acquisition of real estate, or services rendered to the state, must have the original invoices or other documentation attached whenever possible to do so.

**1.1(3) *Form for travel claim.*** All travel claims are to be on a voucher 4 or on a form approved (in writing) by the state comptroller.

**1.1(4) *Intradepartmental rules on claims.*** All intradepartmental rules pertaining to the auditing of claims internally shall be subject to the review and approval (in writing) of the state comptroller.

### **1.2(8) Official travel.**

**1.2(1) *Personal funds to be supplied.*** All employees shall provide themselves with sufficient funds for all current expenses. Any exception to this will be considered under the provisions of section 8.6, subsection 6, of the Code.

**1.2(2) *Reimbursable expenses and travel allowances.*** The reimbursement allowed shall be limited to an allowance for subsistence and transportation, and other actual and necessary travel expenses incurred by a traveler in the performance of official duties subject to applicable limitations. All travel reimbursements shall be made on the basis of the usually traveled route.

### **1.2(3) *Official domicile defined.***

**a. *Office employee.*** The official domicile of an officer or employee assigned to an office is the city, town or metropolitan area (as established by the state comptroller) within which such office is located. Transportation costs between any such employee's residence and his office, and subsistence within the limits of an employee's official domicile are not reimbursable.

**b. *Field employees.*** The official domicile of field employees shall be designated by the administrative head of the state agency. Subsistence within the limits of an employee's official domicile shall not be allowed. No transportation costs will be allowed between any such employee's place of residence and his office.

**c. *Nonreimbursable travel.*** When additional expense is incurred by reason of an employee residing in a city or town other than his official domicile, the additional expense is otherwise caused by an employee's choice of residence, and is not reimbursable.

### **1.3(8) Temporary duty assignment.**

**1.3(1) *Subsistence while on temporary duty assignment.*** When an employee is on temporary duty assignment, subsistence may be allowed for each day (including Saturdays, Sundays and holidays) from the time of departure from his official domicile until his return to the previous official domicile or a newly assigned domicile.

**1.3(2) *Weekends.*** When authorized by the administrative head of the agency or his designated representative, an employee who is on temporary duty status will be reimbursed for expenses involved while returning home for the weekend provided the amount thereof, including transportation, does not exceed the amount that would have been allowable had the claimant remained at his temporary duty station.

### **1.4(8) Authorization for travel.**

**1.4(1) *Approval by administrative head of the agency.*** All official travel shall be authorized by the administrative head of the agency or his designated representative, prior to the travel whenever possible. This applies to in-state travel which is not subject to executive council approval.

**1.4(2) *Out-of-state.*** Official travel out of the state must receive prior approval in

writing from the executive council of the state except those employees exempt by Code.

**1.4(3) Requests for out-of-state travel.** All requests for out-of-state travel shall be on a form approved by the executive council, and include such information as they deem necessary.

**1.4(4) Most economical or advantageous mode of travel.** Reimbursement for transportation approved by the administrative head of the agency shall be for the most economical or advantageous mode and by the usually traveled route.

**1.5(8) Mode of transportation.**

**1.5(1) Airline travel accommodations.** When the administrative head of the agency determines that airline travel is the most economical or advantageous to the state, the use of airline travel may be authorized. The most economical mode of airline travel is considered to be coach or economy class, if available.

**1.5(2) Train travel.** In cases where train travel is utilized, the most economical mode shall be considered coach fare, if available.

**1.5(3) Purchase of tickets.** It shall be the employee's responsibility to purchase the ticket for whatever mode of transportation that is determined to be the most economical. Reimbursement will be made by attaching the ticket to the employee travel voucher. Refunds received on any unused portion of the ticket shall be shown and deducted from the original ticket. Any state agency which uses a travel agency must receive prior written approval from the state comptroller.

**1.5(4) Use of privately owned automobile.** Authorized use of a privately owned vehicle will be subject to the rules of the vehicle dispatcher.

*a. In-state.* Where use of a privately owned vehicle is authorized by the vehicle dispatcher rules, reimbursement shall be on a mileage basis at a rate not to exceed the statutory rate as established by Code. Reimbursement for travel at the official domicile will be reimbursed at a rate (as established by Code) per mile if on official business. The per mile reimbursement includes all cost incurred in connection with the

operation of the automobile such as tolls, parking [other than 1.7(7)].

*b. Out-of-state.* If the traveler desires to use his personally owned vehicle instead of common carrier and it is authorized by the executive council, he will be allowed the cost of mileage (not to exceed air fare) to the air terminal nearest his destination plus expenses incurred to final destination and subsistence allowance en route. Out-of-state subsistence allowance will be allowed only for the number of meals and nights lodging which would have been necessary had the traveler used the available public transportation to destination instead of his private vehicle. Taxi or mileage expenses will be allowed at destination if incurred while on official business.

If two or more travelers on official business travel in one privately owned vehicle instead of common carrier, the use of one vehicle may be authorized on a mileage basis not to exceed the statutory limit per mile.

**1.5(5) Mileage while on temporary duty assignment.** In general, mileage for use of privately owned vehicles may be allowed for travel within the area of temporary duty, if approved by the administrative head of the agency, provided a state-owned vehicle is not available. When a privately owned vehicle is authorized in the transaction of official business within the area or in the vicinity of the city to which the traveler is assigned or directed, the traveler shall show on the travel claim the number of miles of vicinity travel for each.

**1.5(6) Assignment of more than one employee to a vehicle.** In authorizing the use of privately owned or state-owned vehicles, the department head shall, whenever possible, assign more than one employee to the use of one vehicle.

**1.5(7) Verification of mileage.** The travel shall be by the usually traveled route. Mileage shall be based on mileage published by the American Automobile Association, when available. Any variation from the published mileage should be documented in writing.

**1.5(8) Use of buses, street cars, limousines and rental cars.** When buses, street cars, limousines, or rental cars are used for official travel within the official

station or city to which a traveler is directed, the traveler shall show the cost of the fares in the "miscellaneous" column of the travel voucher.

**1.5(9) *Abode and point of duty in interstate travel.*** Insofar as official interstate travel is concerned, the employee's hotel may be considered a point of official duty.

**1.5(10) *Taxicabs.*** Taxicab charges shall be allowed only from regular domicile or place of business to station or other terminal; from station or terminal at origin of destination of trip to hotel; or domicile or place of business; or between bus, rail or plane stations or terminals or other points of official duty.

**1.5(11) *Home-travel from and to.*** Actual taxi or common carrier fares shall be allowed for transportation directly from home of traveler to railroad, bus or airport terminals at the beginning of official travel status and for transportation directly from railroad, bus or airport terminals to home of traveler at conclusion of official travel status. The maximum reimbursement will be the current cost of taxi fare from the capitol to the Des Moines airport.

**1.5(12) *Rental or charter of special conveyances.*** The rental or charter of aircraft, automobiles, boats, buses, or other special conveyances shall be held to a minimum but may be authorized in those cases when no public or ordinary means of transportation is available, or when such public or ordinary means of transportation cannot be used advantageously in the best interest of the state. Specific justification shall accompany the voucher in each instance where the use of special conveyance is authorized and include such information as the location where special conveyance commenced, and the points visited. The comptroller may require a comparison of costs between public or ordinary means of transportation compared to the cost of special conveyance.

**1.6(8) *Subsistence allowance.***

**1.6(1) *The phrase "subsistence allowance".*** The phrase "subsistence allowance" used herein shall be construed to include all charges (including applicable taxes) for meals and lodging (single rate only). Charges for radios, television, and similar appliances are not reimbursable.

**1.6(2) *Subsistence allowances for in-state travel—monetary and time limitations.*** Officers and employees shall be allowed lodging and meal expense when required to travel outside of the city or town of their official domicile. But in no event shall the amount thereof exceed the limit established in the following:

*a.* The allowance for lodging and all meals shall not exceed a maximum of \$18.00 per day. Receipts for lodging must be submitted for reimbursement and contain such information as the dates, room number, guests and other pertinent information. Expense for lodging begins on the day in which you check into the hotel or motel. There will be no reimbursement for lunches on days when there is no lodging expense incurred.

*b.* Meals. (Receipts may be required at option of the state comptroller.)

1. Those traveling on state business who depart prior to 7:00 a.m. and return after 6:00 p.m. to their official domicile, may be reimbursed a maximum of \$6.50 per day for meals. (No lunch.)

2. Those traveling on state business who depart after 7:00 a.m. and return after 6:00 p.m. may be reimbursed a maximum of \$5.00 for dinner. (No lunch.)

3. Those traveling on state business who depart before 7:00 a.m. and return before 6:00 p.m. may be reimbursed a maximum of \$1.50 for breakfast. (No lunch.)

4. Those traveling on state business who depart after 7:00 a.m. and return before 6:00 p.m. will not be reimbursed for lunch.

5. Where an employee works at one place for one week or more, he shall be allowed expense for lodging at the weekly or monthly rate, receipt to be submitted.

6. Elected officials shall not be subject to the dollar limitations for lodging and meals. The state comptroller may at the request of a department head, grant other exceptions necessitated by unusual circumstances.

**1.6(3) *Subsistence allowances for out-of-state travel—monetary and time limitations.***

*a.* Lodging and meal expenses are not limited outside the state but the incurred expenditures are to be reasonable. Receipts for lodging are to accompany the claim and show the dates, room number,

occupants, and amount per night. Lodging will be limited to the night preceding and the night of the ending date of the convention or meeting. Elected officials are not required to furnish receipts.

b. Meals will be limited to lunch and dinner the day preceding and breakfast and lunch the day after the meeting.

#### 1.7(8) Miscellaneous expense.

1.7(1) *Definition.* Miscellaneous expenses are those deemed necessary in the conduct of official business of the state which are not included in the categories of subsistence, mileage, and state-owned vehicle operation. All miscellaneous expenses shall be claimed under the column heading "miscellaneous expense" on the travel claim and be supported by sufficient documentation.

1.7(2) *Receipts.* A receipt for, or explanation of, each and every transaction involving miscellaneous expenditures shall be provided.

1.7(3) *Baggage.* Charges for baggage in excess of the weight or of the size carried free by transportation companies shall be allowed if such baggage is used for official business. Charges for the storage of baggage may also be allowed if it is shown that such storage was on account of official business. Specific justification must be submitted with the claim voucher.

1.7(4) *Telephone and telegraph messages.* Expenses for official telephone and telegraph messages which must be paid for by the traveler shall be allowed. Toll and local calls and telegrams should be supported and attached to the travel claim showing date, city or town called or telegraphed, name of person or firm called or to where telegram was sent and amount of each call or telegram.

1.7(5) *Stenographic or typewriting services.* Charges for official stenographic or typewriting services will be allowed while on official travel.

1.7(6) *Purchase of supplies.* The purchase of stationery and all other similar supplies shall be allowed in emergencies warranting their use for handling of official business while on official travel, and shall be submitted and certified on a voucher 1 (or other approved form) with the proper receipts attached.

1.7(7) *Parking.* Parking will be allowed for state and private cars at an airport during the employee's flight.

1.7(8) *Registration fees.* The payment of registration fees which are required for participation in meetings shall be allowed. Registration fees shall be supported by the official receipt of the conference or convention subject to the following limitations:

a. Expenditures for payment of registration fees for the purpose of obtaining the privileges of membership or other personal benefits from an organization are not reimbursable. Memberships in organizations must be in the name of the state agency and have executive council approval.

b. Registration fees paid by the traveler will be claimed for reimbursement as a miscellaneous nonsubsistence expense and a receipt must be attached to the claim.

c. Reimbursement of registration fees, at the official domicile, must have prior written approval of the state comptroller.

1.8(8) *State-owned vehicle.* Any expense other than parking should not be claimed on the expense voucher but should be reimbursed through procedures established by the vehicle dispatcher's office.

[Effective July 5, 1974]

## CONSERVATION COMMISSION

Pursuant to the authority of sections 106.3, 106.31 and 107.24, Code 1973, and chapter 1060, Acts of the Sixty-third General Assembly, Second Session, Chapter 26 of the rules of the conservation commission appearing in 1973 IDR, pages 213 and 214, are amended.

[Filed April 9, 1974]

Rules 26.1(106) to 26.15(106) relating to Special Water Activity Rules—Green Valley Lake, Union County are hereby suspended and held in abeyance until January 1, 1975.

This rule is intended to implement section 106.31 of the Code as amended by Chapter 1060, Acts of the Sixty-third General Assembly, Second Session.

[Effective April 9, 1974]

# CONSERVATION COMMISSION

(continued)

Pursuant to the authority of sections 107.24 and 106.3, Code 1973, rules appearing as chapter 27 in 1973 IDR, 214, relating to safety equipment are hereby amended as follows:

[Filed April 9, 1974]

## DIVISION OF LANDS AND WATERS

Rule 27.13(106) is hereby rescinded and the following adopted in lieu thereof:

### 27.13(106) Buoyant safety equipment.

**27.13(1)** Personal flotation devices (PFD) such as life preservers, life belts, ring buoys, or other similar devices shall be United States Coast Guard approved.

**27.13(2)** Except as provided in subrule 27.13(6), no person may use a vessel less than 16 feet in length or a canoe or kayak of any length unless at least one personal flotation device of the following types or their equivalent is on board for each person:

- a. Type I PFD
- b. Type II PFD
- c. Type III PFD
- d. Type IV PFD

**27.13(3)** No person may use a vessel 16 feet or more in length, except a canoe or kayak, unless at least one PFD of the following types or their equivalent is on board for each person:

- a. Type I PFD
- b. Type II PFD
- c. Type III PFD

**27.13(4)** No person may use a vessel 16 feet or more in length, except a canoe or kayak, unless at least one Type IV PFD or its equivalent is on board in addition to the PFDs required in subrule 27.13(3).

**27.13(5)** Types of personal flotation devices.

a. Type I PFD is a personal flotation device designed to turn an unconscious person from a face-down position in the water to a vertical or slightly backward position, and to have more than 20 pounds of buoyancy.

b. Type II PFD is a personal flotation device designed to turn an unconscious person from a face-down position to a face-up vertical or slightly backward position and to have at least 15.5 pounds of buoyancy.

c. Type III PFD is a personal flotation device designed to keep a conscious person in a vertical or slightly backward position and to have a minimum of 15.5 pounds of buoyancy.

d. Type IV PFD is a personal flotation device designed to be thrown to a person in the water and not to be worn. It is designed to have at least 16.5 pounds of buoyancy.

e. Type V PFD is a work vest or special purpose personal flotation device approved by the United States Coast Guard.

### 27.13(6) Exceptions.

a. A person using a canoe or kayak that is enclosed by a deck and spray skirt need not comply with subrule 27.13(2) if he wears a vest-type lifesaving device that:

(1) Has no less than 150 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film, and has not less than 13 pounds positive buoyancy in fresh water, if he weighs more than 90 pounds; or

(2) Has no less than 120 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 8½ pounds positive buoyancy in fresh water, if he weighs 90 pounds or less.

b. A Type V PFD may be carried in lieu of any PFD required in subrule 27.13(2) if that Type V PFD is approved by the United States Coast Guard for the activity in which the recreational boat is being used.

This rule is intended to implement section 106.9 of the Code.

[Effective April 9, 1974]

## CONSERVATION COMMISSION

(continued)

Pursuant to the authority of section 107.24, Code 1973, rules appearing as chapter 46 in 1973 IDR 222, relating to state park and preserve wildlife refuges are hereby amended as follows:

[Filed April 9, 1974]

### DIVISION OF LANDS AND WATERS

46.1(109) is amended as follows:

1. By inserting "Big Creek-Polk" after "Bellevue-Jackson".

2. By inserting "Elk Rock-Marion" after "Echo Valley-Fayette".

3. By inserting "Honey Creek-Appanoose" after "Heery Woods-Butler".

[Effective April 9, 1974]

## EMPLOYMENT SECURITY COMMISSION

Pursuant to the authority of section 96.11 of the Code, the rule appearing in 1973 IDR 253 and 254, relating to definitions, is amended as follows:

[Filed January 17, 1974]

Rule 1.6(96) is amended by inserting at the end of subrule 1.6(2):

*f. "Total wages paid in covered employment" as it appears in section 96.7,*

subsection 3, paragraph "d," subparagraph (1) of the Code, for computing the current reserve fund ratio, means total wages paid in covered employment, subject to contributions, as provided in section 96.7, and does not include wages paid by reimbursing employers, whose payments to the unemployment insurance fund, in lieu of contributions, are made in accordance with section 96.7, subsections 8 and 9.

[Effective February 16, 1974]

## ENGINEERING EXAMINERS

Pursuant to the authority of chapter 114 of the Code, the rule appearing in 1973 IDR, 266 and 267, relating to professional engineering and land surveying, rule 1.8(114) is rescinded and the following adopted in lieu thereof:

[Filed February 12, 1974]

### CHAPTER 2

#### CODE OF PROFESSIONAL PRACTICE

**2.1(114) Professional conduct.** The professional engineer or land surveyor shall observe the following rules and principles in all of his professional activity:

**2.1(1)** He shall at all times conduct his professional practice in a manner that will protect life, health and property and enhance the public welfare.

**2.1(2)** He shall perform his services only in those areas in which he is competent by reason of his education and experience. In those assignments which he accepts wherein there are areas of practice outside his competence he shall utilize the services of qualified employees, associates or consultants. He shall solicit or accept work only

on the basis of his qualifications.

**2.1(3)** He shall issue public statements only in an objective manner and such statements must be truthful, and contain all relevant information. He shall identify his interests in all such public utterances.

**2.1(4)** He shall scrupulously avoid any and all conflicts of interest; when such are unavoidable, he shall immediately identify them to all concerned parties.

**2.1(5)** He shall inform the board in any and all instances in which he has reason to believe another person or firm may be violating provisions of the Code or these board rules.

**2.1(6)** Fraud or deceit, or gross negligence, incompetence or misconduct in his practice are charges which may grow out of the violation of the preceding rules. Any such charge, if sustained, may result in disciplinary action by the board.

These rules are intended to implement section 114.21 of the Code.

[Effective February 12, 1974]

Pursuant to the authority of sections 455B.32(2) and 455B.35, of the Code, rules 16.1(455B) and 16.2(455B) of the department of environmental quality relating to surface water quality standards, appearing on pages 285 to 287 of the 1973 IDR, are rescinded and the following adopted in lieu thereof. Renumber 16.3(455B), appearing on pages 287 to 289, as 16.4(455B).

[Filed February 13, 1974]

## WATER QUALITY

### CHAPTER 16

## WATER QUALITY STANDARDS

### 16.1(455B) Definitions.

**16.1(1) "Fecal coliform"** means the portion of the coliform group which is present in the gut or the feces of warm-blooded animals. It includes organisms which are capable of producing gas from lactose broth in a suitable culture medium within 24 hours at  $44.5^{\circ} + 0.5C$ .

**16.1(2) "Industrial wastes"** means any solid, liquid or gaseous wastes resulting from any process, or from excess energy, of industry, manufacturing, trade or business or from the development, processing or recovery, except for agricultural crop raising, of any natural resources.

**16.1(3) "Milligrams per liter (mg/l)"** means milligrams of solute per liter of solution-equivalent to parts per million-assuming unit density.

**16.1(4) "Primary contact"** means any recreational or other water use in which there is prolonged and intimate contact with the water involving considerable risk of ingesting water in quantities sufficient to pose a significant health hazard, such as swimming and water skiing.

**16.1(5) "Schedule of compliance"** means a schedule of measures including a sequence of actions or operations leading to compliance with an effluent limitation, prohibition, standard or order of the executive director.

**16.1(6) "Secondary contact"** means any recreational or other water use in which contact with the water is either incidental or accidental and in which the probability of ingesting appreciable quantities of water is minimal, such as fishing, commercial and recreational boating and any limited contact incident to shoreline activity.

**16.1(7) "Sewage"** means water-carried human and related wastes from any source.

**16.1(8) "Temperature"** means a measure of heat content of water.

### 16.2(455B) General considerations.

**16.2(1) Policy statement.** It shall be the policy of the water quality commission to protect and enhance the quality of all the waters of the state. In the furtherance of this policy it will attempt to prevent and abate the pollution of all waters to the fullest extent possible consistent with statutory, and technological limitations. This policy shall apply to all point and nonpoint sources of pollution.

These water quality standards establish criteria for certain present and future designated uses of the surface waters of the state. The standards establish the areas where these uses are to be protected and provide criteria for waterways having non-designated uses as well. Many surface waters are designated for more than one use. In these cases the more stringent criteria shall govern for each parameter.

All methods of sample collection, preservation, and analysis used in applying any of the rules in these standards shall be in accord with those prescribed in "Standard Methods for Examination of Water and Wastewater", Thirteenth Edition.

**16.2(2) Nondegradation statement.** Water whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at high quality unless it has been affirmatively demonstrated to the commission that a change is justifiable as a result of necessary economic or social development and will not preclude present and anticipated use of such waters. Any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required to provide the degree of waste treatment or controls necessary to maintain high water quality. In implementing this policy, the appropriate agency of the federal government will be kept advised and will be provided with such information as it will need to discharge its responsibilities.

**16.2(3) Minimum treatment required.** All wastes discharged to the waters of the state must be of such quality that the discharge will not cause a violation of the

water quality standards of the state. Where the receiving waters provided sufficient assimilative capacity that the water quality standards are not the limiting factor, all wastes shall receive treatment in compliance with minimum effluent standards required by the water quality commission.

**16.2(4) *Mixing zone in the receiving water.*** The area of diffusion of an effluent in the receiving water is a mixing zone and the water quality standards shall be applied beyond the mixing zone.

The mixing zone shall be a specified linear distance, volume, or area which is determined on a case-by-case basis using the following criteria:

a. The mixing zone shall be as small as practicable and shall not be of such size or shape as to cause or contribute to the impairment of water uses.

b. The mixing zone shall contain not more than 25 percent of the cross sectional area or volume of flow in the receiving body of water.

c. The mixing zone shall be designed to allow an adequate passageway at all times for the movement or drift of aquatic life.

d. Where there are two or more mixing zones in close proximity, they shall be so defined that a continuous passageway for aquatic life is available.

e. The mixing zone shall not intersect any area of any waters in such a manner that the maintenance of aquatic life in the body of water as a whole would be adversely affected.

In determining the size and location of the mixing zone for any discharge on a case-by-case basis, the following shall be considered:

f. The size of the receiving water, the volume of discharge, the stream bank configuration, the mixing velocities, and other hydrologic or physiographic characteristics.

g. The present and anticipated future use of the body of water.

h. The present and anticipated future water quality of the body of water.

i. The ratio of the volume of waste being discharged to the seven-day, ten-year low flow of the receiving stream.

**16.2(5) *Implementation strategy.*** These water quality standards shall be met at all times when the flow of the receiving stream equals or exceeds the seven-day, ten-year low flow. Exceptions may be made for intermittent or low flow streams. Where intermittent streams are classified for aquatic life protection the commission may waive the seven-day, ten-year low flow requirement and establish a minimum flow in lieu thereof. Such waiver shall be granted by the commission only when it has determined that the aquatic resources of the receiving waters are of no significance at flows less than the established minimum.

**16.3(455B) Surface water quality criteria.**

**16.3(1) *General water quality criteria.*** The following criteria are applicable to all surface waters including those which have been designated as class "A", "B", or "C" waters, at all places and at all times.

a. Such waters shall be free from substances attributable to municipal, industrial or other discharges or agricultural practices that will settle to form objectionable sludge deposits.

b. Such waters shall be free from floating debris, oil, grease, scum and other floating materials attributable to municipal, industrial or other discharges or agricultural practices in amounts sufficient to be unsightly or deleterious.

c. Such waters shall be free from materials attributable to municipal, industrial or other discharges or agricultural practices producing color, odor or other conditions in such degree as to create a nuisance.

d. Such waters shall be free from substances attributable to municipal, industrial or other discharges or agricultural practices in concentrations or combinations which are toxic or harmful to human, animal, plant or aquatic life.

e. The turbidity of the receiving water shall not be increased by more than 25 Jackson turbidity units by any point source discharge.

**16.3(2) *Class "A" waters.*** Waters which are designated as class "A" waters are to be protected for primary contact recreation. The following criteria shall apply to all class "A" waters:

a. From April 1 through October 31 the discharge of any effluent which may

contain human pathogens shall not increase the fecal coliforms in the receiving waters by more than 200 per 100 ml.

b. The pH shall not be less than 6.5 nor greater than 9.0. The maximum change permitted as a result of a waste discharge shall not exceed 0.5 pH units.

c. Taste and odor producing substances shall not be present in amounts that will interfere with primary contact recreation.

16.3(3) *Class "B" waters.* Waters which are designated as Class "B" waters are to be protected for wildlife, fish, aquatic and semiaquatic life and secondary contact recreation. The following criteria shall apply to all Class "B" waters:

a. *Dissolved oxygen.*

(1) The dissolved oxygen shall not be less than 5.0 mg/1 during at least 16 hours of any 24-hour period and not less than 4.0 mg/1 at any time during the 24-hour period.

(2) In areas designated as cold water fisheries the dissolved oxygen shall not be less than 7.0 mg/1 during at least 16 hours of any 24-hour period and not less than 5.0 mg/1 at any time during the 24-hour period.

b. *Chemical constituents.* The following levels shall not be exceeded at any time the flow equals or exceeds the seven-day, ten-year low flow unless the material is from uncontrollable nonpoint sources:

Ammonia Nitrogen (N)	2.0	mg/1
Phenols (from other than natural sources)	0.001	mg/1
Arsenic	1.0	mg/1
*Barium	1.0	mg/1
*Cadmium	0.05	mg/1
*Chromium (Hexavalent)	0.05	mg/1
*Chromium (Trivalent)	1.0	mg/1
*Copper	0.02	mg/1
Cyanide	0.025	mg/1
*Lead	0.10	mg/1
*Zinc	1.0	mg/1
*Selenium	1.0	mg/1
*Mercury	0.005	mg/1
Total dissolved solids	750.00	mg/1

\*The sum of the entire heavy metal group shall not exceed 1.5 mg/1

c. All substances toxic or detrimental to aquatic life shall be limited to nontoxic or nondetrimental concentrations in the surface water.

d. The fecal coliform content shall not exceed 2,000 organisms per 100 ml., except when the waters are materially affected by surface runoff.

e. The pH shall be not less than 6.5 nor greater than 9.0. The maximum change permitted as a result of a waste discharge shall not exceed 0.5 pH units.

f. *Temperature.*

(1) No heat shall be added to interior streams that would cause an increase of more than 5°F. The rate of temperature change shall not exceed 2°F. per hour. In no case shall heat be added in excess of that amount that would raise the stream temperature above 90°F.

(2) No heat shall be added to streams designated as cold water fisheries that would cause an increase of more than 3°F. The rate of temperature change shall not exceed 2°F. per hour. In no case shall heat be added in excess of that amount that would raise the stream temperature above 68°F.

(3) No heat shall be added to lakes and reservoirs that would cause an increase of more than 3°F. The rate of temperature change shall not exceed 2°F. per hour. In no case shall heat be added in excess of that amount that would raise the temperature of the lake or reservoirs above 90°F.

(4) No heat shall be added to the Missouri river that would cause an increase of more than 5°F. The rate of temperature change shall not exceed 2°F. per hour. In no case shall heat be added that would raise the stream temperature above 90°F.

(5) No heat shall be added to the Mississippi river that would cause an increase of more than 5°F. The rate of temperature change shall not exceed 2°F. per hour. In addition, the water temperature at representative locations in the Mississippi river shall not exceed the maximum limits in the below table during more than one percent of the hours in the 12-month period ending with any month. Moreover, at no time shall the water temperature at such locations exceed the maximum limits in the below table by more than 3°F.

Zone II—Iowa-Minnesota State line to the Northern Illinois border (Mile Point 1534.6)

Zone III—Northern Illinois border (Mile Point 1534.6) to Iowa-Missouri State line.

Month	Zone II	Zone III
January	40°F	45°F
February	40°F	45°F
March	54°F	57°F
April	65°F	68°F
May	75°F	78°F
June	84°F	85°F
July	84°F	86°F
August	84°F	86°F
September	82°F	85°F
October	73°F	75°F
November	58°F	65°F
December	48°F	52°F

g. The waters shall contain no substances which will impart any undesirable tastes to fish flesh, or in any other way make fish unedible.

16.3(4) *Class "C" waters.* Waters which are designated as class "C" waters are to be protected as a raw water source of potable water supply. The following criteria shall apply to all class "C" waters:

a. *Radioactive substances.*

(1) Gross beta activity (in the known absence of strontium-90 and alpha emitters) shall not exceed 1,000 picocuries per liter at the point of withdrawal.

(2) The concentration of radium 226 shall not exceed 3 picocuries per liter at the point of withdrawal.

(3) The concentration of strontium 90 shall not exceed 10 picocuries per liter at the point of withdrawal.

(4) The annual average concentration of specific radionuclides other than 226 radium and 90 strontium, shall not exceed 1/30 of the appropriate maximum permis-

sible concentration for the 168-hour week as set forth by the International Commission of Radiological Protection and the National Committee on Radiation Protection in Handbook 69. The concentrations of radioisotopes in natural waters shall be maintained at the lowest practicable level.

b. *Chemical Constituents.* The following levels shall not be exceeded at the point of withdrawal:

Arsenic	0.05	mg/1
Barium	1.0	mg/1
Cyanide	0.025	mg/1
Cadmium	0.01	mg/1
Copper	1.0	mg/1
Fluoride	1.5	mg/1
Lead	0.05	mg/1
Phenols (From other than natural sources)	0.001	mg/1
Chlorides	250.0	mg/1
Total dissolved solids	750.0	mg/1
Chromium (Hexavalent)	0.05	mg/1
Mercury	0.005	mg/1
Nitrate (NO <sub>3</sub> )	45.0	mg/1
Selenium	0.01	mg/1
Zinc	1.0	mg/1

The sum of Lead, Cadmium, Hexavalent Chromium, Mercury and Selenium shall not exceed 1.5 mg/1.

c. All substances toxic or detrimental to humans or detrimental to treatment process shall be limited to nontoxic or non-detrimental concentrations in the surface water.

d. The pH shall not be less than 6.5 nor greater than 9.0.

16.3(5) *Surface Water Classification.*

SECTION I—MISSOURI BASIN

	Classification		
	A	B	C
		Fresh Warm Water	Fresh Cold Water
A. Missouri River—Main Stem Mo. State line to S. Dak. State line	X	X	X (above Council Bluffs)
1. Chariton River Mo. State line to Rathbun Reservoir		X	
Rathbun Reservoir	X	X	
Rathbun Reservoir to Hwy 65		X	

	Classification		
	A	B	C
		Fresh Warm Water	Fresh Cold Water
2. Weldon River Mo. State line to Hwy 2		X	
3. Thompson River Mo. State line to Madison Co. line		X	
4. Grand River Mo. State line to Hwy 66		X	
5. Platte River Mo. State line to Adams Co. line		X	X(above Bedford)
6. East Fork 102 River			
7. West Fork 102 River Mo. State line to Hwy 2		X	
8. Nodaway River Mo. State line to confl. of E & W Nodaway R.		X	X(above Clarinda)
a. W. Nodaway R. mouth to confl. with 7 Mile Cr. (1) Middle Nodaway R. mouth to Adair Co. line		X X X	
b. E. Nodaway R. mouth to Hwy 148		X	
9. Tarkio River Mo. State line to confl. with E. Tarkio Cr.		X	
10. West Tarkio Creek Mo. State line to Page Co. Road J52		X	
11. Nishnabotna River Mo. State line to confl. of E & W Nishnabotna R.		X	
a. E. Nishnabotna R. mouth to Interstate 80 (1) Indian Cr. mouth to confl. with Camp Cr.		X X X	
(2) Turkey Cr. mouth to Hwy 71		X	
(3) Troublesome Cr. mouth to confl. with Crooked Cr.		X	
b. W. Nishnabotna R. mouth to Hwy 44 (1) Walnut Cr. mouth to confl. with Hunters Br.		X X X	
(2) Silver Cr. mouth to confl. with Prairie Cr.		X	
(3) E. Br. W. Nishnabotna R. mouth to Shelby Co. line		X	
12. Keg Creek mouth to Hwy 34/275		X	X(above Glen- wood)
13. Mosquito Creek mouth to Hwy 275		X	

	Classification			C
	A	B	B	
		Fresh Warm Water	Fresh Cold Water	
14. Boyer River mouth to Sac Co. line		X		
15. Soldier River mouth to confl. with E. Soldier R.		X		
16. Little Sioux River mouth to Minn. State line		X		
a. Maple River mouth to Hwy 3		X		
(1) Battle Cr. mouth to Hwy 20		X		
(2) Odebolt Cr. mouth to Ida Co. Road M31		X		
(3) Little Maple R. mouth to Buena Vista Co. Road C65		X		
b. W. Fork Little Sioux R. mouth to Plymouth Co. Road L14		X		
c. Mill Cr. mouth to Hwy 59		X		
d. Waterman Cr. mouth to Hwy 18		X		
e. Lost Island Outlet mouth to Lost Island Lake		X		
f. Ocheyedan R. mouth to Minn. State line		X		
(1) Stony Cr. mouth to Stony Lake		X		
17. Floyd River mouth to Hwy 10		X		
18. Big Sioux River mouth to Minn. State line		X		
a. Rock R. mouth to Minn. State line		X		
SECTION II—MISSISSIPPI BASIN				
A. Mississippi River—Main Stem Mo. State line to Minn. State line	X	X		X(above Keokuk Ft. Madison Burlington & Davenport)
1. Des Moines River mouth to Bonaparte Dam		X		
Bonaparte Dam impoundment	X	X		
Bonaparte Dam impoundment to Ottumwa power plant dam		X		
Ottumwa power plant dam impoundment	X	X		X(above Ottumwa)
Ottumwa power plant dam impoundment to Red Rock Dam		X		
Red Rock Reservoir	X	X		
Red Rock Reservoir to Des Moines Center St. Dam		X		
Des Moines Center St. Dam to Interstate 80-35	X	X		

	Classification		
	A	B	C
		Fresh Warm Water	Fresh Cold Water
Interstate 80-35 to Saylorville Dam		X	
Saylorville Reservoir	X	X	
Saylorville Reservoir to upper dam at Ft. Dodge		X	
Upper Ft. Dodge Dam impoundment	X	X	
Upper Ft. Dodge Dam impoundment to confl. of E & W Forks		X	
a. Sugar Cr. mouth to Lee Co. Road J72		X	
b. Chequest Cr. mouth to Davis Co. line		X	
c. Middle R. mouth to Adair Co. line		X	
d. Raccoon R. mouth to confl. of North and South Raccoon Rivers		X	X(above Des Moines)
(1) North Raccoon R. mouth to Buena Vista Co. line		X	
(2) South Raccoon R. mouth to Highway 44		X	
(a) Middle Raccoon R. mouth to Lake Panorama Dam Lake Panorama	X	X	X(above Panora)
Lake Panorama to Carroll Co. Road E 57		X	
e. Beaver Cr. mouth to Dallas Co. line		X	
f. Big Cr. mouth to Big Cr. Dam		X	
Big Cr. impoundment	X	X	
Big Cr. impoundment to Boone Co. line		X	
g. Boone R. mouth to Hancock Co. line		X	
(1) White Fox Cr. mouth to Wright Co. line		X	
h. W. Fork Des Moines R. fork to Minn. State line		X	
(1) Jack Cr. mouth to Swan Lake		X	
i. E. Fork Des Moines R. fork to Tuttle Lake		X	
(1) Lotts Cr. mouth to Highway 18		X	
2. Skunk River mouth to Oakland Mills		X	
Oakland Mills Impoundment	X	X	
Oakland Mills Impoundment to confl. of N. & S. Skunk R.		X	
a. Cedar Cr. mouth to Highway 63		X	
(1) Little Cedar Cr. mouth to Van Buren Co. line		X	

	Classification		
	A	B	C
		Fresh Warm Water	Fresh Cold Water
b. N. Skunk R. mouth to Mahaska Co. line		X	
c. S. Skunk R. mouth to Highway 221		X	X(above Oska- loosa)
(1) Indian Cr. mouth to confl. with Wolf Cr.		X	
(2) Squaw Cr. mouth to confl. with Story Co. D.D. 70		X	
(3) Keigley Branch mouth to confl. with Hamilton- Story D.D. 1		X	
3. Flint Cr. (aka Flint R. in Des Moines Co.) mouth to Henry Co. line		X	
4. Iowa River mouth to confl. with Cedar R. from confl. with Cedar R. to dam at Iowa City		X	
Iowa City Impoundment	X	X	X(above Iowa City)
Iowa City Impoundment to power dam at Coralville		X	
Power dam impoundment (dam to Coralville Reservoir)	X	X	
Coralville Reservoir (dam to Hwy 218)	X	X	
Coralville Reservoir to Steamboat Rock Dam		X	
Steamboat Rock Impoundment	X	X	
Steamboat Rock Impoundment to Iowa Falls Dam		X	
Iowa Falls Impoundment	X	X	
Iowa Falls Impoundment to Alden Dam		X	
Alden Impoundment	X	X	
Alden Impoundment to confl. of E. & W. Branches		X	
a. Cedar R. mouth to Palisades Dam		X	
Palisades Impoundment	X	X	
Palisades Impoundment to Ellis Park Dam (Cedar Rapids)		X	X(above Cedar Rapids)
Ellis Park Impoundment	X	X	
Ellis Park Impoundment to Cedar Falls Impoundment		X	
Cedar Falls Impoundment	X	X	
Cedar Falls Impoundment to Waverly Impoundment		X	
Waverly Impoundment	X	X	
Waverly Impoundment to Nashua Impoundment		X	
Nashua Impoundment	X	X	
Nashua Impoundment to Charles City Impoundment		X	
Charles City Impoundment	X	X	
Charles City Impoundment to Mitchell Impoundment		X	

	A	Classification		C
		B		
		Fresh Warm Water	Fresh Cold Water	
Mitchell Impoundment	X	X		
Mitchell Impoundment to Minn. State line			X	
(1) Prairie Cr. (mouth in Linn Co.)			X	
(2) Hinkle Cr.			X	
(3) Pratt Cr.			X	
(4) Bear Cr. (mouth in Benton Co.)			X	
(5) Lime Cr. (mouth in Benton Co.)			X	
(6) Spring Cr. (mouth in Black Hawk Co.)			X	
(7) Rock Cr. (mouth in Black Hawk Co.)			X	
(8) Wolf Cr. mouth to Tama Co. Rd. T47			X	
(9) Big Slough Cr.			X	
(10) Mud Cr. (mouth in Black Hawk Co.)			X	
(11) Millers Cr.			X	
(12) Indian Cr.			X	
(13) Poyner Cr.			X	
(14) Sink Cr.			X	
(15) Black Hawk Cr. mouth to confl. with Holland Cr.			X	
(16) Dry Run Cr. (mouth in Black Hawk Co.)			X	
(17) Beaver Cr. (mouth in Black Hawk Co.) mouth to Butler Co. Rd. T25			X	
(a) Johnson Cr. mouth to Butler Co. Road T25			X	
(b) South Beaver Cr. mouth to Grundy Co. Road T25			X	
(18) West Fork Cedar R. mouth to confl. of Beaver Dam Cr. and Bailey Cr.			X	
(a) Shell Rock River mouth to Minn. State line			X	
-1- Dry Run Cr. (mouth in Butler Co.) mouth to Highway 188			X	
-2- Flood Cr. mouth to confl. with Little Flood Cr.			X	
-3- Coldwater Cr. mouth to Floyd Co. line			X	
-4- Winnebago R. (aka Lime Creek) mouth to Minn. State line			X	
-a- Willow Cr. (mouth in Cerro Gordo Co.) mouth to Cerro Gordo Co. Road S28			X	

	A	Classification		C
		B		
		Fresh Warm Water	Fresh Cold Water	
[1] Clear Cr. mouth to Clear Lake Outlet		X		
-b- Beaver Cr. (mouth in Worth Co.) mouth to Winnebago Co. line		X		
-5- Elk Cr. mouth to Highway 105		X		
(b) Maynes Cr. mouth to Highway 65		X		
(c) Hartgrave Cr. mouth to confl. of Otter Cr. and Squaw Cr.		X		
-1- Otter Cr. (mouth in Franklin Co.) mouth to Highway 65		X		
-a- Spring Cr. (mouth in Franklin Co.) mouth to Beeds Lake Impoundment		X		
Beeds Lake Impoundment	X	X		
(d) Beaver Dam Cr. mouth to Cerro Gordo Co. line		X		
(19) Quarter Section Run		X		
(a) Baskins Run		X		
(20) Dry Run (aka Two Mile Cr.) (mouth in Bremer Co.) mouth to Chickasaw Co. line		X		
(a) Horton Cr. mouth to Chickasaw Co. line		X		
(21) Little Cedar River mouth to Minn. State line		X		
(a) Beaver Cr. (mouth in Chickasaw Co.) mouth to Floyd Co. line		X		
(b) Slough Cr. mouth to Mitchell Co. line		X		
(c) Uphams Slough Cr. mouth to Floyd Co. Rd. T64		X		
(d) Fish Cr.		X		
(e) Soap Cr. mouth to Highway 9		X		
(f) Burr Oak Cr. mouth to Mitchell Co. Road T42		X		
(g) Beaver Cr. (mouth in Mitchell Co.) mouth to Mitchell Co. Road A31		X		
(22) Gizzard Cr. mouth to Floyd Co. Road B59		X		
(23) Bloody Run		X		
(24) Stewart Cr. mouth to Floyd Co. Road T38		X		
(25) Skunk Cr. mouth to Floyd Co. Road T34		X		

	A	Classification		C
		B		
		Fresh Warm Water	Fresh Cold Water	
(26) Rock Cr. (mouth in Floyd Co.) mouth to Mitchell Co. Road S70		X		
(a) Goose Cr. mouth to Mitchell Co. Road S70		X		
(27) Spring Cr. (mouth in Mitchell Co.) mouth to Mitchell Co. Road A57			X	
(28) Willow Cr. (mouth in Mitchell Co.) mouth to Mitchell Co. Rd. S70		X		
(29) Turtle Cr. mouth to Mitchell Co. Road T28			X	
(30) Deer Cr. (mouth in Mitchell Co.) mouth to Minn. State line		X		
(31) Otter Cr. (mouth in Mitchell Co.) mouth to Minn. State line		X		
b. English R. mouth to confl. of N. & S. Fork English R.		X		
(1) N. Fork English R. mouth to Highway 149		X		
(2) S. Fork English R. mouth to County Road north of Kinross		X		
c. Old Mans Cr. mouth to confl. with N. Branch Old Mans Cr.		X		
d. Bear Cr. (mouth in Iowa Co.) mouth to Highway 21		X		
e. S. Fork Iowa R. mouth to Highway 65		X		
f. E. Branch Iowa R. mouth to Hancock Co. Road B55		X		
g. W. Branch Iowa R. mouth to Hancock Co. Road B62		X		
5. Wapsipinicon River mouth to dam at Anamosa		X		
Anamosa Impoundment	X	X		
Anamosa Impoundment to dam at Central City		X		
Central City Impoundment	X	X		
Central City Impoundment to dam at Quasqueton		X		
Quasqueton Impoundment	X	X		
Quasqueton Impoundment to dam at Independence		X		
Independence Impoundment	X	X		
Independence Impoundment to McIntire McIntire to Minn. State line		X		X
a. Buffalo Cr. mouth to confl. of E. & W. Branch Buffalo Cr.		X		
(1) Helmer Cr.		X		
(2) Roberts Cr.		X		
(3) Silver Cr.		X		

	A	Classification		C
		B		
		Fresh Warm Water	Fresh Cold Water	
(4) E. Branch Buffalo Cr. mouth to Fayette Co. line		X		
(5) W. Branch Buffalo Cr. mouth to Fayette Co. line		X		
b. Heatons Cr.		X		
c. Walton Cr.		X		
d. Dry Cr. (mouth in Buchanan Co., Sect. 31, T-78N, R-7W)		X		
e. Honey Cr.		X		
f. Sand Cr.		X		
g. Smith Cr.		X		
h. Nash Cr.		X		
i. Pine Cr.		X		
(1) Dry Cr. (mouth in Buchanan Co., Sect. 21, T-88N, R-8W)		X		
j. Harter Cr.		X		
k. Otter Cr. mouth to Lake Oelwein		X		
Lake Oelwein	X	X		
Lake Oelwein to Highway 3		X		
l. Little Wapsipinicon R. (mouth in Buchanan Co.) mouth to Highway 93		X		
(1) Buck Cr.		X		
(2) Stoe Cr.		X		
m. Crane Cr. mouth to Highway 3		X		
n. E. Fork Wapsipinicon R. (aka E. Br. Wapsipinicon R.) mouth to Howard Co. line		X		
(1) Plum Cr.		X		
o. Spring Br.		X		
p. Little Wapsipinicon R. (mouth in Chickasaw Co.) mouth to Highway 9 Highway 9 to source		X		X
6. Mill Creek (mouth in Clinton Co.) mouth to confl. with Harts Mill Cr.		X		
7. Elk River mouth to Jackson Co. line		X		
8. Beaver Cr. (mouth in Jackson Co.)		X		
9. Maquoketa River mouth to Hartwick Lake		X		
Hartwick Lake Impoundment	X	X		
Hartwick Lake Impoundment to Quaker Mills Impoundment		X		
Quaker Mills Impoundment	X	X		
Quaker Mills Impoundment to Backbone Lake		X		
Backbone Lake	X	X		
Backbone Lake to confl. with S. Fork Maquoketa R.		X		

	Classification		C
	A	B	
	Fresh Warm Water	Fresh Cold Water	
Confl. with S. Fork Maquoketa R. to Highway 3			X
a. Deep Cr.	X		
(1) Copper Cr.	X		
(a) S. Copper Cr.	X		
(2) Sugar Cr.	X		
(3) Simmons Cr.	X		
(4) Baird Cr.	X		
(5) Williams Cr.	X		
b. Rock Cr.	X		
c. Brush Cr.			
mouth to confl. with Jess Br.	X		
confl. with Jess Br. to source			X
(1) Jess Br.	X		
d. Prairie Cr. (mouth in Jackson Co.)	X		
e. N. Fork Maquoketa R.	X		
(1) Hurstville Br.	X		
(2) Cedar Cr.	X		
(3) Farmers Cr.	X		
(a) Tarecod Cr.	X		
(4) Lytle Cr.	X		
(a) Spring Br. (mouth in Jackson Co.)	X		
(b) Otter Cr.	X		
(c) Buncombe Cr.	X		
(d) Prairie Cr. (mouth in Dubuque Co.)	X		
f. Pumpkin Run	X		
g. Bear Cr.	X		
(1) Beers Cr.	X		
(2) Rat Run	X		
h. Mineral Cr.	X		
i. Farm Cr.	X		
j. Vordan Cr.	X		
k. Tibetts Cr.	X		
l. Kitty Cr.	X		
(1) W. Kitty Cr.	X		
m. Wet Cr.	X		
n. Cline Cr.	X		
o. Silver Cr.	X		
(1) Grove Cr.	X		
p. Buck Cr.	X		
(1) Lime Cr.	X		
(2) Golden Br.	X		
q. Plum Cr.	X		
(1) Penns Br.	X		
(2) Garretts Br.	X		
(3) Almorat Br.	X		
r. Allison Cr.	X		
s. Spring Br. (mouth in Delaware Co.)			
mouth to Highway 20			X
t. Sand Cr.	X		
(1) Todds Cr.	X		
u. Coffins Cr.	X		

	Classification		
	A	B	C
	Fresh Warm Water	Fresh Cold Water	
v. Honey Cr.	X		
(1) Little York Br. (aka Lindsey Cr., mouth in Delaware Co., Sect. 3, T-89N, R-5W)	X		
(2) Rutherford Br.	X		
w. Rieger Cr.	X		
x. Lindsey Cr. (mouth in Delaware Co., Sect. 1, T-89N, R-6W)	X		
y. Sand Hagen Cr.	X		
z. S. Fork Maquoketa R.	X		
aa. Fenchel Cr. (Richmond Springs)		X	
10. Pleasant Creek	X		
11. Duck Creek	X		
12. Mill Creek (mouth in Jackson Co.) mouth to confl. with Little Mill Cr. confl. with Little Mill Cr. to source a. Little Mill Cr.	X		X X
13. Spruce Creek	X		
14. Tete des Morts River (aka Tete des Morts Cr.) a. Lux Cr.	X X		
15. Catfish Creek mouth to Dubuque Co. Road W. of Key West Dubuque Co. Road W. of Key West to source a. Granger Cr. b. North Fork Catfish Cr. (1) Middle Fork Catfish Cr. c. South Fork Catfish Cr.	X X X X X X X		X
16. Little Maquoketa River a. Bloody Run b. Cloie Br. c. N. Fork mouth to confl. with Middle Fork above confl. with Middle Fork d. Hogans Br.	X X X X X X		X
17. Plum Creek		X	
18. Panther Hollow	X		
19. Turkey River mouth to 2 miles downstream Big Springs 2 miles downstream Big Springs to Big Springs Big Springs to confl. with S. Br. Turkey R. a. Little Turkey R. (mouth in Clayton Co.) mouth to Delaware Co. line Delaware Co. line to source b. Peck Cr.	X X X X X X X X		X X

	Classification		C
	B	B	
A	Fresh Warm Water	Fresh Cold Water	
c. S. Cedar Cr.		X	
d. Elk Cr.	X		
(1) Steel Br.		X	
(2) Pine Cr. (mouth in Clayton Co., Sect. 26, T-91N, R-4W)		X	
(3) Odell Br.		X	
(4) Schechtman Br.		X	
e. Volga R.	X		
(1) Bear Cr. (mouth in Clayton Co.)	X		
(2) Doe Cr.	X		
(3) Honey Cr.	X		
(4) Cox Cr.	X		
(a) Spring Cr.		X	
(5) Hewitt Cr.		X	
(6) Pine Cr. (mouth in Clayton Co. Sect. 2, T-92N, R-6W)	X		
(7) Nagle Cr.	X		
(8) Mink Cr.		X	
(9) Deep Cr.	X		
(10) Brush Cr.		X	
(a) Bear Cr. (mouth in Fayette Co.)		X	
(11) Frog Hollow	X		
(12) Alexander Cr.	X		
(13) Coulee Cr.	X		
(14) Little Volga R.	X		
(15) N. Br. Volga R.	X		
f. Panther Cr.	X		
g. Roberts Cr.	X		
(1) Dry Mill Cr.	X		
(2) Howard Cr.	X		
(3) Silver Cr.	X		
(4) West Br. Roberts Cr.	X		
h. Beaver Cr.	X		
i. Otter Cr.	X		
(1) Glovers Cr.		X	
j. Bell Cr.		X	
k. Sandy Cr.	X		
l. Dibble Cr.	X		
m. Fitzgerald Cr.	X		
n. Nutting Cr.	X		
(1) Quinn Cr.	X		
o. Dry Br.	X		
p. Little Turkey R. (mouth in Fayette Co.) mouth to Chickasaw Co. Road V56	X		
(1) Turner Cr.	X		
(2) Crane Cr. mouth to Highway 9	X		
(a) Dry Run	X		
(b) Simpson Cr.	X		
q. Bohemian Cr. mouth to Howard Co. line		X	
20. Miners Creek		X	
21. Buck Creek		X	

	A	Classification		C
		B Fresh Warm Water	B Fresh Cold Water	
22. Sny Magill Cr. (aka Magill Cr.)			X	
a. N. Cedar Cr.			X	
23. Bloody Run Cr.			X	
24. Yellow River				
mouth to Teeple Cr.		X		
Teeple Cr. to Old Highway 51			X	
a. Dousman Cr.			X	
b. Bear Cr.			X	
c. Suttle Cr.			X	
d. Little Bear Cr.			X	
e. Hickory Cr.			X	
f. Penny Springs		X		
g. Teeple Cr.			X	
h. N. Fork Yellow R.		X		
25. Paint Creek				
mouth to confl. with Little Paint Cr.		X		
confl. to road crossing NW 1/4 Sect. 16 97N4W			X	
a. Little Paint Cr.			X	
26. Wexford Creek			X	
27. Village Creek			X	
28. Clear Creek			X	
29. Upper Iowa River				
mouth to Decorah	X	X		
Decorah to Minn. State line above Chester	X		X	
a. Irish Hollow Cr.				
mouth to Minn. State line			X	
b. French Cr.			X	
c. Clear Cr.				
mouth to Minn. State line			X	
d. Silver Cr. (mouth in Allamakee Co., Sect. 4, T-99N, R-5W)			X	
e. Bear Cr.			X	
(1) Waterloo Cr.				
mouth to Minn. State line			X	
(a) Duck Cr.				
mouth to Minn. State line			X	
(2) North Bear Cr.				
mouth to Minn. State line			X	
f. Patterson Cr.			X	
g. Canoe Cr.			X	
(1) Spring Run Cr.			X	
(2) N. Canoe Cr.			X	
h. Coon Cr.			X	
i. Trout Cr. (mouth in Winneshiek Co., Sect. 9, T-98N, R-7W)			X	
j. Trout Cr. (mouth in Winneshiek Co., Sect. 23, T-98N, R-8W)			X	
(1) Trout Run			X	
k. Twin Springs Cr.			X	

	Classification		C
	A	B	
	Fresh Warm Water	Fresh Cold Water	
l. Ten Mile Cr.		X	
(1) Falcon Springs Cr.		X	
(2) Walnut Cr.		X	
m. Casey Spring Cr.		X	
n. Silver Cr. (mouth in Winneshiek Co., Sect. 10, T-99N, R-9W)		X	
o. Pine Cr. mouth to Minn. State line		X	
p. Cold Water Cr.		X	
q. Martha Cr.		X	
r. Silver Cr. (mouth in Winneshiek Co., Sect. 2, T-99N, R-10W)		X	
s. Nichols Cr.		X	
t. Big Elk Cr.		X	
u. Beaver Cr.		X	
v. Staff Cr.		X	

SECTION III  
IOWA FRESHWATER LAKES AND IMPOUNDMENTS NOT ON CLASSIFIED STREAMS

County	Lake or Impoundment	Classification		
		A	B	C
Adair	Meadow Lake		X	
	Mormon Trail	X	X	
	Nodaway Lake	X	X	X
Adams	Binder Lake	X	X	X
	West Lake		X	X
Appanoose	Upper Centerville Reservoir	X	X	X
	Lower Centerville Reservoir	X	X	X
	Mystic Reservoir	X	X	X
Audubon	Nabotna Pond		X	
Benton	Dudgeon Lake		X	
	Hannon Lake	X	X	
Black Hawk	Black Hawk Park Ponds		X	
	City Park Pond		X	
	Fisher Lake		X	
	Hope Martin Pond		X	
	George Wyth Lake	X	X	
Boone	Don Williams Lake	X	X	
Bremer	Sweet Marsh (Seg. A)		X	
	Sweet Marsh (Seg. B)		X	
	Sweet Marsh (Seg. C)		X	
	Sweet Marsh Reservoir		X	
	Frederwiska Impoundment		X	
Buchanan	Fontana Mill		X	
Buena Vista	Pickerel Lake		X	
	Storm Lake	X	X	
Butler	Aplington Pits		X	

County	Lake or Impoundment	Classification		
		A	B	C
	Lake Considine		X	
Calhoun	City Pond		X	
	North Twin Lake	X	X	
	South Twin Lake		X	
Carroll	Artesian Lake		X	
	Swan Lake	X	X	
Cass	Lake Anita	X	X	
	Cold Springs	X	X	
	Griswold Park		X	
Cedar	Bennett Lake		X	
Cerro Gordo	Clear Lake	X	X	X
	Mason City E. Park		X	
	Meadow Lake		X	
	Rockwell Pond		X	
	Rockfalls Pond		X	
	Ventura Marsh		X	
Cherokee	Spring Lake		X	
Chickasaw	Split Rock		X	
Clarke	East Lake (Osceola)		X	
	Liberty Acres		X	
	West Lake (Osceola)	X	X	X
Clay	Barringer Slough		X	
	Brugeman Park	X	X	
	Dan Greene Slough		X	
	Elk Lake		X	
	Scharnberg Pond	X	X	
	Trumbull Lake		X	
Clayton	Elkader Impoundment		X	
Crawford	Nelson Park Lake	X	X	
	Sunset Lake		X	
Davis	Drakesville Ponds		X	
	Eldon Game Area		X	
	Lake Fisher		X	X
	Lake Wapello	X	X	X
	Home Pond		X	X
	Lake LeShane		X	X
Decatur	Nine Eagles	X	X	
	Slip Bluff		X	
Delaware	Silver Lake (Delhi)		X	
Dickinson	Big Spirit Lake	X	X	X
	Center Lake	X	X	
	Diamond Lake		X	
	East Okoboji Lake	X	X	
	Garlock Slough		X	
	Hale Slough		X	
	Hottes Lake		X	
	Lake Park Pond		X	
	Little Spirit Lake	X	X	

County	Lake or Impoundment	Classification		
		A	B	C
	Lower Gar Slough		X	
	Marble Lake		X	
	Minnewashta Lake	X	X	
	Pleasant Lake		X	
	Prairie Lake		X	
	Sandbar Slough		X	
	Silver Lake	X	X	X
	Sunken Lake		X	
	Swan Lake		X	
	Upper Gar Lake		X	
	Welsh Lake		X	
	West Okoboji Lake	X	X	X
Dubuque	Maus Pond		X	
Emmett	High Lake	X	X	
	Ingham Lake	X	X	
	Iowa Lake		X	
	Tuttle Lake	X	X	
	Twelve-Mile Lake		X	
Fayette	Maremaid Impoundment		X	
	Lake Oelwein	X	X	
	Waucama Impoundment		X	
Franklin	Beeds Lake	X	X	
	Robinsons Pond		X	
	Pope Joy Pond		X	
	Toft Pit	X	X	
Fremont	Tabor Pond		X	
Greene	County Board Lake		X	
	Spring Lake	X	X	
Grundy	Rodman Park Ponds		X	
	Stoehr Lake (Wellsburg)		X	
Guthrie	Bays Branch		X	
	Springbrook Lake	X	X	
Hamilton	Briggs Woods Lake	X	X	
	Little Wall Lake	X	X	
Hancock	Crystal Lake	X	X	
	Eldred Sherwood Lake	X	X	
	Pilot Knob Lake	X	X	
	East Twin Lake		X	
	West Twin Lake		X	
Hardin	Lower Pine Lake	X	X	
	Upper Pine Lake	X	X	
Harrison	California Bend		X	
	DeSoto Bend	X	X	
	DeSoto Bend Pond		X	
	Dunlap Pond		X	
	Tyson Bend		X	
Henry	Geode Lake	X	X	X
Howard	Lake Hendricks	X	X	
	Lime Springs Impoundment		X	

County	Lake or Impoundment	Classification		
		A	B	C
	Merrick Pond		X	
	Vernon Spring		X	
Humboldt	Humboldt Impoundment	X	X	
Ida	Moorehead Park	X	X	
	School Pond		X	
Iowa	Iowa Lake	X	X	
	Williamsburg Pond		X	
Jackson	Dalton Lake		X	
	North Sabula Lake	X	X	
	South Sabula Lake	X	X	
Jasper	Mariposa Lake		X	
	Rock Creek Lake	X	X	
Jefferson	Fairfield Reservoir		X	X
	Walton Reservoir		X	X
Johnson	Kent Park Lake		X	
	Lake McBride	X	X	X
Jones	Central Park Lake	X	X	
Keokuk	Griffin Lake		X	
	Yenrougis		X	
Kossuth	Burt Lake		X	
	Goose Lake		X	
	Lake Smith	X	X	
	Whittemore Pit		X	
Lee	Chatfield Lake		X	
	Poll Miller Park		X	
	Shimek Forest Ponds		X	
	Wilson Lake		X	
Linn	Buffalo Creek		X	
	Central City Ponds		X	
	South Cedar Pond		X	
Louisa	Lake Odessa	X	X	
Lucas	Browns Slough		X	
	North Colyn		X	
	South Colyn		X	
	Ellis Lake	X	X	X
	Morris Lake	X	X	X
	Red Haw Lake	X	X	X
	Stephens Farm Ponds		X	
	Stephens Farm Ponds		X	
	Williamson Pond		X	
Mahaska	Edmunson Pond		X	
	Lake Keomah	X	X	
Marion	Knoxville Pond		X	
	Pleasantville Pond		X	
	Roberts Creek Lake	X	X	
	Tower Pond		X	
Mills	Glenwood Lake	X	X	X
	Institutional Pond		X	

County	Lake or Impoundment	Classification		
		A	B	C
	Malvern Pond		X	
	Pony Creek		X	
	Willow Slough		X	
Mitchell	Stacyville Impoundment		X	
Monona	Blackbird Bend		X	
	Blue Lake	X	X	
	Decatur Lake	X	X	
	Louisville Bend		X	
	Middle Decatur		X	
	North Decatur		X	
	Whiting Woods		X	
Monroe	Albia Reservoir	X	X	X
	Cottonwood Pits		X	
	Lake Miami	X	X	
Montgomery	Viking Lake	X	X	
O'Brien	Dog Creek	X	X	
	Douma Area	X	X	
	Mill Creek	X	X	
Osceola	Ashton Pits		X	
	Hallett Pits		X	
	Iowa Lake		X	
	May City Pit	X	X	
	Ocheyedan Pits	X	X	
	Peters Pit		X	
Page	Pioneer Park		X	
Palo Alto	Five Island Lake	X	X	
	Lost Island	X	X	
	Silver Lake	X	X	
	Sportsman Park	X	X	
	Virgin Lake		X	
Plymouth	LeMars Pit		X	
Pocahontas	Fonda Reservoir		X	
	Lizard Lake		X	
Polk	City Ponds	X	X	
	Dale Moffitt Reservoir	X	X	X
	Easter Lake	X	X	
	Grays Lake	X	X	X
	Jester Park	X	X	
Pottawattamie	Arrowhead Pond		X	
	Lake Manawa	X	X	
	Minser Pond		X	
Poweshiek	Diamond Lake	X	X	X
Ringgold	Game Area Ponds		X	
	Lions Club Ponds		X	
	North Lake		X	X
	Old Reservoir		X	
	Lock Ayr	X	X	
	Walnut Creek Marsh		X	

County	Lake or Impoundment	Classification		
		A	B	C
Sac	Arrowhead Lake		X	
	Black Hawk Lake	X	X	
	Hallet Pits		X	
Scott	Cody Lake		X	
	Odetta Lake		X	
Shelby	Little George		X	
	Manteno Park		X	
	Prairie Rose	X	X	
Sioux	Fairview Area		X	
	Floyd Park Pit	X	X	
	Sioux Center Pit		X	
	Van Zee Pit	X	X	
Story	Dakin Lake		X	
	Hickory Grove Lake	X	X	
	McFarlands Pond		X	
Tama	Black Hawk Lake	X	X	
	Cherry Lake		X	
	Otter Creek Lake	X	X	
	Union Grove Lake	X	X	
	Hickory Hills Lake	X	X	
Taylor	Bedford Impoundment		X	X
	East Lake (Lenox)	X	X	X
	Lake of Three Fires	X	X	
	Wilson Park		X	
	Windmill Lake		X	
Union	Afton City Reservoir	X	X	X
	Green Valley	X	X	X
	McKinley Lake	X	X	X
	Summitt Lake		X	X
	Thayer Lake		X	
Van Buren	Lacey Keosauqua	X	X	X
Wapello	Eldon Pond		X	
	Ottumwa Lagoon		X	
Warren	Lake Ahquabi	X	X	X
	Banner Pits		X	
	Hooper Area Pond		X	
Washington	Lake Darling	X	X	X
	Foster Woods Pond		X	
	Iowa Township Pond		X	
	Marr Park Pond		X	
	Sokum Ridge Pond		X	
Wayne	Bob White Lake	X	X	X
	Corydon Reservoir	X	X	X
	Humeston Reservoir	X	X	X
	Lineville Reservoir		X	X
	Seymour Reservoir	X	X	X
Webster	Badger Lake	X	X	
Winnebago	Rice Lake	X	X	
Winneshiek	Lake Meyers	X	X	

County	Lake or Impoundment	Classification		
		A	B	C
Woodbury	Browns Lake	X	X	
	Little Sioux Park Lake	X	X	
Worth	Silver Lake	X	X	
Wright	East Twin Lake		X	
	Lake Cornelia	X	X	
	Morse Lake		X	
	West Twin Lake		X	

These rules are intended to implement sections 455B.32, 455B.45 and 455B.46 of the Code.

[Effective February 13, 1974]

**ENVIRONMENTAL QUALITY DEPARTMENT**  
(continued)

Pursuant to the authority of section 455B.78 of the Code, the rules appearing in the 1973 IDR, 295 to 301, relating to sanitary disposal projects are amended as follows.

[Filed February 13, 1974]

**SOLID WASTE DISPOSAL**

ITEM 1. Chapter 25 of the rules relating to solid waste disposal is amended as follows.

Rescind subrule 25.1(1) and insert the following in lieu thereof:

**25.1(1)** "*Commission*" means the Iowa solid waste disposal commission.

Rescind subrule 25.1(3) and insert the following in lieu thereof:

**25.1(3)** "*Department*" means the Iowa state department of environmental quality.

ITEM 2. Chapter 26 of the rules relating to solid waste disposal is amended as follows.

Strike from rule 26.1(455B) the word "commissioner" and insert the words "executive director" in lieu thereof.

Rescind rule 26.2(455B) and insert the following in lieu thereof:

**26.2(455B) Details of plan proposals.** Cities, towns, counties and private agencies which are operating or planning to operate a sanitary disposal project shall file with the executive director a plan on a form provided by the executive director detailing

the method proposed to comply with the requirements of chapter 455B. The plan shall be filed with the executive director prior to January 1, 1973.

Rescind subrule 26.3(3) and insert the following in lieu thereof:

**26.3(3)** The commission, after public hearing, may grant such exceptions from these rules as it may consider proper and in the public interest.

Strike from subrule 26.4(3) the words "commissioner of public health" and insert the word "department" in lieu thereof.

ITEM 3. Chapter 27 of the rules relating to solid waste disposal is amended as follows.

Strike from subrule 27.1(4), paragraph "i," subparagraph (1) the words "Iowa air pollution control commission" and insert the words "Iowa air quality commission" in lieu thereof.

Strike from subrule 27.1(4), paragraph "i," subparagraph (20) the word "commissioner" and insert the words "executive director" in lieu thereof.

ITEM 4. Chapter 28 of the rules relating to solid waste disposal is amended as follows.

Rescind rule 28.1(455B) and insert the following in lieu thereof:

**28.1(455B)** Any city, town, county or private agency using or planning to use incineration as a method of sanitary disposal

must obtain a permit from the executive director.

Rescind rule 28.2(455B) and insert the following in lieu thereof:

**28.2(455B)** Any city, town, county or private agency operating or planning to operate an incinerator to dispose of toxic or hazardous waste must apply to the executive director for a special permit for this purpose.

Strike from rule 28.3(455B) the words "Iowa air pollution control commission" and insert the words "Iowa air quality commission" in lieu thereof.

Strike from 28.4(4) "o", 28.4(4) "q", 28.4(4) "s" the word "commissioner" and insert in each instance the words "executive director" in lieu thereof.

ITEM 5. Chapter 29 of the rules relating to solid waste disposal is amended as follows.

Rescind rule 29.1(455B) and insert the following rule in lieu thereof:

**29.1(455B)** Any city, town, county or private agency disposing or planning to dispose of solid waste by composting must obtain a permit from the executive director prior to operation, installation or alteration of such facilities.

Strike from subrule 29.2(9) the word "commissioner" and insert the words "executive director" in lieu thereof.

ITEM 6. Chapter 30 of the rules relating to solid waste disposal is amended as follows.

Rescind rule 30.1(455B) and insert the following in lieu thereof:

**30.1(455B)** Any city, town, county or private agency processing or planning to process said waste by recycling must obtain a permit from the executive director prior to operation, installation or modification of such facilities.

Strike from subrule 30.2(4) the word "commissioner" and insert the words "executive director" in lieu thereof.

ITEM 7. Chapter 31 of the rules relating to solid waste disposal is amended as follows.

Strike from rule 31.1(455B) the word "commissioner" and insert the words "executive director" in lieu thereof.

These rules are intended to implement section 455B.78 and section 455B.84 of the Code.

[Effective February 13, 1974]

## ENVIRONMENTAL QUALITY DEPARTMENT

(continued)

Pursuant to the authority of sections 455B.101 and 455B.102 of the Code, rules appearing in 1973 IDR, 301, relating to agricultural chemicals (Chapter 35) are amended as follows.

[Filed February 13, 1974]

### CHEMICAL TECHNOLOGY

ITEM 1. Insert after rule 35.4(455B) the following new rule.

**35.5(455B) Reports of livestock poisoning.** Any person practicing veterinary medicine under the provisions of chapter 169 of the Code encountering a case of poisoning, or suspected poisoning, of domestic livestock through injury from contact with, exposure to, or ingestion of any biological or chemical agent or compound, shall immediately report by telephone or telegraph such poisoning to the head of the veterinary diagnostic laboratory of Iowa state univer-

sity of science and technology who shall immediately notify the executive director of the department of environmental quality of any such reports, except those relating to infectious or contagious diseases. Reports made pursuant to this rule shall be confirmed in writing as provided in 35.5(2).

**35.5(1) Verbal report.** The verbal report of a case of such poisoning shall provide information on as many of the items listed in 35.5(2), as available data allows.

**35.5(2) Written report.** The written report of a case of such poisoning shall be submitted within 48 hours, with one copy to the department of environmental quality and one copy to the veterinary diagnostic laboratory, and shall contain the following information on forms provided by the veterinary diagnostic laboratory or the department of environmental quality.

- a. Location of incident.
- b. Time and date of incident.
- c. Number and type of livestock affected.
- d. Poison agent, known or suspected.
- e. Location of source of poisoning.
- f. Type and degree of poisoning.
- g. Name, mailing address, and telephone number of livestock owner.
- h. Whether release of poisoning agent is continuing.

i. Whether poisoning agent is on land or in water.

j. Any other information that may assist in evaluation of the incident.

k. Name and address of reporting veterinarian.

**35.5(3) Subsequent findings.** All subsequent findings and diagnostic results shall be submitted as soon as they become available.

This rule is intended to implement sections 455B.101 and 455B.102 of the Code.

[Effective June 15, 1974]

## HEALTH DEPARTMENT

Pursuant to the authority of Senate File 301, Acts of the Sixty-fifth General Assembly, section 135.11(16) of the Code, the following rules relating to venereal disease prophylactics are adopted.

### CHAPTER 6

#### VENEREAL DISEASE PROPHYLACTICS

##### 6.1(135) Definitions.

**6.1(1) "Department"** means the state department of health;

**6.1(2) "Person"** means an individual, corporation, partnership, firm or association;

**6.1(3) "Sell"** means a sale by a manufacturer, wholesale dealer, distributor or jobber to a person who sells, or intends to sell, direct to the user; and also a sale to the ultimate user in person or by a vending machine;

**6.1(4) "Venereal disease prophylactic"** for the purpose of these rules means a condom, a prophylactic consisting of a sheath designed to be placed over the penis to prevent conception or venereal disease during coitus.

**6.2(135) Application for permit.** Any person seeking a permit to sell venereal disease control prophylactics shall file with the venereal disease control division of the department a completed application on a form furnished by the department. A permit shall be valid for a period of two years from the date of issuance. These rules shall not apply to a physician licensed under chapter 148, 150, or 150A or a pharmacist licensed under chapter 147 of the Code.

**6.3(135) Permit number and decal to be displayed.** The holder of any permit for the sale of venereal disease prophylactics shall have a copy of the numbered permit available where the prophylactics are sold. Any vending machine used for dispensing venereal disease prophylactics shall have permanently attached to the machine a tag or decal listing the name and address of the permit holder and the current permit number designated by the department. The permit holder shall have attached to each vending machine a decal supplied by the Department containing venereal disease control information.

**6.4(135) Compliance.** All state statutes, rules and local ordinances shall be complied with by the permit holder.

**6.5(135) Standards.** No condoms shall be sold in this state unless the following conditions are met:

**6.5(1)** The condoms shall be in compliance with United States Food and Drug Administration standards and regulations for condoms; all condoms shall be manufactured in the United States;

**6.5(2)** All condoms shall be individually sealed in plastic, foil or a comparable type seal to protect the product from deterioration from exposure to air;

**6.5(3)** Individual condoms or individual condom containers shall bear the date of manufacture in uncoded form and the name of the manufacturer and trademark;

6.5(4) No condoms shall be sold if they are three years or older from date of manufacture.

These rules are intended to implement Senate File 301, Acts of the Sixty-fifth General Assembly.

[Effective July 1, 1974]

## HEALTH DEPARTMENT

(continued)

Pursuant to the authority of section 135.11(7) of the Code, subrule 22.1(1) appearing in 1973 IDR, 345 and 346, relating to the state plumbing code requirements is amended as follows:

[Filed April 9, 1974]

Subrule 22.1(1) is amended by striking from line 5 the date and word "1970

Edition" and inserting in lieu thereof the date and word "1973 Edition".

This amendment is intended to implement section 135.11(7) of the Code.

[Effective April 9, 1974]

## HEALTH DEPARTMENT

(continued)

Pursuant to the authority of section 135C.25 of the Code, rule 56.11(135C) appearing in 1973 IDR, 395 and 396, relating to the care review committee is amended as follows:

[Filed July 2, 1974]

ITEM 1. Subrule 56.11(1), as amended by the amendments appearing on page 32 of the January 1974 supplement to the 1973 IDR, is further amended by striking the words "If a health care facility has difficulty in establishing the required care review committee, it should notify the state department of health of the same."

ITEM 2. Subrule 56.11(3), paragraph "b", is amended by striking from line 1 of paragraph "b" the words "licensee" and inserting in lieu thereof the words "areawide health planning council".

ITEM 3. Subrule 56.11(3), paragraph "c," is amended by striking paragraph "c".

ITEM 4. Subrule 56.11(3), paragraph "d", is amended by striking from line 4 of paragraph "d" the word "licensee" and inserting in lieu thereof the words "areawide health planning council".

ITEM 5. Subrule 56.11(3), paragraph "e", is amended by inserting in line 2 of paragraph "e" following the word "not" the words "have ownership in the facility,".

ITEM 6. Subrule 56.11(3), paragraph "f", is amended by striking from lines 2 and 3 of paragraph "f" the words "at such intervals" and inserting in lieu thereof the words "at least quarterly".

ITEM 7. Subrule 56.11(3), paragraph "g", is amended by inserting in line 5 of paragraph "g" following the word "facility" the words "except in accordance with section 135C.19."

ITEM 8. Subrule 56.11(4) is amended by striking from the catchwords the word "Function" and inserting in lieu thereof the word "Responsibilities".

ITEM 9. Deleted by IDR committee.

ITEM 10. Subrule 56.11(4), paragraph "d" is amended by striking paragraph "d" and inserting in lieu thereof the following: "Each resident or patient shall be reviewed on at least an annual basis."

ITEM 11. Subrule 56.11(4), paragraph "f", is amended by striking paragraph "f" and inserting in lieu thereof the following: "The committee shall determine through its observations, conference with the resident or patient, and consultation with others that services are being provided in accordance with the resident's or patient's contract. Determination shall be made regarding the following: Cleanliness of resident or patient; types of tasks given residents or patients are in accordance with the physician's orders and whether resident or patient employees may receive remuneration; consideration of the resident's or patient's personal and social needs; situations affecting resident's or patient's welfare and safety; sanitation of the health care facility and grounds; that the physical structure of the health care facility contains no physical barriers which would prevent any resident or patient from freely using the services of the health care

facility or exiting to the outside. Physical barriers preventing the exit from a facility shall not apply to remotely operated devices previously approved by the department of health for the safety of the patients.

ITEM 12. Deleted by IDR committee.

ITEM 13. Subrule 56.11(4), paragraph "j" is amended by inserting in line 4 of paragraph "j" following the word "capacity" the words "providing that information

exchanged is treated as privileged communication and is kept confidential in accordance with section 135C.19, Code of Iowa".

ITEM 14. Subrule 56.11(6), paragraph "c" is amended by inserting in line 2 of paragraph "c" following the word "record" the words "of the resident or patient".

These amendments are intended to implement section 135C.25 of the Code.

[Filed July 1, 1974]

## HIGHER EDUCATION FACILITIES COMMISSION

Pursuant to the authority of section 261.4 of the Code, the rules appearing in the Iowa Departmental Rules, January 1974 Supplement, page 36, relating to the Iowa tuition grant program are amended as follows:

[Filed June 28, 1974]

Subrule 4.1(4) is amended by striking all of lines 7 to 13 and inserting in lieu thereof the words "applicant has met all requirements for independent student status as prescribed by the commission".

[Effective June 28, 1974]

## HIGHWAY COMMISSION

Pursuant to the authority of section 307.5(14) of the Code, rules appearing in 1973 IDR, 494 to 517, relating to operation and movement of vehicles of excess size and weight are rescinded and the following adopted in lieu thereof.

[Filed April 15, 1974]

### CHAPTER 2

#### SPECIAL PERMITS OPERATION AND MOVEMENT OF VEHICLES AND LOADS OF EXCESS SIZE AND WEIGHT

**2.1(321E) General stipulations.** All permits issued by permit issuing authorities will be subject to the following general stipulations.

**2.1(1)** Permit issuing authorities will in their discretion and upon application and with good cause being shown therefor issue permits for the movement of vehicles with indivisible loads carried thereon which exceed the maximum dimensions and weights specified in sections 321.452 to 321.466, but not to exceed the limitations of chapter 321E of the Code.

**2.1(2) By whom issued.** All permits for the movement of oversize vehicles or vehicles and loads on the primary road system of Iowa will be issued only through the traffic weight operations department of the

Iowa state highway commission, Ames, Iowa, except those authorized to be issued by the resident maintenance engineers of the Iowa state highway commission. All permits for the movements on other systems of highways and streets will be issued by the authority responsible for the maintenance of such systems of highways or streets.

**2.1(3)** Permits so issued may be single-trip permits or annual permits and the Iowa state highway commission will issue single-trip permits on primary road extensions in cities and towns in conjunction with movement on the rural primary road system.

**2.1(4)** The state of Iowa and the Iowa state highway commission and any other permit issuing authority assume no responsibility for the property of the applicant.

**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.

2.1(6) 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 which is posted with embargo signs.

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. Provisions of the law as to maximum weight and dimensions, chapter 321E of the Code shall then apply.

2.1(8) No vehicle or combination of vehicles of illegal dimension with or without load shall be moved on the highways without permit except as provided in section 321.453 of the Code.

2.1(9) Permits are valid only for the transporting of a single article which exceeds statutory size or weight limits or both, and which cannot reasonably be divided or reduced to statutory size and weight limits, except in the transportation of property consisting of more than one article exceeding the statutory size limits when the statutory weight limitations 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.

2.1(10) Permits issued shall be in writing and shall be carried in the cabs of the vehicles for which the permits have been issued and shall be available for inspection at all times. The vehicle for which the permits have been issued shall be open to inspection by any peace officer or to any authorized agent of any permit granting authority.

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 of the Code, no movement by permit shall be permitted on Sundays, holidays, after 12 o'clock noon on Saturdays, 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: New Year's Day, Memorial Day,

Independence Day, Veterans Day, Labor Day, Thanksgiving Day and Christmas Day.

2.1(12) The towing unit for mobile homes or other towed loads, the weight of which towed load exceeds 4500 pounds, shall be a one and one half ton or larger truck or truck tractor having dual wheels. The towing unit for towed loads exceeding ten feet in width shall have at least a 120-inch wheel base or shall have an empty gross weight of 6000 pounds or more. Hitching requirements shall be consistent with those of the Iowa department of public safety.

2.1(13) Fees and costs required under these rules shall normally be paid in the form of certified check, cashier's check, traveler's check or bank draft. Cash and personal checks may be accepted at the discretion of the issuing authority.

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 property damage will be required prior to the issuance of any permit. Such proof to be made by the submission of a certificate of insurance to the permit issuing authority.

2.1(15) *Movements on the interstate system (as defined in section 306.3(7) of the Code).*

a. Subject to the provisions of "b", "c" and "d" below, annual or single-trip permits will be issued for movements on the interstate system provided the interstate system is free from maintenance and construction work or other hazardous conditions on the specific permit route and abnormally high traffic volumes due to special events are not present on the specific permit route and where:

(1) An alternate primary route with a roadway width of 24 feet is not available, or

(2) The average daily traffic exceeds 3000 vehicles on the alternate primary route, or

(3) The travel distance is equal for both systems or is greater for the alternate primary route.

b. Annual permits may be issued for movements on the interstate system not to exceed 25 miles except that the movement of road construction machinery, equipment or material and agricultural machinery,

equipment and materials may be for a distance exceeding 25 miles if such machinery, equipment and materials are to be used within the state of Iowa or are manufactured or assembled in the state of Iowa provided:

(1) A minimum speed of 40 miles per hour can be maintained.

(2) The vehicle with load does not exceed 11 feet 9 inches in width, 13 feet 10 inches in height, 70 feet 0 inches in overall length and total gross weight of 73,280 pounds [18,000 pounds per axle according to the schedule in 2.1(16)].

c. Single-trip permits may be issued for movement, or a portion of a move, on the interstate system where in the opinion of the director of traffic weight operations, the move proposed on the interstate system will be to the best interests of the safety of the traveling public provided:

(1) A minimum speed of 40 miles per hour can be maintained.

(2) The vehicle with load does not exceed 11 feet 9 inches in width, height limited to underpasses, power lines and other established height restrictions, 70 feet 0 inches in over-all length and total gross weight of 73,280 pounds [18,000 pounds per axle according to the schedule in 2.1(16)].

(3) The vehicle with load does not exceed 80 feet 0 inches in over-all length

and the width does not exceed 8 feet 0 inches, the height does not exceed 13 feet 6 inches and the total gross weight does not exceed 73,280 pounds [18,000 pounds per axle according to the schedule 2.1(16)] in special or emergency situations and only at the discretion of the permit issuing authority. In such cases the provisions of 2.1(15) "a" (1), (2) and (3) may be waived.

d. Single-trip or annual permits may be issued for mobile homes to make a portion of a move on the interstate system:

(1) At either the point of entry or exit from this state and then only for such distance necessary to make connection with the nearest primary highway route, or

(2) To bypass urban areas over specified routes provided:

The vehicle with load does not exceed 11 feet 9 inches in width, 13 feet 6 inches in height, 70 feet 0 inches in over-all length, and total gross weight of 73,280 pounds [18,000 pounds per axle according to the schedule in 2.1(16)].

e. Permits for movement on the interstate system shall be issued by the Traffic Weight Operations Office, Ames, Iowa or by the resident maintenance engineer's office provided the proposed interstate system movement is approved by a telephone call to the Traffic Weight Operations Office, Ames, Iowa.

**2.1(16) Schedule of maximum axle weights and maximum gross weights including tolerance.**

Wheel Base Feet	Max. Ldg. Pounds Weight	Wheel Base Feet	Max. Ldg. Pounds Weight	Wheel Base Feet	Max. Ldg. Pounds Weight	Wheel Base Feet	Max. Ldg. Pounds Weight
13	48,000	22	58,000	31	76,000	40	87,000
14	48,000	23	60,000	32	78,000	41	88,000
15	48,000	24	62,000	33	80,000	42	89,000
16	48,000	25	64,000	34	81,000	43	90,000
17	48,000	26	66,000	35	82,000	44	90,000
18	50,000	27	68,000	36	83,000	45	90,000
19	52,000	28	70,000	37	84,000	46	90,000
20	54,000	29	72,000	38	85,000	47	90,000
21	56,000	30	74,000	39	86,000		Maximum

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.

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.

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.

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 25 miles at a speed not greater than 20 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.

**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 highway commission Forms 563, 564, 566 and 567 which are set out in rule 2.6(321E). Any applications to local authorities for permit or escort authorization made upon Forms 563, 564, 566 and 567 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 of the Code, route and trip distance where applicable and authorization of issuing authority.

**2.2(321E) Movements of loads exceeding 12 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 13 feet in width or mobile homes of widths including appurtenances exceeding 12 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 4000 vehicles per day and adjustments for gravel roads. (For 24-foot, 22-foot, 20-foot, 18-foot paved roadways and gravel surfaces traveled by  $a=4000$  or more vehicles per day,  $b=3000$

or more vehicles per day,  $c=2000$  or more vehicles per day,  $d=1000$  or more vehicles per day, and  $e$ =under 1000 vehicles per day.)

**2.2(2)** A movement of an indivisible load or construction machinery being temporarily moved over a highway or highways having sections carrying varying volumes of traffic and having varying surface widths shall be computed for the total distance of the lowest volume of traffic or the greatest highway width whichever produces the greatest distance by the schedule in 2.2(3). No part of the movement based on traffic volume and surface width shall exceed the distance established by the specific traffic volume and surface width for that section.

**2.2(3)** Computation of maximum trip distance when permits are issued by more than one authority to accomplish a single trip.

*a.* Permit issuing authorities shall issue permits for that portion of the total trip distance made upon roads within their jurisdiction using the schedule in 2.2(3). No permit issuing authority shall authorize a move for a distance exceeding the maximum trip distance allowable for the portion of the move within its jurisdiction.

*b.* The maximum trip distance allowable for a movement requiring permits from more than one issuing authority will be the greatest maximum distance allowed for any segment of the permit movement but shall not exceed 50 miles. The maximum distance shall not be extended by the fact that there is more than one issuing authority.

PAVED SURFACE

Actual Load Width	24' roadway (pavement)					22' roadway (pavement)				
	a	b	c	d	e	a	b	c	d	e
13'	50	50	50	50	50	23	41	50	50	50
14'	50	50	50	50	50	15	32	50	50	50
15'	41	50	50	50	50	10	23	41	50	50
16'	32	50	50	50	50	8	15	32	50	50
17'	23	41	50	50	50	7	10	23	41	50
18'	15	32	50	50	50	6 1/4	8	15	32	50
19'	10	23	41	50	50	5 1/2	7	10	23	41
20'	8	15	32	50	50	5	6 1/4	8	15	32
21'	7	10	23	41	50	4 1/2	5 1/2	7	10	23
22'	6 1/4	8	15	32	50	4	5	6 1/4	8	15
23'	5 1/2	7	10	23	41	3 3/4	4 1/2	5 1/2	7	10
24'	5	6 1/4	8	15	32	3 1/2	4	5	6 1/4	8
25'	4 1/2	5 1/2	7	10	23	3 1/4	3 3/4	4 1/2	5 1/2	7
26'	4	5	6 1/4	8	15	3	3 1/2	4	5	6 1/4
27'	3 3/4	4 1/2	5 1/2	7	10	2 3/4	3 3/4	3 3/4	4 1/2	5 1/2
28'	3 1/2	4	5	6 1/4	8	2 1/2	3	3 1/2	4	5
29'	3 1/4	3 3/4	4 1/2	5 1/2	7	2 1/4	2 3/4	3 1/4	3 3/4	4 1/2
30'	3	3 1/2	4	5	6 1/4	2	2 1/2	3	3 1/2	4
31'	2 3/4	3 3/4	3 3/4	4 1/2	5 1/2	1 3/4	2 1/4	2 3/4	3 1/4	3 3/4
32'	2 1/2	3	3 1/2	4	5	1 1/2	2	2 1/2	3	3 1/2
33'	2 1/4	2 3/4	3 1/4	3 3/4	4 1/2	1 1/4	1 3/4	2 1/4	2 3/4	3 1/4
34'	2	2 1/2	3	3 1/2	4	1	1 1/2	2	2 1/2	3
35'	1 3/4	2 1/4	2 3/4	3 1/4	3 3/4	3/4	1 1/4	1 3/4	2 1/4	2 3/4
36'	1 1/2	2	2 1/2	3	3 1/2	1/2	1	1 1/2	2	2 1/2
37'	1 1/4	1 3/4	2 1/4	2 3/4	3 1/4	0	3/4	1 1/4	1 3/4	2 1/4
38'	1	1 1/2	2	2 1/2	3	0	1/2	1	1 1/2	2
39'	3/4	1 1/4	1 3/4	2 1/4	2 3/4	0	0	3/4	1 1/4	1 3/4
40'	1/2	1	1 1/2	2	2 1/2	0	0	1/2	1	1 1/2

PAVED SURFACE

Actual Load Width	20' roadway (pavement)					18' roadway (pavement)				
	a	b	c	d	e	a	b	c	d	e
13'	7	10	23	41	50	4 1/2	5 1/2	7	10	23
14'	6 1/4	8	15	32	50	4	5	6 1/4	8	15
15'	5 1/2	7	10	23	41	3 3/4	4 1/2	5 1/2	7	10
16'	5	6 1/4	8	15	32	3 1/2	4	5	6 1/4	8
17'	4 1/2	5 1/2	7	10	23	3 1/4	3 3/4	4 1/2	5 1/2	7
18'	4	5	6 1/4	8	15	3	3 1/2	4	5	6 1/4
19'	3 3/4	4 1/2	5 1/2	7	10	2 3/4	3 1/4	3 3/4	4 1/2	5 1/2
20'	3 1/2	4	5	6 1/4	8	2 1/2	3	3 1/2	4	5
21'	3 1/4	3 3/4	4 1/2	5 1/2	7	2 1/4	2 3/4	3 1/4	3 3/4	4 1/2
22'	3	3 1/2	4	5	6 1/4	2	2 1/2	3	3 1/2	4
23'	2 3/4	3 1/4	3 3/4	4 1/2	5 1/2	1 3/4	2 1/4	2 3/4	3 1/4	3 3/4
24'	2 1/2	3	3 1/2	4	5	1 1/2	2	2 1/2	3	3 1/2
25'	2 1/4	2 3/4	3 1/4	3 3/4	4 1/2	1 1/4	1 3/4	2 1/4	2 3/4	3 1/4
26'	2	2 1/2	3	3 1/2	4	1	1 1/2	2	2 1/2	3
27'	1 3/4	2 1/4	2 3/4	3 1/4	3 3/4	3/4	1 1/4	1 3/4	2 1/4	2 3/4
28'	1 1/2	2	2 1/2	3	3 1/2	1/2	1	1 1/2	2	2 1/2
29'	1 1/4	1 3/4	2 1/4	2 3/4	3 1/4	0	3/4	1 1/4	1 3/4	2 1/4
30'	1	1 1/2	2	2 1/2	3	0	1/2	1	1 1/2	2
31'	3/4	1 1/4	1 3/4	2 1/4	2 3/4	0	0	3/4	1 1/4	1 3/4
32'	1/2	1	1 1/2	2	2 1/2	0	0	1/2	1	1 1/2
33'	0	3/4	1 1/4	1 3/4	2 1/4	0	0	0	3/4	1 1/4
34'	0	1/2	1	1 1/2	2	0	0	0	1/2	1
35'	0	0	3/4	1 1/4	1 3/4	0	0	0	0	3/4
36'	0	0	1/2	1	1 1/2	0	0	0	0	1/2
37'	0	0	0	3/4	1 1/4	0	0	0	0	0
38'	0	0	0	1/2	1	0	0	0	0	0
39'	0	0	0	0	3/4	0	0	0	0	0
40'	0	0	0	0	1/2	0	0	0	0	0

## GRAVEL ROAD ADJUSTMENT

Actual Load Width	30' Traveled Width					28' Traveled Width				
	a	b	c	d	e	a	b	c	d	e
13'	50	50	50	50	50	50	50	50	50	50
14'	50	50	50	50	50	50	50	50	50	50
15'	50	50	50	50	50	50	50	50	50	50
16'	50	50	50	50	50	50	50	50	50	50
17'	50	50	50	50	50	50	50	50	50	50
18'	50	50	50	50	50	50	50	50	50	50
19'	50	50	50	50	50	50	50	50	50	50
20'	50	50	50	50	50	50	50	50	50	50
21'	50	50	50	50	50	50	50	50	50	50
22'	50	50	50	50	50	50	50	50	50	50
23'	50	50	50	50	50	41	50	50	50	50
24'	50	50	50	50	50	32	50	50	50	50
25'	50	50	50	50	50	23	41	50	50	50
26'	50	50	50	50	50	15	32	50	50	50
27'	41	50	50	50	50	10	23	41	50	50
28'	32	50	50	50	50	8	15	32	50	50
29'	23	41	50	50	50	7	10	23	41	50
30'	15	32	50	50	50	6¼	8	15	32	50
31'	10	23	41	50	50	5½	7	10	23	41
32'	8	15	32	50	50	5	6¼	8	15	32
33'	7	10	23	41	50	4½	5½	7	10	23
34'	6¼	8	15	32	50	4	5	6¼	8	15
35'	5½	7	10	23	41	3¾	4½	5½	7	10
36'	5	6¼	8	15	32	3½	4	5	6¼	8
37'	4½	5½	7	10	23	3¼	3¾	4½	5½	7
38'	4	5	6¼	8	15	3	3½	4	5	6¼
39'	3¾	4½	5½	7	10	2¾	3¼	3¾	4½	5½
40'	3½	4	5	6¼	8	2½	3	3½	4	5

## GRAVEL ROAD ADJUSTMENT

Actual Load Width	26' Traveled Width					24' Traveled Width				
	a	b	c	d	e	a	b	c	d	e
13'	50	50	50	50	50	50	50	50	50	50
14'	50	50	50	50	50	50	50	50	50	50
15'	50	50	50	50	50	41	50	50	50	50
16'	50	50	50	50	50	32	50	50	50	50
17'	50	50	50	50	50	23	41	50	50	50
18'	50	50	50	50	50	15	32	50	50	50
19'	41	50	50	50	50	10	23	41	50	50
20'	32	50	50	50	50	8	15	32	50	50
21'	23	41	50	50	50	7	10	23	41	50
22'	15	32	50	50	50	6¼	8	15	32	50
23'	10	23	41	50	50	5½	7	10	23	41
24'	8	15	32	50	50	5	6¼	8	15	32
25'	7	10	23	41	50	4½	5½	7	10	23
26'	6¼	8	15	32	50	4	5	6¼	8	15
27'	5½	7	10	23	41	3¾	4½	5½	7	10
28'	5	6¼	8	15	32	3½	4	5	6¼	8
29'	4½	5½	7	10	23	3¼	3¾	4½	5½	7
30'	4	5	6¼	8	15	3	3½	4	5	6¼
31'	3¾	4½	5½	7	10	2¾	3¼	3¾	4½	5½
32'	3½	4	5	6¼	8	2½	3	3½	4	5
33'	3¼	3¾	4½	5½	7	2¼	2¾	3¼	3¾	4½
34'	3	3½	4	5	6¼	2	2½	3	3½	4
35'	2¾	3¼	3¾	4½	5½	1¾	2¼	2¾	3¼	3¾
36'	2½	3	3½	4	5	1½	2	2½	3	3½
37'	2¼	2¾	3¼	3¾	4½	1¼	1¾	2¼	2¾	3¼
38'	2	2½	3	3½	4	1	1½	2	2½	3
39'	1¾	2¼	2¾	3¼	3¾	¾	1¼	1¾	2¼	2¾
40'	1½	2	2½	3	3½	½	1	1½	2	2½

**2.3(321E) Permits—their limitations and stipulations.**

**2.3(1)** Annual permits (issued for a period of one year) for:

*a.* Vehicles and indivisible loads including mobile homes not to exceed the following dimensions and weights:

(1) Width—12 feet 5 inches including appurtenances.

(2) Length—70 feet 0 inches overall. Front-end projection may in the discretion of the issuing authority exceed 15 feet.

(3) Height (legal) 13 feet 10 inches.

(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).]

(5) Unlimited distance.

*b.* Vehicles with indivisible loads not to exceed the following dimensions and weights:

(1) Width—14 feet 0 inches.

(2) Length—80 feet 0 inches overall. Front-end projection may in the discretion of the issuing authority exceed 15 feet.

(3) Height (legal) 13 feet 6 inches.

(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).]

(5) Restricted to trip distances not to exceed 50 highway and street miles in total aggregate.

*c.* Vehicles with indivisible loads not to exceed the following dimensions and weights:

(1) Width—(legal) 8 feet 0 inches.

(2) Length—100 feet 0 inches overall. Front-end projection may in the discretion of the issuing authority exceed 15 feet.

(3) Height—(legal) 13 feet 6 inches.

(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).]

(5) Restricted to trip distances not to exceed 50 highway and street miles in total aggregate.

*d.* The movement of truck trailers manufactured or assembled in the state of Iowa shall be limited to the following:

(1) Width—(legal) 10 feet 0 inches.

(2) Length—70 feet overall. Front-end projection may in the discretion of the issuing authority exceed 15 feet.

(3) Height—13 feet 10 inches.

(4) Weight—(legal including all tolerances).

(5) Not to exceed 45 miles per hour.

(6) Only on roadways of 24 feet in width or more.

(7) Solely for the purpose of delivery or transfer from the point of manufacture or assembly within the state or to a point outside the state.

*e.* A fee of ten dollars payable prior to issuance of the permit.

*f.* Annual permits will be issued only upon receipt of a fully completed application form by mail or when the applicant appears in person.

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

*a.* Vehicles with indivisible loads including mobile homes and construction equipment not to exceed the following dimensions and weights:

(1) Width—13 feet 0 inches, except mobile homes including appurtenances not to exceed 12 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 feet in length. Front-end projection may in the discretion of the issuing authority exceed 15 feet.

(3) Height—(legal) 13 feet 6 inches.

(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 126,000 pounds.

(5) Unlimited distance.

*b.* Vehicles with indivisible loads and construction equipment not to exceed the following dimensions and weights:

(1) Width—13 feet 0 inches.

(2) Length—80 feet 0 inches. Front-end projection may in the discretion of the issuing authority exceed 15 feet.

(3) Height—limited only to limitations of underpasses, bridges, power lines and other established height restrictions.

(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.

(5) Unlimited distance over specified routes.

*c.* Vehicles with indivisible loads and construction equipment not to exceed the following dimensions and weights:

(1) Width—13 feet 0 inches.

(2) Length—80 feet 0 inches overall. Front-end projection may in the discretion of the issuing authority exceed 15 feet 0 inches.

(3) Height—limited only to limitations of underpasses, bridges, power lines

and other established height restrictions.

(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.

(5) Unlimited distance over specified route.

*d.* Vehicles with indivisible loads and construction equipment subject to the following dimensions and weights:

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

(2) Length—not to exceed 120 feet 0 inches overall. Front-end projection may in the discretion of the issuing authority exceed 15 feet.

(3) Height—limited only to limitations of underpasses, bridges, power lines and other established height restrictions.

(4) Weight—(including all tolerances)—18,540 pounds (single axle). Weight 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.

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

*e.* Vehicles especially designed for the movement of grain bins and vehicles with indivisible loads not to exceed the following dimensions and weights:

(1) Width—(legal) 8 feet 0 inches.

(2) Length—120 feet overall. Front-end projection may in the discretion of the issuing authority exceed 15 feet 0 inches.

(3) Height—(legal) 13 feet 6 inches.

(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 2.1(16).]

*f.* Vehicles with indivisible loads exceeding the total gross weight of 90,000 pounds may be moved in special or emergency situations.

Weight—gross weight on any axle shall not exceed 18,540 pounds including tolerances.

*g.* Special or emergency situations (definition).

(1) Shall be defined as those where it is necessary to co-operate with national defense officials.

(2) Or where it is necessary to co-operate with cities, towns, counties or other state agencies in response to national or other disasters.

(3) Or where it is necessary to co-operate with public or private utilities in order to maintain their public services.

(4) Or uncommon and extraordinary circumstances where the movement is essential to the existence of an Iowa business and the move may be accomplished without causing undue hazards to the safety of the traveling public or undue damage to private or public property.

(5) The issuing authority at its discretion may require an additional escort either official or civilian approved.

*h.* Fees and costs.

(1) A fee of five dollars will be charged for each single-trip permit payable prior to the issuance of the permit.

(2) Permit issuing authorities may charge any permit applicant a fair and reasonable cost for the removal and replacement of natural obstructions or official signs and signals.

(3) Permit issuing authorities may charge any permit applicant a fair and

reasonable cost for measures necessary to avoid damage to public property including structures and bridges payable prior to the issuance of the permit.

(4) Permit issuing authorities may require the applicant to file a bond, certified check or other assurance in an amount sufficient to cover the reasonably anticipated cost of damage or loss to private property, either real or personal, likely to be caused by or arising out of the movement of the vehicle and load. The amount of the above may be reduced either in whole or in part by the applicant's submission to the permit issuing authority of written permission from affected third parties stating in substance that the third party either owns or has the right of exclusive possession and control over the affected property and does by his signature consent to the move and states that the applicant has in hand paid or secured the payment of the anticipated cost of loss or damage to his property.

*i.* Single-trip permits for movement on the primary highway system shall be issued:

(1) By the traffic weight operations department (permit section), Iowa state highway commission, Ames, Iowa, upon receipt of permit application and the permit fee by mail.

(2) When the permit applicant appears in person at the traffic weight operations department (permit section) Ames, Iowa.

(3) By 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 specific route will allow the height 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 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 commission

resident maintenance engineer's office when the vehicle and load does not exceed (with-out traffic weight operations 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).

(5) By Iowa highway commission resident maintenance engineer's office when vehicle and load exceeds: (Must have traffic weight operations concurrence by telephone before the permit is issued).

75,000 pounds but not to exceed 90,000 pounds total gross weight.

Thirteen feet 0 inches in width but not to exceed 40 feet provided official escort is obtained by the applicant.

Eighty feet 0 inches in length but not to exceed 120 feet 0 inches provided approved escort is obtained by the applicant.

Fourteen feet 4 inches in height provided affected public utilities are contacted and proper line crews are available.

**2.3(3) Warning devices for overdimension vehicles and loads operating under single-trip or annual permit as follows:**

a. Overdimension permit loads exceeding 8 feet 0 inches in width, or 65 feet 0 inches in length, or 14 feet 0 inches in height shall display a sign mounted on the front of the towing unit and on the rear of the load or hauling unit; such sign shall be removed or covered when not hauling or moving a permit load. All signs shall be positioned so as not to cover license plates, taillights, clearance lights, or turn signal lights. The sign shall read "Oversize Load", and shall have 12-inch high black letters with a 1½-inch stroke on a yellow background 7 feet long and 18 inches high.

b. The rear sign for a mobile home or modular unit shall be mounted at least 7 feet above the highway surface measuring from the bottom of the sign.

c. In addition to the "Oversize Load" signs, red flags at least 18 inches square shall be mounted in holders with one flag at each front corner of the towing unit and one flag at each rear corner of the

load. In addition there shall be a similar flag mounted at any additional protrusion in the width of the load.

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 of public safety 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.

e. Loads exceeding 73,280 pounds total gross weight shall not be required to display warning devices unless width exceeds 8 feet, length exceeds 65 feet, or height exceeds 14 feet.

f. All warning devices described in this subrule shall be clean at all times and shall be removed or covered when the vehicle is not being operated under permit.

g. Warning signs not consistent with the wording requirements as described in 2.3(3) "a", "b", "c" and "d" must be approved by the permit issuing authority prior to their usage on oversize vehicles and loads. Coloring schemes and dimensions of signs shall be consistent with the above requirements.

#### **2.4(321E) Escorting—civilian and official.**

##### **2.4(1) Civilian escort authorization.**

a. A blanket authorization is an authorization issued by the permit issuing authority for the escorting of vehicles and loads subject to these rules under circumstances where the escort driver is an employee of the permit holder.

b. An individual authorization is an authorization issued by the permit issuing authority for the escort of vehicles and loads subject to these rules under circumstances where the escort driver is an agent but not an employee of the permit holder or is an individual or an employee of another under contract to provide escort service for the permit holder.

c. Permit issuing authorities may in their discretion issue blanket escort authorization to all annual permit holders and to permit holders when it is necessary to cooperate with:

- (1) National defense officials.

(2) Cities, towns, counties or other agencies of this state or other states in response to national or other disasters.

(3) Public or private utilities in order that they may maintain their public service.

(4) Businesses where in the ordinary course of the permit holder's business it is necessary to move vehicles with loads that qualify for single trip permits.

#### 2.4(2) General escorting 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.

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 seven inches high, seven inches in diameter with at least a 100-candlepower lamp and must provide 360° warning. 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 red flags shall be mounted on 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 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 shall be obeyed.

h. The operator of the escort vehicle shall warn traffic by means of a red flag, of the approaching load at danger points such as bridges and corners where the loaded vehicle is going to make a turn.

i. Shall immediately prior to an es-

cort, find the escorting vehicles to be in safe operational condition.

#### 2.4(3) Individual authorization requirements.

a. All such operators shall submit their full names, the date of their birth, chauffeur's or operator's license number and date of issuance in writing to traffic weight operations in Ames, Iowa.

b. In those cases where the escort vehicle is not operated under blanket civilian authorization, the owner of the escort vehicle shall file with traffic weight operations proof of public liability insurance in the amounts of \$100,000—\$200,000—\$20,000. Such proof to be made by the submission of a certificate of insurance.

c. Upon compliance with the above, the individual civilian escort operator will receive proof of authorization from the director of traffic weight operations and shall be in possession of same throughout any move for which he is providing such service.

d. In consideration of the issuance of said authorization and in order to defray the expense of the same, the director shall charge a fee of five dollars, which authorization shall be good and effective for a term of one year from the time of its issuance, subject to the applicant's subsequent compliance with official rules promulgated under authority of chapter 321E of the Code.

2.4(4) Except as otherwise specifically provided, approved civilian and official escorts shall be required for movement under single-trip permit as follows:

a. One approved civilian escort shall be required 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 5 inches and its length does not exceed 80 feet 0 inches and its height does not exceed 13 feet 6 inches.

(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.

(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.

(4) Eighty 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, and uniformed highway commission escort) on duty and may include any approved civilian escort, with at least two years of escorting experience, authorized by the permit issuing authority as an official escort. Proof of such authorization must be carried by the escort in addition to the civilian escort authorization. One such official escort shall be provided 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.

2.4(5) Approved escorts shall be required when movement is made under annual permit as follows:

One approved civilian escort shall be required when:

*a.* Vehicle and load exceeds the roadway lane width of the highway or street being traversed.

*b.* The length of the vehicle and load exceeds 80 feet 0 inches.

**2.5(321E) Permit violation.** All permit violations are to be reported to traffic weight operations by the arresting officers who in turn will make periodic reports to the commission of the type and number of violations.

2.5(1) Permit violation reports by the arresting officer to include:

*a.* The time, date, location, summons number, the arresting officer's signature, the nature of the violation or violations, the name of the violator, the name of the permit holder and type and number of permit.

*b.* Remarks of the arresting officer.

The arresting officer shall note the circumstances of the violation to include those tending to show the nature of the same. The arresting officer should also indicate whether in his opinion the violation was intentional or inadvertent.

*c.* Remarks by the arrested driver.

(1) The arrested driver should read the arresting officer's report and should note any corrections to the report and give a summary of his reason for the violation.

(2) The arrested driver may sign the report.

*d.* Remarks by the magistrate.

(1) The magistrate before whom the case is presented shall be requested to indicate his decision and also his opinion as to whether the violation was intentional or inadvertent.

(2) The magistrate shall sign the report.

*e.* The report forms are to be submitted at the end of each day to traffic weight operations office in Ames, Iowa, by the arresting officer. Said forms shall be completed in triplicate, the original copy going to the arrested driver, the second copy to the Ames office and the third copy retained by the arresting officer.

*f.* The permit violation reports are to be filed by the traffic weight operations office and a record of the reports properly kept up to date.

2.5(2) Permit violation reports by traffic weight operations to the commission.

*a.* The director of traffic weight operations is to report to the Iowa state highway commission that a permit holder has accumulated violations on five or more occasions or has one violation in a manner as to indicate a willful violation by the permit holder.

*b.* Such report shall contain:

(1) The name of the permit holder.

in violation and the type and number of the permit.

(2) The director of traffic weight operations opinion as to whether or not the permit holder is operating in willful disregard for the safety of the traveling public and adjacent private or public property owners.

c. Such opinion shall be supported by a factual summary of all violations of sections 321.454, 321.456, 321.457, 321.463 and of chapter 321E of the Code as reported for every occasion upon which the violation occurred.

d. Before formulating such opinions the director of traffic weight operations shall consider the evidence relating to:

- (1) The character of the violation.
- (2) The gravity of the violation.

(3) The extent of the operations of any vehicles by or on behalf of the permit holder upon the public highways of this state which did not involve violations.

e. Such report shall contain recommendations by the director of traffic weight operations to amend, modify, or revoke the permit.

2.5(3) Hearing to show cause why permit should not be amended, revoked or modified.

If the Iowa state highway commissioner shall concur in the recommendations as mentioned in 2.5(2) "e" above, the permit holder shall be notified of the time and place at which he might appear to present cause why the permit or future permits should not be amended, modified or revoked.

2.6(321E) Iowa state highway commission Forms 563, 564, 566 and 567 to 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. Highway commission Form 569 is for the reporting of permit violations on Iowa roads.

Form 566

IOWA STATE HIGHWAY COMMISSION  
 CIVILIAN ESCORT BLANKET APPLICATION AND AUTHORIZATION

Blanket Authorization No. \_\_\_\_\_

Date Issued \_\_\_\_\_

Authorization Fee \$5.00

Applicant \_\_\_\_\_  
 (Company Name)

Address \_\_\_\_\_

Ins. Co. \_\_\_\_\_

Policy No. \_\_\_\_\_ Expiration  
 Date \_\_\_\_\_

Applicant does hereby agree to and does hereby state that the civilian escort driver escorting under authority of this authorization will be and is an employee of the applicant and not an independent contractor or agent of the applicant or any third party who is not also applicant's employee and that escort driver complies with the escort provisions as indicated on the back of this form.

\_\_\_\_\_  
 Signature and official title

Applicant is hereby authorized to provide civilian escort service for movement of vehicles and loads of excess size and weight under permit as provided in Chapter 321E of the Code of Iowa.

Authorization void if escort operator is unable because of physical health or condition to perform the responsibilities of a civilian escort as outlined in the provisions on the reverse side.

Expires \_\_\_\_\_, 19\_\_\_\_

Fee Received \_\_\_\_\_

Director, Traffic Weight Operations

BY \_\_\_\_\_

Copy of this authorization must be in the possession of the civilian escort during escorting of a permit load.

Fill out in duplicate and return both copies for processing. Make fee payable to the Iowa State Highway Commission.

Authorization valid only for the escorting of oversized loads on vehicles owned and operated by the applicant.

Form 567

IOWA STATE HIGHWAY COMMISSION  
CIVILIAN ESCORT APPLICATION AND AUTHORIZATION

Authorization No. \_\_\_\_\_

Date Issued \_\_\_\_\_

Authorization Fee \$5.00

Applicant \_\_\_\_\_  
(Please print)

Address \_\_\_\_\_

Ins. Co. \_\_\_\_\_

Policy No. \_\_\_\_\_ Expiration  
Date \_\_\_\_\_

Birth Date \_\_\_\_\_ Operator's  
License No. \_\_\_\_\_

I do by my signature hereby certify that the above is true and correct.

\_\_\_\_\_  
Applicant's Signature

The above has been approved as a civilian escort and is hereby authorized to provide civilian escort service for movement of vehicles and loads of excess size and weight under permit as provided in Chapter 321E of the Code of Iowa.

Authorization void if escort operator is unable because of physical health or condition to perform the responsibilities of a civilian escort as outlined in the provisions on the reverse side.

Expires \_\_\_\_\_, 19\_\_\_\_

Fee received \_\_\_\_\_

Director, Traffic Weight Operations

BY \_\_\_\_\_

Authorization must be in the possession of the civilian escort during escorting of a permit movement. Make fees payable to Iowa State Highway Commission. See provisions on back side.

Fill out in duplicate and return both copies for processing.

Telephone number \_\_\_\_\_

Back Side of Forms 566 and 567

## AUTHORIZED CIVILIAN ESCORT PROVISIONS

1. 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 to assist in the event of an emergency and of such design so as to afford clear and unobstructed vision both front and rear.
  2. All escort operators shall be age 18 or over and shall be in possession of a valid operator's license.
  - \*3. Shall equip the escorting vehicle with an amber revolving light. Such light shall be at least seven inches high, seven inches in diameter with at least a 100-candlepower lamp and must provide 360° warning. During the escorting of a permit load, the revolving light shall be mounted on top of the escort vehicle and shall be burning.
  4. Two red flags shall be mounted on the front bumper of the escort vehicle.
  5. Shall maintain a distance of approximately 300 feet in front of the load and where required from the rear of the same 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.
  6. A separate escort shall be provided for each load hauled under escort.
  7. All traffic laws shall be obeyed.
  8. The operator of the pilot 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 take more than one-half of the traveled pavement.
  9. 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.
- \* Through the co-operation of the Iowa Department of Public Safety, this authorization allows the use of revolving amber lights on escort vehicles when such vehicles are operating solely as escorts for overdimension-overweight movements under permit. All other uses for revolving amber lights on such vehicles must have approval of the Department of Public Safety.

Form 569

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 shall be requested to indicate his decision and opinion as to whether the violation was intentional or inadvertent.

Form 564

STATE OF IOWA  
TRAFFIC WEIGHT OPERATIONS  
Iowa State Highway Commission  
Ames, Iowa

Permit and Receipt No. \_\_\_\_\_  
Date of Permit \_\_\_\_\_  
Remit \$5 fee payable to Iowa Highway  
Commission.

SINGLE TRIP

Application and Permit and Receipt  
APPLICANT MUST FULLY COMPLETE THIS FORM  
(Please Print or Use Typewriter)

Name \_\_\_\_\_ Address \_\_\_\_\_

1. Applicant \_\_\_\_\_

2. Owner of Vehicle \_\_\_\_\_

3. Owner of Load \_\_\_\_\_

4. Is this move for hire? Yes \_\_\_ No \_\_\_ If yes, Ia.C.C. or I.C.C. No. \_\_\_\_\_

5. General \_\_\_\_\_ Truck \_\_\_\_\_ Semitrailer \_\_\_\_\_ 11. Object or load to be moved: \_\_\_\_\_  
Towing Vehicle \_\_\_\_\_ Towed Vehicle \_\_\_\_\_  
General description \_\_\_\_\_

6. Make \_\_\_\_\_ 12. Over-all dimensions of vehicle and load

7. License No. \_\_\_\_\_ and State \_\_\_\_\_

8. License Class \_\_\_\_\_ (tonnage) \_\_\_\_\_

9. Empty Weight \_\_\_\_\_

10. Total Gross \_\_\_\_\_ Weight \_\_\_\_\_

11. Make \_\_\_\_\_ License No. \_\_\_\_\_

12. Serial No. \_\_\_\_\_

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

14. Escort: Name and Authorization Number \_\_\_\_\_

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

16. From \_\_\_\_\_ To \_\_\_\_\_ 17. Total Distance \_\_\_\_\_ miles.

18. Routes \_\_\_\_\_

19. Is any loss or damage to private or public property likely to occur as a result of the move? Yes \_\_\_ No \_\_\_ If yes, estimate amount \_\_\_\_\_

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

21. Is it possible to make vehicle or load legal (width 8', height 13'6", length 55', weight 73,280 pounds) by adjusting manner or transport? Yes \_\_\_ No \_\_\_ If no, explain \_\_\_\_\_

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.

23. Does applicant have public liability insurance (\$100/200/20) on file with Traffic Weight Office, Ames, Iowa? Yes \_\_\_ No \_\_\_ If no, SUBMIT CERTIFICATE OF INSURANCE

24. 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.

(Notary Seal)

Signature \_\_\_\_\_

23. Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public \_\_\_\_\_ in and for \_\_\_\_\_ County, State of \_\_\_\_\_.

NOTE -- DO NOT WRITE BELOW FOR OFFICIAL USE ONLY

24. THIS IS YOUR AUTHORITY TO MOVE

Of \_\_\_\_\_ length, \_\_\_\_\_ width, \_\_\_\_\_ height, \_\_\_\_\_ Front End Projection, \_\_\_\_\_ Total Gross Weight. For \_\_\_\_\_ miles. Speed shall not exceed \_\_\_\_\_ MPH.

Permit expires at sunset \_\_\_\_\_, 19\_\_\_\_. The vehicle, vehicle with load, shall be escorted by \_\_\_\_\_ Civilian Approved \_\_\_\_\_ Official Escort

25. Movement shall be made in compliance with 1 through 24 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 limitation of the permit.

Director, Traffic Weight Operations

BY \_\_\_\_\_

Permit Officer

RECEIVED FROM \_\_\_\_\_

CASHIERS RECEIPT NO. \_\_\_\_\_

\_\_\_\_\_ DOLLARS FOR PERMIT

DATE \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_ DOLLARS FOR TELEPHONE CHARGE

CHARGE TO ACCOUNT \_\_\_\_\_

\_\_\_\_\_ TOTAL DOLLARS

## GENERAL PROVISIONS

State of Iowa and highway commission 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 the lives and property of the traveling public and adjacent property owners, and shall hold the state of Iowa and highway commission harmless of any damages that may be sustained on account of such move.

The permit holder shall hold the state and the highway commission harmless for any damages that may result to primary highways by movement made hereunder and shall reimburse state or highway commission for any expenditure which state or highway commission 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 subrule 2.1(16) of the Rules for the issuance of permits.

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.

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 Sundays, holidays, after 12 o'clock Noon on Saturdays, 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: New Year's Day, Memorial Day, Independence Day, Veteran's Day, Labor Day, Thanksgiving Day, and Christmas Day.

The permit vehicle shall not exceed, 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 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 Traffic Weight Operations, Highway Commission, Ames, Iowa, in writing of the fact of the occurrence of any reportable motor vehicle accident involving any permit vehicle.

All vehicles and loads exceeding 8 feet in width, 65 feet in length, or 14 feet in height must display warning devices as stipulated in subrule 2.3(3) of the Rules for the issuance of permits.

Form 563

STATE OF IOWA  
TRAFFIC WEIGHT OPERATIONS  
Iowa State Highway Commission  
Ames, Iowa

Permit and Receipt No. \_\_\_\_\_  
Date of Permit \_\_\_\_\_  
Remit \$10 fee payable to Iowa Highway  
Commission

ANNUAL

Application and Permit and Receipt  
APPLICANT MUST FULLY COMPLETE THIS FORM  
(Please Print or Use Typewriter)

Name \_\_\_\_\_ Address \_\_\_\_\_

1. Applicant \_\_\_\_\_

2. Owner of Vehicle(s) \_\_\_\_\_

3. Owner of Load \_\_\_\_\_

4. Is this move for hire? Yes \_\_\_ No \_\_\_ If yes, Ia. C.C. or I.C.C. No. \_\_\_\_\_

5. General Truck \_\_\_ Semitrailer \_\_\_ Towing Vehicle \_\_\_\_\_ Towed Vehicle \_\_\_\_\_

6. Describe typical load: Check the appropriate. Construction Equip. \_\_\_ Construction materials \_\_\_ for heavy equip. (SME) including towed equip. Yes \_\_\_ No \_\_\_

8. Make Truck Tractor \_\_\_ Other \_\_\_\_\_ Portable Bldgs. \_\_\_ Agriculture Equip. \_\_\_\_\_

9. Serial No. \_\_\_\_\_ Poles & Pipe \_\_\_ Military \_\_\_\_\_

10. License No. \_\_\_\_\_ Mobile Homes \_\_\_ Other \_\_\_\_\_

11. License Class \_\_\_\_\_

12. Empty Weight \_\_\_\_\_

13. Total gross Weight \_\_\_\_\_

14. Axle spacing 1st \_\_\_ 2nd \_\_\_ 3rd \_\_\_ 4th \_\_\_ 5th \_\_\_ 6th \_\_\_\_\_

15. Maximum gross weight on any single axle 18,540 pounds which includes tolerance.

Maximum gross weight of vehicle and load 73,280 pounds which includes tolerance.

Maximum gross weight of any 2-axle assembly 34,000 pounds, of any 3-axle assembly 42,000 pounds.

NATURE OF MOVE -- Answer all the following questions:

16. Is it possible to make vehicle or load legal (width 8', height 13'6", length 55', weight 73,280 pounds) by adjusting manner or transport? Yes \_\_\_ No \_\_\_ If no, explain \_\_\_\_\_

17. Does applicant have public liability insurance (\$100/200/20) on file with Traffic Weight Office, Ames, Iowa? Yes \_\_\_ No \_\_\_ IF NO, SUBMIT CERTIFICATE OF INSURANCE.

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

19. 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 \_\_\_\_\_

(Notary Seal)

20. Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

\_\_\_\_\_, Notary Public in and for \_\_\_\_\_ County, State of \_\_\_\_\_

Notary Public

NOTE -- DO NOT WRITE BELOW FOR OFFICIAL USE ONLY

21. THIS IS YOUR AUTHORITY TO MOVE \_\_\_\_\_

Of \_\_\_\_\_ length, \_\_\_\_\_ width, \_\_\_\_\_ height, \_\_\_\_\_ Front End Projection,

\_\_\_\_\_ Total Gross Weight. For \_\_\_\_\_ miles. Speed shall not exceed \_\_\_\_\_ MPH.

Permit expires at sunset \_\_\_\_\_, 19 \_\_\_\_\_

22. Movement shall be made in compliance with 1 through 21 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 limitation of the permit.

Director, Traffic Weight Operations

BY \_\_\_\_\_

Permit Officer

RECEIVED FROM \_\_\_\_\_

CASHIERS RECEIPT NO. \_\_\_\_\_

\_\_\_\_\_ DOLLARS FOR PERMIT

DATE \_\_\_\_\_, 19 \_\_\_\_\_

## GENERAL PROVISIONS

State of Iowa and highway commission 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 the lives and property of the traveling public and adjacent property owners, and shall hold the state of Iowa and highway commission harmless of any damages that may be sustained on account of such move.

The permit holder shall hold the state and the highway commission harmless for any damages that may result to primary highways by movement made hereunder and shall reimburse state or highway commission for any expenditure which state or highway commission 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 subrule 2.1(16) of the Rules for the issuance of permits.

Permit and any supplement 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.

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 under permit shall be made 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 Sundays, holidays, after 12 o'clock Noon on Saturdays, 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: New Year's Day, Memorial Day, Independence Day, Veteran's Day, Labor Day, Thanksgiving Day, and Christmas Day.

The permit vehicle shall not exceed, 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 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 Traffic Weight Operations, Highway Commission, Ames, Iowa, in writing of the fact of the occurrence of any reportable motor vehicle accident involving any permit vehicle.

Any vehicle and load exceeding 13' in width or exceeding 70' in length shall be limited to maximum trip distances of fifty miles. All vehicles and loads exceeding 8 feet in width, 65 feet in length, or 14 feet in height must display warning devices as stipulated in subrule 2.3(3) of the Rules for the issuance of the permit.

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

These rules are intended to implement Chapter 321E of the Code.

[Effective May 15, 1974]

# HIGHWAY COMMISSION

(continued)

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## HIGHWAY COMMISSION

(continued)

Pursuant to authority of section 316.9 of the Code the following rules are adopted.

[Filed June 17, 1974]

### CHAPTER 8

#### RELOCATION ASSISTANCE

**8.1(316) Definitions.** The following terms when used in these rules shall have the following meanings:

**8.1(1) "The Act".** When referred to in these rules "The Act" shall mean chapter 316 of the Code of Iowa, 1973.

**8.1(2) "Agency".** The Iowa state highway commission or other state agencies and political subdivisions offering a relocation assistance program under the Act.

**8.1(3) "Relocation assistance payment".** Any or all of the payments authorized for displaced persons by House File 182 of the Acts of the 64th General Assembly, First Session and by these rules.

**8.1(4) "Family".** Two or more individuals, one of whom is the head of a household, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit. Where two or more individuals occupy the same dwelling with no identifiable head of a household, they shall be treated as one family for replacement housing payment purposes.

**8.1(5) "Claimant".** Any displaced person filing a written claim with the agency for relocation assistance or a relocation assistance payment as provided by these regulations.

**8.1(6) "Displaced person".** Any person who is in occupancy at the initiation of negotiations for the acquisition of the real property in whole or in part; or is in occupancy at the time he is given a written notice by the agency that it is their intent to acquire the property by a given date; and who thereafter moves from the subject property or who thereafter moves his personal property from the subject property and the subject property or any interest therein sufficient to cause displacement is subsequently acquired in whole or in part even though the subject property is not ul-

timately incorporated within the final right of way for the highway project. If the move occurs after a written order to vacate the subject property is issued by the agency, the occupant is a displaced person even though the property is not acquired for the highway project. If the move occurs after a written notice to vacate real property other than the subject property on which other property the person conducts a business or farm operation is issued by the agency, the person is eligible to receive only those payments and benefits specified in section 4, subsection 1 of the Act. Where the agency determines that a sufficient portion of a mobile home park is acquired to either entitle the operator to a payment under section 4, subsection 3 of the Act and these rules or which would justify the operator of such park to move his business or go out of business the owners or occupants of the mobile home dwellings not within the actual land acquired but who are forced to move are displaced persons. Persons who succeed displaced persons in occupancy of the subject property are not themselves displaced persons.

**8.1(7) "Initiation of negotiations for the parcel".** The term "initiation of negotiations for a parcel" means the date the acquiring agency makes the first personal contact with the owner or his representative where price is discussed or the date at which he is given a written notice of the agency's intent to acquire the property, whichever date is earlier.

**8.1(8) "Relocatee".** Any person who meets the definition of a displaced person.

**8.1(9) "Dwelling".** Any single family house, a single family unit in a multi-family building, a unit of a condominium or cooperative housing project, a mobile home, or any other residential unit.

**8.1(10) "Subject dwelling or subject property".** The dwelling or property being acquired by or on behalf of the agency.

**8.1(11) "Comparable dwelling".** A dwelling in a location meeting the standards established in these regulations for comparable available replacement housing.

**8.1(12) "Decent, safe and sanitary".** Standards established by these regulations

which all replacement dwellings shall meet to qualify their occupants for a replacement housing payment.

**8.1(13) "Acquisition cost of the dwelling acquired"**. The price finally paid an owner for the residential portion of the real property acquired by contract, settlement, condemnation or condemnation appeal award.

**8.1(14) "Nonprofit organization"**. Any corporation, partnership, individual or other public or private entity, engaged in a business, professional or institutional activity on a nonprofit basis, necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business, professional or institutional activity on the premises.

**8.1(15) "Owner"**. An individual (or individuals) owning, legally or equitably, the fee simple estate, a life estate, a 99-year lease or other proprietary interest in the subject property; the contract purchaser of any of the foregoing estates or interests; or any person who has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law, or who is possessed of such other proprietary interest in the property acquired as, in the judgment of the head of the agency, warrants consideration as ownership. In the event of acquisition or ownership by devise, bequest, inheritance or operation of law the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

**8.1(16) "Moving cost payments"**. Actual, estimated, scheduled or statutory payment to relocatees for costs, losses and expenses the payment of which is authorized by section 4 of the Act and these rules.

**8.1(17) "Federal aid highway project"**. Any highway project on which federal highway funds or other federal funds are or will be utilized whether to plan or design or acquire real property or to provide relocation assistance or for construction or for any one or more of these purposes.

**8.1(18) "Habitable floor space"**. Habitable floor space is that space used for sleeping, living, cooking or dining purposes, and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

**8.1(19) "Relocation assistance supervisor"**. The duly appointed administrator of the agency's relocation assistance program.

**8.1(20) "Farm operation"**. Any activity conducted solely or primarily for production of one or more agricultural products or commodities, including timber for sale or home use and customarily producing such products or commodities in sufficient quantity to be capable of contributing material to the operator's support. The term "contributing materially" used in this definition means that the farm operation contribute at least one-third of the operator's income. In instances where the operation is obviously a farm operation it need not contribute one-third to the operator's income for him to receive a moving cost payment under section 4, subsection 3 of the Act where the farming operation is discontinued as provided in these regulations.

**8.1(21) "Initiation of negotiations for the project"**. The date the acquiring agency makes the first personal contact with the owner of any property on the project or his designated representative where price is discussed, except where such contact is made solely for protective buying or because of hardship. The control date thus established shall be documented in the project file.

**8.1(22) "Taxable year"**. A taxable year is any 12-month period used by a business or farm operation in filing income tax returns.

**8.1(23) "Annual net earnings"**. Annual net earnings of a business or farm operation before federal, state, and local income taxes.

**8.2(316)** Reserved for future use.

**8.3(316)** Reserved for future use.

**8.4(316) Actual reasonable moving costs and related expenses.**

**8.4(1)** Actual reasonable moving expenses include payments for the cost of moving the relocatee, his family, his business, his farm operation or for moving a nonprofit organization, for storage, insurance, losses in moving, removal, reinstallation and re-establishment expenses.

a. The expenses incurred in advertising for packing, crating and transportation may be paid when the agency determines that such advertising is necessary. Such advertising payments shall be limited

to complicated or unusual moves where advertising is the only reasonable method of securing bids.

b. The cost of storage of the relocatee's personal property where determined necessary by the agency, for a reasonable period but not to exceed 12 months, may be paid. The cost to store relocatee's personal property on the property being acquired or on property remaining after the acquisition or on another property owned or controlled by the relocatee shall not be paid.

c. The cost of insurance premiums covering loss and damage of personal property while in storage or transit may be paid. Such insurance coverage shall not exceed the reasonable replacement value of personal property.

d. The reasonable replacement value of property lost, stolen or damaged in the process of moving may be paid where insurance to cover such loss or damage is not available provided that in the judgment of the agency the loss or damage was not caused by the fault or negligence of the relocatee, his agent or employee.

e. The expenses of removal, reinstallation and re-establishment of machinery, equipment, appliances and other items which are not acquired, including reconnection of utilities to such items, may be paid. No part of any removal, reinstallation and re-establishment expense payment shall be made where the item would constitute an improvement to the replacement site, unless the same is required by law. No payment of removal, reinstallation and re-establishment expenses shall be made for any item classified by the agency as real property retained by the relocatee where the relocatee has been paid or is secured to be paid for the item by the terms of the acquisition agreement whether by purchase or as damage or where purchased by the agency and sold to the relocatee for its salvage value. Items not so paid for or secured to be paid for may be considered personalty for purposes of the payment of removal, reinstallation and re-establishment expenses where by the terms of the acquisition agreement the relocatee and the agency agree that the property is personalty and that the agency is released from any payment for the property as realty.

f. A relocatee who chooses to use his dwelling as a means of moving his personal

property may be paid a scheduled moving payment.

g. In addition to the payment for the moving of personal property, himself and his family from his dwelling unit in accord with the provisions of these rules, a relocatee who owns and occupies a multifamily dwelling may also be paid the actual cost of moving the business portion of his personal property or a payment under section 4, subsection 3 of the Act in accord with the provisions of these rules.

h. Services furnished by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any business activity is conducted is considered a business activity solely for purposes of payments made pursuant to section 4, subsection 1 of the Act. An advertising sign that is otherwise eligible for moving payments will not be eligible when it is moved to a site in violation of state, federal or local law or regulation.

**8.4(2) Moving cost exclusions.** No payment shall be made for the following costs, losses or expenses as actual reasonable moving expenses.

a. No payment shall be made for additional expenses incurred because of living in a new location.

b. No cost shall be paid for moving of structures, improvements and other real property in which the relocatee is reserved ownership, where compensation for the item has been paid or is secured to be paid by the terms of the acquisition agreement whether by purchase or as damage, or where purchased by the agency and sold to the relocatee at its salvage value or where reserved pursuant to section 472.44 of the Code.

c. No payment shall be made for improvements to the replacement site or for modification of personal property to adapt it to a replacement site, except when required by law or by these rules.

d. Interest on loans to cover moving expenses, loss of goodwill, loss of business, loss of profit, loss of trained employees, personal injury and the cost of preparing an application or claim for moving and related expenses shall not be paid.

e. No payment shall be made for such other items as the agency determines

should be excluded on the basis that they are not reasonable, or proper.

**8.4(3) Distance of move payment determinations.** There is no limitation on the distance a relocatee may move either interstate or intrastate. Relocatees may be paid the actual, reasonable costs of moving his personal property onto remaining or other lands owned or controlled by the relocatee or elsewhere not to exceed the cost of moving a distance of 50 miles either interstate or intrastate, except where it is determined by the agency that relocation cannot be accomplished within the 50-mile area. In the case of such a determination payment will be made to the nearest adequate and available site as determined by the agency.

**8.4(4) Commercial or self moves.** Relocatees may either move commercially or may elect a self move in accord with the Act and by these rules.

*a.* Payments made on an actual moving cost basis shall be supported by receipted bills or other evidence of expenses incurred but in the case of a self move shall not be paid in an amount which exceeds the estimated cost of moving commercially. In the case of a self move, estimates of the cost of moving commercially may be prepared by a commercial moving firm or by a qualified employee of the agency.

*b.* A relocatee electing to move his personal property himself may also elect to be paid an amount to be negotiated with the agency based on the lower of two firm estimates obtained by the agency from two qualified moving firms.

*c.* Businesses may be paid actual moving costs where two firm bids or estimates cannot be obtained from qualified moving firms.

*d.* Moving cost estimates may also be made by a qualified employee of the agency, other than the employee providing the relocation assistance, if the moving costs do not exceed \$1,000.00 or in such amount as authorized by the appropriate federal authority, in which case the relocatee may be paid the amount of such moving expense finding upon completion of the move without supporting evidence of the actual expenses incurred.

*e.* Negotiated moving cost payments and moving cost payments for commercial moves shall be limited to the rates as established by the Iowa commerce commission.

*f.* When personal property which is used in connection with the business is of low value and high bulk and the estimated cost of moving would be disproportionate in relation to the value the agency may negotiate with the owner for an amount not to exceed the difference between the cost of replacement of comparable items on the market and the amount which would probably have been received for the items in liquidation.

*g.* The costs of transportation of individuals and families to a new location may be paid. Such costs may be on a mileage basis, not to exceed fifteen cents per mile, or reasonable actual fees if commercial transportation is used and may include special services such as the cost of ambulance to transport invalid relocatees. The actual reasonable cost of meals and lodging when the agency determines that such costs are required because of unforeseen circumstances or practical necessities of the moving operation, may also be paid.

**8.4(5) Loss of tangible personal property.** Actual direct losses of tangible personal property may be paid to nonprofit organizations and to relocatees who are displaced from their place of business or whose farming operation is discontinued who are entitled to relocate such property in whole or in part but elect not to do so.

*a.* Payment for actual direct losses of such property made under authority of section 4, subsection 1, "b" of the Act and these rules may be made only after a bona fide effort has been made by the owner to sell the item(s) involved.

*b.* If the item(s) cannot be sold the owner may be compensated for such loss as provided in these rules.

*c.* The sale prices, if any, and the actual reasonable cost of advertising and conducting the sale shall be supported by copies of the bills of sale or similar documents and by copies of any advertisements, offers to sell, auction records and other data supporting the bona fide nature of the sale.

*d.* If the business is to be re-established and an item of personal property which is used in connection with the business is not moved but promptly replaced with a comparable item at the new location the payment shall be the lesser of the replacement cost minus the net proceeds of

the sale, or the estimated cost of moving the item, or the trade-in value of the item to be replaced.

e. If the business is being discontinued or the item is not to be replaced in the re-established business the payment will be the lesser of the difference between the depreciated value of the item in place and net proceeds of the sale; or the estimated cost of moving the item.

f. If a bona fide sale is not effected for the reason that no offer is received for the property the relocatee may be paid the reasonable expenses of the sale and the estimated cost of moving the item. The relocatee shall arrange to have the personalty removed from the subject property at no cost by a junk salvage or other dealer. If this fails the agency shall remove the item in the most economical manner.

g. When personal property is abandoned with no effort being made by the owner to dispose of such property by sale or by removal at no cost the owner shall not be paid moving expenses or losses for the item involved.

h. If the owner of a sign is entitled to relocate the sign but elects not to do so, the payment for such loss will be the lesser of the depreciated reproduction cost of the sign as determined by the agency or the estimated cost of moving the sign. The provisions of this rule do not apply separately to advertising signs owned by and located on the business or farm being displaced. Such signs are to be considered items of personal property of the business or farm.

**8.4(6) Searching costs.** A relocatee may receive a payment for actual, reasonable expenses in searching for a replacement site for a nonprofit organization, business or farm not to exceed an amount of \$500.

a. A sign owner may receive a payment for actual, reasonable expenses in searching for a replacement sign site not to exceed \$100.

b. In exceptional cases and with the prior approval of the appropriate federal authority, an amount in excess of these limitations may be paid where in the judgment of the agency circumstances so require but not in excess of \$500 for searching for replacement sign site.

c. Such actual reasonable expenses include transportation expenses at the rate

of ten cents per mile, meals, lodging away from home and the reasonable value of time actually spent in the search including the fees of real estate agents or brokers.

d. Out of pocket expenses shall be supported by receipted bills or other evidence of expenses incurred. A certified statement of the time spent in search and hourly wage rate(s) shall accompany the claim. Payment for time actually spent in search shall be based on the applicable hourly wage rate for the person(s) conducting the search but may not exceed ten dollars per hour.

**8.4(7) Scheduled moving costs.** Scheduled residential moving payments made under authority of section 4, subsection 2 of the Act and these rules to occupants of furnished and unfurnished dwellings, shall include a dislocation allowance and shall give consideration to room count of those rooms containing personal property and may be made to occupants of mobile homes where the mobile home is not moved.

a. Where the mobile home is moved the schedule shall also consider the size of the mobile home and distance moved.

b. Scheduled moving cost payments shall be made on the basis of the then current moving costs schedule as established by the Iowa state highway commission not to exceed the limitations established by section 4, subsection 2 of the Act and by these rules.

**8.4(8) Determining substantial loss of existing business patronage.** A business, other than a part-time occupation which does not contribute materially to the relocatee's income or which is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity, shall be entitled to a payment under authority of section 4, subsection 3 of the Act and these rules where the business shall have suffered a substantial loss of its existing patronage.

a. A business shall have suffered a substantial loss of existing patronage and its owner shall be entitled to receive such a payment, where in the judgment of the agency, the business cannot be re-established or cannot be re-established without creating a substantial reduction in the average annual net earnings of the business during the two taxable years immediately pre-

ceding the taxable year in which the business is required to relocate.

b. In determining if the owner of a business will suffer a substantial loss of its existing patronage, consideration shall be given to the size, nature and type of business, capital available, the market area served and availability of sites within the market area served.

c. Business earnings shall include any compensation paid by the business to the spouse or dependents of the owner or to the owner as a majority interest holder where the owner is a corporation. For the purposes of determining majority ownership, stock held by a husband, his wife and their dependent children shall be treated as one unit.

**8.4(9) Determining displacement of a "farm operation".** A farm operation may be considered to have been displaced and the operator shall be entitled to a payment under authority of section 4, subsection 3 of the Act and these rules when:

a. The agency has either acquired the whole farm and the farm operator has discontinued or relocated his entire farm operation, or

b. The agency has acquired only a portion of the farm and the property remaining after the acquisition is no longer an economic unit as determined by the agency during its appraisal process, for those principal farm operations which contributed at least one-third of his average annual net earnings for the two taxable years before the acquisition and such operations have been discontinued or relocated.

c. In instances where such operation is obviously a farm operation it need not contribute one-third to the operation's average annual net earnings for him to be so eligible.

d. Income from the farm operation shall include any compensation paid by the farm operation to the spouse or dependents of the farm operator and any paid to the operator as a majority interest holder where the farm is a corporation. For the purposes of determining majority ownership, stock held by a husband, his wife and their dependent children shall be treated as one unit.

**8.4(10) Newly established business or farm operation.** If a business or farm

operation affected can show that it was in business twelve consecutive months during the two taxable years prior to the taxable year in which it is required to relocate, had income during such period and is otherwise eligible, the owner of a business or the operator of a farm is eligible to receive a payment under authority of section 4, subsection 3 of the Act and these rules. Where the business or farm was in operation for twelve consecutive months or more but was not in operation during the entire two preceding taxable years, the payment shall be computed by dividing the net earnings by the number of months the business was operated and multiplying by twelve.

**8.4(11) Business owner or farm operator must provide information.** The owner of a business and the operator of a farm shall provide information stating his net business earnings or farm income for support of any claim for a payment under authority of section 4, subsection 3 of the Act and these rules. City, county, state or federal tax returns for the tax years in question are acceptable as evidence of earnings. Any commonly acceptable method may be accepted such as certified financial statements or an affidavit from the owner stating his net earnings providing it grants the state the right to review the records and accounts of the business. The owner's statement alone shall not be sufficient if the claim is in excess of \$2,500.

**8.4(12) Temporary storage moving cost payments.** When an actual cost basis is used and the agency determines that it is necessary for a relocatee to store his personal property for a reasonable time, not to exceed twelve months, the cost of such storage is reimbursable as a part of the moving expenses. Storage of personal property on the property being acquired or on other property owned by the relocatee is not eligible for reimbursement.

**8.4(13) Moving costs for nonprofit organizations.** A displaced nonprofit organization is eligible to receive payments for actual reasonable moving expenses, actual direct losses of tangible personal property and actual reasonable expenses in searching for a replacement site.

a. In lieu of such actual reasonable payments, the nonprofit organization may be paid \$2,500 if it cannot be relocated without a substantial loss of its existing patronage, and it is not part of a commer-

cial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

b. The term "existing patronage" as used in connection with nonprofit organizations includes the persons, community or clientele serviced or affected by the activities of the nonprofit organization.

**8.4(14) Limitation on moving cost payments.** Moving and related expense payments made under authority of section 4 of the Act and of these rules shall be made only to such relocatees who move from the subject dwelling and who file timely claim for the same. All claims for moving and related expense payments shall be filed not later than the one-year period beginning on the date on which the relocatee receives from the agency final payment of all costs of the real property acquired or on the date on which he moves from the real property acquired, whichever is the later date.

**8.5(316) Replacement housing payments for homeowners.**

**8.5(1)** A homeowner or a mobile homeowner who is displaced from the subject dwelling who has owned and occupied the subject dwelling in whole or in part or who has owned the mobile home and has occupied the mobile home in whole or in part or who has owned the mobile home and has occupied the mobile home on the site for not less than one hundred eighty consecutive days immediately prior to the date of vacation or the initiation of negotiation for the acquisition of the subject property and who purchases and occupies a decent, safe and sanitary replacement dwelling within the time limitations specified in section 5, subsection 2 of the Act and by these rules may receive an additional payment. Such payment should be in the amount, if any, when added to acquisition cost of the dwelling acquired equals the actual cost which the owner has paid for his replacement dwelling or the amount determined by the agency as reasonably necessary to purchase a comparable replacement home, or mobile home, or mobile home and site, or mobile home site, whichever is less, not to exceed the payment limitations established by the Act and by these rules.

a. Replacement housing payment offers and payment determinations for such homeowners shall be made on the basis of a survey of market information applicable to the owner's particular circumstance, the

availability of comparable replacement housing and the condition and location of the subject dwelling.

b. A relocatee who has entered into a contract for the construction or rehabilitation of a replacement dwelling, and for reasons beyond his reasonable control, cannot occupy the replacement dwelling within the time limitations specified in section 5, subsection 2 of the Act, shall be considered to have purchased and occupied the dwelling as of the date of such contract. Replacement housing payments under these circumstances shall be deferred until actual occupancy is accomplished.

c. Where a mobile home is acquired from an otherwise eligible displaced mobile homeowner who rents the site, the mobile homeowner shall be eligible to receive the lesser of that payment authorized by section 5 of the Act and by these rules or a rental replacement housing payment or a purchase down payment authorized by section 6 of the Act and by these rules.

**8.5(2) General provisions for replacement housing payments.** Offers for replacement housing payments and payment determinations for payments made by authority of sections 5 and 6 of the Act and these rules shall be made in accord with general provisions.

a. If two or more eligible families occupy the same single family dwelling unit each family is eligible for a replacement housing payment if they relocate to separate dwelling units.

b. If two or more eligible individuals with no identifiable head of household occupy the same single family dwelling unit they are to be considered as one family for replacement housing payment purposes.

c. When all individuals do not relocate to decent, safe and sanitary housing the agency shall determine and pay those individuals who do relocate into decent, safe and sanitary housing a pro rata share of the appropriate payments that would have been received if all individuals had relocated together in the same ownership or rental status as they had at the time of the initiation of negotiations.

d. Where an individual relocates or families occupy living quarters on the same premises as a displaced business, farm or nonprofit organization, such individuals or families are separate displaced persons for

purposes of determining entitlement to relocation assistance payments.

*e.* Where only a portion of the subject property is being acquired and the subject dwelling is located on a tract normal for residential use in the area, the maximum replacement housing payment shall be determined by subtracting the agency's approved before-value appraisal of the property as a whole, from the estimated selling price of a comparable dwelling on a lot typical for the area.

*f.* Where only a portion of the subject property is being acquired and the subject dwelling is located on a tract larger than normal for residential use in the area, replacement housing payment offers and payments shall be determined by the relocation assistance supervisor or his designee, by estimating the value of the dwelling at the present location on a homesite typical in size for the area and deducting this amount from the selling price of a comparable dwelling on a site typical for the area.

*g.* Where a dwelling is located on a tract where the fair market value is established on a higher and better than residential use replacement housing payment offers and payments shall be determined by the relocation assistance supervisor or his designee, by estimating the value of the dwelling at the present location on a homesite typical for the area and zoned for residential use and deducting this amount from the selling price of a comparable dwelling on a typical residential homesite for the area.

*h.* Where displaced individuals or families occupy living quarters on the same premises as a displaced business, farm or nonprofit organization, such individuals or families are separate displaced persons for purposes of determining entitlement to relocation payments.

*i.* Replacement housing payment offers and payments to owners of multifamily dwellings who occupy one unit shall be determined by the relocation assistance supervisor, or his designee, by estimating that differences, if any, between the value of that portion of the entire property being acquired which represents the owner's living unit and the value of a living unit on the most comparable available property. Where available the comparable dwelling should be the same as that acquired, i.e., if the acquired property is a triplex, then the comparable should be a triplex. If the

comparable is a triplex, the replacement housing payment is based on the value of only one of the three units; if a duplex, the payment is based on only one of the two units; if a single family dwelling, the payment is based on the entire value of the dwelling. If similar comparables are not available, then structures of the next lowest density must be used. If there are not any available comparable multifamily structures to be found, then the comparison of the owner's living unit would be to a single family residence. A higher density structure should never be used as a comparable.

**8.5(3) Comparable replacement housing available.** Where comparable replacement housing is available, the replacement housing payment offers and payment determination for eligible homeowners and mobile homeowners shall be the difference between the estimated selling price, the most comparable of at least three comparable dwellings available in the community and the acquisition cost of the subject dwelling but shall not exceed the limitations established by section 5 of the Act and these rules.

**8.5(4) Comparable replacement housing no longer available.** When comparable replacement housing at the time of the move is no longer available, replacement housing payment offers made to eligible home owners and mobile home owners shall be revised. In such a case the revised replacement housing payment offer and payment determination shall be based on available housing which is equal or better and meets the other comparable criteria but shall not exceed the limitations established by section 5 of the Act and by these rules.

**8.5(5) Absence of available comparable rural replacement housing.** In the absence of available comparable replacement rural housing, replacement housing payment offer and payment determination to eligible homeowners and mobile homeowners shall be the difference between the acquisition cost of the subject dwelling and estimated cost of constructing a new and reasonable comparable dwelling adequate for the needs of the relocatee but shall not exceed the limitations established under section 5 of the Act and by these rules.

*a.* Estimated costs of a new dwelling shall be expressed as an average cost per square foot for the building plan, the estimated cost of a typical improved lot where

relocating to an urban area, or approximately one acre where remaining in a rural area.

b. Where necessary the estimated cost of a well, septic system, laterals and landscaping shall also be included.

c. All such cost estimates shall be obtained from qualified contractors regularly engaged in building housing in the project area.

**8.5(6) Subject dwelling moved as replacement housing.** Replacement housing payment offers and payment determinations for eligible home owners and mobile home owners electing to move the subject dwelling off the right of way for purposes of replacement housing shall be the difference, if any, between the acquisition cost of the subject dwelling and the estimated cost of re-establishing the subject dwelling off the right of way on a suitable foundation in a comparable and decent, safe and sanitary condition, but shall not exceed the estimated cost of a new dwelling adequate for the needs of the relocatee nor the limitations established by section 5 of the Act and by these rules.

a. The estimated cost to re-establish the subject dwelling shall include the cost of a typical improved lot in town where relocating to an urban area or approximately one acre where relocating to a rural area.

b. Where necessary the estimated cost of a well, septic system, laterals and landscaping shall also be included. All such cost estimates shall be obtained from qualified contractors furnishing such services.

**8.5(7) Increased interest payment determinations.** Increased interest payments may be made to compensate a displaced home owner or mobile home owner for the increased interest cost he is required to pay for financing a replacement dwelling as provided in section 5, subsection 1, "b" of the Act and these rules.

a. The increased interest payment may be paid only when the dwelling acquired by the state was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 consecutive days prior to the first contact for acquisition or the date established for the commencement of acquisition by a notice of the agency's intent to acquire the subject property and the mortgage on the replacement dwelling bears a higher rate of

interest than the mortgage interest rate on the acquired dwelling.

b. The increased interest payment will be based on, and limited to, the lesser of the present worth of the right to receive the monthly difference in mortgage payments on the existing mortgage using the old and new interest rates; or the present worth of the right to receive the monthly difference in mortgage payments on the new mortgage using the old and new interest rates.

c. The amount of increased interest payment will be computed on relocation assistance "*Computation of Increased Interest Cost*" forms, copies of which are attached to these rules. The computation will be made in accordance with the following: The monthly principal and interest payment difference caused by the change in interest rate is computed for both the existing mortgage and new mortgage for their respective remaining terms and amounts. The old and new interest rates are used in each case. The present worth of the monthly interest differences found in the above is computed for each mortgage by discounting the monthly difference at the savings deposit interest rate for the remaining term of each mortgage. The lesser of the amounts so derived is the increased interest payment. To the amount so derived will be added the amount actually paid by the purchaser as points on the amount refinanced but not to exceed an amount which would have been paid if the original mortgage balance was refinanced, or a fee actually charged as an origination or service fee (not to exceed one percent of the mortgage amount as shown above) if such fees are normal to real estate transactions in the area.

d. The discount rate shall be the prevailing rate of interest paid on passbook savings account deposits by commercial banks in the general area in which the dwelling is located. In the case of a partial acquisition and where the dwelling is located on a tract normal for residential use in the area, the interest payment shall be reduced to the percentage ratio that the acquisition price bears to the before-value of the tract as a whole; except, the reduction shall not apply when the mortgagee requires the entire mortgage balance to be paid because of the acquisition and it is necessary to refinance.

e. In the case of a partial acquisition and where a dwelling is located on a tract

larger than normal for residential use in the area, the interest payment shall be reduced to the percentage ratio that the value of the residential portion bears to the before-value of the tract as a whole. This reduction shall apply whether or not it is required that the entire mortgage balance be paid.

f. The interest payment on multiuse properties shall be reduced to the percentage ratio that the residential value of the multiuse property bears to the before-value of the tract as a whole.

g. If a dwelling is located on a tract where the fair market value is established on a higher and better than residential use, and if the mortgage is based on residential value, the interest payment shall be computed as provided in regular increased interest computation. If the mortgage is obviously based on the higher use, however, the interest payment shall be reduced to the percentage ratio that the estimated residential value of the parcel has to the before-value of the tract as a whole.

**8.5(8) Determining closing costs payments.** Payments made to eligible homeowners and mobile home owners pursuant to section 5, subsection 1, "c" of the Act, shall be limited to the reasonable cost of the following closing costs necessary and incident to the purchase of a replacement dwelling.

a. Costs eligible for payment include legal, closing and related costs including title search, the cost of preparing conveyance documents, notary fees, surveys, preparing drawings or plats and recording fees. Lender's, FHA or VA appraisal fees, FHA or VA application fees and a certification of structural soundness when required by the lender or FHA or VA, may be paid. The cost of a credit report, title opinion, escrow fees and sales or transfer taxes may be paid.

b. No fee, cost charge or expense shall be paid as a closing cost which is not necessary and incident to the purchase of a replacement dwelling nor which is determined to be a part of the debt service or finance charge under the Truth in Lending Act, Title I, Public Law 90-321.

**8.5(9) Limitation on housing payment for homeowners and certain others.** Replacement housing payments to homeowners and certain others shall be limited by the following:

a. No replacement housing or other payment shall be made by authority of section 5 or section 6 of the Act or these rules unless and until the agency, or its authorized designee, has inspected the replacement dwelling and determined that it meets the standards of decent, safe and sanitary housing. All such determinations shall be made in writing and shall be signed by the agent or person making the same.

b. No claim for a payment under section 5 or section 6 of the Act or these rules shall be paid where it is filed later than six months after the expiration of the one-year period specified in section 5, subsection 2 of the Act, except that in the case of an appeal from the awards of a compensation commission, such period shall be extended to six months after final adjudication.

c. If a dislocated homeowner or mobile homeowner is otherwise qualified for a payment under section 5 of the Act and these rules, but has previously received a payment under section 6, subsection 1 of the Act and these rules, the amount of such payment so received shall be deducted from the amount to which he is determined entitled under section 5 of the Act and these rules. In no event shall the combined payments exceed \$15,000.

d. A displaced homeowner who is otherwise eligible for a replacement housing payment under section 5 or section 6 of the Act and these rules who acquires replacement housing after the initiation of negotiations on the project but before the first contact for the acquisition of the subject dwelling may be eligible for such payment only if he moves from the subject dwelling after the first contact for its acquisition. No payment shall be made in any such case until the subject dwelling has been acquired.

**8.6(316) Replacement housing payments for tenants and certain others.**

**8.6(1) Owner-occupants and tenant-occupants of sleeping rooms or of homes or of mobile homes who are displaced from the subject dwelling in whole or in part, for not less than ninety consecutive days immediately prior to the initiation of negotiations for the acquisition of the subject property and who occupy a decent, safe and sanitary replacement dwelling or replacement sleeping room within the time limits specified in section 5, subsection 2 of the Act and**

by these rules may receive a rental replacement housing payment or a purchase down payment under section 6 of the Act and by these rules but not to exceed the payment limitations established by the Act and by these rules.

a. Where a mobile home is acquired from an otherwise eligible displaced mobile homeowner who rents the site, the mobile homeowner shall be eligible for both a rental replacement housing payment for the site and a purchase down payment for the mobile home but not to exceed \$4,000 and the limitations established by section 6 of the Act and by these rules.

**8.6(2) Rental replacement housing payment.**

a. Rental replacement housing payments to relocatees eligible for a payment under section 6 of the Act and by these rules who elect to rent replacement housing shall be the difference, as determined by the agency, between the amount necessary to rent a comparable replacement home or mobile home, or mobile home and site, or mobile home site or sleeping room for the next four years and the amount of rent presently paid but not to exceed the limitations established by section 6 of the Act and by these rules.

b. The amount necessary to rent comparable replacement housing may be determined by the agency by a schedule, the three comparable or other methods contained in section 8.5(3), 8.5(4), 8.5(5) or section 8.5(6) of these rules.

**8.6(3) Determining the amount of rent presently paid.** For the purpose of determining a rental replacement housing payment the amount of rent presently paid shall be the actual rental paid by relocatees renting a mobile home and site or dwelling where the actual rental rate is reasonably equal to the economic rent of the subject dwelling as determined by the agency from market data.

a. The actual rental rate shall include any rent supplement supplied by others except when, by law, such supplement is to be discontinued upon vacation of the subject property.

b. If the actual rental rate is not reasonably equal to the average market rental for similar dwellings the actual rental rate shall be adjusted to the economic rent of the subject dwelling as determined by the

agency from market data. For purposes of determining a rental replacement housing payment for a relocatee who is an owner-occupant of the subject dwelling the rent presently paid shall be economic rent for the subject dwelling as determined by the agency from market data.

**8.6(4) Determining comparability of replacement rental dwelling.** An otherwise comparable replacement dwelling shall not be considered a comparable replacement rental dwelling unless it is available at a rental rate within the financial means of the family or individual relocatee involved.

a. The rental rate shall not be considered within the financial means of the family or individual relocatee where the rental of available replacement housing exceeds 25 percent of the gross income of the family or relocatee plus the \$4,000 rental replacement housing payment for the next four years.

b. Gross income for this purpose shall include any rent supplements supplied by other except when, by law, such supplement is to be discontinued upon vacation of the subject property.

**8.6(5) Limitation of rental replacement housing payment to homeowners.** No rental replacement housing payment to a displaced homeowner eligible for a replacement housing payment under section 5 of the Act shall exceed \$4,000.

**8.6(6) Disbursement of rental replacement housing payments.** Replacement housing rental payments may be disbursed as a lump sum payment only on other than federal aid highway projects.

a. On federal aid highway projects rental replacement housing payments in excess of \$2,000 will be made on the basis of periodically confirmed annual certifications by the relocatee that he is occupying decent, safe and sanitary housing and shall be disbursed on an annual basis in four equal installments.

b. Rental replacement housing payments of \$2,000 or less may be made, at the election of the relocatee, in a lump sum payment or in four annual equal installments.

**8.6(7) Purchase down payments.** Relocatees eligible for a payment under section 6 of the Act and by these rules who elect to buy replacement housing may receive a

replacement housing payment as a purchase down payment in the amount of the down payment required by financial institutions for a conventional real estate loan all of which payment shall be applied in full to the purchase of a decent, safe, and sanitary comparable replacement home, or mobile home, or mobile home and site, or mobile home site.

a. This payment shall include and reimburse the relocatee for reasonable and necessary closing costs incident to such purchase but not to exceed \$4,000 and the limitations provided in section 6, subsection 2 of the Act and by these rules.

b. An owner-occupant who elects to retain the subject dwelling for replacement housing purposes who is otherwise eligible to receive a purchase down payment shall be entitled to a payment under this section determined as provided in section 8.5(6) of these rules but not to exceed \$4,000.

**8.6(8) Limitation on amount of combined rental replacement housing and purchase down payments.** Within one year from the date he is required to move, a relocatee who has previously received a rental replacement housing payment who is otherwise eligible may elect to receive a purchase down payment. Any amount received as a prior payment shall be subtracted from the amount of the subsequent payment for which the relocatee is eligible. In no event may any combination of such payments exceed \$4,000 and the limitations provided by section 6 of the Act and by these rules.

**8.7(316) Notice of relocation assistance advisory service.** In order to assure that the public has adequate knowledge of the relocation program the agency shall make a conceptual stage survey, distribute to the public the information contained in the survey, provide an opportunity for discussion of relocation assistance and services, eligibility requirements and payment procedures and give full and adequate notice of the relocation assistance program as herein-after provided.

**8.7(1) Relocation brochure.** The agency shall prepare and distribute a brochure adequately describing the relocation program notifying relocatees of their right to appeal, determinations made by the relocation assistance supervisor and indicating the procedures for such an appeal and shall distribute the same without cost to all public

hearings and to all interested individuals and organizations as appropriate.

**8.7(2) Conceptual stage survey.** Prior to the agency's selection of the final proposed location of the highway, the agency shall survey the area of the proposed project. This survey shall include an estimate of the number of individuals, families, businesses, farm operations and nonprofit organizations that are to be relocated and the probable availability of decent, safe and sanitary replacement housing within the financial means of each of the individuals or families affected by each of the alternatives under consideration.

a. On federally aided highway projects, the information obtained in the conceptual stage survey shall be submitted to the appropriate federal agency, prior to any public hearing held for the purpose of selecting the location of a proposed highway project.

b. The survey shall be discussed by the agency at any public hearing along with a brochure adequately describing the relocation program, and an explanation of studies that have been and will be made and methods that will be followed to assure that housing needs of relocatees will be met.

**8.7(3) Highway design public hearings.** After the agency's selection of a location of the highway, an explanation of the relocation program and of the relocation plan for the proposed project shall be made as a part of any public hearing held for the purpose of determining the final design of a highway project. This explanation shall include benefits and payments available, eligibility requirements, payment and administrative appeal procedures, available services, an estimate of the number of dwelling units presently available that meet replacement housing requirements, an estimate of the number of individuals or families to be relocated and an estimate of the time necessary for their relocation.

**8.7(4) Preparation of project relocation plan.** After the agency has selected a location and has developed a design and acquisition plan for a proposed highway project, and prior to any public hearing held for the purpose of determining the design of a highway project, all apparent relocatees shall be personally contacted by a relocation agent.

a. If such personal contact cannot be made, the agent shall note in his record

of contacts those reasonable efforts that were to achieve the personal contact.

b. Each apparent relocatee shall be provided with a written statement and an explanation of benefits available under the relocation assistance program or under other federal and state housing, disaster loan or other programs offering assistance to displaced persons.

c. The agency shall survey and determine, and the relocation plan shall initiate and include, a current and continuing inventory of the needs of each family or relocatee who would be displaced in accord with the proposed design and acquisition plan for the project.

d. The plan shall inventory available replacement housing appropriate to the needs of apparent relocatees and shall consider planned and proposed federal, state and local governmental and private project work in the area which may affect the supply and the demand for housing.

e. The plan shall outline the various relocation problems, and indicate the method of operation to resolve such problems and to provide maximum assistance to apparent relocatees.

f. The plan shall contain an estimate of the amount of lead time required and demonstrate its adequacy in order to assure that no person shall be required to move from his dwelling on account of any highway project unless replacement housing as required by section 7, subsection C, and section 8, subsection 2 of the Act and by these rules, is available to such persons.

**8.7(5) Project assurances.** Negotiations for the acquisition of real property which will cause the relocation of any person shall not proceed until the agency offering relocation assistance assures compliance with section 7, subsection 3, "c" and section 8, subsection 2 of the Act and with these rules. All such assurances shall be submitted, in writing, along with the project relocation plan to the appropriate federal or state authority prior to the commencement of negotiation on the project. The assurance shall include a statement of the relocation program being offered and the project relocation plan. All such submissions shall include a request that the plan be approved, that the agency be authorized to make relocation payments and to proceed with the acquisition of right of way.

**8.7(6) Maintenance of project file.** In order to minimize hardships to relocatees, the agency's relocation assistance supervisor shall maintain a file containing information appropriate to the needs of relocatees available for inspection on a project basis.

a. This project file shall include a copy of any agreement with another agency or other persons under contract to perform relocation functions. It shall include a current and continuing inventory of available and appropriate replacement housing of comparable commercial properties and locations, and current data for such costs as security deposits, closing costs, typical down payments, interest rates and terms. It shall include a copy of the project conceptual stage survey, and project relocation plan. It shall include a list of realtors and contractors of all appropriate types maintained on a project basis for the benefit of relocatees needing or requesting this type of information.

b. Other such information shall be maintained on a project basis concerning financial institutions, brochures or lists of federal, state and local housing, technical and financial assistance programs, loan rates, public transportation rates and utility rates, housing developments and FHA and VA repossessed housing. The agency shall maintain a plan of the proposed highway project and where applicable a map showing the locations of schools, medical facilities, shopping areas, recreational facilities and public transportation routes.

c. The project file shall include requests for project approvals or authorization and such authorization and approvals as are received from appropriate federal or state authorities and shall contain such documentation as necessary to establish the date of initiation of negotiations for the project. Project assurances, project certifications, and project inspection and progress reports shall be maintained in the project file.

d. Semiannual and other statistical summary of relocation assistance and payment statistics reports and such other records as are required by appropriate federal authority may be maintained in this file.

**8.7(7) Initiation of negotiations for the project.** Negotiations may be instituted and relocation payment may be made only after the agency has requested and received from the appropriate federal authority approval of:

- a. The proposed project design;
- b. Approval of right of way design where there will be federal funding in the cost of acquiring real property for the highway project;
- c. Authorization to acquire right of way;
- d. Approval of the project relocation plan;
- e. Authorization to make relocation payments;
- f. A request to approve an advanced purchase and to make relocation payments for hardship or protective buying purposes; and the agency may institute negotiations and may make relocation payments for those parcels thus approved.

**8.7(8) Presentation of relocation assistance offer.** At the first personal contact at which a written offer to purchase the subject property is made, the relocatee shall be simultaneously presented with a written offer of relocation assistance and an explanation of the eligibility requirements to receive relocation payments.

a. This offer shall contain the amount of supplemental housing payment to which the relocatee has been determined eligible, a statement of the relocatee's occupancy rights in the form of a 90-day notice to vacate the subject property and the name of the relocation agent assigned to the project.

b. Within fifteen days after the initiation of negotiations on the parcel, tenants shall be personally contacted and given a similar written offer of relocation assistance.

c. Out of state owners or other unavailable relocatees may be presented with such written offer of relocation assistance by certified or registered mail, return receipt requested.

**8.7(9) Public notice of commencement of negotiation.** Within fifteen days after initiation of negotiations on any project a notice shall be published in a newspaper of general circulation in the area.

a. This notice shall be such as will provide full and adequate notice to the persons affected by the project and shall contain the date negotiations on the project started and the area of the project.

b. The notice shall summarize the

eligibility requirements for relocation assistance and requirements to receive payments under the Act.

c. The notice shall request that relocatees notify the agency if a move is anticipated, stipulate that the property must be sold to the agency to receive relocation assistance and contain a statement indicating where further information and a brochure may be obtained.

d. The notice shall state that no person shall be displaced by the agency unless and until adequate replacement housing has already been provided for or is built.

**8.7(10) Notice of intent to acquire.** When a relocatee requests approval to move in advance of the first contact for acquisition of the subject property, his eligibility to receive relocation payments shall be preserved where the agency sends the relocatee a written notice that the agency intends to acquire the subject property by a stated date.

a. Such notice shall offer payments for which the relocatee is eligible, state any restrictions thereto and inform the relocatee how additional information may be obtained.

b. Such a notice shall be sent when, considering the status of appraisal or other information necessary to value the subject property, a realistic estimate of the time necessary to acquire the subject property and the adequacy of the supply of available replacement housing, it is, in the judgment of the agency, in its best interest to do so.

c. When a notice of intent to acquire is sent to an owner such notice shall also be sent to his tenant within fifteen days.

d. A notice of intent to acquire sent to a tenant shall be simultaneously sent to the owner.

e. No relocation payments shall be made until the subject property has been acquired by the agency.

f. No notice of intent to acquire shall be sent on any federally aided highway project until after the agency has requested and received authorization from the appropriate federal authority to either institute negotiations on the project or to acquire individual parcels solely to protect the interests of the agency or because of hardship.

**8.7(11) Standards for decent, safe and sanitary housing.** A decent, safe and sanitary dwelling is one which meets all of the following minimum requirements.

a. It conforms with all applicable provisions for existing structures that have been established under state or local building, plumbing, electrical, housing and occupancy codes and similar ordinances or regulations applicable to the property in question.

b. It has a continuing and adequate supply of potable safe water.

c. It has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected to hot and cold water, and a sewage disposal system. A stove and refrigerator in good operating condition shall be provided when required by local codes, ordinances, or custom. In lieu thereof the kitchen area or area set aside for such use shall have utility service connections and adequate space for the installation of such facilities.

d. It has an adequate heating system in good working order which will maintain a minimum temperature of 70 degrees in the living area under local outdoor design temperature conditions.

e. It has a bathroom, well lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush water closet, all in good working order and properly connected to a sewage disposal system.

f. It has provision for artificial lighting in each room.

g. It is structurally sound, in good repair and adequately maintained.

h. Each building used for dwelling purposes shall have two safe unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multi-dwelling building must have access either directly or through a common corridor to two means of egress to open space at ground level. In buildings of three stories or more, the common corridor on each story must have at least two means of egress.

i. It has 150 square feet of habitable floor space for the first occupant in a

standard living unit and at least 100 square feet of habitable floor space for each additional occupant.

j. The square footage requirements for mobile homes shall be 150 square feet for the first occupant and 70 square feet for each additional occupant.

k. The floor space is to be subdivided into sufficient rooms to be adequate for the family.

l. All rooms must be adequately ventilated.

m. Rental replacement sleeping rooms shall meet the minimum requirements of local codes, heating, electricity, structural soundness, and egress as set forth herein.

n. Sleeping rooms shall have as a minimum at least 100 square feet of habitable floor space for the first occupant, 50 square feet of habitable floor space for each additional occupant and lavatory and toilet facilities that provide privacy including a door that can be locked if such facilities are separate from the room.

**8.7(12) Adjustments to standards for decent, safe and sanitary housing.** Subject to the approval of the appropriate federal authority the agency providing relocation assistance may grant exceptions to decent, safe and sanitary housing standards on those projects or parcels where unusual conditions exist.

a. Requirements for sanitary, electrical or water facilities may be reduced in those areas where a majority of the residences do not have the facilities meeting the minimum standards for decent, safe and sanitary housing.

b. Where large families are being relocated, the minimum square footage requirements may be waived provided there is satisfactory bedroom space based on the age and sex of the occupants.

**8.7(13) Determining comparability of available replacement housing.** A comparable dwelling is a decent, safe and sanitary dwelling adequate to accommodate the needs of the relocatee, which is available on the open market and which meets all of the following minimum requirements.

a. To be available the dwelling shall be open to all persons regardless of race, color, religion, sex or national origin, and

within the financial means of the family or individual to be relocated.

b. The square footage of the available replacement dwelling shall generally be the same, but may be 75 square feet less or may be greater than, the dwelling being acquired by the agency.

c. The number of rooms shall equal or exceed the number of rooms in the dwelling being acquired, or have sufficient open space to allow for the construction of the required number of rooms. In no case will a dwelling be considered comparable if it lacks sufficient bedrooms to make it decent, safe and sanitary as defined by these rules.

d. The area of living space exclusive of hallways, closets, bathrooms, and other storage facilities of available replacement dwellings shall generally equal that of the subject dwelling.

e. It shall be of the same or better general type of construction as the subject dwelling.

f. It shall be approximately (within ten years) the same age as the subject dwelling and shall be in the same or better state of repair.

g. It shall be located in the same, or a better type of neighborhood or area as determined by the general age and condition of the subject dwelling, availability of public utilities and access to public and commercial facilities.

h. It shall be reasonably accessible in terms of distance or time elapsed in traveling, by the head of the household to his place of employment.

**8.7(14) Ninety-day notice to vacate.** A written 90-day notice shall be given to all owners and relocatees alike at the initiation of negotiations for the property proposed to be acquired by the agency. This notice shall inform the owner or relocatee that he will not be required to move from his dwelling or to move his business, farm or nonprofit organization or personal property sooner than 90 days from the date of said notice. The notice shall also state that he will be sent a written notice specifying the date by which the subject property must be vacated at least 30 days prior to the required vacation date and that the 30-day written notice will not be sent until he has received payment from the agency as agreed, or that the

award of a compensation commission has been deposited by the agency as prescribed by law.

a. A written 30-day notice to vacate shall be sent by certified mail, return receipt requested, by the relocation assistance supervisor, or his designee, after the agency has obtained effective control over the subject property.

b. Where the owner or relocatee has agreed to convey his interest in the subject property and to give the agency possession thereof, either prior to or on the day he has agreed to receive his final acquisition payment, the 30-day notice to vacate shall be sent so that the last day of said notice is not earlier than the day he has agreed to surrender possession of the subject property.

c. Where the owner or relocatee has agreed to convey his interest in the subject property and has consented to the agency withholding a portion of the agreed purchase price to secure the agency's future possession thereof after the time agreed for said conveyance, the 30-day notice to vacate shall be sent so that the last day of the notice is not earlier than the day he has agreed to surrender possession of the subject property.

d. All condemnees whether owners, tenants, businesses, nonprofit organizations, farm operators or occupants shall be sent a written 30-day notice to vacate as herein required.

e. Railroads and utilities shall be sent a 30-day notice to vacate where there is personal property to be relocated.

f. Except for condemnees who own and occupy a residence or dwelling house located on lands acquired by condemnation, a 30-day notice to vacate shall be sent so that the first day of said notice is a day not earlier than the day the compensation commissioner's award is deposited as required by law and thus made available to the condemnee.

g. Thirty-day notices to vacate to condemnees who own and occupy a residence or dwelling house located on lands acquired by condemnation shall be sent after the deposit of the condemnation award and after the time for appeal therefrom has passed.

h. In the case of an appeal from the award of a compensation commission, con-

demnees owning and occupying a residence or dwelling house; shall be sent a 30-day notice to vacate so that the last day of said notice is not earlier than the day specified for the surrender of possession of such property to the agency either by the terms of a stipulated settlement of the appeal or of an order of the court or, in the absence of such stipulation or order, on the day the agency is entitled to possession of such property by law.

*i.* No 30-day notice to vacate need be sent to any owner or relocatee who moves or moves his personal property on his own volition prior to the time the agency sends such notice.

**8.8(316) Preconstruction project certificate.** Prior to advertising the physical construction for bids on any project on which a relocation program is offered or required by the Act, the chief officer of the agency offering relocation programs shall submit a project certificate to the appropriate federal or state authority stating that the agency has legal and physical possession of all right of way required and that comparable replacement housing is available or has been provided for or is built for all relocatees and that all persons have been relocated from the project.

**8.8(1)** All residentially improved properties that have not been vacated and those businesses whose operation has not been terminated shall be identified and listed as an exception to the project certificate.

**8.8(2)** Any exception shown on a certificate shall state the anticipated vacation date for residentially improved properties and the anticipated date for the termination of business operations and indicate the basis for the date or dates stated.

**8.8(3)** No physical construction shall be advertised for bids and no physical construction shall begin on any project on which a relocation program is offered or required by the Act unless and until the appropriate federal authority has approved the agency's project certificate. For this purpose physical construction includes that part of a construction project which requires the actual displacement of any persons including the clearance of right of way, and not the preliminary activities which can be efficiently and practically conducted without such displacement.

**8.9(316) Record of payment determinations and claims for benefits paid.** The agency offering relocation assistance shall maintain a record of payment determinations and claims for benefits paid.

**8.9(1) Record of agency contacts with each relocatee.** Any agent offering relocation assistance shall maintain written notes on a parcel basis of the time, place and date of his personal contacts with each relocatee or his representative and shall make and sign such writings immediately after each contact.

*a.* The notes shall be identified by appropriate federal and other project and parcel identification, and note the type of tenure, the names, addresses and telephone numbers, if any, for all relocatees on the subject parcel.

*b.* The notes shall indicate the name of the agent making the contact and report circumstances necessary to determine the needs of each relocatee and to support an offer of relocation assistance and payments.

*c.* A reasonable effort shall be made to obtain general parcel identification information where relocatees moved without assistance.

*d.* The notes shall indicate the new address and telephone number, if any, for each relocatee, whether the offer of assistance in locating or obtaining replacement housing was accepted or declined and the name of the individual accepting or declining the offer.

*e.* The dates and substance of subsequent or follow up contacts, the date on which the relocatee was required to move from the subject property, the date on which the actual relocation took place and the tenure of each relocatee after he has been relocated shall be shown.

**8.9(2) Amount determinations and limitations.** Payment eligibility and payment determination shall be made in writing and shall be signed and dated by the person making the determination who shall thereby disclaim any personal interest therein.

*a.* Parcel files shall show computations necessary to determine and show the amount of the payment, shall recite facts and the rationale used to support payment eligibility determinations and shall contain such proof of payment or support docu-

mentation as is required by the Act and by these rules.

*b.* Such disclaimers of personal interest shall state that the signator has no direct or indirect present or contemplated personal interest in the transaction, nor will he derive any benefit from the payment determinations thus made, and where applicable a statement that it is the understanding of the person making the determination that the determined amount is to be used in connection with a federal aid highway project.

**8.9(3) *Audit claims for payment.*** Claims for payments to be made by authority of the Act and of these rules shall be made in writing on forms furnished or approved by the Iowa state highway commission.

*a.* All such claims shall contain a certification by the relocatee that the above claim is correct, just and unpaid and to the best of his knowledge and belief the housing described is decent, safe and sanitary as set forth as applicable to federal and state law and regulations.

*b.* Claims requesting payments shall be approved for payment by the person making the payment eligibility or amount determination or by the relocation assistance supervisor, and by the person auditing the claim.

*c.* No claim for payment shall be approved in amounts in excess of limitations established by the Act or these rules, or which duplicate payments made to a relocatee as a contract seller, or condemnee through an exercise of the power of eminent domain.

*d.* Claims for the payments made by authority of the Act and of these rules shall be audited prior to their payment and delivery. The audit shall determine that the claim is due, unpaid and supported in the amount claimed by an appropriate approved payment determination, proof of payment and such documentation as is necessary to support payment eligibility and amount determinations made by the agency and as required by the Act and these rules. The person making the claims payment audit shall sign, date and approve the form of the claim for payment.

*e.* Payments by authority of the Act and of these rules shall not be delivered to a relocatee or his assignee or into escrow by the person or agent offering relocation

assistance or the person who has made the payment eligibility or amount determination.

**8.9(4) *Assignment of relocation payments.*** Relocation payments may be made and warrants may be drawn on the basis of written assignments by the relocatee, payable directly to the party or parties providing the moving, financing, services or replacement housing for the relocatee.

*a.* Warrants drawn directly to such persons shall be delivered to the assignee or such persons only upon the agency's receipt of an executed contract, receipted bill, or itemized statement for moving, or a contract to purchase, or a rental agreement by the relocatee and the contractor, seller or landlord or person furnishing the service.

*b.* Warrants, in the discretion of the agency, may be drawn payable either directly or jointly to the relocatee and to the party or parties providing such moving, financing, services or replacement housing.

*c.* In cases where the relocatee otherwise qualifies for a replacement housing payment, and upon his specific request, the agency may make such payments into escrow prior to the relocatee's moving. Any supplemental housing payment made into escrow shall be delivered subject to the condition that it shall not be paid unless and until the agency has, in writing, accepted proof of the relocatee's purchase of rental and occupancy of decent, safe and sanitary housing.

*d.* In the case of an appeal from the award of a compensation commission the agency may at its discretion, pay into escrow the amount of a replacement housing payment to which the relocatee is then determined eligible pending final adjudication of the acquisition cost of the dwelling acquired. The delivery of any such payment into escrow shall reserve to the agency the right to recompute the amount of such payment, if any, due as a result of the final adjudication of the acquisition cost of the subject dwelling, to reclaim and to receive delivery of the warrant paid into escrow and to pay that amount, if any, as is determined due as a result of such re-computation.

*e.* No relocation payment shall be withheld nor amounts deducted therefrom (including closings in escrow) to satisfy claims or obligations to others including those of the agency.

**8.9(5) Statement of eligibility to a lending agency.** At the request of the relocatee the agency shall state to any interested party, financial institution or lending agency, that the relocatee will be eligible to receive a replacement housing payment in a specific sum provided he purchases and occupies a specified replacement dwelling not later than the end of the one-year period beginning on the date on which the acquisition cost of the acquired dwelling is received from the agency, or on the date on which he moves from the acquired dwelling, whichever is the later date.

a. No such statement shall be made unless the relocatee otherwise qualifies for the replacement housing payment except that he has not yet purchased or occupied a suitable replacement dwelling.

b. No replacement dwelling shall be specified in any such statement unless it has been inspected and found to meet the standards for decent, safe and sanitary housing by the agency offering the relocation assistance.

**8.9(6) Avoidance of conflicts of interest.** The individual responsible for determining the amount of the replacement housing payment shall place in the file a signed and dated statement setting forth:

a. The amount of the payment;

b. His understanding that the determined amount will be used in connection with a federal-aid project;

c. That he has no direct or indirect present or contemplated personal interest, nor will derive any benefit from the payment.

**8.9(7) Administrative appeal and limitations.** The person dissatisfied with a determination by the agency's relocation supervisor as to his eligibility for a payment or as to the amount of payment offered under the relocation assistance program may have his application or his claim reviewed by the agency providing relocation assistance as in accord with this rule.

a. Persons dissatisfied with any such determination shall have 30 days, after the day the agency's relocation assistance supervisor sends notice of the supervisor's determination, within which to file a written request that the agency review the same.

b. Promptly upon timely receipt of a written request for such review the governing body of the agency shall hear and finally determine the appeal or shall appoint a review board comprised of individuals not directly involved in the agency's relocation program to make a review.

c. The governing body of the agency and any review board appointed shall inform themselves of the nature, scope, standards for eligibility and limitation of benefits and payments established by the Act and by these rules.

d. Where a review board is appointed the board shall make, note and report the necessary computations and line of reasoning used to support their findings and shall recommend such determinations to the governing body of the agency which, in its judgment, are supported by the proof required by the Act and these rules and by the evidence submitted. Similar findings shall be made, noted and reported by the governing body of the agency where no review board is established.

e. The governing body of the agency shall award to the person requesting the review all benefits and payments to the extent and in the amounts, if any, he is determined eligible within the limitations and under the terms of the Act and of these rules.

f. The person requesting the review shall be promptly notified in writing of the decision of the governing body of the agency whose decision shall be final.

**8.9(8) Notice of administrative appeals.** The governing body of the agency shall convene the review, or the review board shall hear testimony after sending the person requesting the review or his representative reasonable notice of the proceeding.

a. Notice of such review proceeding may be sent by ordinary mail and where practical, shall be held at a time and place agreeable to the person requesting the same.

b. The person requesting the review or his representative, and any relocation assistance officer appearing, shall have equal rights and shall have an equal opportunity to be heard.

c. No inferences or presumptions are to be indulged against either the agency,

the relocation assistance officer, the review board or the person requesting the review or his representative.

d. Any testimony on the part of any person which indulges in personalities is improper.

e. The person requesting the appeal shall be promptly notified in writing of the findings and recommendations of any review board.

#### 8.9(9) *Statistical reports.*

a. The agency offering relocation assistance shall keep such records and make such other statistical reports as are required by the appropriate federal or state authority.

b. On federally aided highway projects, Form PR-1223, "Summary or Relocation Assistance and Payment Statistics", or such other form as from time to time is determined appropriate, shall be submitted to the appropriate highway authority. The form will be submitted for periods ending June 30 and December 31, and shall be furnished within 30 days after the end of the semi-annual period which the report covers. A separate report shall be submitted for the rural and urban portion of each highway system. The report shall be forwarded to the associate administrator for right of way and environment through the division and regional offices of the federal highway administration and where appropriate to the Iowa state highway commission.

8.9(10) *Relocation assistance forms.* Forms used to survey, to plan, to notify relocatees or the interested public, to record data necessary to make payment eligibility or payment determinations, to record personal contacts of relocation agents, and forms of claims for payment and forms of statistical reports shall be those of or which are approved by the Iowa state highway commission.

8.9(11) *Records retention and availability.* The agency shall retain those records required by the Act and by these rules for a period of not less than three years after the federal authority's payment of the final voucher on any federally aided project or not less than three years after the state authorizes payment of the final voucher on any joint or local project, whichever date is later. All such records shall be available for inspection by representatives of the federal or state government at any reasonable hour.

8.10(316) **Last resort housing.** If a project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the agency determines that such housing cannot otherwise be made available, the agency may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project. The agency may let contracts for the construction of said housing to approve plans and specifications for the building thereof, and to supervise, inspect and approve the housing once constructed.

8.11(316) **Joint Iowa state highway commission and local projects.** All programs and payments authorized by the Act and by these rules shall be provided to relocatees on any nonfederally aided highway or street projects financed in whole or in part by primary road funds.

8.12(316) **Local projects.** Any political subdivision may provide all or a part of the programs and payments authorized by the Act and by these rules to relocatees on any nonfederally aided highway or street project which is not financed in whole or in part by primary road funds. Eligibility determinations and payment determinations made on any such local project shall be made in accord with sections 4, 5, and 6 of the Act and 8.4, 8.5, 8.6, 8.9 and 8.10 of these rules.

Refer to Rule 8 .5(7)

RELOCATION ASSISTANCE  
COMPUTATION OF INCREASED INTEREST COST

Name \_\_\_\_\_ County \_\_\_\_\_  
 Street Address \_\_\_\_\_ R.O.W. Project No. \_\_\_\_\_  
 City \_\_\_\_\_ R.A. Project No. \_\_\_\_\_  
 State and Zip Code \_\_\_\_\_ Parcel No. \_\_\_\_\_

COMPUTATION OF INCREASED INTEREST COST

EXAMPLE:

	<u>Existing Mortgage</u>		<u>New Mortgage</u>	
New Mortgage - Longer term	1st Mortgage	2nd Mortgage	1st Mortgage	2nd Mortgage
Interest Rate.....	<u>4½%</u>	_____	<u>7%</u>	_____
Remaining Term.....	<u>101 months</u>	_____	<u>192 months</u>	_____
Remaining Principal Balance.....	<u>\$ 4,855.44</u>	_____	<u>\$14,095.86</u>	_____

COMPUTATION

Existing Mortgage:

Monthly P & I Payment....7%.....	\$ 4,855.44	X	<u>.013131</u>	( 101 )	=	<u>\$ 63.76</u>
			Factor	Periods		
Monthly P & I Payment....4½%.....	\$ 4,855.44	X	<u>.011913</u>	( 101 )	=	<u>\$ 57.84</u>
			Factor	Periods		
Monthly Interest Difference.....						<u>\$ 5.92</u>
Present Worth of.....	\$ 5.92	X	<u>85.636</u>	( 101 )		
			Factor	Periods		
discounted at 4 % savings deposit rate.....						<u>\$ 506.97</u>

New Mortgage

Monthly P & I Payment....7%.....	<u>\$14,095.86</u>	X	<u>.008672</u>	( 192 )	=	<u>\$122.24</u>
			Factor	Periods		
Monthly P & I Payment ...4½%.....	<u>\$14,095.86</u>	X	<u>.007316</u>	( 192 )	=	<u>\$103.13</u>
			Factor	Periods		
Monthly Interest Difference.....						<u>\$ 19.11</u>
Present Worth of.....	\$ 19.11	X	<u>141.644</u>	( 192 )	=	
			Factor	Periods		
discounted at 4 % savings deposit rate.....						<u>\$ 2,706.82</u>

\*AMOUNT OF INTEREST PAYMENT..... \$ 506.97

\*Interest payment limited to the lesser amount

Refer to Rule 8.5(7)

RELOCATION ASSISTANCE  
COMPUTATION OF INCREASED INTEREST COST

Name \_\_\_\_\_ County \_\_\_\_\_  
 Street Address \_\_\_\_\_ R.O.W. Project No. \_\_\_\_\_  
 City \_\_\_\_\_ R.A. Project No. \_\_\_\_\_  
 State and Zip Code \_\_\_\_\_ Parcel No. \_\_\_\_\_

COMPUTATION OF INCREASED INTEREST COST

EXAMPLE:

New Mortgage - Shorter term New Mortgage - Equal or lower principal amount	<u>Existing Mortgage</u>		<u>New Mortgage</u>	
	1st Mortgage	2nd Mortgage	1st Mortgage	2nd Mortgage
Interest Rate.....	4½%	_____	7%	_____
Remaining Term.....	101 months	_____	90 months	_____
Remaining Principal Balance.....	\$ 4,855.44	_____	\$ 3,000.00	_____

COMPUTATION

Existing Mortgage:

Monthly P & I Payment.....7%.....	\$ 4,855.44	X	.013131	( 101 )	=	\$ 63.76
			Factor	Periods		
Monthly P & I Payment.....4½%.....	\$ 4,855.44	X	.011913	( 101 )	=	\$ 57.84
			Factor	Periods		
Monthly Interest Difference.....						\$ 5.92
Present Worth of.....	5.92	X	85.636	( 101 )		
			Factor	Periods		
discounted at 4 % savings deposit rate.....						\$ 506.97

New Mortgage

Monthly P & I Payment.....7%.....	\$ 3,000.00	X	.014314	( 90 )	=	\$ 42.94
			Factor	Periods		
Monthly P & I Payment.....4½%.....	\$ 3,000.00	X	.013112	( 90 )	=	\$ 39.34
				Periods		
Monthly Interest Difference.....						\$ 3.60
Present Worth of.....	\$ 3.60	X	77.644	( 90 )	=	
			Factor	Periods		
discounted at 4 % savings deposit rate.....						\$ 279.52
						\$ 279.52

\*AMOUNT OF INTEREST PAYMENT.....

\$ 279.52

\*Interest payment limited to the lesser amount

These rules are intended to implement chapter 316 of the Code.

[Effective June 17, 1974]

# INSURANCE DEPARTMENT AND HEALTH DEPARTMENT

(JOINT RULES)

Pursuant to the authority of chapter 274, section 24, Acts of the Sixty-fifth General Assembly, 1973 Session, the joint rules of the insurance and health departments relating to health maintenance organizations are adopted.

[Filed March 18, 1974]

## CHAPTER 12

### HEALTH MAINTENANCE ORGANIZATIONS

**PREAMBLE:** The following rules jointly developed by the department of insurance and the department of public health govern the organization and regulation of health maintenance organizations pursuant to the authority set forth in chapter 274, Acts of the Sixty-fifth General Assembly, 1973 Session.

#### 12.1(ch274,65GA) Definitions.

12.1(1) "*Act*" when used in these rules shall mean chapter 274, Acts of the Sixty-fifth General Assembly, 1973 Session.

12.1(2) "*Complaint*" means a written communication expressing a grievance concerning a health maintenance organization.

12.1(3) "*Dental care*" means care by licensed dentists or by appropriate auxiliary dental personnel working under the supervision of a dentist. It includes the necessary diagnostic, treatment, and preventive services required to maintain proper oral health.

12.1(4) "*Emergency care*" means emergency inpatient and outpatient services provided on a 24-hour basis, either by the HMO through its own facilities or through guaranteed arrangements with other providers. A physician and sufficient other licensed and ancillary personnel shall be readily available at all times.

12.1(5) "*Governing body*" means the persons in which the ultimate responsibility and authority for the conduct of the HMO is vested.

12.1(6) "*HMO*" means health maintenance organization and shall be abbreviated as HMO in these rules.

12.1(7) "*Inpatient hospital care*" means inpatient hospital care provided

through a licensed hospital on a 24-hour basis.

12.1(8) "*Outpatient medical services*" mean outpatient medical services provided within or outside of a hospital. This shall include, but not be limited to, laboratory and diagnostic X ray with emphasis directed toward primary care.

12.1(9) "*Physician care*" means care by a licensed physician or by paramedical or other ancillary health personnel under his direction. It shall be of sufficient type and amount to adequately provide for the contracted services including emergency care, inpatient hospital care, and outpatient medical services.

12.2(ch274,65GA) **Application.** An application on forms provided by the insurance department accompanied by a filing fee of \$100 payable to "State Treasurer, State of Iowa," shall be completed by an officer or authorized representative of the health maintenance organization. The application with copies in quadruplicate shall be verified and shall be accompanied by the information found in section 4, subsections 1 to 14 of the Act. An application shall not be deemed to be filed until all information necessary to properly process said application has been received by the commissioner. See Rule 12.11(ch274,65GA)

An amendment to the application form shall be filed in the same manner as the application and approved by the commissioner and the commissioner of public health before the change proposed by the amendment is effective.

12.3(ch274,65GA) **Inspection of evidence of coverage.** An enrollee may, if his evidence of coverage is not satisfactory for any reason, return his evidence of coverage within 10 days of receipt of same and receive full refund of the deposit paid, if any. This right shall not act as a cure for misleading or deceptive advertising or marketing methods, nor may it be exercised if the enrollee utilizes the services of the HMO within the 10-day period.

12.4(ch274,65GA) **Governing body.** An HMO shall have a basic written organizational document setting forth its scheme of organization and establishing a governing body appropriate to its form of

organization. The governing body shall be responsible for matters of policy and operation, and shall be separate and independent from any other governing body.

The HMO shall develop bylaws which describe the scope of the health care services the HMO renders to enrollees either directly by the medical staff or the dental staff, if dental care is provided, or through arrangements with others outside of the organization. Initial bylaws or revisions thereto shall be submitted to the commissioner of public health and the commissioner of insurance for review and approval.

The bylaws or similar document shall provide for "reasonable representation" on the governing body by enrollees. "Reasonable representation" as used in section 8 of the Act shall require not less than 30 percent of the governing board members be enrollees who are not providers or are not associated with a provider. Such enrollee representatives shall be nominated by the adult enrollees who are not providers or are not associated with providers, and the enrollee representatives shall be elected from the persons so nominated.

The HMO may provide upon its initial formation that all representatives on the governing board shall be selected by the organizers of the HMO. It is contemplated that such members shall serve until the first annual meeting or election. If there are no representatives elected by enrollees on the initial governing board, then a procedure shall be established by the HMO allowing election of enrollee representatives to the governing board within six months after the HMO commences delivery of services to its enrollees.

The nomination and election procedures for enrollee representatives should provide for the following to assure an adequate opportunity for participation by enrollees:

**12.4(1)** An opportunity for adult enrollees to nominate candidates for the governing body.

**12.4(2)** Notice to all adult enrollees of the nomination and election procedures.

**12.4(3)** An opportunity for adult enrollees to vote for enrollee representatives by a balloting procedure approved by the commissioner.

**12.5(ch274,65GA) Quality of care.** Each HMO shall:

**12.5(1)** Provide primary care physicians' services commensurate with the need of the enrollees, but at a level of not less than that established in the community.

**12.5(2)** Advise the state department of health annually pursuant to section 13 of the Act of the ratio of full-time equivalent physicians, paramedical and ancillary health personnel to enrollees and fee-for-service patients. Changes in the physician ratios shall be immediately reported together with action taken to correct any deficiencies in the ratios.

**12.5(3)** Provide assurance that all physicians, paramedical and ancillary health personnel engaged in the provision of health services to enrollees and fee-for-service patients are currently licensed or certified by the State of Iowa to practice their respective profession. These personnel shall be no less qualified in their respective profession than the current level of qualification, which is maintained in their community. All referral physician specialists shall be "Board Eligible" or "Board Certified" in their respective medical specialties as defined by the American Board of Medical Specialties. Physicians who are "Board Eligible" shall be encouraged to become certified within a reasonable period of time.

**12.5(4)** When health care facilities are utilized by the health maintenance organization, these facilities shall be licensed by the appropriate state agency where they are located. These facilities shall be either accredited by the Joint Commission on Accreditation of Hospitals or the American Osteopathic Association; or they shall be certified as a provider for Medicare or Medicaid.

**12.5(5)** Have a qualified administrator designated by the governing body who shall be responsible for the management of the HMO.

**12.5(6)** Have a formally organized medical staff.

**12.5(7)** Have a chief of the medical staff designated by the governing body who shall be responsible for the development of medical staff bylaws, rules which shall include assurance to enrollees that a continu-

um of health care services will be provided without unreasonable periods of delay.

**12.5(8)** Provide for an ongoing internal peer review program.

**12.5(9)** Prepare and submit to the commissioner of public health a medical plan of compiling a medical history and providing a physical screening examination for each enrollee within a reasonable time of enrollment. A program of health evaluation, education, and immunization should be provided which is designed to prevent illness and disease and to improve the general health of HMO enrollees.

**12.5(10)** Maintain a medical records system which includes at a minimum the following information:

a. Documentation of utilization rates for every enrollee.

b. Patient's name, identification number, age, sex, and place of residence and employment.

c. Services provided, when provided, where provided, and by whom.

d. Medical diagnosis, treatment prescribed, therapy prescribed and drugs administered.

e. Statement in regard to the status of the patient's health.

**12.5(11)** Provide by contract or other arrangement for peer reviews. The plans for internal and external peer review shall be submitted to the commissioner of public health for approval.

a. Internal peer review shall be conducted by the HMO staff on a continuing basis using Joint Commission on Accreditation of Hospitals, American Osteopathic Association, or American Dental Association, if appropriate, standards as a general guide and shall be structured to review the total episode of illness that the HMO is responsible for. The HMO staff may use parts of the total episode of illness peer review done by other internal review committees to avoid duplication of work. This review shall include but not be limited to the following:

(1) Utilization review and evaluation of the quality of care provided enrollees.

(2) The process or method by which care is given.

(3) The outcome of care including the morbidity and mortality rates that result.

b. External review shall be performed annually by the Professional Standards Review Organization designated by the Department of Health, Education, and Welfare for the area if the organization is available for contract; otherwise, by a group who are not members of the HMO staff consisting of appropriate professional personnel in the same category as those being reviewed. The external review shall include but not be limited to the following:

(1) An evaluation of the internal peer review and utilization review program.

(2) The professional standards and practices of the HMO including an assessment of the quality of care provided.

**12.6(ch274,65GA) Change of name.** No name other than that certified by the department may be used. The name of the HMO may not be changed without prior approval of the department.

**12.7(ch274,65GA) Change of ownership.** Each HMO which desires to transfer ownership of more than 10 percent of the stock or ownership interest in the HMO shall not do so without first submitting a proposed plan to the department for review and approval or disapproval.

**12.8(ch274,65GA) Termination of services.** When a HMO desires to cease offering a service, such service may not be terminated without prior approval of the department. Arrangements equitable to the enrollees providing for a rate adjustment or substitution of an equivalent service satisfactory to the department must be made.

**12.9(ch274,65GA) Complaints.**

**12.9(1)** Each health maintenance organization shall provide in its bylaws for a system to resolve and record complaints.

**12.9(2)** The complaint system shall provide for the resolution of the following kinds of complaints and the recording of the information required to be reported to the commissioner:

a. Complaints about the quality of health care services provided by the health maintenance organization.

b. Complaints about the availability of such services.

c. Complaints relating to enrollee participation in the operation of the health maintenance organization.

12.9(3) The complaint system shall provide for the recording of the information required to be reported to the commissioner relative to the following kinds of complaints:

a. Complaints to the health maintenance organization concerning benefits provided by other than the health maintenance organization under the provisions of any indemnity policy or contract provided by the health maintenance organization. Such complaints shall be referred to the person providing the benefits and a copy shall be forwarded to the commissioner.

b. Malpractice claims settled during the year by the health maintenance organization and any of its providers.

12.9(4) The information required to be reported to the commissioner shall be included in the annual report to the commissioner on the form provided therewith.

12.9(5) All complaint files shall be retained by the health maintenance organization until the examination for the period during which the complaint was received has been completed.

**12.10(ch274,65GA) Cancellation of enrollees.**

12.10(1) Membership of an enrollee in a health maintenance organization may be terminated by the health maintenance organization for the following reasons and no other:

a. Nonpayment of charges when due.

b. Termination of the conditions, other than a change in the health of the enrollee, under which the enrollee became eligible to be enrolled under a group contract.

c. Termination of the group contract under which the enrollee was enrolled.

d. Change of place of residence of the enrollee from the geographic area served by the health maintenance organization.

e. Failure of the enrollee to pay deductible or coinsurance charges permitted under section 6, subsection 3 of the Act.

f. Unreasonable refusal of the en-

rollee to follow a prescribed course of treatment.

g. A materially false statement or misrepresentation by the enrollee in his application for membership.

12.10(2) When membership of an enrollee is terminated by the HMO for a reason other than nonpayment of charges, nonpayment of deductible or coinsurance charges, unreasonable refusal of the enrollee to accept services, or a materially false statement or misrepresentation by the enrollee in his application for membership, the HMO shall arrange to have offered to the enrollee an opportunity to have issued to the enrollee, without evidence of insurability, individual or family policy or policies of hospital and medical expense insurance, or individual or family contracts with hospital and medical service corporations. The form of such policies or contracts shall be that shown in the Application for Certificate of Authority of the HMO or the latest approved amendment thereto. If the HMO enrolls persons on other than a group basis, it shall also offer to the enrollee, if the enrollment was canceled for the reason stated in 12.10(1) "b" or 12.10(1) "c", an option to be enrolled as an individual enrollee.

12.10(3) Membership of an enrollee in a health maintenance organization may be terminated only upon giving a notice of cancellation not less than 30 days before the date of termination. Such notice shall:

a. Be given by delivery of the notice in duplicate to the enrollee in person or by certified mail addressed to the enrollee at the last address known to the health maintenance organization.

b. State the date and hour upon which the enrollment shall terminate.

c. State the reason for cancellation.

d. If cancellation is for nonpayment of charges, state the amount of charges due, the cost of preparing and serving the notice, and the total cost of charges and preparing the notice, and that if the enrollee pays the amount of charges due plus the cost of preparing and serving the notice at any time before the cancellation date the coverage will remain in force.

e. State that the enrollee has the right to a hearing before the commissioner if requested by the enrollee within 20 days after receipt of notice of cancellation.

*f.* Provide for the enrollee to indicate on the notice that the enrollee requests such hearing.

*g.* If the enrollee is entitled to have policies or contracts issued as provided in 12.10(2), it shall be stated how the enrollee may apply for such policies or contracts.

*h.* State that the enrollee may request such hearing by forwarding one copy of the notice of cancellation, marked to request a hearing, to the Commissioner of Insurance, Lucas State Office Building, Des Moines, Iowa 50319.

**12.10(4)** When a hearing is requested, the commissioner may require the HMO to continue to provide coverage during the pendency of the hearing and a period of not more than 10 days after his decision is made known. The commissioner may require the enrollee, as a condition of granting continued coverage, to pay to the HMO the charges for such period of coverage.

**12.10(5)** The hearing shall be held before the commissioner or his delegated hearing officer in the following manner:

*a.* Upon receipt of a request for hearing, the commissioner shall notify the health maintenance organization and the enrollee of the time and place of hearing.

*b.* Formal rules of evidence need not be observed, but no evidence shall be received which does not relate to the issue.

*c.* The burden of proof shall be upon the health maintenance organization to show by a preponderance of the evidence that it had good cause for cancellation for one or more of the reasons stated in the notice and provided herein, except that when the cancellation is for nonpayment of charges, the burden of proof shall be upon the enrollee to show a tender of payment before the date of cancellation.

*d.* At the close of the hearing, or as soon thereafter as possible, the commissioner shall advise the parties of his decision.

**12.11(ch274, 65GA)** The Application for Certificate of Authority shall be in the following form:

HEALTH MAINTENANCE ORGANIZATION  
APPLICATION FOR CERTIFICATE OF AUTHORITY

---

(Name of Health Maintenance Organization)

Organized as \_\_\_\_\_

under the laws of the state of \_\_\_\_\_, hereby makes application to the commissioner of insurance and the commissioner of health for a certificate of authority to establish and operate a health maintenance organization in compliance with chapter 274, Acts 65th G.A., 1973 Session.

Attached hereto and hereby made a part of this application are exhibits bearing numbers corresponding to the following:

1. A copy of the basic organizational document, of the applicant such as the articles of incorporation, articles of association, partnership agreement, trust agreement, or other applicable documents, and all of its amendments.

2. A copy of the bylaws, rules or similar document, regulating the conduct of the internal affairs of the applicant.

3. A list of the names, addresses, and official positions of the persons who are to be responsible for the conduct of the affairs of the applicant, including all members of the board of directors, board of trustees, executive committee, or other governing board or committee, the principal officers if a corporation and the partners or members if a partnership or association.

3.1 A list of the names and addresses of each owner of five percent (5%) or more of the health maintenance organization.

4. A copy of any contract made or to be made between any providers or persons listed in item three (3) and the applicant.

5. A statement generally describing the health maintenance organization including, but not limited to, a description of its facilities and personnel.

6. A copy of the form of evidence of coverage.

7. A copy of the form of the group contract, if any, which is to be issued to employers, unions, trustees or other organizations.

8. Financial statements showing the applicant's assets, liabilities, and sources of financial support. If the applicant's financial affairs are audited by an independent certified public accountant, a copy of the applicant's most recent regular certified financial statement is attached.

9. A description of the proposed method of marketing the plan, a financial plan which includes a three (3) year projection of operating results anticipated, and a statement as to the sources of funding.

10. A power of attorney executed by the applicant, if not domiciled in this state, appointing the commissioner, his successors in office and deputies as the true and lawful attorney of the applicant for this state upon whom all lawful process in any legal action or proceeding against the health maintenance organization on a cause of action arising in this state may be served.

11. A statement reasonably describing the geographic area to be served.

12. A description of the complaint procedures to be utilized as required under section 15 of the Act.

13. A description of the procedures and programs to be implemented to meet the requirements for quality of health care as determined by the commissioner of public health under section 5 of the Act.

14. A description of the mechanism by which enrollees shall be allowed to participate in matters of policy and operation as required by section 8 of the Act.

14.1 A copy of the notice to be given to enrollees of the procedure for nomination and election of members of the governing body.

15. A schedule of the liability and workmen's compensation insurance to be maintained in force by the health maintenance organization.

15.1 Copies of the forms of policies or contracts to be offered to terminated enrollees as provided in 12.10(2).

VERIFICATION

The undersigned deposes and says that he has duly executed the attached application dated \_\_\_\_\_, 19\_\_\_\_, for and on behalf of \_\_\_\_\_; (Name of Applicant)

that he is the \_\_\_\_\_ of such company, (Title of Officer)

and that he is authorized to execute and file such instrument. Deponent further says that he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his knowledge, information and belief.

(Signature)\_\_\_\_\_

(Type or print name beneath)\_\_\_\_\_

Subscribed and sworn to before me by \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

These rules are intended to implement chapter 274, Acts of the Sixty-fifth General Assembly, 1973 Session.

[Effective March 18, 1974]

### LABOR BUREAU

Pursuant to the authority of section 88.5 of the Code, the rules filed with the secretary of state on August 16, 1973, relating to the occupational safety and health standards (chapter 10) are amended as follows.

[Filed March 18, 1974]

Amend rule 10.21(88) by inserting at the end thereof the words  
"38 Fed. Reg. 27048 (September 28, 1973)  
38 Fed. Reg. 28035 (October 11, 1973)  
38 Fed. Reg. 33397 (December 4, 1973)  
39 Fed. Reg. 1437 (January 9, 1974)".

[Effective March 18, 1974]

### LABOR BUREAU

(continued)

Pursuant to the authority of section 88.5 of the Code, the rules filed with the secretary of state on August 16, 1973, relating to the occupational safety and health standards (chapter 10) are amended as follows.

[Filed June 12, 1974]

"39 Fed. Reg. 3760 (January 29, 1974)  
39 Fed. Reg. 6110 (February 19, 1974)  
39 Fed. Reg. 9958 (March 15, 1974)".

[Effective June 12, 1974]

Amend rule 10.21(88) by inserting at the end thereof the words

### LABOR BUREAU

(continued)

Pursuant to the authority of section 88.5 of the Code, the rules filed with the secretary of state on August 16, 1973, relating to the safety and health regulations for construction (chapter 26) are amended as follows.

[Filed March 18, 1974]

Amend rule 26.1(88) by inserting at the end thereof the words  
"38 Fed. Reg. 27594 (October 5, 1973)  
38 Fed. Reg. 33397 (December 4, 1973)".

[Effective March 18, 1974]

### MERIT EMPLOYMENT DEPARTMENT

Pursuant to the authority of section 19A.9 of the Code, the rules appearing in the 1973 IDR, relating to administration of the pay plan, (Rule 4.5(19A) of the merit employment department rules) are amended as follows:

[Filed March 28, 1974]

ITEM 1. Page 633, line 48, under subrule 4.5(1) "f" (2), by deleting the word "being".

ITEM 2. Page 633, line 48, by deleting the "." after the word "made" and inserting ", unless a lower appointment rate of pay is authorized by the commission."

[Effective March 28, 1974]

### MERIT EMPLOYMENT DEPARTMENT

(continued)

Pursuant to the authority of section 19A.9 of the Code, rules appearing in the 1973 IDR, relating to trainee appointment, (Rule 8.12(19A) of the merit employment department rules) are amended as follows:

[Filed March 28, 1974]

ITEM 1. Page 645, line 1, under rule 8.12(19A), by striking the word "Where" and inserting the word "When".

Page 645, on line 3, by striking the word "student".

Page 645, on line 6, by striking the word "and" and inserting the word "or".

ITEM 2. Page 645, on line 18, under subrule 8.12(2), by striking the words "bona fide students" and inserting the word "trainees".

Page 645, on line 19, by striking the word "training" and inserting "study at an

educational institution or state agency".

Page 645, on line 20, after the word "appointed." by adding "Training programs sponsored by state agencies must receive Commission approval prior to implementing specific training projects."

Page 645, on line 23, after the word "exceed" by inserting "one hundred and eighty (180)" and deleting "180".

[Effective March 28, 1974]

## PUBLIC INSTRUCTION AND BOARD OF REGENTS

(JOINT RULES)

Pursuant to authority conferred by section 280A.33, Code 1973, and the advice of the state advisory committee on area schools, created by chapter 280A and the state advisory council for vocational education created by chapter 258, to which we hereby certify these rules were submitted and their recommendation obtained, and for the purpose of implementing Chapter 280A, of the Code, the following approval standards for merged area vocational schools and community colleges are hereby amended by rescinding all of rules 5.2(280A) to 5.28(280A), 1973 IDR 705 to 713, and adopting in lieu thereof the following:

[Filed March 11, 1974]

### 5.2(280A) Administration.

5.2(1) *Policy manual.* An area school board of directors shall develop and maintain a policy manual which adequately describes the official policies of the institution.

5.2(2) *Administrative staff.* An area school shall develop an administrative staff appropriate to the size and the purpose of the institution and one which permits the institution to function effectively and efficiently. This administrative staff shall provide effective leadership for the major divisions of the institution including administrative services, adult and continuing education, career education, college parallel education, and student services.

5.2(3) *Superintendent.* An area school shall have a superintendent who shall be the executive officer of the board of directors. The executive officer shall be responsible for the operation of the area school with respect to its educational program, its faculty and student services programs, and the use of its facilities. He shall delegate to

the staff all necessary administrative and supervisory responsibilities to insure an efficient operation of the institution.

5.2(4) *Certification.* All administrative staff except for the superintendent shall hold such certificates as required to authorize service in their respective areas of responsibility.

5.2(5) *Financial records and reports.* The area school shall maintain accurate financial records and make reports in the form prescribed by the state department of public instruction and other state agencies.

5.2(6) *Enrollment.* An area school shall meet minimum enrollment requirements if it offers instruction as authorized in chapter 280A of the Code, and if, to the satisfaction of the state board of public instruction, it is able to provide classes of reasonable economic size as needed by students, meets the needs of the students, and shows by its past and present enrollment and placement record that it meets individual and employment needs.

5.2(7) *Catalog.* The catalog shall be the official publication of the area school. It shall include accurate information on institutional policies and other information as recommended by the state department of public instruction.

### 5.2(8) Admission requirements.

a. *Postsecondary age students.* The area school shall maintain an open-door admission policy for students of postsecondary age. This admission policy shall recognize that students should demonstrate a reasonable prospect for success in the program in which admitted. Applicants who cannot demonstrate a reasonable prospect for success in the program for which they apply should be assisted to enroll in courses

where deficiencies may be remedied or into other programs appropriate to the individual's preparation and objectives.

*b. High school age students.* High school age students who can be better served by area school programs may be authorized to undertake such work with the cooperative approval of the area school administration and the administration of the local school district.

**5.2(9) School year.** The length of the school year of the area school shall provide for the effective use of the physical plant and include a minimum of 48 weeks of operation. The school year may consist of: Two semester terms and one summer term, three trimester terms, or four quarter terms. An area school may use any one or more of the three school years identified above or may offer instruction in units of length keyed to the identified scope and depth of the instructional content.

**5.2(10) Graduation requirements.** Graduation from an area school shall be certified by the issuance of appropriate recognition indicating the type of program the student has completed.

*a. Associate in arts or an associate in science.* The degree issued to a person who has satisfied curricular requirements that consist of content equivalent to a two-year college parallel curriculum shall certify that its recipient is either an associate in arts or an associate in science.

*b. Associate in applied arts or an associate in applied science.* The degree issued to a person having satisfied curricular requirements and demonstrated competence for employment in the occupational field for which the program was designed shall certify that its recipient is either an associate in applied arts or an associate in applied science. Typically, these degrees apply to occupations requiring significant amounts of applied scientific and mathematical knowledge or occupations in which the individual will work in direct support of a professional.

*c. Associate in general studies.* The degree issued to a person who has satisfied the curricular requirements of a two-year program other than set forth in 5.2(10) shall certify that its recipient is an associate in general studies.

*d. Diploma.* The recognition granted to a person who has been graduated from a

curriculum other than set forth in 5.2(10) but of not less than 12 weeks in length shall be a diploma.

*e. Certificate.* A certificate of completion may be issued to certify that a student has satisfactorily completed a course of instruction other than the above.

**5.2(11) Academic records.** The area school shall maintain in perpetuity for each student the complete academic record including every course attempted and grade received. These records should be kept in fire resistance storage, unless other equivalent safeguards are used, such as maintaining a duplicate file (microfilm or otherwise) in a separate building.

**5.2(12) Resident policy.** There shall be adopted for all area schools a uniform policy for the determination of permanent residence for tuition purposes.

### **5.3(280A) Faculty.**

**5.3(1) Certification and subject matter approval.**

*a. Career education programs.* Each instructor of a career education program shall hold a valid certificate issued by the state board of public instruction for teaching in an area school. For approval in a specific subject matter field or area each instructor in a career education program shall meet the experience and education requirements as outlined in the state plan for vocational education.

#### *b. College parallel programs.*

(1) *Instructor qualifications.* Each instructor of a college parallel course shall hold a valid certificate issued by the state board of public instruction for teaching in an area school. For approval in a specific subject matter field or area each instructor shall hold a master's degree in a field of instruction from a regionally accredited graduate school. This preparation shall include six semester hours of professional preparation appropriate for community college teaching, or adequate experience in college teaching or its equivalent as evaluated by a review committee appointed by the state superintendent of public instruction shall be accepted in lieu of part or all of the required credits in professional education. Approval in a second area of instruction shall be granted to applicants who present twelve semester hours of graduate level preparation in said field from a regionally accredited graduate school.

(2) *Special fields or areas of instruction.* Instructors in special fields or areas including but not limited to accounting, business, developmental and remedial skills, engineering, law, law enforcement, and medicine, may be certified on the basis of two or more years of successful experience in the field or area they will instruct and the possession of the academic preparation ordinarily required for such special fields or areas.

*c. Adult basic education and high school completion programs.*

(1) *Adult basic education and high school equivalency program.* Each instructor in an adult basic education and high school equivalency program shall display to the satisfaction of the area school: Interest, desire and motivation to teach the undereducated adult, evidence of proficiency in the area of instruction, and compliance with all rules established by the state board of public instruction.

(2) *High school diploma program.* Each instructor of high school completion classes shall be certified and approved to teach the subject in a secondary school.

*d. Continuing and general adult education programs.* Each instructor in an adult continuing and general education program shall display to the satisfaction of the area school: A genuine interest in teaching, evidence of proficiency in the area of instruction, and compliance with all rules established by the state board of public instruction.

*e. Resource staff.* These approval standards are not intended to prohibit area schools from employing resource staff in specialized areas on a part-time basis to supplement instruction in specific programs.

*f. Support personnel faculty.*

(1) *Counseling.* A counselor shall have a master's degree in counseling or in college student personnel work with an emphasis in counseling from an accredited graduate school. This preparation shall include six semester hours of professional preparation appropriate for community college teaching, or adequate experience in college teaching or its equivalent as evaluated by a review committee appointed by the state superintendent of public instruction shall be accepted in lieu of part

or all of the required credits in professional education. Recognition shall be given to the value of employment experience outside of education in appointing counselors to work with students.

(2) *Librarian and learning resource faculty.* A librarian or learning resource specialist shall hold a master's degree in this area of specialization from an accredited graduate school. An assistant librarian or assistant learning resource specialist shall hold a bachelor's degree in this area of specialization from an accredited institution. This preparation shall include six semester hours of professional preparation appropriate for community college teaching, or adequate experience in college teaching or its equivalent as evaluated by a review committee appointed by the state superintendent of public instruction shall be accepted in lieu of part or all of the required credits in professional education.

(3) *Auxiliary personnel.* Competent auxiliary personnel with specialized skills, including but not limited to media technicians, may be employed on the basis of demonstrated competence in a specialized skill.

**5.3(2) Faculty load.**

*a. College parallel.* The full-time teaching load of an instructor in college parallel programs shall not exceed a maximum of 16 credit hours per school term or the equivalent. An instructor may also have a teaching assignment outside of the normal school hours; provided the instructor consents to this additional assignment and the total workload does not exceed the equivalent of eighteen credit hours per school term.

*b. Career education.* The full-time teaching load of an instructor in career education programs shall not exceed six hours per day, and an aggregate of 30 hours per week or the equivalent. An instructor may also teach the equivalent of an additional three credit hours provided the instructor consents to this additional assignment. When the teaching assignment includes classroom subjects (nonlaboratory), consideration shall be given to establishing the teaching load more in conformity with that of paragraph "a" of this subrule.

**5.3(3) Faculty organization.** The faculty shall be organized in such a way as to

promote communication among administration, faculty and students and to encourage faculty participation in the development of the curriculum, instructional procedures, general policies, and such other matters as are appropriate.

**5.3(4) Faculty development.** Each area school shall develop and implement a plan for the continued development of faculty and administrative proficiency consistent with the provisions of section 280A.36 of the Code. For purposes of this standard, administrators shall be regarded as being members of the faculty.

**5.4(280A) Curriculum and evaluation.**

**5.4(1) College parallel.**

*a.* This program shall offer courses that are the equivalent of the first two years of a baccalaureate program and may also include: Such courses as may be necessary to develop skills that are prerequisite to other courses and objectives; and specialized courses required to provide career options within the college parallel program. A follow-up of students terminating shall be conducted to determine how well students have succeeded and which adjustments in the curriculum, if any, need to be made.

*b.* Courses of a remedial nature or prefreshman level shall not bear college transfer credit and shall be clearly identified in the college catalog and on transcripts.

**5.4(2) Career education.** Instruction shall be offered in career education programs in no less than five different occupational fields as defined by the state department of public instruction. College parallel courses may be offered as needed in career education programs. The occupational fields in which instruction is offered shall be determined by merged area and geographical area needs as identified by surveys in these areas. Occupational advisory committees shall be used to assist in developing and maintaining instructional content, including leadership development. A follow-up of students terminating shall be conducted to determine how well students have succeeded and which adjustments in the curriculum, if any, need to be made.

**5.4(3) Adult education.** Adult education shall be offered and may include adult basic education, adult continuing and general education, college parallel, high school completion, supplementary and

preparatory career education programs, and such other programs and experiences as may be required to meet the needs of people in the merged area.

**5.4(4) Programs for the handicapped.** Surveys shall be conducted in each merged area to determine the educational needs of persons who, due to academic, socio-economic, or other handicaps, are prevented from succeeding in regular educational programs. These surveys would then serve as a basis for appropriate modifications in facilities, materials, and instructional arrangements. The modifications would then make it possible for those whose abilities and interests warrant it to enroll in such programs.

**5.4(5) Community services.** The area schools shall provide a program of community services designed to meet the needs of persons residing in the merged area. The purpose of the community service program shall be to foster agricultural, business, cultural, industrial, recreational and social development in the area.

**5.4(6) Standards of work and student load.**

*a. College parallel.*

(1) Each course which is offered for college credit and which is intended to be applied toward a baccalaureate degree shall be taught at a standard consistent with the quality and quantity of similar courses offered in regionally accredited institutions of higher learning.

(2) A full-time student in the college parallel division shall be defined as one who is taking 12 or more hours of college credit or the equivalent.

*b. Career education.*

(1) Each course offered in the area of career education shall be taught in the shortest practical period of time at a standard consistent with the quality and quantity of work needed to prepare the student for successful employment in the occupation for which instruction is being offered.

(2) A full-time student in career education shall be defined as one who is taking 12 or more credit hours or the equivalent in career education.

(3) Curricula in full-time career education programs shall ordinarily be

offered on the basis of a workload of from 20 to 30 contact hours per week.

*c. Adult education.* Programs offered in adult education are designed to serve persons of post-high school age who are primarily part-time students. Such programs may include formal or informal learning experiences offered on either a credit or noncredit basis and shall be appropriately designed to meet the needs and interest of adults.

#### **5.5(280A) Library or learning resource center.**

**5.5(1) Facilities.** Area school libraries or learning resource centers shall provide the facilities and resources needed to support the total educational program of the institution and should show evidence that the facilities and the resources are being used effectively and efficiently. Adequate consideration shall be given to the seating, comfort and setting of the facility used to house the collection.

**5.5(2) Staffing.** The library or learning resource center shall be adequately staffed with qualified and certified professionals and skilled nonprofessional personnel.

**5.5(3) Collection.** The collection of an area school shall be adequate in size and scope to serve effectively the number and variety of programs offered and the number of students enrolled. The collection shall show evidence of having been selected by faculty as well as professional library or learning resource staff and shall be kept up-to-date through a planned program of acquisition and deletion. The collection shall contain an appropriate range and number of print and nonprint materials, effectively organized and quartered in a manner which maximizes use.

**5.5(4) Expenditures.** The budget of the library or learning resource center shall be appropriate for the programs and services offered by the institution. New programs and new curricula shall be reflected in library or learning resource center expenditures.

#### **5.6(280A) Student services.**

**5.6(1)** A program of student services shall be provided to meet the needs of students in the area school. The program of student services shall include the following seven functional areas:

*a.* Orientation to college and career opportunities and requirements.

*b.* Appraisal of individual potential.

*c.* Consultation with students about their plans, progress and problems.

*d.* Participation of students in activities that supplement classroom experiences.

*e.* Regulation to provide an optimal climate for social and academic development.

*f.* Services that facilitate area school attendance through a program of financial assistance, and facilitate transition to further education or employment.

*g.* Organization that provides for continuing articulation, evaluation and improvement of the student services program.

**5.7(280A) Laboratories, shops, equipment and supplies.** Laboratories, shops, equipment and supplies comparable with that used in the occupations for which instruction is offered shall be provided in accordance with the conditions of the most recent state plan for vocational education. Similarly, college parallel courses shall be supported in a manner comparable to those conditions which prevail in standard, regionally accredited colleges and universities in which students may wish to transfer college credits.

**5.8(280A) Physical plant.** The site, buildings and equipment of the area school shall be well maintained and in good repair. A consistent plan of systematic maintenance shall be in evidence. The physical plant shall be adequate in size and properly equipped for the program offered and shall conform to chapter 104A of the Code. All remodeling of existing facilities shall comply with the "American Standard Specifications for Making Building and Facilities Accessible to and Usable by the Physically Handicapped."

#### **5.9(280A) Building and site approval.**

**5.9(1) Site size.** All sites for area schools shall be approved by the state board of public instruction. The minimum size for an area school site shall be 80 acres for the first 100,000 in total population in the merged area plus an additional 10 acres for each additional 25,000 in population or major portion thereof. Provided, however,

that the state board of public instruction may waive said requirements for good cause shown.

**5.9(2) Building plans.** All building plans and specifications for construction shall be submitted to the state board of public instruction for review and approval of educational adequacy.

**5.9(3) Preliminary planning.** Each merged area board shall present evidence of adequate planning along with the preliminary building plans and specifications. Preliminary planning includes tentative program approval, a master campus plan, written educational specifications, site plot showing location of proposed facilities, and existing facilities, elevations and floor plans, and specifications of materials.

**5.9(4) Other governmental approval.** After a tentative approval has been received from the state board of public instruction, evidence shall be submitted indicating the approval by the state fire marshal and by the state department of health, when required, before final approval will be made by the state board of public instruction.

**5.9(5) Parking lots.** All weather and adequately lighted parking lots of adequate size to accommodate the enrollment shall be included as part of the planned construction and shall include ramps on curbs to allow persons with mobility problems easy access to the building. Special parking spaces shall be provided for handicapped students.

**5.9(6) Flexibility and expansion.** Evidence shall be presented to show that flexibility and expansion of the proposed construction is possible.

**5.9(7) Physically handicapped.** The facilities planned shall be accessible to and functional for the physically handicapped and shall conform to chapter 104A of the Code.

**5.9(8) Adequate facilities.** All administrative facilities, classrooms, laboratories and related facilities shall be educationally adequate for the purpose for which they are designed.

**5.9(9) Air-conditioning.** All buildings may be air-conditioned, to accommodate year-round use of such facilities except for areas where air-conditioning is impractical.

**5.9(10) Library or learning resource center.** A library or learning resource center

shall be planned as a part of the master campus plan and space made available for library or learning resource center service within the initial construction.

**5.9(11) Student center.** An area of the school plan shall be provided where students may gather informally and where food is available.

**5.9(12) Nonreimbursable facilities.** No facility intended primarily for events for which admission may be charged nor any facility specially designed for athletic or recreational activities other than physical education, shall be constructed with state appropriated funds.

### **5.10(280A) Approval procedures.**

**5.10(1) Procedures for first and second years of operation.** Temporary approval of an area school for each of the first two years of operation shall be granted annually subject to approval by the state board of public instruction and the state board of regents upon certification by the state department of public instruction that said institution has followed prescribed procedures in getting started and that it gives promise of ultimate compliance with all standards contained herein.

During the second year of operation, the institution shall prepare a comprehensive self-study following the directions issued by the state department of public instruction.

**5.10(2) Procedures after second year of operation.**

a. During the third year of operation, the institution shall be visited by a team of six or more evaluators equally representing the state board of public instruction and the state board of regents and chosen by the respective boards. The chairman of the team shall be selected by the state department of public instruction. The evaluators shall spend a minimum of two days at the institution visited.

b. The chairman of the evaluation team shall submit to the state board of public instruction and the state board of regents a report, together with the institution's self-study and pertinent supplementary materials. The report shall identify the institution's strengths and weaknesses on the basis of the state standards and shall provide a specific recommendation as to whether or not approval by the state board of public instruction and the state board of

regents seems warranted. The superintendent of the institution shall have an opportunity to file supplementary statements or data. The state department of public instruction shall distribute copies of the report, the self-study, any supplementary statements or data filed by the superintendent of the institution, and related materials to the members of the state board of public instruction and the state board of regents.

c. If, after the visit by the evaluation team, the institution is given full approval by the state board of public instruction and the state board of regents, its approval shall continue, ordinarily, for a period of at least ten years contingent upon evidence that the institution is making consistent efforts to strengthen the areas in which weaknesses were noted. To provide this evidence of progress, the institution shall submit by January 1, of each year, a report of what improvements have been made and what changes are planned for the next year. To supplement and verify this annual report, representatives of the state department of public instruction shall visit each institution at least one day each year. However, acting jointly, the state board of public instruction and the state board of regents have the discretionary authority to review the approval status of area schools and authorize such reports and evaluation visits as may be deemed necessary. On the basis of these reports and the visits of the evaluators, the state department of public instruction and the regent committee on educational relations acting jointly, shall recommend to the state board of public instruction and the state board of regents whether or not an institution's approval should be continued or changed. At the termination of the approval period, representatives of the state department of public instruction and the state board of regents shall review the institution's strengths and weaknesses and authorize either another period of approval or a

visit by an evaluation team. If an evaluation visit is authorized, it shall be preceded by a self-study.

d. If, after the visit by the evaluation team, the institution is granted provision approval by the state board of public instruction and the state board of regents, the institution shall be revisited annually as provided in 5.10(2), "c", and by an evaluation team within three years after the last visit by an evaluation team to determine the extent to which the institution has made satisfactory progress in improving areas where weaknesses were noted.

On the basis of the evaluation team report, the state department of public instruction shall make a recommendation of approval status to the state board of public instruction and the state board of regents. The state board of public instruction and the state board of regents have the option of granting full approval, continue provisional approval, or denying approval.

"Provisional approval" shall mean that the institution's strengths are judged to be greater than the weaknesses and that there is a good possibility that the weaknesses can be corrected within three years or less.

**5.11(280A) Progress toward regional accreditation.** Each area school that has not received accreditation by the regional association is expected to demonstrate that it is making annual progress toward meeting such accreditation.

**5.12(280A) Standards for area schools.** All area schools are subject to the same standards with the exception that area vocational schools are not expected to offer a program equivalent to the first two years of baccalaureate college work including pre-professional education and provide the instructors, facilities and equipment for such college work.

[Effective March 11, 1974]

## PUBLIC SAFETY DEPARTMENT

[Filed June 19, 1974]

### CHAPTER 5 ADMINISTRATION

**5.1(80) Establishment of committee.** There is hereby established a law enforcement administrator's telecommunications advisory committee known as LEATAC.

Pursuant to the authority of sections 321.4 and 80.9 of the Code, the department of public safety hereby adopts the following permanent rules for the establishment of a law enforcement administrator's telecommunications advisory committee and defines the duties and responsibilities of said committee. Said rules will follow chapter 4 found on page 785 of the 1973 Iowa Departmental Rules.

**5.2(80) Membership of committee.** The membership of the LEATAC committee shall be comprised of the following members:

**5.2(1)** A member of the department of general services communications division appointed by the director of the department of general services.

**5.2(2)** Two members of the Iowa Association of Public Safety Communications Officers (APCO) appointed by the president of APCO.

**5.2(3)** Two members of the Iowa state patrol communications appointed by the commissioner of public safety.

**5.2(4)** One member of the Iowa crime commission appointed by the director of the Iowa crime commission.

**5.2(5)** One member of the Iowa State Policemen's Association appointed by the president of the association.

**5.2(6)** One member of the Iowa Chiefs' of Police and Peace Officers' Association appointed by the president.

**5.2(7)** One member of the Iowa civil defense division of the department of public defense appointed by the director of civil defense.

**5.2(8)** Two members of the Iowa State Sheriffs' and Deputies' Association appointed by the president.

**5.2(9)** One member representing the emergency medical services appointed by the commissioner of public health.

**5.3(80) Terms of appointment.** All members of the committee shall serve until successors are appointed.

Whenever a vacancy occurs the commissioner of public safety shall notify, in writing, the appointing authority and request that another member be appointed.

**5.4(80) Officers.** The committee shall elect from its own membership a chairman and a vice chairman.

**5.5(80) Bylaws.** The committee shall adopt its own bylaws for the efficient operation of its business.

**5.5(1) Meetings.** Meetings of the committee shall be as called by the commissioner of public safety or the committee chairman.

*a.* Written notice of all meetings shall be mailed so as to be received by members at least one week prior to the meeting date.

*b.* Special meetings may be called by the commissioner of public safety or committee chairman or upon the written request of three members of the committee. Notice of special meetings is to be by telephone and personally acknowledged, provided notice is given 72 hours prior to the meeting date.

**5.5(2) Duties of chairman.** It shall be the responsibility of the chairman to call all meetings; set the agenda for meetings; preside at meetings; appoint subcommittees when and as required; and carry out general chairmanship responsibilities.

**5.5(3) Quorum.** A quorum shall consist of not less than six members of the committee. A quorum of eight members of the committee will be necessary at any meeting where the agenda includes:

*a.* Establishment of or changes in bylaws.

*b.* Election of officers.

*c.* Enforcement action against any participating department.

**5.6(80) Duties.** This committee shall be an advisory committee and shall make recommendations to the commissioner of public safety, the legislative police communications review committee and the Iowa crime commission concerning the following:

**5.6(1)** Changes and revisions to the statewide public safety-law enforcement telecommunications plan.

**5.6(2)** Minimum standards and guidelines for training communications operators.

**5.6(3)** Courses of action to the commissioner of public safety with regard to communications complaints of law enforcement agencies.

**5.6(4)** Procedures for the administration of the state mutual aid frequencies.

**5.6(5)** Legislation, if necessary, to carry out the implementation of the statewide public safety-law enforcement telecommunications plan.

5.6(6) Make such other recommendations to the commissioner of public safety as the committee deems necessary in relation

to public safety law enforcement communications.

[Effective July 19, 1974]

## PUBLIC SAFETY DEPARTMENT (continued)

Pursuant to the authority of section 321.210 of the Code, rules filed with the secretary of state on August 30, 1973, relating to drivers' licenses are amended as follows.

Rule 13.18(1), line 8, is amended by striking the word "shall" and inserting in lieu thereof the word "may".

[Filed January 23, 1974]

[Effective February 22, 1974]

## PUBLIC SAFETY DEPARTMENT (continued)

Pursuant to the provisions of 321B.15 to 321B.28 of the Code, the department of public safety hereby adopts the following rules for the revocation of an individual's operators license and driving privileges to be added to chapter 13.

13.19(5) When the driver has met the requirements of 13.19(4) and the revocation has been in effect for at least 30 days, the driver may apply for a temporary driving permit. However, the department may issue a temporary driving permit without the 30-day revocation period upon receipt of the following information:

[Filed January 23, 1974] *D 0 T 07 C*  
*13.14*

**13.19(321) Revocation of license.** Upon receipt of a record of conviction for OMVUI and a court order that the defendant attend and successfully complete a "Drinking Driver School", the department of public safety shall act as follows:

1. An affidavit from the driver's employer or, if self-employed, from the driver, that states in a manner acceptable to the department, that the loss of the driver's driving privilege will impair the driver's ability to properly perform his job assignment and responsibilities.

**13.19(1)** The department shall send the defendant a notice of revocation (by restricted certified mail) for an indefinite period under authority of section 321B.18 of the Code.

2. A recommendation from the instructor of the "Drinking Driver School", that the driver will or is attending, that the temporary driving permit be issued.

**13.19(2)** The revoked driver shall be granted a departmental hearing on the revocation if requested.

3. A statement from a 123B facility that the driver is not an alcoholic or is an alcoholic but is accepting treatment and that the temporary driving permit be issued.

**13.19(3)** Upon successful completion of the school as directed by the court, the department shall authorize the revoked driver to make application for reinstatement of his driving privilege providing financial responsibility requirements are met and further providing that the revocation has been in effect for at least 30 days.

4. A statement by the court that sentenced the driver that the driver needs and should receive a temporary driving permit.

**13.19(4)** If the revoked driver wishes to obtain a temporary driving permit, he must furnish the department with proof of enrollment in a "Drinking Driver School" (forms furnished by department). The revoked driver must also show compliance with the financial responsibility law. (SR-22 is one method of compliance.)

A vision test will be required and a three-dollar fee collected. The "temporary driving permit" shall be restricted to: "SR Required" and as provided in sections 321B.15 to 321B.28 of the Code. If the 123B facility notifies the department that the driver is not continuing to participate in a program prescribed by said facility, the department may cancel the temporary driving permit.

**13.19(6)** If the revoked driver fails to attend the school as ordered, fails to comply

with the established rules of the school, or fails to satisfactorily complete the course, the school will so advise the department of public safety. The temporary driving permit may then be canceled. If the holder of a temporary driving permit issued under this law is convicted of a moving traffic law violation, the permit will be canceled.

13.19(7) If the department of public safety is provided with proof that the revoked driver has satisfactorily completed the course for drinking drivers, the department may authorize such revoked driver to appear before an examiner to make application for a new license. The examiner will require a vision and written test and a driving test may be required. The applicant will be charged for a new license and a re-

instatement fee shall be charged if applicable.

13.19(8) No "temporary driving permit" shall be issued to a person who has previously been ordered to attend a course for drinking drivers as provided under this law, and no such permit will be issued to a person who is under suspension, revocation, cancellation or denial for any reason other than the OMVUI conviction mentioned in subrule 13.19(1).

A "temporary driving permit" as referred to in these rules shall mean a temporary driving permit as provided in 321B.20 of the Code.

[Effective February 22, 1974]

## PUBLIC SAFETY DEPARTMENT

(continued)

Pursuant to the authority of sections 321B.15 to 321B.28 of the Code, rules filed with the secretary of state January 23, 1974, relating to the revocation of an individual's operators license and driving privileges are amended as follows:

[Filed May 22, 1974]

Rule 13.19(5) is amended by striking paragraph 4 which reads "A statement by the court that sentenced the driver that the driver needs and should receive a temporary driving permit."

[Effective May 22, 1974]

## PUBLIC SAFETY DEPARTMENT

(continued)

Pursuant to the provisions of section 68A.3 of the Code, the department of public safety hereby adopts the following rules for the release of copies of the drivers' licenses file to the general public.

[Filed March 11, 1974]

### CHAPTER 14

#### DRIVERS' LICENSES

##### 14.1(321) Drivers' licenses records.

14.1(1) The computer records of the drivers' licenses file is available only on magnetic tape. This magnetic tape will be produced on the computer equipment in use by the state of Iowa at the time the request is filled.

14.1(2) The individual, or firm, requesting the information will provide the necessary computer magnetic tape.

14.1(3) File information will include only information on the face of the driver's license. This information includes personal

identifiers, driver's license number (social security number) and address of the individual. Driver history information will not be available through this procedure.

14.1(4) The file will be provided only in the sequence currently maintained by the state. Any selecting or editing of information must be done by individual requesting the information.

14.1(5) Each request must be in writing addressed to the commissioner of public safety.

14.1(6) Each request must come from a citizen of Iowa.

14.1(7) The file will be copied on time available basis only. State work will have priority over the preparation of these tapes.

14.1(8) A copy of the file format will be included with the tape.

14.1(9) No copies or updates to the file will automatically be sent. Each copy must be processed as a separate request.

**14.1(10)** State computer costs in preparing the duplicate tapes will be billed directly from the state comptrollers office, data processing division, to the individual requesting the information. The cost will be at the prevailing computer rate at the time the job is initiated.

**14.1(11)** Copies of the tapes will be held by the comptrollers office, data processing division, until payment has been made in full for the cost of preparing the information. After the bill has been paid, the magnetic tapes will be available for picking up at the administrative offices of the department of public safety.

**14.1(12)** No warranty is provided as to the accuracy or completeness of the data provided. If the file is unreadable, due to negligence or error on behalf of the state, a duplicate listing will be provided.

**14.1(13)** The individual requesting copies of information from the drivers license file must be informed of these requirements and must accept or reject the file on this basis.

[Effective March 11, 1974]

## PUBLIC SAFETY DEPARTMENT (continued)

Pursuant to the authority of section 321.238(1) of the Code, rules appearing in 1973 IDR, 792 to 795, relating to motor vehicle inspection are amended as follows:

[Filed April 24, 1974]

### ITEM 1.

Chapter 21 is amended by adding the following subrules:

**21.1(1)** "*Sticker*" as hereinafter used means official certificate of inspection as mentioned in section 321.238(6).

**21.1(2)** "*Form*" as hereinafter used means statement of inspection in the form provided by the commissioner as mentioned in section 321.238(12).

### ITEM 2.

Chapter 22 is amended as follows:

Subrule 22.2(2) is rescinded and the following adopted in lieu thereof.

**22.2(2)** "*Inspection area*" is defined as the designated lane or service bay, fully within the inspection station building, which is approved for inspection purposes. Any inspection station may have more than one inspection area, but each must be approved and maintained within the following requirements:

Subrule 22.2(2), paragraph "*d*" is rescinded and the following adopted in lieu thereof.

*d.* Floors must be a hard surface (such as concrete or asphalt) and in a good, smooth condition. Wood floors in smooth condition are acceptable for Class "D" sta-

tions only. Dirt floors are not acceptable in this area.

Subrule 22.2(3) is amended by striking from lines 2 to 3 the words "for inspections" and inserting in lieu thereof the words "of each approved inspection area".

Subrule 22.2(3), paragraph "*a*" is rescinded and the following adopted in lieu thereof.

*a.* Class "A" station—certified to inspect all motor vehicles excluding motorcycles.

Subrule 22.2(3), paragraph "*b*" is amended by striking from lines 1 to 2 the words "capable of inspecting" and inserting in lieu thereof the words "certified to inspect".

Subrule 22.2(3), paragraph "*c*" is amended by striking from lines 1 to 2 the words "capable of inspecting the smaller types of vehicles i.e.," and inserting in lieu thereof the words "certified to inspect".

Subrule 22.2(3), paragraph "*d*" is amended by inserting after the word "stations" in line 2 the words "which shall be certified to inspect only government fleet vehicles".

Subrule 22.2(3), paragraph "*e*" is amended by striking from lines 1 to 2 the words "capable of inspecting" and inserting in lieu thereof the words "certified to inspect".

Rule 22.2(321) is amended by adding a new subrule.

**22.2(6)** All official inspection stations,

excluding Class "C" stations, must accept for inspection all vehicles presented for inspection within the station's classification. Inspection stations may schedule inspections by appointment or on a first come, first serve basis, but in all cases, official inspections must be given the same priority as the station's other repair or vehicle maintenance services.

Subrule 22.3(1) is rescinded and the following adopted in lieu thereof.

**22.3(1)** To perform inspections, each official inspection station must have a minimum of one inspector who is approved and certified on the basis of training, experience or examination by the department.

Subrule 22.3(5) is rescinded and the following adopted in lieu thereof.

**22.3(5)** Approved and certified inspectors are subject to examination or re-examination at any time to determine whether they have knowledge of current official inspection rules and procedures. In the event there is no certified inspector employed, a suspension of the station's certificate is mandatory until an inspector is certified.

Subrule 22.3(8) is rescinded and the following adopted in lieu thereof.

**22.3(8)** The owners of the official inspection station are responsible for the quality of inspections performed. However, certification of individual inspectors may be withdrawn by the department based on complaints on actual inspections performed after an investigation of the complaints by the department.

Subrule 22.5(1) is amended by striking from lines 2 to 5 the words "to any operator of a motor vehicle. No one shall" and inserting in lieu thereof the words "or form. Nor shall anyone".

Subrule 22.5(2) is rescinded and the following adopted in lieu thereof.

**22.5(2)** It shall be unlawful for any official inspection station to furnish, give, loan or sell inspection stickers or forms to any other official inspection station or any other persons.

Subrule 22.5(3) is amended by inserting after the word "stickers" in line 1 the words "and forms".

Subrule 22.5(4) is rescinded and the following adopted in lieu thereof.

**22.5(4)** Unused or mutilated stickers and forms must be returned to the inspection division, department of public safety, where an audit shall be made of the stickers and forms. The stickers and forms may also be surrendered to an investigator for the department who shall then perform an immediate audit. The inspection station owner or inspectors shall not destroy any stickers or forms.

Subrule 22.6(1) is rescinded and the following adopted in lieu thereof.

**22.6(1)** *Types of stickers.* There shall be two types of official inspection stickers and forms issued.

a. Type A: All vehicles except motorcycles.

b. Type M: Motorcycles.

Subrule 22.6(2), paragraph "b", subparagraph (5) is rescinded and the following adopted in lieu thereof.

(5) Stickers and forms must be ordered in quantities specified by the inspection division, department of public safety.

Add a new rule as follows.

**22.7(321)** **Duplicate copies of inspection forms.**

**22.7(1)** Duplicate inspection forms may be obtained only from the inspection station originally conducting the inspection, and only in cases where the original forms have been lost or destroyed. Duplicate forms shall not be issued in any case after sixty days have elapsed following the inspection.

**22.7(2)** To obtain duplicate forms, the vehicle shall be returned to the original inspection station, who shall remove the existing inspection sticker from the windshield. A complete set of new forms shall be filled out exactly like the original form, using the garage copy (yellow) as a guide. A new sticker, punched with the date of the original inspection shall be affixed to the vehicle. The sticker number shall correspond to the number on the duplicate forms.

**22.7(3)** The word "DUPLICATE" shall be printed or stamped in block letters at least one-half inch tall across the front of all three copies of the duplicate forms, and the original sticker number shall be recorded on the duplicate forms across the bottom of all three copies.

22.7(4) The inspection station shall charge one dollar for this service, which shall include the cost of the inspection sticker.

**ITEM 3.**

Chapter 23 is rescinded and the following adopted in lieu thereof.

**23.1(321) Failure to comply.**

23.1(1) Any failure to comply with the provisions of section 321.238 of the Code or any rules promulgated pursuant thereto, shall be construed as a failure to properly conduct inspections, or shall be construed as a failure to be properly equipped within the meaning of section 321.238(20) as said paragraph pertains to the authority of the commissioner to revoke or suspend an inspection station's permit.

23.1(2) The period of revocation or suspension shall be determined by the commissioner, or his authorized agent, after considering the gravity of the violation. No revocation shall be for a period of less than 30 days. No suspension shall be for a period of more than 90 days.

23.1(3) Upon expiration of the period of suspension of an inspection station's permit, that permit shall be restored automatically and the station shall be reinstated as an inspection station.

23.1(4) Upon expiration of the revocation period of an official inspection station's permit, that station shall be reinstated only if a new application for an inspection station permit has been filed accompanied by the payment of the inspection station permit fee. This application may be filed prior to the expiration date of the revocation.

**ITEM 4.**

Chapter 24 is amended as follows:

Subrule 24.2(3) is rescinded and the following adopted in lieu thereof.

24.2(3) The inspection form must be completed in triplicate. The copies are to be distributed in the following manner:

a. The first copy (white) shall be given to the owner or custodian of the vehicle and shall be forwarded to the county treasurer with application for title or registration.

b. The second copy (pink) shall be given to the owner or custodian of the

vehicle, and should remain with the vehicle at all times.

c. The third copy (yellow) shall be retained by the inspection station in numerical order as a garage record for three years.

Rule 24.4(321) is rescinded and the following adopted in lieu thereof.

**24.4(321) Road test.**

24.4(1) A road test of at least one-quarter mile shall be performed to determine brake equalization and general condition of the steering behavior, unless the vehicle is hereinafter exempted.

24.4(2) A vehicle if roadtested, must be rejected if it fails any of the following tests.

a. For vehicles with a gross weight of less than 5,000 pounds, a stop shall be performed from a speed of 20 miles per hour. The vehicle must come to a complete stop within 30 feet and must not deviate from a 12-foot wide lane.

b. For vehicles with a gross weight in excess of 5,000 pounds, a stop shall be performed from a speed of 20 miles per hour. The vehicle must come to a complete stop within 45 feet, and must not deviate from a lane 12 feet wide.

c. The vehicle shall be capable of maintaining smooth and straight travel without excessive wobble or shimmy.

24.4(3) Inspection form must accompany the inspector on all road tests.

24.4(4) The following vehicles may be exempted from roadtesting.

a. Motorcycles (in inclement weather).

b. Vehicles without current registration plates (such as restricted title vehicles).

**ITEM 5.**

Chapter 25 is amended as follows:

Subrule 25.1(1), paragraphs "a" to "c", including the paragraph entitled "Exceptions", is rescinded and the following adopted in lieu thereof.

25.1(1) *Service brakes.* All motor vehicles are required to be equipped with service brakes and these brakes must meet or surpass the provisions of chapter 321 of the Code. Service brakes adequacy may be

tested by any of the following, in addition to the road test.

*a. Platform tester.* Reject if:

(1) Any wheel fails to indicate braking action.

(2) The braking capability of one wheel reads less than 75 percent of the braking capability of the other wheel on the same axle.

*b. Dynamometer.* Reject for same causes as for platform tester.

c. Pull at least one wheel and brake drum at random. Usually this should be front wheel. Motorcycles, new motor vehicles, trucks with brake inspection plates and vehicles with sealed braking systems need not have a wheel pulled. A rear wheel may be pulled on vehicles with front-wheel drive or four-wheel drive.

Reject if:

[Effective May 24, 1974]

## PUBLIC SAFETY DEPARTMENT

(continued)

Pursuant to the authority of Chapter 294, section 10, Acts of the Sixty-fifth General Assembly, the following rules are adopted.

[Filed April 24, 1974]

(Chapters 63 to 69 Reserved)

TITLE VIII

### SECURITY AND PRIVACY OF CONFIDENTIAL RECORDS

#### CHAPTER 70

#### COMMUNICATIONS TERMINAL SECURITY

**70.1(65GA, ch294)** Installation of TRACIS terminal access shall be available to criminal justice agencies as defined by chapter 294, section 1, paragraph 10, Acts of the Sixty-fifth General Assembly.

Before a criminal justice agency will be permitted direct on-line access to criminal history data, said agency must meet the following criteria:

1. All direct access terminals shall be located only within the official offices of authorized criminal justice agencies where appropriate physical security can be maintained.

2. The immediate terminal area shall be restricted to prevent access by unauthorized individuals.

3. No person shall operate a terminal who has not received the required training and been authorized to so operate the terminal by the criminal justice agency head and approved by the department of public safety.

4. Terminals with access to criminal

history data shall be manned by authorized personnel.

5. Where TRACIS terminals are not operated on a 24-hour per day basis, said terminals shall be located in a locked physically secure room when unattended and shall be mechanically locked out of the system by the control terminal agency.

6. The criminal justice department or agency head shall be directly responsible for assuring that personnel receiving data adhere to strict "right to know and need to know principles".

7. Any agency which may be authorized direct access to criminal history files shall make application to the director of the bureau of criminal investigation [identification]. Before authorization is granted, the administrator of the criminal justice agency making the application to operate a terminal shall enter into a written agreement with the department of public safety agreeing to abide by all rules, policies and procedures necessary for system security and discipline. The agreement shall reserve to the department of public safety the right to terminate furnishing criminal history information to the applicant agency if abuses are discovered concerning either the security or dissemination requirements of criminal history data.

8. Any agency which has had its authorization to direct access to criminal history files terminated by the department may appeal such termination to the confidential records council. Appeals shall be heard by a committee of the council comprised of the following members:

The district court judge;

The local law enforcement representative;

One citizen member designated by a majority vote of the council.

For the purposes of this committee the citizen member shall be authorized access

to necessary criminal history and intelligence data.

The committee shall either uphold the termination by the department or direct that service be reinstated.

[Effective May 24, 1974]

## REGENTS BOARD

Pursuant to the authority of section 262.69 of the Code, rules 4.25(262) to 4.65(262) relating to traffic and parking at Iowa State University of Science and Technology appearing in January 1974 supplement IDR, 89 to 98, are rescinded and the following adopted in lieu thereof.

[Filed June 28, 1974]

### 4.25(262) General traffic.

4.25(1) The motor vehicle laws of the state of Iowa are in effect on campus and other Iowa State University property.

4.25(2) Faculty, staff, students and visitors are expected to know and comply with the state motor vehicle laws, the traffic ordinances of the city of Ames and the Iowa State University traffic and parking rules.

4.25(3) The maximum speed limit on all campus drives, roads and streets is 25 mph unless otherwise posted.

4.25(4) Pedestrians shall be given the right of way at all crosswalks or when in compliance with existing traffic controls.

4.25(5) Driving of motor vehicles on campus walks and lawns is prohibited except when special permission has been granted by the physical plant department for emergency conditions.

4.25(6) Driving of motor vehicles in parts of streets or roads marked as bicycle lanes is prohibited.

4.25(7) Moving or driving around an authorized barricade shall not be permitted.

4.25(8) Operators of vehicles shall comply with all traffic signs directing the movement of vehicles in parking lots.

4.25(9) All motor vehicles shall use mufflers that will control noise to levels that do not exceed the following when measured on the "A" scale of a standard sound level meter at slow response:

Distance	Sound Level
At 25 feet	86 dBA
At 50 feet	80 dBA

4.25(10) Violations of the motor vehicle laws of the state of Iowa may be referred to a Magistrate Court of Story County.

### 4.26(262) Two- or three-wheeled motor vehicles.

4.26(1) All operators or drivers of two-wheeled motor vehicles (motorcycles, motor scooters, motorbikes or others) shall know and comply with all laws, ordinances and regulations as required for all motor vehicles in rule 4.25.

4.26(2) Two-wheeled motor vehicles are prohibited on campus lawns, walks and designated bicycle lanes.

4.26(3) Driving two-wheeled motor vehicles on university property other than streets or roads is prohibited, unless specific areas have been designated for such use by the physical plant department.

4.26(4) Every two-wheeled motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unnecessary noise when driven on campus. Muffler cutout, bypass or similar device is prohibited.

4.26(5) All items in this section apply equally to three-wheeled motor vehicles.

4.26(6) Battery-powered motor-driven wheelchairs for invalids or the handicapped are not considered to be included in these rules.

4.27(262) **Snowmobiles.** Operation of snowmobiles is prohibited on all university property unless specific areas have been designated for such use by the physical plant department.

### 4.28(262) Restricted access streets.

4.28(1) Certain streets or portions of streets are closed to general motor vehicle

travel during the hours of 7 a.m. to 5:30 p.m. Mondays through Fridays. They are open at all other hours.

**4.28(2)** Emergency and service vehicles will be permitted on restricted access streets by use of key cards or other control devices issued by the parking system office.

**4.28(3)** Parking lots that have access only from restricted access streets will be used only for motor vehicles carrying reserved permits. Permit holders for these lots will be issued key cards allowing entrance to the restricted access streets.

**4.28(4)** Access to the restricted portion of the campus shall be limited to established gate openings. No other means of access shall be permitted.

**4.28(5)** Restricted access key cards shall be used only for access to reserved parking lots by permit holders or service access to buildings within the restricted access area.

**4.28(6)** Hours that restricted access street gates are closed and streets designated as restricted access streets may be modified by action of the president or his authorized representatives.

#### **4.29(262) General parking.**

**4.29(1)** Parking privileges in university parking lots, on or off campus, are available, upon application, to eligible members of the faculty, staff, student body or visitors, subject to provisions set forth hereinafter.

##### **4.29(2) Restrictions.**

*a.* Parking of motor vehicles on campus, except at meters, is restricted to vehicles bearing current official university parking permits. See 4.36(2) "b", for publicly owned vehicles. See 4.32(7).

*b.* Except in specifically posted areas and on official university holidays when the university is closed, the restriction stated in 4.29(2) "a", applies during the hours from 7 a.m. to 5:30 p.m. Mondays through Fridays.

*c.* Quarter breaks and seasonal holidays for students are not official holidays. See 4.32(7).

*d.* All other regulations in this "traffic and parking rules" are in effect 24 hours a day every day.

**4.29(3)** In the event of an emergency breakdown, or repair, a temporary equivalent parking permit for a period not to exceed two weeks will be issued without charge when application is made in person at the parking system office. (Parking system office is open at 7:30 a.m.)

##### **4.29(4) Illegal parking.**

*a.* Parking is prohibited any place on campus other than those areas which have been designated for parking and identified by signs controlling their use.

*b.* Parking is prohibited at crosswalks, building entrances, fire hydrants, fire lanes and other areas posted "No parking at any time" or marked by a yellow line. Vehicles in violation may be towed away.

*c.* Taking a motor vehicle into any university building is prohibited except where a shop or garage is especially designated for the purpose of vehicle repair or storage.

*d.* Vehicles parked in designated parking space on a roadway where there are adjacent curbs are prohibited from parking in any manner other than with the right-hand wheels parallel to and within 18 inches of the right-hand curb. Parking of vehicles with the left-hand wheels parallel to and within 18 inches of the left-hand curb on a one-way roadway is permitted in specifically posted areas. Vehicles in violation may be towed away.

##### **4.29(5) Improper parking.**

*a.* Parking in any lot in other than a head-in position, except in designated areas in the university married community, is subject to penalty for improper parking.

*b.* Parking over or across stall marker lines, where such lines are provided, is subject to penalty for improper parking.

*c.* Parking of motor vehicles, motorcycles and small cars in odd-shaped spaces in parking lots is subject to penalty for improper parking.

*d.* Use of 30-minute loading zone areas beyond posted time limitations is subject to penalty. Multiple violation citations may be issued for consecutive time limits exceeded. Vehicles in violation may be towed away.

*e.* Parking without appropriate permit in all lots, except reserve lots, when

restrictions stated in 4.29(2) apply, is subject to penalty.

*f.* Parking without appropriate permit in reserved lots, when restrictions stated in 4.29(2) apply, is subject to penalty. Vehicles in violation may be towed away.

**4.29(6)** Iowa State University assumes no liability or responsibility for damage to any vehicle parked in any university parking area.

**4.29(7)** The university reserves the right to close temporarily any parking area on or off campus for university purposes. Advance notice of closing will be given when practical.

**4.29(8)** Parking in the Memorial Union parking ramp and adjacent metered parking lot is subject to regulations, time, and fees established by the Memorial Union.

**4.30(262) Registration of motor vehicles.**

**4.30(1)** Every student enrolled at Iowa State University who owns or has a motor vehicle in his possession during all or part of the academic year must register the vehicle(s) and display upon it (them) a current student identification sticker issued without charge upon registration.

**4.30(2)** Any resident of University married student housing, whether currently enrolled or not, who owns or has a motor vehicle in his possession during all or part of the academic year, must register the vehicle(s) and display upon it (them) a valid student identification sticker or valid staff permit.

**4.30(3)** A student or resident, so identified in 4.30(1) and 4.30(2), failing to register such vehicle(s) or to display a current identification sticker(s) thereon is subject to a penalty. Second and subsequent violations will subject the car to being towed and impounded.

**4.30(4)** Students operating motor vehicles bearing a current staff or reserved permit are not required to display a student identification sticker.

**4.30(5)** Students who have indicated at academic registration that they do not own or have a motor vehicle in their possession and who subsequently acquire one shall obtain and affix an identification sticker on the vehicle before operating it on campus.

**4.30(6)** Identification stickers are in effect from the date of issue to the following August 31.

**4.30(7)** Registration of any motor vehicle shall be in only one name.

**4.30(8)** Providing erroneous information on a registration or a parking permit application is subject to a penalty.

**4.30(9)** Altering or counterfeiting any parking permit shall be subject to a penalty.

**4.30(10)** The identification sticker is for identification only and is not a permit to park in university parking lots, except when the parking rules so permit. See 4.29(2) and 4.32(7).

**4.30(11)** Upon issuance of a new license plate, the person in whose name a vehicle is registered at the university shall report the new license number to the parking system office within seven days after issuance.

**4.31(262) Department of residence parking.**

**4.31(1)** Residence hall and university married community parking permits are issued to student residents at no charge. Residence hall parking permits are issued quarterly at registration. Students shall be required to show automobile registration before permit is issued. University married community parking permits are issued by the married housing office or by a council-person.

**4.31(2)** The university married community has a traffic and parking ordinance which conforms to the university traffic and parking rules, and has been approved by the university traffic committee. It outlines the university traffic rules as they apply within the university married community, and is available at the Married Housing Office, Building 100, University Village.

**4.31(3)** The parking permit fee for residence department employees for parking in residence department restricted lots shall be at the rate of \$20.00 per year, and may be obtained as stated in 4.33(12) and 4.33(13).

**4.31(4)** Car pool privileges for residence department employees in residence department restricted lots are available under conditions set forth in 4.40.

4.31(5) Vehicles bearing residence department parking permits may be parked in on-campus lots only during times not restricted under 4.29(2). They may be parked in metered areas at any time upon payment of appropriate meter fee.

4.31(6) Residence department parking lots contain 24-hour restricted areas. Restricted areas are limited to vehicles bearing the applicable residence department permit. Vehicles in violation may be towed away.

#### 4.32(262) Student parking on campus.

4.32(1) Students and graduate assistants (C-base staff members) living within the area enclosed by the nonpermit boundary are not eligible for, and therefore will not be issued, permits for parking in campus parking lots.

4.32(2) Students and graduate assistants (C-base staff members) living outside the area designated in 4.32(1) are eligible for and may obtain parking permits to park their vehicles on campus.

4.32(3) Vehicles bearing a student on-campus parking permit may be parked in campus parking lots designated as "Permit."

4.32(4) All students, regardless of location of residence, may park in metered areas upon payment of the appropriate parking meter fee.

4.32(5) The fee for a student and graduate assistant (C-base staff member) on-campus parking permit is:

Fall, Winter, and Spring \$6.00 per quarter  
Summer Quarter \$3.00

4.32(6) No refunds will be made on parking permits issued on a quarterly basis after the first week of classes.

4.32(7) Cars displaying student identification stickers only may be parked in student permit parking lots (blue lots) during quarter breaks between graduation and registration.

#### 4.33(262) Faculty and staff—general parking.

4.33(1) Faculty and staff members employed by the university one-half time or more on an A-, B-, E-, or H-base are eligible for staff parking permits.

4.33(2) All staff members, 70 years of age or over, who are on part-time basis assignment of regular duty for only three

months per year are eligible, upon request, for a general parking permit free of charge.

4.33(3) All former staff members, 65 years of age or over, who are fully retired and not on the university payroll are eligible, upon request, for an annual visitor's parking permit free of charge.

4.33(4) Members of the armed services assigned to the university as staff members may obtain parking permits for vehicles bearing current out-of-state license plates, as provided for by the Code.

4.33(5) All other eligible faculty and staff members may obtain a staff parking permit only for those vehicles bearing current Iowa license\* plates.

4.33(6) In each academic year eligible university faculty and staff members who expect to park a motor vehicle on campus or who own a motor vehicle which will be parked on campus by another driver during the hours set forth in 4.29(2), shall obtain a parking permit and display it on the vehicle as set forth in 4.41.

4.33(7) Eligible faculty and staff members may obtain parking permits upon application to the parking system office and payment of appropriate fee.

4.33(8) A faculty or staff member will not be issued parking permits for more than one car except as provided in 4.40(1).

4.33(9) More than one type of permit may be issued for any one car providing the vehicle registrant is eligible for each type of permit and that appropriate fees are paid.

4.33(10) If more than one member of a family is employed by the university, each member may apply for any parking permit for which he or she is eligible.

4.33(11) The fee for a general parking permit is \$20.00 for the year September 1 to August 31.

4.33(12) An applicant for a general parking permit may remit the annual parking permit fee by check with the application, or authorize a single payroll deduction for the full annual parking permit fee. Payment in currency will not be accepted, except when made in person at the parking system office.

4.33(13) General parking permits are issued on an annual basis only. Refunds

\*"registration" intended.

may be obtained for unexpired quarters on a quarterly basis, upon written request with remnants of the permit removed from the vehicle. No refunds are made for the spring and summer quarters. See 4.43.

**4.33(14)** New faculty or staff members starting employment after the beginning of the academic year may obtain parking permits at the following fees for the remainder of the year:

Beginning employment during:	General Permit	Reserved Permit
Fall Quarter	\$20.00	\$60.00
Winter Quarter	14.00	40.00
Spring Quarter	8.00	30.00
Summer	3.00	20.00

**4.33(15)** Vehicles bearing a general parking permit may be parked in any parking lot designated as "Staff" or "Permit," except Lot 28AL and AL portion of Lot 26. They may not be parked in "Reserved" areas, nor in metered areas without payment of the appropriate meter fee.

**4.33(16)** Parking in Ames laboratory Lot 28AL or AL area in Lot 26, is restricted to vehicles bearing Ames laboratory parking permits.

**4.34(262) Faculty and staff—reserved parking.**

**4.34(1)** Eligible faculty or staff members, as defined in 4.33(1), may apply for assignments in reserved parking lots or areas.

**4.34(2)** Assignments of reserved parking permits will be by reserved parking lot or areas only, and not by individual parking stall.

**4.34(3)** Individual stall assignment is available only to the president and vice-presidents of the university and for university-owned vehicles upon approval of request.

**4.34(4)** A vehicle bearing a reserved parking permit shall be parked only in the parking lot or area to which it is assigned or in a metered area with payment of the appropriate meter fee.

**4.34(5)** Applicants for reserved parking permits will be assigned into reserved parking lots or areas as close to their preferred location as possible, under the following order of precedence and in the order of receipt of application within each category:

a. Medical: Certified by the director of the university student health service.

b. Members of the administrative board.

c. University department-owned vehicles.

d. Faculty and staff.

**4.34(6)** Parking of an unauthorized vehicle in an assigned reserved parking lot or area will subject the violator to a penalty or having the vehicle towed away.

**4.34(7)** Car pool privileges, rule 4.40, are available.

**4.34(8)** The fee for a reserved parking permit is \$60.00 for the year September 1 to August 31.

**4.34(9)** Reserved parking permits are issued on an annual basis only. Refunds may be obtained for unexpired quarters only on a quarterly basis upon written request submitted with remnants of the permit removed from the vehicle. No refunds are made during the spring or summer quarter. See 4.43.

**4.34(10)** An applicant for a reserved parking permit may remit the annual parking permit fee by check with the application, or authorize a single payroll deduction for the full annual parking permit fee. Payment in currency will not be accepted, except when made in person at the parking system office.

**4.34(11)** Reserved parking is in effect during the hours set forth in 4.29(2).

**4.35(262) Provisions for handicapped and disabled.**

**4.35(1)** Physically handicapped or medically disabled students may apply for special parking privileges upon issuance of a letter by the director of the student health service or the rehabilitation counselor, student counseling service, indicating the character, extent, and probable duration of the disability and certifying the need for special parking. Parking space to best serve the needs of each individual will be arranged by the parking system office. The fee will be at the rate of \$6.00 per quarter and \$3.00 for summer.

**4.35(2)** Physically handicapped or medically disabled faculty or staff members may apply for special parking privileges upon issuance of a letter by the director of the stu-

dent health service or the rehabilitation counselor, student counseling service, indicating the character, extent, and probable duration of the disability and certifying the need for special parking. Parking space to best serve the needs of each individual will be arranged by the parking system office. The fee will be at the rate of \$15.00 per quarter.

**4.36(262) Parking publicly owned vehicles.**

**4.36(1)** Operators of publicly owned vehicles are subject to all university traffic and parking regulations.

**4.36(2)** Publicly owned vehicles, federal or state, shall be parked overnight in the car pool area provided by the university, unless otherwise accommodated.

*a.* Such vehicles are not required to display a university parking permit, but must be registered by the person responsible for them at the parking system office.

*b.* These vehicles may be parked in staff or permit parking lots for periods not exceeding eight hours. They shall not be parked in reserved areas if they do not display an appropriate reserve permit. If parked in a metered area, the appropriate meter fee shall be paid.

**4.36(3)** Publicly owned vehicles that are to be parked in staff or permit lots for more than eight hours shall be provided with and display a general staff parking permit. See 4.33.

**4.36(4)** University-owned department vehicles required in the operation of the department may apply for a reserved parking stall. Upon approval of the application, the assignment will be made free of charge.

**4.36(5)** Vehicles granted a reserved stall must be parked in that stall. If parked elsewhere on campus, they must be parked in a metered area and pay the appropriate meter fee.

**4.37(262) Visitor parking.**

**4.37(1)** Occasional visitors on campus shall park either in metered parking spaces or the Memorial Union ramp.

*a.* A limited number of meter parking permits which authorize all-day parking at any parking meter on the campus is available from the parking system office for a fee of \$1.00 per day. Such permit is not

valid in the lot immediately east of the Memorial Union nor in the ramp.

*b.* Visitors who have frequent occasion to visit the campus on business may apply for a visitor's parking permit. The rate is the same as a general staff permit. See 4.33(14).

**4.37(2)** Visitors enrolled in short courses of more than one week duration are considered as students. See 4.32.

**4.37(3)** Faculty members who are in charge of short courses and conferences may apply to the university traffic committee for issuance of special parking permits to short course enrollees. Assignments to parking lots may be made provided the short course is scheduled at such a time and limited to such a number of enrollees that the assignments do not interfere with normal parking.

**4.37(4)** Fees for special parking permits for short course enrollees shall be designated by the traffic committee.

**4.37(5)** Visitors enrolled in short courses or conferences of less than one week duration, who do not have a special parking permit, shall park either in the Memorial Union ramp or in parking meter areas.

**4.37(6)** Visitors to the university married community shall park only in areas designated as "Visitor" parking.

**4.38(262) Metered parking.**

**4.38(1)** Metered parking spaces are provided in most campus parking lots and on some campus streets.

**4.38(2)** Metered parking spaces are open to all (faculty, staff, students, and visitors) upon payment of the proper fee for the time the space is occupied. See 4.30(1).

**4.38(3)** The meter parking fee is five cents for each 30-minute period.

**4.38(4)** The time limits shall be as indicated on the meter. Meters with orange bands just below the heads are one-half hour only. All other meters are one hour or longer.

**4.38(5)** A limited number of meter parking permits which authorize all-day parking at any parking meter on the campus is available from the parking system office for a fee of \$1.00 per day. Such permit is not valid in the lot immediately east of the Memorial Union nor in the ramp.

**4.38(6)** Care should be taken to assure that the vehicle being parked is within the marked area corresponding to the correct meter.

**4.38(7)** Violation for overtime parking in metered spaces is subject to penalty.

**4.38(8)** Multiple violation citations may be issued for consecutive time limits exceeded.

**4.38(9)** An inoperative parking meter shall be reported immediately to the parking system office. An officer will be dispatched immediately to check meter.

**4.39(262) Two- or three-wheeled motor vehicle parking.**

**4.39(1)** Two- or three-wheeled motor vehicles (motorcycles, motor scooters, and motor bikes) shall be parked only in areas designated for such parking. Small irregular areas in parking lots shall not be used for such purpose unless so designated.

**4.39(2)** Parking permits for parking such motor vehicles in areas designated for that purpose may be purchased for a fee of \$2.00 per quarter.

**4.39(3)** Such motor vehicles may be parked in metered areas upon payment of the meter fee.

**4.39(4)** More than one such motor vehicle may be parked in the same stall provided all vehicles are completely within the designated stall area.

**4.39(5)** If an overtime citation is made where multiple vehicles are parked in one stall, the violation penalty will be charged against each vehicle individually.

**4.40(262) Car pools.**

**4.40(1)** Anyone having two or more motor vehicles which may be used alternately for parking on campus may apply for car pool privileges. Any group of individuals wishing to park vehicles alternately on campus may apply for car pool privileges for up to five motor vehicles.

**4.40(2)** Each vehicle in the car pool shall be registered, and upon registration will be issued a car pool identification sticker. See 4.41(1). This sticker is not a parking permit.

**4.40(3)** The car pool will be issued one transferable parking permit which shall be on display in the car parked on campus. See 4.41(6).

**4.40(4)** If more than one car of a car pool is to be parked on campus simultaneously, the extra car or cars must be parked in a metered area and appropriate meter fee paid. See 4.38(5) for all-day meter permit.

**4.40(5)** Car pool privileges are available to eligible faculty-staff members for either general (rule 4.33) or reserved (rule 4.34) parking permits, and to eligible students (rule 4.32).

**4.40(6)** The parking permit fee for a car pool is as follows:

a. Reserved assignment permit—\$60.00 per year. Subject to all rules in 4.34.

b. General parking permit—\$20.00 per year. Subject to all rules in 4.33.

c. Student parking permit—\$6.00 per quarter. Subject to all rules in 4.32.

**4.40(7)** One member of the car pool shall submit the application for all members of the car pool, and such member shall be responsible for payment of the full parking permit fee.

**4.41(262) Affixing and removal of permits.**

**4.41(1)** Student identification stickers, car pool identification stickers, and parking permits other than car pool permits, shall be firmly affixed to the inside of the rear window at the lower edge on the driver's side of standard body type vehicles. On pickups or convertibles and other types of vehicles without fixed rear windows, they shall be affixed to the lower right edge of the windshield. On station wagons and on cars with wired-glass rear windows, they shall be affixed to the extreme rear of the left side window.

**4.41(2)** On motorcycles, permits and identifications shall be affixed to handlebar adjacent to steering column with number visible from top.

**4.41(3)** Identification stickers and student parking permits shall be properly affixed by midnight of the first day of classes.

**4.41(4)** Faculty and staff parking permits shall be properly affixed by September 1 or within three working days after becoming a staff member. A grace period after September 1, until midnight the first day of classes, will be allowed.

4.41(5) Identification stickers or parking permits taped or clipped on windows are not considered firmly affixed.

4.41(6) Transferable car pool parking permits shall be displayed according to the directions accompanying the permit.

4.41(7) Expired identification stickers and parking permits shall be completely removed before the vehicle is parked on campus except at parking meters.

**4.42(262) Replacement of permits.**

4.42(1) In the event that a motor vehicle is sold or transferred to a new owner or user, the identification sticker or parking permit shall be removed. If the sticker or permit is so removed and parts thereof recovered and returned to the parking system office, a new corresponding sticker or permit will be issued free of charge for the replacement vehicle.

4.42(2) Upon substantial evidence that the original parking permit has been lost, stolen, or destroyed, a duplicate sticker will be issued upon payment of the following appropriate fee:

- a. Car pool transferable permit \$5.00
- b. Restricted access key card \$5.00
- c. Reserved parking permit \$2.00
- d. General parking permit \$2.00
- e. Student parking permit \$1.00
- f. Motorcycle parking permit \$1.00
- g. Student ID sticker no charge
- h. Residence hall parking permit no charge

**4.43(262) Refunds.**

4.43(1) Fees for faculty and staff parking permits issued on an annual basis may be refunded for the unexpired quarters on a quarterly basis upon written application enclosing the remnants of the permit removed from the vehicle. No refunds are made for the spring and summer quarters.

4.43(2) The schedule of refunds for general or reserved faculty and staff parking permits is as follows:

	General	Reserved
Any time during Fall Quarter	\$14.00	\$42.00
Any time during Winter Quarter	8.00	24.00

Any time during Spring and Summer Quarters none none

4.43(3) No refunds will be made on parking permits issued on a quarterly basis after the first week of classes.

**4.44(262) Definition of bicycle.**

4.44(1) The term "bicycle" as used herein includes every device having two or more wheels and propelled by human power (except wheelchairs) upon which any person may ride.

4.44(2) Any bicycle equipped with a motor shall be considered a motor vehicle and subject to the traffic and parking rules for motor vehicles.

**4.45(262) Applicability of bicycle.**

4.45(1) The rules set forth herein are applicable only on university lands. It should be noted that regulations are provided by the Ames Municipal Code, chapter 7, for bicycle operation and registration in the city of Ames.

4.45(2) Every person operating a bicycle, whether as owner or not, shall conform to all provisions of the rules set forth herein and shall be penalized for any violation thereof.

**4.46(262) Bicycle traffic.**

4.46(1) *Applicability of traffic laws.* Every person riding a bicycle on a street or roadway is granted all the privileges and is subject to all the rules applicable to the driver of any vehicle on that street or roadway and to the special rules in this section, except those provisions of the laws which by their nature have no application.

4.46(2) *Obedience to traffic control devices.*

a. Any person operating a bicycle shall obey the instructions of official traffic-control devices, restricted access street gates, signs and signals applicable to motor vehicles, unless otherwise directed by a police officer or authorized traffic director.

b. Whenever authorized signs are erected indicating that no right or left of U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which case such person shall obey the rules applicable to pedestrians.

**4.46(3) Bicycle paths.** Whenever a path or bikeway has been provided in or adjacent to a street or roadway, bicycle riders shall use such path or bikeway and shall not use the street or roadway.

**4.46(4)** On campus streets with no marked bicycle lanes and where no adjacent designated bicycle path exists, bicyclists shall use existing streets and are subject to motor vehicle rules.

**4.46(5) Sidewalks.** Bicycle riders shall not use campus sidewalks except those specifically designated as bicycle paths during the hours of 7:30 a.m. to 5:30 p.m. Mondays through Fridays when school is in session. Attention is directed to the Ames Municipal Code, which prohibits riding on the sidewalk on the south side of Lincoln Way between Stanton Avenue and Hayward Avenue.

**4.46(6) Restricted access streets.** On campus streets which have restricted motor vehicle access, bicycles shall use only the marked bicycle lanes at all times.

**4.46(7) Right of way of pedestrians.** Whenever any person is riding a bicycle, such person shall yield the right of way to any pedestrian.

**4.46(8) Lawn areas.** Bicycle riders shall not ride on lawns or any areas not designated as a bikeway.

#### **4.47(262) Parking bicycles.**

**4.47(1) Parking.** Bicycles shall be parked in or immediately adjacent to the bicycle racks provided. They shall not be parked on lawns, on sidewalks, or chained to trees, light poles, fences or benches. Bicycles improperly parked may be impounded by cutting and removal of locking device, if necessary.

**4.47(2)** Bicycles that are considered to be abandoned will be removed by cutting the locking device, if necessary, and impounded.

**4.47(3) Buildings.** Bicycles shall not be taken inside any university building except in areas authorized by the traffic committee.

#### **4.48(262) Operation of bicycles.**

**4.48(1) Riding.** A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

**4.48(2) Number of passengers.** No bicycle shall be used to carry more than one person per seat.

**4.48(3) Reckless operation.** No person shall operate a bicycle in a reckless manner or in such a way as to endanger other persons or property.

**4.48(4) Emerging from alley, driveway, parking area.** The operator of a bicycle emerging from an alley, driveway or parking area shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on said sidewalk or sidewalk area and upon entering the roadway yield the right of way to all vehicles approaching on said roadway.

**4.48(5) Clinging to vehicles.** No person riding upon any bicycle shall attach the same or himself to any moving vehicle.

**4.48(6) Carrying articles.** No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars.

#### **4.49(262) Equipment.**

**4.49(1) Lamps, reflectors required.** Every bicycle when in use during the hours from one-half hour after sunset to one-half hour before sunrise shall be equipped with a lamp which shall emit a white light visible from a distance of 500 feet to the front and with a red reflector or lamp which shall be visible 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle.

**4.49(2) Brake required.** Every bicycle shall be equipped with a properly functioning brake.

#### **4.50(262) Penalties.**

**4.50(1)** The person to whom a parking permit or identification sticker has been issued by the university shall be responsible for all parking violations involving the vehicle bearing the respective sticker.

**4.50(2)** Violation of any of the regulations governing the use of motor vehicles on campus will subject the violator to a penalty according to the following schedule:

a. Altering or counterfeiting any parking permit [See 4.30(9)]. \$15.00 each offense

- b.* Providing erroneous registration information [See 4.30(8)]. \$ 5.00 each offense
- c.* Failure to comply with traffic signs directing the movement of vehicles in parking lots [See 4.25(8)]. \$ 5.00 each offense
- d.* Driving on campus walks or lawns [See 4.25(5) and 4.26(2)]. \$ 5.00 each offense
- e.* Driving motorcycles on other than streets and roadways [See 4.26(3)]. \$ 5.00 each offense
- f.* Driving on closed streets [See 4.28(1)]. \$ 5.00 each offense
- g.* Driving on bicycle lanes [See 4.25(6) and 4.26(2)]. \$ 5.00 each offense
- h.* Moving or driving around a barricade [See 4.25(7)]. \$ 5.00 each offense
- i.* Access to restricted portion of campus by other than established gate openings [See 4.28(4)]. \$ 5.00 each offense
- j.* Improper use of key card [See 4.28(5)]. \$ 5.00 each offense
- k.* Failure to display a current identification sticker [See 4.30(3)]. \$ 5.00 each offense
- l.* Illegal parking [See 4.29(4)]. \$ 5.00 each offense
- m.* Improper parking—reserved lots and residence department restricted areas [See 4.28(3), 4.29(5) and 4.31(5)]. \$ 5.00 each offense
- n.* Improper parking, except reserved lots and residence department restricted areas [See 4.29(5) and 4.31(5)]. \$ 2.00 each offense

*o.* Failure to completely remove expired parking or identification sticker [See 4.41(7)]. \$1.00 each offense

*p.* Overtime parking at meters [See 4.38(7)]. \$1.00 each offense

**4.50(3)** A 50 percent reduction in penalty will be given on all violation tickets (except 4.50(2) "a") if paid at the parking system office by the end of the next business day following issuance of the violation ticket.

**4.50(4)** The security and traffic control department is responsible for removing from campus any vehicle considered to be abandoned or which is left unattended on a street or in a parking lot in such a way as to constitute a traffic hazard or an obstruction to the normal movement of traffic.

**4.50(5)** Any person who has accumulated either a total of five unpaid violation citations other than for overtime parking at parking meters, or a total of \$25.00 in unpaid penalties may be subject to having any motor vehicle for which that person is responsible towed away and impounded.

**4.50(6)** When motor vehicles are towed and impounded, the costs of such towing and impounding will be paid by the owner of the vehicle.

**4.50(7)** Impounded motor vehicles will not be released until the penalties have been paid at the parking system office or arrangements have been made to pay the penalties at the university business office.

**4.50(8)** Moving bicycle violations of the motor vehicle laws of the state of Iowa may be referred to the magistrate court, city of Ames.\* All other moving bicycle violations will subject the violator to a penalty of \$1.00.

**4.50(9)** Bicycle parking violations will subject the owner to a penalty of \$1.00 for each offense or the bicycle may be impounded.

**4.50(10)** Impounded bicycles may be claimed within a three-month period after impoundment upon proper identification and payment of a \$3.00 impounding fee. Bicycles impounded and unclaimed after three months will be sold at auction.

\*See 4.25(10)

**4.51(262) Institutional appeals.**

**4.51(1)** Filing of an appeal or giving notice of intention of appeal shall be made at the parking system office.

**4.51(2)** An appeal of a violation ticket issued under these rules must be submitted in writing to the traffic appeals board within seven days after issuance of the violation ticket or the right to appeal will be forfeited and the amount of the fine billed.

**4.51(3)** A violator may, upon written request, have a personal hearing before the traffic appeals board.

**4.51(4)** Reappeal of cases which have been heard and acted upon may be instituted only if new pertinent and substantial evidence is to be introduced.

**4.51(5)** Fourth and subsequent appeals of one or more violations of all types shall be subject to an additional \$5.00 service charge if the appeal is denied.

**4.51(6)** The traffic appeals board has two sections, one for faculty, staff and

visitors and another for students. Appeals and correspondence should be addressed to the proper section of the Appeals Board, Parking System Office, ISU Campus, Ames, Iowa 50010.

**4.52(262) District court appeal.** Appeal from traffic appeals board ruling may be heard de novo by the district court.

**4.53(262) Failure to pay penalties.**

**4.53(1)** The amount of the penalty may be added to the student's fees at registration. Registration cannot be completed until all outstanding obligations to the university are paid. A hold may be placed on transcripts until penalties are paid.

**4.53(2)** The amount of the penalty may be deducted from the paycheck of university employees.

**4.53(3)** Habitual and flagrant violators of the rules will be referred to the all-university judiciary.

[Effective September 1, 1974]

**REVENUE DEPARTMENT**

Pursuant to the authority of sections 421.14 and 422.68(1) of the Code, the following rules are adopted.

[Filed July 1, 1974]

**CHAPTER 20**

**FOODS FOR HUMAN CONSUMPTION, PRESCRIPTION DRUGS, INSULIN, HYPODERMIC SYRINGES, DIABETIC TESTING MATERIALS, PROSTHETIC, ORTHOTIC OR ORTHOPEDIC DEVICES**

[Sales Tax Exemption]

**20.1(422,423) Foods for human consumption.** Foods for human consumption which may be purchased with food coupons shall be exempt from sales tax regardless of whether the retailer from whom the foods are purchased is participating in the food coupon program.

**20.1(1) Foods eligible for food coupons.** These foods shall include all foods which may be purchased with food coupons issued by the United States department of agriculture. These include but are not limited to the following general classification of food products:

a. Seeds and plants for use in

gardens to produce food for personal consumption.

b. Bread and flour products.

c. Candy and confectionery (includes gum and mints).

d. Cereal and cereal products.

e. Cocoa and cocoa products.

f. Coffee and coffee substitutes.

g. Dietary substitutes.

h. Eggs and egg products.

i. Fish and fish products.

j. Frozen foods.

k. Fruits and fruit products including fruit juices.

l. Ice cubes and bottled carbonated water.

m. Meat and meat products.

n. Milk and milk products (including packaged ice cream products).

o. Oleomargarine, butter and shortening.

p. Soft drinks and sodas.

q. Spices, condiments, extracts and artificial food coloring.

r. Sugar and sugar products and substitutes.

s. Tea.

t. Vegetable and vegetable products.

**20.1(2) Products not eligible for purchase by food coupons.** Various products may not be purchased with food coupons issued by the United States department of agriculture and therefore, are not exempt from sales tax. These include but are not limited to the following general classification of products:

a. Alcoholic beverages.

b. Pet foods and supplies.

c. Household supplies.

d. Paper products.

e. Soaps and detergents.

f. Tobacco products.

g. Cosmetics.

h. Toiletry articles.

i. Tonics and vitamins.

j. Lunch counter or prepared foods for consumption on the premises of the retailer.

**20.2(422,423) Food coupon rules.** Food coupon rules used in determining whether certain foods are eligible for purchase by food coupons and therefore exempt from sales tax shall be those United States department of agriculture regulations in effect on July 1, 1974.

**20.3(422,423) Nonparticipating retailer in the food coupon program.** A nonparticipating retailer in the food coupon program is a retailer who may sell foods that are eligible for purchase with food coupons but by his own choice or at the discretion of the United States department of agriculture, is not participating in the food coupon program.

**20.4(422,423) Determination of eligible foods.** Pursuant to rules 20.1, 20.2 and 20.3 in order to be eligible for the sales tax exemption, foods must be the same foods eligible for purchase by food coupons and shall not include foods that in their original state may have been purchased by food coupons but due to changes to the foods

such as additional ingredients, preparation, or any other change of state, they are no longer foods eligible for purchase by food coupons.

**20.5(422,423) Meals.** Meals prepared for immediate consumption on or off the premises of the retailer are not eligible for the sales tax exemption. A meal shall consist of a diversified selection of foods which would not be able to be consumed without at least some articles of tableware being present and which could not be conveniently consumed while one is standing or walking about. A meal would usually consist of a larger quantity of food than that which ordinarily comprises a single sandwich.

**20.5(1)** Retailers who are considered serving meals shall include those who serve meals off the premises of the retailer such as caterers.

**20.5(2)** Meals that may be eligible for purchase with food coupons shall not be exempt from sales tax. This shall include carryout plate lunches that are served with articles of tableware. Tableware shall include dishes, glasses and silverware and includes tableware the substance of which shall be paper or plastic.

**20.6(422,423) Vending machines.** Any food item which is sold through a vending machine shall not be exempt from sales tax.

**20.7(422,423) Prescription drugs.** Sales of prescription drugs as defined in 20.7(1) and dispensed for human use or consumption in accordance with 20.7(2) and 20.7(3) shall be exempt from sales tax.

**20.7(1)** A "prescription drug" means:

a. Any drug or medicine the label of which is required by federal law to bear the statement: "Caution: Federal law prohibits dispensing without a prescription", or

b. Any drug or medicine which, because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to prescribe, administer or dispense such drug or medicine, or

c. A new drug or medicine which is limited under state law to use under the professional supervision of a practitioner licensed by law to prescribe, administer, or dispense such drug or medicine.

**20.7(2) Licensed persons qualified for dispensing of prescription drugs.** In order for a prescription drug to qualify for an exemption it must be dispensed by one of the following persons:

a. Any store or other place of business where prescription drugs are compounded, dispensed, or sold by a person holding a license to practice pharmacy in Iowa, and where prescription orders for prescription drugs are received or processed in accordance with pharmacy laws.

b. Persons licensed by the state board of medical examiners to practice medicine or surgery in Iowa.

c. Persons licensed by the state board of medical examiners to practice osteopathic medicine or surgery in Iowa.

d. Persons licensed by the state board of podiatry to engage in the practice of podiatry in Iowa.

e. Persons licensed by the state board of dentistry to practice dentistry in Iowa.

f. Persons licensed prior to May 10, 1963, to practice osteopathy in Iowa.

**20.7(3) Prescription drugs may be dispensed either directly from one of the persons licensed in 20.7(2) who may also prescribe drugs or by a pharmacist upon receipt of a prescription from one of the persons licensed to prescribe.** A prescription received by a licensed pharmacist from one of the persons licensed in 20.7(2) who may also prescribe drugs shall be sufficient evidence that a drug or medicine is exempt from sales tax. When a person who prescribes a medicine or drug is also the dispenser, the drug or medicine will not require a prescription by such person but the drug or medicine must be recorded as if a prescription would have been issued or required. If this condition is met, the gross receipts from the sale of the medicine or drug shall be exempt from sales tax.

**20.7(4) Any person other than those who are allowed to dispense drugs under 20.7(2) shall be required to collect sales tax on any prescription drug.**

**20.8(422,423) Insulin, hypodermic syringes and diabetic testing materials.** Sales of these items shall qualify for a sales tax exemption if they meet the definitions in 20.8(1) and are utilized for human use or consumption.

### 20.8(1) Definitions.

a. *Insulin*—a preparation of the active principle of the pancreas, used therapeutically in diabetes and sometimes in other conditions.

b. *Hypodermic syringe*—an instrument for applying or administering liquids into any vessel or cavity beneath the skin. This shall include the needle portion of the syringe if it accompanies the syringe at the time of purchase and shall also include replacement needles.

c. *Diabetic testing materials*—all materials used in testing for sugar or acetone in the urine, including, but not limited to Clinitest, Tes-tape, and Clinistix.

**20.8(2)** A prescription is not required in order for insulin, hypodermic syringes and diabetic testing materials to be exempt from sales tax.

### 20.9(422,423) Prosthetic, orthotic and orthopedic devices.

**20.9(1) Prosthetic devices.** Sales of prosthetic devices designed, manufactured or adjusted to fit a particular individual shall be exempt from sales tax.

**20.9(2) Orthotic and orthopedic devices.** Sales of orthotic and orthopedic devices prescribed for human use which meet the provisions of 20.9(3) and 20.9(4) shall be exempt from sales tax.

### 20.9(3) Definitions.

a. *"Prosthetic device"*—a piece of special equipment designed to be a replacement or artificial substitute for an absent or missing part of the human body or aids or augments the performance of a natural function of the body. These include, but are not limited to, devices to replace parts of the leg either above or below the knee, artificial substitutes for parts of the arm either above or below the elbow, artificial hands or replacement hooks, cosmetic gloves, dentures, artificial eyes, hearing aids and prescription eyeglasses.

b. *"Orthotic device"*—a piece of special equipment designed to straighten a deformed or distorted part of the human body, such as corrective shoes or braces. An orthotic device is an orthopedic device.

c. *"Orthopedic device"*—a piece of special equipment designed to correct deformities or to preserve and restore the function of the human skeletal system, its

articulations and associated structures, such as corrective braces and supports, splints, crutches, corrective shoes, wheelchairs, elastic bandages, canes, walkers, traction devices, exercise bars-equipment, trusses and abdominal belts.

**20.9(4) "Prescribed"** shall mean a written prescription or an oral prescription, later reduced to writing, issued by:

a. Persons licensed by the state board of medical examiners to practice medicine or surgery in Iowa.

b. Persons licensed by the state board of medical examiners to practice osteopathic medicine or surgery in Iowa.

c. Persons licensed by the state board of podiatry to engage in the practice of podiatry in Iowa.

d. Persons licensed by the state board of Dentistry to practice dentistry in Iowa.

e. Persons licensed prior to May 10, 1963, to practice osteopathy in Iowa.

**20.9(5) Power devices.** Sales of power devices especially designated to operate prosthetic, orthotic or orthopedic devices shall be exempt from tax.

**20.10(422,423) Reporting.** Retailers are required to keep records of and report the actual total gross sales for each filing or reporting period. A deduction may be taken

for all tax exempt sales but a record must be kept to substantiate all deductions taken.

Certain retailers finding it difficult to maintain detailed records of their taxable and nontaxable retail sales may alleviate this difficulty by the use of a formula method which will reasonably approximate the actual taxable receipts.

Written approval must be obtained from the Sales and Use Tax Division of the Iowa Department of Revenue to use a formula method. If a retailer requests an alternate formula, he shall first list the reasons why an alternate formula is necessary and secondly, he shall outline the proposed formula in detail. If approval is given, the Department reserves the right to withdraw or require an update in procedure at any time.

The use of the formula is an authorization for reporting the most accurate amount of taxable and nontaxable gross receipts but the retailer shall be responsible for the actual tax liability. Additional assessments may be made if an audit discloses the formula is not producing the proper tax payments.

These rules are intended to implement chapters 422 and 423 of the Code.

[Effective July 1, 1974]

## REVENUE DEPARTMENT

(continued)

Pursuant to the authority of chapter 425 of the Code the following rules are adopted.

[Filed January 8, 1974]

### CHAPTER 73

#### REIMBURSEMENT TO THE ELDERLY AND DISABLED FOR PROPERTY TAX PAID AND RENT CONSTITUTING PROPERTY TAX PAID

**73.1(425) Nursing homes.** A claimant whose homestead is a nursing home is eligible to file a reimbursement claim for rent constituting property tax paid.

A claimant whose homestead is a nursing home is to deduct the goods and services provided by the nursing home which are included in his rental payments when determining gross rent for purposes of calculat-

ing rent constituting property tax paid solely for the right of occupancy.

These goods and services could include, but are not limited to: Cost of nursing care, doctor's expense, medication, meals and special menus, personal items including linen and laundry service, transportation, medical equipment and recreational or rehabilitational activities; as well as charges for utilities, furniture, furnishing or personal property appliances furnished by the nursing home.

**73.2(425) Separate homesteads—husband and wife.** If a husband and wife are both qualified claimants living in and maintaining separate and distinct homesteads and each actually pays the property tax or rent constituting property tax for their respective homesteads, each is eligible to file an indi-

vidual reimbursement claim for property tax paid or rent constituting property tax paid.

**73.3(425) Dual reimbursement claims.** A claimant changing homesteads during a base year who has made property tax payments and rent payments during that base year is entitled to receive reimbursements for both.

Separate claim forms for the property tax reimbursement and the rental reimbursement shall be filed with the Iowa department of revenue. The two claim forms shall be filed together with the Iowa department of revenue.

The reimbursement claims are to be based on the actual property tax paid and rent constituting property tax paid with a combined maximum of \$600 upon which the reimbursements can be calculated.

Example: \$500 property taxes paid  
\$300 rent constituting property taxes paid

The claim form for calculating the property tax reimbursement shall reflect the entire \$500 amount.

The claim form for calculating the rent reimbursement shall reflect only the remaining \$100 of the \$600 maximum allowance for reimbursement purposes.

The Iowa department of revenue will issue two refund warrants for dual reimbursement claims. For the property tax reimbursement, the refund will be issued in the form of a joint warrant made payable to the claimant and the county treasurer. For the rent reimbursement, the refund warrant will be made payable to the taxpayer only.

**73.4(425) Multipurpose building.** A multipurpose building is a building which is used for purposes other than strictly living accommodations. A homestead which has portions utilized for business purposes is considered to be a multipurpose building.

The portion of property tax paid or rent constituting property tax paid attributable to the homestead only is to be used in determining the allowable reimbursement. This portion is to be calculated by determining the percentage of the homestead square footage to the square footage of the entire multipurpose structure. This percentage is then to be applied to the property tax paid or rent constituting property tax paid for the base year.

**73.5(425) Multidwelling.** A multidwelling is a structure which houses more than one homestead. This includes, but is not limited to: Apartment buildings, duplexes, condominiums, town houses, nursing homes and rooming houses.

A claimant owning a multidwelling whose homestead is a portion of the multidwelling is entitled to a reimbursement for only that portion of the property tax paid attributable to his homestead.

This calculation is to be performed the same as for a multipurpose building.

**73.6(425) Federal rent subsidies.** For purposes of computing a reimbursement for rent constituting property tax paid, federal subsidies paid for rental payments for a claimant's homestead are not considered income to the claimant, spouse or any household member. Such federal payments are also not to be considered as any portion of gross rent in determining rent constituting property tax paid.

**73.7(425) Joint tenancy.** Joint tenancy for purposes of property tax reimbursement is the common ownership of a homestead by two or more persons either as joint tenants with right of survivorship or tenants in common.

**73.8(425) Amended claim.** An amended reimbursement claim can only be filed by a claimant who has timely filed a claim for property tax paid or rent constituting property tax paid for the appropriate base year.

The amended claim must be filed within three years of the filing deadline of the original claim.

The amended claim shall be clearly marked by the claimant with the word "AMENDED".

If the amended claim shows an additional reimbursement due the claimant, upon review and approval by the Iowa department of revenue, an additional reimbursement will be made.

**73.9(425) Net worth.** "Net worth" is total assets minus total liabilities. For reimbursement purposes, 10 percent of the net worth of the claimant, claimant's spouse and each of his household members in excess of \$35,000 is considered income. The determination of net worth is to be calculated separately for the claimant, claimant's spouse and each household member.

For the purposes of determining net worth, assets are items owned which include, but are not limited to: Cash on hand, real property (real estate and buildings), accounts receivable, savings accounts and other moneys on deposit, stocks and bonds and personal property (livestock, household goods, automobiles, machinery, etc.). Liabilities are amounts owed which include, but are not limited to: Mortgages, notes on bank loans, contracts payable, accounts payable, leases and special assessments payable. Liabilities do not include contingent liabilities.

**73.10(425) Confidential information.** In conjunction with an investigation by the Iowa department of revenue, county or city assessors may obtain income tax information from the Iowa department of revenue only when examining questionable property tax or rental reimbursement claims, as submitted by persons 65 years of age or older or totally disabled, pursuant to the provisions of chapter 425 of the Code.

**73.11(425) Mobile home.** An eligible claimant whose homestead is a mobile home which was assessed as real estate resulting in property taxes due and payable for the base year may file a claim for reimbursement of property tax paid or rent constituting property tax paid.

An eligible claimant whose homestead is a mobile home subject to the semiannual tax based on square footage in accordance with chapter 135D of the Code for the base year cannot file a claim for reimbursement of property tax paid or rent constituting property tax paid.

**73.12(425) Totally disabled.** A person who is totally disabled must be unable to engage in any substantial gainful employment by reason of any medically determinable physical or mental impairment. In addition, the impairment must have lasted or is reasonably expected to last for a continuous period of 12 months or is expected to result in death. This disabled condition must be the determining factor in the person's inability to engage himself in gainful employment. Examples of physical conditions which could possibly constitute total disability would include, but are not limited to: Loss of major function of one or both legs or arms; progressive diseases which have resulted in the loss of one or both legs or arms or which have caused them to become useless; severe arthritis; diseases of

the heart, lungs or blood vessels which have resulted in serious loss of heart or lung reserve; diseases of the digestive system which have resulted in severe malnutrition, weakness and anemia prohibiting gainful employment; damage to the brain or brain abnormality which has resulted in severe loss of judgment, intellect, orientation or memory; or, paralysis or diseases of the nervous system which prohibit co-ordination or major functioning of the body so as to inhibit gainful employment.

**73.13(425) Farm.** For reimbursement claim purposes, a farm is considered any tract of land of ten acres or more and in good faith used for agricultural or horticultural purposes.

**73.14(425) Household.** Household includes the claimant, the claimant's spouse and any person related to the claimant or spouse by blood, marriage or adoption and living with the claimant at any time during the base year. "Living with" does not include a temporary visit.

For purposes of calculating household income, an individual related to the claimant or claimant's spouse by blood, marriage or adoption who resides in the homestead and has established or intends to establish such homestead as his principle dwelling place for the base year shall be considered a household member. His income, including ten percent of his net worth in excess of \$35,000, is to be considered household income for purposes of claiming a reimbursement for property tax paid or rent constituting property tax paid.

If a household member resided in the homestead for only a portion of the base year, his income which is reportable for claim reimbursement purposes is to be prorated according to the period of homestead residency based on the number of days within the base year that such member resided in the homestead. For partial year residency, net worth income is not to be prorated since net worth is determined as of December 31 of the base year.

**73.15(425) Residential homesteads exceeding one acre.** An eligible claimant owning a homestead located upon real estate which is less than ten acres which is not utilized for commercial or industrial purposes is allowed a reimbursement for property tax paid on a maximum of one acre.

When computing the allowable property

tax paid for reimbursement claim purposes, the assessed value of the one acre of land upon which the homestead is located plus the assessed value of the homestead building times the appropriate millage rate is to

be used in calculating property tax paid.

These rules are intended to implement chapter 425 of the Code.

[Effective January 8, 1974]

## SECRETARY OF STATE

Pursuant to the authority of 1973 Acts of the Sixty-fifth General Assembly, chapter 136, section 399, the following rules relating to elections are adopted:

[Filed February 12, 1974]

### CHAPTER 5

#### SELECTION OF JURORS AND USE OF POLLBOOKS

**5.1(65GA, ch136) Selection of jurors.** In those areas of the state where permanent registration is not required as a prerequisite to voting the selection of jurors shall be the same as prescribed in chapter 609 of the Code and shall be in effect until December 31, 1974.

**5.2(65GA, ch136) Use of pollbooks.** In those areas of the state where permanent registration is not required as a prerequisite to voting the commissioner of elections shall continue the use of pollbooks as prescribed by the Code, until December 31, 1974. The commissioner of elections in the conduct of all elections shall follow all other election laws of the Code, as amended by Acts of the Sixty-fifth General Assembly, chapter 136.

These rules are intended to implement chapter 136, Acts of the Sixty-fifth General Assembly.

[Effective February 12, 1974]

## SOCIAL SERVICES DEPARTMENT

Pursuant to the authority of section 249A.4 of the Code, rules appearing in January 1974 IDR Supplement, 100 and 101, relating to medical assistance (chapter 1) are amended as follows:

[Filed July 1, 1974]

Strike the entire subrule 1.1(4) and insert the following in lieu thereof:

**1.1(4) Persons receiving care in a medical institution who make application for medical assistance subsequent to January 1, 1974, and who meet all eligibility requirements for Title XVI except for in-**

*come.* Medical assistance will be available to all persons receiving care in a hospital, skilled nursing facility or intermediate care facility who make application subsequent to January 1, 1974, and who meet all eligibility requirements for Title XVI except for income and whose income is not in excess of the cost of care in the institution based on standards established by the department or three hundred percent of the basic monthly Title XVI payment, whichever is the lesser.

[Effective July 1, 1974]

## SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 249A.4 of the Code, rules filed December 17, 1973, relating to medical assistance (chapter 1) are amended by adding the following subrule.

[Filed May 16, 1974]

**1.1(7) Individuals under age twenty-one living in a licensed foster care facility or in**

*a private home pursuant to a subsidized adoption arrangement for whom the department has financial responsibility in whole or in part.* Medical assistance will be available to all such individuals providing they are not otherwise eligible under subrule 1.1(1) of this chapter.

[Effective May 16, 1974]

## SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 249A.4 of the Code, the rules appearing in 1973 IDR, page 1007, relating to medical assistance (chapter 4) are amended as follows.

[Filed March 20, 1974]

Rule 4.3, lines one, two and three, is amended by striking the words "Payment will be approved for not more than ten days of inpatient hospital care per admission" and inserting the words "Payment will be approved for inpatient hospital care as medically necessary" in lieu thereof.

Further amend said rule by striking from lines ten, eleven, and twelve the words "Payment will be approved for ward or other multiple bed accommodations. No payment will be approved for a private room" and inserting the words "Payment will be approved only for multiple bed accommodations unless the recipient's physician determines that he must be isolated for medical reasons in which case payment will be made for a private room" in lieu thereof.

[Effective April 1, 1974]

## SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 249A.4 of the Code, the rules appearing in 1973 IDR, 1007 to 1008, relating to medical assistance (chapter 4) are amended as follows.

[Filed March 20, 1974]

Rule 4.8 is rescinded and the following inserted in lieu thereof.

**4.8(249A) Chiropractors.** Payment will be made for the same chiropractic procedures payable under Title XVIII of the Social Security Act (Medicare). Each chiropractor participating in the program is furnished a list of these chiropractic services for which payment will be approved.

[Effective March 20, 1974]

## SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 239.18 of the Code, rules appearing in 1973 IDR, 1018 to 1022, relating to aid to dependent children (chapter 44) are amended as follows:

[Filed March 20, 1974]

Subrule 44.1(4) is amended by striking the table, schedule of living costs and inserting the following in lieu thereof.

### SCHEDULE OF LIVING COSTS

I. Eligible Group In One Grant		II. Members of eligible group (spouse, or parents and their dependent children) receive two or more grants of assistance.							
(a)	(b)	1	2	3	4	5	6	7	8
1	153								
2	234	117							
3	309	103	206						
4	376	94	188	282					
5	435	87	174	261	348				
6	480	80	160	240	320	400			
7	546	78	156	284	312	390	468		
8	608	76	152	228	304	380	456	532	
9	657	73	146	219	292	365	438	511	584

Beyond a nine-member eligible group add \$73 for each additional person.

[Effective March 20, 1974]

## SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 239.18 of the Code, rules appearing in 1973 IDR, pages 1019 to 1022, as amended October 24, 1973 and March 20, 1974, relating to aid to dependent children (chapter 44) are amended as follows:

[Filed July 1, 1974]

ITEM 1. Subrule 44.1(2) is rescinded and the following inserted in lieu thereof.

**44.1(2) Definition of the eligible group.** The eligible group shall include the following persons living together, except when one or more of these persons has elected to receive supplemental security income under Title XVI of the Social Security Act.

a. The eligible children.

b. The natural or adoptive parent, or both parents if one is incapacitated or if the father is partially or totally unemployed.

c. The needy relative who assumes the role of parent.

d. The needy relative who acts as payee when the parent is in the home, but is unable to act as payee.

e. The incapacitated stepparent when he or she is the legal spouse of the natural or adoptive parent by ceremonial or common law marriage.

f. The nonincapacitated stepparent when he or she is the legal spouse of the natural or adoptive parent by ceremonial or common law marriage and such stepparent is required in the home to care for the dependent children or the incapacitated parent. Such services must be required to the extent that if the stepparent were not available, it would be necessary to pay for the care of the children or the incapacitated parent by inclusion of an allowance in the assistance grant.

ITEM 2. Subrule 44.1(4) is rescinded and the following inserted in lieu thereof.

**44.1(4) Basic needs.** The schedule of living costs is used to determine the basic needs of those persons whose needs are included in and are eligible for an aid to dependent children grant. The eligible group is considered a separate and distinct group without regard to the presence in the home of other persons, regardless of rela-

tionship to or whether they have a liability to support members of the eligible group. The schedule of living costs is also used to determine the needs of persons not included in the assistance grant, but who may have an obligation to contribute their income over and above their needs to the persons in the eligible group. The schedule of living costs represents one hundred percent of basic needs. When funds in the aid to dependent children program are insufficient to provide assistance on a one hundred percent basis, the allowances in the schedule shall be reduced proportionately and equitably.

Schedule of Living Costs

Number of persons	1	2	3	4	5
Amount	\$153	\$234	\$309	\$376	\$435

No. of persons	6	7	8	9	Each additional
Amount	\$480	\$546	\$608	\$657	\$73

a. When a child is attending the Iowa Braille and Sight Saving School or the Iowa School for the Deaf, his needs shall be included in the grant.

b. When a child is receiving social security benefits or other governmental benefits similarly restricted by law to his use and benefit alone, the payee shall have the choice of whether or not that child is included in the eligible group. When such child is not included in the eligible group he shall be allowed to meet his needs from his income according to the schedule of living costs. Any excess shall then be used to meet the needs of the dependent parent. The remainder shall be conserved for the future needs of the child.

c. The needs of a child in a nonparental home when the relative is not a member of the eligible group shall be the needs of a one person eligible group.

d. When an unmarried mother under the age of eighteen is living with her parents who are not on public assistance, the needs of the unmarried mother shall not be included in the grant.

e. When a member of the eligible

group is receiving nursing care in his own home, the need for such care must be established by a physician. In addition to the basic needs, an allowance shall be included for the cost of the nursing care, except that such allowance when added to one recipient's needs in an eligible group of four persons shall not exceed the maximum rate of payment for care in an intermediate care facility. No payment can be made to a member of the eligible group to provide such care. When help is hired to provide the nursing care, an allowance to cover the employer's share of the social security tax may also be added.

f. When a person who would ordinarily be in the eligible group has elected to receive supplemental security income benefits, such person, his income and resources, shall not be considered in determining aid to dependent children benefits for the rest of the family.

ITEM 3. Paragraph 44.1(5) "f" is rescinded and the following inserted in lieu thereof.

f. *Personal services.* An allowance for personal services may be included in the assistance grant only when the physical or mental condition of the adult recipient prevents him from performing those tasks necessary to daily living or because of lack of skill needs assistance in household maintenance or management. No allowance shall be made for those services only indirectly related to the individual's welfare such as yard work, snow shoveling, errands and seasonal or irregular housecleaning. No payment shall be made to a member of the eligible group to provide such services. When required, an allowance may also be made to cover the employer's share of the social security tax.

[Effective July 1, 1974]

**SOCIAL SERVICES DEPARTMENT**

(continued)

Pursuant to the authority of section 239.18, Code of Iowa and of the Laws of the Sixty-fifth General Assembly, 1973 Regular Session, (chapter 186), the following rules are adopted.

[Filed May 3, 1974]

TITLE VI

*GENERAL PUBLIC ASSISTANCE PROVISIONS*

CHAPTER 56

BURIAL BENEFITS

**56.1(239; 65GA,ch186) Application.** An application for burial benefits shall be filed on forms provided by the department at the office of the county department of social services prior to completion of the burial arrangements.

**56.2(65GA,ch186) Recipients of state supplementary assistance and former recipients of old-age assistance, aid to the blind, and aid to the disabled prior to January 1, 1974.**

**56.2(1)** When an application for burial benefits is made, the resources of the decedent other than those specifically defined in chapter 186, section 10, subsection 3 of the Laws of the Sixty-fifth General Assembly, 1973 Regular Session, shall be applied upon his burial costs, but may first be ap-

plied to the difference between the department's liability of \$400 and the \$650 maximum imposed on burial costs by statute.

**56.2(2)** Included in the \$650 maximum on the burial costs are the following goods and services.

a. Preparation and embalming of the body.

b. Casket, including an oversized casket.

c. Outside burial case. This may be a vault or other similar device.

d. Transportation of the body from the place of death to the place of interment. However, transportation costs from the place of death to the place where the recipient lived prior to his removal from that place for hospitalization or medical treatment at the time of terminal illness shall not be considered as a part of the burial costs.

e. Cremation.

f. Services of a second funeral director.

**56.2(3)** The cost of the following items shall also be included within the \$650 maximum except when they were available prior to death or are furnished by friends, relatives or others from funds that are not the funds of the decedent.

- a. Clothing.
- b. Burial lot.
- c. Opening and closing of the grave.
- d. Clergyman's fee.
- e. Music.
- f. Flowers.
- g. Automobiles furnished for the burial procession or transportation related to the burial.
- h. Grave marker or headstone.

**56.3(239) Recipients of aid to dependent children.**

**56.3(1) Eligibility.** The following children may be eligible for burial benefits:

- a. A child receiving aid to dependent children during the month of death.
- b. A child for whom an aid to dependent children assistance grant has been certified to the central office, but on whose behalf an assistance check has not yet been issued.
- c. A newborn or stillborn child who would have otherwise been found eligible for an aid to dependent children grant except there has not been sufficient time to add such child to the eligible group of an active aid to dependent children case.
- d. A child receiving care under the aid to dependent children—foster care program at the time of death.

**56.3(2) Financial limitations on eligibility.** The following resources shall be considered as available to apply upon an eligible child's burial expenses, thereby reducing the department's liability of \$250.

- a. The estate of the child that is not consumed by claims with a higher priority.
- b. Life insurance, the proceeds of a policy or contract with a burial benefit association or society, payable to the child's estate or to any person legally liable for his support, and any other benefits or payments resulting from the child's death.
- c. Any prior funeral arrangements shall be considered in the same light as cash.

d. The resources of the child's parents or other payee only when voluntarily offered for application upon the burial expense.

**56.3(3) Burial benefits.** Included in the \$250 statutory maximum on burial expenses are the following goods and services.

- a. Preparation and embalming of the body.
- b. Casket, including an oversize casket.
- c. Outside burial case, which may be a vault or other similar device.
- d. Transportation of the body from the place of death to the place of interment. However, transportation from the place of death to the place where the child lived prior to his removal from the place for hospitalization or medical treatment at the time of terminal illness shall not be considered a part of the burial costs.
- e. Cremation.
- f. Services of a second funeral director.

**56.3(4) Additional benefits.** The cost of the following goods and services shall also be included within the \$250 statutory maximum except when they were available prior to death or are furnished by friends or relatives who do not have a legal liability to support the child.

- a. Clothing.
- b. Burial lot.
- c. Opening and closing the grave.
- d. Clergyman's fee.
- e. Music.
- f. Flowers.
- g. Automobiles furnished for the burial procession or transportation related to burial.
- h. Gravemarker or headstone.

**56.4(239; 65GA, ch186) Claim.** The vendor's claim for burial services shall be filed within 90 days of the date of interment at the office of the county department of social services on forms provided by the department.

[Effective May 3, 1974]

(continued)

Pursuant to the authority of House File 1430 [65GA] the following rules relating to children's boarding homes are adopted.

[Filed July 1, 1974]

TITLE XI

*CHILDREN'S BOARDING HOMES*

CHAPTER 114

PAYMENTS FOR FOSTER CARE

**114.1(HF 1430)** The liability of parents to a child in foster care shall be based on the parents' income. Income in these rules shall mean gross income less deductions for social security, federal and state taxes, and other mandatory deductions.

When a child is in foster care, the liability of the parents to that child shall be ten percent of their income above the public assistance standards, not to exceed the actual cost of care.

**114.2(HF 1430)** The Iowa department of social services has the authority to recom-

mend reduction or waiver of the liability of a parent on the basis of undue hardship. The department shall weigh the evidence submitted and determine a reasonable basis for payment that will not constitute a financial hardship and put an unreasonable burden on the parent.

**114.3(HF 1430)** When there are other state statutes which limit the parents' liability, such statutes shall be followed instead of these rules.

**114.4(HF 1430)** The Iowa department of social services shall recommend the amount of the parents' liability. Such recommendation shall be subject to the approval of the court for children under its jurisdiction or of the commissioner of the department of social services or his designee for those children who are voluntarily placed.

**114.5(HF 1430)** Nothing in these rules shall preclude a parent from voluntarily paying a larger amount.

[Effective July 1, 1974]